



# The HIGH ROAD

*"Preserving public confidence in public servants."*

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Hawaii State Ethics Commission

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## STATE ETHICS COMMISSION PROHIBITS CANDIDATE CAMPAIGN WALK-THROUGHS IN STATE AGENCIES

The Hawaii State Ethics Commission has determined that the State Ethics Code prohibits state officials from allowing candidates for elective office to walk through state agencies to meet with employees for campaign purposes. In the past, the Commission allowed candidate campaign walk-throughs in state agencies, so long as all candidates were accorded equal and fair treatment. Over the years, however, the walk-throughs generated numerous complaints and raised difficult ethics issues.

During every campaign season, the Commission received complaints from state employees about candidate walk-throughs. Many employees complained that the walk-throughs were intrusive and coercive. Employees (including supervisors) also complained that the walk-throughs disrupted state business.

Candidates who wished to walk through state agencies for campaign purposes also raised a number of very difficult issues for the Commission. Could a candidate's spouse or other representative walk through an agency as a substitute for the candidate? Could a department head escort a candidate through a state agency? Could a candidate be accompanied by campaign supporters when walking through state agencies to meet employees? Could a candidate pass out campaign literature or campaign materials during the walk-through? Could a candidate walk-through be photographed or filmed for campaign purposes? Was it really possible for candidate walk-throughs to be conducted in a manner that was fair and equal for all candidates?

These issues made it clear to the Commission that it was not possible to separate candidate walk-throughs from other forms of prohibited campaign activities in state agencies. The Commission has long held that the State Ethics Code prohibits the use of state resources, including state time, equipment, and facilities, for campaign purposes.

In a memorandum dated April 27, 2000, the Commission's executive director informed all state agency heads that candidate campaign walk-throughs are no longer permissible under the State Ethics Code. The memorandum is posted on our web site. Anyone with questions regarding candidate walk-throughs or campaigning in the state work place should contact the Commission at 587-0460.

## STATE EMPLOYEES TO RECEIVE CAMPAIGN ETHICS RESTRICTIONS

Campaign season is here. Candidates are on the roadsides holding campaign signs. Fund raisers are in full swing. State employees should remember that the State Ethics Code prohibits the use of state time, equipment, and facilities for campaign purposes. As an ethics reminder, the State Ethics Commission will be sending state officials and employees copies of the Commission's flyer, "Campaign Restrictions for State Officials and State Employees." The flyer explains the campaign ethics guidelines that apply to state employees, legislators, and state board and commission members.

## GIFTS DISCLOSURE STATEMENTS DUE JUNE 30, 2000

Are you required to file a gifts disclosure statement with the State Ethics Commission this year? June 30, 2000 is the filing deadline for gifts disclosure statements covering the period from June 1, 1999 to June 1, 2000.

State legislators, employees, and board and commission members who received gifts during this period must file a gifts disclosure statement with the Commission if they meet all of the following conditions:

1. The individual, or the individual's spouse or dependent child, received from one source (a) any gift greater than \$200, or (b) gifts whose combined value is greater than \$200; and
2. The source of the gift or gifts has interests that may be affected by official action or lack of action by the individual; and
3. The gift(s) is not exempted by the ethics code from the reporting requirement.

State officials and employees who did not receive any reportable gifts during the reporting period are not required to file a gifts disclosure statement.

Additional information about the gifts disclosure law and disclosure forms and instructions can be found on our web site or can be obtained by contacting the Commission's office.

## ETHICS LEGISLATION 2000

The Hawaii State Ethics Commission's legislative package for the 2000 Legislature did not pass this session. The Commission introduced the following measures that were intended to strengthen the ethics laws:

- Conflicts of Interests (S.B. No. 2672, H.B. No. 2637). Would have expanded the conflict-of-interests section of the ethics code to prohibit officials and employees from taking action affecting a business in which a parent, brother or sister, emancipated child, or household member held a substantial financial interest.
- Campaign Activities of State Legislators and State Employees (S.B. No. 2676, H.B. No. 2636). Would have added a special section to the ethics code to specifically prohibit the use of state resources for campaign purposes.

- Use of Washington Place for Campaign Activities (S.B. No. 2673, H.B. No. 2638). Would have prohibited the use of Washington Place for campaign events.
- Governmental Employee Organization Meetings Held During State Working Hours (S.B. No. 2674, H.B. No. 2639). Would have prohibited government unions from using meetings conducted during state working hours for campaign activities unless the unions reimbursed the State for state time used.
- Salary of the Executive Director of the State Ethics Commission (S.B. No. 2675, H.B. No. 2640). Would have increased the salary range for the Commission's executive director.
- Resolution Requesting a Study to Ascertain What Laws, Rules, or Other Measures May Be Put in Place to Address Possible Conflicts of Interests of the Members of the Legislature (S.C.R. No. 11, H.C.R. No. 14). Would have asked the Legislature to study measures to address the conflicts of interests of its members.

The Commission vigorously supported these measures at the Legislature. Although some of the measures received favorable committee hearings, none of them passed. The Commission continues to believe in the merit of these measures, however, and will support their introduction and passage next year.

### The High Road is a publication of the Hawaii State Ethics Commission.

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