



**North Carolina General Assembly
Legislative Ethics Committee**

June 20, 2007

**PUBLISHED ADVISORY OPINION OF THE
LEGISLATIVE ETHICS COMMITTEE**

Re: AO-LEC-07-001: Use of Legislative Postage and Stationery to Send Communications upon the Occurrence of a Significant Event, Letters to Newly-Registered Voters, and Holiday Greetings.

A handwritten signature in black ink, appearing to be "J. H. H. H.", written over a horizontal line.

QUESTIONS:

- (1) May a legislator use State funds (legislative personnel, copying facilities, and postage) to send constituents holiday greetings of either a secular nature or religious nature, send communications upon the occurrence of a significant event in their lives (for example: birth, birthday, graduation, marriage, and naturalization) and condolences upon an adverse occurrence?
- (2) May a legislator use State funds to communicate these matters to non-constituents?
- (3) May a legislator use legislative postage to send congratulatory letters to newly-registered voters in the legislator's district? The letter would (1) thank the individual for registering to vote, (2) inform the individual who the individual's representative is and (3) encourage the individual to contact the legislator if the legislator can be of assistance.

CURRENT PRINCIPLES AND GUIDELINES

The Committee has considered questions regarding the appropriate use of legislative mailing privileges for many years. On May 7, 1985, a legislator requested clarification on mailing privileges. Senator Marshall A. Rauch, the



then chair of the Committee, noted that **Principle and Guideline 2** prohibits a legislator from using his or her mailing privileges to send personal or nonlegislative business related correspondence. However, Senator Rauch noted that anyone could use the legislative post office to deposit stamped personal or nonlegislative mail.

On April 20, 1995, a legislator asked the Committee (1) if it was appropriate to send letters of sympathy on State stationery to a family of constituents when there is a death in that family, (2) if it was appropriate to use State stationery and mailing privileges to send letters to constituents who do something outstanding or achieve a great feat in the legislator's district, and (3) if it was appropriate to use State stationery to thank individuals and groups in the district who have invited the legislator to speak to them.

The then Chair of the Committee, Senator Beverly Perdue, stated that Committee members agreed that it was appropriate to send the letters of sympathy on State stationery to a family of constituents when there is a death in that family and letters on State stationery noting an outstanding feat in the legislator's district. The Committee also believed it was appropriate to use State stationery to thank individuals and groups in the district who have invited the legislator to speak as long as the correspondence does not solicit or thank campaign contributors for their contributions.

On August 21, 1996, the Committee issued "Legislative Ethics: Ethical Principles and Guidelines of the Legislative Ethics Committee 1975-1996." The publication arose after the Committee reviewed and refined advisory opinions it previously rendered to individual legislators. A few items in the publication are relevant to the issues of mailing privileges and use of legislative stationery and postage.

Principle and Guideline 2 states "A legislator shall not use his [or her] mailing privileges to mail personal or nonlegislative business related correspondence."

Principle and Guideline 5 states "It is inappropriate for any legislator to use or allow another to use his [or her] official legislative stationery paid for by the State for soliciting campaign contributions to or thanking contributors to the legislator's political campaign. A legislator may use a facsimile of the legislator's official legislative stationery in soliciting campaign contributions or thanking contributors to the legislator's political campaign as permitted under paragraph (6) of these Ethical Principles and Guidelines."

Principle and Guideline 6 states "When a legislator uses a facsimile of his or her stationery for non-legislative purposes not prohibited under these

Principles and Guidelines, the facsimile shall bear a clear disclaimer indicating that the stationery was not printed or mailed at State expense."

Ethics Opinions 010 through 013 address the use of legislative stationery and postage.

Ethics Opinion 010 states in part "A legislator may not use official legislative stationery to urge anyone to join a PAC [political action committee] but may use a facsimile of the stationery if the stationery bears a clear disclaimer that indicates that the stationery was not printed or mailed at State expense."

Ethics Opinion 013 states "It is appropriate to use legislative stationery and postage to send letters of sympathy and letters of congratulations to constituents."

SPECIFIC QUESTIONS

A. May a Legislator Use Legislative Postage and Stationery to Send Communications upon the Occurrence of a Significant Event and Condolences Upon an Adverse Occurrence?

A legislator may use legislative postage, stationery and staff to send communications to constituents and non-constituents upon the occurrence of a significant event in their lives and condolences upon an adverse occurrence.

Although **Principle and Guideline 2** prohibits legislators from using mailing privileges to mail personal or nonlegislative business related correspondence, Ethics Opinion 013 states that "[i]t is appropriate to use legislative stationery and postage to send letters of sympathy and letters of congratulations to constituents."

The Committee finds that it is appropriate to use legislative postage, stationery and staff to send constituents and non-constituents communications upon the occurrence of a significant event in their lives and condolences upon an adverse occurrence. These communications are analogous to letters of sympathy and letters of congratulations which are permissible under Ethics Opinion 013.

A legislator may use legislative postage, stationery and staff to communicate about the following significant events:

1. Birth of a child.

2. Graduation from high school, college, or other institution of learning.
3. Marriage.
4. Naturalization.
5. Honor roll, athletic successes, and academic successes.
6. Ceremonies or rites signifying an event in a person's life indicative of a transition from one stage of life to another, including confirmations, bar mitzvahs, and bat mitzvahs.
7. Death.
8. Sickness, illness, or disease.
9. Civic awards and accomplishments.

The enumerated list of events is not exhaustive. However, a legislator should never use legislative postage and stationery to primarily further a political campaign or a personal business activity.

This opinion supplements Ethics Opinion 013 and expands its application to letters to non-constituents.

B. May a Legislator Use Legislative Postage and Stationery to Send Letters to Newly-Registered Voters?

The Committee finds that registering to vote is a significant event in a person's life, and under Ethics Opinion 013, analogous to births and graduations. On the other hand, sending letters to newly-registered voters could have a political component. These letters could have the intended or unintended consequence of getting the legislator's name out to constituents at State expense. Further, if the letters were sent shortly before an election, this could give the appearance that the letter was intended to influence the election and was not made for legislative purposes.

For these reasons, a legislator may use legislative postage, stationery and staff to send letters to newly-registered voters in the legislator's district provided that these letters are not sent within 60 days before any election day the legislator is on the ballot in a contested election and so long as the letters only do the following: (1) thank the individual for registering to vote, (2) inform the individual who the individual's representative is and the legislator's contact information, and (3) encourage the individual to contact the legislator if the

legislator can be of assistance. "Election" shall include primary election, second primary election, special election, and general election. Nothing in this opinion limits the application of State election laws.

C. May a Legislator Use Legislative Postage and Stationery to Send Holiday Greetings?

A legislator may not use legislative postage, stationery or staff to send holiday greetings or cards.

The Committee finds that sending holiday greetings or cards is a personal correspondence. Therefore, under **Principle and Guideline 2**, it would be inappropriate to use legislative postage and stationery to send holiday greetings or cards.