

Alaska State Legislature

Select Committee on Legislative Ethics

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SENATE SUBCOMMITTEE PROBABLE CAUSE HEARING DECISION IN COMPLAINT S 21-01

DETERMINATION OF PROBABLE CAUSE

The Senate Subcommittee received a properly filed complaint against Senator Lora Reinbold, dated February 21, 2021, and determined that the Senate Subcommittee has jurisdiction over the person named in the complaint and that the complaint was filed within 5 years of the alleged violation.

The Senate Subcommittee issued a Scope of Investigation following a meeting on April 13, 2021, and included an additional potential violation for investigation under AS 24.60.010(2). An investigation was conducted regarding this complaint under the Scope of Investigation. A report on the investigation, dated November 8, 2021, was filed with the committee.

The facts supporting the Committee's belief that a violation of the Act occurred:

Screen shots of Senator Reinbold's legislative social media pages were attached to the complaint and subsequent views of that social media, along with interviews conducted during the investigation stage, were used to support a finding of violations.

Date(s) or time during which alleged violation occurred and a description of the activities that are an alleged violation of the Legislative Ethics Act:

From January 2021 to February 2021.

Parts of the Legislative Ethics Act that was allegedly violated:

Sec. 24.60.010. Legislative findings and purpose. The legislature finds that (1) high moral and ethical standards among public servants in the legislative branch of government are essential to assure the trust, respect, and confidence of the people of this state; (2) a fair and open government requires that legislators and legislative employees conduct the public's business in a manner that preserves the integrity of the legislative process and avoids conflicts of interest or even appearances of conflicts of interest; ... (6) no code of conduct, however comprehensive, can anticipate all situations in which violations may occur nor can it prescribe behaviors that are

appropriate to every situation; in addition, laws and regulations regarding ethical responsibilities cannot legislate morality, eradicate corruption, or eliminate bad judgment; ... (9) a fair and open government requires that constituents have unencumbered access to legislators about issues important to the state under art. I, secs. 5 and 6, Constitution of the State of Alaska, which protect the right of a legislator and a constituent to meet and the right of a person to petition the government, and this chapter is not intended to restrict those rights.

The complaint used specific language of “Senator Lora Reinbold maintains an official social media account on Facebook from which she has deleted all of my comments and is permanently blocking me from any subsequent comments.”

THE INVESTIGATION

The investigation included:

- Interviews with legislative employees
- Interviews with Legislative Affairs Agency staff
- Investigative Summary report prepared by the investigator
- Review of the Alaska Legislature Social Media Guidelines adopted by Legislative Council on September 29, 2011; and
- Review of social media pages provided by the complainant.

DETERMINATION OF PROBABLE CAUSE ORDER AND DECISION

The Senate Subcommittee found probable cause to believe that Senator Reinbold violated AS 24.60, Legislative Ethics Act; specifically AS 24.60.010(2) *a fair and open government requires that legislators and legislative employees conduct the public’s business in a manner that preserves the integrity of the legislative process and avoids conflicts of interest or even appearances of conflicts of interest; and AS 24.60.010(9) a fair and open government requires that constituents have unencumbered access to legislators about issues important to the state under art. I, secs. 5 and 6, Constitution of the State of Alaska, which protect the right of a legislator and a constituent to meet and the right of a person to petition the government, and this chapter is not intended to restrict those rights.*

Senator Reinbold blocked comments from a member of the public on a social media site due only to a disagreement with the Senator’s position on particular issues. The committee further determined the member of the public, based on the documents provided by the complainant, did not violate Senator Reinbold's "ABOUT" section of her social media page, which described conditions of prohibited offensive conduct.

The Senate Subcommittee did not find probable cause for violation of subsections AS 24.60.010(1) and (6).

RECOMMENDATION

The Senate Subcommittee cautions that any social media used by a legislator, which is supported by state resources, including staff time, and subsequently seeks to block specific individual comments solely because those comments disagree with the legislator's position is in violation of the Legislative Ethics Act. Such action conflicts with the fair and open government findings of AS 24.60.010.

Senator Reinbold is therefore directed to abide by the committee's decision and refrain from blocking members of the public from commenting on her legislative social media site(s) solely for expressing opinions in disagreement with her own.

The committee further determined that sanctions were not warranted.

The committee, under separate cover, will urge the Alaska Legislative Council to update the current social media guidelines and to address the ever-emerging issues connected to social media. The committee's discussion concluded with several recommendations to be forwarded to the Alaska Legislative Council as well.

Adopted December 17, 2021
by a Majority of the Senate Subcommittee

/s/
Deb Fancher, Chair

Members Participating

Deb Fancher, Chair
Joyce M. Anderson
Dennis "Skip" Cook
Lee Holmes
H. Conner Thomas
Senator David Wilson
Senator Tom Begich