



North Carolina General Assembly Legislative Ethics Committee

June 3, 2013

PUBLISHED ADVISORY OPINION OF THE LEGISLATIVE ETHICS COMMITTEE

Re: AO-LEC-13-001 – Use of Constituent Information

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FACTS:

Software exists which should be useful to legislators as a constituent services tool and for other legislative purposes, but it also could be further developed into a database that is useful in a legislator's personal or campaign efforts to communicate with potential supporters both inside and outside the legislator's district. Information entered into the constituent services software program would almost always be entered by a State employee, on a State computer, on State time and it would be used by State employees or the legislator to provide constituent services. Any use of that information which goes beyond routine constituent services would be done by the legislator or a volunteer and would not involve the use of State employee time or resources. The software may be designed so that it has two different viewing platforms: one for constituent services that is accessible any time and one for the legislator's personal or campaign use that is accessible only on non-state owned equipment, and only by the legislator or a volunteer.

QUESTION:

May the identity of a constituent, the constituent's contact information, or the constituent's issue interests be recorded (either electronically or in a paper-based system) and used by the legislator contacted by the constituent (or any other legislator) in campaign activities?

ANSWER:

No. On the facts presented, the collection and transmission of the data, using the legislator's State supplied office or using State equipment facilities, materials, or personnel, which is done knowingly and with the intention of conducting campaign activities, is inappropriate.