

Strege, Karen

From: Scheier, James
Sent: Wednesday, July 19, 2000 5:10 PM
To: Strege, Karen
Subject: FW: Question

Karen:

Here is the Commissioner's response to your question. The bottom line is that there is no law within the Commissioner's jurisdiction that specifically prohibits a library board member from writing such a letter. In addition, to my knowledge there are no other laws that prohibit that action. However, please note the Commissioner's caveat with regard to the disclaimer and possible reporting requirements arising from writing such a letter. If the board member decides to go ahead and do this, he or she should probably contact the Commissioner's office to inquire specifically regarding these requirements. The phone no. for the Commissioner's office is 444-2942.

Call me if you have questions.

Jim

-----Original Message-----

From: Vaughey, Linda
Sent: Wednesday, July 19, 2000 5:04 PM
To: Scheier, James
Subject: RE: Question

I agree that the library board member is not a "public official" or "public employee" subject to 2-2-121 or 13-35-226.

I would remind Karen that while the board member may write a solicitation letter, the letter must include a disclaimer identifying the entity underwriting the cost of the mailing. I assume the solicitation is coordinated with the principal ballot issue committee in that the request is for \$'s to be contributed to a mill levy campaign. If the board member underwrites the cost of the mailing, that amount becomes an in-kind contribution to the ballot issue committee. If the committee underwrites the cost, that amount is simply an expenditure of the committee.

Linda

-----Original Message-----

From: Scheier, James
Sent: Wednesday, July 19, 2000 4:21 PM
To: Vaughey, Linda
Subject: FW: Question

Linda:

Karen Strege is the State Librarian, and the State Library is one of ALSB's clients. She gave me permission to forward this email inquiry to you. Local library board trustees are appointed to govern the operations of local public libraries. While trustees are sometimes also members of the local governing body, as library trustees they serve without compensation (although their

expenses for serving as trustees are paid from library funds).

Karen's question is whether a library board member may write a letter asking people to contribute \$ to a mill levy campaign. After re-reading the Paxinos decision, it seems to me that any local government officials are not "public officials" or "public employees," and thus are not subject to the prohibitions of 2-2-121 or 13-35-226. Thus, the answer to Karen's question is that such a letter would not violate any existing law within your jurisdiction. Do you agree?

Jim

-----Original Message-----

From: Strege, Karen
Sent: Tuesday, July 18, 2000 8:35 AM
To: Scheler, James
Subject: Question

Jim,

A board member of a library wishes to write a letter to selected members of the community asking them to contribute \$\$ or time to a mill-levy increase campaign.

The board member is asking the recipients to send funds or contribute time to an organization that is separate from the library board. The organization is registered and has a separate bank account, treasurer, and officers.

Would this letter violate any law?

Thanks,

Karen

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