

**SELECT COMMITTEE ON LEGISLATIVE ETHICS
Alaska State Legislature**

THE ADVISOR

May 2006

Committee Members: Chair H. Conner Thomas, Senator Ben Stevens, Senator Hollis French, Representative Max Gruenberg, Representative Bruce Weyhrauch, Dennis “Skip” Cook, Lindsey Holmes, Ann Rabinowitz, and Herman G. Walker Jr.

Staff: Joyce Anderson **Office Hours:** Monday through Thursday

QUOTE OF THE MONTH: “Ethics and leadership go hand in hand. An ethical environment is conducive to effective leadership and leadership is conducive to ethics.”

William D. Hitt, Ethics and Leadership

**CAMPAIGNING
DURING SPECIAL SESSION**

The Ethics Office has received many inquiries about “campaigning during the upcoming special session” and also what restrictions would apply if additional special sessions were called. Here is a recap of AS 24.60.031:

A legislator or legislative employee may not request or accept a contribution, or a promise to make a contribution, for any state legislative campaign while the legislature is in *regular or special* session.

This rule prohibits legislators and legislative employees from raising funds for other legislative candidates, as well as for themselves. There is one exception for special sessions, which is called the “90 day window”. If the special session falls within the period 90 days immediately preceding an election, legislators and legislative employees may solicit and accept contributions in a place other than the capital city.

90-Day Window

Primary Election 90 day Window – May 24 through August 21

General Election 90 day Window – August 9 through November 6

A legislator or legislative employee may not accept money from a fundraising event held during session if a substantial purpose of the event was to raise money for the legislator's or legislative employee's campaign or for state legislative political purposes, with the exception of the "90 day window" for special sessions.

A legislator or legislative employee may not circumvent these prohibitions by failing to declare that a seat in the Legislature is his or her campaign goal. Specifically, a legislator or legislative employee may not *spend* money for a legislative campaign that was raised in the following manner: 1) filing a letter of intent or declaration of candidacy which does not specify which public office will be sought, 2) raising money under that letter of intent, then 3) declaring as a candidate for the Legislature after the legislative session ends.

NOTE: The prohibitions in AS 24.60.031 do not apply to legislators who have filed for the office of *governor, lt. governor or a federal office.*

May a legislator *expend* campaign funds, during regular session, that were legitimately raised during the interim?

Yes. This activity would not be a violation of the ethics code, however, the legislator would need to comply with all APOC requirements.

May a legislator *expend* campaign funds, during special session, that were legitimately raised during the interim or special session '90 day window'?

Yes. This activity would not be a violation of the ethics code, however, the legislator would need to comply with all APOC requirements.

May a legislator *mail*, during regular session, an invitation to a fundraiser for his/her campaign, that would be held after session?

No, this would be considered a solicitation during session and be prohibited.

May a legislator *mail*, during special session, an invitation to a fundraiser for his/her campaign?

Generally no. An exception would be if the fundraiser were scheduled within the '90 day window'. With this qualification, the invitation could be mailed as long as the mailing is within the '90 day window' allowed by statute.

May a legislator or legislative employee '*host*' a fundraiser during regular session for a non-incumbent candidate for a legislative seat?

No. The prohibition extends to *any* state legislative campaign.

May a legislator or legislative employee '*host*' a fundraiser during special session for a non-incumbent candidate for a legislative seat?

No, unless the fundraiser is held within the '90 day window' allowed by statute.

May a legislator or legislative employee ‘endorse’ a non-incumbent candidate for legislative office during regular session or special session?

Yes. This action would not be a violation of the ethics code as long as there is no “quid pro quo” agreement.

May a legislator hold a fundraiser during special session if the event is held in a place other than the capital city?

No, unless the event falls within the ‘90 day window.’

May a legislator accept funds raised from an event that had been scheduled well in advance but fell on a date during special session?

Generally no, unless the event falls within the “90 day window” and so long as the event is not held in the capital city of Juneau. If the event does not fall within the “90 day window”, the event must either be canceled or campaign contributions must be turned down at the event and the legislator may not say anything about “accepting contributions after the special session is over.”

PLEASE GIVE THE ETHICS OFFICE A CALL IF YOU QUESTIONS.

KEEP IN MIND:

APOC has oversight of campaign activities. Additional rules and restrictions may apply. APOC can be reached at 276-4176.

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