

MEMORANDUM

To: Board of Ethics
From: Barbara Jones, Municipal Clerk 
Date: December 4, 2013
Subject: Request for Advisory Opinion

Background: In Advisory Opinion 2011-01 Revised (attached for ease of reference), the Board of Ethics recognized the special circumstance arising when an Assembly Member seeks to sponsor legislation affecting a class or group to which the Assembly Member belongs. Given Ethics Advisory Opinion 2011-01 Revised, this request is for an Ethics Opinion to cover circumstances represented and disclosed in this set of questions:

1. Does an Assembly member who would otherwise be “termed-out” and ineligible to serve beyond certification of April 1, 2014 election have a substantial financial or private interest that would conflict with the Assembly member’s sponsorship of proposed legislation that would extend the Assembly member’s term from certification of the scheduled April 2014 election results to certification of the proposed November 2014 election results, scheduled in the proposed ordinance to occur after January 15, 2015? Does the Assembly member in this circumstance have a substantial financial or private interest that would conflict with the Assembly member voting on such legislation if sponsored by another Assembly member?
2. Does an Assembly member who is eligible to run for another term on the April 2014 ballot have a substantial financial or private interest that would conflict with the Assembly member’s sponsorship of proposed legislation that would extend the Assembly member’s present term from certification of the scheduled April 2014 election results to certification of the proposed November 2014 election results, scheduled in the proposed ordinance to occur after January 15, 2015? Does the Assembly member in this circumstance have a substantial financial or private interest that would conflict with the Assembly member voting on such legislation if sponsored by another Assembly member?
3. Does an Assembly member who is mid-term and eligible to run for another term on the April 2016 ballot have a substantial financial or private interest that would conflict with the Assembly member’s sponsorship of proposed legislation that would extend the Assembly member’s present term from certification of the scheduled April 2016 election results to certification of the proposed November 2016 election results, scheduled in the proposed ordinance to occur after January 15, 2017? Does the Assembly member in this circumstance have a substantial financial or private interest

that would conflict with the Assembly member voting on such legislation if sponsored by another Assembly member?

4. Does an Assembly member who is not eligible to run for another term on the April 2016 ballot have a substantial financial or private interest that would conflict with the Assembly member's sponsorship of proposed legislation that would extend the Assembly member's present term from certification of the scheduled April 2016 election results to certification of the proposed November 2016 election results, scheduled in the proposed ordinance to occur after January 15, 2017? Does the Assembly member in this circumstance have a substantial financial or private interest that would conflict with the Assembly member voting on such legislation if sponsored by another Assembly member?

These questions arise in the context of the attached proposed Election Day Act ordinance from an Assembly member. For ease of reference and disclosure:

- By ordinance, regular municipal elections are currently scheduled for the first Tuesday in April.
- By ordinance, Assembly member terms begin immediately upon certification of the April election results.
- Election of Assembly members are staggered to allow 5 members to be elected on one year, followed by six members to be elected the next year, followed by the mayoral election, in a three year rotation.
- By Home Rule Charter, Assembly member terms are three years.
- By Home Rule Charter, Assembly members may serve for three consecutive three-year terms before "termining out", and becoming ineligible under the Charter to run for the next consecutive term.
- By ordinance introduced August 2, 1988 and approved by the Assembly on January 10, 1989, the date of regular municipal elections was changed from the first Tuesday in October to the first Tuesday in April, effective 1993. AO 1988-129(S-1) is attached.
- The proposed 2013 Election Day Act has not been submitted for introduction, pending Ethics Board review and advisory opinion.

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APPROVED
Date: 1-10-89

Submitted by: Assemblyman Kubitz
Prepared by: Assembly Budget
Analyst
For Reading: August 2, 1988

ANCHORAGE, ALASKA

AO NO. 88-129(S-1)

AN ORDINANCE OF THE MUNICIPALITY OF ANCHORAGE SPECIFYING A NEW TIME FOR THE MUNICIPAL REGULAR ELECTION.

THE ANCHORAGE ASSEMBLY ORDAINS:

Section 1. The AMC 28.20.010 is amended as follows:

- A. A regular election shall be held annually on the third Tuesday in [OCTOBER] April unless otherwise specified by ordinance.

Section 2. The tenure of incumbent office holders whose terms expire after the third Tuesday in April, 1992 shall be extended until certification of the regular election except the mayor whose tenure shall be extended to June 30.

Section 3. All elected officials shall assume office immediately upon certification of the regular election except the Mayor, who shall take office on July 1.

Section 4. Section 1 of this ordinance shall become effective January 1, 1993. Sections 2 and 3 shall become effective upon adoption of the ordinance.

PASSED AND APPROVED BY THE Anchorage Assembly this 10th day of January, ~~1989~~


Chairman

ATTEST:


Municipal Clerk