

# The 2022 Legislative Blackout Period

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# Contact Information

- Hugh Evans, General Counsel, Alabama Secretary of State's Office
  - Email: [Hugh.Evans@sos.alabama.gov](mailto:Hugh.Evans@sos.alabama.gov)
  - Phone: (334) 353-7857
- Tom Albritton, Director, Alabama Ethics Commission
  - Phone: (334) 242-2997

## Ala. Code § 17-5-7(b)(2)

**“[C]andidates for legislative and statewide office and their principal campaign committees may not accept, solicit, or receive contributions during the period when the Legislature is convened in session. For purposes of this section, the Legislature is convened in session at any time from the opening day of the special or regular session and continued through the day of adjournment sine die for that session. However, this subdivision shall not apply within 120 days of any primary, runoff, or general election, and shall not apply to the candidates or their principal campaign committees participating in any special election as called by the Governor. This subdivision shall not apply to a loan from a candidate to his or her own principal campaign committee.”**

# Legislative Blackout Details

- What is the legislative blackout?
  - Prohibits candidates for legislative and statewide office from accepting, soliciting, or receiving contributions while the legislature is in session.
- When is the legislative blackout period?
  - First Day of 2022 Legislative Session and the legislative blackout is **January 11, 2022 beginning at 12:01am**. See AGO No. 94-00228.
  - Last day of the 2022 legislative blackout (120 days prior to Primary Election) is **January 24, 2022. The blackout extends to 12:00am the night of January 24th.**
- Who does the legislative blackout apply to?
  - **The legislative blackout only applies to candidates for legislative and statewide office; it does not apply to candidates for any other office.**
  - The legislative blackout does not apply to sitting Legislators running for county or federal office. AGO Nos. 2000-088 and 2002-040.

# Contributions during the Blackout Period

- Contributions received prior to the blackout but reported on an FCPA report during the blackout are not affected by the blackout.
- Contributions received during the blackout must be returned to the donor.
- It is recommended that candidates deactivate any webpages that accept contributions online to avoid inadvertently accepting funds during the blackout.

# Checks

- The Code of Alabama § 17-5-2(a)(3)(c) provides, “the date of receipt of a contribution shall be the first date the recipient of the contribution is able to make use of the contribution. In the case of a check, the date of receipt is the earlier of the following:
  1. Ten days from the date that the check came within the recipient’s control.
  2. The date that the check was deposited into the recipient’s account.”
- If you received a contribution by check prior to or during the legislative blackout and you deposit the check into your account during the blackout, it is an impermissible contribution and you must return it. If you deposit the check after the legislative blackout or if the date the check is received in your control is ten days or less of the blackout ending, it is a permissible contribution.

# Exceptions to the Legislative Blackout

- Within 120 days of an election.
- Loans from a candidate to his or her own Principal Campaign Committee.
- Does not affect Political Action Committees raising money. However, PACs may not contribute money to legislative or statewide candidates during blackout.
- Does not affect candidates in special elections.

# Example Scenarios

- I am a candidate for a legislative or statewide office, but I do not currently hold office. Am I affected by the legislative blackout? **Yes.**
- I am a candidate for a legislative or statewide office, and I want to spend money that my principal campaign committee already has in the campaign account. May I do this during the blackout? **Yes.**
- I have yet to qualify with my political party to run for a legislative or statewide office and have yet to raise any money. Does the blackout apply to me? **If you are a candidate for a legislative or statewide office, the blackout affects you no matter of qualification status. If you are a candidate for any other office, the blackout doesn't apply to you at all.**
- I have a PayPal, GoFundMe, or similar webpage that accepts contributions. I received electronic contributions from the webpage during the blackout, but they were given by the donor prior to the blackout. Can I keep the contribution? **No. You received the contribution into your custody during the blackout.**

# Example Scenarios

I am a candidate for a legislative or statewide office, and I received a contribution the day(s) prior to the legislative blackout. The person that handles my bank account did not deposit the money into my account until the blackout already started. Must I return the contribution? **The Code of Alabama § 17-5-2 provides that “[i]n the case of a check, the date of receipt is the earlier of the following:**

- 1. Ten days from the date that the check came within the recipient’s control.**
  - 2. The date that the check was deposited into the recipient’s account.”**
- If you received a contribution by check prior to or during the legislative blackout and you deposit the check into your account during the blackout, it is an impermissible contribution and you must return it. If you deposit the check after the legislative blackout or if the date the check is received in your control is ten days or less of the blackout ending, it is a permissible contribution.**
  - If you received a contribution (other than a check) during the legislative blackout, it is an impermissible contribution and you must return it.**

# Questions?

- If you are attending via WebEx, please email your questions to [hugh.evans@sos.alabama.gov](mailto:hugh.evans@sos.alabama.gov).