

ARKANSAS ETHICS COMMISSION

910 West Second Street, Suite 100
Post Office Box 1917
Little Rock, Arkansas 72203-1917
(501) 324-9600 Fax (501) 324-9606
Toll Free (800) 422-7773

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Commissioners



Graham F. Sloan
Director

Melissa R. Dorn
Robert L. Roddey
Staff Attorneys

ADVISORY OPINION NO. 2001-EC-001 **Issued January 19, 2001**

ISSUE:

Whether it is permissible for a public servant to use a computer purchased, leased, or maintained by the governmental body which he or she serves to send an e-mail message relating to a campaign?

BRIEF ANSWER:

No. Pursuant to Ark. Code Ann. § 7-1-103(a)(3), it is unlawful for a public servant to use for campaign purposes any item of personal property provided with public funds.

DISCUSSION:

The Ethics Commission is issuing this advisory opinion on its own initiative to clarify whether it is permissible for a public servant¹ to use a computer purchased, leased, or maintained by the governmental body which he or she serves to send an e-mail message relating to a campaign. As discussed below, it is the Commission's opinion that such use is prohibited.

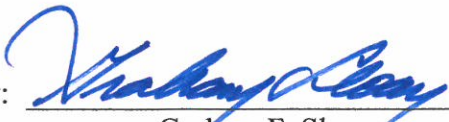
The subject of using personal property provided with public funds for campaign purposes is specifically addressed in Ark. Code Ann. § 7-1-103(a)(3). That subsection provides, in pertinent part, that "[i]t shall...be unlawful for any public servant to use for campaign purposes any item of personal property provided with public funds."

It is clear that a computer purchased, leased, or maintained by a governmental body constitutes an item of personal property provided with public funds. Accordingly, a public servant cannot use such a computer to send an e-mail message relating to a campaign.

¹ The term "public servant" is defined in Ark. Code Ann. § 21-8-402(17) to mean "all public officials, public employees, and public appointees."

This advisory opinion is issued by the Arkansas Ethics Commission pursuant to Ark. Code Ann. § 7-6-217(g)(2).

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By: 

Graham F. Sloan
Director