

ARKANSAS ETHICS COMMISSION

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ADVISORY OPINION NO. 2001-EC-007 Issued November 16, 2001

The Arkansas Ethics Commission is issuing this advisory opinion on its own initiative to clarify the manner in which campaign contributions received prior to the primary election should be reported by a candidate who has not drawn an opponent in that election. The need for such clarification arises from the passage of Act 1839 of 2001 which added certain language to Ark. Code Ann. § 7-6-203. Said language reads as follows:

A candidate may accept a campaign contribution or contributions up to the maximum amount [of \$1,000] from any prospective contributor for each election in which the candidate's name appears on the ballot, whether opposed or unopposed.

Pursuant to Ark. Code Ann. § 7-7-304(c), the names of unopposed candidates are omitted from the ballot in primary elections. Accordingly, a candidate who runs unopposed in the primary may not take a \$1,000 contribution for the primary election and a \$1,000 contribution for the general election from the same contributor.

The foregoing does not mean that a candidate who is unopposed in the primary election may not accept campaign contributions. In accordance with Ark. Code Ann. § 7-6-203(f), a candidate may start soliciting or accepting campaign contributions two (2) years before an election at which the candidate seeks nomination or election

It is the Commission's opinion that campaign contributions received prior to the primary by a candidate who does not yet have an opponent in that election should still be reported as contributions for the primary election. In the event the candidate does not draw an opponent in the primary election, contributions which he or she received prior that election would simply count toward the \$1,000 contribution limit applicable to the general election. Once it is certain that a candidate will be unopposed in the primary election, all contributions subsequently received should be reported as contributions for the general election.

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

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