

# 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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## ADVISORY OPINION NO. 2005-EC-015 Issued November 18, 2005

The Arkansas Ethics Commission has received a written request for an advisory opinion from Mac Campbell, a candidate for State Treasurer. The question posed is whether a candidate for public office may accept a contribution in the amount of five hundred dollars (\$500.00) from an out-of-state political action committee which is not registered in Arkansas, but has not made any contributions to other candidates, ballot question committees, legislative question committees, political parties, county political committees, or other political action committees in Arkansas during the current calendar year.

Act 2006 of 2005, codified at Ark. Code Ann. § 7-6-201 *et seq.*, significantly amended the registration and reporting requirements for political action committees. These changes are the subject of Advisory Opinion No. 2005-EC-008 which was issued on May 20, 2005. The Commission has also promulgated Rules on Political Committees which became effective August 29, 2005.

An out-of-state political committee is required to comply with the registration and reporting provisions if the committee contributes more than five hundred dollars (\$500) in a calendar year to candidates, political parties, county political parties, county political party committees, or other political action committees pursuant to Ark. Code Ann. § 7-6-215(a)(4). This provision is also set forth in § 504 of the Arkansas Ethics Commission's Rules on Political Committees.

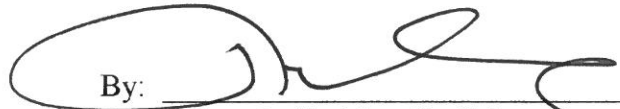
While neither Ark. Code Ann. § 7-6-215(a)(4) nor § 504 of the Rules specifically provides that the five hundred dollar (\$500) threshold for registration and reporting applies to contributions to candidates, political parties and other political committees within the state of Arkansas rather than nationwide, the Commission finds that the threshold is determined by contributions made only within Arkansas.<sup>1</sup>

<sup>1</sup> Ark. Code Ann. § 7-6-215(b)(4) bolsters this view by requiring specific information about the "financial institution *in this state* that the committee designates as its official depository for the purposes of depositing all money contributions that it receives *in this state* and making all expenditures *in this state*." Emphasis supplied.

Accordingly, an out-of-state political action committee which contributes five hundred dollars (\$500) or less cumulatively within a calendar year is not subject to the registration and reporting requirement of Ark. Code Ann. § 7-6-215 and is not a prohibited political action committee. A candidate for public office may accept a contribution from an unregistered out-of-state political action committee which has not crossed the five hundred dollar (\$500) registration and reporting threshold without violating Ark. Code Ann. § 7-6-203(e) which makes accepting contributions from a prohibited political action committee unlawful.

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

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By:   
Robert L. Roddey, Staff Attorney