

ORIGINAL

ARKANSAS ETHICS COMMISSION

2020 WEST THIRD, SUITE 300
LITTLE ROCK, AR 72205
(501) 324-9600

JACK R. KEARNEY
Director/Chief Counsel
MACK R. KOONCE
Commission Chairman



Commissioners:
MARY LYNN REESE
KERRY F. PENNINGTON, M.D.
RONALD A. MAY
JEROME GREEN

Opinion No. 92-EC-002

February 25, 1992

Honorable Jerry Bookout
President Pro-Tem
Arkansas State Senate
Arkansas State Capitol
Little Rock, AR 72201

Honorable John Lipton
Speaker of the House
Arkansas State House of Representatives
Arkansas State Capitol
Little Rock, AR 72201

Dear President Bookout and Speaker Lipton:

On February 25, 1992, this office received your request for an official opinion under authority of Initiated Act 1 of 1988 and Initiated Act 1 of 1990.

Your question paraphrased is:

Does Arkansas law prohibit General Assembly members from contributing during a special session of the General Assembly to a referendum or initiative commonly called ballot question? The General Assembly members are contemplating making contributions to a fund which supports passage of the ballot question.

Of course, Arkansas law provides that any individual may contribute money for any political purpose he or she chooses, within certain monetary and time limitations. This freedom to contribute would include elected and other public officials.

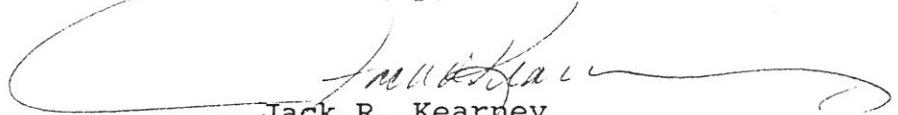
There are specific provisions of Arkansas law which prohibit

Honorable Jerry Bookout
Honorable John Lipton
Opinion No. 92-EC-002
Page 2

contributions to any candidate for public office during a special session of the Arkansas General Assembly.¹ That statute applies only to candidates for one of Arkansas' constitutional executive officers and candidates to the state General Assembly.

There are, in fact, no provisions of Initiated Act 1 of 1988 (as amended) or Initiated Act 1 of 1990 which seek to regulate initiatives, referendums or ballot questions. Nor are there provisions in these initiatives which regulate committees or campaigns for or against such ballot questions.² The answer to your question is that Arkansas law does not prohibit the contributions you have described.

Sincerely,



Jack R. Kearney
Director/Chief Counsel

JRK/at

¹ACA §7-6-203 (g) It shall be unlawful for the Governor, Lieutenant Governor, Secretary of State, State Treasurer, Auditor of State, Attorney General, Commissioner of State Lands, and members of the General Assembly to accept a contribution during the period beginning thirty (30) days before and ending thirty (30) days after any regular session of the General Assembly or during any special session of the General Assembly. During such periods of time, it shall be unlawful for any person to promise a contribution to the aforementioned elected officials.

²As a point of interest in 1989 the Arkansas General Assembly did enact Act 260 of 1989, entitled "The Disclosure Act for Public Initiatives and Referendums and measures referred to the voters by the General Assembly."

That act does regulate persons, committees and campaigns for and against ballot questions. Its provisions would not prohibit the contributions you anticipate. However, you would do well to cite this act to those who receive your contributions.

This Arkansas Ethics Commission has not, as yet, been given authority to interpret and enforce Act 260 of 1989.