

ARKANSAS ETHICS COMMISSION

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Opinion No. 92-EC-008

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The Arkansas Ethics Commission has met with and fielded inquiries from public officials, candidates, lobbyists, and political action committee officials to determine what practical concerns are of the most urgent need for guidance during this, the first full political campaign cycle. The Commission, on its own initiative is issuing interpretive opinions to frequently raised questions.

One of the most urgent questions is:

If a candidate has filed a monthly report for the month in which an election is held, must he also file the ten-day pre-election report specified by statute, even though the reports would be filed within days of each other?

The statutes you refer to are:

"ACA 1§7-6-207(a). REPORTS REQUIRED. Except as provided in subsection (c) of this section, each candidate for office, other than a school district, township, municipal, or county office, or a person acting in the candidate's behalf, shall:

(1) No later than fifteen (15) days after the end of each month, file a report of all contributions received and expenditures made during the month for which the report is filed. The first report shall be filed for the month in which the candidate's cumulative contributions exceed five hundred dollars (\$500). The final monthly report shall be

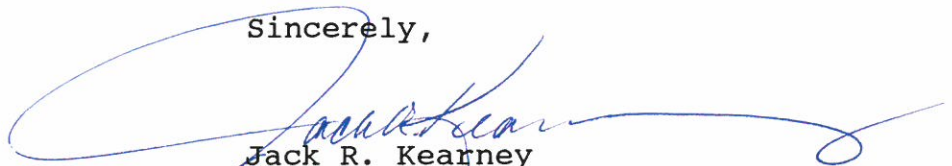
filed within fifteen (15) days after the end of the month in which the last election is held at which the candidate seeks nomination or election." (emphasis added)

"(2) No later than seven (7) days prior to preferential primary election, runoff elections, general elections, and special elections, file a preelection report of all contributions received and expenditures made between the period covered by the previous monthly report and ten (10) days before the election." (emphasis added)

The answer to your question is, yes, a candidate must file the monthly report as well as the ten day pre-election report. The two reports required by the law are designed to accomplish different objectives. The monthly reports are designed to disclose to the public, on an ongoing basis, the candidates pattern and sources of contributions and expenditures. The ten-day pre-election report is designed to give a snap-shot of the candidate's campaign immediately before the election, and to reveal windfalls of contributions and/or expenditures being made during this critical period. The monthly report which becomes due in the month following the 10-day pre-election report may disclose only that information which reflects activity occurring after that reported in the 10-day pre-election report.

It is, our opinion, therefor, that a candidate must follow the dictates of the law and file a monthly report and the ten-day pre-election report even though they may fall within the same month.

Sincerely,



Jack R. Kearney
Director/Chief Counsel

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