

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-011

April 30, 1992

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 raises \$500.00, and begins reporting for the primary, must he continue monthly reporting after the primary if he raises no further funds and has no opponent?

Yes, the candidate must continue to file the reports until the general election.

"ACA §7-6-207(a)(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)

. . . (3) File quarterly supplemental reports of all contributions received and expenditures made after the time period covered by the

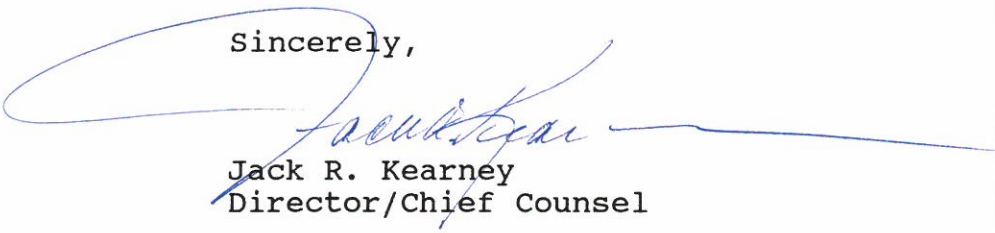
final monthly report, such supplemental reports to be filed within fifteen (15) days of the end of each quarter. No supplemental report is required to be filed during any quarter in which the candidate has received no contributions and made no expenditures. For candidates participating in the general election of 1990, the quarterly reports shall be filed for all contributions received and expenditures made after the time period covered by the final report required by the law in effect at the time of approval of this act.

(a)(4) Upon receiving the first monthly report from any candidate, the Secretary of State shall notify the candidate by mail of the deadlines for filing remaining monthly reports, preelection reports, and supplemental reports and furnish each candidate with the appropriate forms and instructions for complying with the deadlines. All reports shall be filed on the forms furnished by the Secretary of State." (emphasis added)

Careful reading of these subsections of the law makes clear that filing of monthly reports is anticipated by the law. There are specific exceptions made for filing of quarterly reports if no contributions are received. If it were intended that there be such an exception for monthly reports, language accomplishing the same could easily have been added.

It is our opinion, therefore, that when the state candidate reaches the threshold contribution of five hundred dollars (\$500.00) he must begin reporting his campaign finance information. The reporting must continue, thereafter, until the general election or until the candidate loses at the primary or primary-run-off election.

Sincerely,



Jack R. Kearney
Director/Chief Counsel

JRK/at