

ARKANSAS ETHICS COMMISSION

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Opinion No. 93-EC-001

February 9, 1993

Mr. Asa Hutchinson, Chairman
Republican Party of Arkansas
One Riverfront Place, Suite 550
North Little Rock, AR 72114

Dear Mr. Hutchinson:

Your question, paraphrased, is:

Are candidates for an office, the vacancy in which is to be filled by a special election, prohibited from soliciting or receiving campaign contributions during the period immediately before, during and immediately following the regular session of the Arkansas General Assembly?

The statute which guides our response to your opinion request is ACA §7-6-203(g):

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."

That statute was a part of Arkansas' political reform laws, passed in the 1990 general election, known as Initiated Act 1 of 1990. It applies to incumbent state-level elected constitutional

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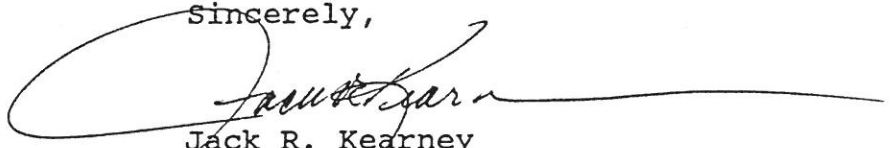
officers and legislators, on the apparent basis that these are the officials who shape state laws. The law specifically prohibits these officials from accepting campaign contributions during periods connected to the sessions of the general assembly. It does not apply to candidates for office who are not office-holders.

Your second question, paraphrased is:

Would the fact that incumbent legislators are constitutionally prohibited from seeking the office of Lieutenant Governor, should a special election be called to fill that office, alter the opinion?

The answer is no. As we've opined that incumbent legislators, and other state level constitutional officers may not accept or receive campaign contributions during the time outlined in the statutes, it would make no difference whether these officials are allowed by the constitution to run for the office for which the special election is called or not. While this may have the practical effect of preventing constitutional officers from running for this office if it is called for during a time close to a regular session of the general assembly, we are of the firm opinion that the statute applies to prevent incumbent constitutional officers and legislators from campaign fund raising in order to run for this office during the prohibited periods.

Sincerely,



Jack R. Kearney
Director/Chief Counsel

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