

ARKANSAS ETHICS COMMISSION
ADVISORY OPINION 96-EC-003

ISSUE PRESENTED

Issued: April, 1997

When may a candidate or candidate's exploratory committee begin soliciting or accepting campaign contributions for the candidate's next nomination or election?

BRIEF RESPONSE

A candidate or his committee may begin to solicit or accept campaign contributions no earlier than two years before an election wherein the candidate's name may appear on a ballot.

DECISION

Ark. Code Ann. §7-6-203(f) provides that no candidate for public office or anyone acting on the candidate's behalf may begin soliciting or accepting contributions more than two (2) years before an election in which the candidate seeks nomination or election. The plain meaning of this language dictates that the two year period commences no earlier than two years before the date of the first election involving the candidate, whether the candidate is opposed at the election or not.

In the typical scenario, the "next election" will be the primary election for the political position the candidate is seeking, if the candidate is running under a political party affiliation. This is true even if the candidate runs unopposed within his or her party. The candidate's name will appear on the primary ballot and this will be the next election in which the candidate seeks nomination or election.

An incumbent in one office, seeking to run for a different office, should use the date of the next election for office s/he intends to seek. A person running as an independent candidate may have a different beginning point if there is no primary involved. Those candidates seeking to run for any office in 1998 may begin soliciting or accepting contributions no earlier than two years before the date of the first election in 1998 wherein the candidate's name may appear on a ballot. Additionally, state constitutional officers and members of the General Assembly must be mindful of the additional restrictions on receiving contributions imposed by Ark. Code Ann. §7-6-203(g)(1)(A) - (C) which prohibits these state officials from receive contributions during the period beginning thirty days before and ending thirty days after any regular session of the General Assembly, and during any extended and special sessions of the General Assembly.



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