

ARKANSAS ETHICS COMMISSION

ADVISORY OPINION 97-EC-001

(Modifies Opinion No. 92-EC-013)

Issued March 10, 1997

The Arkansas Ethics Commission issued Opinion No. 92-EC-013 which held that it was improper for a candidate or his/her campaign committee to make a contribution to another candidate's campaign as such was a personal use of campaign funds. Subsequent to this opinion, the Arkansas General Assembly amended Ark. Code Ann. §7-6-203 by making it improper for a candidate to use any campaign funds for personal use. Presently, the Commission has been asked to revisit this prior opinion and in light of specific factual circumstances. This Opinion hereby modifies previously issued Opinion No. 92-EC-013.

ISSUE PRESENTED

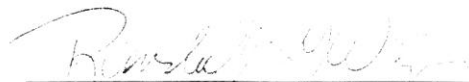
May a candidate's campaign committee make contributions to another candidate's campaign?

DECISION

The act of making a campaign contribution constitutes an exercise of a citizen's liberty to express his/her political opinion and to promote public candidates for public office. Essentially, the decision to contribute is a personal one. In most instances, contributions will be construed as a personal use of funds.

Ark. Code Ann. §7-6-203(i) prohibits a candidate from using campaign funds for personal use. Additionally, §203(j)(1) specifies four ways in which surplus campaign funds may be disbursed. Contributions to other candidates is not one of the uses allowed by Arkansas law.

The Commission remains convinced that allowing a candidate to give to others the political contributions citizens made to him is effectively allowing the candidate to use the funds for personal use which is prohibited by law. We reaffirm that portion of the prior opinion here. It is generally an improper use of campaign funds for a candidate to contribute campaign funds to another's candidacy. However, the Commission is mindful that there could be times and circumstances when a candidate may to attend a fund raiser for another candidate, which would involve a contribution to the other campaign, and the primary purpose of this effort would not be a personal one but one designed to further his own campaign. Factual circumstances may indicate a need to deviate from the general rule that campaign contributions are personal uses of funds. For this reason, the Commission will approach each situation on a case by case basis with the rebuttable presumption that the use is prohibited as a personal use of campaign funds.



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