

ARKANSAS ETHICS COMMISSION

910 West Second Street, Suite 100
Little Rock, Arkansas 72201
(501) 324-9600 Fax (501) 324-9606
Toll Free 1-800-422-7773

Troy Burris
Chairman

Rita Looney
Vice Chairman

Tom Alexander
Ben Allen
Jack Kearney
Commissioners



Bob R. Brooks, Jr.
Executive Director

Graham F. Sloan
Staff Attorney

Annette Leach
Director of Compliance

ADVISORY OPINION NO. 98-EC-010

Issued June 19, 1998

ISSUE:

Is it permissible for a candidate for state office (i.e., any public office created by or under the authority of the laws of the State of Arkansas) to receive a contribution from a federal campaign committee?

BRIEF ANSWER:

The laws of the State of Arkansas which govern the making and receiving of campaign contributions do not prohibit a candidate for state office from receiving a contribution from a federal campaign committee. The question of whether or not federal law permits a federal campaign committee to make a contribution to a candidate for state office is not answered herein since it requires interpretation of federal law outside the jurisdiction of this Commission.

DISCUSSION:

As an initial point, it should be mentioned that this Commission has previously issued an advisory opinion (# 92-EC-013) which addressed the question of whether or not it would be permissible for the campaign committee of a candidate for state office to make a contribution to another candidate's campaign. Briefly stated, the question was answered "no" on the basis that such a contribution would constitute a personal use of campaign funds by the candidate making the contribution. The Commission subsequently issued another advisory opinion (# 97-EC-001) which affirmed that general rule but stated that each situation would be approached "on a case by case basis."

With respect to the issue presented in this advisory opinion, it is noted that the making and receiving of campaign contributions is governed by Subchapter 2 of Title 7, Chapter 6 of the Arkansas Code (Ark. Code Ann. § 7-6-201 *et seq.*). A review of the provisions of

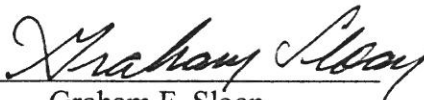
that Subchapter discloses no prohibition against a candidate for state office receiving a contribution from a federal campaign committee.

It is the Commission's understanding that the campaign committee of a candidate for federal office is a "political committee" within the meaning of the Federal Election Campaign Act of 1971 (codified as 2 U.S.C. § 431 et seq.) and that, under said Act, as well as the Federal Election Commission's regulations (codified in title 11 of the Code of Federal Regulations), it is permissible for political committees to make contributions in connection with both federal and non-federal (i.e., state) elections. The Commission points out, however, the question of whether or not it is permissible for a political committee to make contributions in connection with state elections is dependent upon federal law for its answer.

The holding of this advisory opinion is solely that those laws of the State of Arkansas which govern the making and receiving of campaign contributions do not prohibit the campaign committee of a candidate for state office from receiving a contribution from a federal campaign committee. The question of whether or not it would be permissible for a federal campaign committee to make a contribution to a candidate for state office is not answered herein since it requires interpretation of federal law outside the jurisdiction of this Commission.

This advisory opinion is issued by the Arkansas Ethics Commission pursuant to Ark. Code Ann. § 7-6-217(g)(2).

ARKANSAS ETHICS COMMISSION

By: 
Graham F. Sloan
Staff Attorney