

ARKANSAS ETHICS COMMISSION

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ADVISORY OPINION NO. 98-EC-016 Issued July 22, 1998

ISSUE:

The Arkansas Ethics Commission is issuing this advisory opinion on its own initiative to clarify the meaning of the terms "received" and "accepted" as they are used in Ark. Code Ann. § 7-6-207(a) and (b), respectively.

BRIEF ANSWER:

The Commission believes that, in the context of Ark. Code Ann. § 7-6-207, the legislature intended that the terms "received" and "accepted" would have a synonymous meaning. It is the Commission's opinion that a campaign contribution should be deemed "received" or "accepted" when it has been delivered to a candidate (or a person acting in the candidate's behalf) and not returned within a reasonable time. The question of what is a "reasonable time" depends upon the facts of the particular situation but should not usually be more than five (5) business days.

DISCUSSION:

The reporting of campaign contributions by candidates for state and district office (i.e., office other than school district, township, municipal, or county office) is governed by Ark. Code Ann. § 7-6-207. Subsection (a) of the statute details the reports which are required to be filed and subsection (b) specifies the contents of those reports.

There is a point of confusion between subsections (a) and (b). While the former speaks in terms of filing reports of all "contributions received", the latter requires the reports to indicate "the date the contribution was accepted."

It has come to the Commission's attention that a number of candidates have treated contributions made by check as received or accepted when the check is deposited into the candidate's campaign account. Under this theory, a candidate could hold a check and postpone reporting it as a contribution until such time as he or she chooses to deposit the check. The Commission is concerned by the potential for abuse which this presents.

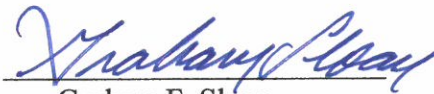
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Public policy favors prompt disclosure of campaign contributions. The Commission acknowledges, however, that a candidate should be afforded a reasonable period of time to make a determination as to whether a particular contribution should be kept or returned.

It is the Commission's opinion that a campaign contribution should be deemed "received" or "accepted" when it has been delivered to a candidate (or a person acting on the candidate's behalf) and not returned within a reasonable time. The Commission recognizes that the question of what is a "reasonable time" depends upon the facts of the particular situation. The Commission believes, however, that it should not usually take more than five (5) business days to make the decision.

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

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By: 
Graham F. Sloan
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