

# ARKANSAS ETHICS COMMISSION

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## **ADVISORY OPINION NO. 98-EC-019** **Issued September 24, 1998**

### **ISSUE:**

May an approved political action committee use contributions it has received to host a nonpartisan political rally designed to increase voter awareness and turnout?

### **BRIEF ANSWER:**

No. Approved political action committees serve to receive contributions from persons in order to make contributions to candidates. While an approved political action committee may use the contributions it has received to pay expenses reasonably and legitimately related to fund-raising, it may not use such contributions to host a nonpartisan political rally.

### **DISCUSSION:**

The term "approved political action committee" is defined in Ark. Code Ann. § 7-6-201(9) to mean any person who:

- (A) Receives contributions from one (1) or more persons in order to make contributions to candidates;
- (B) Does not accept any contribution or cumulative contributions in excess of two hundred dollars (\$200) from any person in any calendar year<sup>1</sup>; and
- (C) Has been registered pursuant to § 7-6-215 for at least four (4) continuous months prior to making contributions to candidates.

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<sup>1</sup> On August 24, 1998, the United States District Court for the Eastern District of Arkansas entered a Judgment on Remand in the case of Russell, et al. v. Burris, et al., Case No. LR-C-97-0089. Said judgment eliminated the \$200.00 annual limit on contributions to approved political action committees.

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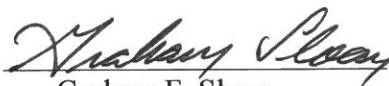
A review of the foregoing definition discloses that the purpose of an approved political action committee is to receive contributions from persons in order to make contributions to candidates. On its face, the statute does not authorize an approved political action committee to use the contributions it has received for any purpose other than making contributions to candidates.

It is recognized that approved political action committees incur administrative expenses for items such as office space, phones, legal and accounting fees to comply with reporting requirements, utilities, and supplies. The Commission believes it is implicit in the statute that an approved political action committee may pay expenses reasonably and legitimately related to fund-raising with the contributions it has received.

It would be a different matter to hold that an approved political action committee may use the contributions it has received for other purposes, such as hosting a political rally designed to increase voter awareness and turnout. Although the idea is laudable, the Commission cannot justify making so great a departure from the plain language of the statute.

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:   
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