

ARKANSAS ETHICS COMMISSION

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ADVISORY OPINION NO. 99-EC-001 **Issued January 22, 1999**

ISSUES PRESENTED:

The Commission has received a request for an advisory opinion concerning the reporting requirements for various aspects of the Governor's Inauguration held on January 12, 1999.

FACTUAL BACKGROUND:

According to the request, the Republican Party of Arkansas maintained an account to which contributors to the Governor's Inauguration donated funds to finance his Inaugural Day activities. Contributors made their checks payable to "Inaugural 1999" and sent them to Republican Party of Arkansas.

DISCUSSION:

Each of the questions posed by the requester will be addressed separately below:

A. How should the Republican Party report contributions to Inaugural 1999?

The reporting of contributions to the political parties in Arkansas is governed by Ark. Code Ann. § 7-6-223. Said statute provides that political parties shall file an annual report with the Secretary of State no later than January 15 of each year providing the name, address, employer and occupation of each person who made a contribution or contributions to the political party or any authorized committee, which in the aggregate exceeded two hundred fifty dollars (\$250.00) in the preceding calendar year. The report shall include the date and amount of each such contribution.

B. Should contributors report contributions to Inaugural 1999 on their lobbyist activity reports if they are required to file such reports?

Yes. In accordance with Ark. Code Ann. § 21-8-604(b)(2)(iii), if a registered lobbyist or his employer made a contribution in excess of twenty five dollars (\$25.00) to Inaugural 1999, it should be reported on the applicable lobbyist activity report in section 20. If the contribution was made in January 1999, it should be reflected on the monthly report for January, which is due on or before February 10, 1999. If the contribution was made in December of 1998, it should have been reflected on the Fourth Quarter Report, which was due on or before January 15, 1999.

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C. Are there other reporting requirements for contributors to the Republican Party for this event?

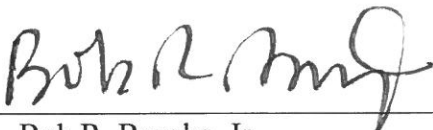
Generally, no. Provided, however, if such persons are registered lobbyists, then they should report their contributions in accordance with the answer to question B discussed above. Further, officeholders who used carryover funds to purchase a ticket to the Inaugural would have to report such expenditure on the Carryover Fund Reporting form in accordance with § 7-6-203(j)(3).

D. May any surplus funds be donated to the Republican Party of Arkansas?

Yes. This question presumes that Inaugural 1999 has paid all the expenses of the Governor's Inaugural activities and has remaining funds on hand. In the absence of specific instructions from contributors to the contrary, the Commission does not believe there is a prohibition for Inaugural 1999 to transfer its remaining funds to the Republican Party of Arkansas.

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

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by: 

Bob R. Brooks, Jr.
Executive Director