

# ARKANSAS ETHICS COMMISSION

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## ADVISORY OPINION NO. 2005-EC-010 Issued June 13, 2005

The Arkansas Ethics Commission has received a written request for an advisory opinion from the Honorable Travis Boyd, State Representative – District 79. The question asked is whether or not any laws under the Commission’s jurisdiction would prohibit him from accepting a position of employment involving some lobbying at the federal level while continuing his service as a public official. As detailed below, the Commission has concluded the statutes under its jurisdiction do not serve to prohibit a member of the Arkansas General Assembly from lobbying at the federal level.

The term “lobbying” is defined in Ark. Code Ann. § 21-8-402(10) as communicating directly or soliciting others to communicate with any public servant with the purpose of influencing legislative or administrative action. As defined in Ark. Code Ann. § 21-8-402(18), the term “public servant” includes all public officials,<sup>1</sup> public employees,<sup>2</sup> and public appointees.<sup>3</sup> Each of these terms is specifically defined in relation to a governmental body.

Pursuant to Ark. Code Ann. § 21-8-402(6) the term “governmental body” is defined as any office, department, commission, council, board, committee, legislative body, agency or other establishment of the executive, judicial or legislative branches of the *state municipality, county, school district, improvement district, or any political district or subdivision thereof.* (emphasis added).

A branch or agency of the federal government is not a governmental body as the term is defined in Ark. Code Ann. § 21-8-402(6). Accordingly, engaging in lobbying at the federal level falls outside the scope of the statutes under the Commission’s jurisdiction regarding lobbying.

<sup>1</sup> The term “public official” is defined in Ark. Code Ann. § 21-8-402(17) as a legislator or any other person holding an elective office of *any governmental body*, whether elected or appointed to office.

<sup>2</sup> The term “public employee” is defined in Ark. Code Ann. 21-8-402(16)(A) as an individual employed by a governmental body or who is appointed to *serve a governmental body*.

<sup>3</sup> The term “public appointee” is defined in Ark. Code Ann. § 21-8-402(15)(A) as an individual appointed to *a governmental body*.

While on this topic, it does bear mentioning that Ark. Code Ann. § 21-8-802(e) prohibits a member of the General Assembly from receiving any income or compensation, other than income and benefits derived from the governmental body to which he or she is duly entitled, for lobbying other members of the General Assembly. This prohibition is limited to the lobbying of fellow members of the General Assembly.

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

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By: 

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