

ARKANSAS ETHICS COMMISSION

2020 WEST THIRD, SUITE 300

LITTLE ROCK, AR 72205

(501) 324-9600

JACK R. KEARNEY

Director/Chief Counsel

MACK R. KOONCE

Commission Chairman



Commissioners:

MARY LYNN REESE

KERRY F. PENNINGTON, M.D.

RONALD A. MAY

JEROME GREEN

Opinion No. 92-EC-005

April 30, 1992

Mr. Charles R. Camp
Attorney at Law
111 Center Street, Suite 1200
Little Rock, AR 72201

Dear Mr. Camp:

On April 3, 1992, this office received your request for an official opinion under authority of Initiated Act 1 of 1988 and Initiated Act 1 of 1990.

Your request number one is:

"Whether under the circumstances subsequently described herein the Arkansas Ethics Commission ("Commission") may waive the requirements that an "Approved Political Action Committee" as defined in Arkansas Code Annotated §7-6-201(9) created in 1991 renew its status as an approved Political Action Committee on or before January 15, 1992, so that such a Committee may maintain its status as an Approved Political Action Committee?"

Because of the myriad of problems you have identified in your opinion request, and because the Ethics Commission feels some responsibility for the confusion that attended the failure to timely see that forms were designed and/or modified for registration and renewal of political action committees, we believe that the policy provided for in opinion #91-EC-010 be extended. Therefore, the Commission hereby grants you fifteen (15) days from the date of receipt of this letter to renew your registration if you have not done so. Provided that you were properly registered last year, you may operate as an approved PAC upon your

registration. If you have already operated as an approved PAC without proper renewal, we will consider your renewal to be proper should you renew by fifteen (15) days from receipt of this letter. This extension of what amounts to a reprieve applies to those having failed to meet the procedural requirements of renewal of a political action committee only.

Your request number 2 paraphrased is:

Does Arkansas law anticipate that renewal of a PAC's registration be accomplished by the same form that is required for original registration?

The statute which dictates that political action committee renew its registration does not specify how renewal of registration is to be accomplished.

ACA §7-6-215. "Registration by approved political action committees.

(a) To qualify as an approved political action committee, the committee shall register with the Secretary of State within fifteen (15) days after accepting contributions during a calendar year which, in the aggregate, exceed five hundred dollars (\$500). Each such committee shall annually renew its registration by January 15, unless it has ceased to exist. Registration shall be on forms provided by the Secretary of State and the contents therein shall be verified by an affidavit of an officer of the committee. The committee shall verify that it will maintain for a period of two (2) years the name, address, and place of employment of each person who contributed to the committee, along with the amount contributed.

(b) The approved political action committee shall disclose on the registration form the following information:

(1) The name, address and, where available, phone number of the committee and the name, address, phone number, and place of employment of each of its officers, provided that if the committee's name is an acronym then both it and the words forming the acronym shall be disclosed.

(2) The professional, business, trade, labor, or other interests represented by the committee, including any individual business, organization, association, corporation, labor organization or other group or firm whose interests will be represented by the committee.

(3) The name of each candidate, if any, to whom the committee contributed during the previous calendar year, with the amount contributed and the office sought for each candidate.

Initiated Act 1 of 1990, which created the Arkansas Ethics Commission does give the Commission the authority to approve forms which are prepared by the Secretary of State's office to facilitate the disclosure requirement set out in the Act.

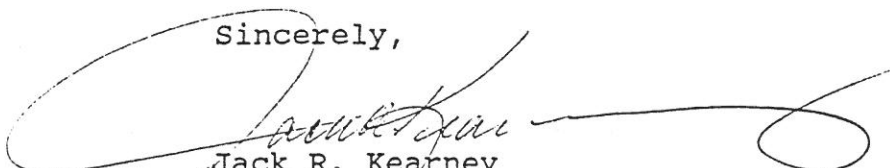
Subsequent to the time of your registration in 1991, the Secretary of State and this Commission collaborated in modifying many of the forms then in use. There were some new forms created which did not previously exist. We did not create a form for renewal of PAC registration. PAC officers should use the existing form to register for the first time and complete a new form to renew registration.

Your request number 3 paraphrased is:

If the present registration form is used for renewal of registration, is the information requested concerning officers required by Section 2 of the PAC registration form to apply to the previous year or to the upcoming year?

The names of the officers of the PAC and that of the interests represented by the PAC are for the upcoming year. The information regarding candidates to whom contributions have been made applies to the previous year.

Sincerely,



Jack R. Kearney
Director/Chief Counsel

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