

# 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-007

April 30, 1992

The Arkansas Ethics Commission has met with and fielded inquiries from public officials, candidates, lobbyists, and political action committee officials to determine what practical concerns are of the most urgent need for guidance during this, the first full political campaign cycle. The Commission, on its own initiative, is issuing interpretive opinions to frequently raised questions.

One of the most urgent questions is:

May an unopposed candidate take any portion of his campaign contributions as personal income?

The answer is no. A candidate may not take any portion of funds contributed to him for a political campaign and convert them to his or her personal use.

ACA §7-6-203(h). If a candidate has no filed opponent to his or her nomination and election, then after the deadline to file as a candidate, the unopposed candidate shall not take any campaign funds as personal income or as income for his or her spouse or dependent children.

ACA §7-6-203(i). If a candidate had an opponent for nomination, but has no filed opponent to his or her election, then after the date of winning the nomination, the unopposed candidate shall not take any campaign funds as personal income or as income for his or her spouse or dependent children.

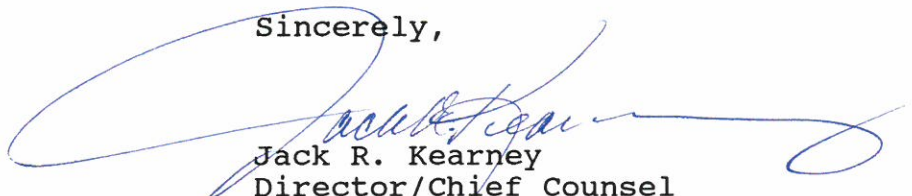
We realize that some candidates have assumed in reading the above statutes that, since the statutes set specific times after which unopposed candidates may not take campaign funds for personal use, that the candidate may do so at times prior to those dates. We disagree.

Such an interpretation of the statutes would permit a candidate to take campaign funds for personal use only during the period between his own filing for office and the earlier of either the filing deadline or another candidate filing for office. We believe such an interpretation of these statutes defy common logic and the people's intent in passage of the Acts containing this law.

It is, therefore, our opinion that an unopposed candidate may not take campaign funds for his personal use at any time, except from surplus funds remaining after the general election, as provided in ACA §7-6-203(j).

ACA §7-6-203(j). "Within thirty (30) days following a general election, a candidate shall turn over to either (1) the State Treasurer for the benefit of the general revenue fund of the state apportionment fund, (2) an organized political party as defined in Arkansas Code 7-1-101(1), or (3) the contributors to the candidate's campaign any balance of campaign funds over expenses incurred as of the day of the election except for (1) an amount equal to the yearly salary, excluding expense allowances, set by Arkansas law for the office sought and (2) any funds required to reimburse the candidate for personal funds contributed to the campaign or to repay loans made by financial institutions to the candidate and applied to the campaign." (emphasis added)

Sincerely,



Jack R. Kearney  
Director/Chief Counsel

JRK/at