

ARKANSAS ETHICS COMMISSION

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Opinion No. 92-EC-009

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:

Is there a ten-day grace period granted, beyond the deadline set out in statutes, for filing of the disclosure forms required by Initiated Act 1 of 1988 and Initiated Act 1 of 1990?

The answer is no. The filing deadlines set out in the statutes are the deadlines this Commission expects each candidate, public official, political action committee official, candidate committee official, lobbyist and any other person subject to the Acts to meet. We expect, further, the Secretary of State, and other public officials with a duty to record these documents to notify the proper authority when reports are not timely filed. We will consider the lapse in timely filing, as well as the failure to report this lapse, as violations of the law.

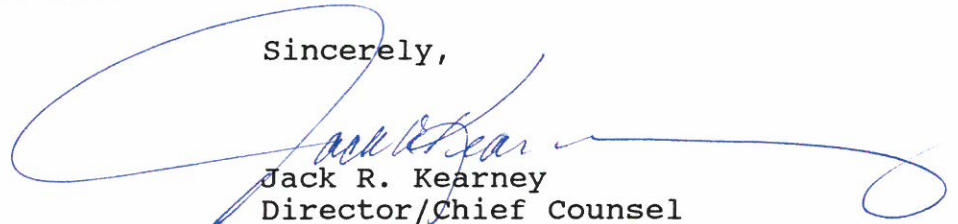
This Commission is keenly aware that the 1992 general election will be the first held after the passage of Initiated 1 of 1990, and that the act significantly alters campaign finance regulations in Arkansas. For that reason, the Commission realizes, considerable latitude may be warranted in areas where the law

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itself is unclear or contains actual conflict between certain of its provisions. We are prepared to grant the latitude we think each situation deserves.

We are not prepared, however, to grant latitude, forgive, or otherwise countenance direct contradiction of simple commands of the law. Nor will it serve officials, candidates, or lobbyists well to offer as an excuse or defense against a charge of violating the law that some other source, public official, or otherwise, offered advice which conflicts with this Commission's interpretation of these Acts.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jack R. Kearney", with a large, sweeping flourish extending to the right.

Jack R. Kearney
Director/Chief Counsel

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