

# ARKANSAS ETHICS COMMISSION

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Opinion No. 92-EC-016

May 28, 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:

If, after the 1990 campaign, a candidate placed money in a public relations account but didn't use all of it and then retires, may he then take the P. R. account and keep it for personal use?

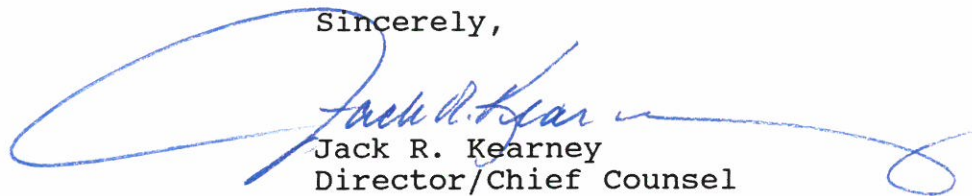
This Commission has previously opined that (a) a candidate may retain a certain amount of surplus funds for his or her personal use, (b) that the funds retained by the candidate are considered to be the personal monies of the candidate, unless, (c) the funds are allowed to remain in the candidate's campaign account, under which circumstance the fund is given the unique status of not being considered the candidate's personal funds when used in a future campaign.

Based on this reasoning, an office-holder who has converted surplus campaign funds to any purpose other than a continuing campaign fund, has already taken the funds for personal use as far as the Arkansas Ethics Commission is concerned. Funds taken for personal use are beyond the authority of the Ethics Commission. If the funds are put to any use other than a continuing campaign account, the Ethics Commission loses any authority to either limit

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or sanction their use. The funds may be taken and put to whatever the holder chooses.

Sincerely,



Jack R. Kearney  
Director/Chief Counsel

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