

ARKANSAS ETHICS COMMISSION

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Opinion No. 92-EC-023

November 19, 1992

The Arkansas Ethics Commission, because it believes the issue addressed herein is of immediate importance, issues this interpretive opinion on its own initiative.

Taking into account the adoption of Amendment 1, which goes into effect January 1, 1993, how much money may a candidate for the General Assembly retain under authority of ACA 7-6-203, §3(j)?

In order to answer this question we will examine the appropriate provisions of both Amendment 1 and ACA 7-6-203(j).

The relevant portion of the text of Amendment 1 is:

§1 (b): The members of the General Assembly shall receive as their annual salary the sum of \$12,500, except President Pro Tempore of the Senate and the Speaker of the House of Representatives, who shall each receive the sum of \$14,000 annually, with such salaries to be payable in equal monthly installments. Except as provided herein, no member of the General Assembly shall be entitled to per diem unless authorized by law, or to reimbursement for expenses or mileage unless authorized by law, documented, and reasonably related to their official duties.

Under authority of §1 (b) of Amendment 1, effective January 1, 1993, General Assembly members will receive an annual salary of

\$12,500 dollars rather than the present \$7,500, while the President Pro Tempore of the Senate and the Speaker of the House will receive \$14,000 dollars annually rather than the present \$10,000.

ACA §7-6-203, §3(j) is part of Arkansas campaign finance laws and provides for the disposal of surplus campaign funds following the general election. The statute reads as follows:

ACA 7-6-203, §3(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 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).

This statute provides that within thirty days following the general election a candidate must dispose of any surplus campaign funds in the manner outlined in the statute. The statute allows a candidate to retain an amount of his campaign contributions "equal to the yearly salary, excluding expense allowances, set by Arkansas law for the office sought".

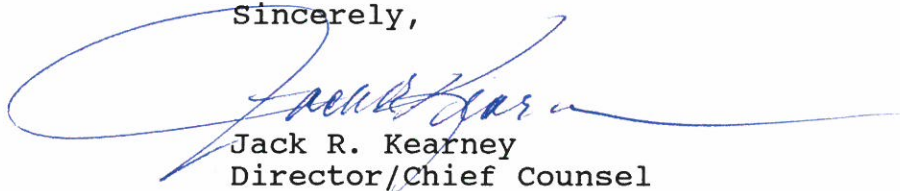
Amendment 1 becomes effective January 1, 1993, 10 days prior to the opening of the General Assembly session. Newly elected members of the General Assembly sought office for a term which will begin on January 11, 1993. Therefore, Amendment 1 will be in effect when the newly elected members assume their duties and their salaries will be commensurate with the terms of Amendment 1. Taking this into consideration, we conclude that \$12,500 is the yearly salary for the office sought by candidates in the recent election for seats in the General Assembly. As a result of this conclusion, we also find that \$12,500 is the amount a candidate may retain out of campaign funds under authority of ACA §7-6-203, §3, (j).

In summary, taking into account the adoption of Amendment 1, which goes into effect January 1, 1993, \$12,500 dollars is the

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amount that a candidate for the General Assembly may retain under authority of ACA §7-6-203, §3(j).

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

JRK/at