

ARKANSAS ETHICS COMMISSION

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Opinion No. 94-EC-001

March 23, 1994

Senator Vic Snyder
324 South Valmar
Little Rock, AR 72205

Dear Senator Snyder:

The Ethics Commission has reviewed your letter of March 15, 1994, in which you request an advisory opinion pursuant to Arkansas Code Annotated 7-6-217 (h)(1). The Commission discussed its authority to fully respond to your inquiry. You have posed several questions regarding the effect of Constitutional Amendment 73 (Term Limits) on those eighteen members of the Arkansas Senate who, during the 1993 Session of the General Assembly, drew two year terms pursuant to the requirements of Constitutional Amendment No. 23. The Commission determined that it has jurisdiction to address only the following issue:

Whether those Arkansas state senators who drew two year terms in 1993 are violating any of the campaign finance laws of the State of Arkansas by either soliciting or accepting contributions for the 1994 primary or general elections?

Specifically, this question involves an interpretation of whether those of the 18 Arkansas senators with two year terms who have chosen to seek re-election this year are in violation of Ark. Code Ann. Sec. 7-6-203 (f), which prohibits a candidate from soliciting or accepting campaign contributions more than two (2) years before an election at which the candidate seeks nomination or election.

Senator Vic Snyder
Opinion No. 94-EC-001
Page 2

The Commission does not intend in any way to enter into the province of the courts to make legal findings or to create new law. It is, however, within the Commission's authority to interpret existing law concerning campaign finance, financial disclosure and conflict of interest requirements of public officials. The interpretation made by the Commission with reference to this issue is that the terms of the class of 18 senators in question will end on December 31, 1994. Therefore, candidates presently campaigning for any of these 18 seats are properly conducting campaigns and accepting campaign contributions at this time.

This advisory opinion is issued by the full Commission pursuant to the authority granted by Initiated Act 1 of 1990 codified as Ark. Code Ann. Section 7-6-217.

Sincerely,



O. Jerome Green
Commission Chairman