

**ARKANSAS ETHICS COMMISSION  
ADVISORY OPINION 97-EC-002**

**ISSUE PRESENTED**

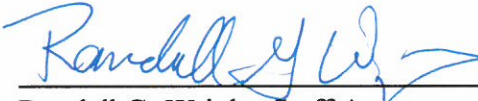
**Issued March 10, 1997**

*May a candidate who has been issued a fine imposed by the Arkansas Ethics Commission for a violation of law related to his/her campaign use campaign funds as the source of funds to pay the fine?*

**DECISION**

The Arkansas Ethics Commission has been asked to consider what source of funds may be used to pay a fine assessed by the Ethics Commission pursuant to Ark. Code Ann. §7-6-218(b)(4)(B)(i). The Commission has been approached by several former candidates who were assessed fines by the Commission for failing to file campaign reports or filing reports untimely during the 1996 election. The candidates ask whether the fine should be paid from the candidate's personal funds or from the candidate's campaign account.

The Commission concludes that the payment of a fine for violations relating to a candidate's campaign duties or activities is a political expenditure connected with the campaign and may be made from political contributions in the campaign account, provided the payment is properly reported as a campaign expenditure. Even though a late fine assessed against a candidate is the personal responsibility of the candidate, it is permissible for payment to come either from political contributions maintained in the campaign account or from the candidate's personal funds. If the fine is paid with campaign funds, it must be reported and itemized on the next contribution and expenditure report due. A candidate may not use campaign funds for purposes that primarily further individual or family purposes not connected with the performance of the duties or activities as a candidate or holder of a public office. See, Ark. Code Ann. §7-6-203(i)(1).

  
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