

ARKANSAS ETHICS COMMISSION
OPINION NO. 97-EC-03(C)

ISSUED DATE: April 1997

ISSUE PRESENTED:

May this legislator maintain a balance in a carryover fund which exceeds his salary for the position if the balance reflects the sum of several prior carryover funds?

BRIEF RESPONSE:

Yes. The Senator may combine the accounts.


FACTS PRESENTED:

The State Senator has kept a carryover fund from his last (1996) campaign equal to the amount of his yearly salary, as the law permits. Prior to entering the election, he had a prior balance in his PR fund of approximately \$3,600.00. If he merges these two accounts, his balance will exceed his salary.

DISCUSSION:

The Arkansas Ethics Commission has long been in agreement that the law governing retaining carryover funds is limited to each election, and does not prevent someone from accumulating a carryover fund from each election which, in the aggregate, might exceed the annual salary of the position sought. Ark. Code Ann. §7-6-203(j)(1)(D)(i) requires a candidate to expend his surplus of that particular election, less an amount equal to the yearly salary of the position sought. The law clearly applies per general election, and does not specifically state that funds so retained may not be combined with other similarly retained funds.

The Commission sees no problem with the Senator's request to have a carryover fund which exceeds his annual salary provided that the reason it is excessive is that it reflects a cumulative total for several elections. Under Act 491 of 1997, this will ultimately become a moot issue for future candidates because any carryover funds must be subsequently transferred into active campaign accounts if the person chooses to run for office again.



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