

ARKANSAS ETHICS COMMISSION

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ADVISORY OPINION NO. 98-EC-007 Issued April 17, 1998

ISSUE:

Whether the donation of greeting cards to the Arkansas Department of Health for the purpose of informing new parents of the recommended immunization schedule and encouraging them to have their children immunized constitutes either a lobbying expense or a campaign contribution?

BRIEF ANSWER:

No. As long as the purpose for donating the greeting cards is to inform new parents of the recommended immunization schedule and encourage them to have their children immunized, the donation of such cards would not be either a lobbying expense or a campaign contribution.

DISCUSSION:

The term "lobbying" is defined in Ark. Code Ann. § 21-8-402(10) as "communicating directly or soliciting others to communicate with any public servant with the purpose of influencing legislative action or administrative action." (emphasis added). Based upon this definition, actions do not constitute lobbying unless they are taken with the purpose of influencing legislative or administrative action. If the purpose for donating the greeting cards was to inform new parents of the recommended immunization schedule and to encourage them to have their children immunized, the donation of cards to the Arkansas Department of Health would not constitute "lobbying" within the meaning of Ark. Code Ann. § 21-8-402(10).

The term "contribution" is defined in Ark. Code Ann. § 7-6-201(2)(A) as follows:

advances, deposits, or transfers of funds, contracts, or obligations, whether or not legally enforceable, payments, gifts, subscriptions, assessments, payment for services, dues, advancements, forbearance, loans, pledge or promise of money

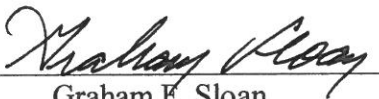
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or anything of value, whether or not legally enforceable to a candidate, committee or holder of elective office, made for the purpose of influencing the nomination or election of any candidate. (emphasis added).

In order to constitute a contribution, a gift must be made for the purpose of influencing the nomination or election of a candidate. Provided the purpose for donating the greeting cards is to inform new parents of the recommended immunization schedule and to encourage them to have their children immunized, the donation of cards to the Arkansas Department of Health would not constitute a contribution within the meaning of Ark. Code Ann. § 7-6-201(2).

This advisory opinion is issued by the Commission pursuant to Ark. Code Ann. §7-6-217(g)(2).

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By: 
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