

ARKANSAS ETHICS COMMISSION

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ADVISORY OPINION NO. 2009-EC-002

Issued September 18, 2009

The Arkansas Ethics Commission has received a written advisory opinion request from Doyle Webb, Chairman of the Republican Party of Arkansas. In his request, Chairman Webb seeks clarification concerning the itemization threshold applicable to the disclosure of contributions received by a political action committee ("PAC").

Specifically, the opinion request seeks to determine the exact cumulative contribution period(s) covered by a PAC quarterly report and whether or not the aggregate required to trigger itemization of contributions received by the PAC "runs over the quarterly period of the report being filed, or over the calendar year over which [the] PAC collective report runs."

Pursuant to Ark. Code Ann. §7-6-215(d)(1)(C), a PAC quarterly report is required to include "[t]he name and address of each person that made a contribution or contributions to the political action committee that exceeded five hundred dollars (\$500) in the aggregate, the contributor's place of business, employer, occupation, the date of the contribution, the amount contributed and the total contributed for the year." A restatement of this requirement is set forth in Section 502(a)(1)(C) of the Commission's Rules on Political Committees.

While the reports are filed on a quarterly basis (i.e., every three months), the above-referenced provision requires disclosure of the name and address of each person that contributed more than \$500 "in the aggregate" and the "total contributed for the year." Therefore, the Commission is of the opinion that the aggregate required to trigger itemization extends over the entire calendar year. To hold otherwise would diminish disclosure and conceivably allow a PAC to receive up to \$2,000 per year from a single contributor without disclosing the identifying information of the contributor.

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

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By: 
Rita S. Looney, Chief Counsel