

## **ELECTED OFFICIALS**

### **Is there a conflict of interest if a mayor or alderman is married to another council member or a city employee?**

Arkansas has no laws prohibiting a mayor or council member from holding office in these situations. Nor would the employee-spouse be prohibited from holding a city job. The law does, however, prohibit a public official from using or disclosing confidential information for the benefit of the official or his or her family members. Ark. Code Ann. § 21-8-801.

In addition, an alderman should abstain from voting where his or her public duty conflicts with his or her personal interests. *Van Hovenberg v. Holeman*, 201 Ark. 370, 144 S.W.2d 718 (1940); Atty. Gen. Op. No. 2000-278. For example, an alderman should not vote on personnel matters involving the alderman's spouse. Not every issue affecting an alderman's family member will require that he or she abstain, however. For example, a council member may vote on issues pertaining to the fire department, notwithstanding the fact that an immediate family member works for the department. Atty. Gen. Op. No. 95-099.

Whether or not the council member has a conflict of interest in a particular case will depend on the facts. For example, is there a financial benefit to the council member? Does the council member's loyalty to a family member outweigh his sense of duty to the public? These are questions that will have to be considered on a case-by-case basis.