

State of Arkansas

77th General Assembly

Regular Session, 1989

HOUSE BILL 1005

By: Representative Glover

"AN ACT TO REQUIRE DISCLOSURE OF CONTRIBUTIONS AND EXPENDITURES PERTAINING TO STATEWIDE INITIATIVES AND REFERENDUMS; AND FOR OTHER PURPOSES."

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. As used in this Act:

(1) "Person" means any individual, proprietorship, firm, partnership, joint venture, syndicate, labor union, business trust, company, corporation, association, committee, or any other organization or group of persons acting in concert.

(2) (A) "Contribution" means, whether direct or indirect, advances, deposits, 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 or anything of value, whether or not legally enforceable, to a person for the purpose of campaigning for or against a statewide initiative or referendum;

(B) "Contribution" includes the purchase of tickets for events such as dinners, luncheons, rallies, similar fund raising events; the granting of discounts or rebates by television and radio stations and newspapers not extended on an equal basis to all persons seeking to influence outcome of a statewide initiative or referendum; and

(C) "Contribution" shall not include noncompensated, nonreimbursed, volunteer personal services or travel;

(3) "Expenditure" means a purchase, payment, distribution, gift, loan, or advance of money or anything of value, and a contract, promise, or agreement to make an expenditure, made for the purpose of campaigning for or against a statewide initiative or referendum;

(4) "Contribution and expenditure" shall not include activities designed to encourage individuals to register to vote, or to vote, or any communication

by any membership organization or its members or stockholders if the membership organization or corporation is not organized primarily for the purpose of campaigning for or against a statewide initiative or referendum.

SECTION 2. Any person who knowingly fails to comply with any of the provisions of this Act shall, upon conviction, be fined an amount not to exceed one thousand dollars (\$1,000) or be imprisoned for not more than one year or both.

SECTION 3. (a) Any person who accepts contributions in excess of two hundred fifty dollars (\$250) for the purpose of campaigning for or against a statewide initiative or referendum shall report the contribution to the Secretary of State.

(b) Any person who on his own behalf expends in excess of five hundred dollars (\$500) in campaigning for or against a statewide initiative or referendum, excluding contributions, shall report the expenditures to the Secretary of State.

(c) Reports shall be made:

(1) Not less than twenty-five (25) days prior to a general election for contributions received and expenditures made up to and including thirty (30) days prior to the election; and

(2) Not less than seven (7) days prior to a general election as to all contributions received and expenditures made up to and including ten (10) days prior to the election; and

(3) A final report shall be filed no later than thirty (30) days after the election.

(d) All reports shall be verified by affidavit by the person to the best of his knowledge and belief the information so disclosed is a complete, true and accurate financial statement of contributions or expenditures.

SECTION 4. (a) No contributions shall be made, directly or indirectly, by any person in a name other than the name by which the person is identified for legal purposes.

(b) (1) No person shall make an anonymous contribution in support of, or opposition to, a statewide initiative or referendum totaling fifty dollars (\$50.00) or more in a calendar year.

(2) An anonymous contribution of fifty dollars (\$50.00) or more shall not be kept by the recipient but shall be promptly paid by the recipient to the Secretary of State of Arkansas for deposit in the State Treasury as general revenues.

SECTION 5. All laws and parts of laws in conflict with this Act are hereby repealed.