

1 **State of Arkansas**
2 **79th General Assembly**
3 **Regular Session, 1993**
4 **By: Representative Stewart**

A Bill

ACT 1114 OF 1993
HOUSE BILL 1823

For An Act To Be Entitled

8 "AN ACT TO AMEND VARIOUS SECTIONS OF ARKANSAS CODE TITLE
9 7, CHAPTER 9, SUBCHAPTER 4 CONCERNING DISCLOSURE FOR
10 PUBLIC INITIATIVES, REFERENDUMS, AND MEASURES REFERRED TO
11 VOTERS; TO INCLUDE COUNTY, MUNICIPAL AND SCHOOL DISTRICT
12 ISSUES; TO STRENGTHEN REPORTING REQUIREMENTS; TO PROVIDE
13 FOR ENFORCEMENT BY THE ARKANSAS ETHICS COMMISSION; AND FOR
14 OTHER PURPOSES."

Subtitle

18 "AN ACT CONCERNING DISCLOSURE FOR PUBLIC INITIATIVES,
19 REFERENDUMS, AND MEASURES REFERRED TO VOTERS."

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

23 SECTION 1. Arkansas Code 7-9-401 is amended to read as follows:

24 "7-9-401. Title.

25 This subchapter shall be known as the Disclosure Act for Public
26 Initiatives, Referendums, and Measures Referred to Voters."

28 SECTION 2. Arkansas Code 7-9-402 is amended to read as follows:

29 "7-9-402. Definitions.

30 As used in this subchapter:

31 (1) Ballot question means a question in the form of a statewide,
32 county, municipal or school district initiative or referendum which is
33 submitted or intended to be submitted to a popular vote at an election whether
34 or not it qualifies for the ballot;

35 (2) Ballot question committee means any person, other than an
36 individual, who receives contributions or makes expenditures for the purpose

1 of attempting to influence the qualification, passage, or defeat of any ballot
2 question;

3 (3) (A) Contribution means, whether direct or indirect, advances,
4 deposits, transfers of funds, contracts, or obligations, whether or not
5 legally enforceable, payments, gifts, subscriptions, assessments, payment for
6 services, dues, advancements, forbearance, loans, pledge or promise of money
7 or anything of value, whether or not legally enforceable, to a person for the
8 purpose of influencing the qualification, passage, or defeat of a ballot
9 question or the passage or defeat of a legislative question;

10 (B) Contribution includes the purchase of tickets for events,
11 such as dinners, luncheons, rallies, and similar fund-raising events, and the
12 granting of discounts or rebates by television and radio stations and
13 newspapers, not extended on an equal basis to all persons seeking to influence
14 the qualification, passage, or defeat of a ballot question or the passage or
15 defeat of a legislative question;

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

18 (4) Contribution and expenditure shall not include activities
19 designed solely to encourage individuals to register to vote or to vote, or
20 any communication by a bona fide church or religious denomination to its own
21 members or adherents for the sole purpose of protecting the right to practice
22 the religious tenets of such church or religious denomination, and
23 expenditure shall not include one made for communication by a person
24 strictly with the person's paid members or shareholders;

25 (5) Expenditure means a purchase, payment, distribution, gift, loan,
26 or advance of money or anything of value, and a contract, promise, or
27 agreement to make an expenditure, for goods, services, materials, or
28 facilities for the purpose of influencing the qualification, passage, or
29 defeat of a ballot question or the passage or defeat of a legislative
30 question;

31 (6) Legislative question means a question in the form of a measure
32 referred by the Arkansas General Assembly, a quorum court, a municipality, or
33 school district to a popular vote at an election;

34 (7) Legislative question committee means any person, other than an
35 individual, who receives contributions or makes expenditures for the purpose

1 of attempting to influence the passage or defeat of any legislative question;

2 (8) Person means any individual, business, proprietorship, firm,
3 partnership, joint venture, syndicate, business trust, labor organization,
4 company, corporation, association, committee, or any other organization or
5 group of persons acting in concert;

6 (9) Qualification of a ballot question means any action or process,
7 legal or otherwise, through which a ballot question obtains certification to
8 be on the ballot at an election."

9

10 SECTION 3. Arkansas Code 7-9-404 is amended to read as follows:

11 "7-9-404. Statement of organization - Changes - Late fee.

12 (a) (1) A ballot question committee or a legislative question committee
13 shall file a statement of organization with the Arkansas Ethics Commission
14 within ten (10) days after the committee is formed. The Arkansas Ethics
15 Commission shall maintain such statement of organization until notified of the
16 committee's dissolution.

17 (2) A ballot question committee or legislative question committee
18 failing to file a statement of organization required by this section shall pay
19 a late-filing fee of ten dollars (\$10.00) for each day the statement remains
20 not filed.

21 (b) The statement of organization shall include the following
22 information:

23 (1) The name, the street address, and, where available, the
24 telephone number of the committee. A committee address and telephone number
25 may be that of the residence of an officer or director of the committee;

26 (2) The name, street address, and, where available, the telephone
27 number of the treasurer and other principal officers and directors of the
28 committee;

29 (3) The name and address of each financial institution in which
30 the committee deposits money or anything else of monetary value;

31 (4) The name of each person who or that is a member of the
32 committee. A person that is not an individual may be listed by its name
33 without also listing its own members, if any;

34 (5) A brief statement identifying the substance of each ballot
35 question whose qualification, passage, or defeat the committee seeks to

1 influence or of each legislative question whose passage or defeat the
2 committee seeks to influence.

3 (c) When any of the information required in a statement of organization
4 is changed, an amendment shall be filed within ten (10) days to reflect the
5 change, except that changes in individual membership may be filed when the
6 next campaign statement is required. A committee failing to file a change as
7 required shall pay a late-filing fee of ten dollars (\$10.00) for each day the
8 change remains not filed.

9 (d) Upon dissolution, a ballot question committee or a legislative
10 question committee shall so notify the Arkansas Ethics Commission in writing."
11

12 SECTION 4. Arkansas Code 7-9-405 (d) (2) is amended to read as follows:

13 "(2) Any such anonymous contribution actually received by any ballot
14 question committee or legislative question committee shall be promptly paid by
15 the recipient to the Arkansas Ethics Commission for deposit in the State
16 Treasury as general revenues."
17

18 SECTION 5. Arkansas Code 7-9-406 is amended to read as follows:

19 "7-9-406. Financial reports - Requirement.

20 (a) A ballot question committee or legislative question committee which
21 either receives contributions or makes expenditures in excess of two hundred
22 fifty dollars (\$250) for the purpose of influencing the qualification,
23 passage, or defeat of a ballot question or the passage or defeat of a
24 legislative question shall file with the Arkansas Ethics Commission financial
25 reports as required by § 7-9-407.

26 (b) An individual person who on his or her own behalf expends in excess
27 of two hundred fifty dollars (\$250), excepting contributions, for the purpose
28 of influencing the qualification, passage, or defeat of a ballot question or
29 the passage or defeat of a legislative question shall file with the Arkansas
30 Ethics Commission financial reports as required by § 7-9-407."
31

32 SECTION 6. Arkansas Code 7-9-407 is amended to read as follows:

33 "7-9-407. Financial reports - Information.

34 A financial report of a ballot question committee, a legislative
35 question committee, or an individual person, as required by § 7-9-406, shall

1 contain the following information:

2 (1) The name, address, and telephone number of the committee or
3 individual person filing the statement;

4 (2) (A) For a committee:

5 (i) The total amount of contributions received during the
6 period covered by the financial report;

7 (ii) The total amount of expenditures made during the
8 period covered by the financial report;

9 (iii) The cumulative amount of those totals for each ballot
10 question or legislative question;

11 (iv) The balance of cash and cash equivalents on hand at
12 the beginning and the end of the period covered by the financial report;

13 (v) The total amount of contributions received during the
14 period covered by the financial statement from persons who contributed less
15 than one hundred dollars (\$100), and the cumulative amount of that total for
16 each ballot question or legislative question;

17 (vi) The total amount of contributions received during the
18 period covered by the financial statement from persons who contributed one
19 hundred dollars (\$100) or more, and the cumulative amount of that total for
20 each ballot question or legislative question;

21 (vii) The name and street address of each person from whom
22 a contribution(s) exceeding one hundred dollars (\$100) was received during the
23 period covered by the financial report, together with the amount contributed,
24 the date of receipt, and the cumulative amount contributed by that person for
25 each ballot question or legislative question;

26 (B) For an individual person:

27 (i) The total amount of expenditures made during the period
28 covered by the financial report; and

29 (ii) The cumulative amount of that total for each ballot
30 question or legislative question; and

31 (3) The name and street address of each person to whom expenditures
32 totaling one hundred dollars (\$100) or more were made, together with the
33 amount of each separate expenditure to each person during the period covered
34 by the financial report and the purpose of the expenditure."

35

1 SECTION 7. Arkansas Code 7-9-410 is amended to read as follows:

2 "7-9-410. Public inspection.

3 All statements of organization and financial reports required by this
4 subchapter shall be open to public inspection at the office of the Arkansas
5 Ethics Commission during regular office hours."
6

7 SECTION 8. Arkansas Code Title 7, Chapter 9, Subchapter 4 is amended to
8 add a new section to read as follows:

9 "7-9-411. The Arkansas Ethics Commission shall have the same power and
10 authority to enforce the provisions of this subchapter as is provided the
11 Commission under § 7-6-217 and § 7-6-218 for the enforcement of campaign
12 finance laws."
13

14 SECTION 9. All provisions of this act of a general and permanent nature
15 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
16 Revision Commission shall incorporate the same in the Code.
17

18 SECTION 10. If any provision of this act or the application thereof to
19 any person or circumstance is held invalid, such invalidity shall not affect
20 other provisions or applications of the act which can be given effect without
21 the invalid provision or application, and to this end the provisions of this
22 act are declared to be severable.
23

24 SECTION 11. All laws and parts of laws in conflict with this act are
25 hereby repealed.
26

27 APPROVED: 04/13/93
28
29
30
31
32
33
34
35

1

2

3

4