

Stricken language would be deleted from and underlined language would be added to law as it existed prior to the 82nd General Assembly.

1 State of Arkansas *As Engrossed: S2/4/99 S2/9/99 S2/16/99 S2/18/99 S2/25/99*

2 82nd General Assembly

A Bill

Act 553 of 1999

3 Regular Session, 1999

SENATE BILL 182

4

5 By: Senators Gwatney, Bradford, Mahony, Hunter

6 By: Representatives Faris, B. Johnson, Cook, Creekmore, Hale, Prater, Magnus, Ferrell, P. Malone,
7 Napper, T. Thomas, Willis, Agee, King, *Biggs, Scrimshire, Hickinbotham, Eason, Gullett, Salmon,*
8 *Jones, Bookout, Bledsoe, Laverty, Trammell, Vess, Milum, Rackley, Simmons, Bennett, Parks,*
9 *Taylor, Lendall, Hunt, Duggar, Milligan, Hathorn, Dees, Sheppard, French*

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For An Act To Be Entitled

13

"AN ACT TO AMEND VARIOUS CAMPAIGN AND ETHICS LAWS; AND
14 FOR OTHER PURPOSES. "

15

16

Subtitle

17

"AN ACT TO AMEND VARIOUS CAMPAIGN AND
18 ETHICS LAWS; AND FOR OTHER PURPOSES. "

19

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AN ACT TO AMEND VARIOUS CAMPAIGN AND
21 ETHICS LAWS; AND FOR OTHER PURPOSES. "

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

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SECTION 1. Arkansas Code 7-1-103(a)(3) is amended to read as follows:

26

"(3) It shall be unlawful for any public ~~officer, deputy, or assistant~~
27 ~~who may be a candidate for the nomination to any office, or who may be a~~
28 ~~candidate for any office to be voted for at any election, to use any office or~~
29 ~~room furnished at public expense for his political headquarters or to send out~~
30 ~~or distribute any letters, circulars, or other campaign literature from a~~
31 public office or room servant, as defined in § 21-8-402(17), to use any office
32 or room furnished at public expense to distribute any letters, circulars, or
33 other campaign materials, unless such office or room is regularly used by
34 members of the public for such purposes without regard to political
35 affiliation. It shall further be unlawful for any public servant to use for
36 campaign purposes any item of personal property provided with public funds;"

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SECTION 2. Arkansas Code 7-6-201(9)(B) which is a portion of the definition of an approved political action committee is amended to read as follows:

"(B) Does not accept any contribution or cumulative contributions in excess of ~~two hundred dollars (\$200)~~ five thousand dollars (\$5,000) from any person in any calendar year; and"

SECTION 3. Arkansas Code 7-6-203(j)(2) and (3) are amended to read as follows:

"(2) If an unopposed candidate agrees not to solicit further campaign contributions by filing an affidavit with the Secretary of State declaring such agreement, the candidate may dispose of any surplus campaign funds prior to a general election ~~after~~ as soon as the time has passed to declare an intent to be a write-in candidate pursuant to § 7-5-205. Unopposed candidates and defeated candidates who file the affidavit are exempt from further reporting requirements provided that the affidavit contains a statement that the candidate's campaign fund has a zero balance.

(3)(A) Carryover funds may be expended at any time for any purpose not prohibited by this chapter and may be used as campaign funds for seeking any public office. Nothing shall prohibit a person at any time from disposing of all or any portion of his or her carryover funds in the same manner as for surplus campaign funds. However, the candidate shall not take the funds as personal income or as income for his or her spouse or dependent children.

(B)(i) When a person having carryover funds ~~becomes~~ files as a candidate for public office his or her carryover funds shall be transferred to the person's active campaign fund. Once transferred the funds will no longer be treated as carryover funds.

(ii) This subdivision (j)(3)(B) shall not apply to carryover funds from an election held prior to July 1, 1997.

(iii) This subdivision (j)(3)(B) shall not apply to a campaign debt.

(C)(i) If carryover funds are expended prior to transferring the funds to an active campaign fund, the expenditures shall be reported pursuant to this subdivision (j)(3)(C). A person shall file an expenditure report concerning carryover funds if, since the last report concerning the carryover

1 funds, the person has expended in excess of five hundred dollars (\$500). The
2 report shall be filed not later than fifteen (15) days after a calendar
3 quarter in which a report becomes required. No report is required in any
4 calendar quarter in which the cumulative expenditure limit has not been
5 exceeded since the person's last report.

6 (ii) The person shall also file an expenditure report for
7 the calendar quarter in which he or she transfers the carryover funds to an
8 active campaign fund, unless the person has not expended any carryover funds
9 since his or her last report.

10 (iii) A person who retains carryover funds shall file an
11 annual report outlining the status of the carryover fund account as of
12 December 31 unless the person has made a quarterly report during the calendar
13 year pursuant to subdivisions (j)(3)(C)(i) and (ii) of this section. The
14 annual report shall be filed with the Secretary of State and shall be due by
15 January 31 of each year."

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17 SECTION 4. Arkansas Code 7-6-205 is amended to read as follows:

18 "7-6-205. Contributions made indirectly, anonymously, or under assumed
19 names.

20 (a) No campaign contribution shall be made ~~in support of or opposition~~
21 ~~to a candidate other than directly to the candidate or to the candidate's~~
22 ~~campaign committee.~~ to a candidate, a political action committee, an
23 independent expenditure committee, an exploratory committee or a political
24 party unless such contribution is made directly to the intended recipient,
25 provided that it shall be permissible to make a contribution to a candidate's
26 campaign committee instead of directly to the candidate.

27 (b) No contribution shall be made, ~~directly or indirectly, by any~~
28 ~~person in a name other than the name by which the person is identified for~~
29 ~~legal purposes.~~ to or knowingly accepted by a candidate or his or her campaign
30 committee, a political action committee, an independent expenditure committee,
31 an exploratory committee or a political party unless the contribution is made
32 in the name by which the person providing the funds for the contribution is
33 identified for legal purposes.

34 (c)(1) No person shall make an anonymous contribution in support of or
35 opposition to a candidate or campaign committee totaling fifty dollars
36 (\$50.00) or more in a calendar year.

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

5 (d) Whenever any person provides his or her dependent child with funds
6 and the child uses those funds to make a contribution to a candidate, the
7 contribution shall be attributed to such person for purposes of applying the
8 contribution limit pursuant to § 7-6-203(b).

9 (e) Campaign contributions may not be made by individuals who are not
10 citizens of the United States of America or by any other entity which is not
11 organized, existing or created under the laws of the United States or of any
12 state or other place subject to the jurisdiction of the United States and
13 which does not have its principal place of business in the United States."
14

15 SECTION 5. Arkansas Code 7-6-206(b) is amended to read as follows:

16 "(b) The records shall be made available to the prosecuting attorney in
17 the district in which the candidate resides, who is delegated the
18 responsibility of enforcing this subchapter, and shall be maintained for a
19 period of ~~five (5)~~ four (4) years."
20

21 SECTION 6. Arkansas Code 7-6-207(a) through (c) are amended to read as
22 follows:

23 "(a) Reports Required. (1) Except as provided in subsection (c) of this
24 section, each candidate for office, other than a school district, township,
25 municipal, or county office, or a person acting in the candidate's behalf,
26 shall file with the Secretary of State and the county clerk in the county
27 where the candidate resides:

28 (A) For each quarter during a calendar year in which a
29 candidate is not listed on any ballot for election, a quarterly report of all
30 contributions received and expenditures made during that quarter. The
31 quarterly report shall be filed no later than fifteen (15) days after the end
32 of each quarter;

33 (B) Beginning with the month of January in the calendar
34 year in which a candidate may be listed on any ballot for election, a monthly
35 report of all contributions received and expenditures made during that month.
36 However, for any month in which certain days of that month are included in a

1 preelection report required under subdivision (a)(1)(C) of this section, no
2 monthly report for that month shall be due, but those days of that month not
3 included in the preelection report shall be carried forward and included in
4 the final ~~election~~ report for that election. In the case of a primary or
5 runoff election, those days of the month not covered by the final report shall
6 be carried forward and included in the next monthly report. The monthly
7 report shall be filed no later than fifteen (15) days after the end of each
8 month, except that the final ~~monthly~~ report, covering the month during which
9 an election is held, shall be filed within thirty (30) days after the end of
10 the month in which the last election is held at which the candidate seeks
11 nomination and after the end of the month in which the general election is
12 held. With respect to a special election, the candidate shall file monthly
13 reports under this section beginning with the month in which the special
14 election candidate's total campaign contributions or expenditures exceed five
15 hundred dollars (\$500);

16 (C) No later than seven (7) days prior to a preferential
17 primary election, a runoff election, a general election, or a special
18 election, file a preelection report of all contributions received and
19 expenditures made between the period covered by the previous report and the
20 period ten (10) days before the election; ~~and.~~

21 ~~(D) No later than fifteen (15) days after the end of the~~
22 ~~quarter, a quarterly supplemental report of all contributions received and~~
23 ~~expenditures made between the final monthly report and the first quarterly~~
24 ~~report. No supplemental report is required to be filed during any quarter in~~
25 ~~which the candidate has received no contributions and made no expenditures.~~

26 (2) Upon receiving the first report from any candidate, or upon
27 receipt of the candidate's notice of filing for office, the Secretary of State
28 shall provide the candidate with information on the deadlines for filing
29 remaining quarterly, monthly, and preelection reports and shall furnish each
30 candidate with the appropriate forms and instructions for complying with the
31 deadlines. All reports shall be filed on the forms furnished by the Secretary
32 of State, except that computer-generated contribution and expenditure reports
33 shall be accepted by the Secretary of State and the Arkansas Ethics Commission
34 provided that all of the requisite elements are included.

35 (3) For any report except a preelection report, a report is
36 timely filed if it is either hand-delivered or mailed to the Secretary of

1 State, properly addressed, postage prepaid, bearing a postmark indicating that
2 it was received by the post office or common carrier on the date that the
3 report is due. A preelection report is timely filed if it is received in the
4 Secretary of State's office no later than seven (7) days prior to the election
5 for which it is filed. The Secretary of State shall accept ~~an electronic~~
6 ~~facsimile via telephone transmission of any preelection report.~~ via facsimile
7 any report, provided the original is received by the Secretary of State within
8 ten (10) days of the date of transmission. The Secretary of State may receive
9 reports in a readable electronic format which is acceptable to the Secretary
10 of State and approved by the Arkansas Ethics Commission.

11 (b) Contents of Reports. (1) The contribution and expenditure reports
12 required by subsection (a) of this section shall indicate:

13 (A) The total amount of contributions received and the
14 total amount of expenditures made during the filing periods, and the
15 cumulative amount of those totals;

16 (B) The name and address of each person, including the
17 candidate, who made a contribution or contributions which, in the aggregate,
18 exceed fifty dollars (\$50), the contributor's place of business, employer,
19 occupation, and date of the contribution and the amount contributed;

20 (C) The contributor's principal place of business,
21 employer, occupation, the amount contributed, ~~and~~ the date the contribution
22 was accepted by the candidate and the aggregate contributed for each election;

23 (D) ~~A description of nonmoney items contributed.~~ The name
24 and address of each person, including the candidate, who contributed a
25 nonmoney item, together with a description of the items, the date of receipt,
26 and the value, not including volunteer service by individuals;

27 (E) An itemization of all single expenditures made which
28 exceed one hundred dollars (\$100), including the amount of the expenditure,
29 the name and address of any person, including the candidate, to whom the
30 expenditure was made, and the date the expenditure was made;

31 (F) A list of all paid campaign workers and the amount the
32 workers were paid;

33 (G) A list of all expenditures by categories, including,
34 but not limited to, television, radio, print, and other advertising, direct
35 mail, office supplies, rent, travel, expenses, entertainment, and telephone;

36 (H) The total amount of all nonitemized expenditures made

1 during the filing period; and

2 (1) The current ~~surplus or debt~~ balance of campaign funds.

3 (2) The final report shall also indicate which option under § 7-
4 6-203(j) was used to dispose of any surplus of campaign funds, the amount of
5 funds disposed of by the candidate, and the amount of funds retained by the
6 candidate in accordance with § 7-6-203(j).

7 (c) Reports Not Required. (1) The candidate or any person acting in the
8 candidate's behalf shall comply with the filings required by this section
9 beginning with the first reporting period, either quarterly, monthly, or
10 preelection, in which his total contributions or expenditures exceed five
11 hundred dollars (\$500). A candidate who has not received contributions or made
12 expenditures in excess of five hundred dollars (\$500) shall not be required to
13 file any reports required under this section other than the final ~~monthly~~
14 report required under subdivision (a)(1)(B) of this section. In calculating
15 the amount of contributions received or expenditures made for purposes of this
16 exception, the payment of the filing fee from the candidate's personal funds
17 shall not be considered as either a contribution or an expenditure.

18 (2) ~~A candidate or any person acting in the candidate's behalf as~~
19 ~~covered by this subsection shall not be required to file the expenditure or~~
20 ~~supplemental reports identified in § 7-6-212. The preelection reports~~
21 ~~referenced in (a)(1)(C) are only required for candidates with opponents in~~
22 ~~those elections."~~

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24 SECTION 7. Arkansas Code 7-6-208(a) is amended to read as follows:

25 "(a) Reports Required. Except as provided in ~~§ 7-6-207(c)~~, subsection
26 (d) of this section, ~~and § 7-6-209(d)~~, each candidate for school district,
27 township, or municipal office, or a person acting in the candidate's behalf,
28 shall:

29 (1) No later than seven (7) days prior to preferential primary
30 elections, runoff elections, general elections, school elections, and special
31 elections, file a preelection report of all contributions received ~~no later~~
32 ~~than~~ and expenditures made between the period covered by the previous report,
33 if any, and the period ten (10) days before the election;

34 (2) No later than thirty (30) days after preferential primary
35 elections, runoff elections, general elections, school elections, and special
36 elections, file a final report of all contributions received and expenditures

1 made no earlier than nine (9) days prior to the election; and

2 (3) File supplemental reports of all contributions received and
3 expenditures made after the date of preparation of the final report, and the
4 supplemental reports shall be filed within thirty (30) days after receipt of
5 the contributions."

6
7 SECTION 8. Arkansas Code 7-6-208(b) is amended to read as follows:

8 "(b) Contents of Reports. ~~(1) The campaign contribution reports~~
9 ~~required by subsection (a) of this section shall indicate the total amount of~~
10 ~~contributions received during the filing periods and the name, address,~~
11 ~~principal place of business, employer, occupation, and the amount and date of~~
12 ~~contribution for each person, including the candidate, who makes a~~
13 ~~contribution or contributions which, in the aggregate, exceed fifty dollars~~
14 ~~(\$50). The reports shall be filed with the county clerk in the county in which~~
15 ~~the election is held.~~

16 ~~_____ (2) The final report shall also indicate which option under § 7-~~
17 ~~6-203(j) was used to dispose of any surplus of campaign funds.~~

18 ~~(3) The county clerk shall notify each candidate by mail~~
19 ~~postmarked at least fourteen (14) days prior to the deadline for filing the~~
20 ~~pre-election contribution reports and the final contribution reports and, at~~
21 ~~that time, furnish each candidate with the appropriate forms and instructions~~
22 ~~for complying with the deadlines. The final report notice shall also inform~~
23 ~~the candidates of the deadline for filing supplemental contribution reports~~
24 ~~and supplemental expenditure reports and shall include the forms and~~
25 ~~instructions for those reports. (1) The contribution and expenditure reports~~
26 ~~required by subsection (a) of this section shall indicate:~~

27 (A) The total amount of contributions received and the
28 total amount of expenditures made during the filing periods, and the
29 cumulative amount of those totals;

30 (B) The name and address of each person, including the
31 candidate, who made a contribution or contributions which, in the aggregate,
32 exceed fifty dollars (\$50), the contributor's place of business, employer,
33 occupation, and date of the contribution and the amount contributed;

34 (C) The contributor's principal place of business,
35 employer, occupation, the amount contributed, the date the contribution was
36 accepted by the candidate and the aggregate contributed for each election;

1 (D) The name and address of each person, including the
2 candidate, who contributed a nonmoney item, together with a description of the
3 items, the date of receipt, and the value, not including volunteer service by
4 individuals;

5 (E) An itemization of all single expenditures made which
6 exceed one hundred dollars (\$100), including the amount of the expenditure,
7 the name and address of any person, including the candidate, to whom the
8 expenditure was made, and the date the expenditure was made;

9 (F) A list of all paid campaign workers and the amount the
10 workers were paid;

11 (G) A list of all expenditures by categories, including,
12 but not limited to, television, radio, print, and other advertising, direct
13 mail, office supplies, rent, travel, expenses, entertainment, and telephone;

14 (H) The total amount of all nonitemized expenditures made
15 during the filing period; and

16 (I) The current balance of campaign funds.

17 (2) The final report shall also indicate which option under § 7-
18 6-203(j) was used to dispose of any surplus of campaign funds, the amount of
19 funds disposed of by the candidate, and the amount of funds retained by the
20 candidate in accordance with § 7-6-203(j)."

21
22 SECTION 9. Arkansas Code 7-6-208(c) and (d) are amended to read as
23 follows:

24 ~~"(c) Supplemental Reports. Any contributions received after the final~~
25 ~~report is filed shall be reported in a supplemental report within thirty (30)~~
26 ~~days after the receipt of the contributions. Filing of Reports. The reports~~
27 ~~required by this Section shall be filed with the county clerk in the county in~~
28 ~~which the election is held. Reports shall be filed on the appropriate forms~~
29 ~~furnished by the Secretary of State for this purpose and shall include the~~
30 ~~name and address of each person who has made a contribution which in the~~
31 ~~aggregate exceeds one hundred dollars (\$100), the contributor's principal~~
32 ~~place of business, employer, and occupation, and the amount contributed.~~

33 ~~(d) Reports Not Required. (1) Candidates who are unopposed in any~~
34 ~~election are not required to file any contribution reports prior to those~~
35 ~~unopposed elections. Further, the final contribution report following~~
36 ~~preferential primary elections may be included in the final report following~~

1 ~~the general primary election.~~

2 ~~(2) A candidate or any person acting in the candidate's behalf~~
3 ~~who has not received contributions in excess of five hundred dollars (\$500) as~~
4 ~~of the date a preelection report shall be complete shall not be required to~~
5 ~~file the preelection report required by this section. That candidate or person~~
6 ~~shall comply with the preelection filing required by this section within three~~
7 ~~(3) days after he has received contributions in excess of five hundred dollars~~
8 ~~(\$500).~~

9 (d) (1) A candidate who has not received contributions or made
10 expenditures in excess of five hundred dollars (\$500) shall not be required to
11 file any preelection reports required under subdivision (a)(1) of this
12 section. In calculating the amount of contributions received or expenditures
13 made for purposes of this exception, the payment of the filing fee from the
14 candidate's personal funds shall not be considered as either a contribution or
15 an expenditure.

16 (2) In the event of a runoff election following a preferential
17 primary election, a general election, a school election or a special election,
18 the final report for that particular election may be included in the final
19 report due for the runoff election."

20
21 SECTION 10. Arkansas Code 7-6-209(a) is amended to read as follows:

22 "(a) Reports Required. Except as provided in ~~§§ 7-6-207(c), 7-6-208(d),~~
23 ~~and~~ subsection (d) of this section, each candidate for county office or a
24 person acting in the candidate's behalf, shall:

25 (1) No later than seven (7) days prior to preferential primary
26 elections, runoff elections, general elections, and special elections, file a
27 preelection report of all contributions received ~~no later than~~ and
28 expenditures made between the period covered by the previous report, if any,
29 and the period ten (10) days before the election;

30 (2) No later than thirty (30) days after preferential primary
31 elections, runoff elections, general elections, and special elections, file a
32 final report of all contributions received and expenditures made no earlier
33 than nine (9) days prior to the election; and

34 (3) File supplemental reports of all contributions received and
35 expenditures made after the date of preparation of the final report, and the
36 supplemental reports shall be filed within thirty (30) days after receipt of

1 the contributions."

2
3 SECTION 11. Arkansas Code 7-6-209(b) is amended to read as follows:

4 "(b) Contents of Reports. ~~(1) The campaign contribution reports~~
5 ~~required by subsection (a) of this section shall indicate the total amount of~~
6 ~~contributions received during the filing periods and the name, address,~~
7 ~~principal place of business, employer, occupation, and the amount and date of~~
8 ~~contribution for each person, including the candidate, who makes a~~
9 ~~contribution or contributions which, in the aggregate, exceed fifty dollars~~
10 ~~(\$50). The reports shall be filed with the county clerk in the county in which~~
11 ~~the election is held.~~

12 ~~(2) The final report shall also indicate which option under § 7-~~
13 ~~6-203(j) was used to dispose of any surplus of campaign funds.~~

14 ~~(3) The county clerk shall notify each candidate by mail~~
15 ~~postmarked at least fourteen (14) days prior to the deadline for filing the~~
16 ~~pre-election contribution reports and the final contribution reports and, at~~
17 ~~that time, furnish each candidate with the appropriate forms and instructions~~
18 ~~for complying with the deadlines. The final report notice shall also inform~~
19 ~~the candidates of the deadline for filing supplemental contribution reports~~
20 ~~and supplemental expenditure reports and shall include the forms and~~
21 ~~instructions for those reports. (1) The contribution and expenditure reports~~
22 ~~required by subsection (a) of this section shall indicate:~~

23 ~~(A) The total amount of contributions received and the~~
24 ~~total amount of expenditures made during the filing periods, and the~~
25 ~~cumulative amount of those totals;~~

26 ~~(B) The name and address of each person, including the~~
27 ~~candidate, who made a contribution or contributions which, in the aggregate,~~
28 ~~exceed fifty dollars (\$50), the contributor's place of business, employer,~~
29 ~~occupation, and date of the contribution and the amount contributed;~~

30 ~~(C) The contributor's principal place of business,~~
31 ~~employer, occupation, the amount contributed, the date the contribution was~~
32 ~~accepted by the candidate and the aggregate contributed for each election;~~

33 ~~(D) The name and address of each person, including the~~
34 ~~candidate, who contributed a nonmoney item, together with a description of the~~
35 ~~items, the date of receipt, and the value, not including volunteer service by~~
36 ~~individuals;~~

1 (E) An itemization of all single expenditures made which
2 exceed one hundred dollars (\$100), including the amount of the expenditure,
3 the name and address of any person, including the candidate, to whom the
4 expenditure was made, and the date the expenditure was made;

5 (F) A list of all paid campaign workers and the amount the
6 workers were paid;

7 (G) A list of all expenditures by categories, including,
8 but not limited to, television, radio, print, and other advertising, direct
9 mail, office supplies, rent, travel, expenses, entertainment, and telephone;

10 (H) The total amount of all nonitemized expenditures made
11 during the filing period; and

12 (I) The current balance of campaign funds.

13 (2) The final report shall also indicate which option under § 7-
14 6-203(j) was used to dispose of any surplus of campaign funds, the amount of
15 funds disposed of by the candidate, and the amount of funds retained by the
16 candidate in accordance with § 7-6-203(j)."

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18
19 SECTION 12. Arkansas Code 7-6-209(c) and (d) are amended to read as
20 follows:

21 ~~"(c) Supplemental Reports Required. Any contributions received after~~
22 ~~the final report is filed shall be reported in a supplemental report within~~
23 ~~thirty (30) days after receipt of the contributions. Filing of Reports. The~~
24 ~~reports required by this Section shall be filed with the county clerk in the~~
25 ~~county in which the election is held. Reports shall be filed on the~~
26 ~~appropriate forms furnished by the Secretary of State for this purpose and~~
27 ~~shall include the name and address of each person who has made a contribution~~
28 ~~which in the aggregate exceeds two hundred fifty dollars (\$250), the~~
29 ~~contributor's principal place of business, employer, and occupation, and the~~
30 ~~amount contributed.~~

31 ~~(d) Reports Not Required. (1) Candidates who are unopposed in any~~
32 ~~election are not required to file any contribution reports prior to those~~
33 ~~unopposed elections. Further, the final contribution report following~~
34 ~~preferential primary elections may be included in the final report following~~
35 ~~the general primary election.~~

36 ~~(2) A candidate or any person acting in the candidate's behalf~~

1 ~~who has not received contributions in excess of five hundred dollars (\$500) as~~
2 ~~of the date a preelection report shall be complete shall not be required to~~
3 ~~file the preelection report required by this section. That candidate or person~~
4 ~~shall comply with the preelection filing required by this section within three~~
5 ~~(3) days after he has received contributions in excess of five hundred dollars~~
6 ~~(\$500).~~

7 (d)(1) A candidate who has not received contributions or made
8 expenditures in excess of five hundred dollars (\$500) shall not be required to
9 file any preelection reports required under subdivision (a)(1) of this
10 section. In calculating the amount of contributions received or expenditures
11 made for purposes of this exception, the payment of the filing fee from the
12 candidate's personal funds shall not be considered as either a contribution or
13 an expenditure.

14 (2) In the event of a runoff election following a preferential
15 primary election, a general election, or a special election, the final report
16 for that particular election may be included in the final report due for the
17 runoff election."

18
19 SECTION 13. Arkansas Code 7-6-211 is hereby repealed.

20 ~~7-6-211. Exemption from filing reports of contributions.~~

21 ~~(a) A candidate or any person acting in the candidate's behalf who has~~
22 ~~not received contributions in excess of five hundred dollars (\$500) as of the~~
23 ~~date a preelection report shall be complete shall not be required to file the~~
24 ~~preelection report required by §§ 7-6-207 - 7-6-209.~~

25 ~~(b) The candidate or person shall comply with the preelection filing~~
26 ~~required by §§ 7-6-207 - 7-6-209 within three (3) days after he has received~~
27 ~~contributions in excess of five hundred dollars (\$500).~~

28
29 SECTION 14. Arkansas Code 7-6-212 is repealed.

30 ~~7-6-212. Reports of expenditures.~~

31 ~~(a) A candidate or person acting in the candidate's behalf shall file,~~
32 ~~along with the final report required in §§ 7-6-207 - 7-6-209 of this~~
33 ~~subchapter, with the Secretary of State and the county clerk in the county in~~
34 ~~which the candidate resides, or, if it is a school district, township,~~
35 ~~municipal, or county office, with the county clerk in the county in which the~~
36 ~~election is to be held, a list of all expenditures by categories including,~~

1 ~~but not limited to, television, radio, print, and other advertising, direct~~
2 ~~mail, office supplies, rent, travel, expenses, entertainment, and telephone.~~

3 ~~(b) The expenditure report shall include the names of all paid campaign~~
4 ~~workers and the amount the workers were paid.~~

5 ~~(c) Each candidate or person acting in the candidate's behalf shall~~
6 ~~also file a supplemental report, including the same information as required~~
7 ~~herein, to disclose any subsequent expenditures after the compilation date of~~
8 ~~the final report.~~

9 ~~(d) Supplemental expenditure reports shall be filed no later than~~
10 ~~thirty (30) days after the expenditure.~~

11 ~~(e) Candidates for other than a school district, township, municipal,~~
12 ~~or county office shall file supplemental expenditure reports with the~~
13 ~~Secretary of State and the county clerk in the county in which the candidate~~
14 ~~resides.~~

15 ~~(f) Candidates for a school district, township, municipal, or county~~
16 ~~office shall file supplemental expenditure reports with the county clerk of~~
17 ~~the county in which the election is held.~~

18
19 SECTION 15. Arkansas Code 7-6-215(a) is amended to read as follows:

20 "(a) To qualify as an approved political action committee, the
21 committee shall register with the Secretary of State within fifteen (15) days
22 after accepting contributions during a calendar year which, in the aggregate,
23 exceed five hundred dollars (\$500). ~~Each such committee~~ Such registration
24 shall be annually renewed by January 15, unless it the
25 committee has ceased to exist. Registration shall be on forms provided by the
26 Secretary of State and the contents therein shall be verified by an affidavit
27 of an officer of the committee. The committee shall ~~verify that it will~~
28 maintain for a period of ~~two (2)~~ four (4) years records evidencing the name,
29 address, and place of employment of each person who contributed to the
30 committee, along with the amount contributed. Further, the committee shall
31 maintain for a period of four (4) years records evidencing the name and
32 address of each candidate who received a contribution from the committee,
33 along with the amount contributed."

34
35 SECTION 16. Arkansas Code 7-6-215(b)(3) is repealed.

36 ~~(3) The name of each candidate, if any, to whom the committee~~

1 ~~contributed during the previous calendar year, with the amount contributed and~~
2 ~~the office sought for each candidate.~~

3
4 SECTION 17. Arkansas Code 7-6-215 is amended by adding the following
5 language:

6 "(d) Within fifteen (15) calendar days after the end of each calendar
7 quarter, political action committees shall file a quarterly report with the
8 Secretary of State including the following information:

9 (1) The total amount of contributions received and the total
10 amount of contributions made during the filing period and the cumulative
11 amount of those totals;

12 (2) The current balance of committee funds;

13 (3) The name and address of each person who made a contribution,
14 or contributions, to the committee which, in the aggregate, exceeded five
15 hundred dollars (\$500), the contributor's place of business, employer,
16 occupation, the date of the contribution, the amount contributed and the total
17 contributed for the year;

18 (4) The name and address of each candidate, if any, to whom the
19 committee made a contribution or contributions which, in the aggregate, exceed
20 fifty dollars (\$50.00) during the filing period, with the amount contributed
21 and the office sought for each candidate; and

22 (5) Any change in information required in subsection (b). The
23 reports shall be verified by an affidavit of an officer of the committee
24 stating that to the best of his knowledge and belief the information so
25 disclosed is a complete, true and accurate financial statement of the
26 committee's contributions received and made."

27
28 SECTION 18. Arkansas Code 7-6-216(c) is amended to read as follows:

29 "(c) Within fifteen (15) days of the end of each month, an exploratory
30 committee shall file a contribution report with the Secretary of State
31 indicating the total amount of contributions received during the filing period
32 and the name and address of each person who has made a contribution which, in
33 the aggregate, exceeds ~~one hundred dollars (\$100)~~ fifty dollars (\$50), along
34 with the contributor's principal place of business, employer, occupation, and
35 the amount contributed. The first report shall be filed for the month in which
36 the committee files its registration. The final report shall be filed within

1 fifteen (15) days after the end of the month in which the committee either
2 transfers its contributions to a candidate's campaign or no longer accepts
3 contributions."

4
5 SECTION 19. Arkansas Code 7-6-217(a)(2) pertaining to the membership of
6 the Arkansas Ethics Commission is amended to read as follows:

7 "(2) Members of the commission shall be appointed for terms of five (5)
8 years and shall continue to serve until their successors have been appointed
9 and have taken the official oath."

10
11 SECTION 20. Arkansas Code 7-6-217(g)(4) and (g)(5) pertaining to the
12 authority of the Arkansas Ethics Commission is amended to read as follows:

13 "(4) Pursuant to commission investigations, subpoena any person or the
14 books, records, or other documents being held by any person and take sworn
15 ~~depositions~~ statements;

16 (5) Administer oaths ~~and conduct hearings~~ for the purpose of taking
17 sworn testimony of witnesses ~~appearing before the commission~~ and conduct
18 hearings;

19
20 SECTION 21. Arkansas Code 7-6-217 is amended to add an additional
21 subsection to read as follows:

22 "(i) When in the course of an investigation the commission issues
23 subpoenas to financial institutions for records or information regarding a
24 person who is the subject of the investigation, the commission shall provide
25 the subject of the investigation with reasonable notice of the subpoenas and
26 an opportunity to respond."

27
28 SECTION 22. Arkansas Code 7-6-218 is amended to read as follows:

29 "7-6-218. Citizen complaints.

30 (a)(1) Any citizen wishing to file a complaint against a person covered
31 by this subchapter, by § 7-1-103(a)(1-4), (6) or (7), by subchapter 4 of Title
32 7, Chapter 9, as amended, or by subchapters 4-9 3-10 of title 21, chapter 8,
33 as amended, for an alleged violation of such subchapters may file a complaint
34 with the Arkansas Ethics Commission.

35 (2) A complaint must be filed within four (4) years after the
36 alleged violation occurred. If the alleged violation is the failure to file a

1 report or the filing of an incorrect report, the complaint must be filed
2 within four (4) years after the date the report was due.

3 (b)(1)(A) Upon a complaint stating facts constituting an alleged
4 violation signed under penalty of perjury by any person, the Arkansas Ethics
5 Commission shall investigate the alleged violation of this subchapter or § 7-
6 1-103(a)(1-4), (6) or (7), of subchapter 4 of Title 7, Chapter 9, as amended,
7 or of subchapters ~~4-9~~ 3-10 of title 21, chapter 8, as amended.

8 (B) The commission shall immediately notify any person
9 under investigation of the investigation and of the nature of the alleged
10 violation.

11 (C) The commission in a document shall advise the
12 complainant and the ~~accused~~ respondent of the final action taken together with
13 the reasons for the action, and such document shall be a public record.

14 (D) Filing of a frivolous complaint shall be a violation of
15 this subchapter. For purposes of this section, frivolous means clearly lacking
16 any basis in fact or law. In any case in which the commission has dismissed a
17 complaint, the respondent may request in writing that the commission make a
18 finding as to whether or not the complaint filed was frivolous. In the event
19 the commission finds that the complaint was frivolous, the respondent may file
20 a complaint seeking sanctions as provided in § 7-6-218(b)(4).

21 (2) If, after the investigation, the commission finds that
22 probable cause exists for a finding of a violation, the ~~accused~~ respondent may
23 request a hearing. The hearing shall be a public hearing.

24 (3)(A) The commission shall keep a record of its investigations,
25 inquiries, and proceedings.

26 (B) All proceedings, records, and transcripts of any
27 investigations or inquiries shall be kept confidential by the commission, and
28 unless the ~~accused~~ respondent requests disclosure of documents relating to
29 investigation of the case, or in case of a hearing under subdivision (b)(2) of
30 this section, or in case of judicial review of a commission decision pursuant
31 to § 25-15-212. Provided, however, that the commission may, through its
32 members or staff, disclose confidential information to proper law enforcement
33 officials, agencies and bodies or as may be required to conduct its
34 investigation.

35 (C) Thirty (30) days after any final adjudication in which
36 the commission makes a finding of a violation, all records relevant to the

1 investigation and upon which the commission has based its decision, except
2 working papers of the commission and its staff, shall be open to public
3 inspection.

4 (4) If the commission finds a violation of this subchapter, § 7-
5 1-103(a)(1-4), (6), or (7), or of subchapters 4 3-9 of title 21, chapter 8, as
6 amended, then the commission shall do one (1) or more of the following, unless
7 good cause be shown for the violation:

8 (A) Issue a public letter of caution or warning or
9 reprimand;

10 (B)(i) Notwithstanding the provisions of §§ 7-6-202, 7-9-
11 409, 21-8-403, and 21-8-903, impose a fine of not less than twenty-five
12 dollars (\$25.00) nor more than one thousand dollars (\$1,000) for negligent or
13 intentional violation of this subchapter, or of subchapters 4-~~9~~ 3-9 of title
14 21, chapter 8, as amended.

15 (ii) The commission shall adopt rules governing the
16 imposition of such fines in accordance with the provisions of the Arkansas
17 Administrative Procedure Act, beginning at § 25-15-201~~et seq.~~

18 (iii) All moneys received by the commission in
19 payment of fines shall be deposited in the State Treasury as general revenues;
20 or

21 (C) Report its finding, along with such information and
22 documents as it deems appropriate, and make recommendations to the proper law
23 enforcement authorities. When exercising the authority provided in this
24 subsection, the commission is not required to make a finding of a violation of
25 the laws under its jurisdiction.

26 (5) The commission shall complete its investigation of a
27 complaint filed pursuant to this section and take final action within one
28 hundred fifty (150) days of the filing of the complaint; except that, if a
29 hearing under subdivision (b)(2) or other hearing of adjudication is
30 conducted, all action on the complaint by the commission shall be completed
31 within one hundred eighty (180) days. Provided, however, that such time shall
32 be tolled during the pendency of any civil action involving those particular
33 commission proceedings.

34 (c) Any final action of the commission under this section shall
35 constitute an adjudication for purposes of judicial review under § 25-15-212.”
36

1 SECTION 23. Arkansas Code title 7 chapter 6 subchapter 2 is amended to
2 add the following language:

3 "7-6-225. Filing deadlines.

4 Whenever a report becomes due on a day which is a Saturday, Sunday, or
5 state holiday, the report shall be due the next day which is not a Saturday,
6 Sunday, or state holiday."

7
8 SECTION 24. Arkansas Code 7-9-404(a) is amended to read as follows:

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

14 (2) A ballot question committee or legislative question committee
15 failing to file a statement of organization required by this section shall ~~pay~~
16 be subject to a late filing fee of ten dollars (\$10.00) not exceeding twenty-
17 five dollars (\$25.00) for each day the statement remains not filed."

18
19 SECTION 25. Arkansas Code 7-9-409(a)(1)(2) are amended to read as
20 follows:

21 "(a)(1) The first financial reports identified in § 7-9-407 shall be
22 filed every thirty (30) days after the first receipt of a contribution or the
23 first expenditure, no later than fifteen (15) days following the month in
24 which the five hundred dollar (\$500) threshold of § 7-9-406 is met and
25 thereafter no later than fifteen (15) days after the end of each month until
26 the election is held in the case of a ballot question committee or legislative
27 question committee, or after the first expenditure, in the case of an
28 individual person. Provided, however, for any month in which certain days of
29 that month are included in a preelection financial report required under
30 subdivision (a)(2) of this section, no monthly report for that month shall be
31 due, but those days of that month shall be carried forward and included in the
32 final financial report.

33 (2) Additionally, a preelection financial report shall be filed not less
34 than ~~four (4)~~ seven (7) days prior to any election on the ballot question or
35 legislative question, such statement to have a closing date of ~~seven (7)~~ ten
36 (10) days prior to the election."

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SECTION 26. Arkansas Code 7-9-406 is amended to read as follows:

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

(a) A ballot question committee or legislative question committee which either receives contributions or makes expenditures in excess of ~~two hundred fifty dollars (\$250)~~ five hundred dollars (\$500) for the purpose of influencing the qualification, passage, or defeat of a ballot question or the passage or defeat of a legislative question shall file with the Arkansas Ethics Commission financial reports as required by § 7-9-407.

(b) An individual person who on his or her own behalf expends in excess of ~~two hundred fifty dollars (\$250)~~ five hundred dollars (\$500), ~~excepting~~ excluding contributions, for the purpose of influencing the qualification, passage, or defeat of a ballot question or the passage or defeat of a legislative question shall file with the Arkansas Ethics Commission financial reports as required by § 7-9-407.

(c) Any report required by this subchapter shall be deemed timely filed if it is:

(1) Hand-delivered to the Arkansas Ethics Commission on or before the date due;

(2) Mailed to the commission, properly addressed, postage prepaid, bearing a postmark indicating that it was received by the post office or common carrier on or before the date due;

(3) Received via facsimile by the commission on or before the date due, provided the original is received by the commission within ten (10) days of the transmission; or

(4) Received by the commission in a readable electronic format which is approved by the commission.

(d) Whenever a report under this subchapter becomes due on a day which is a Saturday, Sunday, or state holiday, the report shall be due the next day which is not a Saturday, Sunday, or state holiday."

SECTION 27. Arkansas Code 7-9-409(b) is amended to read as follows:

"(b) A ballot question committee, legislative question committee, or individual person who files a late financial report shall pay be subject to a late-filing fee of ~~ten dollars (\$10.00)~~ not exceeding twenty-five dollars (\$25.00) for each day the report remains unfiled."

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SECTION 28. Arkansas Code 7-9-410 is amended to read as follows:

"7-9-410. Public inspection record retention.

(a) All statements of organization and financial reports required by this subchapter shall be open to public inspection at the office of the Arkansas Ethics Commission during regular office hours.

(b) All records supporting the reports filed under this subchapter shall be retained by the filer for a period of four (4) years after the date of filing the report."

SECTION 29. Arkansas Code 16-21-118(b) is hereby repealed.

~~(b) During the month of April of each year, each prosecuting attorneys in the Division A Judicial Districts shall file with the circuit clerk of the largest county in his district as a public record, a written, sworn statement of all sources of income as that term is defined by § 61 of the Internal Revenue Code of 1954, as amended, received by him during the preceding calendar year.~~

SECTION 30. Arkansas Code 21-8-303(a) is amended to read as follows:

"(a) It shall be the duties and responsibilities of the prosecuting attorneys of this state to supervise compliance with this subchapter and to prosecute persons who violate the provisions hereof. Provided, however, the Arkansas Ethics Commission shall also have authority to investigate and address alleged violations of this subchapter."

SECTION 31. Arkansas Code 21-8-305 is hereby repealed.

~~21-8-305. Financial disclosure statements - Filing required -
Exceptions-~~

~~The following persons shall file a written statement required pursuant to this subchapter within the time specified in § 21-8-306:-~~

~~(1) All persons who are elected members of a school board or who are candidates for a position on a school board; and~~

~~(2) Any person appointed to one (1) of the following types of municipal or county boards or commissions:-~~

~~(A) A planning board or commission;~~

~~(B) An airport board or commission;~~

1 ~~(C) A water or sewer board or commission;~~

2 ~~(D) A utility board or commission; and~~

3 ~~(E) A civil service commission.~~

4
5 SECTION 32. Arkansas Code 21-8-306 is hereby repealed.

6 ~~21-8-306. Financial disclosure statements - Time and place of filing.~~

7 ~~(a) On or before the last day of January of each year, all persons~~
8 ~~required to file a statement under § 21-8-305 shall file the written statement~~
9 ~~required pursuant to this subchapter as follows:~~

10 ~~(1) State or district officials shall file with the Secretary of~~
11 ~~State;~~

12 ~~(2) County, township, or school district officials shall file~~
13 ~~with the county clerks;~~

14 ~~(3) Municipal officials shall file with the city clerk or~~
15 ~~recorder, as the case may be;~~

16 ~~(4) Municipal judges or city attorneys, whether elected or~~
17 ~~appointed, shall file with the city clerk of the municipality within which~~
18 ~~they serve.~~

19 ~~(b) Any candidate for public office shall not be required to file such~~
20 ~~information on or before January 31 of each year, but shall file such~~
21 ~~information within thirty (30) days after the deadline for filing for office~~
22 ~~for which he seeks election.~~

23 ~~(c) Any incumbent officeholder who filed such information on or before~~
24 ~~the last day of January of the year in which an election shall be held shall~~
25 ~~not be required to file an additional statement upon becoming a candidate for~~
26 ~~reelection or election to another office at any election held during such~~
27 ~~year.~~

28
29 SECTION 33. Arkansas Code 21-8-307 is hereby repealed.

30 ~~21-8-307. Financial disclosure statements - Public records.~~

31 ~~(a) The official with whom the statements are required to be filed~~
32 ~~pursuant to this subchapter shall retain all such written statements in a file~~
33 ~~as a public record which shall be open to public inspection during all office~~
34 ~~hours.~~

35 ~~(b) Such statement shall be retained as a public record for five (5)~~
36 ~~years after which time the statements shall be destroyed.~~

1
2 SECTION 34. Arkansas Code 21-8-308 is hereby repealed.

3 ~~21-8-308. Financial disclosure statements - Contents.~~

4 ~~(a) The statements required by this subchapter shall be filed on forms~~
5 ~~provided by the Secretary of State, county clerk, city clerk, or recorder, as~~
6 ~~the case may be, and shall include the following:~~

7 ~~(1)(A) The name and address of any corporation, firm, or~~
8 ~~enterprise in which the person has a direct financial interest of a value in~~
9 ~~excess of one thousand dollars (\$1,000).~~

10 ~~(B) Policies of insurance issued to himself or his spouse are~~
11 ~~not to be considered a financial interest;~~

12 ~~(2) A list of every office or directorship held by himself or his~~
13 ~~spouse in any corporation, firm, or enterprise subject to jurisdiction of a~~
14 ~~regulatory agency of this state or any of its political subdivisions;~~

15 ~~(3) A list showing the name and address of any person,~~
16 ~~corporation, firm, or enterprise from which the person received compensation~~
17 ~~in excess of one thousand five hundred dollars (\$1,500) during the preceding~~
18 ~~year;~~

19 ~~(4) A list showing the name and address of any person,~~
20 ~~corporation, firm, or enterprise from which the persons received compensation~~
21 ~~in excess of twelve thousand five hundred dollars (\$12,500) during the~~
22 ~~preceding year; and~~

23 ~~(5) A list showing the name of each regulatory agency before~~
24 ~~which the person has appeared in a compensated capacity during the preceding~~
25 ~~twelve-month period as an attorney, accountant, or otherwise, and the name of~~
26 ~~the person, partnership, corporation, or association of which he is a member,~~
27 ~~partner, or employee.~~

28 ~~(b)(1) The Secretary of State shall, with the approval of the Attorney~~
29 ~~General, promulgate forms to be used by persons in filing statements as~~
30 ~~required in this subchapter.~~

31 ~~(2) Each form shall provide for the signature of such person,~~
32 ~~under penalty of perjury, with respect to the truth and accuracy of the~~
33 ~~statements made on the form.~~

34
35 SECTION 35. Arkansas Code 21-8-309 is hereby repealed.

36 ~~21-8-309. Financial disclosure statements - Notification of failure to~~

1 file.

2 (a) ~~Within ten (10) days after January 31 of each year, the Secretary~~
3 ~~of State, each county clerk, and each city clerk or recorder shall prepare a~~
4 ~~list of the names of all elected officials, public officers, or public~~
5 ~~employees who have not filed a statement with his office in accordance with~~
6 ~~the provisions of this subchapter, including the names of persons who have~~
7 ~~filed statements which have not been signed or are not filed in complete form.~~

8 (b)(1) ~~Such official shall forthwith mail a notice to each person who has~~
9 ~~failed to file such statement or who filed an incomplete or unsigned statement~~
10 ~~by ordinary mail, addressed to the last known address of such person.~~

11 (2) ~~The notice shall be substantially as follows:~~

12 "Notice is hereby given that you have failed to file with the
13 undersigned a statement of information required to be filed with this office
14 under the provisions of §§ 21-8-301 - 21-8-309, or that you have filed a
15 statement which is incomplete or unsigned. You are further notified that
16 according to law, unless you file the statement required by §§ 21-8-301 - 21-
17 8-309 with this office within ten (10) days from the date of this notice, it
18 is the duty of the undersigned to file a report with the prosecuting attorney
19 listing the names of all persons who are required to file a statement with
20 this office under §§ 21-8-301 - 21-8-309 and who have failed to comply
21 therewith.

22
23 _____ Secretary of State/County _____

24
25
26 _____ Clerk/or City Clerk or Recorder as it may be _____

27
28 -
29 _____ (DATE)"

30
31 SECTION 36. Arkansas Code 21-8-402(5)(B)(vii) indicating what is not a
32 gift for campaign contribution purposes is amended to read as follows:

33 "(vii) Anything with a value of ~~less than~~ one hundred dollars (\$100) or
34 less;

35 (viii) Wedding presents;
36

1 SECTION 37. Arkansas Code 21-8-402(16) is amended to read as follows:

2 "(16) 'Public official' means a legislator or any other person holding
3 an elective office of any governmental body, whether elected or appointed to
4 the office and shall include such persons during the time period between the
5 date they were elected and the date they took office;"

6
7 SECTION 38. Arkansas Code 21-8-603(a)(2)(A) is amended to read as
8 follows:

9 "(2)(A) ~~In addition to the quarterly lobbyist activity report, a~~ A
10 registered lobbyist who lobbies members of the General Assembly shall file a
11 monthly lobbyist activity report, signed and sworn to, for any month in which
12 the General Assembly is in session. A quarterly report is not required if the
13 registered lobbyist has filed monthly lobbyist activity reports for each month
14 of the calendar quarter."

15
16 SECTION 39. Arkansas Code 21-8-604(b) indicating items to be listed in
17 lobbyist activity reports is amended to read as follows:

18 "(b) The reports shall contain:

19 (1)(A) The total of all expenditures made or incurred by the
20 registered lobbyist or on behalf of the registered lobbyist by (i) his or her
21 employer, or (ii) any officer, employee, or agent during the preceding period.

22 (2)(A) An itemized listing of each:

23 (i) Gift given to a public servant or on behalf of
24 the public servant;

25 (ii) Payment for food, lodging, or travel in excess
26 of ~~twenty-five dollars (\$25.00)~~ forty dollars (\$40.00) on behalf of a public
27 servant; and

28 (iii) Any other item paid or given to a public
29 servant or on behalf of the public servant, except for campaign contributions,
30 having a value in excess of ~~twenty-five dollars (\$25.00)~~ forty dollars
31 (\$40.00) unless consideration of equal or greater value has been given
32 therefor. If the person receiving or to be benefiting by the item is a public
33 employee, the person's governmental body shall be identified."

34
35 SECTION 40. Arkansas Code 21-8-605 is amended to read as follows:

36 "21-8-605. Records.

1 A registered lobbyist shall maintain and preserve all accounts, bills,
2 receipts, and any other documents necessary to substantiate the financial
3 reports required by subchapters 4, 5 ~~[repealed]~~, and 6-8 of this chapter for a
4 period of at least ~~three (3)~~ four (4) years from the date of the filing of the
5 statement or report.”

6
7 SECTION 41. Arkansas Code 21-8-701(a) is amended to read as follows:

8 “(a) The following persons shall file a written statement of financial
9 interest:

- 10 (1) A public official, as defined in subchapter 4 of this chapter;
- 11 (2) A candidate for elective office;
- 12 (3) A municipal judge or city attorney, whether elected or appointed;
- 13 (4) Any agency head, department director, or division director of state
14 government; ~~and~~

15 (5) Any public appointee to any state board or commission who is
16 authorized or charged by law with the exercise of regulatory authority or is
17 authorized to receive or disburse state or federal funds; ~~;~~

18 (6) All persons who are elected members of a school board or who are
19 candidates for a position on a school board; and

20 (7) Any person appointed to one (1) of the following types of municipal
21 or county boards or commissions:

- 22 (A) A planning board or commission;
- 23 (B) An airport board or commission;
- 24 (C) A water or sewer board or commission;
- 25 (D) A utility board or commission; or
- 26 (E) A civil service commission.”

27
28 SECTION 42. Arkansas Code 21-8-701(b) is amended to read as follows:

29 “(b) ~~The following persons shall not be required to file a written~~
30 ~~statement of financial interest under this section:—~~

31 ~~(1) A member of a levee district or a levee and drainage district~~
32 ~~or any candidate therefor; and shall not be required to file a written~~
33 ~~statement of financial interest under this section.~~

34 ~~(2) A school board member or any candidate for election as a~~
35 ~~school board member.”~~

1 SECTION 43. Arkansas Code 21-8-701(c)(1) is amended to read as follows:

2 "(c)(1) The statement of financial interest for the previous calendar
3 year shall be filed by January 31 of each year, except that a candidate for
4 elective office shall file the statement of financial interest for the
5 previous calendar year within thirty (30) days after the deadline for filing
6 for office for which he seeks election and persons identified in (a)(4) and
7 (5) shall file the statement of financial interest within thirty (30) days
8 after appointment or employment. If a person is included in any category
9 listed in subsection (a) of this section for any part of a calendar year, then
10 such person shall file a statement of financial interest covering that period
11 of time regardless of whether they have left their office or position as of
12 the date that statement of financial interest is due."

13
14 SECTION 44. Arkansas Code 21-8-701(d) is amended to read as follows:

15 "(d) The statement of financial interest shall include the following:

16 (1) The name of the public servant and his or her spouse and all
17 names under which they do business;

18 (2) The reasons for filing the statement of financial interest;

19 ~~(2)~~ (3)(A) Identification of each employer and of each other
20 source of income amounting to more than one thousand dollars (\$1,000) annually
21 received by the person or his or her spouse in their own names, or by any
22 other person for the use or benefit of the public servant or his or her
23 spouse, and a brief description of the nature of the services for which the
24 compensation was received, except that this subdivision (d)(2) shall not be
25 construed to require the disclosure of individual items of income that
26 constitute a portion of the gross income of the business or profession from
27 which the public servant or his or her spouse derives income; and

28 (B) In addition thereto, identification of each source of
29 income as described above of more than twelve thousand five hundred dollars
30 (\$12,500), except that this shall not be construed to require the disclosure
31 of individual items of income that constitute a portion of the gross income of
32 the business or profession from which the public servant or his or her spouse
33 derives income;

34 ~~(3)~~ (4)(A) The name of every business in which the public servant
35 and his or her spouse, or any other person for the use or benefit of the
36 public servant or his or her spouse, have an investment or holdings of over

1 one thousand dollars (\$1,000) at fair market value as of the date last day of
2 the statement previous calendar year; and

3 (B) In addition thereto, identification of each source as
4 described above which has a fair market value of over twelve thousand five
5 hundred dollars (\$12,500) ~~on the date of the statement~~ as of the last day of
6 the previous calendar year;

7 ~~(4)~~ (5) Every office or directorship held by the public servant
8 or his or her spouse, in any business, corporation, firm, or enterprise
9 subject to jurisdiction of a regulatory agency of this state, or of any of its
10 political subdivisions;

11 ~~(5)~~ (6)(A) The name and address of each creditor to whom the
12 value of five thousand dollars (\$5,000) or more was personally owed or
13 personally obligated and is still outstanding by the public servant.

14 (B)(i) Loans made in the ordinary course of business by
15 either a financial institution or a person who regularly and customarily
16 extends credit shall not be required to be disclosed.

17 (ii) Debts owed to the members of the public
18 servant's family need not be included;

19 ~~(6)~~ (7)(A) The name and address of each guarantor or co-maker,
20 other than a member of the public servant's family, who has guaranteed a debt
21 of the public servant that is still outstanding.

22 (B)(i) This requirement shall be applicable only to debt
23 guaranties for debts assumed or arising after January 1, 1989.

24 (ii) Guaranteed debts existing prior to January 1,
25 1989, which are extended or refinanced shall become subject to disclosure in
26 the annual financing statement due to be filed after the conclusion of the
27 year in which such extension or refinancing occurred;

28 ~~(7)~~ (8) The source, *date*, reasonable fair market value, and
29 description of each gift of more than one hundred dollars (\$100) received by
30 *the public servant or his or her spouse* or more than two hundred and fifty
31 dollars (\$250.00) received by his or her dependent children;

32 ~~(8)~~ (9) Each nongovernmental source of payment of the public
33 servant's expenses for food, lodging, or travel which bears a relationship to
34 the public servant's office when the public servant is appearing in his or her
35 official capacity when the expenses incurred exceed one hundred fifty dollars
36 (\$150). The public servant shall identify the name and business address of the

1 person or organization paying the public servant's expenses and the date and
2 nature of that expenditure if not compensated by the entity for which the
3 public servant serves;

4 ~~(9)~~ (10) Any public servant who is employed by any business which
5 is under direct regulation or subject to direct control by the governmental
6 body which he serves shall set out such employment and the fact that the
7 business is regulated by or subject to control of the governmental body on the
8 statement of financial interest; and

9 ~~(10)~~ (11) If a public servant or any business in which he or she
10 or his or her spouse is an officer, director, stockholder owning more than ten
11 percent (10%) of the stock of the company, owner, trustee, or partner shall
12 sell any goods or services having a total annual value in excess of one
13 thousand dollars (\$1,000) to the governmental body in which the public servant
14 serves or is employed, then the public servant shall set out in detail the
15 goods or services sold, the governmental body to which they were sold, and the
16 compensation paid for each category of goods or services sold."

17
18 *SECTION 45. Arkansas Code 21-8-702 is amended to read as follows:*

19 *"21-8-702. Forms.*

20 *Forms used by persons in filing statements as required in this*
21 *subchapter shall provide for the signature of the person, under penalty of*
22 *~~perjury, false swearing,~~ with respect to the truth and accuracy of the*
23 *statements made on the form."*

24
25 *SECTION 46. Arkansas Code 21-8-703 is amended to read as follows:*

26 *"21-8-703. Place and manner of filing.*

27 *The statement of financial interest shall be filed as follows:*

28 *(1) State or district public servants required to file shall file with*
29 *the Secretary of State;*

30 *(2) County, township, or school district public servants required to*
31 *file shall file with the county clerks;*

32 *(3) Municipal public servants required to file shall file with the city*
33 *clerk or recorder, as the case may be; ~~and~~*

34 *(4) All municipal judges or city attorneys, whether elected or*
35 *appointed, shall file with the city clerk of the municipality within which*
36 *they serve; and*

1 (5) Any report required by this subchapter shall be deemed timely filed
2 if it is:

3 (A) Hand-delivered to the Secretary of State on or before the date
4 due;

5 (B) Mailed to the Secretary of State, properly addressed, postage
6 prepaid, bearing a postmark indicating that it was received by the post office
7 or common carrier on or before the date due;

8 (C) Received via facsimile by the Secretary of State on or before
9 the date due, provided the original is received by the Secretary of State
10 within ten (10) days of the transmission; or

11 (D) Received by the Secretary of State in a readable electronic
12 format which is acceptable to the Secretary of State and approved by the
13 Arkansas Ethics Commission."

14
15 SECTION 47. Arkansas Code 21-8-901 is amended to read as follows:
16 "21-8-901. Disclosure required.

17 In addition to the required filings under § ~~21-8-401 et seq.~~ 21-8-701, a
18 member or a member-elect of the Arkansas General Assembly shall report any
19 goods or services sold during the previous calendar year having a total annual
20 value in excess of one thousand dollars (\$1,000) to an office, department,
21 commission, council, board, bureau, committee, legislative body, agency, or
22 other establishment of the State of Arkansas by the member, his or her spouse,
23 or by any business in which ~~the member~~ such person or his or her spouse is an
24 officer, director, or stockholder owning more than ten percent (10%) of the
25 stock."

26
27 SECTION 48. All provisions of this Act of a general and permanent
28 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas
29 Code Revision Commission shall incorporate the same in the Code.

30
31 SECTION 49. If any provision of this Act or the application thereof to
32 any person or circumstance is held invalid, such invalidity shall not affect
33 other provisions or applications of the Act which can be given effect without
34 the invalid provision or application, and to this end the provisions of this
35 Act are declared to be severable.

1 SECTION 50. All laws and parts of laws in conflict with this Act are
2 hereby repealed.

3 /s/ Gwatne

APPROVED: 3/12/1999y