

1 State of Arkansas  
2 88th General Assembly  
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4

As Engrossed: S2/21/11 H3/15/11

# A Bill

SENATE BILL 290

5 By: Senators G. Baker, R. Thompson, J. Key, D. Johnson  
6

## For An Act To Be Entitled

8 AN ACT TO CLARIFY ARKANSAS ETHICS LAWS; AMENDING  
9 PORTIONS OF ARKANSAS LAW RESULTING FROM INITIATED ACT  
10 1 OF 1990 AND INITIATED ACT 1 OF 1996; AND FOR OTHER  
11 PURPOSES.  
12  
13

### Subtitle

14 TO CLARIFY ARKANSAS ETHICS LAWS.  
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18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
19

20 SECTION 1. Arkansas Code § 7-1-103(a)(7)(A)(i), concerning articles,  
21 statements, or communications intended to influence an elector's vote, is  
22 amended to read as follows:

23 (7)(A)(i) All articles, statements, or communications  
24 appearing in any newspaper printed or circulated in this state intended or  
25 calculated to influence the vote of any elector in any election and for the  
26 publication of which a consideration is paid or to be paid shall clearly  
27 contain the words "Paid Political Advertisement", ~~or~~ "Paid Political Ad", or  
28 "Paid for by" the candidate, committee, or person who paid for the message.  
29

30 SECTION 2. Arkansas Code § 7-6-201, resulting from Initiated Act 1 of  
31 1990 and Initiated Act 1 of 1996, is amended to read as follows:

32 7-6-201. Definitions.

33 As used in this subchapter:

34 (1)(A) "Approved political action committee" means any person  
35 that:

36 (i) Receives contributions from one (1) or more



1 persons in order to make contributions to candidates, ballot question  
2 committees, legislative question committees, political parties, county  
3 political party committees, or other political action committees;

4 (ii) Does not accept any contribution or cumulative  
5 contributions in excess of five thousand dollars (\$5,000) from any person in  
6 any calendar year; and

7 (iii) Registers pursuant to § 7-6-215 prior to  
8 making contributions.

9 (B) "Approved political action committee" shall not  
10 include an organized political party as defined in § 7-1-101, a county  
11 political party committee, the candidate's own campaign committee, an  
12 exploratory committee, or a ballot or legislative question committee as  
13 defined in § 7-9-402;

14 (2) "Candidate" means any individual who has knowingly and  
15 willingly taken affirmative action, including solicitation of funds, for the  
16 purpose of seeking nomination for or election to any public office;

17 (3) "Carryover funds" means the amount of campaign funds  
18 retained from the last election by the candidate for future use but not to  
19 exceed the annual salary, excluding expense allowances, set by Arkansas law  
20 for the office sought;

21 (4)(A) "Contribution" means, whether direct or indirect,  
22 advances, deposits, or transfers of funds, contracts, or obligations, whether  
23 or not legally enforceable, payments, gifts, subscriptions, assessments,  
24 payment for services, dues, advancements, forbearance, loans, or pledges or  
25 promises of money or anything of value, whether or not legally enforceable,  
26 to a candidate, committee, or holder of elective office made for the purpose  
27 of influencing the nomination or election of any candidate.

28 (B)(i) "Contribution" includes the purchase of tickets for  
29 events such as dinners, luncheons, rallies, and similar fundraising events;  
30 the granting of discounts or rebates by television and radio stations and  
31 newspapers not extended on an equal basis to all candidates for the same  
32 office; and any payments for the services of any person serving as an agent  
33 of a candidate or committee by a person other than the candidate or committee  
34 or persons whose expenditures the candidates or committee must report under  
35 this subchapter.

36 (ii) "Contribution" further includes any transfer of

1 anything of value received by a committee from another committee.

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

4 (5) "Contribution and expenditure" shall not include activity  
5 sponsored and funded by ~~organized political parties as defined in § 7-1-101 a~~  
6 political party that meets the definition of a political party under § 7-1-  
7 101 or a political party that meets the requirements of § 7-7-205 to promote  
8 their candidates or nominees through events such as dinners, luncheons,  
9 rallies, or similar gatherings and shall not include nonpartisan activity  
10 designed to encourage individuals to register to vote or to vote or any  
11 communication by any membership organization to its members or stockholders  
12 if the membership organization or corporation is not organized primarily for  
13 the purpose of influencing the nomination for election or election of any  
14 candidate;

15 (6) "County political party committee" means a person that:

16 (A) Is organized at the county level for the purpose of  
17 supporting its affiliate party and making contributions;

18 (B) Is recognized by an organized political party, as  
19 defined in § 7-1-101, as being affiliated with that political party;

20 (C) Receives contributions from one (1) or more persons in  
21 order to make contributions to candidates, ballot question committees,  
22 legislative question committees, political parties, political action  
23 committees, or other county political party committees;

24 (D) Does not accept any contribution or cumulative  
25 contributions in excess of five thousand dollars (\$5,000) from any person in  
26 any calendar year; and

27 (E) Registers pursuant to § 7-6-226 prior to making  
28 contributions;

29 (7) "Election" means each election held to nominate or elect a  
30 candidate to any public office, including school elections. For the purposes  
31 of this subchapter, a preferential primary, a general primary, a special  
32 election, and a general election shall each constitute a separate election;

33 (8) "Expenditure" means a purchase, payment, distribution, gift,  
34 loan, or advance of money or anything of value, and a contract, promise, or  
35 agreement to make an expenditure, made for the purpose of influencing the  
36 nomination or election of any candidate;

1 (9)(A) "Exploratory committee" means a person that receives  
2 contributions which are held to be transferred to the campaign of a single  
3 candidate in an election.

4 (B) "Exploratory committee" shall not include ~~an~~  
5 ~~organized political party as defined in § 7-1-101;~~

6 (i) A political party:

7 (a) That meets the definition of a political  
8 party under § 7-1-101; or

9 (b) A political party that meets the  
10 requirements of § 7-7-205; or

11 (ii) ~~the~~ The candidate's own campaign committee;

12 (10) "Financial institution" means any commercial bank, savings  
13 and loan, mutual savings bank or savings bank, insurance company brokerage  
14 house, or any corporation that is in the business of lending money and that  
15 is subject to state or federal regulation;

16 (11) An "independent expenditure" is any expenditure which is  
17 not a contribution and:

18 (A) Expressly advocates the election or defeat of a  
19 clearly identified candidate for office;

20 (B) Is made without arrangement, cooperation, or  
21 consultation between any candidate or any authorized committee or agent of  
22 the candidate and the person making the expenditure or any authorized agent  
23 of that person; and

24 (C) Is not made in concert with or at the request or  
25 suggestion of any candidate or any authorized committee or agent of the  
26 candidate;

27 (12) "Independent expenditure committee" means any person that  
28 receives contributions from one (1) or more persons in order to make an  
29 independent expenditure and is registered pursuant to § 7-6-227 prior to  
30 making expenditures;

31 (13)(A) "Legislative caucus committee" means a person that is  
32 composed exclusively of members of the General Assembly, that elects or  
33 appoints officers and recognizes identified legislators as members of the  
34 organization, and that exists for research and other support of policy  
35 development and interests that the membership hold in common.

36 (B) "Legislative caucus committee" includes, but is not

1 limited to, a political party caucus of the General Assembly, the Senate, or  
2 the House of Representatives.

3 (C) An organization whose only nonlegislator members are  
4 the Lieutenant Governor or the Governor is a "legislative caucus committee"  
5 for the purposes of this subchapter;

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

10 (B) ~~It~~ "Person" shall also include ~~organized political~~  
11 ~~parties as defined in § 7-1-101;~~

12 (i) A political party that meets the definition of a  
13 political party under § 7-1-101 or a political party that meets the  
14 requirements of § 7-7-205;

15 (ii) ~~county~~ County political party committees; and

16 (iii) ~~legislative~~ Legislative caucus committees;

17 (15)(A) "Prohibited political action committee" means any person  
18 that receives contributions from one (1) or more persons in order to make  
19 contributions to candidates, ballot question committees, legislative question  
20 committees, political parties, county political party committees, or other  
21 political action committees but that does not meet the requirements of an  
22 approved political action committee.

23 (B) "Prohibited political action committee" shall not  
24 include ~~an organized political party as defined in § 7-1-101;~~

25 (i) A political party that meets the definition of a  
26 political party under § 7-1-101 or a political party that meets the  
27 requirements of § 7-7-205;

28 (ii) ~~the~~ The candidate's own campaign committee; and

29 (iii) ~~a~~ A county political party committee; and

30 (iv) ~~an~~ An exploratory committee; or

31 (v) ~~a~~ A ballot or legislative question committee;

32 (16) "Public office" means any office created by or under  
33 authority of the laws of the State of Arkansas, or of a subdivision thereof,  
34 that is filled by the voters, except a federal office; ~~and~~

35 (17) "Surplus campaign funds" means any balance of campaign  
36 funds over expenses incurred as of the day of the election except for:

1 (A) Carryover funds; and

2 (B) Any funds required to repay loans made by the  
3 candidate from his or her personal funds to the campaign or to repay loans  
4 made by financial institutions to the candidate and applied to the campaign;  
5 and

6 (18)(A) "Written instrument" means a check on which the  
7 contributor is directly liable or which is written on a personal account,  
8 trust account, partnership account, business account, or other account that  
9 contains the contributor's funds.

10 (B) As used in § 7-6-204 in the case of a contribution by  
11 credit card or debit card, "written instrument" includes without limitation:

12 (i) A paper record signed by the cardholder,  
13 provided that the paper record contains the following information for the  
14 cardholder at the time of making the contribution:

15 (a) Valid name;

16 (b) Complete address;

17 (c) Place of business;

18 (d) Employer; and

19 (e) Occupation; or

20 (ii) In the case of a contribution made through the  
21 Internet, an electronic record created and transmitted by the cardholder,  
22 provided that the electronic record contains the following information for  
23 the cardholder at the time of making the contribution:

24 (a) Valid name;

25 (b) Complete address;

26 (c) Place of business;

27 (d) Employer; and

28 (e) Occupation.

29

30 SECTION 3. Arkansas Code § 7-6-203(e), concerning contributions from a  
31 prohibited political action committee and resulting from Initiated Act 1 of  
32 1990 and Initiated Act 1 of 1996, is amended to read as follows:

33 (e)(1) It shall be unlawful for any candidate for any public office or  
34 any person acting in the candidate's behalf to accept any contribution from a  
35 prohibited political action committee for any election.

36 (2) It shall be unlawful for any prohibited political action

1 committee to make a contribution to a candidate for public office in an  
2 election.

3 (3) It shall be unlawful for any ballot question committee,  
4 legislative question committee, political party, county political party  
5 committee, or approved political action committee to accept any contribution  
6 from a prohibited political action committee.

7 (4) It shall be unlawful for any prohibited political action  
8 committee to make a contribution to a:

- 9 (A) ~~Ballot~~ A ballot question committee;
- 10 (B) ~~Legislative~~ A legislative question committee;
- 11 (C) ~~Political~~ A political party;
- 12 (D) ~~County~~ A county political party committee; or
- 13 (E) ~~Political~~ An approved political action committee.

14

15 SECTION 4. Arkansas Code § 7-6-203(h), concerning surplus campaign  
16 funds and resulting from Initiated Act 1 of 1990 and Initiated Act 1 of 1996,  
17 is amended to read as follows:

18 (h)(1) Within thirty (30) days following the end of the month in  
19 which ~~the general~~ an election is held or a candidate has withdrawn, a  
20 candidate shall turn over surplus campaign funds to either:

21 (A) The Treasurer of State for the benefit of the General  
22 Revenue Fund Account of the State Apportionment Fund;

23 (B) A political party as defined in § 7-1-101 or a  
24 political party caucus of the General Assembly, the Senate, or the House of  
25 Representatives;

26 (C) A nonprofit organization that is exempt from taxation  
27 under Section 501(c)(3) of the Internal Revenue Code;

28 (D) Cities of the first class, cities of the second class,  
29 or incorporated towns; or

30 (E) The contributors to the candidate's campaign.

31 (2) If the candidate's campaign has not ended, disposal of  
32 surplus campaign funds shall not be required and the candidate may carry  
33 forward any remaining funds to the general primary election, general  
34 election, or general runoff election for that same office.

35 ~~(2)(3)~~(A) If an unopposed candidate agrees not to solicit  
36 further campaign contributions by filing an affidavit declaring such an

1 agreement, the candidate may dispose of any surplus campaign funds prior to a  
2 general election as soon as the time has passed to declare an intent to be a  
3 write-in candidate pursuant to § 7-5-205.

4 (B) For unopposed candidates for nonpartisan judicial  
5 office, the affidavit may be filed after the deadlines have passed to declare  
6 as a filing fee candidate, petition candidate, or write-in candidate under §  
7 7-10-103.

8 (C) The affidavit shall be filed in the office in which  
9 the candidate is required to file reports of contributions received and  
10 expenditures made.

11 (D) Unopposed candidates and defeated candidates who file  
12 the affidavit are exempt from further reporting requirements provided that  
13 the affidavit contains:

14 (i) All campaign activity not previously reported;  
15 and

16 (ii) A statement that the candidate's campaign fund  
17 has a zero (\$0.00) balance.

18 ~~(3)(4)~~(A) Carryover funds may be expended at any time for any  
19 purpose not prohibited by this chapter and may be used as campaign funds for  
20 seeking any public office. Nothing shall prohibit a person at any time from  
21 disposing of all or any portion of his or her carryover funds in the same  
22 manner as for surplus campaign funds. However, the candidate shall not take  
23 the funds as personal income or as income for his or her spouse or dependent  
24 children.

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

29 (ii) This subdivision ~~(h)(3)(B)~~ (h)(4)(B) shall not  
30 apply to carryover funds from an election held prior to July 1, 1997.

31 (iii) This subdivision ~~(h)(3)(B)~~ (h)(4)(B) shall not  
32 apply to a campaign debt.

33 (C)(i) If carryover funds are expended prior to  
34 transferring the funds to an active campaign fund, the expenditures shall be  
35 reported pursuant to this subdivision ~~(h)(3)(C)~~ (h)(4)(C). A person shall  
36 file an expenditure report concerning carryover funds if since the last



1 report concerning the carryover funds, the person has expended in excess of  
2 five hundred dollars (\$500). The report shall be filed at the office in which  
3 the candidate was required to file his or her campaign contribution and  
4 expenditure reports for the previous campaign not later than fifteen (15)  
5 days after a calendar quarter in which a report becomes required. No report  
6 is required in any calendar quarter in which the cumulative expenditure limit  
7 has not been exceeded since the person's last report.

8 (ii) The person shall also file an expenditure  
9 report for the calendar quarter in which he or she transfers the carryover  
10 funds to an active campaign fund.

11 (iii) A person who retains carryover funds shall  
12 file an annual report outlining the status of the carryover fund account as  
13 of December 31 unless the person has filed a quarterly report during the  
14 calendar year pursuant to subdivisions ~~(h)(3)(C)(i) and (ii)~~ (h)(4)(C)(i) and  
15 (ii) of this section. The annual report shall be due by January 31 of each  
16 year.

17 (iv) The carryover fund reports of a candidate for  
18 school district, township, municipal, or county office shall be filed with  
19 the county clerk of the county in which the election was held.

20 (v) The carryover fund reports of a candidate for  
21 state or district office shall be filed with the Secretary of State.

22 (D)(i) Carryover funds may be retained by a person for not  
23 more than ten (10) years after the last election at which he or she was a  
24 candidate, or if applicable, not more than ten (10) years after the last day  
25 that the person held office, and any remaining carryover funds shall be  
26 disposed of in the same manner as for surplus campaign funds.

27 (ii)(a) The officer with whom the person last filed  
28 a final campaign report shall provide the person timely notice of the  
29 requirements of this subdivision ~~(h)(3)(D)~~ (h)(4)(D) prior to the expiration  
30 of the ten-year period.

31 (b) However, failure to provide the notice  
32 does not relieve the person of his or her obligation under this subsection.

33 ~~(4)(5)~~ After the date of an election at which the person is a  
34 candidate for nomination or election, the person shall not accept campaign  
35 contributions for that election except for the sole purpose of raising funds  
36 to retire campaign debt.

1           ~~(5)~~(6) Surplus campaign funds or carryover funds given to a  
2 political party caucus shall be segregated in an account separated from other  
3 caucus funds and shall not be used:

4                   (A) By the political party caucus to make a campaign  
5 contribution; or

6                   (B) To provide any personal income to any candidate who  
7 donated surplus campaign funds or carryover funds. A candidate may maintain  
8 his or her campaign funds in one (1) or more campaign accounts. Campaign  
9 funds shall not be placed in an account containing personal or business  
10 funds.

11  
12           SECTION 5. Arkansas Code § 7-6-204 is amended as follows:

13           7-6-204. Restriction on cash contributions or expenditures –  
14 Exception.

15           (a) No campaign contribution in excess of one hundred dollars (\$100)  
16 or expenditure in excess of fifty dollars (\$50.00) shall be made or received  
17 in cash.

18           (b) All contributions or expenditures in behalf of a campaign  
19 activity, other than in-kind contributions and expenditures, in excess of the  
20 amounts mentioned in subsection (a) of this section shall be made:

21                   (1) ~~by~~ By a written instrument containing the name of the donor  
22 and the name of the payee;

23                   (2) By credit card or debit card where the transaction results  
24 in a paper record signed by the cardholder, provided that the paper record  
25 contains the following information for the cardholder at the time of making  
26 the contribution:

27                                   (a) Valid name;

28                                   (b) Complete address;

29                                   (c) Place of business;

30                                   (d) Employer; and

31                                   (e) Occupation; or

32                   (3) By transaction that results in an electronic record created  
33 or transmitted by the cardholder where a contribution or expenditure is made  
34 through the Internet, provided that the electronic record contains the  
35 following information for the cardholder at the time of making the  
36 contribution:

- 1                                    (a) Valid name;  
 2                                    (b) Complete address;  
 3                                    (c) Place of business;  
 4                                    (d) Employer; and  
 5                                    (e) Occupation.

6            (c) The payment of filing fees may be in cash even though the amount  
 7 exceeds fifty dollars (\$50.00). The candidate shall obtain a receipt for the  
 8 payment and shall report it as a campaign expenditure.

9  
 10            SECTION 6. Arkansas Code § 7-6-207(b), concerning the contents of  
 11 contribution and expenditure reports and resulting from Initiated Act 1 of  
 12 1990 and Initiated Act 1 of 1996, is amended to read as follows:

13            (b) Contents of Reports.

14                            (1) The contribution and expenditure reports required by  
 15 subsection (a) of this section shall indicate:

16                                    (A) The total amount of contributions received with loans  
 17 stated separately, the total amount of expenditures made during the filing  
 18 periods, and the cumulative amount of those totals;

19                                    (B) The name and address of each person, including the  
 20 candidate, who made a contribution or contributions that in the aggregate  
 21 exceeded fifty dollars (\$50.00), ~~the contributor's place of business,~~  
 22 ~~employer, occupation, and date of the contribution and the amount~~  
 23 ~~contributed;~~

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

27                                    (D) The name and address of each person, including the  
 28 candidate, who contributed a nonmoney item, together with a description of  
 29 the item, the date of receipt, and the value, not including volunteer service  
 30 by individuals;

31                                    (E) An itemization of all single expenditures made ~~which~~  
 32 ~~that~~ exceed one hundred dollars (\$100), including the:

- 33    ~~i amount~~ Amount of the expenditures; ~~i~~  
 34    ~~ii the name~~ Name and address of any person,  
 35 including the candidate, to whom the expenditure was made; ~~i~~ and  
 36    ~~iii the date~~ Date the expenditure was made;

1 (F) A list of all paid campaign workers and the amount the  
2 workers were paid;

3 (G) A list of all expenditures by categories, including,  
4 but not limited to:

5 (i)(a) Television;

6 (b) Radio;

7 (c) Print; and

8 (d) Other advertising;

9 (ii) Direct mail;

10 (iii) Office supplies;

11 (iv) Rent;

12 (v) Travel;

13 (vi) Expenses;

14 (vii) Entertainment; and

15 (viii) Telephone;

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

18 (I) The current balance of campaign funds.

19 (2)(A) When the candidate's campaign has ended, the final report  
20 shall also indicate which option under § 7-6-203(h) was used to dispose of  
21 any surplus of campaign funds, the amount of funds disposed of by the  
22 candidate, and the amount of funds retained by the candidate in accordance  
23 with ~~§ 7-6-203(h)~~ § 7-6-201(3).

24 (B) If the candidate's campaign has not ended, disposal of  
25 campaign funds shall not be required and the candidate may carry forward any  
26 remaining campaign funds to the general primary election, general election,  
27 or general runoff election for that same office.

28  
29 SECTION 7. Arkansas Code § 7-6-208, resulting from Initiated Act 1 of  
30 1996, is amended to read as follows:

31 7-6-208. Reports of contributions – Candidates for school district,  
32 township, or municipal office.

33 (a) Reports Required. Except as provided in subsection (d) of this  
34 section, each candidate for school district, township, or municipal office,  
35 or a person acting in the candidate's behalf shall:

36 (1) No later than seven (7) days prior to any preferential

1 primary election, runoff election, general election, school election, or  
2 special election in which the candidate's name appears on the ballot, file a  
3 preelection report of all contributions received and expenditures made  
4 between the period covered by the previous report, if any, and the period ten  
5 (10) days before the election. In case of a runoff election, the report shall  
6 cover all contributions received and expenditures made during that period of  
7 time that begins after the date of the election from which the runoff arose  
8 and ends ten (10) days before the runoff election;

9 (2) No later than thirty (30) days after the end of the month in  
10 which the candidate's name has appeared on the ballot in any preferential  
11 primary election, runoff election, general election, school election, or  
12 special election ~~in which the candidate's name has appeared on the ballot,~~  
13 file a final report of all contributions received and expenditures made that  
14 have not been disclosed on reports previously required to be filed. A final  
15 report is required regardless of whether a candidate has received  
16 contributions or made expenditures in excess of five hundred dollars (\$500);

17 (3) File supplemental reports of all contributions received and  
18 expenditures made after the date of preparation of the final report. The  
19 supplemental reports shall be filed within thirty (30) days after the receipt  
20 of a contribution or the making of an expenditure; and

21 (4)(A) No later than thirty (30) days after the end of the month  
22 in which the candidate has withdrawn, file a final report of all  
23 contributions received and expenditures made that have not been disclosed on  
24 reports previously required to be filed.

25 (B) If a candidate withdraws from the campaign, the  
26 candidate shall notify the county clerk in writing of the withdrawal.

27 (b) Contents of Reports.

28 (1) The contribution and expenditure reports required by  
29 subsection (a) of this section shall indicate:

30 (A) The total amount of contributions received with loans  
31 stated separately, the total amount of expenditures made during the filing  
32 periods, and the cumulative amount of those totals;

33 (B) The name and address of each person, including the  
34 candidate, who made a contribution or contributions that in the aggregate  
35 exceeded fifty dollars (\$50.00), ~~the contributor's place of business,~~  
36 ~~employer, occupation, and date of the contribution and the amount~~

1 ~~contributed;~~

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

5 (D) The name and address of each person, including the  
6 candidate, who contributed a nonmoney item, together with a description of  
7 the item, the date of receipt, and the value, not including volunteer service  
8 by individuals;

9 (E) An itemization of all single expenditures made that  
10 exceeded one hundred dollars (\$100), including the amount of the expenditure,  
11 the name and address of any person, including the candidate, to whom the  
12 expenditure was made, and the date the expenditure was made;

13 (F) A list of all paid campaign workers and the amount the  
14 workers were paid;

15 (G) A list of all expenditures by categories, including,  
16 but not limited to:

- 17 (i)(a) Television;  
18 (b) Radio;  
19 (c) Print; and  
20 (d) Other advertising;  
21 (ii) Direct mail;  
22 (iii) Office supplies;  
23 (iv) Rent;  
24 (v) Travel;  
25 (vi) Expenses;  
26 (vii) Entertainment; and  
27 (viii) Telephone;

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

30 (I) The current balance of campaign funds.

31 (2)(A) When the candidate's campaign has ended, the final report  
32 shall also indicate which option under § 7-6-203(h) was used to dispose of  
33 any surplus of campaign funds, the amount of funds disposed of by the  
34 candidate, and the amount of funds retained by the candidate in accordance  
35 with ~~§ 7-6-203(h)~~ § 7-6-201(3).

36 (B) If the candidate's campaign has not ended, disposal of

1 campaign funds is not required and the candidate may carry forward any  
2 remaining campaign funds to the general primary election, general election,  
3 or general runoff election for that same office.

4 (3)(A) Not later than fourteen (14) days after the deadline for  
5 filing for office, the county clerk shall notify each candidate in person or  
6 by mail of the deadlines for filing the ten-day preelection and final reports  
7 required by subsection (a) of this section and, at that time, furnish each  
8 candidate with the appropriate forms and instructions for complying with the  
9 deadlines.

10 (B) If notice is sent by mail, then the notice shall be  
11 postmarked within fourteen (14) days after the deadline for filing for  
12 office.

13 (c) Filing of Reports. The reports required by this section shall be  
14 filed with the county clerk in the county in which the election is held.  
15 Reports shall be filed on the appropriate forms furnished by the Secretary of  
16 State.

17 (d) Reports Not Required.

18 (1) A candidate who has not received contributions or made  
19 expenditures in excess of five hundred dollars (\$500) shall not be required  
20 to file any preelection reports required under subdivision (a)(1) of this  
21 section. In calculating the amount of contributions received or expenditures  
22 made for purposes of this exception, the payment of the filing fee from the  
23 candidate's personal funds shall not be considered as either a contribution  
24 or an expenditure.

25 (2) The preelection reports referenced in subdivision (a)(1) of  
26 this section are required only for candidates with opponents in those  
27 elections.

28  
29 SECTION 8. Arkansas Code § 7-6-209, resulting from Initiated Act 1 of  
30 1996, is amended to read as follows:

31 7-6-209. Reports of contributions – Candidates for county office.

32 (a) Reports Required. Except as provided in subsection (d) of this  
33 section, each candidate for county office or a person acting in the  
34 candidate's behalf shall:

35 (1) No later than seven (7) days prior to any preferential  
36 primary election, runoff election, general election, or special election in

1 which the candidate's name appears on the ballot, file a preelection report  
2 of all contributions received and expenditures made between the period  
3 covered by the previous report, if any, and the period ten (10) days before  
4 the election. In case of a runoff election, the report shall cover all  
5 contributions received and expenditures made during that period of time that  
6 begins after the date of the election from which the runoff arose and ends  
7 ten (10) days before the runoff election;

8 (2) No later than thirty (30) days after the end of the month in  
9 which the candidate's name has appeared on the ballot in any preferential  
10 primary election, runoff election, general election, or special election ~~in~~  
11 ~~which the candidate's name has appeared on the ballot~~, file a final report of  
12 all contributions received and expenditures made that have not been disclosed  
13 on reports previously required to be filed. A final report is required  
14 regardless of whether a candidate has received contributions or made  
15 expenditures in excess of five hundred dollars (\$500);

16 (3) File supplemental reports of all contributions received and  
17 expenditures made after the date of preparation of the final report, and the  
18 supplemental reports shall be filed within thirty (30) days after the receipt  
19 of a contribution or the making of an expenditure; and

20 (4)(A) No later than thirty (30) days after the end of the month  
21 in which the candidate has withdrawn, a final report of all contributions  
22 received and expenditures made that have not been disclosed on reports  
23 previously required to be filed.

24 (B) If a candidate withdraws from the campaign, the  
25 candidate shall notify the county clerk in writing of the withdrawal.

26 (b) Contents of Reports.

27 (1) The contribution and expenditure reports required by  
28 subsection (a) of this section shall indicate:

29 (A) The total amount of contributions received with loans  
30 stated separately, the total amount of expenditures made during the filing  
31 periods, and the cumulative amount of those totals;

32 (B) The name and address of each person, including the  
33 candidate, who made a contribution or contributions that in the aggregate  
34 exceeded fifty dollars (\$50.00), ~~the contributor's place of business,~~  
35 ~~employer, occupation, and date of the contribution and the amount~~  
36 ~~contributed;~~



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

4 (D) The name and address of each person, including the  
5 candidate, who contributed a nonmonetary item, together with a description of  
6 the item, the date of receipt, and the value, not including volunteer service  
7 by individuals;

8 (E) An itemization of all single expenditures made that  
9 exceeded one hundred dollars (\$100), including the amount of the expenditure,  
10 the name and address of any person, including the candidate, to whom the  
11 expenditure was made, and the date the expenditure was made;

12 (F) A list of all paid campaign workers and the amount the  
13 workers were paid;

14 (G) A list of all expenditures by categories, including,  
15 but not limited to:

16 (i)(a) Television;

17 (b) Radio;

18 (c) Print; and

19 (d) Other advertising;

20 (ii) Direct mail;

21 (iii) Office supplies;

22 (iv) Rent;

23 (v) Travel;

24 (vi) Expenses;

25 (vii) Entertainment; and

26 (viii) Telephone;

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

29 (I) The current balance of campaign funds.

30 (2)(A) When the candidate's campaign has ended, the final report  
31 shall also indicate which option under § 7-6-203(h) was used to dispose of  
32 any surplus of campaign funds, the amount of funds disposed of by the  
33 candidate, and the amount of funds retained by the candidate in accordance  
34 with ~~§ 7-6-203(h)~~ § 7-6-201(3).

35 (B) If the candidate's campaign has not ended, disposal of  
36 campaign funds is not required and the candidate may carry forward any

1 remaining funds in the campaign to the general primary election, general  
2 election, or general runoff election for that same office.

3 (3)(A) Not later than fourteen (14) days after the deadline for  
4 filing for office, the county clerk shall notify each candidate in person or  
5 by mail of the deadlines for filing the ten-day preelection and final reports  
6 required by subsection (a) of this section and, at that time, furnish each  
7 candidate with the appropriate forms and instructions for complying with the  
8 deadlines.

9 (B) If notice is sent by mail, then the notice shall be  
10 postmarked within fourteen (14) days after the deadline for filing for  
11 office.

12 (c) Filing of Reports. The reports required by this section shall be  
13 filed with the county clerk in the county in which the election is held.  
14 Reports shall be filed on the appropriate forms furnished by the Secretary of  
15 State.

16 (d) Reports Not Required.

17 (1) A candidate who has not received contributions or made  
18 expenditures in excess of five hundred dollars (\$500) shall not be required  
19 to file any preelection reports required under subdivision (a)(1) of this  
20 section. In calculating the amount of contributions received or expenditures  
21 made for purposes of this exception, the payment of the filing fee from the  
22 candidate's personal funds shall not be considered as either a contribution  
23 or an expenditure.

24 (2) The preelection reports referenced in subdivision (a)(1) of  
25 this section are required only for candidates with opponents in those  
26 elections.

27  
28 SECTION 9. Arkansas Code § 7-6-215, resulting from Initiated Act 1 of  
29 1990 and Initiated Act 1 of 1996, is amended to read as follows:

30 7-6-215. Registration and reporting by approved political action  
31 committees.

32 (a)(1)(A) To qualify as an approved political action committee, the  
33 political action committee shall register with the Secretary of State within  
34 fifteen (15) days after accepting contributions during a calendar year that  
35 exceed five hundred dollars (\$500) in the aggregate.

36 (B) Registration shall be annually renewed by January 15,

1 unless the political action committee has ceased to exist.

2 (C) Registration shall be on forms provided by the  
3 Secretary of State, and the contents therein shall be verified by an  
4 affidavit of an officer of the political action committee.

5 (2)(A) The political action committee shall maintain for a  
6 period of four (4) years records evidencing the name, address, and place of  
7 employment of each person that contributed to the political action committee,  
8 along with the amount contributed.

9 (B) Furthermore, the political action committee shall  
10 maintain for a period of four (4) years records evidencing the name and  
11 address of each candidate, ballot question committee, legislative question  
12 committee, political party, county political party committee, or other  
13 political action committee ~~who~~ that received a contribution from the  
14 political action committee, along with the amount contributed.

15 (3)(A) The political action committee shall designate a resident  
16 agent who shall be an individual who resides in this state.

17 (B) No contribution shall be accepted from a political  
18 action committee and no expenditure shall be made by a political action  
19 committee that has not registered and does not have a resident agent.

20 (C) It shall be unlawful for a prohibited political action  
21 committee as defined in § 7-6-201 to make a contribution to a:

- 22 (i) Ballot question committee;  
23 (ii) Legislative question committee;  
24 (iii) Political party;  
25 (iv) Political party committee; or  
26 (v) Political action committee.

27 (4)(A) An out-of-state political action committee, including a  
28 federal political action committee, shall be required to comply with the  
29 registration and reporting provisions of this section if the committee  
30 contributes more than five hundred dollars (\$500) in a calendar year to  
31 candidates, ballot question committees, legislative question committees,  
32 political parties, county political party committees, ~~independent expenditure~~  
33 ~~committees,~~ or other political action committees within this state.

34 (B) Subdivision (a)(4)(A) of this section shall not apply  
35 to:

- 36 (i) The national committee of any political party

1 that is registered with the Federal Election Commission;

2 (ii) Any federal candidate committee that is  
3 registered with the Federal Election Commission;

4 (iii) Funds which a subordinate committee of the  
5 national committee of any political party that is registered with the Federal  
6 Election Commission transfers to the federal account of an organized  
7 political party as defined under § 7-1-101; or

8 (iv) Funds which a political action committee that  
9 is registered with the Federal Election Commission transfers to the federal  
10 account of an organized political party as defined under § 7-1-101.

11 (b) The registration form of an approved political action committee  
12 shall contain the following information:

13 (1) The name, address, and, where available, phone number of the  
14 political action committee and the name, address, phone number, and place of  
15 employment of each of its officers, provided if the political action  
16 committee's name is an acronym, then both it and the words forming the  
17 acronym shall be disclosed;

18 (2) The professional, business, trade, labor, or other interests  
19 represented by the political action committee, including any individual  
20 business, organization, association, corporation, labor organization, or  
21 other group or firm whose interests will be represented by the political  
22 action committee;

23 (3) The full name and street address, city, state, and zip code  
24 of each financial institution the political action committee uses for  
25 purposes of receiving contributions or making expenditures within this state;

26 (4) A written acceptance of designation as a resident agent;

27 (5) A certification by a political action committee officer,  
28 under penalty of false swearing, that the information provided on the  
29 registration is true and correct; and

30 (6) A clause submitting the political action committee to the  
31 jurisdiction of the State of Arkansas for all purposes related to compliance  
32 with the provisions of this subchapter.

33 (c)(1) When a committee makes a change to any information required in  
34 subsection (b) of this section, an amendment shall be filed within ten (10)  
35 days to reflect the change.

36 (2) A committee failing to file an amendment shall be subject to

1 a late filing fee of ten dollars (\$10.00) for each day the change is not  
2 filed.

3 (d)(1) Within fifteen (15) calendar days after the end of each  
4 calendar quarter, political action committees shall file a quarterly report  
5 with the Secretary of State, including the following information:

6 (A) The total amount of contributions received and the  
7 total amount of contributions made during the filing period and the  
8 cumulative amount of those totals;

9 (B) The current balance of political action committee  
10 funds;

11 (C) The name and address of each person that made a  
12 contribution or contributions to the political action committee that exceeded  
13 five hundred dollars (\$500) in the aggregate during the calendar year, the  
14 contributor's place of business, employer, occupation, the date of the  
15 contribution, the amount contributed, and the total contributed for the year;

16 (D) The name and address of each candidate, ballot  
17 question committee, legislative question committee, political party, county  
18 political party committee, or other political action committee, if any, to  
19 whom or which the political action committee made a contribution or  
20 contributions that exceeded fifty dollars (\$50.00) in the aggregate during  
21 the filing period, with the amount contributed and the election for which the  
22 contribution was made;

23 (E) The name and address of each candidate, ballot  
24 question committee, legislative question committee, political party, county  
25 political party committee, or other political action committee, if any, to  
26 whom or which the political action committee contributed a nonmonetary item,  
27 together with a description of the item, the date the item was contributed,  
28 and the value of the item; and

29 (F) The total amount of expenditures made for  
30 administrative expenses and for each single expenditure that exceeded one  
31 hundred dollars (\$100), an itemization including the amount of the  
32 expenditure, the name and address of the person to whom the expenditure was  
33 made, and the date the expenditure was made.

34 (2) The information required in subdivision (d)(1)(C)-(F) of  
35 this section may be provided in the form of schedules attached to the report.

36 (3) The reports shall be verified by an affidavit of an officer

1 of the political action committee stating that to the best of his or her  
2 knowledge and belief the information so disclosed is a complete, true, and  
3 accurate financial statement of the political action committee's  
4 contributions received and made.

5 (4)(A) A report is timely filed if it is either hand delivered  
6 or mailed to the Secretary of State, properly addressed, postage prepaid,  
7 bearing a postmark indicating that it was received by the post office or  
8 common carrier on the date that the report is due.

9 (B) The Secretary of State shall accept via facsimile any  
10 report if the original is received by the Secretary of State within ten (10)  
11 days of the date of transmission.

12 (C) The Secretary of State may receive reports in a  
13 readable electronic format that is acceptable to the Secretary of State and  
14 approved by the Arkansas Ethics Commission.

15

16 SECTION 10. Arkansas Code § 7-6-216, resulting from Initiated Act 1 of  
17 1990, is amended to read as follows:

18 7-6-216. Registration and reports by exploratory committees.

19 (a)(1) An exploratory committee shall register with the ~~Secretary of~~  
20 ~~State~~ appropriate filing office within fifteen (15) days after receiving  
21 contributions during a calendar year which, in the aggregate, exceed five  
22 hundred dollars (\$500).

23 (2)(A) For a state or district office, the place of filing shall  
24 be the Secretary of State's office.

25 (B) For a county, municipal, township, or school district  
26 office, the place of filing shall be the county clerk's office.

27 (3) Registration shall be on forms provided by the Secretary of  
28 State and the contents therein shall be verified by an affidavit of an  
29 officer of the committee.

30 (b) An exploratory committee shall disclose on the registration form  
31 the name, address, and, where available, phone number of the committee and  
32 each of its officers. It shall also disclose the individual person who, upon  
33 becoming a candidate, is intended to receive campaign contributions from the  
34 committee.

35 (c) Within thirty (30) days of the end of each month, an exploratory  
36 committee shall file a report with the ~~Secretary of State~~ appropriate filing

1 office indicating:

2 (1) The total amount of contributions received during the filing  
3 period;

4 (2) The name and address of each person who has made a  
5 contribution which, in the aggregate, exceeds fifty dollars (\$50.00), along  
6 with the contributor's principal place of business, employer, occupation, and  
7 the amount contributed; and

8 (3) The total amount of expenditures made and for each single  
9 expenditure which exceeds one hundred dollars (\$100) an itemization including  
10 the amount of the expenditure, the name and address of the person to whom the  
11 expenditure was made, and the date the expenditure was made.

12 (d)(1) The first report shall be filed for the month in which the  
13 committee files its registration. The final report shall be filed within  
14 thirty (30) days after the end of the month in which the committee either  
15 transfers its contributions to a candidate's campaign or no longer accepts  
16 contributions.

17 (2) The committee shall not accept contributions after the  
18 filing of a final report.

19

20 SECTION 11. Arkansas Code § 7-6-220, resulting from Initiated Act 1 of  
21 1996, is amended to read as follows:

22 7-6-220. Reporting of independent expenditures.

23 (a) A person who or an independent expenditure committee which makes  
24 independent expenditures in an aggregate amount or value in excess of five  
25 hundred dollars (\$500) in a calendar year shall file reports with the  
26 Secretary of State:

27 (1) No later than thirty (30) days prior to preferential primary  
28 elections, general elections, and special elections covering the period  
29 ending thirty-five (35) days prior to such elections;

30 (2) No later than seven (7) days prior to preferential primary  
31 elections, runoff elections, general elections, and special elections  
32 covering the period ending ten (10) days prior to such elections; and

33 (3) As for a final report, no later than thirty (30) days after  
34 the end of the month in which the last election is held at which the  
35 candidate seeks nomination or election.

36 (b) Such reports shall include:

1 (1) In the case of an individual making such an expenditure, the  
2 name, address, telephone number, principal place of business, employer, and  
3 occupation of the individual;

4 (2) In the case of a committee, the name, address, employer, and  
5 occupation of its officers;

6 (3) In the case of a person who is not an individual, the  
7 principal name of the entity, the address, and the name, address, employer,  
8 and occupation of its officers; and

9 (4) The same information required of candidates for office other  
10 than school district, township, municipal, or county office as set forth in §  
11 7-6-207(b)(1)(A)-(I).

12 (c) The information required in § 7-6-207(b)(1)(A)-(I) may be provided  
13 in the form of a schedule or schedules attached to the report.

14 (d) The report shall be verified by an affidavit of an officer of the  
15 committee stating that to the best of his or her knowledge and belief the  
16 information disclosed is a complete, true, and accurate financial statement  
17 of the committee's contributions received and made.

18 (e)(1) A report is timely filed if it is either hand-delivered or  
19 mailed to the Secretary of State, properly addressed, postage prepaid,  
20 bearing a postmark indicating that it was received by the post office or  
21 common carrier on the date that the report is due.

22 (2) The Secretary of State shall accept via facsimile any report  
23 if the original is received by the Secretary of State within ten (10) days of  
24 the date of transmission.

25 (3) The Secretary of State may receive reports in a readable  
26 electronic format that is acceptable to the Secretary of State and approved  
27 by the Arkansas Ethics Commission.

28  
29 SECTION 12. Arkansas Code § 7-6-227(a), concerning registration by  
30 independent expenditure committees, is amended to read as follows:

31 (a)(1)(A) An independent expenditure committee shall register with the  
32 Secretary of State within fifteen (15) days after accepting contributions  
33 that exceed five hundred dollars (\$500) in the aggregate during a calendar  
34 year.

35 (B) Registration shall be annually renewed by January 15  
36 unless the independent expenditure committee has ceased to exist.



1 (C) Registration shall be on a form provided by the  
2 Secretary of State, and the contents of the form shall be verified by an  
3 affidavit of an officer of the independent expenditure committee.

4 (2)(A) The independent expenditure committee shall maintain for  
5 a period of four (4) years records evidencing the name, address, and place of  
6 employment of each person that contributed to the ~~political action~~  
7 independent expenditure committee, along with the amount contributed.

8 (B) The independent expenditure committee shall maintain  
9 for a period of four (4) years records evidencing each independent  
10 expenditure made by the committee, along with the amount of each expenditure.

11 (3)(A) The ~~political action~~ independent expenditure committee  
12 shall designate a resident agent who shall be an individual who resides in  
13 this state.

14 (B) A contribution shall not be accepted from an  
15 independent expenditure committee and an expenditure shall not be made by an  
16 independent expenditure committee that has not registered and does not have a  
17 resident agent.

18 (4) An out-of-state independent expenditure committee shall  
19 comply with the registration and reporting provisions of this section if the  
20 committee makes an independent expenditure or independent expenditures within  
21 the State of Arkansas that in the aggregate exceed more than five hundred  
22 dollars (\$500) during a calendar year.

23  
24 SECTION 13. Arkansas Code § 7-9-402 is amended to read as follows:

25 7-9-402. Definitions.

26 As used in this subchapter:

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

31 (2)(A) "Ballot question committee" means any person, located  
32 within or outside Arkansas, that receives contributions for the purpose of  
33 expressly advocating the qualification, disqualification, passage, or defeat  
34 of any ballot question, or any person, other than a public servant, a  
35 governmental body expending public funds, or an individual, located within or  
36 outside Arkansas, that makes expenditures for the purpose of expressly

1 advocating the qualification, disqualification, passage, or defeat of any  
2 ballot question.

3 (B) A person other than an individual or an approved  
4 political action committee as defined in § 7-6-201, located within or outside  
5 Arkansas, also qualifies as a ballot question committee if two percent (2%)  
6 or more of its annual revenues, operating expenses, or funds are used to make  
7 a contribution or contributions to another ballot question committee and if  
8 the contribution or contributions exceed ten thousand dollars (\$10,000) in  
9 value;

10 (3)(A) "Contribution" means, whether direct or indirect,  
11 advances, deposits, transfers of funds, contracts, or obligations, whether or  
12 not legally enforceable, payments, gifts, subscriptions, assessments, payment  
13 for services, dues, advancements, forbearance, loans, pledges, or promises of  
14 money or anything of value, whether or not legally enforceable, to a person  
15 for the purpose of expressly advocating the qualification, disqualification,  
16 passage, or defeat of a ballot question or the passage or defeat of a  
17 legislative question.

18 (B) "Contribution" includes the purchase of tickets for  
19 events such as dinners, luncheons, rallies, and similar fundraising events,  
20 and the granting of discounts or rebates by television and radio stations and  
21 newspapers, not extended on an equal basis to all persons seeking to  
22 expressly advocate the qualification, disqualification, passage, or defeat of  
23 a ballot question or the passage or defeat of a legislative question.

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

26 (4) "Contribution and expenditure" shall not include activities  
27 designed solely to encourage individuals to register to vote or to vote, or  
28 any communication by a bona fide church or religious denomination to its own  
29 members or adherents for the sole purpose of protecting the right to practice  
30 the religious tenets of the church or religious denomination, and  
31 "expenditure" shall not include one ~~(1)~~ made for communication by a person  
32 strictly with the person's paid members or shareholders;

33 (5) "Disqualification of a ballot question" means any action or  
34 process, legal or otherwise, which seeks to prevent a ballot question from  
35 being on the ballot at an election;

36 (6) "Expenditure" means a purchase, payment, distribution, gift,

1 loan, or advance of money or anything of value, and a contract, promise, or  
2 agreement to make an expenditure, for goods, services, materials, or  
3 facilities for the purpose of expressly advocating the qualification,  
4 disqualification, passage, or defeat of a ballot question or the passage or  
5 defeat of a legislative question;

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

9 (8)(A) "Legislative question committee" means any person,  
10 located within or outside Arkansas, that receives contributions for the  
11 purpose of expressly advocating the passage or defeat of any legislative  
12 question or any person, other than a public servant, a governmental body  
13 expending public funds, or an individual, located within or outside Arkansas,  
14 that makes expenditures for the purpose of expressly advocating the passage  
15 or defeat of any legislative question.

16 (B) A person other than an individual or an approved  
17 political action committee as defined in § 7-6-201, located within or outside  
18 Arkansas, also qualifies as a legislative question committee if two percent  
19 (2%) or more of its annual revenues, operating expenses, or funds are used to  
20 make a contribution or contributions to another legislative question  
21 committee and if the contribution or contributions exceed ten thousand  
22 dollars (\$10,000) in value;

23 (9)(A) "Person" means any individual, business, proprietorship,  
24 firm, partnership, joint venture, syndicate, business trust, labor  
25 organization, company, corporation, association, committee, or any other  
26 organization or group of persons acting in concert.

27 (B) "Person" includes a public servant or governmental  
28 body using public funds to expressly advocate the qualification,  
29 disqualification, passage, or defeat of any ballot question or the passage or  
30 defeat of any legislative question; and

31 (10) "Qualification of a ballot question" means any action or  
32 process, legal or otherwise, through which a ballot question obtains  
33 certification to be on the ballot at an election.

34  
35 SECTION 14. Arkansas Code § 21-8-301 is amended to read as follows:  
36 21-8-301. Definitions.

1 As used in this subchapter, ~~“state employee” means all employees of the~~  
 2 ~~State of Arkansas employed on a full time or part time basis.:~~

3 (1) “Governmental body” means an office, department, commission,  
 4 council, board, committee, legislative body, agency, or other establishment  
 5 of the executive, judicial, or legislative branch of the state, municipality,  
 6 county, school district, improvement district, or any political district or  
 7 subdivision thereof;

8 (2)(A) “Public appointee” means an individual who is appointed  
 9 to a governmental body.

10 (B) “Public appointee” does not include an individual  
 11 appointed to an elective office;

12 (3)(A) “Public employee” means an individual who is employed by  
 13 a governmental body or who is appointed to serve a governmental body.

14 (B) “Public employee” does not include a public official  
 15 or a public appointee;

16 (4)(A) “Public official” means a person holding an elective  
 17 office of any governmental body, whether elected or appointed to the office.

18 (B) “Public official” includes a person holding an  
 19 elective office of any governmental body, whether elected or appointed to the  
 20 office, during the time period between the date he or she is elected or  
 21 appointed and the date he or she takes office; and

22 (5) “Public servant” means a:

23 (A) Public official;

24 (B) Public employee; or

25 (C) Public appointee.

26  
 27 SECTION 15. Arkansas Code § 21-8-304 is amended to read as follows:

28 21-8-304. Prohibited activities.

29 (a) No public ~~official or state employee~~ servant shall use or attempt  
 30 to use his or her official position to secure special privileges or  
 31 exemptions for himself or herself or his or her spouse, child, parents, or  
 32 other persons standing in the first degree of relationship, or for those with  
 33 whom he or she has a substantial financial relationship that are not  
 34 available to others except as may be otherwise provided by law.

35 (b) No public ~~official or state employee~~ servant shall accept  
 36 employment or engage in any public or professional activity while serving as

1 a public official which he or she might reasonably expect would require or  
2 induce him or her to disclose any information acquired by him or her by  
3 reason of his or her official position which is declared by law or regulation  
4 to be confidential.

5 (c) No public ~~official or state employee~~ servant shall disclose any  
6 such information gained by reason of his or her position, nor shall he or she  
7 otherwise use such information for his or her personal gain or benefit.

8

9

*/s/G. Baker*

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**APPROVED: 03/25/2011**

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