

1 State of Arkansas
2 94th General Assembly
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4

As Engrossed: H4/3/23

A Bill

HOUSE BILL 1756

5 By: Representatives M. Shepherd, Ray
6 By: Senator Hester
7

For An Act To Be Entitled

9 AN ACT TO AMEND THE LAW CONCERNING CAMPAIGN FINANCE;
10 TO AMEND THE LAW CONCERNING CAMPAIGN CONTRIBUTIONS
11 AND EXPENDITURES; TO AMEND LAW CONCERNING REPORTING
12 DEADLINES; TO CREATE AN AUTOMATIC FINE FOR DELINQUENT
13 REPORTING; TO REQUIRE THE PREPARATION OF A REPORTING
14 CALENDAR; TO AMEND THE LAW CONCERNING THE ARKANSAS
15 ETHICS COMMISSION; TO ALLOW ONLINE AND ELECTRONIC
16 COMPLAINTS; TO AMEND PORTIONS OF INITIATED ACT 1 OF
17 1990 AND INITIATED ACT 1 OF 1996; AND FOR OTHER
18 PURPOSES.
19

Subtitle

22 TO AMEND THE LAW CONCERNING CAMPAIGN
23 FINANCE AND CAMPAIGN FINANCE REPORTS; TO
24 AMEND THE LAW CONCERNING THE ARKANSAS
25 ETHICS COMMISSION; AND TO AMEND PORTIONS
26 OF INITIATED ACT 1 OF 1990 AND INITIATED
27 ACT 1 OF 1996.
28

29
30 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
31

32 SECTION 1. Arkansas Code § 7-6-207(a)(1)(B), concerning reports of
33 contributions for candidates for state or district office, and resulting from
34 Initiated Act 1 of 1990 and Initiated Act 1 of 1996, is amended to read as
35 follows:

36 (B) Beginning with the month of January of a calendar year



1 in which a candidate may be listed on any ballot for election, a monthly
2 report of all contributions received and expenditures made during that month.
3 However, for any month in which certain days of that month are included in a
4 preelection report required under subdivision (a)(1)(C) of this section or a
5 final report required under subdivision (a)(1)(D) of this section, no monthly
6 report for that month shall be due. In the case of a primary or runoff
7 election, those days of the month occurring after the date of the election
8 shall be carried forward and included in the next monthly report. The monthly
9 report shall be filed no later than ~~fifteen (15)~~ twenty (20) days after the
10 end of each month, except that the final report, covering the month during
11 which an election is held, shall be filed within thirty (30) days after the
12 end of the month in which the last election is held at which the candidate
13 seeks nomination and after the end of the month in which the general election
14 is held. With respect to a special election, the candidate shall file monthly
15 reports under this section beginning with the month in which the special
16 election candidate's total campaign contributions or expenditures exceed five
17 hundred dollars (\$500);

18
19 SECTION 2. Arkansas Code § 7-6-207(b)(1)(B), concerning reports of
20 contributions for candidates for state or district office, and resulting from
21 Initiated Act 1 of 1990 and Initiated Act 1 of 1996, is amended to read as
22 follows:

23 (B) The name and address of each person, including the
24 candidate, who made a contribution or contributions that in the aggregate
25 exceeded ~~fifty dollars (\$50.00)~~ two hundred dollars (\$200);

26
27 SECTION 3. Arkansas Code § 7-6-207(d)(1)(C), concerning reports of
28 contributions for candidates for state or district office, and resulting from
29 Initiated Act 1 of 1990 and Initiated Act 1 of 1996, is amended to add an
30 additional subdivision to read as follows:

31 (iv) The electronic format used for the filing of
32 campaign contribution and expenditure reports on the official website of the
33 Secretary of State shall aggregate total campaign contributions by a
34 contributor to determine if they collectively reach the limitation for lawful
35 campaign contributions under this subchapter.

36

1 SECTION 4. Arkansas Code § 7-6-208(b)(1)(B), concerning reports of
2 contributions for candidates for school district, township, or municipal
3 office, and resulting from Initiated Act 1 of 1990 and Initiated Act 1 of
4 1996, is amended to read as follows:

5 (B) The name and address of each person, including the
6 candidate, who made a contribution or contributions that in the aggregate
7 exceeded ~~fifty dollars (\$50.00)~~ two hundred dollars (\$200);

8
9 SECTION 5. Arkansas Code § 7-6-209(b)(1)(B), concerning reports of
10 contributions for candidates for school district, township, or county office,
11 and resulting from Initiated Act 1 of 1996, is amended to read as follows:

12 (B) The name and address of each person, including the
13 candidate, who made a contribution or contributions that in the aggregate
14 exceeded ~~fifty dollars (\$50.00)~~ two hundred dollars (\$200);

15
16 SECTION 6. Arkansas Code § 7-6-215(d)(1)(C), concerning reports of
17 contributions for candidates for school district, township, or county office,
18 and resulting from Initiated Act 1 of 1990 and Initiated Act 1 of 1996, is
19 amended to read as follows:

20 (C) The name and address of each person that made a
21 contribution or contributions to the political action committee that exceeded
22 ~~five hundred dollars (\$500)~~ two hundred dollars (\$200) in the aggregate
23 during the calendar year, the contributor's place of business, employer,
24 occupation, the date of the contribution, the amount contributed, and the
25 total contributed for the year;

26
27 SECTION 7. Arkansas Code § 7-6-215(d)(1)(D), concerning reports of
28 contributions for candidates for school district, township, or county office,
29 and resulting from Initiated Act 1 of 1990 and Initiated Act 1 of 1996, is
30 amended to read as follows:

31 (D) The name and address of each candidate, ballot
32 question committee, legislative question committee, political party, county
33 political party committee, or other political action committee, if any, to
34 whom or which the political action committee made a contribution or
35 contributions that exceeded ~~fifty dollars (\$50.00)~~ two hundred dollars (\$200)
36 in the aggregate during the filing period, with the amount contributed and

1 the election for which the contribution was made;

2
3 SECTION 8. Arkansas Code § 7-6-216(c)(2), concerning registration and
4 reports by exploratory committees, and resulting from Initiated Act 1 of
5 1990, is amended to read as follows:

6 (2) The name and address of each person who has made a
7 contribution which, in the aggregate, exceeds ~~fifty dollars (\$50.00)~~ two
8 hundred dollars (\$200), along with the contributor's principal place of
9 business, employer, occupation, and the amount contributed; and

10
11 SECTION 9. Arkansas Code § 7-6-218(a), concerning citizen complaints
12 filed with the Arkansas Ethics Commission, and resulting from Initiated Act 1
13 of 1990, is amended to add additional subdivisions to read as follows:

14 (3) A citizen complaint shall be timely filed if it is:

15 (A) Hand-delivered to the Arkansas Ethics Commission on or
16 before the date that the complaint is due;

17 (B) Mailed to the Arkansas Ethics Commission, properly
18 addressed, postage prepaid, and bearing a postmark indicating that it was
19 received by the post office or common carrier on or before the date that the
20 complaint is due; or

21 (C) Received via email or facsimile by the Arkansas Ethics
22 Commission on or before the date that the complaint is due, provided the
23 original is received by the Arkansas Ethics Commission within ten (10) days
24 of the transmission.

25 (4) The Arkansas Ethics Commission shall prepare a citizen
26 complaint form and make it publically available on the Arkansas Ethics
27 Commission's website.

28 (5) The Arkansas Ethics Commission shall promulgate rules under
29 the Arkansas Administrative Procedure Act, § 25-15-201 et seq., to develop
30 the complaint submission process under subdivisions (a)(3) and (a)(4) of this
31 section.

32 SECTION 10. Arkansas Code § 7-6-220(a), concerning reporting of
33 independent expenditures, and resulting from Initiated Act 1 of 1996, is
34 amended to read as follows:

35 (a) A person who or an independent expenditure committee which makes
36 independent expenditures in an aggregate amount or value in excess of ~~five~~

1 ~~hundred dollars (\$500)~~ two hundred dollars (\$200) in a calendar year shall
2 file reports with the Secretary of State:

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

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

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

12

13 SECTION 11. Arkansas Code § 7-6-223(b)(2), concerning reports of
14 contributions by political parties, and resulting from Initiated Act 1 of
15 1996, is amended to read as follows:

16 (2) An itemization, including the name, address, employer, and
17 occupation of each person who made a contribution or contributions to the
18 political party which, in the aggregate, exceeded ~~fifty dollars (\$50.00)~~ two
19 hundred dollars (\$200) in the preceding calendar quarter, as well as the
20 amount received and date of receipt;

21

22 SECTION 12. Arkansas Code § 7-6-226(c)(1)(C) and (D), concerning
23 registration and reporting by county political committees, are amended to
24 read as follows:

25 (C) The name and address of each person who made a
26 contribution or contributions to the committee that exceeded ~~five hundred~~
27 ~~dollars (\$500)~~ two hundred dollars (\$200) in the aggregate, the contributor's
28 place of business, employer, or occupation, the date of the contribution, the
29 amount contributed, and the total contributed for the year;

30 (D) The name and address of each candidate or committee,
31 if any, to whom or which the committee made a contribution or contributions
32 that exceeded ~~fifty dollars (\$50.00)~~ two hundred dollars (\$200) in the
33 aggregate during the filing period, with the amount contributed and the
34 election for which the contribution was made;

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36 SECTION 13. Arkansas Code Title 7, Chapter 6, Subchapter 2, is amended

1 to add additional sections to read as follows:

2
3 7-6-232. Delinquent reports.

4 (a) The Arkansas Ethics Commission shall review the timeliness of
5 reports filed with the Secretary of State by all candidates for state or
6 district office pursuant to § 7-6-207.

7 (b)(1) If a candidate for state or district office has failed to file
8 a required report, the commission shall notify the candidate in writing that
9 the report is delinquent and request that the report be filed within thirty
10 (30) days of the report's original due date.

11 (2) The notice under subdivision (b)(1) of this section shall be
12 sent by regular mail to the candidate.

13 (c)(1) The third and subsequent time during an election cycle that a
14 candidate is sent written notice of a delinquent report and fails to file the
15 report within thirty (30) days of the report's original due date, the
16 commission shall bring a complaint against the candidate and, if a violation
17 is found, impose a fine of one thousand dollars (\$1,000) unless good cause be
18 shown for the violation.

19 (2) In addition to imposing a fine, the commission shall also be
20 authorized to take one (1) or more of the following actions:

21 (A) Issue a public letter of caution, warning, or
22 reprimand;

23 (B) Order the candidate to file one or more reports; or

24 (C) Report the matter and make recommendations to proper
25 law enforcement authorities.

26 (d) The commission shall promulgate rules to implement and administer
27 this section.

28
29 7-6-233. Preparation of reporting calendar.

30 (a) The Arkansas Ethics Commission shall issue one (1) or more
31 reporting calendars for use by candidates to identify when reports and other
32 necessary filings are due in a calendar year.

33 (b) The commission shall issue the reporting calendar for a calendar
34 year no later than the December 31 preceding the year of the reporting
35 calendar.

36 (c) The commission shall prepare reporting calendars as it deems

1 necessary for candidates for office, including without limitation candidates
2 for state, county, municipal, district, or school elections.

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4 SECTION 14. DO NOT CODIFY. Rules.

5 (a) When adopting the initial rules required under this act, the
6 Arkansas Ethics Commission shall file the final rules with the Secretary of
7 State for adoption under § 25-15-204(f):

8 (1) On or before November 1, 2023; or

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10
11 */s/M. Shepherd*

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14 **APPROVED: 4/12/23**