

1 State of Arkansas
2 91st General Assembly
3 Regular Session, 2017
4

As Engrossed: S3/13/17

A Bill

SENATE BILL 426

5 By: Senator D. Sanders
6 By: Representative Davis
7

For An Act To Be Entitled

9 AN ACT TO AMEND THE DISCLOSURE ACT FOR PUBLIC
10 INITIATIVES, REFERENDA, AND MEASURES REFERRED TO
11 VOTERS; CONCERNING REGISTRATION AND REPORTING
12 REQUIREMENTS; CONCERNING FILING DEADLINES; AND FOR
13 OTHER PURPOSES.
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Subtitle

16 TO AMEND THE DISCLOSURE ACT FOR PUBLIC
17 INITIATIVES, REFERENDA, AND MEASURES
18 REFERRED TO VOTERS; CONCERNING
19 REGISTRATION AND REPORTING REQUIREMENTS;
20 AND CONCERNING FILING DEADLINES.
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24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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26 SECTION 1. Arkansas Code § 3-8-703 is amended to read as follows:

27 3-8-703. Filing deadlines.

28 (a)(1)(A) A local-option ballot question committee shall file a Local-
29 Option Ballot Question Committee Statement of Organization with the Arkansas
30 Ethics Commission within five (5) days of receiving contributions or making
31 expenditures in excess of five hundred dollars (\$500) for the purpose of
32 expressly advocating the qualification, disqualification, passage, or defeat
33 of a local-option ballot question.

34 (B) The commission shall maintain the statement of
35 organization until notified of the committee's dissolution.

36 (2) A local-option ballot question committee failing to file a



1 statement of organization required by this section shall be subject to a late
2 filing fee not to exceed fifty dollars (\$50.00) for each day the statement
3 remains not filed.

4 (b) The statement of organization for a local-option ballot question
5 committee as defined in § 3-8-702(7)(A) shall include the following
6 information required by the statement of organization form prescribed by the
7 Executive Director of the Arkansas Ethics Commission, and any further
8 information the director may by regulation require.;

9 (1)(A) The name, the street address, and if available, the
10 telephone number of the committee.

11 (B) A committee address and telephone number may be that
12 of the residence of an officer or a director of the committee;

13 (2) The name, street address, and if available, the telephone
14 number of the treasurer and other principal officers and directors of the
15 committee;

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

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

21 (5) A brief statement identifying the substance of each ballot
22 question, the qualification, disqualification, passage, or defeat of which
23 the committee seeks to influence or of each legislative question, the passage
24 or defeat of which the committee seeks to influence, and if known, the date
25 each ballot or legislative question shall be presented to a popular vote at
26 an election.

27 (c) The statement of organization for a local-option ballot question
28 committee as defined in § 3-8-702(7)(B) shall include the following
29 information:

30 (1)(A) The name, the street address, and if available, the
31 telephone number of the committee.

32 (B) A committee's address and telephone number may be that
33 of the residence of an officer or a director of the committee;

34 (2) The name, street address, and where available, the telephone
35 number of the treasurer and the other principal officers and directors of the
36 committee;

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

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

6 (5) A brief statement identifying the substance of each ballot
7 question, the qualification, disqualification, passage, or defeat of which
8 the committee seeks to influence, and if known, the date each ballot or
9 legislative question shall be presented to a popular vote at an election.

10 ~~(e)(d)~~ Rules regarding dissolution shall be governed by the rule of the
11 commission.

12 ~~(d)(1)~~ (e)(1) Upon dissolution, a local-option ballot question
13 committee shall notify the commission of the dissolution in writing.

14 (2) Any remaining funds on hand at the time of dissolution shall
15 be turned over to:

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

18 (B) An organized political party as defined in § 7-1-101
19 or a political party caucus of the General Assembly, the Senate, or the House
20 of Representatives;

21 (C) A nonprofit organization that is exempt from taxation
22 under the Internal Revenue Code, 26 U.S.C. § 501(c)(3);

23 (D) Cities of the first class, cities of the second class,
24 or incorporated towns; or

25 (E) The contributors to the local-option ballot question
26 committee.

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28 SECTION 2. The introductory language of Arkansas Code § 3-8-706(2)(A),
29 concerning information to be contained in a financial report of a local-
30 option ballot, is amended to read as follows:

31 (2)(A) For a local-option ballot question committee as defined
32 in § 3-8-702(7)(A):

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34 SECTION 3. Arkansas Code § 3-8-706(2)(A)(x), concerning information to
35 be contained in a financial report of a local-option ballot, is repealed.

36 ~~(x) A list of all paid canvassers, officers, and~~

1 ~~directors and the amount each person was paid;~~

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3 SECTION 4. Arkansas Code § 3-8-706(2)(B) and (C), concerning
4 information to be contained in a financial report of a local-option ballot,
5 are amended to read as follows:

6 (B) For a local-option ballot question committee as
7 defined in § 3-8-702(7)(B):

8 (i) The total amount of contributions made by the
9 committee to another ballot or legislative question committee reported during
10 the period covered by the financial report; and

11 (ii) The cumulative amount of contributions under
12 subdivisions (2)(B)(i) of this section.

13 ~~(B)(C)~~ For an individual person:

14 (i) The total amount of expenditures made by the
15 individual person or on behalf of the individual person by an advertising
16 agency, public relations firm, or political consultant during the period
17 covered by the financial report; and

18 (ii) The cumulative amount of expenditures for each
19 local-option ballot question.

20 ~~(C)(D)~~ For an elected official using public funds:

21 (i) The total amount of expenditures made by the
22 elected official using public funds or on behalf of the elected official
23 using public funds by an advertising agency, public relations firm, or
24 political consultant during the period covered by the financial report; and

25 (ii) The cumulative amount of expenditures for each
26 local-option ballot question; and

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28 SECTION 5. The introductory language of Arkansas Code § 7-6-207(a)(1),
29 concerning reports of contributions, is amended to read as follows:

30 7-6-207. Reports of contributions – Candidates for state or district
31 ~~office other than school district, township, municipal, or county office,~~
32 ~~ete.~~

33 (a) Reports Required.

34 (1) Except as provided in subsections (c) and (e) of this
35 section, each candidate for state or district office, ~~other than a school~~
36 ~~district, township, municipal, or county office~~ including a district judge,

1 or a person acting in the candidate's behalf, shall file with the Secretary
2 of State:

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4 SECTION 6. Arkansas Code § 7-9-404 is amended to read as follows:

5 7-9-404. Filing deadlines.

6 (a)(1)(A) A ballot question committee or a legislative question
7 committee shall file a statement of organization with the Arkansas Ethics
8 Commission within five (5) days of receiving contributions or making
9 expenditures in excess of five hundred dollars (\$500) for the purpose of
10 expressly advocating the qualification, disqualification, passage, or defeat
11 of a ballot question or the passage or defeat of a legislative question.

12 (B) The commission shall maintain the statement of
13 organization until notified of the committee's dissolution.

14 (2) A ballot question committee or legislative question
15 committee failing to file a statement of organization required by this
16 section shall be subject to a late filing fee not exceeding fifty dollars
17 (\$50.00) for each day the statement remains not filed.

18 (b) The statement of organization for a ballot question committee as
19 defined in § 7-9-402(2)(A) or a legislative question committee as defined in
20 § 7-9-402(10)(A) shall include the following information:

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

24 (2) The name, street address, and ~~where~~ if available, the
25 telephone number of the treasurer and other principal officers and directors
26 of the committee;

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

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

32 (5) A brief statement identifying the substance of each ballot
33 question, the qualification, disqualification, passage, or defeat of which
34 the committee seeks to influence or of each legislative question, the passage
35 or defeat of which the committee seeks to influence, and if known, the date
36 each ballot or legislative question shall be presented to a popular vote at

1 an election.

2 (c) The statement of organization for a ballot question committee as
3 defined in § 7-9-402(2)(B) or a legislative question committee as defined in
4 § 7-9-402(10)(B) shall include:

5 (1)(A) The name, the street address, and if available, the
6 telephone number of the committee.

7 (B) The address and telephone number of a committee in
8 subdivision (c)(1)(A) of this section may be that of the residence of an
9 officer or a director of the committee;

10 (2) The name, street address, and if available, the telephone
11 number of the treasurer and the other principal officers and directors of the
12 committee;

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

15 (4)(A) The name of each person who is a member of the committee.

16 (B) A person that is not an individual may be listed by
17 its name without also listing its own members, if any; and

18 (5) A brief statement identifying the substance of each ballot
19 question, the qualification, disqualification, passage, or defeat of which
20 the committee seeks to influence, and if known, the date each ballot or
21 legislative question shall be presented to a popular vote at an election.

22 ~~(e)~~(d) When any of the information required in a statement of
23 organization is changed, an amendment shall be filed within ten (10) days to
24 reflect the change, except that changes in individual membership may be filed
25 when the next financial report is required. A committee failing to file a
26 change as required shall be subject to a late filing fee not exceeding
27 twenty-five dollars (\$25.00) for each day the change remains not filed.

28 ~~(d)~~(e) Upon dissolution, a ballot question committee or a legislative
29 question committee shall ~~se~~ notify the commission in writing. Any remaining
30 funds on hand at the time of dissolution shall be turned over to either:

31 (1) The Treasurer of State for the benefit of the General
32 Revenue Fund Account of the State Apportionment Fund;

33 (2) An organized political party as defined in § 7-1-101 or a
34 political party caucus of the General Assembly, the Senate, or House of
35 Representatives;

36 (3) A nonprofit organization that is exempt from taxation under

1 Section 501(c)(3) of the Internal Revenue Code;

2 (4) Cities of the first class, cities of the second class, or
3 incorporated towns; or

4 (5) The contributors to the ballot or legislative question
5 committee.

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7 SECTION 7. Arkansas Code § 7-9-406(g), concerning requirements for
8 financial reports, is amended to read as follows:

9 (g) A final financial report as described in § 7-9-409(a)(3) is
10 required regardless of whether a ballot question committee, legislative
11 question committee, individual, or elected official received contributions or
12 made expenditures in excess of five hundred dollars (\$500).

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14 SECTION 8. The introductory language of Arkansas Code § 7-9-407(2)(A),
15 concerning the information contained in a financial report, is amended to
16 read as follows:

17 (2)(A) For a ~~committee~~ ballot question committee as defined in §
18 7-9-402(2)(A) or a legislative question committee as defined in § 7-9-
19 402(10)(A):

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21 SECTION 9. Arkansas Code § 7-9-407(2)(A)(x), concerning the
22 information to be included in a financial report, is repealed.

23 ~~(x) A list of all paid canvassers, officers, and~~
24 ~~directors and the amount each person was paid;~~

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26 SECTION 10. Arkansas Code § 7-9-407(2)(B) and (C), concerning
27 information to be contained in an financial report, is amended to read as
28 follows:

29 (B) For a ballot question committee as defined in § 7-9-
30 402(2)(B) or a legislative question committee as defined in § 7-9-402(10)(B)
31 shall include the following information:

32 (i) The total amount of contributions made by the
33 committee to another ballot or legislative question committee reported during
34 the period covered by the financial report; and

35 (ii) The cumulative amount of contributions under
36 subdivisions (2)(B)(i) of this section.

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~~(B)~~(C) For an individual person:

(i) The total amount of expenditures made by the individual person or on behalf of the individual person by an advertising agency, public relations firm, or political consultant during the period covered by the financial report; and

(ii) The cumulative amount of expenditures for each ballot question or legislative question; and

~~(C)~~(D) For an elected official using public funds:

(i) The total amount of expenditures made by the elected official using public funds or on behalf of the elected official using public funds by an advertising agency, public relations firm, or political consultant during the period covered by the financial report; and

(ii) The cumulative amount of expenditures for each ballot question or legislative question; and

SECTION 11. Arkansas Code § 21-8-703(a)(6), concerning place and manner of filing a statement of financial interest, is amended to read as follows:

(6) District judges shall file with the ~~county clerk~~ Secretary of State.

/s/D. Sanders