

MARK-UP COPY

**RULES
ON
POLITICAL
COMMITTEES**

**ARKANSAS ETHICS COMMISSION
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§ 500 Definitions.

(a) **Approved political action committee** – As used in these rules, the term “approved political action committee” means any person who:

- (i) Receives contributions from one (1) or more persons in order to make contributions to candidates, campaign committees, ballot question committees, legislative question committees, political parties, county political party committees, or other political action committees;
- (ii) Does not accept any contribution or cumulative contributions in excess of five thousand dollars (\$5,000) from any person in any calendar year; and
- (iii) Registers pursuant to Ark. Code Ann. § 7-6-215 prior to making contributions.

An approved political action committee shall not include an organized political party as defined in Ark. Code Ann. § 7-1-101, a county political party committee, the candidate’s own campaign committee, an exploratory committee, a ballot question committee, or a legislative question committee.

~~(b) **Carryover funds** – As used in these rules, the term “carryover funds” means the amount of campaign funds retained from the last election by the candidate for future use but not to exceed the annual salary, excluding expense allowances, set by Arkansas law for the office sought. “Carryover funds” does not include campaign signs, campaign literature, and other printed campaign materials that were (i) purchased by the campaign; (ii) reported on the appropriate contribution and expenditure report for the campaign at the time of purchase; and (iii) retained for use in a future campaign by the same candidate.~~

~~(e)~~ **(b) Contribution** – As used in these rules, the term “contribution” means, whether direct or indirect, advances, deposits, or transfers of funds, contracts, or obligations, whether or not legally enforceable, payments, gifts, subscriptions, assessments, payment for services, dues, advancements, forbearance, loans, or pledges or promises of money or anything of value, whether or not legally enforceable, to a candidate, committee, or holder of elective office, made for the purpose of influencing the nomination or election of any candidate or in support of or opposition to a ballot or legislative question. “Contribution” shall include membership dues paid to a committee but not filing fees paid to a committee by candidates.

“Contribution” includes the purchase of tickets for events such as dinners, luncheons, rallies, and similar fundraising events; the granting of discounts or rebates by television and radio stations and newspapers not extended on an equal basis to all candidates for the same office; and any payments for the services of any person serving as an agent of a candidate or committee by a person other than the candidate or committee or persons whose expenditures the candidates or committee must report under subchapter 2 of chapter 6, Title 7 of the Arkansas Code. The term “contribution” further includes any transfer of anything of value received by a committee from another committee.

“Contribution” shall not include noncompensated, nonreimbursed, volunteer personal services or travel.

“Contribution and expenditure” shall not include activity sponsored and funded by a political party that meets the definition of “political party” under Ark. Code Ann. § 7-1-101 or the requirements of Ark. Code Ann. § 7-7-205 to promote its candidates or nominees through events such as dinners, luncheons, rallies, or similar gatherings and shall not include nonpartisan activity designed to encourage individuals to register to vote or to vote or any communication by any membership organization to its members or stockholders if the membership organization or corporation is not organized primarily for the purpose of influencing the nomination for election or election of any candidate.

~~(d)~~ **(c) County political party committee** – As used in these rules, the term “county political party committee” means a person that:

- (i) Is organized at the county level for the purpose of supporting its affiliate party and making contributions;
- (ii) Is recognized by an organized political party, as defined in Ark. Code Ann. § 7-1-101, as being affiliated with that political party;
- (iii) Receives contributions from one (1) or more persons in order to make contributions to candidates, campaign committees, ballot question committees, legislative question committees, political parties, political action committees, or other county political party committees;
- (iv) Does not accept any contribution or cumulative contributions in excess of five thousand dollars (\$5,000) from any person in any calendar year; and
- (v) Registers pursuant to Ark. Code Ann. § 7-6-226 prior to making contributions.

~~(e)~~ **(d) Legislative caucus committee** – As used in these rules, the term “legislative caucus committee” means a person that:

- (i) Is composed exclusively of members of the General Assembly;
- (ii) Elects or appoints officers and recognizes identified legislators as members of the organization; and
- (iii) Exists for research and other support of policy development and interests that the membership hold in common.

A “legislative caucus committee” includes, but is not limited to, a political party caucus of the General Assembly, the Senate, or the House of Representatives. An organization whose only nonlegislator member is the Lieutenant Governor or the Governor is a “legislative caucus committee” for purposes of these rules.

~~(f)~~ **(e) Person** – As used in these rules, the term “person” means any individual, proprietorship, firm, partnership, joint venture, syndicate, labor union, business trust, company, corporation, association, committee, or any other organization or group of persons acting in concert. It shall also include a political party that meets the definition of “political party” under Ark. Code Ann. § 7-1-101 or the requirements of Ark. Code Ann. § 7-7-205, county political party committees, and legislative caucus committees.

~~(g)~~ **(f) (1)** “Printed campaign materials” means:

(A) Literature mailed to an elector that is intended to or calculated to influence the vote of an elector in an election in this state, including without limitation signs, banners, flyers, and pamphlets; and

(B) Yard signs and push cards intended to or calculated to influence the vote of an elector in an election in this state.

(2) “Printed campaign materials” does not mean political paraphernalia, including without limitation stickers, buttons, pens, T-shirts, or other similar trinkets.

~~(h)~~ **(g) Prohibited political action committee** – As used in these rules, the term “prohibited political action committee” means any person who receives contributions from one (1) or more persons in order to make contributions to candidates, ballot question committees, legislative question committees, political parties, county political party committees, or other political action committees, but that does not meet the requirements of an approved political action committee. A prohibited political action committee shall not include a political party that meets the definition of “political party” under Ark. Code Ann. § 7-1-101 or the requirements of Ark. Code Ann. § 7-7-205, the candidate’s own campaign committee, a county political party committee, an exploratory committee, or a ballot or legislative question committee.

~~(i)~~ **(h) Surplus Remaining campaign funds** – As used in these rules, the term “~~surplus~~ **remaining** campaign funds” means any balance of campaign funds over expenses incurred as of the day of the election except for ~~carryover~~ **remaining campaign** funds and any funds required to repay loans made by the candidate from his or her personal funds to the campaign or to repay loans made by financial institutions to the candidate and applied to the campaign. “~~Surplus~~ **Remaining** campaign funds” does not include campaign signs, campaign literature, and other printed campaign materials that were (i) purchased by the campaign; (ii) reported on the appropriate contribution and expenditure report for the campaign at the time of the purchase; and (iii) retained for use in a future campaign by the same candidate.

§ 501 Registration by Political Action Committees

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

(B) Registration shall be annually renewed by January 15, unless the committee ceased to exist.

(C) Except as provided in § 501(a)(1)(D) of these rules, registration shall be on forms provided by the Secretary of State, and the contents therein shall be verified by an affidavit of an officer of the committee.

(D) (i) Registration with the Secretary of State under these rules may be filed in electronic form through the official website of the Secretary of State if electronic filing is offered by the Secretary of State. An electronic registration shall be verified by an officer of the committee. The Arkansas Ethics Commission shall approve a format used by the Secretary of State for registering as a committee to ensure that all required information is requested.

(ii) A format used by the Secretary of State for registering as a committee in electronic form shall provide that a registration filed in electronic form be rejected by that office if it omits the name, street address, or telephone number of an individual designated as the resident agent for the committee.

(iii) The official website of the Secretary of State shall allow for searches of committee registration information filed in electronic form.

(2)(A) The committee shall designate a resident agent who shall be an individual who resides in the State of Arkansas.

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

(3)(A) No approved political action committee shall accept a contribution from a prohibited political action committee as defined in § 500(h) of these rules.

(B) It shall be unlawful for a prohibited political action committee as defined in § 500(h) of these rules to make a contribution to:

- (i) A ballot question committee;
- (ii) A legislative question committee;
- (iii) A political party;
- (iv) A county political party committee;
- (v) ~~an~~ An approved political action committee; ~~or;~~
- (vi) A prohibited political action committee.

(4)(A) An out-of-state committee, including a federal committee, shall be required to comply with the registration and reporting provisions of these rules if the committee contributes more than five hundred dollars (\$500) in a calendar year to candidates, campaign committees, ballot question committees, legislative question committees, political parties, county political party committees, or other political action committees within the State of Arkansas.

(B) § 501(a)(4)(A) of these rules shall not apply to: (i) the national committee of any political party that is registered with the Federal Election Commission; (ii) any federal candidate committee that is registered with the Federal Election Commission; (iii) funds which a subordinate committee of the national committee of any political party that is registered with the Federal Election Commission transfers to the federal account of an organized political party as defined in Ark. Code Ann. § 7-1-101; or (iv) funds which a political action committee that is registered with the Federal Election Commission transfers to the federal account of an organized political party as defined in Ark. Code Ann. § 7-1-101.

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

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

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

(3) The full name and street address, city, state, and zip code of each financial institution the committee uses for purposes of receiving contributions or making expenditures within the State of Arkansas;

(4) The name, street address, and telephone number of the individual designated as the resident agent for the committee and, if the registration form is filed in paper form, a written acceptance of designation as a resident agent;

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

(6) A clause submitting the committee to the jurisdiction of the State of Arkansas for all purposes related to compliance with the provisions of subchapter 2 of chapter 6, Title 7 of the Arkansas Code.

(c)(1) When a committee makes a change to any of the information required in § 501(b) of these rules, an amendment is required to be filed within ten (10) days to reflect the change.

(2) A committee failing to file an amendment shall be subject to a late filing fee of ten dollars (\$10.00) for each day the change is not filed.

(d) Registration with the Secretary of State under this section may be filed in paper form if:

(1) The political action committee does not have access to the technology necessary to submit registration in electronic form;

(2) Submitting registration in electronic form would constitute a substantial hardship for the political action committee; and

(3) The political action committee submits a notarized affidavit that complies with Ark. Code Ann. § 7-6-231.

§ 502 Reporting by Political Action Committees

(a) Within fifteen (15) calendar days after the end of each calendar quarter, approved political action committees are required to file a quarterly report with the Secretary of State, including the following information:

(1) The total amount of contributions received and the total amount of contributions made during the filing (i.e., reporting) period and the cumulative amount of those totals;

(2) The current balance of committee funds;

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

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

(5) The name and address of each candidate, campaign committee, ballot question committee, legislative question committee, political party, county political party committee, or other political action committee, if any, to whom or which the committee contributed a nonmoney item, together with a description of the item, the date the item was contributed, and the value of the item; and

(6) The total amount of expenditures made for administrative expenses and for each single expenditure that exceeds one hundred dollars (\$100), an itemization including the amount of the expenditure, the name and address of the person to which the expenditure was made, and the date the expenditure was made.

(b) The reports may be filed in electronic form through the official website of the Secretary of State if electronic filing is offered by the Secretary of State.

(c) The information required in § 502(a)(1) - (6) of these rules may be provided in the form of schedules attached to a report filed in paper form.

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

(e)(1) A report is timely filed if it is filed in electronic form through the official website of the Secretary of State on or before the date that the report is due if the Secretary of State offers electronic filing of committee reports.

(2) **(A)** The Secretary of State shall receive reports in a readable electronic format that is acceptable to the Secretary of State and approved by the Arkansas Ethics Commission.

(B) The Arkansas Ethics Commission shall approve the format used by the Secretary of State for the filing of political action committee reports in electronic form to ensure that all required information is requested.

(C) The official website of the Secretary of State shall allow for searches of committee report information filed in electronic form.

(f)(1) A person required to file reports or register in electronic form under Ark. Code Ann. § 7-6-215 may file reports or register in paper form under this section if:

(A) The person does not have access to the technology necessary to submit reports or registration in electronic form; and

(B) Submitting reports or registration in electronic form would constitute a substantial hardship for the person.

(2) A person filing reports or registration in paper form under subdivision (f)(1) of this section shall submit with its first report or registration a notarized affidavit on a form prepared by the Secretary of State declaring that:

(A) The person does not have access to the technology necessary to submit reports or registration in electronic form;

(B) Submitting reports or registration in electronic form would constitute a substantial hardship for the person; and

(C) The person agrees to file all other reports in paper form for the duration of the period of registration.

(g) The Secretary of State shall:

(1) Not accept a report or registration in paper form under subdivision (f)(1) of this section if a notarized affidavit was not submitted with the:

(A) Registration of a political action committee; or

(B) First report of a person or independent expenditure committee;

(2) Provide written notice to the political action committee within five (5) business days if the registration in paper form was not filed or accepted;

(3) Provide written notice to a political action committee, person, or independent expenditure committee within five (5) business days if a report in paper form was not filed or accepted; and

(4) Provide the reason the registration or report in paper form was not filed or accepted.

(h) The Secretary of State shall make available to persons wishing to file reports in paper form under this section:

(1) Information on the deadlines for filing required reports; and

(2)(A) Appropriate forms and instructions for complying with the deadlines.

(B) The Arkansas Ethics Commission shall approve the forms and instructions used by the Secretary of State under this section to ensure that all required information is requested.

(i) Reports shall be filed on the forms furnished by the Secretary of State, except that computer-generated contribution and expenditure reports shall be accepted by the Secretary of State and the Arkansas Ethics Commission provided that all of the requisite elements are included.

(j)(1)(A) A report submitted in paper form under this section other than a preelection report is timely filed if it is either hand delivered or mailed to the Secretary of State, properly addressed, and postage prepaid, bearing a postmark indicating that it was received by the post office or common carrier on or before the date that the report is due.

(B) A preelection report submitted in paper form under this section is timely filed if it is received by the Secretary of State no later than seven (7) days before the election for which it is filed.

(2) The Secretary of State shall accept a report via facsimile, provided the original is received by the Secretary of State within ten (10) days of the date of facsimile transmission.

(k)(1) The Secretary of State shall make available reports submitted in paper form on a portion of the official website of the Secretary of State.

(2) The Secretary of State shall comply with the requirements of Ark. Code Ann. § 7-6-214(c) regarding the “paper filer” designation and publication requirements for all report submitted in paper form.

(1)(1) A committee shall indicate on its quarterly report for the fourth quarter of each calendar year whether or not it intends to renew its registration for the next calendar year.

(2)(A) If a fourth quarter report is filed in paper form, the form utilized by the Secretary of State for filing shall require the committee to indicate whether or not it intends to renew its registration for the next calendar year.

(B) A committee indicating that it will renew its registration for the next calendar year shall submit its registration form for the next calendar year at the same time as the quarterly report for the fourth quarter.

(C) The Secretary of State shall not accept a quarterly report for the fourth quarter if the committee indicates that it intends to renew its registration for the next calendar year and the registration form for the next calendar year is not submitted at the same time as the quarterly report for the fourth quarter.

(3) If the Secretary of State offers electronic filing of committee reports, the format used by the Secretary of State for the filing of committee reports in electronic format shall require a committee indicating that it intends to renew its registration for the next calendar year to renew its registration for the next calendar year before submitting its quarterly report for the fourth quarter.

§ 503 Penalties for Political Action Committees

(a) If the Arkansas Ethics Commission finds that a person or political action committee has committed a violation of Ark. Code Ann. § 7-6-215, then it may shall do one or more of the following, unless good cause be shown for the violation:

- (1) ~~Impose~~ Impose a fine of not less than fifty dollars (\$50.00) and not more than three thousand, five hundred dollars (\$3,500.00); ~~and/or~~
- (2) ~~issue~~ Issue a public letter of caution, warning, or reprimand;
- (3) Order the respondent to file or amend a statutorily required disclosure form; or
- (4) Report its finding, along with such information and documents as it deems appropriate; and make recommendations to the proper law enforcement authorities.

(b) In addition, the Arkansas Ethics Commission may impose a late filing fee not exceeding ten dollars (\$10.00) for each day a required amendment of the information contained in a registration form remains unfiled by a political action committee.

§ 504 Legislative Caucus Committees

A legislative caucus committee is required to comply with the registration and reporting provisions of §§ 501-502 of these rules, including the designation of a resident agent who is an individual who resides in the State of Arkansas and the establishment of an account in a financial institution, if the committee contributes more than five hundred dollars (\$500) in a calendar year to candidates, campaign committees, ballot question committees, legislative question committees, political parties, county political party committees, or political action committees.

§ 505 Out-of-State Political Action Committees

An out-of-state political action committee, including a federal committee, is required to comply with the registration and reporting provisions of §§ 501-502 and is subject to the jurisdiction of the State of Arkansas for all purposes related to compliance with the provisions of subchapter 2 of chapter 6, Title 7 of the Arkansas Code, if the committee contributes more than five hundred dollars (\$500) in a calendar year to candidates, campaign committees, ballot question committees, legislative question committees, political parties, county political party committees, or other political action committees within the State of Arkansas.

Section 505 of these rules shall not apply to: (i) the national committee of any political party that is registered with the Federal Election Commission; (ii) any federal candidate committee that is registered with the Federal Election Commission; (iii) funds which a subordinate committee of the national committee of any political party that is registered with the Federal Election Commission transfers to the federal account of an organized political party as defined in Ark. Code Ann. § 7-1-101; or (iv) funds which a political action committee that is registered with the Federal Election Commission transfers to the federal account of an organized political party as defined in Ark. Code Ann. § 7-1-101.

§ 506 Paid for by Disclaimer

(a) All articles, statements, or communications appearing in any newspaper printed or circulated in this state intended or calculated to influence the vote of any elector in any election and for the publication of which a consideration is paid or to be paid shall clearly contain the words “paid Political Advertisement”, “Paid Political Ad”, or “Paid for by” the candidate, committee, or person who paid for the message. Both the persons placing and the persons publishing the articles, statements, or communications shall be responsible for including the required disclaimer. In addition, all articles, statements, or communications appearing in any radio, television, or any other electronic medium intended or calculated to influence the vote of any elector in any election and for the publication of which a consideration is paid or to be paid shall clearly contain the words “Paid Political Advertisement” or “Paid Political Ad” or “Paid for by”, “Sponsored by”, or “Furnished by” the true sponsor of the advertisement. Both the persons placing and the persons publishing the articles, statements, or communications shall be responsible for including the required disclaimer.

(b)(1) Printed campaign materials as defined in § 500(g) of these rules, shall clearly contain the words “Paid for by” followed by the name of the candidate, committee, or person who paid for the campaign sign, campaign literature, or other printed campaign materials.

(2) Subdivision (b)(1) of this section applies only to campaign signs, campaign literature, and other printed campaign materials created by or sponsored by a political candidate, the campaign of a political candidate, a political action committee, or an independent expenditure committee.

§ 507 Registration by County Political Party Committees

(a)(1)(A) To qualify as a county political party committee, a committee is required to register with the Secretary of State within fifteen (15) days after accepting contributions during a calendar year which, in the aggregate, exceed five thousand dollars (\$5,000).

(B) The registration is to be annually renewed by January 15, unless the committee has ceased to exist.

(C) Registration shall be on forms provided by the Secretary of State, and the contents of the form shall be verified by an affidavit of an officer of the committee.

(2)(A) The committee is required to appoint a treasurer who is a qualified elector of the State of Arkansas.

(B) No contribution shall be accepted from a committee and no expenditure shall be made by a committee that has not registered and which does not have a treasurer.

(3)(A) No county political party committee shall accept a contribution from a prohibited political action committee as defined in § 500(h) of these rules.

(B) It shall be unlawful for a prohibited political action committee as defined in § 500(h) of these rules to make a contribution to a county political party committee.

(b) The committee is required to disclose on the registration form the following information:

(1) The name, address, and, when available, phone number of the committee and the name, address, phone number, and place of employment of each of its officers, provided if the committee’s name is an acronym, then both the acronym and the words forming the acronym shall be disclosed;

(2) The political party with which the county political party committee is affiliated;

(3) The full name and street address, city, state, and zip code of the financial institution in the State of Arkansas that the committee designates as its official depository for the purposes of depositing all money contributions that it receives in this state and making all expenditures in this state; and

- (4) A written acceptance of appointment by the treasurer.

§ 508 Reporting by County Political Party Committees

(a)(1) Within fifteen (15) calendar days after the end of each calendar quarter, county political party committees are required to file a quarterly report with the Secretary of State, including the following information:

(A) The total amount of contributions received and the total amount of contributions made during the filing period and the cumulative amount of these totals;

(B) The current balance of committee funds;

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

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

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

(F) The total amount of expenditures made for administrative expenses and for each single expenditure that exceeds one hundred dollars (\$100) an itemization including the amount of the expenditure, the name and address of the person to which the expenditure was made, and the date the expenditure was made; and

(G) Any change in information required by these rules.

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

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

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

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

§ 509 Penalties for County Political Party Committees

If the Arkansas Ethics Commission finds that a person or county political party committee has committed a violation of Ark. Code Ann. § 7-6-226, then it may shall do one or more of the following, unless good cause be shown for the violation:

- (a) ~~impose~~ Impose a fine of not less than fifty dollars (\$50.00) and not more than three thousand, five hundred dollars (\$3,500.00); and/or
- (b) ~~issue~~ Issue a public letter of caution, warning, or reprimand;:
- (c) Order the respondent to file or amend a statutorily required disclosure form; or
- (d) Report its finding, along with such information and documents as it deems appropriate; and make recommendations to the proper law enforcement authorities.

~~If the Arkansas Ethics Commission finds that a person or county political party committee has committed a violation of Ark. Code Ann. § 7-6-226, then it may impose a fine of not less than fifty dollars (\$50.00) and not more than three thousand, five hundred dollars (\$3,500.00) and/or issue a public letter of caution, warning, or reprimand~~

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§ 510 Records Retention by PACs and County Political Party Committees

Each committee is required to maintain for a period of four (4) years records evidencing the name, address, and place of employment of each person who contributed to the committee, along with the amount contributed. Furthermore, each committee shall maintain for a period of four (4) years records evidencing the name and address of each candidate, campaign committee, ballot question committee, legislative question committee, political party, county political party committee, or political action committee who or which received a contribution from the committee, along with the amount contributed.

§ 511 Contribution Limits

(a) No political action committee or county political party committee shall accept any contribution or cumulative contributions in excess of five thousand dollars (\$5,000) from any person in any calendar year.

(b) For purposes of making contributions to candidates, each political action committee and county political party committee may contribute up to the maximum amount to a candidate's campaign for each election, whether the candidate is opposed or unopposed. Pursuant to Ark. Code Ann. § 7-6-203, the contribution limit for each election cycle shall be adjusted at the beginning of each odd-numbered year in an amount equal to the percentage certified to the Federal Election Commission by the Bureau of Labor Statistics of the Department of Labor under 52 U.S.C. § 30116(c) as existing on January 1, 2015. In accordance with the Arkansas Ethics Commission's Rules on Campaign Finance & Disclosure, the Arkansas Ethics Commission shall announce the contribution limit in effect for each election cycle.

§ 512 Administrative Expenses of PACs and County Political Party Committees

It is permissible for a PAC or a county political party committee to pay reasonable administrative expenses out of the contributions it has received.

§ 513 Receipt of ~~Surplus Campaign Funds or Carryover~~ Campaign Funds or Remaining Campaign Funds by Political Party Caucus

~~Surplus campaign funds or carryover Campaign funds or remaining campaign~~ funds given to a political party caucus shall be segregated in an account separated from other caucus funds and shall not be used by the political party caucus to make a campaign contribution or to provide any personal income to any candidate who donated ~~surplus campaign funds or carryover campaign funds or remaining campaign~~ funds.

§ 514 Amendment of Reports – Affirmative Defense of Unintentional Error

(a) It is an affirmative defense to prosecution or disciplinary action if a person required to file a report under these rules amends the report within thirty (30) days of discovering or learning of an unintentional error in the report.

(b) The Arkansas Ethics Commission shall not proceed with an investigation of an alleged error in a report filed under these rules if the Arkansas Ethics Commission determines that a person would be eligible to raise the aforementioned affirmative defense. If the Arkansas Ethics Commission does not proceed with an investigation of an alleged error, the person shall not be considered to have committed a violation of the applicable statute.

(c) This section shall not be construed to remove the duty to file a report under these rules or authorize a person to knowingly fail to file a report under these rules.

1 State of Arkansas
2 93rd General Assembly
3 Regular Session, 2021
4

As Engrossed: S2/8/21

A Bill

SENATE BILL 138

5 By: Senator J. Dismang
6

For An Act To Be Entitled

8 AN ACT TO AMEND THE LAW CONCERNING CAMPAIGN FINANCE;
9 TO AMEND THE LAW CONCERNING CONTRIBUTIONS; TO AMEND
10 THE LAW CONCERNING REPORTING OF CONTRIBUTIONS; TO
11 AMEND THE LAW CONCERNING ETHICS AND CONFLICTS OF
12 INTEREST OF STATE AND LOCAL OFFICIALS; TO REENACT THE
13 REQUIREMENT TO FILE AN ADDITIONAL STATEMENT OF
14 FINANCIAL INTEREST; TO AMEND PORTIONS OF INITIATED
15 ACT 1 OF 1990 AND INITIATED ACT 1 OF 1996; AND FOR
16 OTHER PURPOSES.

Subtitle

17
18
19
20 TO AMEND THE LAW CONCERNING CAMPAIGN
21 FINANCE, CONTRIBUTIONS AND REPORTING; TO
22 REENACT THE REQUIREMENT TO FILE A
23 STATEMENT OF FINANCIAL INTEREST; AND TO
24 AMEND PORTIONS OF INITIATED ACT 1 OF 1990
25 AND INITIATED ACT 1 OF 1996.
26

27
28 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
29

30 SECTION 1. Arkansas Code § 7-6-203(d)(4), concerning contribution,
31 limitation, acceptance, use as personal income, and disposition of campaign
32 funds resulting from Initiated Act 1 of 1990 and Initiated Act 1 or 1996, is
33 amended to read as follows:

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

36 (A) A ballot question committee;



- 1 (B) A legislative question committee;
- 2 (C) A political party;
- 3 (D) A county political party committee; ~~or~~
- 4 (E) An approved political action committee; or
- 5 (F) A prohibited political action committee.

6

7 SECTION 2. Arkansas Code § 7-6-203(e), concerning contribution,
 8 limitation, acceptance, use as personal income, and disposition of campaign
 9 funds resulting from Initiated Act 1 of 1990 and Initiated Act 1 or 1996 is
 10 repealed.

11 ~~(e) It shall be unlawful for any candidate for public office, any~~
 12 ~~person acting in the candidate's behalf, or any exploratory committee to~~
 13 ~~solicit or accept campaign contributions more than two (2) years before an~~
 14 ~~election at which the candidate seeks nomination or election. This subsection~~
 15 ~~shall not prohibit the solicitation or acceptance of a contribution for the~~
 16 ~~sole purpose of raising funds to retire a previous campaign debt.~~

17

18 SECTION 3. Arkansas Code § 7-6-207, concerning reports of campaign
 19 contributions of candidates for state or district office and resulting from
 20 Initiated Act 1 of 1990 and Initiated Act 1 of 1996, is amended to add an
 21 additional subsection to read as follows:

22 (f)(1) For each financial institution the candidate and committee
 23 working on the candidate's behalf use for the purposes of receiving
 24 contributions or making expenditures within this state, the following
 25 information shall be submitted to the Secretary of State with the initial
 26 report filed under this section:

27 (A) The full name of the financial institution; and

28 (B) For the financial institution, the:

29 (i) Street address;

30 (ii) City;

31 (iii) State; and

32 (iv) United States postal zip code of the financial
 33 institution.

34 (2) The information disclosed under subdivision (f)(1) of this
 35 section:

36 (A) Shall be made available to the commission upon

1 request;

2 (B) Is not a public record; and

3 (C) Is exempt from disclosure under the Freedom of
4 Information Act of 1967, § 25-19-101 et seq.

5

6 SECTION 4. Arkansas Code § 21-8-705, which expired December 31, 2016,
7 is reenacted to read as follows:

8 21-8-705. ~~Filing of additional statement of financial interest in year~~
9 ~~in which party filing period is held. [Expires December 31, 2016]~~ Filing of
10 additional statement of financial interest in year in which party filing
11 period is held.

12 ~~If the party filing period under § 7-7-203 ends before January 1 of the~~
13 ~~year of the general election, a candidate for elective office shall file a~~
14 ~~statement of financial interest for the previous calendar year no later than~~
15 ~~January 31 of the year of the general election in addition to the statement~~
16 ~~of financial interest required under § 21-8-701~~ If the party filing period
17 under § 7-7-203 ends before January 1 of the year of the general election, a
18 candidate for elective office shall file a statement of financial interest
19 for the previous calendar year no later than January 31 of the year of the
20 general election in addition to the statement of financial interest required
21 under § 21-8-701.

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23 /s/J. Dismang

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26 APPROVED: 3/4/21

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1 State of Arkansas *As Engrossed: H3/30/21 H4/1/21*

2 93rd General Assembly

A Bill

3 Regular Session, 2021

HOUSE BILL 1675

4

5 By: Representative Evans

6 By: Senator J. English

7

8

For An Act To Be Entitled

9 AN ACT TO AMEND THE LAW CONCERNING CAMPAIGN FINANCE;
10 TO REPEAL THE PROVISIONS CONCERNING CARRYOVER FUNDS;
11 TO MODIFY THE USE OF CAMPAIGN FUNDS; TO AMEND
12 PORTIONS OF INITIATED ACT 1 OF 1990 AND INITIATED ACT
13 1 OF 1996; AND FOR OTHER PURPOSES.

14

15

16

Subtitle

17 TO AMEND THE LAW CONCERNING CAMPAIGN
18 FINANCE; TO REPEAL THE PROVISIONS
19 CONCERNING CARRYOVER FUNDS; TO MODIFY THE
20 USE OF CAMPAIGN FUNDS; AND TO AMEND
21 PORTIONS OF INITIATED ACT 1 OF 1990 AND
22 INITIATED ACT 1 OF 1996.

23

24

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

26

27 SECTION 1. Arkansas Code § 7-6-201(3), concerning the definition of
28 "carryover funds" as applied to campaign financing and resulting from
29 Initiated Act 1 of 1990 and Initiated Act 1 of 1996, is repealed.

30 ~~(3)(A) "Carryover funds" means the amount of campaign funds~~
31 ~~retained from the last election by the candidate for future use but not to~~
32 ~~exceed the annual salary, excluding expense allowances, set by Arkansas law~~
33 ~~for the office sought.~~

34 ~~(B) "Carryover funds" does not include campaign signs,~~
35 ~~campaign literature, and other printed campaign materials that were~~

36 ~~(i) Purchased by the campaign;~~



1 ~~(ii) Reported on the appropriate contribution and~~
2 ~~expenditure report for the campaign at the time of the purchase; and~~
3 ~~(iii) Retained for use in a future campaign by the~~
4 ~~same candidate;~~

5
6 SECTION 2. Arkansas Code § 7-6-201(17)(A), concerning the definition
7 of "surplus campaign funds" as applied to campaign financing and resulting
8 from Initiated Act 1 of 1990 and Initiated Act 1 of 1996, is amended to read
9 as follows:

10 (17)(A) ~~"Surplus~~ Remaining campaign funds" means any balance of
11 campaign funds over expenses incurred as of the day of the election except
12 for:

13 ~~(i) Carryover funds; and~~
14 ~~(ii)~~ Any funds required to repay loans made by the
15 candidate from his or her personal funds to the campaign; or
16 (ii) ~~to~~ To repay loans made by financial
17 institutions to the candidate and applied to the campaign.

18
19 SECTION 3. Arkansas Code § 7-6-203(f)(4)(A), concerning contribution,
20 limitation, acceptance, use as personal income, and disposition of campaign
21 funds and resulting from Initiated Act 1 of 1990 and Initiated Act 1 of 1996,
22 is amended to read as follows:

23 (4)(A)(i) For purposes of this subsection, a candidate or
24 officeholder, who uses campaign funds ~~or carryover funds~~ to fulfill any
25 commitment, obligation, or expense that would exist regardless of the
26 candidate's campaign or officeholder activity, shall be deemed to have taken
27 campaign funds as personal income.

28 (ii) Candidates or officeholders may use campaign
29 funds ~~or carryover funds~~ to fulfill any commitment, obligation, or expense
30 authorized by law, or permitted by an Arkansas Ethics Commission rule or
31 opinion at the time of the expenditure, or reasonably and legitimately
32 related to a campaign or officeholder activity.

33
34 SECTION 4. Arkansas Code § 7-6-203(f)(5), concerning contribution,
35 limitation, acceptance, use as personal income, and disposition of campaign
36 funds and resulting from Initiated Act 1 of 1990 and Initiated Act 1 of 1996,

1 is amended to read as follows:

2 (5) If a candidate loses an election or if an officeholder is no
3 longer in office, ~~and after disposing of surplus funds, has carryover funds~~
4 ~~remaining~~, personal use of campaign funds remains prohibited by this section
5 ~~for expenses~~ unless the expenses relate to a future candidacy and shall
6 comply with subdivision (f)(4) of this section.

7

8 SECTION 5. Arkansas Code § 7-6-203(f)(7), concerning contribution,
9 limitation, acceptance, use as personal income, and disposition of campaign
10 funds and resulting from Initiated Act 1 of 1990 and Initiated Act 1 of 1996,
11 is amended to read as follows:

12 (7) It is an affirmative defense to a prosecution for taking
13 campaign funds as personal income if the candidate or officeholder shows by a
14 preponderance of the evidence that:

15 ~~(A) If the personal property was retained as carryover~~
16 campaign funds, and the candidate or officeholder:

17 ~~(i)(A) Reported the personal property as carryover~~
18 campaign funds; and

19 ~~(ii)(B) Retained or disposed of the personal~~
20 property in the manner that is required by law for carryover campaign funds;
21 ~~or~~

22 ~~(B) If the personal property was retained as surplus~~
23 funds, the candidate or officeholder:

24 ~~(i) Reported the personal property as surplus funds;~~
25 and

26 ~~(ii) Retained or disposed of the personal property~~
27 in the manner that is required by law for surplus funds.

28

29 SECTION 6. Arkansas Code § 7-6-203(g), concerning contribution,
30 limitation, acceptance, use as personal income, and disposition of campaign
31 funds and resulting from Initiated Act 1 of 1990 and Initiated Act 1 of 1996,
32 is amended to read as follows:

33 (g)(1) ~~Within thirty (30) days following the end of the month in which~~
34 ~~an election is held or a candidate has withdrawn, a A candidate shall may~~
35 turn over surplus campaign funds to either:

36 (A) The Treasurer of State for the benefit of the General

1 Revenue Fund Account of the State Apportionment Fund;

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

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

7 (D) Cities of the first class, cities of the second class,
8 or incorporated towns; or

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

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

14 ~~(3)(A) If an unopposed candidate agrees not to solicit further~~
15 ~~campaign contributions by filing an affidavit declaring such an agreement,~~
16 ~~the candidate may dispose of any surplus campaign funds prior to a general~~
17 ~~election as soon as the time has passed to declare an intent to be a write-in~~
18 ~~candidate pursuant to § 7-5-205.~~

19 ~~(B) For an unopposed nonpartisan candidate, the affidavit~~
20 ~~may be filed after the deadlines have passed to declare as a filing fee~~
21 ~~candidate, petition candidate, or write-in candidate under § 7-10-103.~~

22 ~~(C) The affidavit shall be filed in the office in which~~
23 ~~the candidate is required to file reports of contributions received and~~
24 ~~expenditures made.~~

25 ~~(D) Unopposed candidates and defeated candidates who file~~
26 ~~the affidavit are exempt from further reporting requirements provided that~~
27 ~~the affidavit contains:~~

28 ~~(i) All campaign activity not previously reported;~~
29 ~~and~~

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

32 ~~(4)(A)(2)(A) Carryover funds may be expended at any time for any~~
33 ~~purpose not prohibited by this chapter and may be used as campaign funds for~~
34 ~~seeking any public office Remaining campaign funds may be maintained after an~~
35 ~~election and used to run for election or re-election.~~

36 (B) Nothing shall prohibit a person at any time from

1 ~~disposing of all or any portion of his or her carryover~~ campaign funds in the
2 ~~same manner as for surplus campaign funds~~ manner set out under subdivision
3 (g)(1) of this section. However, the candidate shall not take the funds as
4 personal income or as income for his or her spouse or dependent children.

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

9 ~~(ii) This subdivision (g)(4)(B) shall not apply to~~
10 ~~carryover funds from an election held prior to July 1, 1997.~~

11 ~~(iii) This subdivision (g)(4)(B) shall not apply to~~
12 ~~a campaign debt.~~

13 ~~(C)(i) If carryover funds are expended prior to~~
14 ~~transferring the funds to an active campaign fund, the expenditures shall be~~
15 ~~reported pursuant to this subdivision (g)(4)(C). A person shall file an~~
16 ~~expenditure report concerning carryover funds if, since the last report~~
17 ~~concerning the carryover funds, the person has expended in excess of five~~
18 ~~hundred dollars (\$500). The report shall be filed at the office in which the~~
19 ~~candidate was required to file his or her campaign contribution and~~
20 ~~expenditure reports for the previous campaign not later than fifteen (15)~~
21 ~~days after a calendar quarter in which a report becomes required. No report~~
22 ~~is required in any calendar quarter in which the cumulative expenditure limit~~
23 ~~has not been exceeded since the person's last report.~~

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

27 ~~(iii)(a) A person who retains carryover funds shall~~
28 ~~file an annual report outlining the status of the carryover fund account as~~
29 ~~of December 31 unless the person has filed a quarterly report during the~~
30 ~~calendar year pursuant to subdivisions (g)(4)(C)(i) and (ii) of this section.~~

31 ~~(b) The annual report shall be due by January~~
32 ~~31 of each year.~~

33 ~~(c) A person who retains carryover funds from~~
34 ~~a general election held in November or a runoff election held in November is~~
35 ~~not required to file an annual report for the year of the general election or~~
36 ~~runoff election from which carryover funds were retained.~~

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

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

6 ~~(b) The carryover fund reports of a candidate~~
7 ~~for state or district office filed with the Secretary of State shall be filed~~
8 ~~in electronic form through the official website of the Secretary of State.~~
9 ~~The Arkansas Ethics Commission shall approve the format used by the Secretary~~
10 ~~of State for the filing of carryover fund reports in electronic form under~~
11 ~~this subdivision (g)(4)(C)(v)(b) to ensure that all required information is~~
12 ~~requested. The official website of the Secretary of State shall allow for~~
13 ~~searches of carryover fund report information required to be filed in~~
14 ~~electronic form under this subdivision (g)(4)(C)(v)(b).~~

15 ~~(D)(i)(C)(i)~~ Carryover Campaign funds may be retained by a
16 person for not more than ten (10) years after the last election at which he
17 or she was a candidate, or if applicable, not more than ten (10) years after
18 the last day that the person held office, and any remaining ~~carryover~~
19 campaign funds shall be disposed of in the same manner as for surplus
20 campaign funds manner set out under subdivision (g)(1) of this section.

21 (ii)(a) The officer with whom the person last filed
22 a final campaign report shall provide the person timely notice of the
23 requirements of this subdivision ~~(g)(4)(D)(g)(2)(C)~~ prior to the expiration
24 of the ten-year period.

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

27 ~~(E)(i)(D)(i)~~ The use of ~~carryover~~ campaign funds to pay an
28 elected candidate's own personal expenses for food, lodging, conference fees,
29 or travel to attend a conference related to the performance of his or her
30 responsibilities as an elected official shall not be considered a taking of
31 campaign funds as personal income.

32 (ii) The reimbursement of expenses shall be a result
33 of travel and the source of the reimbursement shall be authorized under the
34 rules of the House of Representatives or the Senate and used to reimburse the
35 ~~carryover~~ campaign account.

36 (iii) The reimbursement amount shall be reported in

1 the elected candidate's ~~carryover~~ campaign fund report.

2 ~~(5)(3)~~ After the date of an election at which the person is a
3 candidate for nomination or election, the person shall not accept campaign
4 contributions for that election except for the sole purpose of raising funds
5 to retire campaign debt.

6 ~~(6)(4)~~ Surplus Campaign funds or remaining Surplus campaign
7 funds ~~or carryover funds~~ given to a political party caucus shall be
8 segregated in an account separated from other caucus funds and shall not be
9 used:

10 (A) By the political party caucus to make a campaign
11 contribution; or

12 (B) To provide any personal income to any candidate who
13 donated ~~surplus~~ campaign funds or remaining campaign funds ~~or carryover~~
14 ~~funds~~.

15
16 *SECTION 7. Arkansas Code § 7-6-207(a)(1), concerning reports of*
17 *contributions by candidates for state or district office and resulting from*
18 *Initiated Act 1 of 1990 and Initiated Act 1 of 1996, is amended to add an*
19 *additional subdivision to read as follows:*

20 (F) If a candidate keeps remaining campaign funds after an
21 election, the candidate shall continue filing the reports required by this
22 subsection.

23
24 *SECTION 8. Arkansas Code § 7-6-207(b)(1), concerning reports of*
25 *contributions by candidates for state or district office and resulting from*
26 *Initiated Act 1 of 1990 and Initiated Act 1 of 1996, is amended to add an*
27 *additional subdivision to read as follows:*

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

30 (I) A list of all disbursements made under § 7-6-
31 203(g)(1); and

32 (J) The current balance of campaign funds.

33
34 *SECTION 9. Arkansas Code § 7-6-207(b)(2), concerning reports of*
35 *contributions by candidates for state or district office and resulting from*
36 *Initiated Act 1 of 1990 and Initiated Act 1 of 1996, is amended to read as*

1 follows:

2 (2)(A) ~~When the~~ If a candidate's campaign has ended and the
3 candidate does not retain remaining campaign funds, the final report shall
4 also indicate which option under § 7-6-203(g) was used to dispose of ~~any~~
5 ~~surplus of campaign funds, the amount of funds disposed of by the candidate,~~
6 ~~and.~~

7 (B) If a candidate's campaign has ended and the candidate
8 is retaining remaining campaign funds, the final report shall also indicate
9 the amount of funds retained by the candidate in accordance with § 7-6-
10 201(3).

11 ~~(B)(C)~~ If the candidate's campaign has not ended, disposal
12 of campaign funds shall not be required and the candidate may carry forward
13 any remaining campaign funds to the general primary election, general
14 election, or general runoff election for that same office.

15
16 SECTION 10. Arkansas Code § 7-6-208(a), concerning reports of
17 contributions by candidates for school district, township, or municipal
18 office and resulting from Initiated Act 1 of 1990 and Initiated Act 1 of
19 1996, is amended to read as follows:

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

23 (1)(A) For each year in which a candidate is not listed on a
24 ballot for election, file an annual report of all contributions received and
25 expenditures made during that year.

26 (B) The annual report shall be filed no later than fifteen
27 (15) days after the end of the year;

28 (2) No later than seven (7) days prior to any preferential
29 primary election, runoff election, general election, school election, or
30 special election in which the candidate's name appears on the ballot, file a
31 preelection report of all contributions received and expenditures made
32 between the period covered by the previous report, if any, and the period ten
33 (10) days before the election. In case of a runoff election, the report shall
34 cover all contributions received and expenditures made during that period of
35 time that begins after the date of the election from which the runoff arose
36 and ends ten (10) days before the runoff election;

1 ~~(2)~~(3) No later than thirty (30) days after the end of the month
2 in which the candidate's name has appeared on the ballot in any preferential
3 primary election, runoff election, general election, school election, or
4 special election, or when only one (1) candidate qualifies for a particular
5 office or position and no position or name of an unopposed candidate shall
6 appear on a ballot, file a final report of all contributions received and
7 expenditures made that have not been disclosed on reports previously required
8 to be filed. A final report is required regardless of whether a candidate has
9 received contributions or made expenditures in excess of five hundred dollars
10 (\$500);

11 ~~(3)~~(4) File supplemental reports of all contributions received
12 and expenditures made after the date of preparation of the final report. The
13 supplemental reports shall be filed within thirty (30) days after the receipt
14 of a contribution or the making of an expenditure; ~~and~~

15 ~~(4)(A)~~(5)(A) No later than thirty (30) days after the end of the
16 month in which the candidate has withdrawn, file a final report of all
17 contributions received and expenditures made that have not been disclosed on
18 reports previously required to be filed.

19 (B) If a candidate withdraws from the campaign, the
20 candidate shall notify the county clerk in writing of the withdrawal; and

21 (6) If a candidate keeps remaining campaign funds after an
22 election, the candidate shall continue filing the reports required by this
23 subsection.

24
25 SECTION 11. Arkansas Code § 7-6-209(a), concerning reports of
26 contributions by candidates for county office and resulting from Initiated
27 Act 1 of 1990 and Initiated Act 1 of 1996, is amended to read as follows:

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

31 (1)(A) For each year in which a candidate is not listed on a
32 ballot for election, file an annual report of all contributions received and
33 expenditures made during that year.

34 (B) The annual report shall be filed no later than fifteen
35 (15) days after the end of the year;

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

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

9 ~~(2)(3)~~ No later than thirty (30) days after the end of the month
10 in which the candidate's name has appeared on the ballot in any preferential
11 primary election, runoff election, general election, or special election, or
12 when only one (1) candidate qualifies for a particular office or position and
13 no position or name of an unopposed candidate shall appear on a ballot, file
14 a final report of all contributions received and expenditures made that have
15 not been disclosed on reports previously required to be filed. A final report
16 is required regardless of whether a candidate has received contributions or
17 made expenditures in excess of five hundred dollars (\$500);

18 ~~(3)(4)~~ File supplemental reports of all contributions received
19 and expenditures made after the date of preparation of the final report, and
20 the supplemental reports shall be filed within thirty (30) days after the
21 receipt of a contribution or the making of an expenditure; ~~and~~

22 ~~(4)(A)(5)(A)~~ No later than thirty (30) days after the end of the month
23 in which the candidate has withdrawn, a final report of all contributions
24 received and expenditures made that have not been disclosed on reports
25 previously required to be filed.

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

28 (6) If a candidate keeps remaining campaign funds after an
29 election, the candidate shall continue filing the reports required by this
30 subsection.

31
32
33 /s/Evans

34
35 APPROVED: 4/16/21