

Hall of the House of Representatives
90th General Assembly - Regular Session, 2015
Amendment Form

Subtitle of House Bill No. 1425

TO REQUIRE REPORTING AND DISCLOSURE OF ELECTIONEERING COMMUNICATIONS.

Amendment No. 1 to House Bill No. 1425

Amend House Bill No. 1425 as originally introduced:

Page 1, delete lines 23 and 24, and substitute the following:

"communication that is publicly distributed by a broadcast, cable, or satellite radio or television station;"

AND

Page 2, line 3, delete "television or"

AND

Page 2, delete lines 30 and 31 and substitute the following:

"or otherwise disseminated through the facilities of a broadcast, cable, or satellite radio or television station; and"

AND

Page 3, line 10, delete "arranged,"

AND

Page 3, line 18, delete "In arrangement, cooperation, or" and substitute "In cooperation or"

AND

Page 3, line 23, delete "In arrangement, cooperation, or" and substitute "In cooperation or"

AND

Page 3, delete line 30 and substitute the following:

"political party or its authorized agent.

(c) In making a determination as to whether an electioneering communication is a coordinated electioneering communication, the Arkansas



Ethics Commission shall consider:

(1) Whether the electioneering communication was paid for, in whole or in part, by someone other than the candidate or his or her agent, the candidate's authorized committee or its agent, or a political party or its agent;

(2) Whether the content of the electioneering communication:

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

(B) Meets the definition of electioneering communication;

or

(C) Is a public communication that republishes, disseminates, or distributes, in whole or in part, campaign materials prepared by a candidate or a candidate's campaign committee; and

(3) Whether the conduct of the electioneering communication meets one of the following standards:

(A) The electioneering communication was created, produced, or distributed at the request or suggestion of the candidate or his or her agent, candidate's committee or its agent, or political party or its agent;

(B) The electioneering communication was created, produced, or distributed at the suggestion of the person paying for the communication, and the candidate or his or her agent, candidate's committee or its agent, or political party or its agent assents to the suggestion;

(C) The candidate or his or her agent, the candidate's committee or its agent, or the political party or its agent was materially involved in decisions regarding the content, intended audience, means or mode of the electioneering communication, specific media outlet used, timing or frequency, or size or prominence of the electioneering communication; or

(D) The electioneering communication was created, produced, or distributed after one or more substantial discussions about the communication between the person paying for the communication or the employees or agents of that person and the candidate or his or her agent, candidate's committee or its agent, candidate's opponent or his or her agent, candidate's opponent's committee or its agent, or political party or its agent.

(d)(1) A person or an entity is an authorized agent of a candidate, candidate's committee, or political party under this section if the person or entity:

(A) Has actual authorization, either expressed or implied, from a specific principal to engage in specific activities; and

(B) Engages in the activities on behalf of that specific principal.

(2) If the activities carried out by an authorized agent would result in a coordinated electioneering communication if carried out directly by the candidate, authorized committee staff, or a political party official, the activities of the authorized agent result in a coordinated electioneering communication."

AND

Page 5, delete line 2 and substitute the following:

"aggregating since the first day of the preceding calendar year."

(3) A written affirmation shall be filed with the statement that shall indicate:

(A) Whether the electioneering communication is in support of or in opposition to a candidate;

(B) The name and office sought by the candidate under subdivision (a)(2)(A) of this section; and

(C) A certification sworn under penalty of false swearing whether the electioneering communication was made in cooperation, consultation, or concert with or at the request or suggestion of a candidate or the candidate's authorized committee or agent."

The Amendment was read _____

By: Representative Tucker

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Chief Clerk