

Hall of the House of Representatives
93rd General Assembly - Regular Session, 2021
Amendment Form

Subtitle of House Bill No. 1675

TO AMEND THE LAW CONCERNING CAMPAIGN FINANCE; TO REPEAL THE PROVISIONS
CONCERNING CARRYOVER FUNDS; TO MODIFY THE USE OF CAMPAIGN FUNDS; AND TO AMEND
PORTIONS OF INITIATED ACT 1 OF 1990 AND INITIATED ACT 1 OF 1996.

Amendment No. 1 to House Bill 1675

Amend House Bill No. 1675 as originally introduced:

Page 2, line 10, delete "Surplus campaign" and substitute "~~Surplus~~ Remaining
campaign"

AND

Page 3, delete lines 1 through 21, and substitute the following:

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

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

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

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

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

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

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

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



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

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

~~(g)(1) Within thirty (30) days following the end of the month in which an election is held or a candidate has withdrawn, a~~ A ~~candidate shall~~ may turn over surplus campaign funds to either:

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

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

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

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

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

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

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

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

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

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

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

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

AND

Page 3, line 22, delete "(4)(A)" and substitute "~~(4)(A)~~(2)(A)"

AND

Page 3, line 24, delete "Campaign funds" and substitute "Remaining campaign funds"

AND

Page 3, delete lines 27 and 28, and substitute the following:
"disposing of all or any portion of his or her ~~carryover~~ campaign funds in the ~~same manner as for surplus campaign funds~~ manner set out under subdivision (g)(1) of this section. However, the candidate shall not"

AND

Page 5, delete lines 9 and 10, and substitute the following:
"campaign funds shall be disposed of in the ~~same manner as for surplus campaign funds~~ manner set out under subdivision (g)(1) of this section".

AND

Page 5, line 13, delete "(g)(4)(C)" and substitute "(g)(2)(C)"

AND

Page 5, line 28, delete "(5)" and substitute "~~(5)~~(3)"

AND

Page 5, line 32, delete "(6) Surplus" and substitute "~~(6)(4)~~ Surplus Campaign funds or remaining"

AND

Page 6, delete line 2, and substitute the following:
"donated ~~surplus~~ campaign funds or remaining campaign funds ~~or carryover funds~~.

SECTION 7. Arkansas Code § 7-6-207(a)(1)(H) and (I), concerning reports of contributions by candidates for state or district office and resulting from Initiated Act 1 of 1990 and Initiated Act 1 of 1996, are amended to read as follows:

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

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

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

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

(J) The current balance of campaign funds.

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

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

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

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

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

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

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

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

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

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

received contributions or made expenditures in excess of five hundred dollars (\$500);

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

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

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

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

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

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

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

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

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

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

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

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

The Amendment was read _____
By: Representative Evans
MLD/MLD - 03-28-2021 20:47:46
MLD297

Chief Clerk