

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 84th General Assembly
3 Regular Session, 2003
4

As Engrossed: H2/11/03

A Bill

SENATE BILL 19

5 By: Senator Faris
6 By: Representative Mahony
7
8

For An Act To Be Entitled

10 AN ACT CONCERNING CAMPAIGN FINANCING AND
11 DISCLOSURE FOR MATTERS REFERRED TO VOTERS; AND
12 FOR OTHER PURPOSES.
13

Subtitle

15 AN ACT CONCERNING CAMPAIGN FINANCING AND
16 DISCLOSURE FOR MATTERS REFERRED TO
17 VOTERS.
18
19

20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
21

22 SECTION 1. Arkansas Code § 7-6-201(1)(B)(13), concerning definitions
23 in the campaign financing subchapter, is amended to read as follows:

24 (13) "Prohibited political action committee" means any person who
25 receives contributions from one (1) or more persons in order to make
26 contributions to candidates but who does not meet the requirements of an
27 approved political action committee or a small donor political action
28 committee. "Prohibited political action committee" shall not include an
29 organized political party as defined in § 7-1-101(16), the candidate's own
30 campaign committee, or an exploratory committee;
31

32 SECTION 2. Arkansas Code § 7-6-203(d), concerning campaign
33 contribution limitations, is amended to read as follows:

34 (d) However, an organized political party as defined in § 7-1-101(16)
35 may contribute up to two thousand five hundred dollars (\$2,500) to each of
36 the party's candidate candidates per election.



1
2 SECTION 3. Arkansas Code § 7-6-203(h)(2), concerning candidate
3 campaign filing, is amended to read as follows:

4 (2) If an unopposed candidate agrees not to solicit further campaign
5 contributions by filing an affidavit declaring such agreement, the candidate
6 may dispose of any surplus campaign funds prior to a general election as soon
7 as the time has passed to declare an intent to be a write-in candidate
8 pursuant to § 7-5-205. The affidavit shall be filed ~~with the county clerk in~~
9 ~~the county where the candidate resides and, in the event that the candidate~~
10 ~~is seeking a state or district office, also with the Secretary of State in~~
11 ~~the office where the candidate is required to file reports of contributions~~
12 ~~received and expenditures made.~~ Unopposed candidates and defeated candidates
13 who file the affidavit are exempt from further reporting requirements
14 provided that the affidavit contains a statement that the candidate's
15 campaign fund has a zero balance.

16
17 SECTION 4. Arkansas Code § 7-6-208(b)(3), concerning notice of filing
18 deadlines, is amended to read as follows:

19 (3)(A) ~~The county clerk shall notify each candidate by mail postmarked~~
20 ~~within Not later than fourteen (14) days after the deadline for filing for~~
21 ~~office, the county clerk shall notify each candidate in person or by mail of~~
22 the deadlines for filing the ten-day preelection and final reports required
23 by subsection (a) of this section and, at that time, furnish each candidate
24 with the appropriate forms and instructions for complying with the deadlines.

25 (B) If notice is sent by mail, then notice shall be postmarked
26 within fourteen (14) days after the deadline for filing for office.

27
28 SECTION 5. Arkansas Code § 7-6-209(b)(3), concerning filing deadlines,
29 is amended to read as follows:

30 (3)(A) ~~The county clerk shall notify each candidate by mail postmarked~~
31 ~~within Not later than fourteen (14) days after the deadline for filing for~~
32 ~~office, the county clerk shall notify each candidate in person or by mail of~~
33 the deadlines for filing the ten-day preelection and final reports required
34 by subsection (a) of this section and, at that time, furnish each candidate
35 with the appropriate forms and instructions for complying with the deadlines.

36 (B) If notice is sent by mail, then notice shall be postmarked

1 within fourteen (14) days after the deadline for filing for office.

2
3 SECTION 6. Arkansas Code § 7-6-217(g)(8)(A), concerning the Ethics
4 Commission's authority to file a lawsuit, is amended to read as follows:

5 (8)(A) File suit in the Circuit Court of Pulaski County or in the
6 circuit court of the county wherein the ~~debtor~~ respondent resides, or,
7 pursuant to the Small Claims Procedure Act, § 16-17-601 et seq., in the small
8 *claims division of any ~~municipal~~ district court in the State of Arkansas, to*
9 *obtain a judgment for the amount of any fine imposed pursuant to § 7-6-*
10 *18(b)(4)(B)(i)-(iii), or to enforce an order of the commission requiring the*
11 *filing or amendment of a disclosure form.*

12
13 SECTION 7. Arkansas Code § 7-6-218(b)(4) and (5), concerning citizen
14 complaints to the Arkansas Ethics Commission, is amended to read as follows:

15 (4) If the commission finds a violation of this subchapter, § 7-1-
16 103(a)(1)-(4), (6), or (7), of § 21-1-401 et seq., § 21-8-301 et seq., § 21-
17 8-401 et seq., § 21-8-501 et seq., § 21-8-601 et seq., § 21-8-701 et seq., §
18 21-8-801 et seq., § 21-8-901 et seq., and § 21-8-1001 et seq., then the
19 commission shall do one (1) or more of the following, unless good cause be
20 shown for the violation:

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

22 (B)(i) Notwithstanding the provisions of §§ 7-6-202, 7-9-409,
23 21-8-403, and 21-8-903, impose a fine of not less than twenty-five dollars
24 (\$25.00) nor more than one thousand dollars (\$1,000) for negligent or
25 intentional violation of this subchapter, or of § 21-8-301 et seq., § 21-8-
26 401 et seq., § 21-8-501 et seq., § 21-8-601 et seq., § 21-8-701 et seq., §
27 21-8-801 et seq., and § 21-8-901 et seq.

28 (ii) The commission shall adopt rules governing the
29 imposition of such fines in accordance with the provisions of the Arkansas
30 Administrative Procedure Act, § 25-15-201 et seq.

31 (iii) All moneys received by the commission in payment of
32 fines shall be deposited in the State Treasury as general revenues; ~~or~~

33 (C) Order the respondent to file or amend a statutorily required
34 disclosure form; or

35 ~~(C)(D)(1)~~ Report its finding, along with such information and
36 documents as it deems appropriate, and make recommendations to the proper law

1 enforcement authorities.

2 (2) When exercising the authority provided in this
 3 ~~subsection~~ subdivision, the commission is not required to make a finding of a
 4 violation of the laws under its jurisdiction.

5 (5)(A) The commission shall complete its investigation of a complaint
 6 filed pursuant to this section and take final action within one hundred fifty
 7 (150) days of the filing of the complaint; except that, if a hearing under
 8 subdivision (b)(2) of this section or other hearing of adjudication is
 9 conducted, all action on the complaint by the commission shall be completed
 10 within one hundred eighty (180) days.

11 (B) Provided, however, that such time shall be tolled during the
 12 pendency of any civil action, civil appeal, or other judicial proceedings
 13 involving those particular commission proceedings.

14

15 SECTION 8. Arkansas Code § 7-9-402(7) and (8), concerning definitions
 16 for the subchapter regarding disclosure for matters referred to voters, is
 17 amended to read as follows:

18 (7) "Legislative question committee" means any person, located within
 19 or outside Arkansas, who receives contributions for the purpose of expressly
 20 advocating the passage or defeat of any legislative question or any person,
 21 other than an individual, located within or outside Arkansas, who makes
 22 expenditures for the purpose of expressly advocating the ~~qualification,~~
 23 passage, or defeat of any legislative question. Provided further, a person
 24 other than an individual, located within or outside Arkansas, also qualifies
 25 as a legislative question committee if two percent (2%) or more of its annual
 26 revenues, operating expenses, or funds are used to make a contribution or
 27 contributions to another legislative question committee and if such
 28 contribution or contributions exceed ten thousand dollars (\$10,000) in value;

29 (8)(A) "Person" means any individual, business, proprietorship,
 30 firm, partnership, joint venture, syndicate, business trust, labor
 31 organization, company, corporation, association, committee, or any other
 32 organization or group of persons acting in concert.

33 (B) "Person" includes a public servant or governmental body using
 34 public funds to expressly advocate the qualification, passage, or defeat of
 35 any ballot question or the passage or defeat of any legislative question; and

36

1 SECTION 9. Arkansas Code § 7-9-406 is amended to add an additional
2 section to read as follows:

3 7-9-406. Financial reports - Requirement.

4 (a) A ballot question committee or legislative question committee
5 which either receives contributions or makes expenditures in excess of five
6 hundred dollars (\$500) for the purpose of expressly advocating the
7 qualification, passage, or defeat of a ballot question or the passage or
8 defeat of a legislative question shall file with the Arkansas Ethics
9 Commission financial reports as required by § 7-9-407.

10 (b) An individual person who on his or her own behalf expends in
11 excess of five hundred dollars (\$500), excluding contributions, for the
12 purpose of expressly advocating the qualification, passage, or defeat of a
13 ballot question or the passage or defeat of a legislative question shall file
14 with the commission financial reports as required by § 7-9-407.

15 (c) A public servant or governmental body expending public funds in
16 excess of five hundred dollars (\$500) for the purpose of expressly advocating
17 the qualification, passage, or defeat of a ballot question or the passage or
18 defeat of a legislative question shall file with the commission financial
19 reports as required by § 7-9-407.

20 ~~(e)~~(d) Any report required by this subchapter shall be deemed timely
21 filed if it is:

22 (1) Hand-delivered to the commission on or before the date due;

23 (2) Mailed to the commission, properly addressed, postage
24 prepaid, bearing a postmark indicating that it was received by the post
25 office or common carrier on or before the date due;

26 (3) Received via facsimile by the commission on or before the
27 date due provided that the original is received by the commission within ten
28 (10) days of the transmission; or

29 (4) Received by the commission in a readable electronic format
30 which is approved by the commission.

31 ~~(d)~~(e) Whenever a report under this subchapter becomes due on a day
32 which is a Saturday, Sunday, or legal holiday, the report shall be due the
33 next day which is not a Saturday, Sunday, or legal holiday.

34
35 SECTION 10. Arkansas Code § 7-9-407 is amended to read as follows:
36 7-9-407. Financial Reports - Information.

1 A financial report of a ballot question committee, a legislative
2 *question committee, ~~or~~ an individual person, a public servant, or a*
3 *governmental body, as required by § 7-9-406, shall contain the following*
4 *information:*

5 (1) The name, address, and telephone number of the committee, ~~or~~
6 *individual person, public servant, or governmental body filing the statement;*

7 (2)(A) For a committee:

8 (i) The total amount of contributions received
9 during the period covered by the financial report;

10 (ii) The total amount of expenditures made during
11 the period covered by the financial report;

12 (iii) The cumulative amount of those totals for each
13 ballot question or legislative question;

14 (iv) The balance of cash and cash equivalents on
15 hand at the beginning and the end of the period covered by the financial
16 report;

17 (v) The total amount of contributions received
18 during the period covered by the financial statement from persons who
19 contributed less than one hundred dollars (\$100), and the cumulative amount
20 of that total for each ballot question or legislative question;

21 (vi) The total amount of contributions received
22 during the period covered by the financial statement from persons who
23 contributed one hundred dollars (\$100) or more, and the cumulative amount of
24 that total for each ballot question or legislative question;

25 (vii) The name and street address of each person who
26 contributed one hundred dollars (\$100) or more during the period covered by
27 the financial report, together with the amount contributed, the date of
28 receipt, and the cumulative amount contributed by that person for each ballot
29 question or legislative question;

30 (B) For an individual person:

31 (i) The total amount of expenditures made during the
32 period covered by the financial report; and

33 (ii) The cumulative amount of that total for each
34 ballot question or legislative question; ~~and~~

35 (C) For a public servant or governmental body using public
36 funds:

