

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 86th General Assembly
3 Regular Session, 2007
4

As Engrossed: H3/22/07

A Bill

HOUSE BILL 2495

5 By: Representatives Cooper, Pace
6
7

For An Act To Be Entitled

9 AN ACT TO AMEND THE DISCLOSURES ACT FOR PUBLIC
10 INITIATIVES, REFERENDA AND MEASURES REFERRED TO
11 VOTERS TO INCREASE THE PENALTIES AND REQUIRE MORE
12 DISCLOSURE; AND FOR OTHER PURPOSES.
13

Subtitle

14 TO AMEND THE DISCLOSURES ACT FOR PUBLIC
15 INITIATIVES, REFERENDA AND MEASURES
16 REFERRED TO VOTERS.
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
21

22 *SECTION 1. Arkansas Code § 7-9-404, as amended by Act 221 of the 2007*
23 *Regular Session, is amended to read as follows:*

24 *7-9-404. Filing deadlines.*

25 *(a)(1)(A) A ballot question committee or a legislative question*
26 *committee shall file a statement of organization with the Arkansas Ethics*
27 *Commission within five (5) days of receiving contributions or making*
28 *expenditures in excess of ~~five hundred dollars (\$500)~~ two hundred fifty*
29 *dollars (\$250) for the purpose of expressly advocating the qualification,*
30 *passage, or defeat of a ballot question or the passage or defeat of a*
31 *legislative question.*

32 *(B) The commission shall maintain the statement of*
33 *organization until notified of the committee's dissolution.*

34 *(2) A ballot question committee or legislative question*
35 *committee failing to file a statement of organization required by this*
36 *section shall be subject to a late filing fee not exceeding ~~twenty-five~~*



1 ~~dollars (\$25.00)~~ fifty dollars (\$50) for each day the statement remains not
2 filed.

3 (b) The statement of organization shall include the following
4 information:

5 (1) The name, the street address, and where available, the
6 telephone number of the committee. A committee address and telephone number
7 may be that of the residence of an officer or director of the committee;

8 (2) The name, street address, and where available, the telephone
9 number of the treasurer and other principal officers and directors of the
10 committee;

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

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

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

22 (c) When any of the information required in a statement of
23 organization is changed, an amendment shall be filed within ten (10) days to
24 reflect the change, except that changes in individual membership may be filed
25 when the next financial report is required. A committee failing to file a
26 change as required shall be subject to a late filing fee not exceeding ~~ten~~
27 ~~dollars (\$10.00)~~ twenty-five dollars (\$25.00) for each day the change remains
28 not filed.

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

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

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

1 (3) A nonprofit organization which is exempt from taxation under
2 Section 501(c)(3) of the Internal Revenue Code; or

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

5
6 SECTION 2. Arkansas Code § 7-9-405 is amended to read as follows:

7 7-9-405. Contributions and expenditures limited.

8 (a) No ballot question committee or legislative question committee
9 shall accept any contribution in cash, meaning currency or coin, which
10 exceeds ~~one hundred dollars (\$100)~~ fifty dollars (\$50.00).

11 (b) No ballot question committee, legislative question committee, or
12 individual shall make an expenditure in cash which exceeds ~~fifty dollars~~
13 ~~(\$50.00)~~ twenty-five dollars (\$25.00) to influence the qualification,
14 disqualification, passage, or defeat of a ballot question or the passage or
15 defeat of a legislative question.

16 (c) No contributions shall be made, directly or indirectly, by any
17 person in a name other than the name by which the person is identified for
18 legal purposes.

19 (d)~~(1)~~ No person shall make an anonymous contribution ~~totaling twenty-~~
20 ~~five dollars (\$25.00) or more~~ to a ballot question committee or legislative
21 question committee.

22 ~~(2) Any such anonymous contribution actually received by any~~
23 ~~ballot question committee or legislative question committee shall be promptly~~
24 ~~paid by the recipient to the Arkansas Ethics Commission for deposit in the~~
25 ~~State Treasury as general revenues.~~

26
27 SECTION 3. Arkansas Code § 7-9-406, as amended by Act 221 of the 2007
28 Regular Session, is amended to read as follows:

29 7-9-406. Financial reports - Requirement.

30 (a) A ballot question committee or legislative question committee
31 which either receives contributions or makes expenditures in excess of ~~five~~
32 ~~hundred dollars (\$500)~~ two hundred fifty dollars (\$250) for the purpose of
33 expressly advocating the qualification, disqualification, passage, or defeat
34 of a ballot question or the passage or defeat of a legislative question shall
35 file with the Arkansas Ethics Commission financial reports as required by §§
36 7-9-407 – 7-9-409.

1 (b) An individual person who on his or her own behalf expends in
2 excess of ~~five hundred dollars (\$500)~~ two hundred fifty dollars (\$250),
3 excluding contributions, for the purpose of expressly advocating the
4 qualification, disqualification, passage, or defeat of a ballot question or
5 the passage or defeat of a legislative question shall file with the
6 commission financial reports as required by §§ 7-9-407 – 7-9-409.

7 (c) A public servant or governmental body expending public funds in
8 excess of ~~five hundred dollars (\$500)~~ two hundred fifty dollars (\$250) for
9 the purpose of expressly advocating the qualification, disqualification,
10 passage, or defeat of a ballot question or the passage or defeat of a
11 legislative question shall file with the commission financial reports as
12 required by §§ 7-9-407 – 7-9-409.

13 (d) Except as provided in subsection (f) of this section, any report
14 required by this subchapter shall be deemed timely filed if it is:

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

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

19 (3) Received via facsimile by the commission on or before the
20 date due, provided that the original is received by the commission within ten
21 (10) days of the transmission; or

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

24 (e) Whenever a report under this subchapter becomes due on a day which
25 is a Saturday, Sunday, or legal holiday, the report shall be due the next day
26 which is not a Saturday, Sunday, or legal holiday.

27 (f) A preelection report is timely filed if it is received by the
28 commission no later than seven (7) days prior to the election for which it is
29 filed.

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31 SECTION 4. Arkansas Code § 7-9-407 is amended to read as follows:

32 7-9-407. Financial Reports - Information.

33 A financial report of a ballot question committee, a legislative
34 question committee, an individual person, a public servant, or a governmental
35 body, as required by § 7-9-406, shall contain the following information:

36 (1) The name, address, and telephone number of the committee,

1 individual person, public servant, or governmental body filing the statement;

2 (2)(A) For a committee:

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

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

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

9 (iv) The balance of cash and cash equivalents on
10 hand at the beginning and the end of the period covered by the financial
11 report;

12 (v) The total amount of contributions received
13 during the period covered by the financial statement from persons who
14 contributed less than ~~one hundred dollars (\$100)~~ fifty dollars (\$50.00), and
15 the cumulative amount of that total for each ballot question or legislative
16 question;

17 (vi) The total amount of contributions received
18 during the period covered by the financial statement from persons who
19 contributed ~~one hundred dollars (\$100)~~ fifty dollars (\$50.00) or more, and
20 the cumulative amount of that total for each ballot question or legislative
21 question;

22 (vii) The name and street address of each person who
23 contributed ~~one hundred dollars (\$100)~~ fifty dollars (\$50.00) or more during
24 the period covered by the financial report, together with the amount
25 contributed, the date of receipt, and the cumulative amount contributed by
26 that person for each ballot question or legislative question; and

27 (viii) The name and address of each person who
28 contributed a nonmoney item, together with a description of the item, the
29 date of receipt, and the value, not including volunteer service by
30 individuals;

31 (B) For an individual person:

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

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

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

1 funds:

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

4 (ii) The cumulative amount of that total for each
5 ballot question or legislative question; and

6 (3) The name and street address of each person to whom
7 expenditures totalling ~~one hundred dollars (\$100)~~ fifty dollars (\$50.00) or
8 more were made, together with the date and amount of each separate
9 expenditure to each person during the period covered by the financial report
10 and the purpose of the expenditure.

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12 SECTION 5. Arkansas Code § 7-9-409 is amended to read as follows:

13 7-9-409. Financial reports - Time to file - Late fee.

14 (a)(1) The first financial reports shall be filed no later than
15 fifteen (15) days following the month in which the ~~five hundred dollar~~ two-
16 hundred-fifty-dollar threshold of § 7-9-406 is met and thereafter no later
17 than fifteen (15) days after the end of each month until the election is
18 held. Provided, however, for any month in which certain days of that month
19 are included in a preelection financial report required under subdivision
20 (a)(2) of this section, no monthly report for that month shall be due, but
21 those days of that month shall be carried forward and included in the final
22 financial report.

23 (2) Additionally, a preelection financial report shall be filed
24 no fewer than seven (7) days prior to any election on the ballot question or
25 legislative question, such statement to have a closing date of ten (10) days
26 prior to the election.

27 (3) Furthermore, a final financial report shall be filed no
28 later than thirty (30) days after the election.

29 (b) A ballot question committee, legislative question committee, or
30 individual person who files a late financial report shall be subject to a
31 late filing fee not exceeding ~~twenty-five dollars (\$25.00)~~ fifty dollars
32 (\$50.00) for each day the report remains unfiled.

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34 /s/ Cooper, et al

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