

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 S3/28/07

# 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:  
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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) for the purpose of*  
29 *expressly advocating the qualification, passage, or defeat of a ballot*  
30 *question or the passage or defeat of a legislative question.*

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

33 *(2) A ballot question committee or legislative question*  
34 *committee failing to file a statement of organization required by this*  
35 *section shall be subject to a late filing fee not exceeding ~~twenty-five~~*  
36 *dollars ~~(\$25.00)~~ fifty dollars (\$50) for each day the statement remains not*



1 filed.

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

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

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

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

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

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

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

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

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

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

36 (3) A nonprofit organization which is exempt from taxation under

1 Section 501(c)(3) of the Internal Revenue Code; or

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

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

6 7-9-405. Contributions and expenditures limited.

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

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

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

17 (d)(1) No person shall make an anonymous contribution totaling ~~twenty-~~  
18 ~~five dollars (\$25.00)~~ fifty dollars (\$50) or more to a ballot question  
19 committee or legislative question committee.

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

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25 SECTION 3. Arkansas Code § 7-9-407 is amended to read as follows:

26 7-9-407. Financial Reports - Information.

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

30 (1) The name, address, and telephone number of the committee,  
31 individual person, public servant, or governmental body filing the statement;

32 (2)(A) For a committee:

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

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

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

3 (iv) The balance of cash and cash equivalents on  
4 hand at the beginning and the end of the period covered by the financial  
5 report;

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

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

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

21 (viii) The name and address of each person who  
22 contributed a nonmoney item, together with a description of the item, the  
23 date of receipt, and the value, not including volunteer service by  
24 individuals;

25 (B) For an individual person:

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

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

30 (C) For a public servant or governmental body using public  
31 funds:

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 (3) The name and street address of each person to whom

1 expenditures totalling one hundred dollars (\$100) or more were made, together  
2 with the date and amount of each separate expenditure to each person during  
3 the period covered by the financial report and the purpose of the  
4 expenditure.

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6 SECTION 4. Arkansas Code § 7-9-409 is amended to read as follows:

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

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

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

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

23 (b) A ballot question committee, legislative question committee, or  
24 individual person who files a late financial report shall be subject to a  
25 late filing fee not exceeding ~~twenty-five dollars (\$25.00)~~ fifty dollars  
26 (\$50.00) for each day the report remains unfiled.

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28 /s/ Cooper  
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