

Stricken language would be deleted from and underlined language would be added to present law.

1 State of Arkansas
2 93rd General Assembly
3 Regular Session, 2021
4

As Engrossed: S1/20/21 S2/8/21

A Bill

SENATE BILL 82

5 By: Senator J. Dismang
6

For An Act To Be Entitled

8 AN ACT TO AMEND THE LAW CONCERNING CAMPAIGN
9 CONTRIBUTIONS; TO ESTABLISH THE PROCEDURE FOR
10 DISTRIBUTION OF CAMPAIGN CONTRIBUTIONS WHEN A
11 CANDIDATE WITHDRAWS AND FILES FOR A DIFFERENT OFFICE;
12 TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.
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Subtitle

15 TO AMEND THE LAW CONCERNING CAMPAIGN
16 CONTRIBUTIONS; TO ESTABLISH THE PROCEDURE
17 FOR DISTRIBUTION OF CAMPAIGN
18 CONTRIBUTIONS WHEN A CANDIDATE WITHDRAWS
19 AND FILES FOR A DIFFERENT OFFICE; AND TO
20 DECLARE AN EMERGENCY.
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24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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26 SECTION 1. Arkansas Code Title 7, Chapter 6, Subchapter 2, is amended
27 to add an additional section to read as follows:

28 7-6-232. Use of campaign funds after a candidate withdraws and files
29 for subsequent office.

30 (a) If a person files a report of contributions under § 7-6-207
31 regarding his or her candidacy for a specific office and subsequently
32 withdraws and files a report of contributions under § 7-6-207 regarding his
33 or her candidacy for a different specific office, all campaign funds
34 collected by the candidate for his or her initial candidacy shall:

35 (1) Be returned to contributors within thirty (30) days
36 following the end of the month in which the candidate has withdrawn from a



1 campaign for a specific office and subsequently filed as a candidate for a
2 different specific office; and

3 (2) Not be used by the candidate for a subsequent campaign for a
4 different specific office.

5 (b)(1) Contributions shall be returned to contributors based on a pro-
6 rata division of the remaining campaign funds.

7 (2) No distribution or return of campaign contributions shall
8 exceed the amount of the original campaign contribution.

9 (c) If a candidate is unable to determine the source of a campaign
10 contribution, the candidate shall turn over the contribution to:

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

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

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

18 (4) Cities of the first class, cities of the second class, or
19 incorporated towns.

20 (d)(1) As used in this section, "specific office" means a single
21 identified elected office of the state, a county, or a municipality;

22 (2) A specific office is not solely identified by:

23 (A) A number assigned to a Senate district;

24 (B) A number assigned to a House district;

25 (C) A number designation of a voting precinct; or

26 (D) A number assigned to a ward or other municipal
27 subdivision.

28 (3) A change in the numbering of any elected office geographic
29 boundary as a result of redistricting does not change the specific office for
30 the purpose of this section.

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32 SECTION 2. EMERGENCY CLAUSE. It is found and determined by the
33 General Assembly of the State of Arkansas that this act alters the campaign
34 finance procedures of candidates for public office; that campaign
35 contributions are being made by the public as an expression of the preference
36 for a candidate for election to public office by the citizens; that these

1 revisions impact the right of the public to actively engage in the political
2 process through the campaign contribution process; and that this act is
3 immediately necessary because the right to participate in the campaign
4 process and election process is a fundamental right of the public and clear
5 knowledge of the use of campaign funds will protect the public peace.
6 Therefore, an emergency is declared to exist, and this act being immediately
7 necessary for the preservation of the public peace, health, and safety shall
8 become effective on:

9 (1) The date of its approval by the Governor;

10 (2) If the bill is neither approved nor vetoed by the Governor,
11 the expiration of the period of time during which the Governor may veto the
12 bill; or

13 (3) If the bill is vetoed by the Governor and the veto is
14 overridden, the date the last house overrides the veto.

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17 /s/J. Dismang
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