

1 State of Arkansas  
2 94th General Assembly  
3 Regular Session, 2023  
4

*As Engrossed: H4/3/23*

# A Bill

HOUSE BILL 1756

5 By: Representatives M. Shepherd, Ray  
6 By: Senator Hester  
7

## For An Act To Be Entitled

9 AN ACT TO AMEND THE LAW CONCERNING CAMPAIGN FINANCE;  
10 TO AMEND THE LAW CONCERNING CAMPAIGN CONTRIBUTIONS  
11 AND EXPENDITURES; TO AMEND LAW CONCERNING REPORTING  
12 DEADLINES; TO CREATE AN AUTOMATIC FINE FOR DELINQUENT  
13 REPORTING; TO REQUIRE THE PREPARATION OF A REPORTING  
14 CALENDAR; TO AMEND THE LAW CONCERNING THE ARKANSAS  
15 ETHICS COMMISSION; TO ALLOW ONLINE AND ELECTRONIC  
16 COMPLAINTS; TO AMEND PORTIONS OF INITIATED ACT 1 OF  
17 1990 AND INITIATED ACT 1 OF 1996; AND FOR OTHER  
18 PURPOSES.  
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## Subtitle

21 TO AMEND THE LAW CONCERNING CAMPAIGN  
22 FINANCE AND CAMPAIGN FINANCE REPORTS; TO  
23 AMEND THE LAW CONCERNING THE ARKANSAS  
24 ETHICS COMMISSION; AND TO AMEND PORTIONS  
25 OF INITIATED ACT 1 OF 1990 AND INITIATED  
26 ACT 1 OF 1996.  
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30 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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32 SECTION 1. Arkansas Code § 7-6-207(a)(1)(B), concerning reports of  
33 contributions for candidates for state or district office, and resulting from  
34 Initiated Act 1 of 1990 and Initiated Act 1 of 1996, is amended to read as  
35 follows:

36 (B) Beginning with the month of January of a calendar year



1 in which a candidate may be listed on any ballot for election, a monthly  
2 report of all contributions received and expenditures made during that month.  
3 However, for any month in which certain days of that month are included in a  
4 preelection report required under subdivision (a)(1)(C) of this section or a  
5 final report required under subdivision (a)(1)(D) of this section, no monthly  
6 report for that month shall be due. In the case of a primary or runoff  
7 election, those days of the month occurring after the date of the election  
8 shall be carried forward and included in the next monthly report. The monthly  
9 report shall be filed no later than ~~fifteen (15)~~ twenty (20) days after the  
10 end of each month, except that the final report, covering the month during  
11 which an election is held, shall be filed within thirty (30) days after the  
12 end of the month in which the last election is held at which the candidate  
13 seeks nomination and after the end of the month in which the general election  
14 is held. With respect to a special election, the candidate shall file monthly  
15 reports under this section beginning with the month in which the special  
16 election candidate's total campaign contributions or expenditures exceed five  
17 hundred dollars (\$500);

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

23 (B) The name and address of each person, including the  
24 candidate, who made a contribution or contributions that in the aggregate  
25 exceeded ~~fifty dollars (\$50.00)~~ two hundred dollars (\$200);

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27 SECTION 3. Arkansas Code § 7-6-207(d)(1)(C), concerning reports of  
28 contributions for candidates for state or district office, and resulting from  
29 Initiated Act 1 of 1990 and Initiated Act 1 of 1996, is amended to add an  
30 additional subdivision to read as follows:

31 (iv) The electronic format used for the filing of  
32 campaign contribution and expenditure reports on the official website of the  
33 Secretary of State shall aggregate total campaign contributions by a  
34 contributor to determine if they collectively reach the limitation for lawful  
35 campaign contributions under this subchapter.

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1 SECTION 4. Arkansas Code § 7-6-208(b)(1)(B), concerning reports of  
2 contributions for candidates for school district, township, or municipal  
3 office, and resulting from Initiated Act 1 of 1990 and Initiated Act 1 of  
4 1996, is amended to read as follows:

5 (B) The name and address of each person, including the  
6 candidate, who made a contribution or contributions that in the aggregate  
7 exceeded ~~fifty dollars (\$50.00)~~ two hundred dollars (\$200);

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9 SECTION 5. Arkansas Code § 7-6-209(b)(1)(B), concerning reports of  
10 contributions for candidates for school district, township, or county office,  
11 and resulting from Initiated Act 1 of 1996, is amended to read as follows:

12 (B) The name and address of each person, including the  
13 candidate, who made a contribution or contributions that in the aggregate  
14 exceeded ~~fifty dollars (\$50.00)~~ two hundred dollars (\$200);

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16 SECTION 6. Arkansas Code § 7-6-215(d)(1)(C), concerning reports of  
17 contributions for candidates for school district, township, or county office,  
18 and resulting from Initiated Act 1 of 1990 and Initiated Act 1 of 1996, is  
19 amended to read as follows:

20 (C) The name and address of each person that made a  
21 contribution or contributions to the political action committee that exceeded  
22 ~~five hundred dollars (\$500)~~ two hundred dollars (\$200) in the aggregate  
23 during the calendar year, the contributor's place of business, employer,  
24 occupation, the date of the contribution, the amount contributed, and the  
25 total contributed for the year;

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27 SECTION 7. Arkansas Code § 7-6-215(d)(1)(D), concerning reports of  
28 contributions for candidates for school district, township, or county office,  
29 and resulting from Initiated Act 1 of 1990 and Initiated Act 1 of 1996, is  
30 amended to read as follows:

31 (D) The name and address of each candidate, ballot  
32 question committee, legislative question committee, political party, county  
33 political party committee, or other political action committee, if any, to  
34 whom or which the political action committee made a contribution or  
35 contributions that exceeded ~~fifty dollars (\$50.00)~~ two hundred dollars (\$200)  
36 in the aggregate during the filing period, with the amount contributed and

1 the election for which the contribution was made;

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3 SECTION 8. Arkansas Code § 7-6-216(c)(2), concerning registration and  
4 reports by exploratory committees, and resulting from Initiated Act 1 of  
5 1990, is amended to read as follows:

6 (2) The name and address of each person who has made a  
7 contribution which, in the aggregate, exceeds ~~fifty dollars (\$50.00)~~ two  
8 hundred dollars (\$200), along with the contributor's principal place of  
9 business, employer, occupation, and the amount contributed; and

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11 SECTION 9. Arkansas Code § 7-6-218(a), concerning citizen complaints  
12 filed with the Arkansas Ethics Commission, and resulting from Initiated Act 1  
13 of 1990, is amended to add additional subdivisions to read as follows:

14 (3) A citizen complaint shall be timely filed if it is:

15 (A) Hand-delivered to the Arkansas Ethics Commission on or  
16 before the date that the complaint is due;

17 (B) Mailed to the Arkansas Ethics Commission, properly  
18 addressed, postage prepaid, and bearing a postmark indicating that it was  
19 received by the post office or common carrier on or before the date that the  
20 complaint is due; or

21 (C) Received via email or facsimile by the Arkansas Ethics  
22 Commission on or before the date that the complaint is due, provided the  
23 original is received by the Arkansas Ethics Commission within ten (10) days  
24 of the transmission.

25 (4) The Arkansas Ethics Commission shall prepare a citizen  
26 complaint form and make it publically available on the Arkansas Ethics  
27 Commission's website.

28 (5) The Arkansas Ethics Commission shall promulgate rules under  
29 the Arkansas Administrative Procedure Act, § 25-15-201 et seq., to develop  
30 the complaint submission process under subdivisions (a)(3) and (a)(4) of this  
31 section.

32 SECTION 10. Arkansas Code § 7-6-220(a), concerning reporting of  
33 independent expenditures, and resulting from Initiated Act 1 of 1996, is  
34 amended to read as follows:

35 (a) A person who or an independent expenditure committee which makes  
36 independent expenditures in an aggregate amount or value in excess of ~~five~~

1 ~~hundred dollars (\$500)~~ two hundred dollars (\$200) in a calendar year shall  
2 file reports with the Secretary of State:

3 (1) No later than thirty (30) days prior to preferential primary  
4 elections, general elections, and special elections covering the period  
5 ending thirty-five (35) days prior to such elections;

6 (2) No later than seven (7) days prior to preferential primary  
7 elections, runoff elections, general elections, and special elections  
8 covering the period ending ten (10) days prior to such elections; and

9 (3) As for a final report, no later than thirty (30) days after  
10 the end of the month in which the last election is held at which the  
11 candidate seeks nomination or election.

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13 SECTION 11. Arkansas Code § 7-6-223(b)(2), concerning reports of  
14 contributions by political parties, and resulting from Initiated Act 1 of  
15 1996, is amended to read as follows:

16 (2) An itemization, including the name, address, employer, and  
17 occupation of each person who made a contribution or contributions to the  
18 political party which, in the aggregate, exceeded ~~fifty dollars (\$50.00)~~ two  
19 hundred dollars (\$200) in the preceding calendar quarter, as well as the  
20 amount received and date of receipt;

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22 SECTION 12. Arkansas Code § 7-6-226(c)(1)(C) and (D), concerning  
23 registration and reporting by county political committees, are amended to  
24 read as follows:

25 (C) The name and address of each person who made a  
26 contribution or contributions to the committee that exceeded ~~five hundred~~  
27 ~~dollars (\$500)~~ two hundred dollars (\$200) in the aggregate, the contributor's  
28 place of business, employer, or occupation, the date of the contribution, the  
29 amount contributed, and the total contributed for the year;

30 (D) The name and address of each candidate or committee,  
31 if any, to whom or which the committee made a contribution or contributions  
32 that exceeded ~~fifty dollars (\$50.00)~~ two hundred dollars (\$200) in the  
33 aggregate during the filing period, with the amount contributed and the  
34 election for which the contribution was made;

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36 SECTION 13. Arkansas Code Title 7, Chapter 6, Subchapter 2, is amended

1 to add additional sections to read as follows:

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3 7-6-232. Delinquent reports.

4 (a) The Arkansas Ethics Commission shall review the timeliness of  
5 reports filed with the Secretary of State by all candidates for state or  
6 district office pursuant to § 7-6-207.

7 (b)(1) If a candidate for state or district office has failed to file  
8 a required report, the commission shall notify the candidate in writing that  
9 the report is delinquent and request that the report be filed within thirty  
10 (30) days of the report's original due date.

11 (2) The notice under subdivision (b)(1) of this section shall be  
12 sent by regular mail to the candidate.

13 (c)(1) The third and subsequent time during an election cycle that a  
14 candidate is sent written notice of a delinquent report and fails to file the  
15 report within thirty (30) days of the report's original due date, the  
16 commission shall bring a complaint against the candidate and, if a violation  
17 is found, impose a fine of one thousand dollars (\$1,000) unless good cause be  
18 shown for the violation.

19 (2) In addition to imposing a fine, the commission shall also be  
20 authorized to take one (1) or more of the following actions:

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

23 (B) Order the candidate to file one or more reports; or

24 (C) Report the matter and make recommendations to proper  
25 law enforcement authorities.

26 (d) The commission shall promulgate rules to implement and administer  
27 this section.

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29 7-6-233. Preparation of reporting calendar.

30 (a) The Arkansas Ethics Commission shall issue one (1) or more  
31 reporting calendars for use by candidates to identify when reports and other  
32 necessary filings are due in a calendar year.

33 (b) The commission shall issue the reporting calendar for a calendar  
34 year no later than the December 31 preceding the year of the reporting  
35 calendar.

36 (c) The commission shall prepare reporting calendars as it deems

1 necessary for candidates for office, including without limitation candidates  
2 for state, county, municipal, district, or school elections.

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4 SECTION 14. DO NOT CODIFY. Rules.

5 (a) When adopting the initial rules required under this act, the  
6 Arkansas Ethics Commission shall file the final rules with the Secretary of  
7 State for adoption under § 25-15-204(f):

8 (1) On or before November 1, 2023; or

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11 */s/M. Shepherd*  
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