

1 State of Arkansas  
2 94th General Assembly  
3 Regular Session, 2023  
4  
5 By: Senator J. Dismang  
6

# A Bill

SENATE BILL 280

## For An Act To Be Entitled

8 TO AMEND THE LAW CONCERNING THE CREATION AND DUTIES  
9 OF THE ARKANSAS ETHICS COMMISSION; TO AMEND THE LAW  
10 CONCERNING CAMPAIGN FINANCE; TO AMEND THE LAW  
11 CONCERNING CAMPAIGN MATERIAL; TO AMEND THE LAW  
12 CONCERNING CANDIDATE CONTRIBUTIONS; TO AMEND THE LAW  
13 CONCERNING CITIZEN COMPLAINTS FILED WITH THE ARKANSAS  
14 ETHICS COMMISSION; TO AMEND THE ENFORCEMENT OF THE  
15 CODE OF ETHICS; TO AMEND THE LAW CONCERNING  
16 INDEPENDENT EXPENDITURES; TO AMEND THE LAW CONCERNING  
17 EXPENDITURE REPORTS; TO AMEND PORTIONS OF INITIATED  
18 ACT 1 OF 1990 AND INITIATED ACT 1 OF 1996; AND FOR  
19 OTHER PURPOSES.

## Subtitle

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23 TO AMEND THE LAW CONCERNING THE CREATION  
24 AND DUTIES OF THE ARKANSAS ETHICS  
25 COMMISSION; AND TO AMEND PORTIONS OF  
26 INITIATED ACT 1 OF 1990 AND INITIATED ACT  
27 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 § 7-6-203(b)(1)(A), concerning candidate  
33 campaign finance contributions, limitations, acceptance or solicitation and  
34 distributions and resulting from Initiated Act 1 of 1990 and Initiated Act 1  
35 of 1996, is amended to read as follows:

36 (b)(1)(A) It shall be unlawful for any person to make a contribution



1 to a candidate for any public office or to any person acting on the  
 2 candidate's behalf, which in the ~~total~~ aggregate amount exceeds ~~two thousand~~  
 3 ~~seven hundred dollars (\$2,700) per election~~ the maximum campaign contribution  
 4 limit established by rule of the Arkansas Ethics Commission per election.

5  
 6 SECTION 2. Arkansas Code § 7-6-217(g)(1)-(3), concerning the creation  
 7 and duties of the Arkansas Ethics Commission and resulting from Initiated Act  
 8 1 of 1990 and Initiated Act 1 of 1996, are amended to read as follows:

9 (1) Under the Arkansas Administrative Procedure Act, § 25-15-201  
 10 et seq., promulgate reasonable rules to implement and administer the  
 11 requirements of this subchapter, as well as the Disclosure Act for Public  
 12 Initiatives, Referenda, and Measures Referred to Voters, § 7-1-114; § 7-9-401  
 13 et seq.; § 19-11-718; § 21-8-301 et seq.; the Disclosure Act for Lobbyists  
 14 and State and Local Officials, § 21-8-401 et seq., § 21-8-601 et seq., § 21-  
 15 8-701 et seq., and § 21-8-801 et seq.; § 21-8-901; § 21-8-1001 et seq.; § 25-  
 16 1-125; and Arkansas Constitution, Article 19, §§ 28-30; and to govern  
 17 procedures before the commission, matters of commission operations, and all  
 18 investigative and disciplinary procedures and proceedings;

19 (2) Issue advisory opinions and guidelines on the requirements  
 20 of § 7-1-103(a)(1)-(4), (6), and (7); § 7-1-114, this subchapter~~+~~, the  
 21 Disclosure Act for Public Initiatives, Referenda, and Measures Referred to  
 22 Voters, § 7-9-401 et seq.; § 19-11-718; § 21-8-301 et seq.; the Disclosure  
 23 Act for Lobbyists and State and Local Officials, § 21-8-401 et seq., § 21-8-  
 24 601 et seq., § 21-8-701 et seq., and § 21-8-801 et seq.~~+~~, § 21-8-901 et  
 25 seq.~~+~~, § 21-8-1001 et seq.; § 25-1-125, and Arkansas Constitution, Article  
 26 19, §§ 28-30;

27 (3) After a citizen complaint has been submitted to the  
 28 commission, investigate alleged violations of § 7-1-103(a)(1)-(4), (6), and  
 29 (7); § 7-1-114, this subchapter~~+~~, the Disclosure Act for Public Initiatives,  
 30 Referenda, and Measures Referred to Voters, § 7-9-401 et seq.; § 19-11-718; §  
 31 21-1-401 et seq.; § 21-8-301 et seq.; the Disclosure Act for Lobbyists and  
 32 State and Local Officials, § 21-8-401 et seq., § 21-8-601 et seq., § 21-8-701  
 33 et seq., and § 21-8-801 et seq.; § 21-8-901; § 21-8-1001 et seq.; § 25-1-125,  
 34 and Arkansas Constitution, Article 19, §§ 28-30; and render findings and  
 35 disciplinary action thereon;

36

1 SECTION 3. Arkansas Code § 7-6-218(a)(1), concerning citizen  
2 complaints filed with the Arkansas Ethics Commission and resulting from  
3 Initiated Act 1 of 1990, is amended to read as follows:

4 (a)(1) Any citizen may file a complaint with the Arkansas Ethics  
5 Commission against a person covered by this subchapter, by § 7-1-103(a)(1)-  
6 (4), (6), or (7); § 7-1-114; the Disclosure Act for Public Initiatives,  
7 Referenda, and Measures Referred to Voters, § 7-9-401 et seq.; § 21-1-401 et  
8 seq.; § 21-8-301 et seq.; the Disclosure Act for Lobbyists and State and  
9 Local Officials, § 21-8-401 et seq., § 21-8-601 et seq., § 21-8-701 et seq.,  
10 and § 21-8-801 et seq.; § 21-8-901 et seq.; § 21-8-1001 et seq.; § 25-1-125;  
11 and Arkansas Constitution, Article 19, §§ 28-30, for an alleged violation of  
12 the subchapters or sections. For purposes of this subdivision (a)(1), the  
13 Arkansas Ethics Commission shall be considered a citizen.  
14

15 SECTION 4. Arkansas Code § 7-6-218(b)(1)(A), concerning citizen  
16 complaints filed with the Arkansas Ethics Commission and resulting from  
17 Initiated Act 1 of 1990, is amended to read as follows:

18 (b)(1)(A) Upon a complaint stating facts constituting an alleged  
19 violation signed under penalty of perjury by any person, the Arkansas Ethics  
20 Commission shall investigate the alleged violation of this subchapter or § 7-  
21 1-103(a)(1)-(4), (6), or (7); § 7-1-114; the Disclosure Act for Public  
22 Initiatives, Referenda, and Measures Referred to Voters, § 7-9-401 et seq.; §  
23 21-1-401 et seq.; § 21-8-301 et seq.; the Disclosure Act for Lobbyists and  
24 State and Local Officials, § 21-8-401 et seq., § 21-8-601 et seq., § 21-8-701  
25 et seq., and § 21-8-801 et seq.; § 21-8-901 et seq.; § 21-8-1001 et seq.; §  
26 25-1-125; and Arkansas Constitution, Article 19, §§ 28-30.  
27

28 SECTION 5. Arkansas Code § 7-6-218(b)(4), concerning citizen  
29 complaints filed with the Arkansas Ethics Commission and resulting from  
30 Initiated Act 1 of 1990, is amended to read as follows:

31 (4) If the Arkansas Ethics Commission finds a violation of this  
32 subchapter; § 7-1-103(a)(1)-(4), (6), or (7); § 7-1-114; § 21-1-401 et seq.;  
33 § 21-8-301 et seq.; the Disclosure Act for Lobbyists and State and Local  
34 Officials, § 21-8-401 et seq., § 21-8-601 et seq., § 21-8-701 et seq., and §  
35 21-8-801 et seq.; § 21-8-901 et seq.; § 21-8-1001 et seq.; § 25-1-125; or  
36 Arkansas Constitution, Article 19, §§ 28-30, then the Arkansas Ethics

1 Commission shall do one (1) or more of the following, unless good cause be  
 2 shown for the violation:

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

5 (B)(i) Notwithstanding the provisions of §§ 7-6-202, 7-9-  
 6 409, 21-8-403, and 21-8-903, impose a fine of not less than fifty dollars  
 7 (\$50.00) nor more than three thousand five hundred dollars (\$3,500) for  
 8 negligent or intentional violation of this subchapter; § 7-1-114; the  
 9 Disclosure Act for Public Initiatives, Referenda, and Measures Referred to  
 10 Voters, § 7-9-401 et seq.; § 21-8-301 et seq.; the Disclosure Act for  
 11 Lobbyists and State and Local Officials, § 21-8-401 et seq., § 21-8-601 et  
 12 seq., § 21-8-701 et seq., and § 21-8-801 et seq.; § 21-8-901 et seq.; § 21-8-  
 13 1001 et seq.; § 25-1-125; or Arkansas Constitution, Article 19, §§ 28-30.

14 (ii) A fine for violating § 7-1-114 shall not exceed  
 15 one hundred fifty dollars (\$150).

16 (iii) The Arkansas Ethics Commission shall adopt  
 17 rules governing the imposition of such fines in accordance with the  
 18 provisions of the Arkansas Administrative Procedure Act, § 25-15-201 et seq.

19 ~~(iii)~~(iv) All moneys received by the Arkansas Ethics  
 20 Commission in payment of fines shall be deposited into the State Treasury as  
 21 general revenues;

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

24 (D)(i) Report its finding, along with such information and  
 25 documents as it deems appropriate, and make recommendations to the proper law  
 26 enforcement authorities.

27 (ii) When exercising the authority provided in this  
 28 subdivision (b)(4), the Arkansas Ethics Commission is not required to make a  
 29 finding of a violation of the laws under its jurisdiction.

30

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

34 (1)(A) No later than ~~thirty (30) days prior to preferential~~  
 35 ~~primary elections, general elections, and special elections covering the~~  
 36 ~~period ending thirty five (35) days prior to such elections~~ fifteen (15) days

1 following the month in which the five hundred dollar (\$500) threshold  
2 required under this section is met, the first financial report shall be  
3 filed.

4 (B) Each subsequent report shall be filed no later than  
5 fifteen (15) days after the end of each month until the election is held,  
6 except as required in subdivision (a)(1)(C) of this section.

7 (C) For any month in which certain days of that month are  
8 included in a preelection financial report required under subdivision (a)(2)  
9 of this section, no monthly report for that month shall be due, but those  
10 days of that month shall be carried forward and included in the final  
11 financial report;

12  
13 SECTION 7. Arkansas Code § 7-6-228(c)(1)(A), concerning campaign signs  
14 and materials, is amended to add an additional subdivision to read as  
15 follows:

16 (C) When the printed campaign material is a two-sided  
17 sign, the “Paid for by” language required by this subsection shall appear on  
18 both sides of the sign.

19  
20 SECTION 8. Arkansas Code § 21-8-303(a)(2), concerning enforcement by  
21 the Arkansas Ethics Commission of the Code of Ethics, is amended to read as  
22 follows:

23 (2)(A) However, the Arkansas Ethics Commission shall also have  
24 authority to investigate ~~and address alleged~~ violations of this subchapter  
25 and to render findings and disciplinary action.

26 (B) To be considered valid, a complaint alleging a  
27 violation of § 21-8-305 shall include a copy of a court record reflecting  
28 that the person has pleaded guilty or nolo contendere to or has been found  
29 guilty of a public trust crime.

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31 SECTION 9. DO NOT CODIFY. Effective date. Section 7 of this act  
32 shall be effective on and after November 1, 2023.