

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

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

As Engrossed: S3/1/23

A Bill

SENATE BILL 280

5 By: Senators J. Dismang, *Hester*
6 By: Representative L. Fite
7

For An Act To Be Entitled

9 TO AMEND THE LAW CONCERNING THE CREATION AND DUTIES
10 OF THE ARKANSAS ETHICS COMMISSION; TO AMEND THE LAW
11 CONCERNING CAMPAIGN FINANCE; TO AMEND THE LAW
12 CONCERNING CAMPAIGN MATERIAL; TO AMEND THE LAW
13 CONCERNING CANDIDATE CONTRIBUTIONS; TO AMEND THE LAW
14 CONCERNING CITIZEN COMPLAINTS FILED WITH THE ARKANSAS
15 ETHICS COMMISSION; TO AMEND THE ENFORCEMENT OF THE
16 CODE OF ETHICS; TO AMEND THE LAW CONCERNING
17 INDEPENDENT EXPENDITURES; TO AMEND THE LAW CONCERNING
18 EXPENDITURE REPORTS; TO AMEND PORTIONS OF INITIATED
19 ACT 1 OF 1990 AND INITIATED ACT 1 OF 1996; AND FOR
20 OTHER PURPOSES.
21
22

Subtitle

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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31 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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33 SECTION 1. Arkansas Code § 7-6-203(b)(1)(A), concerning candidate
34 campaign finance contributions, limitations, acceptance or solicitation and
35 distributions and resulting from Initiated Act 1 of 1990 and Initiated Act 1
36 of 1996, is amended to read as follows:



1 (b)(1)(A) It shall be unlawful for any person to make a contribution
2 to a candidate for any public office or to any person acting on the
3 candidate's behalf, which in the ~~total~~ aggregate amount exceeds ~~two thousand~~
4 ~~seven hundred dollars (\$2,700) per election~~ the maximum campaign contribution
5 limit established by rule of the Arkansas Ethics Commission per election.
6

7 SECTION 2. Arkansas Code § 7-6-217(g)(1)-(3), concerning the creation
8 and duties of the Arkansas Ethics Commission and resulting from Initiated Act
9 1 of 1990 and Initiated Act 1 of 1996, are amended to read as follows:

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

20 (2) Issue advisory opinions and guidelines on the requirements
21 of § 7-1-103(a)(1)-(4), (6), and (7); § 7-1-114, this subchapter~~+~~, the
22 Disclosure Act for Public Initiatives, Referenda, and Measures Referred to
23 Voters, § 7-9-401 et seq.; § 19-11-718; § 21-8-301 et seq.; the Disclosure
24 Act for Lobbyists and State and Local Officials, § 21-8-401 et seq., § 21-8-
25 601 et seq., § 21-8-701 et seq., and § 21-8-801 et seq.~~+~~, § 21-8-901 et
26 seq.~~+~~, § 21-8-1001 et seq.; § 25-1-125, and Arkansas Constitution, Article
27 19, §§ 28-30;

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

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

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

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

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

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

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

1 Arkansas Constitution, Article 19, §§ 28-30, then the Arkansas Ethics
2 Commission shall do one (1) or more of the following, unless good cause be
3 shown for the violation:

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

6 (B)(i) Notwithstanding the provisions of §§ 7-6-202, 7-9-
7 409, 21-8-403, and 21-8-903, impose a fine of not less than fifty dollars
8 (\$50.00) nor more than three thousand five hundred dollars (\$3,500) for
9 negligent or intentional violation of this subchapter; § 7-1-114; the
10 Disclosure Act for Public Initiatives, Referenda, and Measures Referred to
11 Voters, § 7-9-401 et seq.; § 21-8-301 et seq.; the Disclosure Act for
12 Lobbyists and State and Local Officials, § 21-8-401 et seq., § 21-8-601 et
13 seq., § 21-8-701 et seq., and § 21-8-801 et seq.; § 21-8-901 et seq.; § 21-8-
14 1001 et seq.; § 25-1-125; or Arkansas Constitution, Article 19, §§ 28-30.

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

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

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

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

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

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

31

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

35 (1)(A) No later than ~~thirty (30) days prior to preferential~~
36 ~~primary elections, general elections, and special elections covering the~~

1 ~~period ending thirty five (35) days prior to such elections~~ fifteen (15) days
2 following the month in which the five hundred dollar (\$500) threshold
3 required under this section is met, the first financial report shall be
4 filed.

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

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

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

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

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

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

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

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

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35 */s/J. Dismang*