

1 State of Arkansas

As Engrossed: H4/3/25

2 95th General Assembly

# A Bill

3 Regular Session, 2025

HOUSE BILL 1837

4  
5 By: Representative McAlindon  
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## For An Act To Be Entitled

9 AN ACT TO AMEND THE LAW CONCERNING DISCLOSURE FOR  
10 MATTERS REFERRED TO VOTERS; TO BAN FOREIGN FUNDING  
11 FOR BALLOT MEASURES; TO AMEND PORTIONS OF THE  
12 ARKANSAS CODE THAT RESULTED FROM INITIATED ACT 1 OF  
13 1996; AND FOR OTHER PURPOSES.  
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## Subtitle

16  
17 TO AMEND THE LAW CONCERNING DISCLOSURE  
18 FOR MATTERS REFERRED TO VOTERS; AND TO  
19 BAN FOREIGN FUNDING FOR BALLOT MEASURES;  
20 TO AMEND PORTIONS OF THE ARKANSAS CODE  
21 THAT RESULTED FROM INITIATED ACT 1 OF  
22 1996.  
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24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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26 SECTION 1. DO NOT CODIFY. Legislative findings and intent.

27 The General Assembly finds that:

28 (1) It is vital to the operation of an effective democracy for  
29 the people to have full and complete confidence in their elections;

30 (2) It is crucial that those elections be free of unwanted  
31 foreign influence; and

32 (3) It is the intent of the General Assembly to prevent foreign  
33 contributions from influencing the outcome of Arkansas elections.  
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35 SECTION 2. Arkansas Code § 7-6-201, concerning definitions for  
36 campaign financing, resulting from Initiated Act 1 of 1996, is amended to add



1 an additional subdivision to read as follows:

2 (19) "Prohibited sources" means the same as defined in § 7-9-  
3 402.

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5 SECTION 3. Arkansas Code § 7-6-220(b), concerning contents of the  
6 report for independent expenditures in campaign financing and resulting from  
7 Initiated Act 1 of 1996, is amended to add an additional subdivision to read  
8 as follows:

9 (5) An affirmation by the individual, committee, or entity  
10 making the independent expenditure that the individual, committee, or entity  
11 has not knowingly or willfully accepted donations in excess of ten thousand  
12 dollars (\$10,000) in the aggregate from one (1) or more prohibited sources  
13 within the four-year period immediately preceding the date the independent  
14 expenditure was made.

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16 SECTION 4. Arkansas Code § 7-9-402, concerning definitions for  
17 disclosure matters referred to voters, is amended to add additional  
18 subdivisions to read as follows:

19 (13) "Directly or indirectly" means acting either alone or 10  
20 jointly with, through, or on behalf of any other:

21 (A) Ballot question committee;

22 (B) Legislative question committee;

23 (C) Political action committee;

24 (D) Organization;

25 (E) Person; or

26 (F) Other entity;

27 (14) "Foreign national" means:

28 (A) An individual who is not a citizen or lawful permanent  
29 resident of the United States;

30 (B) A government or subdivision of a foreign country; or

31 (C) A foreign political party;

32 (D) An entity, including without limitation a partnership,  
33 association, corporation, organization, or other combination of persons, that  
34 is organized under the laws of, or has its principal place of business in, a  
35 foreign country; or

36 (E) A partnership, association, corporation, or

1 organization, which is wholly or majority owned by a foreign national,  
2 unless:

3 (i) A contribution or expenditure the entity makes  
4 derives entirely from funds generated by the entity's operations; and

5 (ii) All decisions concerning the contribution or  
6 expenditure are made by individuals who are United States citizens or  
7 permanent residents, except for setting overall budget amounts;

8 (15) "Independent expenditure" means the same as defined in § 7-  
9 6-201;

10 (16) "Preliminary activity" includes:

11 (A) Conducting a poll;

12 (B) Drafting ballot question language;

13 (C) Drafting legislative question language;

14 (D) Conducting a focus group;

15 (E) Conducting telephone calls; or

16 (F) Traveling in connection with a ballot question or  
17 legislative question activity;

18 (17) "Prohibited sources" includes:

19 (A) A prohibited political action committee as defined in  
20 § 7-6-201;

21 (B) A political action committee that accepts one (1) or  
22 more contributions from a foreign national;

23 (C) An organization that is funded by a political action  
24 committee that accepts one (1) or more contributions from a foreign national;

25 (D) Contributions from or expenditures by a foreign  
26 national; and

27 (E) Contributions or expenditures that violate state or  
28 federal law; and

29 (18)(A) "Tax-exempt organization" means an organization that  
30 qualifies as exempt from federal income tax under § 501(c) of the Internal  
31 Revenue Code of 1986, as it existed on January 1, 2025.

32 (B) This subchapter shall not be construed to treat a  
33 political organization under § 527 of the Internal Revenue Code of 1986, as  
34 it existed on January 1, 2025, as a tax-exempt organization for purposes of  
35 this subchapter.

1       SECTION 5. Arkansas Code § 7-9-407(2), concerning the information  
2 contained in financial reports submitted by a ballot question committee or a  
3 legislative question committee, is amended to add an additional subdivision  
4 to read as follows:

5               (E) For a ballot question committee as defined under § 7-  
6 9-402(2) or a legislative question committee as defined in § 7-9-402(10):

7               (i) An affirmation that the ballot question  
8 committee or legislative question committee has not knowingly or willfully  
9 received, solicited, or accepted contributions or expenditures from a  
10 prohibited source; and

11              (ii) An affirmation by the treasurer of the ballot  
12 question committee or legislative question committee that to the best of the  
13 treasurer's knowledge the donor associated with each contribution is not a  
14 foreign national and has not knowingly or willfully received, solicited, or  
15 accepted, whether directly or indirectly, contributions or expenditures from  
16 one (1) or more prohibited sources in excess of ten thousand dollars  
17 (\$10,000) in the aggregate within the four-year period immediately preceding  
18 the date of the contribution;

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20       SECTION 6. Arkansas Code Title 7, Chapter 9, Subchapter 4, is amended  
21 to add additional sections to read as follows:

22       7-9-416. Prohibited sources of funding.

23       (a) Upon registering as a ballot question committee or legislative  
24 question committee, the treasurer of the committee shall file an accompanying  
25 certification that no preliminary activity was directly funded by prohibited  
26 sources, whether directly or indirectly.

27       (b) After the ballot question committee or legislative question  
28 committee has been registered, the committee shall not knowingly or willfully  
29 receive, solicit, or accept contributions or expenditures from a prohibited  
30 source, whether directly or indirectly.

31       (c) A person who makes an independent expenditure in support of or in  
32 opposition to a ballot question committee or legislative question committee  
33 in excess of ten thousand dollars (\$10,000) in the aggregate shall keep  
34 records of any contribution or expenditure and retain such records as  
35 prescribed under § 7-9-410 from the date of receipt of the contribution or  
36 expenditure.

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2 7-9-417. Donor certification of no affiliation with prohibited  
3 sources.

4 (a) Upon receipt of a contribution in excess of ten thousand dollars  
5 (\$10,000) to a ballot question committee or legislative question committee,  
6 the treasurer of the ballot question committee or legislative question  
7 committee shall obtain from the donor associated with a contribution in  
8 excess of ten thousand dollars (\$10,000) in the aggregate an affirmation that  
9 the donor:

10 (1) Is not a foreign national; and

11 (2) Has not knowingly or willfully accepted donations in excess  
12 of ten thousand dollars (\$10,000) in the aggregate from one (1) or more  
13 prohibited sources within the four-year period immediately preceding the date  
14 the contribution is made.

15 (b) An individual, committee, or entity making one (1) or more  
16 independent expenditures in excess of ten thousand dollars (\$10,000)  
17 supporting or opposing a ballot question or legislative question shall  
18 certify to the Attorney General that the individual, committee, or entity has  
19 not knowingly or willfully accepted donations in excess of ten thousand  
20 dollars (\$10,000) in the aggregate from one (1) or more prohibited sources  
21 within the four-year period immediately preceding the date the independent  
22 expenditure is made and that it will not do so through the remainder of the  
23 calendar year in which the ballot question or legislative question will  
24 appear on the ballot.

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26 7-9-418. Prohibited influence by a foreign national.

27 (a) A foreign national shall not direct, dictate, control, or directly  
28 or indirectly participate in the decision-making process of any person with  
29 regard to that person's activities to influence a ballot question or  
30 legislative question, including without limitation decisions concerning the  
31 making of contributions or expenditures to influence a ballot question or  
32 legislative question.

33 (b) A foreign national shall not solicit, directly or indirectly, the  
34 making of a donation, contribution, or expenditure by another person to  
35 influence a ballot question or legislative question.

36 (c) Nothing in this subchapter shall create or eliminate any existing

1 donor disclosure rights or duties beyond those specifically stated in §§ 7-9-  
2 416 – 7-9-420.

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4 7-9-419. Enforcement for violations of ban on foreign funding for  
5 ballot questions and legislative questions.

6 (a)(1) The Attorney General may bring a civil action to enforce §§ 7-  
7 9-416 – 7-9-420.

8 (2) An individual, committee, or entity alleged to have violated  
9 any provision under §§ 7-9-416 – 7-9-420 shall be provided a full opportunity  
10 of notice, discovery, and an opportunity to be heard before being found  
11 liable for a violation of any provision under §§ 7-9-416 – 7-9-420.

12 (b) If the Attorney General prevails in an action brought under § 7-9-  
13 419(a), the court shall award:

14 (1) Injunctive relief sufficient to prevent the defendant from  
15 violating this subchapter or engaging in acts that aid or abet violations of  
16 any provision under §§ 7-9-416 – 7-9-420; and

17 (2) Statutory damages up to twice the amount of the prohibited  
18 contribution or expenditure.

19 (c) In addition to the penalties in this section and any other  
20 remedies provided by law, if the court finds the defendant knowingly or  
21 willfully violated any provision under §§ 7-9-416 – 7-9-420, the court may  
22 assess a penalty of up to three (3) times the statutory damages.

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24 7-9-420. Restrictions on collection and release of donor information.

25 (a)(1) A lawful donor to a tax-exempt organization possesses a right  
26 of privacy in the lawful donor's donations.

27 (2) An investigation of an alleged violation of any provision  
28 under §§ 7-9-416 – 7-9-420 or a lawful court order in an action brought under  
29 § 7-9-419(a) shall occur in a manner that shields the identity of lawful  
30 donors to the extent possible.

31 (3) A governmental body shall not collect or require the  
32 submission of information on the identity of any donor to a tax-exempt  
33 organization other than those directly related to an alleged violation of §§  
34 7-9-416 – 7-9-420.

35 (4) Any collection or required submission of information by any  
36 governmental body regarding the identity of any donor to a tax-exempt

1 organization beyond that permitted by any provision under §§ 7-9-416 – 7-9-  
2 420 shall be deemed a violation of the Personal Information Protection Act, §  
3 4-110-101 et seq.

4 (b)(1) A governmental body shall not disclose to the public or another  
5 government official not directly involved in the investigation, information  
6 revealing the identity of any donor to a tax-exempt organization, unless the  
7 information is regarding the identity of a donor that engaged in conduct  
8 prohibited by any provision under §§ 7-9-416 – 7-9-420 after a final  
9 determination has been made that the donor violated any provision under §§ 7-  
10 9-416 – 7-9-420 or if the tax-exempt organization has triggered registration  
11 and reporting as a ballot question committee or a legislative question  
12 committee under this subchapter.

13 (2) Knowing or willful violations of this subsection shall be  
14 punishable under the Personal Information Protection Act, § 4-110-101 et seq.

15 (3) Any public disclosure of information revealing the identity  
16 of any donor to a tax-exempt organization by a governmental body incident to  
17 this section is a violation of the Personal Information Protection Act, § 4-  
18 110-101 et seq., unless the information is regarding the identity of a donor  
19 that engaged in conduct prohibited by any provision under §§ 7-9-416 – 7-9-  
20 420 after a final determination has been made that the donor violated any  
21 provision under §§ 7-9-416 – 7-9-420.

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23 /s/McAlindon  
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