

Stricken language would be deleted from and underlined language would be added to present law.  
Act 307 of the Regular Session

State of Arkansas  
94th General Assembly  
Regular Session, 2023

As Engrossed: S3/1/23  
**A Bill**

SENATE BILL 280

By: Senators J. Dismang, *Hester*

By: Representative L. Fite

### **For An Act To Be Entitled**

TO AMEND THE LAW CONCERNING THE CREATION AND DUTIES OF THE ARKANSAS ETHICS COMMISSION; TO AMEND THE LAW CONCERNING CAMPAIGN FINANCE; TO AMEND THE LAW CONCERNING CAMPAIGN MATERIAL; TO AMEND THE LAW CONCERNING CANDIDATE CONTRIBUTIONS; TO AMEND THE LAW CONCERNING CITIZEN COMPLAINTS FILED WITH THE ARKANSAS ETHICS COMMISSION; TO AMEND THE ENFORCEMENT OF THE CODE OF ETHICS; TO AMEND THE LAW CONCERNING INDEPENDENT EXPENDITURES; TO AMEND THE LAW CONCERNING EXPENDITURE REPORTS; TO AMEND PORTIONS OF INITIATED ACT 1 OF 1990 AND INITIATED ACT 1 OF 1996; AND FOR OTHER PURPOSES.

### **Subtitle**

TO AMEND THE LAW CONCERNING THE CREATION AND DUTIES OF THE ARKANSAS ETHICS COMMISSION; AND TO AMEND PORTIONS OF INITIATED ACT 1 OF 1990 AND INITIATED ACT 1 OF 1996.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code § 7-6-203(b)(1)(A), concerning candidate campaign finance contributions, limitations, acceptance or solicitation and distributions and resulting from Initiated Act 1 of 1990 and Initiated Act 1 of 1996, is amended to read as follows:



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

*/s/J. Dismang*

**APPROVED: 3/16/23**