

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

State of Arkansas
93rd General Assembly
Regular Session, 2021

As Engrossed: S1/20/21 S2/8/21
A Bill

SENATE BILL 82

By: Senator J. Dismang

For An Act To Be Entitled

AN ACT TO AMEND THE LAW CONCERNING CAMPAIGN CONTRIBUTIONS; TO ESTABLISH THE PROCEDURE FOR DISTRIBUTION OF CAMPAIGN CONTRIBUTIONS WHEN A CANDIDATE WITHDRAWS AND FILES FOR A DIFFERENT OFFICE; TO DECLARE *AN EMERGENCY*; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND THE LAW CONCERNING CAMPAIGN CONTRIBUTIONS; TO ESTABLISH THE PROCEDURE FOR DISTRIBUTION OF CAMPAIGN CONTRIBUTIONS WHEN A CANDIDATE WITHDRAWS AND FILES FOR A DIFFERENT OFFICE; AND TO DECLARE *AN EMERGENCY*.

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

SECTION 1. Arkansas Code Title 7, Chapter 6, Subchapter 2, is amended to add an additional section to read as follows:

7-6-232. Use of campaign funds after a candidate withdraws and files for subsequent office.

(a) If a person files a report of contributions under § 7-6-207 regarding his or her candidacy for a specific office and subsequently withdraws and files a report of contributions under § 7-6-207 regarding his or her candidacy for a different specific office, all campaign funds collected by the candidate for his or her initial candidacy shall:

(1) Be returned to contributors within thirty (30) days following the end of the month in which the candidate has withdrawn from a



campaign for a specific office and subsequently filed as a candidate for a different specific office; and

(2) Not be used by the candidate for a subsequent campaign for a different specific office.

(b)(1) Contributions shall be returned to contributors based on a pro-rata division of the remaining campaign funds.

(2) No distribution or return of campaign contributions shall exceed the amount of the original campaign contribution.

(c) If a candidate is unable to determine the source of a campaign contribution, the candidate shall turn over the contribution to:

(1) The Treasurer of State for the benefit of the General Revenue Fund Account of the State Apportionment Fund;

(2) A political party as defined in § 7-1-101 or a political party caucus of the General Assembly, the Senate, or the House of Representatives;

(3) A nonprofit organization that is exempt from taxation under Section 501(c)(3) of the Internal Revenue Code; or

(4) Cities of the first class, cities of the second class, or incorporated towns.

(d)(1) As used in this section, "specific office" means a single identified elected office of the state, a county, or a municipality;

(2) A specific office is not solely identified by:

(A) A number assigned to a Senate district;

(B) A number assigned to a House district;

(C) A number designation of a voting precinct; or

(D) A number assigned to a ward or other municipal subdivision.

(3) A change in the numbering of any elected office geographic boundary as a result of redistricting does not change the specific office for the purpose of this section.

SECTION 2. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that this act alters the campaign finance procedures of candidates for public office; that campaign contributions are being made by the public as an expression of the preference for a candidate for election to public office by the citizens; that these

revisions impact the right of the public to actively engage in the political process through the campaign contribution process; and that this act is immediately necessary because the right to participate in the campaign process and election process is a fundamental right of the public and clear knowledge of the use of campaign funds will protect the public peace. Therefore, an emergency is declared to exist, and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on:

(1) The date of its approval by the Governor;

(2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or

(3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto.

/s/J. Dismang