

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

State of Arkansas  
94th General Assembly  
Regular Session, 2023

As Engrossed: H4/3/23  
**A Bill**

HOUSE BILL 1756

By: Representatives M. Shepherd, Ray

By: Senator Hester

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

AN ACT TO AMEND THE LAW CONCERNING CAMPAIGN FINANCE;  
TO AMEND THE LAW CONCERNING CAMPAIGN CONTRIBUTIONS  
AND EXPENDITURES; TO AMEND LAW CONCERNING REPORTING  
DEADLINES; TO CREATE AN AUTOMATIC FINE FOR DELINQUENT  
REPORTING; TO REQUIRE THE PREPARATION OF A REPORTING  
CALENDAR; TO AMEND THE LAW CONCERNING THE ARKANSAS  
ETHICS COMMISSION; TO ALLOW ONLINE AND ELECTRONIC  
COMPLAINTS; 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 CAMPAIGN  
FINANCE AND CAMPAIGN FINANCE REPORTS; TO  
AMEND THE LAW CONCERNING 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 § 7-6-207(a)(1)(B), concerning reports of contributions for candidates for state or district office, and resulting from Initiated Act 1 of 1990 and Initiated Act 1 of 1996, is amended to read as follows:

(B) Beginning with the month of January of a calendar year



in which a candidate may be listed on any ballot for election, a monthly report of all contributions received and expenditures made during that month. However, for any month in which certain days of that month are included in a preelection report required under subdivision (a)(1)(C) of this section or a final report required under subdivision (a)(1)(D) of this section, no monthly report for that month shall be due. In the case of a primary or runoff election, those days of the month occurring after the date of the election shall be carried forward and included in the next monthly report. The monthly report shall be filed no later than ~~fifteen (15)~~ twenty (20) days after the end of each month, except that the final report, covering the month during which an election is held, shall be filed within thirty (30) days after the end of the month in which the last election is held at which the candidate seeks nomination and after the end of the month in which the general election is held. With respect to a special election, the candidate shall file monthly reports under this section beginning with the month in which the special election candidate's total campaign contributions or expenditures exceed five hundred dollars (\$500);

SECTION 2. Arkansas Code § 7-6-207(b)(1)(B), concerning reports of contributions for candidates for state or district office, and resulting from Initiated Act 1 of 1990 and Initiated Act 1 of 1996, is amended to read as follows:

(B) The name and address of each person, including the candidate, who made a contribution or contributions that in the aggregate exceeded ~~fifty dollars (\$50.00)~~ two hundred dollars (\$200);

SECTION 3. Arkansas Code § 7-6-207(d)(1)(C), concerning reports of contributions for candidates for state or district office, and resulting from Initiated Act 1 of 1990 and Initiated Act 1 of 1996, is amended to add an additional subdivision to read as follows:

(iv) The electronic format used for the filing of campaign contribution and expenditure reports on the official website of the Secretary of State shall aggregate total campaign contributions by a contributor to determine if they collectively reach the limitation for lawful campaign contributions under this subchapter.

SECTION 4. Arkansas Code § 7-6-208(b)(1)(B), concerning reports of contributions for candidates for school district, township, or municipal office, and resulting from Initiated Act 1 of 1990 and Initiated Act 1 of 1996, is amended to read as follows:

(B) The name and address of each person, including the candidate, who made a contribution or contributions that in the aggregate exceeded ~~fifty dollars (\$50.00)~~ two hundred dollars (\$200);

SECTION 5. Arkansas Code § 7-6-209(b)(1)(B), concerning reports of contributions for candidates for school district, township, or county office, and resulting from Initiated Act 1 of 1996, is amended to read as follows:

(B) The name and address of each person, including the candidate, who made a contribution or contributions that in the aggregate exceeded ~~fifty dollars (\$50.00)~~ two hundred dollars (\$200);

SECTION 6. Arkansas Code § 7-6-215(d)(1)(C), concerning reports of contributions for candidates for school district, township, or county office, and resulting from Initiated Act 1 of 1990 and Initiated Act 1 of 1996, is amended to read as follows:

(C) The name and address of each person that made a contribution or contributions to the political action committee that exceeded ~~five hundred dollars (\$500)~~ two hundred dollars (\$200) in the aggregate during the calendar year, the contributor's place of business, employer, occupation, the date of the contribution, the amount contributed, and the total contributed for the year;

SECTION 7. Arkansas Code § 7-6-215(d)(1)(D), concerning reports of contributions for candidates for school district, township, or county office, and resulting from Initiated Act 1 of 1990 and Initiated Act 1 of 1996, is amended to read as follows:

(D) The name and address of each candidate, ballot question committee, legislative question committee, political party, county political party committee, or other political action committee, if any, to whom or which the political action committee made a contribution or contributions that exceeded ~~fifty dollars (\$50.00)~~ two hundred dollars (\$200) in the aggregate during the filing period, with the amount contributed and

the election for which the contribution was made;

SECTION 8. Arkansas Code § 7-6-216(c)(2), concerning registration and reports by exploratory committees, and resulting from Initiated Act 1 of 1990, is amended to read as follows:

(2) The name and address of each person who has made a contribution which, in the aggregate, exceeds ~~fifty dollars (\$50.00)~~ two hundred dollars (\$200), along with the contributor's principal place of business, employer, occupation, and the amount contributed; and

SECTION 9. Arkansas Code § 7-6-218(a), concerning citizen complaints filed with the Arkansas Ethics Commission, and resulting from Initiated Act 1 of 1990, is amended to add additional subdivisions to read as follows:

(3) A citizen complaint shall be timely filed if it is:

(A) Hand-delivered to the Arkansas Ethics Commission on or before the date that the complaint is due;

(B) Mailed to the Arkansas Ethics Commission, properly addressed, postage prepaid, and bearing a postmark indicating that it was received by the post office or common carrier on or before the date that the complaint is due; or

(C) Received via email or facsimile by the Arkansas Ethics Commission on or before the date that the complaint is due, provided the original is received by the Arkansas Ethics Commission within ten (10) days of the transmission.

(4) The Arkansas Ethics Commission shall prepare a citizen complaint form and make it publically available on the Arkansas Ethics Commission's website.

(5) The Arkansas Ethics Commission shall promulgate rules under the Arkansas Administrative Procedure Act, § 25-15-201 et seq., to develop the complaint submission process under subdivisions (a)(3) and (a)(4) of this section.

SECTION 10. Arkansas Code § 7-6-220(a), concerning reporting of independent expenditures, and resulting from Initiated Act 1 of 1996, is amended to read as follows:

(a) A person who or an independent expenditure committee which makes independent expenditures in an aggregate amount or value in excess of ~~five~~

~~hundred dollars (\$500)~~ two hundred dollars (\$200) in a calendar year shall file reports with the Secretary of State:

(1) 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;

(2) No later than seven (7) days prior to preferential primary elections, runoff elections, general elections, and special elections covering the period ending ten (10) days prior to such elections; and

(3) As for a final report, no later than thirty (30) days after the end of the month in which the last election is held at which the candidate seeks nomination or election.

SECTION 11. Arkansas Code § 7-6-223(b)(2), concerning reports of contributions by political parties, and resulting from Initiated Act 1 of 1996, is amended to read as follows:

(2) An itemization, including the name, address, employer, and occupation of each person who made a contribution or contributions to the political party which, in the aggregate, exceeded ~~fifty dollars (\$50.00)~~ two hundred dollars (\$200) in the preceding calendar quarter, as well as the amount received and date of receipt;

SECTION 12. Arkansas Code § 7-6-226(c)(1)(C) and (D), concerning registration and reporting by county political committees, are amended to read as follows:

(C) The name and address of each person who made a contribution or contributions to the committee that exceeded ~~five hundred dollars (\$500)~~ two hundred dollars (\$200) in the aggregate, the contributor's place of business, employer, or occupation, the date of the contribution, the amount contributed, and the total contributed for the year;

(D) The name and address of each candidate or committee, if any, to whom or which the committee made a contribution or contributions that exceeded ~~fifty dollars (\$50.00)~~ two hundred dollars (\$200) in the aggregate during the filing period, with the amount contributed and the election for which the contribution was made;

SECTION 13. Arkansas Code Title 7, Chapter 6, Subchapter 2, is amended

to add additional sections to read as follows:

7-6-232. Delinquent reports.

(a) The Arkansas Ethics Commission shall review the timeliness of reports filed with the Secretary of State by all candidates for state or district office pursuant to § 7-6-207.

(b)(1) If a candidate for state or district office has failed to file a required report, the commission shall notify the candidate in writing that the report is delinquent and request that the report be filed within thirty (30) days of the report's original due date.

(2) The notice under subdivision (b)(1) of this section shall be sent by regular mail to the candidate.

(c)(1) The third and subsequent time during an election cycle that a candidate is sent written notice of a delinquent report and fails to file the report within thirty (30) days of the report's original due date, the commission shall bring a complaint against the candidate and, if a violation is found, impose a fine of one thousand dollars (\$1,000) unless good cause be shown for the violation.

(2) In addition to imposing a fine, the commission shall also be authorized to take one (1) or more of the following actions:

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

(B) Order the candidate to file one or more reports; or

(C) Report the matter and make recommendations to proper law enforcement authorities.

(d) The commission shall promulgate rules to implement and administer this section.

7-6-233. Preparation of reporting calendar.

(a) The Arkansas Ethics Commission shall issue one (1) or more reporting calendars for use by candidates to identify when reports and other necessary filings are due in a calendar year.

(b) The commission shall issue the reporting calendar for a calendar year no later than the December 31 preceding the year of the reporting calendar.

(c) The commission shall prepare reporting calendars as it deems

necessary for candidates for office, including without limitation candidates for state, county, municipal, district, or school elections.

SECTION 14. DO NOT CODIFY. Rules.

(a) When adopting the initial rules required under this act, the Arkansas Ethics Commission shall file the final rules with the Secretary of State for adoption under § 25-15-204(f):

(1) On or before November 1, 2023; or

*/s/M. Shepherd*