

**Hall of the House of Representatives**  
86th General Assembly - Regular Session, 2007  
**Amendment Form**

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**Subtitle of House Bill No. 2495**

"TO AMEND THE DISCLOSURES ACT FOR PUBLIC INITIATIVES, REFERENDA AND  
MEASURES REFERRED TO VOTERS."

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**Amendment No. 1 to House Bill No. 2495.**

Amend House Bill No. 2495 as originally introduced:

Add Representative Pace as a cosponsor of the bill

AND

Delete everything following the enacting clause and substitute the following:

“SECTION 1. Arkansas Code § 7-9-404, as amended by Act 221 of the 2007 Regular Session, is amended to read as follows:

7-9-404. Filing deadlines.

(a)(1)(A) A ballot question committee or a legislative question committee shall file a statement of organization with the Arkansas Ethics Commission within five (5) days of receiving contributions or making expenditures in excess of ~~five hundred dollars (\$500)~~ two hundred fifty dollars (\$250) for the purpose of expressly advocating the qualification, passage, or defeat of a ballot question or the passage or defeat of a legislative question.

(B) The commission shall maintain the statement of organization until notified of the committee’s dissolution.

(2) A ballot question committee or legislative question committee failing to file a statement of organization required by this section shall be subject to a late filing fee not exceeding ~~twenty-five dollars (\$25.00)~~ fifty dollars (\$50) for each day the statement remains not filed.

(b) The statement of organization shall include the following information:

(1) The name, the street address, and where available, the telephone number of the committee. A committee address and telephone number may be that of the residence of an officer or director of the committee;

(2) The name, street address, and where available, the telephone number of the treasurer and other principal officers and directors of the committee;

(3) The name and address of each financial institution in which the committee deposits money or anything else of monetary value;

(4) The name of each person who is a member of the committee. A



person that is not an individual may be listed by its name without also listing its own members, if any; and

(5) A brief statement identifying the substance of each ballot question, the qualification, disqualification, passage, or defeat of which the committee seeks to influence or of each legislative question, the passage or defeat of which the committee seeks to influence, and if known, the date each ballot or legislative question shall be presented to a popular vote at an election.

(c) When any of the information required in a statement of organization is changed, an amendment shall be filed within ten (10) days to reflect the change, except that changes in individual membership may be filed when the next financial report is required. A committee failing to file a change as required shall be subject to a late filing fee not exceeding ~~ten dollars (\$10.00)~~ twenty-five dollars (\$25.00) for each day the change remains not filed.

(d) Upon dissolution, a ballot question committee or a legislative question committee shall so notify the commission in writing. Any remaining funds on hand at the time of dissolution shall be turned over to either:

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

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

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

(4) The contributors to the ballot or legislative question committee.

SECTION 2. Arkansas Code § 7-9-405 is amended to read as follows:  
7-9-405. Contributions and expenditures limited.

(a) No ballot question committee or legislative question committee shall accept any contribution in cash, meaning currency or coin, which exceeds ~~one hundred dollars (\$100)~~ fifty dollars (\$50.00).

(b) No ballot question committee, legislative question committee, or individual shall make an expenditure in cash which exceeds ~~fifty dollars (\$50.00)~~ twenty-five dollars (\$25.00) to influence the qualification, disqualification, passage, or defeat of a ballot question or the passage or defeat of a legislative question.

(c) No contributions shall be made, directly or indirectly, by any person in a name other than the name by which the person is identified for legal purposes.

~~(d)(1) No person shall make an anonymous contribution totaling twenty-five dollars (\$25.00) or more to a ballot question committee or legislative question committee.~~

~~(2) Any such anonymous contribution actually received by any ballot question committee or legislative question committee shall be promptly paid by the recipient to the Arkansas Ethics Commission for deposit in the State Treasury as general revenues.~~

SECTION 3. Arkansas Code § 7-9-406, as amended by Act 221 of the 2007 Regular Session, is amended to read as follows:

7-9-406. Financial reports - Requirement.

(a) A ballot question committee or legislative question committee which either receives contributions or makes expenditures in excess of ~~five hundred dollars (\$500)~~ two hundred fifty dollars (\$250) for the purpose of expressly advocating the qualification, disqualification, passage, or defeat of a ballot question or the passage or defeat of a legislative question shall file with the Arkansas Ethics Commission financial reports as required by §§ 7-9-407 – 7-9-409.

(b) An individual person who on his or her own behalf expends in excess of ~~five hundred dollars (\$500)~~ two hundred fifty dollars (\$250), excluding contributions, for the purpose of expressly advocating the qualification, disqualification, passage, or defeat of a ballot question or the passage or defeat of a legislative question shall file with the commission financial reports as required by §§ 7-9-407 – 7-9-409.

(c) A public servant or governmental body expending public funds in excess of ~~five hundred dollars (\$500)~~ two hundred fifty dollars (\$250) for the purpose of expressly advocating the qualification, disqualification, passage, or defeat of a ballot question or the passage or defeat of a legislative question shall file with the commission financial reports as required by §§ 7-9-407 – 7-9-409.

(d) Except as provided in subsection (f) of this section, any report required by this subchapter shall be deemed timely filed if it is:

(1) Hand-delivered to the commission on or before the date due;

(2) Mailed to the commission, properly addressed, postage prepaid, bearing a postmark indicating that it was received by the post office or common carrier on or before the date due;

(3) Received via facsimile by the commission on or before the date due, provided that the original is received by the commission within ten (10) days of the transmission; or

(4) Received by the commission in a readable electronic format which is approved by the commission.

(e) Whenever a report under this subchapter becomes due on a day which is a Saturday, Sunday, or legal holiday, the report shall be due the next day which is not a Saturday, Sunday, or legal holiday.

(f) A preelection report is timely filed if it is received by the commission no later than seven (7) days prior to the election for which it is filed.

SECTION 4. Arkansas Code § 7-9-407 is amended to read as follows:  
7-9-407. Financial Reports - Information.

A financial report of a ballot question committee, a legislative question committee, an individual person, a public servant, or a governmental body, as required by § 7-9-406, shall contain the following information:

(1) The name, address, and telephone number of the committee, individual person, public servant, or governmental body filing the statement;

(2)(A) For a committee:

(i) The total amount of contributions received during the period covered by the financial report;

(ii) The total amount of expenditures made during the period covered by the financial report;

(iii) The cumulative amount of those totals for each ballot question or legislative question;

(iv) The balance of cash and cash equivalents on

hand at the beginning and the end of the period covered by the financial report;

(v) The total amount of contributions received during the period covered by the financial statement from persons who contributed less than ~~one hundred dollars (\$100)~~ fifty dollars (\$50.00), and the cumulative amount of that total for each ballot question or legislative question;

(vi) The total amount of contributions received during the period covered by the financial statement from persons who contributed ~~one hundred dollars (\$100)~~ fifty dollars (\$50.00) or more, and the cumulative amount of that total for each ballot question or legislative question;

(vii) The name and street address of each person who contributed ~~one hundred dollars (\$100)~~ fifty dollars (\$50.00) or more during the period covered by the financial report, together with the amount contributed, the date of receipt, and the cumulative amount contributed by that person for each ballot question or legislative question; and

(viii) The name and address of each person who contributed a nonmoney item, together with a description of the item, the date of receipt, and the value, not including volunteer service by individuals;

(B) For an individual person:

(i) The total amount of expenditures made during the period covered by the financial report; and

(ii) The cumulative amount of that total for each ballot question or legislative question; and

(C) For a public servant or governmental body using public funds:

(i) The total amount of expenditures made during the period covered by the financial report; and

(ii) The cumulative amount of that total for each ballot question or legislative question; and

(3) The name and street address of each person to whom expenditures totalling ~~one hundred dollars (\$100)~~ fifty dollars (\$50.00) or more were made, together with the date and amount of each separate expenditure to each person during the period covered by the financial report and the purpose of the expenditure.

SECTION 5. Arkansas Code § 7-9-409 is amended to read as follows:

7-9-409. Financial reports - Time to file - Late fee.

(a)(1) The first financial reports shall be filed no later than fifteen (15) days following the month in which the ~~five hundred dollar~~ two-hundred-fifty-dollar threshold of § 7-9-406 is met and thereafter no later than fifteen (15) days after the end of each month until the election is held. Provided, however, 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.

(2) Additionally, a preelection financial report shall be filed no fewer than seven (7) days prior to any election on the ballot question or legislative question, such statement to have a closing date of ten (10) days

prior to the election.

(3) Furthermore, a final financial report shall be filed no later than thirty (30) days after the election.

(b) A ballot question committee, legislative question committee, or individual person who files a late financial report shall be subject to a late filing fee not exceeding ~~twenty-five dollars (\$25.00)~~ fifty dollars (\$50.00) for each day the report remains unfiled.”

The Amendment was read \_\_\_\_\_

By: Representative Pace

MBM/LNS - 03-21-2007 09:35

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Chief Clerk