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Proposed Rulemaking

Title

Promulgated by:
Arkansas Ethics Commission

~~**Title 7. Elections**~~

~~**Chapter I. Arkansas Ethics Commission**~~

~~**Subchapter A. Generally**~~

~~**Part 2. Rules on Campaign Contribution Limit**~~

~~**Subpart 1. Generally**~~

~~**7 CAR § 2-101. Definitions.**~~

~~As used in this part:~~

~~(1)(A) "Approved political action committee" means any person that:~~

~~(i) Receives contributions from one (1) or more persons in order to make contributions to:~~

~~*(a)* Candidates;~~

~~*(b)* Ballot question committees;~~

~~*(c)* Legislative question committees;~~

~~*(d)* Political parties;~~

~~*(e)* County political party committees; or~~

~~*(f)* Other political action committees;~~

~~(ii) Does not accept any contribution or cumulative contributions in excess of ten thousand dollars ($10,000) from any person in any calendar year; and~~

~~(iii) Has registered pursuant to Arkansas Code § 7-6-215 prior to making contributions.~~

~~(B) "Approved political action committee" does not include:~~

~~(i) Political parties;~~

~~(ii) County political party committees;~~

~~(iii) The candidate's own campaign committee;~~

~~(iv) Exploratory committees;~~

~~(v) Ballot question committees; or~~

~~(vi) Legislative question committees;~~

~~(2) "Candidate" means any individual who has knowingly and willingly taken affirmative action, including solicitation of funds, for the purpose of seeking nomination for or election to any public office;~~

~~(3)(A) "Contribution" means, whether direct or indirect, advances, deposits, or transfers of funds, contracts, or obligations, whether or not legally enforceable, payments, gifts, subscriptions, assessments, payment for services, dues, advancements, forbearance, loans, or pledges or promises of money or anything of value, whether or not legally enforceable, to a candidate, committee, or holder of elective office, made for the purpose of influencing the nomination or election of any candidate.~~

~~(B)(i) "Contribution" includes:~~

~~*(a)* The purchase of tickets for events such as dinners, luncheons, rallies, and similar fundraising events;~~

~~*(b)* The granting of discounts or rebates by television stations, radio stations, and newspapers not extended on an equal basis to all candidates for the same office; and~~

~~*(c)* Any payments for the services of any person serving as an agent of a candidate or committee by a person other than the candidate or committee or persons whose expenditures the candidates or committee must report under Arkansas Code § 7-6-201 et seq.~~

~~(ii) The term "contribution" further includes any transfer of anything of value received by a committee from another committee.~~

~~(iii) "Contribution" shall not include noncompensated, nonreimbursed, volunteer personal services or travel.~~

~~(C) "Contribution and expenditure" shall not include activity sponsored and funded by a political party to promote its candidates or nominees through events such as dinners, luncheons, rallies, or similar gatherings and shall not include nonpartisan activity designed to encourage individuals to register to vote or to vote or any communication by any membership organization to its members or stockholders if the membership organization or corporation is not organized primarily for the purpose of influencing the nomination for election or election of any candidate;~~

~~(4) "County political party committee" means a person that:~~

~~(A) Is organized at the county level for the purpose of supporting its affiliate party and making contributions;~~

~~(B) Is recognized by an organized political party, as defined in Arkansas Code § 7-1-101, as being affiliated with that political party;~~

~~(C) Receives contributions from one (1) or more persons in order to make contributions to:~~

~~(i) Candidates;~~

~~(ii) Ballot question committees;~~

~~(iii) Legislative question committees;~~

~~(iv) Political parties;~~

~~(v) Political action committees; or~~

~~(vi) Other county political party committees;~~

~~(D) Does not accept any contribution or cumulative contributions in excess of five thousand dollars ($5,000) from any person in any calendar year; and~~

~~(E) Registers pursuant to Arkansas Code § 7-6-226 prior to making contributions;~~

~~(5)(A) "Election" means each election to be held to nominate or elect a candidate to any public office, including school elections.~~

~~(B) For the purposes of this part, a preferential primary election, a general primary election, a runoff election, a special election, and a general election shall each constitute a separate election;~~

~~(6) "Individual" means a human being;~~

~~(7)(A) "Legislative caucus committee" means a person that:~~

~~(i) Is composed exclusively of members of the General Assembly;~~

~~(ii) Elects or appoints officers and recognizes identified legislators as members of the organization; and~~

~~(iii) Exists for research and other support of policy development and interests that the membership hold in common.~~

~~(B) A "legislative caucus committee" includes, but is not limited to, a political party caucus of the:~~

~~(i) General Assembly;~~

~~(ii) Senate; or~~

~~(iii) House of Representatives.~~

~~(C) An organization whose only nonlegislator members are the Lieutenant Governor or the Governor is a "legislative caucus committee" under this part;~~

~~(8)(A) "Person" means any:~~

~~(i) Individual;~~

~~(ii) Proprietorship;~~

~~(iii) Firm;~~

~~(iv) Partnership;~~

~~(v) Joint venture;~~

~~(vi) Syndicate;~~

~~(vii) Labor union;~~

~~(viii) Business trust;~~

~~(ix) Company;~~

~~(x) Corporation;~~

~~(xi) Association;~~

~~(xii) Committee; or~~

~~(xiii) Other organization or group of persons acting in concert.~~

~~(B) It shall also include a:~~

~~(i) Political party;~~

~~(ii) County political party committee; and~~

~~(iii) Legislative caucus committee; and~~

~~(9)(A) "Political party" means any group of voters that:~~

~~(i) At the last preceding general election, polled for its candidate for Governor in the state or nominees for presidential electors at least three percent (3%) of the entire vote cast for the office; or~~

~~(ii) Has filed a petition with the Secretary of State containing at the time of filing the signatures of at least ten thousand (10,000) registered voters in the State of Arkansas, declaring the intention of organizing a political party, the name of which shall be stated in the declaration, and of participating in the next general election, and that has been declared a new political party by the Secretary of State.~~

~~(B) When any political party fails to obtain three percent (3%) of the total votes cast at an election for the Office of Governor or nominees for presidential electors, it shall cease to be a political party.~~

~~**7 CAR § 2-102. Contribution limit.**~~

~~As of February 2, 2023, a candidate may accept a campaign contribution or contributions up to the maximum amount of three thousand three hundred dollars ($3,300) for each election, whether opposed or unopposed, from:~~

~~(1) An individual;~~

~~(2) A political party;~~

~~(3) A county political party committee;~~

~~(4) A legislative caucus committee; or~~

~~(5) An approved political action committee.~~

~~**7 CAR § 2-103. Adjustment of contribution limit.**~~

~~(a) The contribution limit shall be adjusted by the Arkansas Ethics Commission at the beginning of each odd-numbered year in an amount equal to the percentage certified to the Federal Election Commission by the Bureau of Labor Statistics of the United States Department of Labor under 52 U.S.C. § 30116(c) as existing on January 1, 2015.~~

~~(b) If the amount after adjustment is not a multiple of one hundred dollars ($100), the Arkansas Ethics Commission shall round the amount to the nearest multiple of one hundred dollars ($100).~~

State of Arkansas *As Engrossed: H2/20/25 S3/3/25*
95th General Assembly
A Bill
Regular Session, 2025 HOUSE BILL 1369

By: Representative Ray
By: Senator J. Dotson

For An Act To Be Entitled

AN ACT CONCERNING THE ESTABLISHMENT OF THE MAXIMUM CAMPAIGN CONTRIBUTION LIMIT BY THE ARKANSAS ETHICS COMMISSION; AMENDING PORTIONS OF LAW RESULTING FROM INITIATED ACT 1 OF 1990 AND INITIATED ACT 1 OF 1996; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.

Subtitle

CONCERNING THE ESTABLISHMENT OF THE MAXIMUM CAMPAIGN CONTRIBUTION LIMIT BY THE ARKANSAS ETHICS COMMISSION; AMENDING PORTIONS OF LAW RESULTING FROM INITIATED ACTS; AND DECLARING AN EMERGENCY.

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

SECTION 1. Arkansas Code § 7-6-203(a)(1)(A), concerning campaign contribution limitations and resulting from Initiated Act 1 of 1990 and Initiated Act 1 of 1996, is amended to read as follows:

(a)(1)(A) It shall be unlawful for any candidate for any public office or for any person acting on the candidate's behalf to accept campaign contributions in excess of the maximum campaign contribution ~~level~~ limit established by ~~rule of~~ the Arkansas Ethics Commission under subsection (i) of this section per election from:

(i) An individual;

(ii) A political party that meets the definition of a political party under § 7-1-101;

(iii) A political party that meets the requirements

of § 7-7-205;

(iv) A county political party committee;

(v) A legislative caucus committee; or

(vi) An approved political action committee.

SECTION 2. Arkansas Code § 7-6-203(b)(1)(A), concerning campaign contribution limitations 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 aggregate amount exceeds the maximum campaign contribution limit established by ~~rule of~~ the Arkansas Ethics Commission per election.

SECTION 3. Arkansas Code § 7-6-203(i), concerning the establishment of the maximum campaign contribution limit, is amended to read as follows:

(i)(1) The Arkansas Ethics Commission shall establish the maximum campaign contribution limit ~~by rule~~ as follows:

~~(1)~~(A) The adjusted maximum campaign contribution limit *shall be calculated from a base amount of two thousand dollars ($2,000) as of January 1, 2015;*

~~(2)~~(B)(i) The ~~contribution limits~~ maximum campaign contribution limit shall be adjusted ~~at the beginning of~~ each odd-numbered year in an amount equal to the percentage certified to the Federal Election Commission by the ~~United States Bureau of Labor Statistics~~ United States Secretary of Labor under 52 U.S.C. § 30116(c) as existing on January 1, ~~2015.~~ 2025.

(ii) The adjustment under subdivision (i)(1)(B)(i) of this section shall occur as soon as practicable following the certification to the Federal Election Commission by the United States *Secretary of Labor, but no later than the later of:*

(a) Thirty (30) days following the certification; or

(b) The next regularly scheduled meeting of the Arkansas Ethics Commission.

~~(3)~~(C) If the amount of the maximum campaign contribution

limit after adjustment under subdivision ~~(i)(2)~~(i)(l)(B) of this section is not a multiple of one hundred dollars ($100), the Arkansas Ethics Commission shall round the amount to the nearest multiple of one hundred dollars ($100)~~;~~ ~~and~~.

~~(4)~~(2)(A) The Arkansas Ethics Commission shall ~~promulgate rules identifying the adjusted contribution limit under this subsection~~:

(i) Publish the maximum campaign contribution limit established under subdivision (i)(l) of this section on the official website of the Arkansas Ethics Commission and in any other location or format deemed necessary by the Arkansas Ethics Commission; and

(ii) Make the maximum campaign contribution limit established under subdivision (i)(l) of this section available to the Secretary of State, elected public officials, candidates, committees under this subchapter, and the public.

(B) The maximum campaign contribution limit established under subdivision (i)(l) of this section shall be:

(i) Effective upon being published upon the official website of the Arkansas Ethics Commission; and

(ii) Retroactive to the date of the certification to the Federal Election Commission by the United States Secretary of Labor under subdivision (i)(l)(B)(i) of this section.

(C) The maximum campaign contribution limit established under subdivision (i)(l) of this section:

(i) Is not a rule under §§ 10-3-309 and 25-15-202; and

(ii) Shall not be promulgated under the Arkansas Administrative Procedure Act, § 25-15-201 et seq.

SECTION 4. Arkansas Code § 10-3-309(b)(l)(B), concerning the review and approval of state agency rules, is amended to add an additional subdivision to read as follows:

(vi) An adjustment to the maximum campaign contribution limit under § 7-6-203(i).

SECTION 5. Arkansas Code § 25-15-202(9)(B), concerning the definition of "rule" in the Arkansas Administrative Procedure Act, is amended to add an

additional subdivision to read as follows:

(ix) An adjustment to the maximum campaign contribution limit under § 7-6-203(i).

SECTION 6. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that standardizing the laws related to campaign finance contributes significantly to the public peace, health, and safety of the citizens of the State of Arkansas; that the public peace, health, and safety is negatively affected by unclear campaign finance laws which lead to unintentional violations of the law and inhibit the ability of citizens to exercise their right to political expression; that this act preserves the public peace, health, and safety by ensuring that political donors, political candidates, and elected officials are free from unintended limits of their political expression by providing a more efficient and transparent manner of establishing the state's maximum campaign contribution limit; and that this act also preserves the public peace, health, and safety by eliminating unnecessary rulemaking processes, thereby avoiding the use of public funds in that rulemaking that can be allocated to other pressing needs of the state. 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/Ray

APPROVED: 3/12/25