

1 State of Arkansas  
2 95th General Assembly  
3 Regular Session, 2025  
4

# A Bill

HOUSE BILL 1043

5 By: Representative A. Collins  
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7

## For An Act To Be Entitled

9 AN ACT TO PROTECT PUBLIC CONFIDENCE IN THE INTEGRITY  
10 OF APPELLATE JUDICIAL ELECTIONS; TO REQUIRE  
11 DISCLOSURE AND REPORTING OF NONCANDIDATE EXPENDITURES  
12 PERTAINING TO APPELLATE JUDICIAL ELECTIONS; TO  
13 EMPOWER CITIZENS TO COMPEL TRANSPARENCY FROM PERSONS  
14 MAKING NONCANDIDATE EXPENDITURES; TO ADOPT NEW LAWS  
15 CONCERNING APPELLATE JUDICIAL CAMPAIGNS; AND FOR  
16 OTHER PURPOSES.

## Subtitle

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19 TO REQUIRE DISCLOSURE AND REPORTING OF  
20 NONCANDIDATE EXPENDITURES PERTAINING TO  
21 APPELLATE JUDICIAL ELECTIONS; AND TO  
22 ADOPT NEW LAWS CONCERNING APPELLATE  
23 JUDICIAL CAMPAIGNS.  
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26 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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28 SECTION 1. Arkansas Code § 7-6-213 is amended to read as follows:

29 7-6-213. Verification of reports.

30 All reports required to be filed by the provisions of this subchapter  
31 shall be verified by affidavit by the candidate, ~~or~~ a person acting in the  
32 candidate's behalf, a noncandidate expenditure committee, or a person acting  
33 on behalf of the noncandidate expenditure committee stating that to the best  
34 of his, ~~or~~ her, or its knowledge and belief the information ~~so~~ disclosed is a  
35 complete, true, and accurate financial statement of the ~~candidate's~~ campaign  
36 contributions or expenditures of the candidate or the noncandidate



1 expenditure committee.

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3 SECTION 2. Arkansas Code Title 7, Chapter 6, Subchapter 2, is amended  
4 to add additional sections to read as follows:

5 7-6-234. Legislative findings and intent.

6 To protect public confidence in the integrity of appellate judicial  
7 elections, it is necessary and proper for the State of Arkansas to:

8 (1) Require comprehensive disclosure of noncandidate  
9 contributions and noncandidate expenditures in races for the Office of Judge  
10 of the Court of Appeals or Office of Justice of the Supreme Court;

11 (2) Empower the Arkansas Ethics Commission, through its  
12 rulemaking authority, to implement rules to govern noncandidate expenditures;  
13 and

14 (3) Enhance enforcement of the law concerning noncandidate  
15 expenditures that pertain to races for appellate judicial offices.

16

17 7-6-235. Noncandidate expenditures – Definitions.

18 As used in this section and §§ 7-6-213 and § 7-6-236 – 7-6-239:

19 (1) “Noncandidate expenditure”:

20 (A) Means an expenditure for an election that is:

21 (i) Not a contribution to a candidate’s campaign;

22 and

23 (ii) Not reported as an independent expenditure  
24 under § 7-6-220;

25 (B) Pertains to a communication that:

26 (i) Names or provides a photograph or other image of  
27 a specific candidate or specific set of candidates for the Office of Court of  
28 Appeals Judge or Office of Supreme Court Justice within one hundred twenty  
29 (120) days before an election for the Office of Court of Appeals Judge or  
30 Office of Supreme Court Justice; and

31 (ii) Is targeted to or otherwise expected to be  
32 received by one thousand (1,000) or more voters; and

33 (C) Does not include:

34 (i) A news article, editorial, or opinion article or  
35 statement;

36 (a) That is printed, broadcasted, presented

1 electronically, or otherwise distributed by a newspaper, radio or television  
2 broadcaster, or other for-profit media source; and

3 (b) For which no person other than the media  
4 source has funded, purchased, or otherwise paid consideration for the article  
5 or statement to be printed, broadcasted, presented electronically, or  
6 otherwise distributed;

7 (ii) A communication between an organization and a  
8 member of the organization as reflected in the organization's membership  
9 records;

10 (iii) A communication between two (2) or more  
11 members of an organization as reflected in the organization's membership  
12 records; or

13 (iv) An informational guide to candidates  
14 disseminated in printed form or on the internet that does not:

15 (a) Ask a voter or other person to contact a  
16 candidate about the candidate's actions or positions, other than a  
17 candidate's lack of response to a questionnaire; or

18 (b) Communicate an opinion on a specific  
19 candidate or specific set of candidates; and

20 (2) "Noncandidate expenditure committee" means a person that:

21 (A) Accepts contributions from one (1) or more persons in  
22 order to make a noncandidate expenditure for an appellate judicial election;  
23 and

24 (B) Is registered as a noncandidate expenditure committee  
25 under § 7-6-237 prior to making a noncandidate expenditure.

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27 7-6-236. Contributions to noncandidate expenditure committees –  
28 Noncandidate expenditures for appellate judicial elections – Reports.

29 (a) A person, including a noncandidate expenditure committee, that  
30 accepts contributions or makes noncandidate expenditures in a calendar year  
31 that exceed an aggregate amount or value of one thousand dollars (\$1,000)  
32 shall file a report with the Secretary of State no later than:

33 (1) Sixty (60) days before a preferential primary election,  
34 general election, or special election, for the period ending sixty-five (65)  
35 days before the preferential primary election, general election, or special  
36 election;

1           (2) Thirty (30) days before a preferential primary election,  
2 general election, or special election, covering the period ending thirty-five  
3 (35) days before the preferential primary election, general election, or  
4 special election;

5           (3) Seven (7) days before a preferential primary election,  
6 general election, or special election covering the period ending ten (10)  
7 days before the preferential primary election, general election, or special  
8 election; and

9           (4)(A) Thirty (30) days after the end of the month in which the  
10 last election is held at which the candidate seeks nomination or election.

11           (B) The report under subdivision (a)(4)(A) of this section  
12 shall be the final report filed under this subsection.

13           (b) A report required under subsection (a) of this section shall  
14 include:

15           (1) The same information pertaining to expenditures that is  
16 required of candidates for office other than school district, township,  
17 municipal, or county office as set forth in § 7-6-207(b)(1)(E)-(H);

18           (2) In the case of an individual making a noncandidate  
19 expenditure:

20           (A) The name of the individual; and

21           (B)(i) The individual's principal place of business and  
22 the postal zip code of principal residence.

23           (ii) If the individual has no principal place of  
24 business or employer address, a report under subsection (a) of this section  
25 shall include the individual's current occupation and home address;

26           (3) In the case of a noncandidate expenditure committee, the  
27 name, address, employer, and occupation of the officers of the committee;

28           (4) In the case of a person that is not an individual or a  
29 noncandidate expenditure committee, the principal name of the entity, the  
30 entity's address, and the name, address, employer, and occupation of the  
31 entity's officers; and

32           (5) For noncandidate expenditures made for the Office of Judge  
33 of the Court of Appeals or the Office of Justice of the Supreme Court:

34           (A) The name and address of each person that made a  
35 contribution or contributions that:

36           (i) Were used for noncandidate expenditures; and

1                   (ii) In the aggregate exceeded two hundred fifty  
2 dollars (\$250);

3                   (B) The contributing person's principal place of business,  
4 employer, and occupation, the amount contributed, the date the contribution  
5 was accepted by the person or noncandidate expenditure committee, and the  
6 aggregate amount contributed for the noncandidate expenditures;

7                   (C)(i) The name and address of each person that  
8 contributed an item other than money that was used in furtherance of the  
9 noncandidate expenditures, together with a description of the item, the date  
10 of receipt, and the value.

11                   (ii) This subdivision (b)(5)(C) does not apply to an  
12 individual providing volunteer service.

13                   (iii) If a person makes a contribution for a purpose  
14 other than a noncandidate expenditure to an organization that contributed to  
15 a noncandidate expenditure committee, the name and address of the person is  
16 not required;

17                   (D) The current balance of noncandidate expenditure  
18 committee funds; and

19                   (E) Any other information required by a rule of the  
20 Arkansas Ethics Commission adopted before the date the contribution is  
21 accepted.

22                   (c) The report required under subsection (a) of this section shall be  
23 verified by an affidavit of the person submitting the report stating that to  
24 the best of his or her knowledge and belief the information disclosed is a  
25 complete, true, and accurate financial statement of the contributions  
26 received and made.

27                   (d)(1) A report is timely filed if it is filed in electronic form  
28 through the website of the Secretary of State on or before the date that the  
29 report is due.

30                   (2)(A) Reports shall be submitted to the Secretary of State in a  
31 readable electronic format that is acceptable to the Secretary of State and  
32 approved by the commission.

33                   (B) The commission shall approve the format used by the  
34 Secretary of State for the filing of noncandidate expenditure reports in  
35 electronic form to ensure that all required information is captured.

36                   (C) The website of the Secretary of State shall be

1 designed to allow for searches of noncandidate expenditure report information  
2 filed in electronic form.

3 (3) A person, including a noncandidate expenditure committee,  
4 may file reports in paper form under this section if all requirements are met  
5 for alternative filing of reports by candidates under § 7-6-230.

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7 7-6-237. Noncandidate expenditure committee – Registration.

8 (a)(1)(A) A noncandidate expenditure committee shall register with the  
9 Secretary of State:

10 (i) Within fifteen (15) days after accepting  
11 contributions that exceed one thousand dollars (\$1,000) in the aggregate  
12 during a calendar year; and

13 (ii) Before making a noncandidate expenditure  
14 pertaining to a candidate for the Office of Court of Appeals Judge or the  
15 Office of Supreme Court Justice.

16 (B) Registration shall be:

17 (i) Annually renewed by January 15 unless the  
18 noncandidate expenditure committee has ceased to exist; and

19 (ii) On a form provided by the Secretary of State,  
20 and the contents of the form shall be verified by an affidavit of an officer  
21 of the noncandidate expenditure committee.

22 (2) The noncandidate expenditure committee shall maintain for a  
23 period of four (4) years records evidencing:

24 (A) The name, address, and place of employment of each  
25 person that contributed to the noncandidate expenditure committee, along with  
26 the amount contributed; and

27 (B) Each noncandidate expenditure made by the noncandidate  
28 expenditure committee, along with the amount of each noncandidate  
29 expenditure.

30 (3) The noncandidate expenditure committee:

31 (A) Shall designate a resident agent who shall be an  
32 individual who resides in this state; and

33 (B) Shall not accept a contribution or make a noncandidate  
34 expenditure unless the noncandidate expenditure committee has designated a  
35 resident agent and registered under this section.

36 (4) An out-of-state noncandidate expenditure committee shall

1 comply with the registration and reporting requirements of this section if  
2 the noncandidate expenditure committee makes one (1) noncandidate expenditure  
3 or more than one (1) noncandidate expenditure within the State of Arkansas  
4 that in the aggregate exceed one thousand dollars (\$1,000) during a calendar  
5 year.

6 (b) The registration form of a noncandidate expenditure committee  
7 shall be completed with the following information:

8 (1)(A) The name, address, and, when available, phone number of  
9 the noncandidate expenditure committee and the name, address, phone number,  
10 and place of employment of each of the officers of the noncandidate  
11 expenditure committee.

12 (B) If the name of the noncandidate expenditure committee  
13 is an acronym, then both the acronym and the words forming the acronym shall  
14 be disclosed;

15 (2) The full name and street address, city, state, and zip code  
16 of each financial institution the noncandidate expenditure committee uses for  
17 purposes of receiving contributions or making noncandidate expenditures  
18 within this state;

19 (3) A written acceptance of designation as resident agent from  
20 the individual designated under subdivision (a)(3) of this section;

21 (4) A certification by an officer of the noncandidate  
22 expenditure committee, under penalty of false swearing, that the information  
23 provided on the registration form is correct; and

24 (5) A clause submitting the noncandidate expenditure committee  
25 to the jurisdiction of the State of Arkansas for all purposes related to  
26 compliance with this subchapter.

27 (c)(1) If a noncandidate expenditure committee makes a change to any  
28 information required by subsection (b) of this section, an amendment shall be  
29 filed with the Secretary of State within ten (10) days of the change.

30 (2) A noncandidate expenditure committee that fails to file an  
31 amendment under subdivision (c)(1) of this section is subject to a late  
32 filing fee of ten dollars (\$10.00) for each day the amendment is not filed.

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34 7-6-238. Noncandidate expenditures – Requirements.

35 (a) A noncandidate expenditure shall not be made:

36 (1) In arrangement, cooperation, or consultation between a

1 candidate or an authorized committee or agent of the candidate and the person  
2 making the expenditure or an authorized agent of the person making the  
3 expenditure; or

4 (2) In concert with or at the request or suggestion of a  
5 candidate or an authorized committee or agent of the candidate.

6 (b)(1) A contributor to a noncandidate expenditure committee shall not  
7 contribute funds received by transfer from another person.

8 (2) A person shall not solicit and receive contributions for the  
9 purpose of transferring the contributions or a portion of them to a  
10 noncandidate expenditure committee.

11 (3) Contributions to a noncandidate expenditure committee shall  
12 comply with the limitations imposed on contributions to candidates and  
13 independent expenditure committees under § 7-6-205.

14 (c) A noncandidate expenditure committee that makes a noncandidate  
15 expenditure pertaining to a candidate for the Office of Judge of the Court of  
16 Appeals or the Office of Justice of the Supreme Court shall maintain any  
17 funds contributed for the purpose of the noncandidate expenditure pertaining  
18 to the candidate for the Office of Judge of the Court of Appeals or the  
19 Office of Justice of the Supreme Court in a segregated account.

20 (d)(1) A noncandidate expenditure committee that makes a noncandidate  
21 expenditure pertaining to a candidate for the Office of Judge of the Court of  
22 Appeals or the Office of Justice of the Supreme Court shall keep records of  
23 all contributions and noncandidate expenditures in a manner sufficient to  
24 demonstrate compliance with this subchapter.

25 (2) The records required under subdivision (d)(1) of this  
26 section shall be:

27 (A) Made available to the Arkansas Ethics Commission and  
28 the prosecuting attorney in the district in which the candidate resides; and

29 (B) Maintained for a period of four (4) years.

30 (e) The commission and the prosecuting attorney in the district in  
31 which the candidate resides shall enforce this subchapter.

32  
33 7-6-239. Noncandidate expenditures – Cause of action for violation.

34 (a)(1) A registered voter in this state may bring an action against a  
35 noncandidate expenditure committee in circuit court to force compliance with  
36 §§ 7-6-213, 7-6-231, and 7-6-234 – 7-6-236.



1           (2) The registered voter may bring an action in circuit court  
2 pursuant to the Arkansas Rules of Civil Procedure to force compliance with  
3 this subchapter.

4           (b) If the registered voter prevails in an action under this section,  
5 he or she shall be entitled to reimbursement of expenses and reasonable  
6 attorney's fees from the person whose action is enjoined.

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8           SECTION 3. DO NOT CODIFY. Rules.

9           (a) The Arkansas Ethics Commission shall promulgate rules to implement  
10 §§ 7-6-234 – 7-6-238.

11           (b) The commission shall file the initial rules with the Secretary of  
12 State for adoption under § 25-15-204(f):

13                   (1) On or before January 1, 2026; or

14                   (2) If approval under § 10-3-309 has not occurred by January 1,  
15 2026, as soon as practicable after approval under § 10-3-309.

16           (c) The commission shall file the proposed rule with the Legislative  
17 Council under § 10-3-309(c) sufficiently in advance of January 1, 2026, so  
18 that the Legislative Council may consider the rule for approval before  
19 January 1, 2026.

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21           SECTION 4. DO NOT CODIFY. Effective date for registration and  
22 reporting requirements.

23           (a) The General Assembly finds that it is necessary to give sufficient  
24 notice of the rules adopted by the Arkansas Ethics Commission in furtherance  
25 of this act to noncandidate expenditure committees and other persons required  
26 to register and report noncandidate contributions and noncandidate  
27 expenditures under this act.

28           (b)(1) Therefore, the registration and reporting requirements created  
29 by this act are not required for the 2026 nonpartisan judicial general  
30 election held on the date of the preferential primary for other offices.

31           (2) The registration and reporting requirements created by this  
32 act shall be required for the 2026 November nonpartisan judicial runoff  
33 election, with registration and reporting to begin on July 1, 2026.

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