

# **RUNNING FOR PUBLIC OFFICE**

**A “Plain English” Handbook for Candidates**



**Published by the  
State Board of Election Commissioners  
501 Woodlane, Suite 401N  
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**in conjunction with the  
Office of the Secretary of State  
and  
the Arkansas Ethics Commission**

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# TABLE OF CONTENTS

## INTRODUCTION

Purpose.....	1
Helpful Addresses.....	1-2
2014 Election Dates.....	2
Glossary of Terms.....	3-7

## TERMS & QUALIFICATIONS

### Federal Offices

U.S. Senate.....	8
U.S. House of Representatives.....	8

### State Offices

Governor and Lieutenant Governor.....	8
Secretary of State, Treasurer of State, Auditor of State, Attorney General, and Commissioner of State Lands.....	8

### District Offices – Arkansas General Assembly

State Senate.....	9
State House of Representatives.....	9

### Judicial Offices

Appellate Courts (Supreme Court and Court of Appeals).....	10
Circuit Court.....	10
District Court.....	11

### Prosecuting Attorney..... 11

### County and Township Offices

County and Township Offices (except County Judge).....	12
County Judge.....	12
County Surveyor.....	12

### Municipal Offices..... 13

With Mayor-Council Form of Government.....	13
With City Manager Form of Government.....	13
With City Administrator Form of Government.....	13

### School Board..... 13

### Municipal Office (Tables)

Mayor-Council Form of Government.....	14
City Manager Form of Government.....	15
City Administrator Form of Government.....	15

## FILING PROCEDURES FOR PARTISAN ELECTIONS..... 16

### Multiple Nominations & Filings Prohibited ..... 16

### Political Party Candidates..... 16

Federal, State, and District Offices.....	16
County, Municipalities with Partisan Elections, and Township Offices.....	16

### Independent Candidates

General Filing Procedures (Except Independent Candidates in Partisan Municipal Elections).....	17
U.S. Senate or State Offices.....	17
U.S. House or District Offices (State Senator, State Representative).....	17

**FILING PROCEDURES (continued)**

County and Township Offices.....17  
Municipal Offices  
    Mayor-Council Form of Government.....17  
**Write-in Candidates**.....18  
    Federal, State, and District Offices.....18  
    County and Township Offices.....18

**NEW POLITICAL PARTY FORMATION & CANDIDATE FILING.....19**

**FILING PROCEDURES FOR NONPARTISAN ELECTIONS**

**Nonpartisan Judicial & Prosecuting Attorney Candidates**.....20  
    **Candidates Paying Filing Fees** .....20  
        Filing Fees for Nonpartisan Office.....20  
    **Candidates Filing by Petition**.....21  
    **Write-In Candidates**.....21  
**School Board Candidates**.....22  
    Candidates Filing by Petition.....22  
    Write-In Candidates.....22  
**Municipal Offices**.....23  
    Mayor-Council Form of Government.....23  
    City Manager Form of Government.....24  
    City Administrator Form of Government.....24

**FILING PROCEDURES FOR SPECIAL ELECTIONS TO FILL**

**VACANCIES**.....25

**CANDIDATE WITHDRAWAL**.....25-26

**OFFICES UP FOR ELECTION & DISTRICT COMPOSITION**

**Federal Offices**

U.S. Senate Districts up for Election in 2014.....27  
U.S. House Districts up for Election in 2014.....27

**State Offices**

State Constitutional Offices up for Election in 2014.....28  
State Senate Districts up for Election in 2014.....28  
State House Districts up for Election in 2014.....29-31

**Nonpartisan Judicial Offices**

Supreme Court Positions up for Election in 2014.....32  
Court of Appeals Positions up for Election in 2014.....32  
Composition of Court of Appeals Districts.....32  
Circuit Court Positions up for Election in 2014.....33-35  
Composition of Circuit Court Districts.....36  
District Court Positions up for Election in 2014.....36

**Prosecuting Attorney**.....37

Prosecuting Attorney Positions up for Election in 2014.....37

**POLITICAL PRACTICES PLEDGE**.....38

<b>FREQUENTLY ASKED QUESTIONS</b> .....	39-42
<b>SAMPLE FORMS &amp; INSTRUCTIONS</b> .....	43-67
Poll Watcher Authorization Form.....	44-45
Affidavit of Eligibility.....	46-47
Notice of Candidacy for Independent Candidates.....	48
Notice of Write-In Candidacy.....	49
Statement of Candidacy for City Administrator Candidates for Director or Mayor.....	50
<b>Petitions</b>	
Independent Candidate Petition	
Federal/State/District Office.....	51
County/Township/Justice of the Peace.....	52
Nonpartisan Candidate Petition	
Prosecuting Attorney.....	53
Justice of the Supreme Court.....	54
Court of Appeals.....	55
Circuit Court Judge.....	56
District Court.....	57
Mayor-Council Form of Government Petition of Nomination	
Municipal Candidates Except Alderman.....	58
Alderman Candidates Elected by Ward.....	59
Alderman Candidates Elected at Large.....	60
City Administrator Form of Government Petition of Nomination	
Director.....	61
Mayor.....	62
City Manager Form of Government Petition of Nomination	
Director.....	63
Mayor.....	64
School Board Candidate Petition	
By Zone.....	65
At Large.....	66

**ARKANSAS ETHICS COMMISSION 2014 REPORTING CALENDARS**

State and District Candidates.....	67-69
Nonpartisan Offices	
Justice of the Supreme Court, Judge of the Court of Appeals, Circuit Judge, and Prosecuting Attorney.....	70-72
County Candidates.....	73-74
District Judge.....	75-76
Municipal Candidates.....	77
Municipal Offices with Mayor-Council form of Government with Political Party Primaries.....	78-79

**CAMPAIGN FINANCE & DISCLOSURE REQUIREMENTS**.....80

**CAMPAIGN CONTRIBUTION AND EXPENDITURE REPORT**.....81

<b>State and District Candidates</b> .....	81
Quarterly Report.....	81
Monthly Report.....	81-82
Preelection Report.....	82

Final Report.....	82
Report Content.....	82-83
Reports Received via Facsimile.....	83-84
<b>County, Municipal, Township, and School Board Candidates.....</b>	<b>84</b>
Preelection Report.....	84
Final Report.....	85
Supplemental Report.....	85
Report Content.....	85-86
 <b>CONTRIBUTIONS &amp; EXPENDITURES.....</b>	 <b>87</b>
Loans, Allowable & Prohibited Uses of Campaign Funds & Other Facts.....	88-91
 <b>RETIREMENT OF DEBT.....</b>	 <b>92</b>
Retiring Campaign Debt.....	92
Surplus Campaign Funds.....	93
Nonpartisan Judicial Candidates.....	93
Unopposed and Defeated Candidates.....	93
Carryover Funds.....	94
Reporting.....	94-95
 <b>STATEMENT OF FINANCIAL INTEREST.....</b>	 <b>96</b>
Who Must File.....	96
When to File.....	96
Where to File.....	97
How to File.....	97
What to File.....	97-98
 <b>PENALTIES.....</b>	 <b>99</b>
<b>Late Filing and Failure to File</b>	
Preelection Contribution and Expenditure Reports.....	99
All Other Contribution and Expenditure Reports.....	99
Statement of Financial Interest.....	100
<b>False, Materially Misleading, or Incomplete Reporting</b>	
Contribution and Expenditure Reports.....	100
Statement of Financial Interest.....	100
<b>Payment of Fines.....</b>	<b>100</b>
 <b>EXPLORATORY COMMITTEES.....</b>	 <b>101</b>
Registration.....	101
Contribution and Expenditure Report.....	101-102
 <b>POLITICAL COMMITTEES</b>	
<b>County Political Party Committee.....</b>	<b>103</b>
Registration.....	103-104
Quarterly Report.....	104
Reports Received via Facsimile.....	105

Penalties for Registration and Reporting Violations.....	105
Notice of Termination.....	105
<b>Political Action Committee.....</b>	<b>105-106</b>
Registration.....	106-107
Amended Registration.....	107
Quarterly Report.....	107
Reports Received via Facsimile.....	108
Penalties for Registration and Reporting Violations.....	108
Notice of Termination.....	108
<b>Legislative Caucus Committee.....</b>	<b>108-109</b>
Registration.....	109
Amended Registration.....	109
Quarterly Report.....	109
Reports Received via Facsimile.....	109
Penalties for Registration and Reporting Violations.....	110
<b>INDEPENDENT EXPENDITURE COMMITTEES.....</b>	<b>111</b>
Registration.....	112
Amended Registration.....	112
Report for Committees, Individuals, and Other Entities.....	112-113
Reports Received via Facsimile.....	113
Penalties for Registration and Reporting Violations.....	113
<b>ARKANSAS ETHICS COMMISSION FORMS &amp; INSTRUCTIONS.....</b>	<b>114</b>
<b>Campaign Contribution and Expenditure Report</b>	
State and District Candidates	
Monthly, Preelection, Quarterly Instructions.....	115-118
Monthly, Preelection, Quarterly Reporting Form.....	119-125
Final Instructions.....	126-130
Final Reporting Form.....	131-138
County, Municipal and School Board Candidates	
Instructions.....	139-143
Reporting Form.....	144-151
Debt Retirement Reporting Form.....	152-155
<b>Carryover Fund Report</b>	
Instructions.....	156-161
Reporting Form.....	162-163
<b>Statement of Financial Interest</b>	
Information on how to obtain the t <del>g</del> x <del>l</del> u <del>g</del> f version.....	164
<b>Exploratory Committee</b>	
Registration Form.....	165
Contribution and Expenditure Report.....	166-170
<b>County Political Party Committee</b>	
Registration Form.....	171-172
Quarterly Reporting Form.....	173-180
Notice of Termination.....	181
<b>Political Action Committee (PAC)</b>	
Registration Form.....	182-183
Quarterly Reporting Form.....	184-191
Notice of Termination.....	192

**Independent Expenditure**

Committee Registration Form.....193-194  
Report for Committees, Individuals, and Other Entities.....195-201

**ARKANSAS ETHICS COMMISSION RULES.....202**

Rules on Campaign Finance & Disclosure.....203-246  
Rules on Political Committees.....247-257  
Rules on Independent Expenditures.....258-264

**ARKANSAS STATUTES.....265/497**

Ark. Code Ann. § 7-1-103.....266-270  
Ark. Code Ann. § 7-1-104.....270-272  
Ark. Code Ann. § 7-3-108.....272-273  
Ark. Code Ann. § 7-6-101.....273  
Ark. Code Ann. § 7-6-102.....~~273~~273-274  
Ark. Code Ann. § 7-6-103.....274  
Ark. Code Ann. § 7-6-104.....275  
Ark. Code Ann. § 16-93-302.....275

# INTRODUCTION

## **Purpose**

Arkansas Code Annotated § 7-4-101 charges the State Board of Election Commissioners with publishing a candidate handbook outlining, in a readable and understandable format, the legal obligations of a candidate. The State Board of Election Commissioners with the assistance of the Secretary of State's office and the Arkansas Ethics Commission has developed a handbook for candidates running for public office that explains the necessary qualifications for holding public office, identifies filing procedures for candidates, and outlines campaign finance and disclosure reporting requirements under Arkansas law. This handbook is available upon request to all candidates running for public office.

**This handbook is a guide and not a substitute for state law.** Please consult the **Arkansas Ethics Commission** for questions regarding campaign finance and disclosure reporting requirements, deadlines, and penalties; ballot question committees; county political party committees; exploratory committees; independent expenditure committees; legislative caucus committees; legislative question committees; political action committees (PACs); disclosure of financial information by public officials and candidates; political patronage; use of public labor or facilities for campaign purposes by a public servant; coercion of public employees for political purposes; campaign signs on government vehicles; and disclaimers on paid political ads. Consult the **Secretary of State** for questions regarding candidate qualifications; candidate filing procedures; candidate petition requirements; confirmation of specific dates; and for blank forms and instructions.

## **Helpful Addresses**

### **State Board of Election Commissioners**

501 Woodlane, Suite 401N  
Little Rock, AR 72201  
Office: 501-682-1834 OR 1-800-411-6996  
Fax: 501-682-1782  
Internet site: [www.arkansas.gov/sbec](http://www.arkansas.gov/sbec)  
E-mail address: [INFO.SBEC@sos.arkansas.gov](mailto:INFO.SBEC@sos.arkansas.gov)

### **Secretary of State**

Elections Division  
State Capitol, Room 026  
Little Rock, AR 72201  
Office: 501-682-5070 OR 1-800-482-1127  
Fax: 501-682-3408 OR 501-682-3548  
Internet site: [www.sos.arkansas.gov](http://www.sos.arkansas.gov)  
E-mail address: [electionsemail@sos.arkansas.gov](mailto:electionsemail@sos.arkansas.gov)

### **Arkansas Ethics Commission**

910 West Second Street, Suite 100  
Little Rock, AR 72201  
Office: 501-324-9600 OR 1-800-422-7773  
Fax: 501-324-9606  
Internet site: [www.arkansasethics.com](http://www.arkansasethics.com)

**As of the date of printing this Handbook, the recognized political parties in Arkansas are the:**

**Democratic Party of Arkansas**  
1300 West Capitol Avenue  
Little Rock, AR 72201  
501-374-2361  
Internet site: [www.arkdems.org](http://www.arkdems.org)

**Republican Party of Arkansas**  
1201 West Sixth Street  
Little Rock, AR 72201  
501-372-7301  
Internet site: [www.arkansasgop.org](http://www.arkansasgop.org)

**Libertarian Party of Arkansas**  
PO Box 46730  
Little Rock, AR 72214-6730  
501-291-2542  
Internet site: <http://lpar.org/>

**Green Party of Arkansas**  
3610 Lilac Terrace  
Little Rock, AR 72202  
501-666-0620  
Internet site: <http://www.greenpartyofarkansas.org/>

New political parties may file petitions to become recognized for elections to be held in 2014. The deadline for filing these petitions is December 26, 2013.

## **2014 Election Dates**

<b>May 20, 2014</b>	Preferential Primary Election Nonpartisan General Election
<b>June 10, 2014</b>	General Primary (Runoff) Election
<b>August 12, 2014</b>	City Administrator Form of Government Primary Election
<b>September 16, 2014</b>	Annual School Election
<b>October 07, 2014</b>	School Runoff Election
<b>November 04, 2014</b>	General Election Nonpartisan General Runoff Election
<b>November 25, 2014</b>	General Runoff Election (County & Municipal Only)

**For a complete calendar of election-related dates and deadlines, you may contact the Elections Division of the Secretary of State's Office.**

## **Glossary of Terms**

**Affidavit of eligibility** - an affidavit signed by a candidate for elective office stating that the candidate is eligible to serve in the office he or she seeks. *ACA §7-1-101*

**Candidate** - for the purpose of compliance with contribution and expenditure filing requirements, 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. *ACA §7-6-201(2)*

**Certificate of choice** – a certificate, signed by an executive officer of a political group that submits a petition to place its candidates for President and Vice-President on the ballot, designating the names of its candidates to appear on the ballot. *ACA §7-1-101*

**Constitutional officers** – the offices of the Governor, Lieutenant Governor, Secretary of State, Attorney General, Auditor of State, Treasurer of State, and Commissioner of State Lands. *ACA §7-1-101*

**Contribution** - 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, 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. “Contribution” includes the purchase of tickets for events such as dinners, luncheons, rallies, and similar fundraising events; the granting of discounts or rebates by television and radio stations and newspapers not extended equally to all candidates for the same office; and 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. “Contribution” further includes any transfer of anything of value received by a committee from another committee. “Contribution” **shall not include** noncompensated, nonreimbursed, volunteer personal services or travel. *ACA §7-6-201(4)*

**County political party committee** – a person that is organized at the county level for the purpose of supporting its affiliate party and making contributions; is recognized by an organized political party, as defined in Ark. Code Ann. §7-1-101, as being affiliated with that political party; receives contributions from one (1) or more persons in order to make contributions to candidates, ballot question committees, legislative question committees, political parties, political action committees, or other county political party committees; does not accept any contribution or cumulative contributions in excess of five thousand dollars (\$5,000) from any person in any calendar year; and registers pursuant to Ark. Code Ann. §7-6-226 before making contributions. *ACA §7-6-201(6)*

**Election** - the process in which qualified electors nominate or elect a candidate to public office. A preferential primary election, a general primary election (primary runoff election), a general election, a general runoff election, a school election, and a special election each constitute a separate election. For the purpose of campaign finance and maximum contribution limits, a

political party caucus for selecting party nominees shall also constitute an election. *ACA §7-6-201(7); Rules on Campaign Finance & Disclosure §203(g)*

**Expenditure** - a purchase, payment, distribution, gift, loan, or advance of money or anything of value, and a contract, promise, or agreement to make an expenditure for the purpose of influencing the nomination or election of any candidate. *ACA §7-6-201(8)*

**Exploratory committee** – a person that receives contributions which are held to be transferred to the campaign of a single candidate in an election. “Exploratory committee” **shall not include** a political party that meets the definition of a political party under §7-1-101, or a political party that meets the requirements of §7-7-205, or the candidate’s own campaign committee. *ACA §7-6-201(9); Rules on Campaign Finance & Disclosure §§251, 252*

**Fair market value** – the price the good or service would bring between a willing seller and a willing buyer in the open market after negotiations. *Rules on Campaign Finance & Disclosure §200(i)*

**Filing deadline** – the date a report becomes due. If the filing deadline falls on a Saturday, Sunday, or legal holiday, the report shall be due on the next day that is not a Saturday, Sunday, or legal holiday. *ACA §7-6-225*

**Financial institution** - any commercial bank, savings and loan, mutual savings bank or savings bank, credit union, insurance company, brokerage house, or any corporation that is in the business of lending money and that is subject to state or federal regulation. *ACA §7-6-201(10)*

**Governmental body** - any office, department, commission, council, board, committee, legislative body, agency, or other establishment of the executive, judicial, or legislative branch of the state, municipality, county, school district, improvement district, or any political district or subdivision thereof. *ACA §§21-8-301(1); 21-8-402(6)*

**Guarantor** – a person who makes a guaranty for a debt, the liability for which does not begin until the principal debtor is in default. *Rules on Campaign Finance & Disclosure §200(l)*

**Infamous Crimes** – felony offenses and misdemeanor offenses in which the finder of fact was required to find, or the defendant to admit, an act of deceit, fraud, or false statement, including without limitation misdemeanor theft of property, abuse of office, and tampering. *ACA §§§ 5-52-107; 5-53-110; 7-1-101*

**Independent expenditure** - any expenditure which is not a contribution and expressly advocates the election or defeat of a clearly identified candidate for office, is made without arrangement, cooperation, or consultation between any candidate or any authorized committee or agent of the candidate and the person making the expenditure or any authorized agent of that person, and is not made in concert with, or at the request or suggestion of any candidate or any authorized committee or agent of the candidate. *ACA §7-6-201(11)*

**Independent expenditure committee** - any person who receives contributions from one (1) or more persons in order to make an independent expenditure and is registered pursuant to Ark. Code Ann. §7-6-227 before making expenditures. *ACA §7-6-201(12)*

**In-kind contribution** - a contribution of goods, services, or any other thing of value, or its use, other than money, including an agreement made or other obligation incurred, whether legally enforceable or not, to make such a contribution in the future. “In-kind contribution” **shall not include** direct campaign contributions. *Rules on Campaign Finance & Disclosure §§200(m), 205*

**Legislative caucus committee** – a person that is composed exclusively of members of the General Assembly, that elects or appoints officers and recognizes identified legislators as members of the organization, and that exists for research and other support of policy development and interests that the membership hold in common. A “legislative caucus committee” includes, but is not limited to, a political party caucus of the General Assembly, the Senate, or the House of Representatives. An organization whose only nonlegislator members are the Lieutenant Governor or the Governor is a “legislative caucus committee” under the Arkansas Ethics Commission’s Rules. *ACA §7-6-201(13)*

**Majority party** – the political party in the state whose candidates were elected to a majority of the constitutional offices of this state in the last preceding general election. *ACA §7-1-101*

**Minority party** – the political party whose candidates were elected to less than a majority of the constitutional offices of this state in the last preceding general election or the political party that polled the second greatest number of votes for the office of Governor in the last preceding general election if all of the elected constitutional officers of this state are from a single political party. *ACA §7-1-101*

**Party certificate** – a written statement or receipt signed by the secretary or chair of the county committee or of the state committee, as the case may be, of the political party evidencing the name and title proposed to be used by the candidate on the ballot, the position the candidate seeks, payment of the fees, and filing of the party pledge, if any, required by the political party. *ACA §7-1-101*

**Party filing fees** - a fee imposed by the political party on a candidate seeking that party’s nomination. The filing fee for county, municipal, and township offices are set by the county committee and authorized by the state executive committee. All other filing fees are set by the state executive committee. *ACA §7-7-301(a)*

**Party filing period** – the period of time established by law for the candidate for a political party’s nomination to file his or her party certificate and political practices pledge with the Secretary of State or county clerk, as the case may be. *ACA §7-1-101*

**Person** - any individual, proprietorship, firm, partnership, joint venture, syndicate, labor union, business trust, company, corporation, association, committee, or any other organization or group of persons acting in concert. "Person" shall also include a political party that meets the definition of a political party under §7-1-101 or a political party that meets the requirements of §7-7-205, county political party committees, and legislative caucus committees.

*ACA §§7-6-201(14), 21-8-402(14)*

**Political action committee (PAC):**

1) **Approved PAC** - any person that receives contributions from one (1) or more persons in order to make contributions to candidates, ballot question committees, legislative question committees, political parties, county political party committees, or other political action committees. An "Approved political action committee" must not accept any contribution or cumulative contributions in excess of five thousand dollars (\$5,000) from any person in any calendar year and must register pursuant to Ark. Code Ann. §7-6-215 before making contributions. "Approved political action committee" **does not include** organized political parties, county political party committees, the candidate's own campaign committee, exploratory committees, or ballot or legislative question committees. *ACA §7-6-201(1)*

2) **Prohibited PAC** - any person that receives contributions from one (1) or more persons in order to make contributions to candidates, ballot question committees, legislative question committees, but that does not meet the requirements of an approved PAC. "Prohibited political action committee" **shall not include** a political party that meets the definition of a political party under §7-1-101 or a political party that meets the requirements of §7-7-205, the candidate's own campaign committee, a county political party committee, an exploratory committee, or a ballot or legislative question committee. *ACA §7-6-201(15)*

**Political Party** – any group of voters that at the last preceding general election polled for its candidate for Governor in the state or nominee for presidential electors at least three percent (3%) of the entire vote cast for the office, or which 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, 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 which has been declared a new political party by the Secretary of State. 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. *ACA §§7-1-101, 7-7-205*

**Political practices pledge** - a written pledge by the candidate filed with the Secretary of State or the county clerk, as the case may be, stating that he or she is familiar with the requirements of Arkansas law regarding unlawful election activities and their penalties, and that he or she will in good faith, comply with the terms of the law. *ACA §7-6-102(a)(1)*

**Public appointee** - an individual who is appointed to a governmental body. “Public appointee” shall not include an individual appointed to an elective office.

*ACA §§21-8-301(2); 21-8-402(15)*

**Public employee** - an individual who is employed by a governmental body or who is appointed to serve a governmental body. “Public employee” shall not include public officials or public appointees. *ACA §§21-8-301(3); 21-8-402(16)(A)*

**Public office** - any office created by or under authority of the laws of the State of Arkansas, or of a subdivision thereof, that is filled by the voters, except a federal office. *ACA §7-6-201(16)*

**Public official** - a legislator or any other person holding an elective office of any governmental body, whether elected or appointed to the office, and shall include such persons during the time period between the date they are elected or appointed and the date they took office.

*ACA §§21-8-301(4); 21-8-402(17)*

**Public servant** - all public officials, public employees, and public appointees.

*ACA §§21-8-301(5); 21-8-402(18)*

**Qualified elector** - a person who holds the qualifications of an elector and is registered under Arkansas Constitution, Amendment 51.

- 1) Must be a U. S. citizen
- 2) Must be an Arkansas resident
- 3) Must be a minimum of 18 years of age
- 4) Must be lawfully registered to vote in the election
- 5) Must not presently be adjudged mentally incompetent by a court of competent jurisdiction
- 6) Must not have been convicted of a felony without the sentence having been discharged or pardoned
- 7) Must not claim the right to vote in another county or state

*ACA §7-1-101; Arkansas Constitution Article 3, §§1 & 2; Amendment 51, §6*

**Written instrument** – a check on which the contributor is directly liable or which is written on a personal account, trust account, partnership account, business account, or other account that contains the contributor’s funds. In the case of a contribution by credit card or debit card under A.C.A. §7-6-204, “written instrument” includes, without limitation, a paper record signed by the cardholder, provided that the paper record contains a valid name, complete address, place of business, employer and occupation for the cardholder at the time of making the contribution. In the case of a contribution made through the internet, “written instrument” includes without limitation, an electronic record created and transmitted by the cardholder, provided that the electronic record contains a valid name, complete address, place of business, employer and occupation for the cardholder at the time of making the contribution.

*[A.C.A. §7-6-201(18), see Arkansas Ethics Commission Advisory Opinion No. 2013-EC-001 issued April 19, 2013 regarding using cashier’s checks to make contributions]*

# TERMS & QUALIFICATIONS

## Federal Offices

### **U.S. Senate** [*U. S. Constitution, Article I, §3*]:

- Six year term of office
- Must be a U. S. citizen for nine (9) years
- Must be an Arkansas resident
- Must be a minimum of thirty (30) years of age

### **U.S. House of Representatives** [*U. S. Constitution, Article I, §2*]:

- Two year term of office
- Must be a U. S. citizen for seven (7) years
- Must be an Arkansas resident
- Must be a minimum of twenty-five (25) years of age

## State Offices

### **Governor and Lieutenant Governor** [*Arkansas Constitution, Article 6, as amended by Amendment 6, §§1 and 5; Amendment 63, §1*]:

- Four year term of office *Amendment 63, §1*
- Limited to two (2) four year terms *Amendment 73, §1*
- Must possess the qualifications of an elector *Article 19, §3*
- Must be a U. S. citizen *Article 6, §5*
- Must be an Arkansas resident for seven (7) years *Article 6, §5*
- Must be a minimum of thirty (30) years of age *Article 6, §5*
- Must be lawfully registered to vote *Article 3, §1*
- Must not hold any other state or federal office *Article 6, §11*
- Must never have been convicted of embezzlement of public money, bribery, forgery, or other infamous crime *Article 5, §9*

### **Secretary of State, Treasurer of State, Auditor of State, Attorney General, and Commissioner of State Lands** [*Article 6, as amended by Amendment 63, §1*]:

- Four year term of office *Amendment 63, §1*
- Limited to two (2) four year terms *Amendment 73, §1*
- Must possess the qualifications of an elector *Article 19, §3*
- Must be a U. S. citizen *Article 3, §1*
- Must be an Arkansas resident *Article 19, §4*
- Must be a minimum of eighteen (18) years of age *Article 3, §1*
- Must be lawfully registered to vote *Article 3, §1*
- Must not hold any other state, federal or civil office *Article 6, §22*
- Must never have been convicted of embezzlement of public money, bribery, forgery, or other infamous crime *Article 5, §9*

## **District Offices - Arkansas General Assembly**

### **State Senate:**

- Four year term of office *Article 5, §3*
- Limited to two (2) four year terms *Amendment 73, §2*
- Must possess the qualifications of an elector *Article 19, §3*
- Must be a U. S. citizen *Article 5, §4*
- Must be an Arkansas resident for two (2) years preceding election *Article 5, §4*
- Must be a resident of the district to be represented for one (1) year preceding the general election *Article 5, §4, AG Opinion 99-020*
- Must be a minimum of twenty-five (25) years of age *Article 5, §4*
- Must be lawfully registered to vote *Article 3, §1*
- Must not hold any other state, federal, or civil office *Article 5, §§7, 10*
- Must never have been convicted of embezzlement of public money, bribery, forgery, or other infamous crime *Article 5, §9*

### **State House of Representatives:**

- Two year term of office *Article 5, §2*
- Limited to three (3) two year terms *Amendment 73, §2*
- Must possess the qualifications of an elector *Article 19, §3*
- Must be a U. S. citizen *Article 5, §4*
- Must be an Arkansas resident for two (2) years preceding election *Article 5, §4*
- Must be a resident of the district to be represented for one (1) year preceding the general election *Article 5, §4, AG Opinion 99-020*
- Must be a minimum of twenty-one (21) years of age *Article 5, §4*
- Must be lawfully registered to vote *Article 3, §1*
- Must not hold any other state, federal, or civil office *Article 5, §§ 7, 10*
- Must never have been convicted of embezzlement of public money, bribery, forgery, or other infamous crime *Article 5, §9*

## **Judicial Offices** [Arkansas Constitution, Amendment 80]

### **Appellate Courts (Supreme Court and Court of Appeals):**

- Eight year term of office *Amendment 80, §16*
- Must be a qualified elector *Amendment 80, §16*
- Must be a U. S. citizen *Article 3, §1*
- Must be an Arkansas resident *Article 3, §1*
- Must reside within geographic area from which chosen *Amendment 80, §16*
- Must be a minimum of eighteen (18) years of age *Article 3, §1*
- Must be lawfully registered to vote *Article 3, §1*
- Must be licensed attorney in Arkansas for at least eight (8) years immediately preceding the date of assuming office *Amendment 80, §16*
- Must not file as a candidate for non-judicial governmental office while holding judicial office *Amendment 80, §15; ACA §16-10-118*
- Must not hold any other state or federal office, except as authorized by law *Amendment 80, §16*
- Shall not practice law during their terms of office *Amendment 80, §14*
- Must never have been convicted of embezzlement of public money, bribery, forgery, or other infamous crime *Article 5, §9*

### **Circuit Court:**

- Six year term of office *Amendment 80, §16*
- Must be a qualified elector *Amendment 80, §16*
- Must be a U. S. citizen *Article 3, §1*
- Must be an Arkansas resident *Article 3, §1*
- Must reside within the geographic area from which chosen at time of election and during period of service *Amendment 80, §16*  
**NOTE:** Geographic area may include any county contiguous to the county to be served when there are no qualified candidates available in the county to be served.
- Must be a minimum of eighteen (18) years of age *Article 3, §1*
- Must be lawfully registered to vote *Article 3, §1*
- Must be licensed attorney in Arkansas for at least six (6) years immediately preceding the date of assuming office *Amendment 80, §16*
- Must not file as a candidate for non-judicial governmental office while holding judicial office *Amendment 80, §15; ACA §16-10-118*
- Must not hold any other state or federal office, except as authorized by law *Amendment 80, §16*
- Shall not practice law during their terms of office *Amendment 80, §14*
- Must never have been convicted of embezzlement of public money, bribery, forgery, or other infamous crime *Article 5, §9*

## **Judicial Offices (cont'd)**

### **District Court:**

- Four year term of office *Amendment 80, §16; ACA §16-17-209*
  - Must be a qualified elector *Amendment 80, §16; ACA §§16-17-103, 16-17-209*
  - Must be a U. S. citizen *Article 3, §1*
  - Must be an Arkansas resident *Article 3, §1*
  - Must reside within the geographic area from which chosen at time of election and during period of service *Amendment 80, §16; §§16-17-103, 16-17-209*
- NOTE:** Geographic area may include any county contiguous to the county to be served when there are no qualified candidates available in the county to be served.
- Must be a minimum of eighteen (18) years of age *Article 3, §1*
  - Must be lawfully registered to vote *Article 3, §1*
  - Must be licensed attorney in Arkansas for at least four (4) years immediately preceding the date of assuming office *Amendment 80, §16; ACA §§16-17-104, 16-17-209*
  - Must not file as a candidate for non-judicial governmental office while holding judicial office *Amendment 80, §15; ACA §16-10-118*
  - Must not hold any other state or federal office, except as authorized by law *Amendment 80, §16*
  - Must never have been convicted of embezzlement of public money, bribery, forgery, or other infamous crime *Article 5, §9*

### **Prosecuting Attorney**

- Four year term of office *Amendment 80, §20*
- Must be a qualified elector *Amendment 80, §20*
- Must be a U. S. citizen *Article 3, §1*
- Must be an Arkansas resident *Article 3, §1*
- Must reside within judicial circuit from which elected and shall reside there at time of election and during period of service *Amendment 80, §20*
- Must be a minimum of eighteen (18) years of age *Amendment 51, §6; Article 3, §1*
- Must be lawfully registered to vote *Article 3, §1*
- Must be licensed attorney in Arkansas for at least four (4) years immediately preceding the date of assuming office *Amendment 80, §20*
- Must never have been convicted of embezzlement of public money, bribery, forgery, or other infamous crime *Article 5, §9*

## **County and Township Offices**

### **County and Township Offices (except County Judge):**

- Two year term of office *Article 7, §§19, 46, 47; ACA §14-14-1302*
- Must possess the qualifications of an elector *Article 19, §3*
- Must be a U. S. citizen *Article 3, §1*
- Must be an Arkansas resident *Article 3, §1*
- Must reside within their respective township, justice of the peace district, or county to be represented *Article 19, §4; ACA §14-14-1306*
- Must be a minimum of eighteen (18) years of age *Article 3, §1*
- Must be lawfully registered to vote *Article 3, §1*
- Must never have been convicted of embezzlement of public money, bribery, forgery, or other infamous crime *Article 5, §9*

### **County Judge [Article 7, §29; Article 19, §4; ACA §§14-14-1301, 14-14-1302]:**

- Two year term of office
- Must possess the qualifications of an elector *Article 19, §3*
- Must be a U. S. citizen *Article 3, §1*
- Must be an Arkansas resident two (2) years before election
- Must be a resident of the county at time of election and during term of office
- Must be a minimum of twenty-five (25) years of age
- Must be lawfully registered to vote *Article 3, §1*
- Must be a person of upright character
- Must be a person of good business education
- Must never have been convicted of embezzlement of public money, bribery, forgery, or other infamous crime *Article 5, §9*

### **County Surveyor [ACA §§14-15-701, 17-48-203]:**

In addition to the general requirements listed above for other county offices:

- Must be a person of good character and reputation
- Must be over the age of twenty-one (21)
- Must be registered as a professional surveyor by the State Board of Licensure for Professional Engineers and Professional Land Surveyors

## **Municipal Offices**

- Must be a qualified elector *Article 19, §3*
- Must be a U. S. citizen *Article 3, §1*
- Must be an Arkansas resident *Article 3, §1*
- Must live in jurisdiction to be represented at time of filing and throughout term *ACA §14-42-201(c)*
- Must be lawfully registered to vote *Article 3, §1*
- Must never have been convicted of embezzlement of public money, bribery, forgery, or other infamous crime *Article 5, §9*

### **With Mayor-Council Form of Government:**

- **First Class Cities with Population of 50,000 or more:** [*Arkansas Constitution, Article 19, §3; Amendment 51, §6; ACA §§14-42-201, 14-43-303, 14-43-307, 14-43-308, 14-43-309, 14-43-314, 14-43-405*]
- **First Class Cities with Population under 50,000:** [*Arkansas Constitution, Article 19, §3; Amendment 51, §6; ACA §§14-42-201, 14-43-305, 14-43-307, 14-43-308, 14-43-309, 14-43-312, 14-43-315, 14-43-316, 14-43-319, 14-43-405*]
- **Second Class Cities:** [*Arkansas Constitution, Article 19, §3; Amendment 51, §6; ACA §§14-42-201, 14-42-112, 14-44-103, 14-44-105, 14-44-110, 14-44-114, 14-44-115*]
- **Incorporated Towns:** [*Arkansas Constitution, Article 19, §3; Amendment 51, §6; ACA §§14-42-201, 14-42-112, 14-45-101, 14-45-102, 14-45-104, 14-45-108, 14-45-109, 14-45-110*]
- See Table on page 14

### **With City Manager Form of Government** [*ACA §§ 14-47-108, 14-47-109, 14-47-110, 14-47-116, 14-47-117, 14-47-119, 14-47-133, 14-61-111*]:

- See Table on page 15

### **With City Administrator Form of Government** [*ACA §14-48-101 et seq.*]:

- See table on page 15

## **School Board**

- Must be a qualified registered voter of the school district and the electoral zone, if applicable *ACA §§6-13-616(a), 6-14-111(h), (i)(1), Article 3, §1*
- Must be a U.S. citizen *Article 3, §1*
- Must be an Arkansas resident *Article 3, §1*
- Must be a resident of the school district and, if elected from zones, the respective electoral zone *ACA §§6-13-631(d)(1), 6-13-633, 6-14-111(i)(1)*
- Must not be an employee of the school district served *ACA §6-13-616(b)*
- Must be lawfully registered to vote *Article 3, §1*
- Must never have been convicted of embezzlement of public money, bribery, forgery, or other infamous crime *Article 5, §9*

**MUNICIPAL OFFICES  
WITH MAYOR-COUNCIL FORM OF GOVERNMENT**

ELECTIVE OFFICE	FIRST CLASS CITY		SECOND CLASS CITY	INCORPORATED TOWN
	Population of 50,000 or more	Population Under 50,000		
<b>MAYOR</b>	Term: 4 Years Qualified Elector Resident of City Minimum Age: 18 Years	Term: 4 Years Qualified Elector Resident of City Minimum Age: 18 Years	Term: 4 Years Qualified Elector Resident of City Minimum Age: 18 Years	Term: 4 Years Qualified Elector Resident of Town Minimum Age: 18 Years
<b>ALDERMAN</b>	Term: 4 Years Qualified Elector Resident of Respective Ward Minimum Age: 18 Years	Term: 2 Years** Qualified Elector Resident of Respective Ward Minimum Age: 18 Years	Term: 2 Years*** Qualified Elector Resident of Respective Ward Minimum Age: 18 Years	Term: 2 Years*** Qualified Elector Resident of Town Minimum Age: 18 Years
<b>CITY CLERK</b>	Term: 4 Years Qualified Elector Resident of City Minimum Age: 18 Years	Term: 4 Years Qualified Elector Resident of City Minimum Age: 18 Years		
<b>CITY/MUNICIPAL ATTORNEY</b>	Term: 4 Years Qualified Elector Regularly Licensed Attorney Resident of City*** Minimum Age: 18 Years Other qualifications may be set by City Ordinance	Term: 4 Years Qualified Elector Regularly Licensed Attorney Resident of City*** Minimum Age: 18 Years (Can be appointed if population under 5,000)	Term: 4 Years Qualified Elector Regularly Licensed Attorney Resident of City (If no Attorney in city, then appointed by Mayor and City Council & must be licensed in state) Minimum Age: 18 Years * See Note Below	Term: 4 Years Qualified Elector Regularly Licensed Attorney Resident of Town ( If no attorney in town, then appointed by Mayor and town council & must be licensed in state) Minimum Age: 18 Years *See Note Below
<b>CITY TREASURER OR CLERK/TREASURER</b>	Term: 4 Years Qualified Elector Resident of City Minimum Age: 18 Years	Term: 4 Years Qualified Elector Resident of City Minimum Age: 18 Years	Term: 4 Years Qualified Elector Resident of City Minimum Age: 18 Years (City recorder & city treasurer offices may be combined.)	Term: 4 Years (Recorder/Treasurer) Qualified Elector Resident of Town Minimum Age: 18 Years
<b>CITY OR TOWN RECORDER</b>	Created by City Ordinance A.C.A. 14-43-508	Created by City Ordinance A.C.A. 14-43-508	Term: 2 Years Qualified Elector Minimum Age: 18 Years	
<b>CITY COLLECTOR</b>			Term: 2 Years (May be appointed or elected.) Qualified Elector Residency qualifications of appointed marshals determined by city or town Minimum Age: 18 Years	Term corresponds to alderman term Residency qualifications determined by town Created by Municipal Ordinance A.C.A. 14-45-109
<b>CITY/TOWN MARSHAL</b>				

\* All cities of the second class and incorporated towns within the state may elect a municipal attorney at the time of the election of other officers of these cities of the second class and incorporated towns, if it is not established by ordinance that the office of the city attorney will be appointed.

\*\* Any city of the first class may, by ordinance referred to and approved by the voters, elect two aldermen from each ward to four-year terms, resulting in staggered terms with one alderman being elected to a four-year term from each ward every two years, with an initial two-year term for position 2.

\*\*\* If no resident attorney of the city is available, the city may contract with any licensed attorney of the state.

\*\*\*\* Any second-class city may, by ordinance referred to and approved by the voters, elect two aldermen for each ward for four-year terms.

\*\*\*\*\* Any incorporated town may, by ordinance referred to and approved by the voters, elect three aldermen to four-year terms, resulting in staggered terms with two aldermen being initially elected to a two year term and four year terms thereafter.

**MUNICIPAL OFFICES  
WITH  
CITY MANAGER FORM OF GOVERNMENT**

<b>ELECTIVE OFFICE</b>	<b>CITY</b> (with population of 2,500 or more)
<b>BOARD OF DIRECTORS (7 MEMBER)</b>	Term: 4 Years; may serve successive terms of office Qualified Elector Resident of the municipality for at least thirty (30) days prior to election Minimum Age: 21 Years
<b>MAYOR</b>	Member of the board of directors elected by the board to serve as chairman of the board. Term: 2 Years; may serve successive terms; or a 4 year term if elected by the voters in a special election Qualified Elector Resident of the municipality for at least thirty (30) days prior to election to the board Minimum Age: 21 Years

Other city officials are appointed by the board of directors, mayor or city manager, depending on the office, the size of the city, and the existence of local legislation.

**MUNICIPAL OFFICES  
WITH  
CITY ADMINISTRATOR FORM OF GOVERNMENT**

<b>ELECTIVE OFFICE</b>	<b>CITY</b> (with population of 2,500 or more)
<b>BOARD OF DIRECTORS (7 MEMBER)</b>	Term: 4 Years; may serve successive terms of office Qualified Elector; Positions 1, 2, 3, and 4 must be qualified electors of their wards Resident of the municipality for at least six months prior to election Minimum Age: 21 Years
<b>MAYOR</b>	Term: 4 Years; may serve successive terms of office Qualified Elector Resident of the municipality for at least six months prior to election to the board Minimum Age: 21 Years

Other city officials are appointed by the city administrator.

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# FILING PROCEDURES FOR PARTISAN ELECTIONS

## **Multiple Nominations Prohibited** [ACA §7-7-204]

A person who files as a candidate for nomination by a political party is ineligible to be the nominee of another political party or be an independent or write-in candidate for the same office during the primary election or the following general or special election, as the case may be.

A certified independent candidate is ineligible to be the nominee of a political party or to be a write-in candidate for the same office at the same general or special election.

## **Filing for Multiple Offices Prohibited**

A person may file for only one municipal office during the municipal filing period. [ACA §14-42-206(e) as amended by Act 1066 of 2013]

A person may not run for more than one state, county or municipal office if the elections are to be held on the same date. [ACA §7-5-111 as created by Act 1471 of 2013]

## **Political Party Candidates** [ACA §§7-1-101, 7-6-102, 7-7-203, 7-7-204, 7-7-301]

**The filing period for a political party candidate seeking party nomination at the May 20, 2014 Preferential Primary Election begins at noon on February 24, 2014 and ends at noon on March 03, 2014.**

### **Federal, State, and District Offices:**

- Must file a signed affidavit of eligibility with the secretary of the state committee of the political party stating that the candidate is eligible to serve in the office he or she seeks.
- Must pay the party filing fee, if any, and file the party pledge, if any, with the secretary of the state committee of the political party during regular office hours during the party filing period. The filing fee is set by the state executive committee.
- Must obtain a party certificate from the secretary or chair of the state committee of the political party.
- Must file the party certificate and political practices pledge with the Secretary of State during regular office hours during the party filing period.

### **County, Municipalities with Partisan Elections, and Township Offices:**

- Must file a signed affidavit of eligibility with the secretary of the county committee of the political party stating that the candidate is eligible to serve in the office he or she seeks.
- Must pay the party filing fee, if any, and file the party pledge, if any, with the secretary of the county committee of the political party during regular office hours during the party filing period. The filing fee is set by the county committee and authorized by the state executive committee.
- Must obtain a party certificate from the secretary or chair of the county committee of the political party.
- Must file the party certificate and political practices pledge with the county clerk during regular office hours during the party filing period.

**No political practices pledge may be accepted for filing by the Secretary of State or county clerk unless the candidate desiring to represent a political party first files a party certificate.**

**ANY CANDIDATE WHO FAILS TO FILE THE PARTY PLEDGE AND AFFIDAVIT OF ELIGIBILITY AND PAY THE PARTY FILING FEE AS PROVIDED BY LAW SHALL NOT RECEIVE A PARTY CERTIFICATE AND SHALL NOT HAVE HIS OR HER NAME PLACED ON THE BALLOT.**

## **Independent Candidates**

### **General Filing Procedures (except Independent Candidates in Partisan Municipal Elections) [ACA §§7-6-102, 7-7-103]:**

- Must file a petition, political practices pledge, an affidavit of eligibility and a notice of candidacy identifying the elective office sought, position number, if any, and stating the name and title proposed for the ballot during the party filing period.
- A petition may be circulated no earlier than 90 days before the deadline for filing petitions unless the number of days is reduced by proclamation, ordinance, resolution, order, or other authorized document for a special election under Ark. Code Ann. §7-11-101 et seq., in which case the number of signatures required on the petition is reduced proportionately.

### **U.S. Senate or State Offices [ACA § 7-7-103]:**

- The petition must be filed with the Secretary of State and be signed by not less than 3% of the qualified electors of the state, based upon the total number of votes cast statewide for Governor in 2010, but in no event shall more than 10,000 signatures be required.

### **U.S. House or District Offices (State Senator, State Representative) [ACA § 7-7-103]:**

- The petition must be filed with the Secretary of State and be signed by not less than 3% of the qualified electors in the district in which the candidate seeks office, based upon the total number of votes cast for Governor in that district in 2010, but in no event shall more than 2,000 signatures be required.

### **County and Township Offices [ACA § 7-7-103]:**

- The petition must be filed with the county clerk and be signed by not less than 3% of the qualified electors in the county or township, as the case may be, in which the candidate seeks office, based upon the total number of votes cast for Governor in that county or township, as the case may be, in 2010, but in no event shall more than 2,000 signatures be required.

### **Municipal Offices:**

#### **Mayor-Council Form of Government [ACA §§7-6-102, 14-42-205, 14-42-206, 14-43-312, 14-44-103, 14-45-102]**

- Must file a petition, political practices pledge, and an affidavit of eligibility with the county clerk not more than 102 nor less than 81 days before the general election by noon, unless the city has passed an ordinance setting the filing period to begin 20 days before the preferential primary election and to end at noon on the day before the preferential primary election.  
**NOTE:** For municipalities situated in multiple counties, the candidate shall file with the county clerk of the county with the highest population of the municipality, and the county clerk shall certify the candidate to the other counties.
- In cities of the first class, the petition must be signed by not fewer than 30 electors of the ward or city in which the election is to be held.
- In cities of the second class or incorporated towns the petition must be signed by not fewer than 10 electors of the ward or city in which the election is to be held.

**An independent candidate seeking election at the November 4, 2014 General Election may circulate a petition no earlier than December 3, 2013.**

**The candidate must file a petition, political practices pledge, affidavit of eligibility, and notice of candidacy during regular office hours between noon on February 24, 2014 and noon on March 3, 2014.**

**A municipal candidate in a mayor-council form of government seeking election at the November 4, 2014 General Election must file a petition, a political practices pledge, and an affidavit of eligibility between July 25, 2014 and noon on August 15, 2014. For cities that have passed an ordinance setting an alternative filing period, the candidate must file a petition, political practices pledge, affidavit of eligibility, and notice of candidacy during regular office hours between April 30, 2014 and noon on May 19, 2014.**

**The petition must state the same position and position number, if any, as stated on the candidate's political practices pledge, affidavit of eligibility, and notice of candidacy.**

**The position sought cannot be changed once identified on the notice of candidacy, petition and political practices pledge. The petition, political practices pledge and notice must be withdrawn and a new petition, political practices pledge and notice designating a different position filed before the filing deadline.**

**The petition must request that the name of the person be placed on the ballot for election to the office identified on the petition, and each elector signing the petition must be a registered voter.**

## **Write-in Candidates**

Write-in candidates are not allowed in presidential, municipal, or primary elections. [ACA §§7-5-525, 7-8-302, 14-43-202]

### **Federal, State, and District Offices [ACA §§7-5-205, 7-6-102]:**

- Must file a written notice of write-in candidacy with the county board of election commissioners of each county in which the candidate seeks election and the Secretary of State no later than the last day of the party filing period.
- Must file a political practices pledge and an affidavit of eligibility for the office with the Secretary of State at the same time of filing the notice of write-in candidacy.

### **County and Township Offices [ACA §§7-5-205, 7-6-102]:**

- Must file a written notice of write-in candidacy with the county board of election commissioners and the county clerk no later than the last day of the party filing period.
- Must file a political practices pledge and an affidavit of eligibility for the office with the county clerk at the same time of filing the notice of write-in candidacy.

**A write-in candidate for federal, state, district, county, and township office seeking election at the November 4, 2014 General Election must file no later than noon on March 3, 2014.**

# NEW POLITICAL PARTY FORMATION AND CANDIDATE FILING

[ACA §§7-1-101, 7-3-108, 7-7-205]

- A group desiring to form a new political party must file a petition with the Secretary of State containing signatures of at least 10,000 registered voters in the state.
- The petition must declare the intent of organizing a political party, the name of which shall be stated in the declaration.

**NOTE:** No political party or group shall assume a name or designation that is so similar, in the opinion of the Secretary of State, to that of an existing political party as to confuse or mislead the voters at an election.

- A new political party that wishes to select nominees for the next general election must file a sufficient petition no later than 60 days before the party filing period.
- The Secretary of State shall determine the sufficiency of the signatures submitted within 30 days of filing.
- The date of each signature must appear on the petition in order for the signature to count.
- A signature dated more than 90 days before the date the petition is submitted is not counted.
- If the petition is determined to be insufficient, the Secretary of State notifies the sponsors in writing, through their designated agent, setting forth the reason for so finding.
- Upon certification of sufficiency of the petition the new political party shall be declared by the Secretary of State.
- A new political party formed by the petition process nominates candidates by convention for the first general election after certification.
- A candidate nominated by convention must file a political practices pledge with the Secretary of State or county clerk during the party filing period.

**NOTE:** If the new party maintains party status by obtaining 3% of the total vote cast for the Office of Governor or nominees for presidential electors (whichever is less) at the first general election after certification, the new political party nominates candidates in the party primary as set forth in Ark. Code Ann. §7-7-101 et seq.

**For a newly formed political party to participate in the November 4, 2014, General Election, its petition must be filed by December 26, 2013.**

**A newly organized political party shall not be recognized, qualified to participate, or permitted to have the names of its candidates printed on the ballot until an affidavit, by the officers of the party in this state under oath, is filed with the Secretary of State stating that it does not directly or indirectly carry on, advocate, teach, justify, aid, or abet an act of terrorism as defined by Ark. Code Ann. §5-54-205, a program of sabotage, force, and violence, sedition, treason against or the overthrow of the government of the United States or this state by force, violence or by an unlawful means.**

# FILING PROCEDURES FOR NONPARTISAN ELECTIONS

## **Filing for Multiple Offices Prohibited**

A person may file for only one municipal office during the municipal filing period.

[ACA §14-42-206(e) as amended by Act 1066 of 2013]

A person may not run for more than one state, county or municipal office if the elections are to be held on the same date. [ACA §7-5-111 as created by Act 1471 of 2013]

## **Nonpartisan Judicial Offices & Prosecuting Attorneys**

[ACA §§7-6-102, 7-10-103]

### **Candidates Paying Filing Fees:**

- Must file a political practices pledge and pay the filing fee during the period beginning at 3:00 p.m. on the first day of the party filing period and ending at 3:00 p.m. on the last day of the party filing period.
- Justice of the Supreme Court, Judge of the Court of Appeals, circuit judge, district judge, and prosecuting attorney file with the Secretary of State.

**The filing period for nonpartisan judicial and prosecutorial candidates seeking election at the May 20, 2014 Nonpartisan General Election and running by means of paying a filing fee begins at 3:00 p.m. on February 24, 2014 and ends at 3:00 p.m. on March 3, 2014.**

### **FILING FEE SCHEDULE FOR NONPARTISAN OFFICE**

<b>Nonpartisan Office</b>	<b>Annual Salary * Fiscal Year 2013 - 2014 (Act 1406 of 2013)</b>	<b>Year 2014 Fee (Percentage of Salary)</b>			
		<b>3%</b>	<b>4%</b>	<b>5%</b>	<b>6%</b>
Chief Justice of the Supreme Court (1)	\$160,001				<b>\$9,600</b>
Associate Justice of the Supreme Court (6)	\$148,108				<b>\$8,886</b>
Judge of the Court of Appeals (12)	\$143,547			<b>\$7,177</b>	
Circuit Judge (121)	\$138,982		<b>\$5,559</b>		
State District Judge**	\$124,252	<b>\$3,728</b>			
Prosecuting Attorney Division A	\$121,943	<b>\$3,658</b>			
Prosecuting Attorney Division B	\$102,038	<b>\$3,061</b>			

\* Defined by Rule as the salary established by the General Assembly during Regular sessions for each office for the fiscal year in which the candidate files for office.

\*\*For information on Local District Judges, contact the Administrative Office of the Courts.

## **Candidates Filing by Petition:**

- The petition may not be circulated earlier than 60 days before the filing deadline.
- A political practices pledge and the petition must be filed no earlier than noon 53 days before the first day of the party filing period under §7-7-203 and ending at noon 46 days before the first day of the party filing period.
- Petitions for Justice of the Supreme Court, Judge of the Court of Appeals, circuit judge, district judge, and prosecuting attorney shall be filed with the Secretary of State.
- A petition for Justice of the Supreme Court shall be signed by at least 3% of the qualified electors residing within the state, but in no event shall more than 10,000 signatures be required.
- A petition for Judge of the Court of Appeals shall be signed by 3% of the qualified electors residing within the court of appeals district for which the candidate seeks office, but in no event shall more than 2,000 signatures be required.
- A petition for circuit judge shall be signed by 3% of the qualified electors residing within the circuit for which the candidate seeks office, but in no event shall more than 2,000 signatures be required.
- A petition for prosecuting attorney shall be signed by 3% of the qualified electors residing within the district for which the candidate seeks office, but in no event shall more than 2,000 signatures be required.
- A petition for prosecuting attorney shall be signed by 3% of the qualified electors residing within the district for which the candidate seeks office, but in no event shall more than 2,000 signatures be required.
- A petition for district judge shall be signed by at least 1% of the qualified electors residing within the district for which the candidate seeks office, but in no event shall more than 2,000 signatures be required.

**A nonpartisan judicial or prosecutorial candidate seeking election at the May 20, 2014 Nonpartisan General Election and running by means of filing a petition may circulate a petition no earlier than November 10, 2013.**

**A nonpartisan judicial or prosecutorial candidate seeking election at the May 20, 2014 Nonpartisan General Election and running by means of filing a petition must file between noon on January 2, 2014 and noon on January 9, 2014.**

**The total number of votes cast for Governor in 2010 in the state, in any court of appeals district, in any circuit court district, or in any district court district, as the case may be, shall determine the applicable number of qualified electors for petition signature purposes.**

## **Write-in Candidates:**

- Write-in candidates for Justice of the Supreme Court, Judge of the Court of Appeals, circuit judge, district judge, and prosecuting attorney must give written notice of their intention to be a write-in candidate to the Secretary of State and to the county board of election commissioners in each county in the state or judicial district.
- A political practices pledge and the notice of write-in candidacy must be filed with the Secretary of State no later than 80 days before the nonpartisan general election.

**A write-in candidate for nonpartisan office seeking election at the May 20, 2014 Nonpartisan General Election must file no later than March 3, 2014.**

## **School Board** [ACA §§6-14-111, 7-6-102]

### **Candidates Filing by Petition:**

- Must file a political practices pledge, an affidavit of eligibility, and a petition with the county clerk of the county in which the school district is domiciled for administrative purposes during a one-week period ending at noon 70 days before the annual school election.
- A petition may be circulated no earlier than 100 calendar days before the annual school election. The petition must contain the names of at least 20 registered voters who are residents of the school district and, if applicable, the electoral zone for the position.

**A petition for a school board candidate seeking election at the September 16, 2014 Annual School Election may be circulated no earlier than June 8, 2014 and must be filed by 12:00 noon on July 8, 2014.**

**Unless changed by legislative act in 2015, a petition for a school board candidate seeking election at the September 15, 2015 Annual School Election may be circulated no earlier than June 7, 2015 and must be filed by 12:00 noon on July 7, 2015.**

**The petition must state the name and title of the candidate as proposed by the candidate to appear on the ballot and identify the position sought, position number, and other identifying information, if applicable.**

**The position sought cannot be changed once identified on the petition. The petition must be withdrawn and a new petition designating a different position filed before the filing deadline.**

### **Write-in Candidates:**

- Must file a political practices pledge, an affidavit of eligibility, and a notice of write-in candidacy.
- The political practices pledge, affidavit of eligibility, and notice of write-in candidacy must be filed with the county clerk of the county in which the school district is domiciled for administrative purposes during a one-week period ending at noon 70 days before the annual school election.

**A write-in candidate for school board seeking election at the September 16, 2014 Annual School Election must file during a one-week period ending at noon on July 8, 2014.**

**Unless changed by legislative act in 2015, a write-in candidate for school board seeking election at the September 15, 2015 Annual School Election must file during a one-week period ending at noon on July 7, 2015.**

**The notice of write-in candidacy must identify the position sought, position number, and other identifying information, if applicable.**

**The position sought cannot be changed once identified on the notice of write-in candidacy. The notice must be withdrawn and a new notice designating a different position filed before the filing deadline.**

## **Municipal Offices:**

### **Mayor-Council Form of Government**

*[ACA §§7-6-102, 14-42-205, 14-42-206, 14-43-312, 14-44-103, 14-45-102]*

- Must file a petition, political practices pledge, and an affidavit of eligibility with the county clerk not more than 102 nor less than 81 days before the general election by noon, unless the city has passed an ordinance setting the filing period to begin 20 days before the preferential primary election and to end at noon on the day before the preferential primary election.

**NOTE:** For municipalities situated in multiple counties, the candidate shall file with the county clerk of the county with the highest population of the municipality, and the county clerk shall certify the candidate to the other counties.

- In cities of the first class, the petition must be signed by not fewer than 30 electors of the ward or city in which the election is to be held.
- In cities of the second class or incorporated towns the petition must be signed by not fewer than 10 electors of the ward or city in which the election is to be held.

**A municipal candidate in a mayor-council form of government seeking election at the November 4, 2014 General Election must file a petition, a political practices pledge, and an affidavit of eligibility between July 25, 2014 and noon on August 15, 2014.**

**For cities that have passed an ordinance setting an alternative filing period, the candidate must file a petition, political practices pledge, affidavit of eligibility, and notice of candidacy during regular office hours between April 30, 2014 and noon on May 19, 2014.**

**The petition must identify the office sought and, if for alderman, a position number.**

**The position sought cannot be changed once identified on the petition. In order to run for a different position, the original petition must be withdrawn and a new petition designating a different position filed before the filing deadline.**

**City Manager Form of Government [A.C.A. §14-47-110]**

- Must file a nominating petition with the city clerk or recorder not more than 102 nor less than 81 days before the election by noon.
- The petition must be signed by not less than 50 qualified electors of the municipality.

**A municipal candidate in a city manager form of government seeking election at the November 4, 2014 General Election must file a petition, a political practices pledge, and an affidavit of eligibility between July 25, 2014 and noon on August 15, 2014.**

**The petition must identify the office sought and, if for alderman, a position number. The position sought cannot be changed once identified on the petition.**

**In order to run for a different position, the original petition must be withdrawn and a new petition designating a different position filed before the filing deadline.**

**City Administrator Form of Government [A.C.A. §14-48-109]**

- Must pay a \$10.00 fee and file a statement of candidacy and a petition with the city clerk not more than 90 days and no later than noon, 75 days before the primary election.
- The petition must be signed by not less 50 qualified electors of the municipality0

**The nonpartisan primary for city administrator form of government candidates is the second Tuesday in August of even-numbered years. The primary in 2014 will be held on August 12, 2014.**

**A candidate in a city administrator form of government seeking election at the November 4, 2014 General Election must file a statement of candidacy, a \$10.00 fee and a petition between May 14, 2014 and noon on May 29, 2014.**

**The petition must identify the office sought and, if for director, a position number. The petition must be accompanied by an affidavit vouching for the eligibility of the signers of the petition.**

# **FILING PROCEDURES FOR SPECIAL ELECTIONS TO FILL VACANCIES**

*[ACA §§7-11-101, 7-11-102, 7-11-302]*

All special elections and other elections to fill a vacancy in an office shall be called by proclamation, ordinance, resolution, order, or other authorized document of the appropriate constituted authority.

The calling document shall set forth the date of the special primary election and special primary runoff election, if any, the date of the election, and the date for certifying the election. The calling document shall provide deadlines, if applicable, for filing as a party candidate, for party conventions to select nominees, for parties to issue certificates of nomination or certified lists of nominees, as the case may be, for candidates to file certifications of nomination, for filing as an independent candidate, for circulating petitions for independent candidacy, for filing as a write-in candidate, and for drawing for ballot position.

## **CANDIDATE WITHDRAWAL**

### **Notice of Withdrawal:**

The notice from a candidate of his or her desire to withdraw must be in writing, signed by the candidate, and acknowledged before an officer authorized to take acknowledgements. *[A.C.A. §§ 7-5-203(a)(2), (b)(2); 7-7-304(a)(2), (b)(2)]*

### **Withdrawal Before the Certification Deadline/Not Placed on Ballot:**

If a candidate dies or notifies the Secretary of State or county clerk, depending on the election, of his or her desire to withdraw as a candidate for the office or position, the candidate shall not be certified and shall not be placed on the ballot. *[A.C.A. §§ 7-5-203(a)(2), (b)(2); 7-7-304(a)(2), (b)(2)]*

### **Withdrawal After the Certification Deadline/Votes Counted:**

Votes received by a candidate whose name appeared on the ballot and who withdrew or died after the certification of the ballot are counted. *[A.C.A. §§ 7-5-315(b)(1); 7-7-304(c)(1)]*

### **Vacancy in Nomination:**

If a candidate for a party's nomination withdraws or dies after certification but receives enough votes at the primary election to win the nomination, a vacancy in nomination shall exist. *[A.C.A. § 7-7-304(c)(2)]*

If a candidate for a party's nomination withdraws or dies after certification but receives enough votes to advance to the primary runoff election, the person's name must be placed on the primary runoff election ballot. *[A.C.A. § 7-7-304(c)(3)]*

If the candidate who withdraws or dies receives enough votes to win the primary runoff election, a vacancy in nomination shall exist. *[A.C.A. § 7-7-304(c)(4)]*

**Vacancy in Election:**

If a candidate withdraws or dies after certification but receives enough votes at the general election to win the election, a vacancy in election shall be declared. [A.C.A. § 7-5-315(b)(2)(A)]

If a candidate withdraws or dies after certification but receives enough votes to qualify for a runoff election, the person's name must be placed on the runoff election ballot. [A.C.A. § 7-5-315(b)(2)(B)(i)]

If a candidate withdraws or dies after certification but receives enough votes to win the runoff election, a vacancy in election shall exist. [A.C.A. § 7-5-315(b)(2)(B)(ii)]

**Annual School Election:**

If one (1) of the two (2) candidates who received the highest number of votes for a school district position withdraws before certification of the result of the school election, the remaining candidate who received the most votes shall be declared elected, and there shall be no runoff election. [A.C.A. § 6-14-121(c)]

**Municipal Runoff Election:**

If a candidate withdraws before certification of the results of the election, the remaining candidate who received the most votes at the general election shall be declared elected to the office and there shall be no general runoff election. [A.C.A. § 7-5-106(d)]

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# OFFICES UP FOR ELECTION & DISTRICT COMPOSITION

## Federal Offices

### **U.S. Senate Districts up for Election in 2014:**

The United States Senate is composed of two (2) senators from each state. Each senator is elected to a six year term of office.

One of two positions is up for election in 2014.

### **U.S. House Districts up for Election in 2014:**

Arkansas has four (4) Representatives in the United States House of Representatives. All four positions will be on the ballot in 2014 to be elected by district to a two year term of office.

U.S. House Districts	Counties
District 1	Arkansas, Baxter, Chicot, Clay, Cleburne, Craighead, Crittenden, Cross, Desha, Fulton, Greene, Independence, Izard, Jackson, Lawrence, Lee, Lincoln, Lonoke, Mississippi, Monroe, Phillips, Prairie, Poinsett, Randolph, St. Francis, Sharp, Stone, Woodruff; the following voting districts of Jefferson County as they existed on January 1, 2011: 19 (Dunnington), P15 (Dudley Lake), 25 (Old River), 57 (Villemont), P91 (Roberts), P851 (Humphrey), and P862 (Humphrey); and all voting districts of Searcy County as they existed on January 1, 2011 except for the Prairie voting district (30 counties)
District 2	Conway, Faulkner, Perry, Pulaski, Saline, Van Buren, and White (7 counties)
District 3	Benton, Boone, Carroll, Marion, Pope, Washington; the voting districts and voting precincts of Crawford County as they existed on January 1, 2011, that are not assigned to Congressional District 4; the following voting districts of Newton County as they existed on January 1, 2011: Big Creek, Dogpatch, Grove, Hasty, Polk, Richland, White; the Prairie voting district of Searcy County as it existed on January 1, 2011; and the voting districts and voting precincts of Sebastian County as they existed on January 1, 2011 that are not assigned to Congressional District 4 (10 counties)
District 4	Ashley, Bradley, Calhoun, Clark, Cleveland, Columbia, Dallas, Drew, Franklin, Garland, Grant, Hempstead, Hot Spring, Howard, Johnson, Lafayette, Little River, Logan, Madison, Miller, Montgomery, Nevada, Ouachita, Pike, Polk, Scott, Sevier, Union, Yell; the following voting districts of Crawford County as they existed on January 1, 2011: Alma #1, Alma #4, Bidville, Chester, Dean Springs, Dyer, Eagle Crest, Kibler, Locke, Mountain, Mulberry #1, Mulberry #2, Mulberry #3, Porter, Vine Prairie, Whitley, and Winfrey; the voting districts and voting precincts of Jefferson County as they existed on January 1, 2011 that are not assigned to Congressional District 1; the voting districts and voting precincts of Newton County as they existed on January 1, 2011 that are not assigned to Congressional District 3; and the following voting districts of Sebastian County as they existed on January 1, 2011: 9-1-A, 9-1-B, 9-1-C, 9-1-D, 9-1-E, 9-1-Q, 9-2-E, 9-3-E, 9-3-F, 9-3-G, 9-3-H, 9-3-I, 9-3-J, 9-3-K, 9-3-L, 9-3-M (33 counties)

Information about district composition was obtained from Arkansas Code Annotated §§7-2-102, 7-2-103, 7-2-104, and 7-2-105, as amended by Acts 1241 and 1242 of 2011.

## State Constitutional Offices

All seven constitutional offices are up for election in 2014. These offices include the Office of Governor, Lieutenant Governor, Attorney General, Secretary of State, Treasurer, Auditor, and Commissioner of State Lands.

## State Legislative Offices

### **State Senate Districts up for Election in 2014:**

Eighteen of the thirty-five state senate positions will be on the 2014 ballot. State Senators are limited to two (2) four-year terms.

<b>State Senate Districts</b>	<b>Counties</b>
District 3	Part of Benton
District 4	Part of Washington
District 5	Madison, part of Carroll, part of Crawford, part of Franklin, part of Johnson, part of Sebastian, and part of Washington
District 6	Logan, Yell, part of Franklin, and part of Johnson
District 8	Part of Sebastian
District 9	Scott, part of Crawford, part of Franklin, and part of Sebastian
District 10	Howard, Montgomery, Pike, Polk, part of Clark, part of Hempstead, part of Nevada, and part of Sevier
District 14	Part of Garland and part of Saline
District 15	Conway, part of Faulkner, part of Perry, part of Pulaski, and part of Van Buren
District 17	Part of Baxter, part of Boone, and part of Marion
District 18	Cleburne, Searcy, Stone, part of Baxter, part of Faulkner, part of Fulton, part of Marion, part of Van Buren, and part of White
District 19	Independence, IZard, Sharp, part of Fulton, and part of Randolph
District 20	Clay, Greene, Lawrence, part of Craighead, and part of Randolph
District 24	Crittenden, part of Cross, part of Lee, part of Phillips, and part of St. Francis
District 30	Part of Pulaski
District 31	Part of Pulaski
District 33	Part of Pulaski and part of Saline
District 35	Part of Faulkner and part of Perry

Information about district composition is based on the report filed by the Board of Apportionment in 2011.

## State House Districts up for Election in 2014:

All 100 state house positions will be on the ballot in 2014 to be elected by district for a two year term of office. State Representatives are limited to serving three (3) terms.

State House District	Counties
District 1	Part of Miller
District 2	Part of Columbia, part of Lafayette, and part of Miller
District 3	Part of Hempstead and part of Nevada
District 4	Little River, part of Howard, and part of Sevier
District 5	Part of Columbia, part of Lafayette, part of Nevada, and part of Ouachita
District 6	Part of Columbia, part of Ouachita, and part of Union
District 7	Part of Calhoun, part of Ouachita, and part of Union
District 8	Bradley, part of Ashley, part of Calhoun, part of Cleveland, part of Dallas, and part of Drew
District 9	Part of Ashley and part of Drew
District 10	Part of Cleveland, part of Drew, part of Grant, part of Jefferson, and part of Lincoln
District 11	Chicot, part of Ashley, and part of Desha
District 12	Phillips, part of Arkansas, part of Desha, and part of Lincoln
District 13	Part of Arkansas, part of Lonoke, part of Prairie, and part of White
District 14	Part of Arkansas, part of Jefferson, part of Lonoke, part of Prairie, and part of Pulaski
District 15	Part of Grant, part of Hot Spring and part of Jefferson
District 16	Part of Jefferson and part of Lincoln
District 17	Part of Jefferson
District 18	Part of Clark, part of Dallas, part of Garland, part of Hot Spring, and part of Nevada
District 19	Pike, part of Clark, part of Hempstead, part of Howard, and part of Nevada
District 20	Part of Montgomery, part of Polk, and part of Sevier
District 21	Part of Garland, part of Montgomery, part of Perry, part of Polk, part of Scott, part of Sebastian, and part of Yell
District 22	Part of Garland and part of Saline
District 23	Part of Saline
District 24	Part of Garland
District 25	Part of Garland
District 26	Part of Garland and part of Hot Spring
District 27	Part of Pulaski and part of Saline
District 28	Part of Saline
District 29	Part of Pulaski
District 30	Part of Pulaski
District 31	Part of Pulaski and part of Saline
District 32	Part of Pulaski
District 33	Part of Pulaski

Information about district composition is based on the report filed by the Board of Apportionment in 2011.

<b>State House Districts</b>	<b>Counties</b>
District 34	Part of Pulaski
District 35	Part of Pulaski
District 36	Part of Pulaski
District 37	Part of Pulaski
District 38	Part of Pulaski
District 39	Part of Pulaski
District 40	Part of Faulkner and part of Pulaski
District 41	Part of Pulaski
District 42	Part of Pulaski
District 43	Part of Lonoke
District 44	Part of Faulkner, part of Lonoke, and part of White
District 45	Part of White
District 46	Part of White
District 47	Woodruff, part of Independence, part of Jackson, and part of White
District 48	Lee, part of Monroe, and part of St. Francis
District 49	Part of Cross, part of Monroe, and part of St. Francis
District 50	Part of Crittenden and part of Cross
District 51	Part of Crittenden
District 52	Part of Craighead, part of Independence, part of Jackson, and part of Poinsett
District 53	Part of Craighead
District 54	Part of Mississippi and part of Poinsett
District 55	Part of Crittenden and part of Mississippi
District 56	Clay, part of Greene, part of Lawrence, and part of Randolph
District 57	Part of Greene
District 58	Part of Craighead
District 59	Part of Craighead
District 60	Part of Greene, part of Lawrence, part of Randolph, and part of Sharp
District 61	Fulton, part of Baxter, part of Randolph, and part of Sharp
District 62	Izard, part of Independence, part of Sharp, and part of Stone
District 63	Part of Independence
District 64	Part of Baxter, part of Cleburne, part of Marion, part of Searcy, and part of Stone
District 65	Part of Conway and part of Perry
District 66	Part of Cleburne, part of Faulkner, and part of Van Buren
District 67	Part of Faulkner
District 68	Part of Pope and part of Van Buren
District 69	Johnson and part of Pope
District 70	Part of Faulkner, Part of Perry
District 71	Part of Pope

Information about district composition is based on the report filed by the Board of Apportionment in 2011.

<b>State House Districts</b>	<b>Counties</b>
District 72	Part of Faulkner
District 73	Part of Conway, part of Perry, part of Pope, and part of Yell
District 74	Logan, part of Franklin, part of Scott, and part of Sebastian
District 75	Part of Crawford and part of Sebastian
District 76	Part of Sebastian
District 77	Part of Sebastian
District 78	Part of Sebastian
District 79	Part of Crawford, Part of Sebastian
District 80	Part of Crawford and part of Washington
District 81	Part of Crawford and part of Washington
District 82	Part of Crawford, part of Franklin, and part of Madison
District 83	Newton, part of Boone, part of Carroll, part of Pope, and part of Searcy
District 84	Part of Washington
District 85	Part of Washington
District 86	Part of Washington
District 87	Part of Benton and part of Washington
District 88	Part of Washington
District 89	Part of Washington
District 90	Part of Benton
District 91	Part of Benton
District 92	Part of Benton
District 93	Part of Benton
District 94	Part of Benton
District 95	Part of Benton
District 96	Part of Benton
District 97	Part of Carroll, part of Madison, and part of Washington
District 98	Part of Boone and part of Carroll
District 99	Part of Baxter, part of Boone, part of Marion, and part of Searcy
District 100	Part of Baxter

Information about district composition is based on the report filed by the Board of Apportionment in 2011.

## **Nonpartisan Judicial Offices** [Arkansas Constitution, Amendment 9, §1; Amendment 80]

### **Supreme Court Positions up for Election in 2014:**

The Supreme Court is composed of seven justices, one who serves as Chief Justice.

The Justices of the Supreme Court are selected from the State at large to an eight year term of office. Three (3) positions are up for election in 2014.

<b>Positions on the ballot</b>
Supreme Court Justice Position 2
Supreme Court Justice Position 6
Supreme Court Justice Position 7

### **Court of Appeals Positions up for Election in 2014:**

The Court of Appeals is composed of 12 judges elected by district to an eight year term of office. Four (4) positions are up for election in 2014.

<b>Positions on the ballot</b>
District 1 Position 1
District 2 Position 1
District 3 Position 2
District 6 Position 2

### **Composition of Court of Appeals Districts:**

<b>Districts</b>	<b>Counties</b>
District 1	Clay, Craighead, Crittenden, Cross, Greene, Lonoke, Mississippi, Monroe, Poinsett, Prairie, White, and Woodruff (12 counties)
District 2	Baxter, Boone, Cleburne, Conway, Faulkner, Fulton, Independence, Izard, Jackson, Lawrence, Marion, Newton, Pope, Randolph, Searcy, Sharp, Stone, and Van Buren (18 counties)
District 3	Benton, Carroll, Crawford, Franklin, Johnson, Madison, and Washington (7 counties)
District 4	Clark, Garland, Hempstead, Hot Spring, Howard, Little River, Logan, Miller, Montgomery, Pike, Polk, Scott, Sebastian, Sevier, and Yell (15 counties)
District 5	Ashley, Bradley, Calhoun, Cleveland, Columbia, Dallas, Drew, Grant, Lafayette, Lincoln, Nevada, Ouachita, and Union (13 counties)
District 6	Perry, Pulaski, and Saline (3 counties)
District 7	Arkansas, Chicot, Desha, Jefferson, Lee, Phillips, and St. Francis (7 counties)

The source of this information is the Administrative Office of the Court

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## **Circuit Court Positions up for Election in 2014:**

There are 121 judges elected by judicial district to a six year term of office. One hundred (100) positions are up for election in 2014.

Circuit Judge, District 1, Division 02, Subdistrict 1.2
Circuit Judge, District 1, Division 03, Subdistrict 1.2
Circuit Judge, District 1, Division 05, At Large
Circuit Judge, District 2, Division 01, At Large
Circuit Judge, District 2, Division 02, At Large
Circuit Judge, District 2, Division 03, Subdistrict 2.2
Circuit Judge, District 2, Division 04, At Large
Circuit Judge, District 2, Division 05, At Large
Circuit Judge, District 2, Division 07, At Large
Circuit Judge, District 2, Division 08, Subdistrict 2.2
Circuit Judge, District 2, Division 09, At Large
Circuit Judge, District 2, Division 10, At Large
Circuit Judge, District 2, Division 11, At Large
Circuit Judge, District 3, Division 01
Circuit Judge, District 3, Division 02
Circuit Judge, District 3, Division 03
Circuit Judge, District 4, Division 01
Circuit Judge, District 4, Division 02 *
Circuit Judge, District 4, Division 03
Circuit Judge, District 4, Division 04 *
Circuit Judge, District 5, Division 01
Circuit Judge, District 5, Division 02
Circuit Judge, District 5, Division 03
Circuit Judge, District 6, Division 02, Subdistrict 6.2
Circuit Judge, District 6, Division 03, Subdistrict 6.2
Circuit Judge, District 6, Division 04, Subdistrict 6.2
Circuit Judge, District 6, Division 06, Subdistrict 6.2
Circuit Judge, District 6, Division 07, Subdistrict 6.2
Circuit Judge, District 6, Division 08, Subdistrict 6.1
Circuit Judge, District 6, Division 09, At Large
Circuit Judge, District 6, Division 10, Subdistrict 6.1
Circuit Judge, District 6, Division 11, Subdistrict 6.2
Circuit Judge, District 6, Division 13, Subdistrict 6.2
Circuit Judge, District 6, Division 14, Subdistrict 6.2 *
Circuit Judge, District 6, Division 15, Subdistrict 6.2
Circuit Judge, District 7, Division 01
Circuit Judge, District 7, Division 02 *
Circuit Judge, District 8-North, Division 01

The source of this information is the Administrative Office of the Courts.

Circuit Judge, District 8-North, Division 02
Circuit Judge, District 8-South, Division 01
Circuit Judge, District 8-South, Division 03
Circuit Judge, District 9-East, Division 01
Circuit Judge, District 9-West, Division 01
Circuit Judge, District 9-West, Division 02
Circuit Judge, District 10, Division 01, Subdistrict 10.2
Circuit Judge, District 10, Division 02, At Large
Circuit Judge, District 10, Division 03, At Large
Circuit Judge, District 11-East, Division 01
Circuit Judge, District 11-West, Division 02, Subdistrict 11.2
Circuit Judge, District 11-West, Division 03, Subdistrict 11.2
Circuit Judge, District 11-West, Division 05, At Large
Circuit Judge, District 11-West, Division 06, At Large
Circuit Judge, District 12, Division 01
Circuit Judge, District 12, Division 04
Circuit Judge, District 12, Division 05
Circuit Judge, District 12, Division 06
Circuit Judge, District 13, Division 03
Circuit Judge, District 13, Division 04 *
Circuit Judge, District 13, Division 05
Circuit Judge, District 13, Division 06
Circuit Judge, District 14, Division 01
Circuit Judge, District 14, Division 02
Circuit Judge, District 14, Division 03
Circuit Judge, District 14, Division 04
Circuit Judge, District 15, Division 01
Circuit Judge, District 15, Division 02
Circuit Judge, District 15, Division 03
Circuit Judge, District 16, Division 01
Circuit Judge, District 16, Division 02
Circuit Judge, District 16, Division 03
Circuit Judge, District 16, Division 04
Circuit Judge, District 17, Division 01
Circuit Judge, District 17, Division 02
Circuit Judge, District 17, Division 03
Circuit Judge, District 18-West, Division 01
Circuit Judge, District 18- East, Division 01
Circuit Judge, District 18- East, Division 02
Circuit Judge, District 18- East, Division 03
Circuit Judge, District 18- East, Division 04
Circuit Judge, District 19-West, Division 01

The source of this information is the Administrative Office of the Courts.

Circuit Judge, District 19-West, Division 02 *
Circuit Judge, District 19-West, Division 03 *
Circuit Judge, District 19-West, Division 04
Circuit Judge, District 19-West, Division 05
Circuit Judge, District 19-West, Division 06
Circuit Judge, District 19- East, Division 01
Circuit Judge, District 20, Division 01*
Circuit Judge, District 20, Division 02
Circuit Judge, District 20, Division 03
Circuit Judge, District 20, Division 04
Circuit Judge, District 20, Division 05 *
Circuit Judge, District 21, Division 01
Circuit Judge, District 21, Division 02
Circuit Judge, District 22, Division 01
Circuit Judge, District 22, Division 02
Circuit Judge, District 22, Division 03
Circuit Judge, District 22, Division 04
Circuit Judge, District 23, Division 01
Circuit Judge, District 23, Division 02*
Circuit Judge, District 23, Division 03

*\* Appointment due to death or resignation from position. Term of Appointment due to expire 12/31/2014*

## Composition of Circuit Court Districts:

Districts	Counties
First Judicial District	Cross, Lee, Monroe, Phillips, St. Francis, and Woodruff
Second Judicial District	Clay, Craighead, Crittenden, Greene, Mississippi, and Poinsett
Third Judicial District	Jackson, Lawrence, Randolph, and Sharp
Fourth Judicial District	Madison and Washington
Fifth Judicial District	Franklin, Johnson, and Pope
Sixth Judicial District	Perry and Pulaski
Seventh Judicial District	Grant and Hot Spring
Eighth Judicial District-North	Hempstead and Nevada
Eighth Judicial District-South	Lafayette and Miller
Ninth Judicial District-East	Clark
Ninth Judicial District-West	Howard, Little River, Pike, and Sevier
Tenth Judicial District	Ashley, Bradley, Chicot, Desha, and Drew
Eleventh Judicial District-East	Arkansas
Eleventh Judicial District-West	Jefferson and Lincoln
Twelfth Judicial District	Sebastian
Thirteenth Judicial District	Calhoun, Cleveland, Columbia, Dallas, Ouachita, and Union
Fourteenth Judicial District	Baxter, Boone, Marion, and Newton
Fifteenth Judicial District	Conway, Logan, Scott, and Yell
Sixteenth Judicial District	Cleburne, Fulton, Independence, Izard, and Stone
Seventeenth Judicial District	Prairie and White
Eighteenth Judicial District-East	Garland
Eighteenth Judicial District-West	Montgomery and Polk
Nineteenth Judicial District-East	Carroll
Nineteenth Judicial District-West	Benton
Twentieth Judicial District	Faulkner, Searcy, and Van Buren
Twenty-first Judicial District	Crawford
Twenty-second Judicial District	Saline
Twenty-third Judicial District	Lonoke

## District Court Positions up for Election in 2014:

District Court judges are elected by district for a four year term of office. Five (5) district court positions will be on the 2014 ballot. These districts are located in Drew County, Lawrence County, Scott County, the Western District of Carroll County and the city of Fayetteville."

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The source of this information is the Administrative Office of the Courts.

## **Prosecuting Attorney**

### **Prosecuting Attorney Positions:**

All twenty-eight (28) prosecuting attorney positions will be on the 2014 ballot for election by judicial district. Prosecuting attorneys serve a four year term of office.

Prosecuting Attorney District 01
Prosecuting Attorney District 02
Prosecuting Attorney District 03
Prosecuting Attorney District 04
Prosecuting Attorney District 05
Prosecuting Attorney District 06
Prosecuting Attorney District 07
Prosecuting Attorney District 08-North
Prosecuting Attorney District 08-South
Prosecuting Attorney District 09-East
Prosecuting Attorney District 09-West
Prosecuting Attorney District 10
Prosecuting Attorney District 11-West
Prosecuting Attorney District 11-East
Prosecuting Attorney District 12
Prosecuting Attorney District 13
Prosecuting Attorney District 14
Prosecuting Attorney District 15
Prosecuting Attorney District 16
Prosecuting Attorney District 17
Prosecuting Attorney District 18-East
Prosecuting Attorney District 18-West
Prosecuting Attorney District 19-East
Prosecuting Attorney District 19-West
Prosecuting Attorney District 20
Prosecuting Attorney District 21
Prosecuting Attorney District 22
Prosecuting Attorney District 23

## **POLITICAL PRACTICES PLEDGE**

*[ACA §§7-6-102, 7-7-305]*

Candidates for political party nomination for state, district, county, municipal, and township office, as well as independent and school board candidates are required to file a political practices pledge stating that he or she is familiar with the requirements of Ark. Code Ann. §§ 7-1-103, 7-1-104, 7-3-108, and 7-6-101 through 7-6-104, and will in good faith, comply with their terms.

All political practices pledge forms shall be required to contain the pledge, “I hereby certify that I have never been convicted of a felony in Arkansas or in any other jurisdiction outside of Arkansas.” A candidate may certify that he or she has never been convicted of a felony if his or her record was expunged in accordance with Ark. Code Ann. §§16-93-301 through 16-93-303, or a similar expunction statute in another state, provided, the candidate presents a certificate of expunction from the court that convicted the prospective candidate.

**The code sections addressed above have been provided in the back of the handbook.**

### **The political practices pledge shall indicate the following information:**

- The name, district number, and position number of the office for which the candidate seeks nomination or election.
- The printed form proposed by the candidate for his or her name to appear on the ballot, together with the candidate’s full address.
- The candidate’s signature and the date that he or she signed the political practices pledge.
- Certification that the candidate has never been convicted of a felony.

**The names and titles as proposed to be used by each candidate on the political practices pledge (or if not filed by the filing deadline, the names and title that appear on the party certificate) shall be reviewed by the Secretary of State for state and district offices and by the county board of election commissioners for county, township, school, and municipal offices.**

**A candidate shall not be permitted to change the certified form in which his or her name will be printed on the ballot after the deadline for filing the political practices pledge.**

**ANY CANDIDATE WHO FAILS TO SIGN AND FILE THE POLITICAL PRACTICES PLEDGE SHALL NOT APPEAR ON THE BALLOT.**

# FREQUENTLY ASKED QUESTIONS

## **Electioneering at polls**

### ***May a candidate or a candidate's supporters campaign at a polling place while voting is taking place?***

Campaigning is only allowed more than 100 feet from the primary exterior entrance to the polling site used by voters. Candidates and their supporters may not post signs, hand out campaign materials, solicit signatures on petitions, solicit charitable contributions, wear campaign apparel or accessories, or do any electioneering of any kind inside the 100' boundary at a polling place on election day or during early voting. (A.C.A. §§7-1-103(a)(9); 7-1-104(a)(7))

### ***May a candidate's campaign post signs or electioneer at any location on the property outside the 100' boundary?***

Private property owners (churches, businesses) who allow their facilities to be used as polls may restrict electioneering on their property, even outside the 100' boundary. Check with the property owner before posting signs or engaging in other types of electioneering on the property. (See, AG Opinion No. 2011-009)

## **Campaign signs and ads**

### ***Where on public property may campaign signs be posted?***

Check with city and county government about ordinances or regulations about posting campaign signs on street or road right of ways. Check with the highway department regarding regulations of state highway right of ways. Campaign signs cannot be placed on all public property so check with state, local or federal governmental officials about posting signs on other types of public property.

### ***What are the requirements for campaign advertisements and other materials?***

The state election code requires that all "articles, statements, or communications appearing in any newspaper printed or circulated in this state intended or calculated to influence the vote of any elector in any election and for the publication of which a consideration is paid or to be paid shall clearly contain the words 'Paid Political Advertisement', 'Paid Political Ad', or 'Paid for by' the candidate, committee, or person who paid for the message," and also that all "articles, statements, or communications appearing in any radio, television, or any other electronic medium intended or calculated to influence the vote of any elector in any election and for the publication of which a consideration is paid or to be paid shall clearly contain the words: (a) 'Paid political advertisement' or 'paid political ad'; or (b) 'Paid for by', 'sponsored by', or 'furnished by' the true sponsor of the advertisement." (A.C.A. §7-1-103(7))

## **Poll watchers**

### ***May a candidate have a representative at polling places to observe voting and challenge ineligible voters?***

A candidate may have a poll watcher at each polling place on election day and during early voting. Poll watchers may also attend absentee ballot processing and the counting and tabulation of ballots.

Poll watchers are persons who observe the election process and can challenge the eligibility of voters at the polls on behalf of candidates, political parties and groups with an interest in measures on the ballot.

The poll watcher authorization form is found in this book and must be filed with the county clerk. Poll watchers must present the poll watcher authorization form when entering the polling place. A candidate may designate the poll watcher to attend one or more polls during the election. However, a candidate may have only one poll watcher in a poll at any given time.

In order to avoid delays, candidates should process poll watcher forms with the county clerk before election day. (A.C.A. §7-5-312)

### ***Can a candidate be a poll watcher?***

A candidate may not be a poll watcher at a polling place on election day. During early voting, a candidate can be present to observe the voting process but not to challenge voters. When the polls close a candidate may serve as a poll watcher for the purpose of observing the processing of absentee ballots and the counting and tabulation of all ballots. A candidate may challenge the absentee ballots of ineligible voters during processing. A candidate may also observe the counting and tabulation of ballots. Candidates who observe early voting or serve as a poll watcher at absentee ballot voter processing must present ID to an election official.

(A.C.A. §§7-5-312(a)(1); 7-5-413(d); 7-5-417; State Board of Election Commissioners Rules on Roll Watchers, Vote Challenges and Provisional Voting, §903)

## **Presence at polls**

### ***How should a candidate who has non-election business at the courthouse (or a polling place that is also a business or government facility) while voting is occurring conduct himself/herself?***

Any person, including candidates, with non-election business in a polling place must not linger in the voting room any longer than necessary to conduct her/his business and should not do anything that might be construed as electioneering. Candidates should not engage in extended conversations with voters standing in line because it could be construed as electioneering. It is a crime to electioneer in any manner with persons standing in line to vote inside or outside the courthouse.

(Act 1461 of 2013; A.C.A. §7-1-103(a)(9)(B); 7-1-104(a)(7))

### ***Can a candidate or a representative of a candidate go into a polling place to pick up voter data?***

Generally, no, unless the “representative” is a credentialed poll watcher. The county election commission has statutory discretion to allow other persons in the polling place. Such arrangements should be worked out before the election. Anyone allowed in the poll may not do anything to disrupt the conduct of the election. (Act 1461 of 2013)

## **Assisting voters**

### ***May a candidate assist voters in marking and casting their ballots?***

A voter who is unable to mark or cast a ballot without help may be assisted by either two poll workers or any one person of the voter's choice. Any person, including a candidate, may assist up to six voters in marking and casting their ballots. The *voter* (not the assistant) must first notify the poll worker that he/she needs assistance. The assistant must mark the ballot according to the voter's wishes and without comment or interpretation.

It is a crime to assist more than six voters in any election.  
(A.C.A. §§7-51-310(a); 7-1-103(a)(20)(C))

## **Candidate's Name on Ballot**

### ***How is the order that the names of candidates appear on the ballot determined?***

The county board of election commissioners determines ballot positions for all offices by lot after filing is complete. The date of the ballot draw will be published in a local newspaper. Candidates are encouraged to attend this public meeting and should contact the county election commission for information about the ballot draw.  
(generally, see A.C.A. §7-7-305(b))

### ***What if there is a mistake in the way my name is printed on the ballot?***

Candidates may attend the public testing of voting machines, and mistakes caught at that time can usually be fixed. By attending the public testing, candidates can also assure the accuracy of the machines. The dates and times of the public testing are published in a local newspaper. Contact the election commission for more information.

If the mistake is on a printed ballot, submit an affidavit to the election commission pointing out the mistake. The election commission must meet to either resolve the mistake or state why the mistake cannot be fixed. (A.C.A. §7-5-209)

## **Election official conflicts**

### ***My opponent's husband has been an election official in the past. Can a husband serve as an election official in an election where the wife is on the ballot?***

An election official whose spouse, child, parent, or grandparent is a candidate may be disqualified if challenged. The list of election officials must be posted at the courthouse door no later than 15 days before the election, and challenges must be made no later than 10 days after such posting. Contact the election commission for the date of posting election officials.  
(A.C.A. §7-4-109(d))

## **Recounts**

### ***How does a candidate ask for a recount?***

The county board of election commissioners must conduct a recount for any candidate who is dissatisfied with the results of an election and who asks for a recount. (A.C.A. §7-5-319)

Generally, a candidate has two days to ask for a recount after the preliminary and unofficial results of the election are declared by the county election commission. This declaration usually is made on election night, so the deadline is usually the next Thursday after the election.

However, if the number of outstanding military and overseas civilian ballots is enough to potentially change the outcome of the election, a candidate may ask for a recount any time before the county election commission certifies the result of the election. Note, that the military and overseas civilian absentee ballots that may be counted if received after election day must arrive at the county clerk's office by the tenth day after the election. A candidate considering asking for a recount under these circumstances should be in frequent contact with the election commission regarding its plans for certification.

The candidate bears the cost of the recount if the result of the election is not changed. If the candidate wins as a result of the recount, the costs are refunded to the candidate. The costs must be paid up front. The statutory cost of a recount is set at \$0.25 per vote cast in precincts where a recount is requested with a maximum cost of \$2,500 per county. (A.C.A. §7-5-319)

## **SAMPLE FORMS & INSTRUCTIONS**

### **Poll Watcher Authorization Form**

### **Affidavit of Eligibility**

### **Notice of Candidacy for Independent Candidates**

### **Notice of Candidacy for Write-In Candidates**

### **Statement of Candidacy for City Administrator Candidates for Director or Mayor**

### **Independent Candidate Petition**

- Federal/State/District Office
- County/Township/Justice of the Peace

### **Nonpartisan Candidate Petition**

- Prosecuting Attorney
- Justice of the Supreme Court
- Court of Appeals
- Circuit Court Judge
- District Court

### **Mayor-Council Form of Government Petition of Nomination**

- Municipal Candidates Except Alderman
- Alderman Candidates Elected by Ward
- Alderman Candidates Elected at Large

### **City Administrator Form of Government Petition of Nomination**

- Director
- Mayor

### **City Manager Form of Government Petition of Nomination**

- Director
- Mayor

### **School Board Candidate Petition**

- By Zone
- At Large

### **IMPORTANT NOTICE**

**All petition forms and forms of other filing documents in this handbook are examples provided as a convenience to potential candidates. Specific forms of petition or other filing documents are not set out in the Arkansas Code, nor is the Secretary of State, State Board of Election Commissioners or Ethics Commission authorized to promulgate a form of petition. These petitions are examples of forms of petition that may be accepted by the county clerk or the Secretary of State. The Secretary of State, State Board of Election Commissioners, Ethics Commission and the county clerks do not warrant that these forms of petition would be found sufficient by a court of law if subjected to a legal challenge.**

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**POLL WATCHER AUTHORIZATION FORM**

[A.C.A. § 7-5-312]

**Representative of a Candidate**

I, \_\_\_\_\_, state that I am a candidate for the office of \_\_\_\_\_ in the \_\_\_\_\_ election. I further state that I have designated \_\_\_\_\_ as my authorized representative at the election at polling sites \_\_\_\_\_ and absentee ballot processing sites \_\_\_\_\_ in \_\_\_\_\_ County, Arkansas, to observe and ascertain the identity of persons presenting themselves to vote in person or by absentee for the purpose of challenging any voter in accordance with Arkansas Code §§ 7-5-312, 7-5-416, and 7-5-417. I further state that I have designated and authorized my representative named above to be present at the ballot counting locations at \_\_\_\_\_ in \_\_\_\_\_ County, Arkansas for the purpose of witnessing the counting of ballots by election officials and determining whether ballots are fairly and accurately counted in accordance with Arkansas Code §§ 7-5-312, 7-5-316, 7-5-413, 7-5-416, 7-5-527, and 7-5-615.

**Representative of a Group**

I, \_\_\_\_\_, state that I represent the \_\_\_\_\_ group which is seeking passage/defeat (*circle one*) of the ballot measure entitled \_\_\_\_\_ on the ballot in the \_\_\_\_\_ election at polling sites \_\_\_\_\_ and absentee ballot processing sites \_\_\_\_\_ in \_\_\_\_\_ County, Arkansas, to observe and ascertain the identity of persons presenting themselves to vote in person or by absentee for the purpose of challenging any voter in accordance with Arkansas Code §§ 7-5-312, 7-5-416 and 7-5-417.

**Representative of a Party**

I, \_\_\_\_\_, state that I am the chair or secretary of the state/county (*circle one*) committee for the \_\_\_\_\_ party with candidates on the ballot in the \_\_\_\_\_ election. I further state that I have designated \_\_\_\_\_ as an authorized party representative at the election at polling sites \_\_\_\_\_ and absentee ballot processing sites \_\_\_\_\_ in \_\_\_\_\_ County, Arkansas, to observe and ascertain the identity of persons presenting themselves to vote in person or by absentee for the purpose of challenging any voter in accordance with Arkansas Code §§ 7-5-312, 7-5-416, and 7-5-417. I further state that I have designated and authorized my representative named above to be present at the ballot counting locations at \_\_\_\_\_ in \_\_\_\_\_ County, Arkansas, for the purpose of witnessing the counting of ballots by election officials and determining whether ballots are fairly and accurately counted in accordance with Arkansas Code §§ 7-5-312, 7-5-316, 7-5-413, 7-5-416, 7-5-527, and 7-5-615.

**Signature of Candidate, Group Representative, or Chair/Secretary of the State/County Committee**

Acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.  
Notary Public: \_\_\_\_\_ My Commission Expires: \_\_\_\_\_

I do hereby state that I am familiar with the rights and responsibilities of a poll watcher as outlined on the back of the poll watcher authorization form and will in good faith comply with the provisions of same.

**Signature of the Poll Watcher**

Acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.  
Notary Public: \_\_\_\_\_ My Commission Expires: \_\_\_\_\_

I do hereby acknowledge the filing of this poll watcher authorization form with the county clerk's office.

**Signature of County Clerk**

## **POLL WATCHER RIGHTS AND RESPONSIBILITIES**

A poll watcher may be:

- (1) A candidate in person, but only during the counting and tabulation of ballots and the processing of absentee ballots;
- (2) An authorized representative of a candidate;
- (3) An authorized representative of a group seeking the passage or defeat of a measure on the ballot; or
- (4) An authorized representative of a party with a candidate on the ballot.

Official recognition of poll watchers:

- (1) Only one (1) authorized poll watcher per candidate, group, or party at any one (1) given time may be officially recognized as a poll watcher at each location within a polling site where voters identify themselves to election officials;
- (2) Only one (1) authorized poll watcher per candidate, group, or party at any one (1) given time may be officially recognized as a poll watcher at each location within the absentee ballot processing site where absentee ballots are processed; and
- (3) Only one (1) authorized poll watcher per candidate or party at any one (1) given time may be officially recognized as a poll watcher at the counting of the ballots.

Poll watcher credentials:

- (1) Except for candidates in person, poll watchers must present a valid affidavit in the form of a "Poll Watcher Authorization Form" to an election official immediately upon entering the polling or counting location.
- (2) Candidates in person attending a counting site or absentee ballot processing site are not required to present a "Poll Watcher Authorization Form" but must present some form of identification to an election official immediately upon entering the site for the purpose of confirming the poll watcher as a candidate on the ballot.

Poll watchers may:

- (1) Observe the election officials;
- (2) Stand close enough to the place where voters check in to vote so as to hear the voter's name;
- (3) Compile lists of persons voting;
- (4) Challenge ballots upon notification to an election official before the voter signs the precinct voter registration list and upon completing a "Challenged Ballot Form";
- (5) Call to the attention of the election sheriff any occurrence believed to be an irregularity or violation of election law. The poll watcher may not discuss the occurrence unless the election sheriff invites the discussion; and
- (6) Be present at the opening, processing, and canvassing of absentee ballots for the purpose of challenging absentee votes in the manner provided by law for personal voting challenges.

Poll watchers representing a candidate or political party may:

- (1) Remain at the polling site after the poll closes if ballots are counted at the poll;
- (2) Be present at the counting of votes by hand or by an electronic vote tabulating device at a central location;
- (3) Be present at the counting of absentee ballots for the purpose of witnessing the counting of ballots by election officials and determining whether ballots are fairly and accurately counted; and
- (4) Upon request made to an election official, inspect any or all ballots at the time the ballots are being counted.

Poll watchers may not:

- (1) Be within six feet (6') of any voting machine or booth used by voters to cast their ballot;
- (2) Speak to any voter or in any way attempt to influence a voter inside the polling site or within one hundred feet (100') of the primary exterior entrance used by voters to the building containing the polling site; or
- (3) Disrupt the orderly conduct of the election.

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# AFFIDAVIT OF ELIGIBILITY

## **Instructions**

*On the first line, **print** your name*

On the *second line*, state the name of the office sought. List the county, city, school district or other jurisdiction of the position sought, except for state offices.

### **Examples:**

- Alderman, City of Bigtown;
- Littletown School District Board of Directors;
- Razorback County Justice of the Peace;
- State Representative;
- Constable of Mudpuddle Township.

*On the third line, if applicable, state the district, ward or zone of the position sought.*

### **Examples:**

- An alderman candidate for Bigtown Ward 1 would state “Ward 1” on this line;
- A Littletown School board candidate for zone 1 (some, but not all, school districts elect their board members by zone) would state “Zone 1” on this line;
- A JP candidate for district 1 would state “District 1” on this line.

*On the fourth line state the position number, if applicable, or any other identifying information.*

### **Examples:**

- A candidate for Bigtown Alderman Ward 2, Position 1 would state “1”;
- A candidate for Littletown School District Board of Directors position 2 would state “2”;
- A candidate for Littletown School district at-large position 1 (if there is a combination of zone and multiple at-large seats) would state “1”;
- A candidate for State Representative District 52 would state “52”;
- If the position number is not known or cannot be determined the position can be identified by providing other information.

*Sign your name in the space provided.*

*Write the address of your residence in the space provided.*

*Have the affidavit verified by a notary public or other officer authorized to administer oaths.*

**Candidates for school board, independent candidates for municipal offices and independent and write-in candidates for state, United States House and Senate seats, county and township offices *must* file an affidavit of eligibility with the Secretary of State or the county clerk, as the case may be.**

# AFFIDAVIT OF ELIGIBILITY

*My name is (print)* \_\_\_\_\_

*I am eligible to hold the following office if elected:*

Office \_\_\_\_\_

District/Ward/Zone/ (if applicable) \_\_\_\_\_

Position Number or other description of position (if applicable) \_\_\_\_\_

\_\_\_\_\_  
**Signature of Candidate**

\_\_\_\_\_  
**Residence Address of Candidate (Street)**

\_\_\_\_\_  
**City, State, Zip Code**

*State of Arkansas*

*County of* \_\_\_\_\_

**Subscribed and sworn to before me this** \_\_\_\_\_ **day of** \_\_\_\_\_, **20**\_\_\_\_\_ .

\_\_\_\_\_  
**Notary Public (or other authorized officer)**

**My commission expires:** \_\_\_\_\_

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# NOTICE OF CANDIDACY

FOR INDEPENDENT CANDIDATES IN PARTISAN ELECTIONS

Pursuant to §7-7-103(a)(1); §7-7-103(2)(A)

I, \_\_\_\_\_ do hereby give notice of my  
(Print your name, and if applicable, your title as you wish for it to appear on the ballot)

intention to file as an independent candidate without party affiliation for the office of

\_\_\_\_\_

District #/Ward/Zone/Position (if applicable) \_\_\_\_\_

in the election to be held on \_\_\_\_\_.

\_\_\_\_\_  
Signature of Candidate

\_\_\_\_\_  
Date Filed

\_\_\_\_\_  
Printed Name of Candidate

\_\_\_\_\_  
Tgukf gpvcri'Address

\_\_\_\_\_  
City, State, Zip Code

An independent candidate shall state the same position including the position number, if any, on his or her petition.

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# NOTICE OF WRITE-IN CANDIDACY

Notice is hereby given that \_\_\_\_\_, is a write-in candidate for the office of \_\_\_\_\_, position number (if any) \_\_\_\_\_ at the \_\_\_\_\_ election to be held on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Signature of Candidate

\_\_\_\_\_  
Date of Signing

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# STATEMENT OF CANDIDACY

CANDIDATES FOR DIRECTOR OR MAYOR  
CITY ADMINISTRATOR FORM OF GOVERNMENT  
Pursuant to ACA §14-48-109(a)(3)

STATE OF ARKANSAS  
COUNTY OF \_\_\_\_\_

I, \_\_\_\_\_, being first duly sworn state that I reside at  
" \_\_\_\_\_ Street, City of \_\_\_\_\_, County and State  
" aforesaid; that I am a qualified elector of said city and the ward in which I reside; that I am a candidate for  
" nomination to the office of \_\_\_\_\_, to be voted on at the primary election to be held  
" on the \_\_ day of \_\_\_\_\_, 20\_\_, and I hereby request that my name be placed upon the official primary  
" election ballot by nomination for such primary election for such office and I herewith deposit the sum of ten dollars  
" (\$10.00), the fee prescribed by law.  
"

\_\_\_\_\_  
Signature of Candidate

\_\_\_\_\_  
Printed Name of Candidate

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**(Sample Petition)  
Independent Candidate  
Federal/State/District Office**

TO: The Honorable Mark Martin, Secretary of State  
State Capitol, Room 026  
Little Rock, Arkansas 72201-1094

We, the undersigned qualified electors propose that \_\_\_\_\_

\_\_\_\_\_ (Name), District (if applicable) \_\_\_\_\_,  
be placed on the ballot as an Independent Candidate for the Office of \_\_\_\_\_.

Position \_\_\_\_\_ in the General Election to be held on \_\_\_\_\_. Each of us for himself or herself says: I have personally signed this petition; I am a registered voter of the State of Arkansas and the designated district to be represented, and my printed name, date of birth, residence, city or town of residence, and date of signing are correctly written after my signature.

<b>FOR OFFICE USE ONLY</b> _____ Valid of _____ By _____ Date _____
---

	Signature	Printed Name	Date of Birth	Residence (Street Address)	City or Town of Residence	Date of Signing
1						
2						
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4						
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9						
10						

*This example of a form of petition is provided as a convenience to potential candidates. No form of petition is set out in the Arkansas Code, nor is the Secretary of State, State Board of Election Commissioners, or Ethics Commission authorized to promulgate a form of petition. This petition is an example of a form of petition that may be accepted by the county clerk or the Secretary of State. The Secretary of State, State Board of Election Commissioners, Ethics Commission, and the county clerks do not warrant that this form of petition would be found sufficient by a court of law if subjected to a legal challenge.*

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**FOR OFFICE USE ONLY**

Valid of \_\_\_\_\_

By \_\_\_\_\_ Date \_\_\_\_\_

**(Sample Petition)  
Independent Candidate  
County/Township/Justice of the Peace**

TO: The Honorable County Clerk of \_\_\_\_\_ County

We, the undersigned qualified electors, propose that \_\_\_\_\_

(Name/Title as proposed to appear on the ballot)

whose address is \_\_\_\_\_ be placed on the ballot as an Independent Candidate for the Office of \_\_\_\_\_, Position \_\_\_\_\_ in the General Election to be held on \_\_\_\_\_ of Arkansas and the designated county, township, or district to be represented, and my printed name, date of birth, residence, city or town of residence, and date of signing are correctly written after my signature.

	Signature	Printed Name	Date of Birth	Residence (Street Address)	City or Town of Residence	Date of Signing
1						
2						
3						
4						
5						
6						
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8						
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10						

*This example of a form of petition is provided as a convenience to potential candidates. No form of petition is set out in the Arkansas Code, nor is the Secretary of State, State Board of Election Commissioners, or Ethics Commission authorized to promulgate a form of petition. This petition is an example of a form of petition that may be accepted by the county clerk or the Secretary of State. The Secretary of State, State Board of Election Commissioners, Ethics Commission, and the county clerks do not warrant that this form of petition would be found sufficient by a court of law if subjected to a legal challenge.*

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**(Sample Petition)  
Prosecuting Attorney Candidate**

**TO: The Honorable Mark Martin, Secretary of State  
State Capitol, Room 026  
Little Rock, Arkansas 72201-1094**

We, the undersigned qualified electors, propose that \_\_\_\_\_  
(Name)

be placed on the ballot as a Candidate for the Office of Prosecuting Attorney, District \_\_\_\_\_ in the Nonpartisan General Election to be held on \_\_\_\_\_ State of Arkansas, and my printed name, date of birth, residence, city or town of residence, and date of signing are correctly written after my signature.

**FOR OFFICE USE ONLY**  
Valid of \_\_\_\_\_  
By \_\_\_\_\_ Date \_\_\_\_\_

	Signature	Printed Name	Date of Birth	Residence (Street Address)	City or Town of Residence	Date of Signing
1						
2						
3						
4						
5						
6						
7						
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9						
10						

*This example of a form of petition is provided as a convenience to potential candidates. No form of petition is set out in the Arkansas Code, nor is the Secretary of State, State Board of Election Commissioners, or Ethics Commission authorized to promulgate a form of petition. This petition is an example of a form of petition that may be accepted by the county clerk or the Secretary of State. The Secretary of State, State Board of Election Commissioners, Ethics Commission, and the county clerks do not warrant that this form of petition would be found sufficient by a court of law if subjected to a legal challenge.*

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**(Sample Petition)  
Judicial Candidate  
Justice of the Supreme Court**

**TO: The Honorable Mark Martin, Secretary of State  
State Capitol, Room 026  
Little Rock, Arkansas 72201-1094**

We, the undersigned qualified electors, propose that \_\_\_\_\_

(Name)

be placed on the ballot as a Candidate for the Office of Supreme Court Justice, Position \_\_\_\_\_ in the Nonpartisan General Election to be held on \_\_\_\_\_. Each of us for himself or herself says: I have personally signed this petition; I am a registered voter of the State of Arkansas, and my printed name, date of birth, residence, city or town of residence, and date of signing are correctly written after my signature.

<b>FOR OFFICE USE ONLY</b> _____ Valid of _____ By _____ Date _____
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**(Sample Petition)  
Judicial Candidate  
Court of Appeals**

**TO: The Honorable Mark Martin, Secretary of State  
State Capitol, Room 026  
Little Rock, Arkansas 72201-1094**

We, the undersigned qualified electors, propose that \_\_\_\_\_

(Name)  
be placed on the ballot as a Candidate for the Office of Court of Appeals Judge, District \_\_\_\_\_, Position \_\_\_\_\_ in the Nonpartisan General

Election to be held on \_\_\_\_\_. Each of us for himself or herself says: I have personally signed this petition; I am a registered voter of the State of Arkansas and the designated district to be represented, and my printed name, date of birth, residence, city or town of residence, and date of signing are correctly written after my signature.

<p><b>FOR OFFICE USE ONLY</b></p> <p>_____ Valid of _____</p> <p>By _____ Date _____</p>
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**(Sample Petition)  
Judicial Candidate  
Circuit Court Judge**

TO: The Honorable Mark Martin, Secretary of State  
State Capitol, Room 026  
Little Rock, Arkansas 72201-1094

<b>FOR OFFICE USE ONLY</b> _____ Valid of _____ By _____ Date _____
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We, the undersigned qualified electors propose that \_\_\_\_\_  
 \_\_\_\_\_ (Name), Division \_\_\_\_\_, Subdistrict \_\_\_\_\_  
 be placed on the ballot as a Candidate for the Office of Circuit Court Judge, Judicial District \_\_\_\_\_, Subdistrict \_\_\_\_\_

(if applicable) in the Nonpartisan General Election to be held on \_\_\_\_\_. Each of us for himself or herself says: I have personally signed this petition; I am a registered voter of the State of Arkansas and the designated district and/or subdistrict to be represented, and my printed name, date of birth, residence, city or town of residence, and date of signing are correctly written after my signature.

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**(Sample Petition)  
Judicial Candidate  
District Court**

<b>FOR OFFICE USE ONLY</b> _____ Valid of _____ By _____ Date _____
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TO: The Honorable Mark Martin, Secretary of State  
 State Capitol, Room 026  
 Little Rock, Arkansas 72201-1094

We, the undersigned qualified electors propose that \_\_\_\_\_  
 \_\_\_\_\_ (Name)  
 be placed on the ballot as a Candidate for the Office of District Court Judge, District \_\_\_\_\_ (if applicable),  
 Position \_\_\_\_\_, (if applicable) in the Nonpartisan General Election to be held on \_\_\_\_\_, Department \_\_\_\_\_ (if applicable). Each  
 of us for himself or herself says: I have personally signed this petition; I am a registered voter of the State of Arkansas and the designated district to be  
 represented, and my printed name, date of birth, residence, city or town of residence, and date of signing are correctly written after my signature.

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**FOR OFFICE USE ONLY**

Valid of \_\_\_\_\_

By \_\_\_\_\_ Date \_\_\_\_\_

**(Sample Petition of Nomination)  
 Mayor-Council Form of Government  
 Municipal Candidates for Incorporated Towns (all positions),  
 Cities of the 1<sup>st</sup> Class (except alderman) and Cities of the 2<sup>nd</sup> Class (except alderman)**

TO: The Honorable County Clerk of \_\_\_\_\_ County

We, the undersigned qualified electors of the city (town) of \_\_\_\_\_, Arkansas, being in number not less than ten (10) for incorporated towns and cities of the 2<sup>nd</sup> class, and not less than thirty (30) for cities of the 1<sup>st</sup> class, do hereby petition that the name of \_\_\_\_\_ be placed on the ballot for the office of \_\_\_\_\_, Position \_\_\_\_\_ (if running as a candidate for alderman in an incorporated town), at the next election of municipal officials in 20\_\_\_\_\_. Each of us for himself or herself says: I have personally signed this petition; I am a registered voter of the State of Arkansas and the designated city to be represented. My printed name, date of birth, residence, city or town of residence, and date of signing are correctly written after my signature.

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**(Sample Petition of Nomination)  
 Mayor-Council Form of Government  
 Alderman Candidates Elected by Ward in  
 Cities of the 1<sup>st</sup> Class and Cities of the 2<sup>nd</sup> Class**

FOR OFFICE USE ONLY

Valid of \_\_\_\_\_

By \_\_\_\_\_ Date \_\_\_\_\_

TO: The Honorable County Clerk of \_\_\_\_\_ County  
 We, the undersigned qualified electors of Ward \_\_\_\_\_ of the city of \_\_\_\_\_, Arkansas, being in number not less than ten (10) for cities of the 2<sup>nd</sup> class, and not less than thirty (30) for cities of the 1<sup>st</sup> class, do hereby petition that the name of \_\_\_\_\_ be placed on the ballot for the office of Alderman, Ward \_\_\_\_\_, Position \_\_\_\_\_ at the next election of municipal officials in 20\_\_\_\_\_. Each of us for himself or herself says: I have personally signed this petition; I am a registered voter of the State of Arkansas and the designated ward to be represented and my printed name, date of birth, residence, city or town of residence, and date of signing are correctly written after my signature.

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**(Sample Petition of Nomination)  
 Mayor-Council Form of Government  
 Alderman Candidates Elected At Large in  
 Cities of the 1<sup>st</sup> Class and Cities of the 2<sup>nd</sup> Class**

<b>FOR OFFICE USE ONLY</b> _____ Valid of _____ By _____ Date _____
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TO: The Honorable County Clerk of \_\_\_\_\_ County

We, the undersigned qualified electors of the city of \_\_\_\_\_, Arkansas, being in number not less than ten (10) for cities of the 2<sup>nd</sup> class, and not less than thirty (30) for cities of the 1<sup>st</sup> class, do hereby petition that the name of \_\_\_\_\_ be placed on the ballot for the office of Alderman, Ward \_\_\_\_\_, Position \_\_\_\_\_, at the next election of municipal officials in 20\_\_\_\_. Each of us for himself or herself says: I have personally signed this petition; I am a registered voter of the State of Arkansas and the designated city to be represented. My printed name, date of birth, residence, city or town of residence, and date of signing are correctly written after my signature.

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**FOR OFFICE USE ONLY**

Valid of \_\_\_\_\_

By \_\_\_\_\_ Date \_\_\_\_\_

**(Sample Petition of Nomination)  
City Administrator Form of Government  
Candidates for Director**

TO: The Honorable City Clerk of \_\_\_\_\_, Arkansas, each signer hereof residing at the address set opposite his or her signature, duly qualified electors of the City of \_\_\_\_\_ be placed on the ballot as a candidate for election to Position No. \_\_\_\_\_ on the Board of Directors of said City of \_\_\_\_\_ at the election to be held in such City on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_ We further state that we know said person to be a qualified elector of said City and a person of good moral character and qualified in our judgment for the duties of such office. Each of us for himself or herself says: I have personally signed this petition; I am a registered voter of the State of Arkansas and the designated city to be represented. My printed name, date of birth, residence, city or town of residence, and date of signing are correctly written after my signature.

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**FOR OFFICE USE ONLY**

Valid of \_\_\_\_\_

By \_\_\_\_\_ Date \_\_\_\_\_

**(Sample Petition of Nomination)  
City Administrator Form of Government  
Candidates for Mayor**

TO: The Honorable City Clerk of \_\_\_\_\_, Arkansas, each signer hereof residing at the address set opposite his or her signature, duly qualified electors of the City of \_\_\_\_\_ be placed on the ballot as a candidate for election to the Position of Mayor of said City of \_\_\_\_\_ at the election to be held in such City on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_. We further state that we know said person to be a qualified elector of said City and a person of good moral character and qualified in our judgment for the duties of such office. Each of us for himself or herself says: I have personally signed this petition; I am a registered voter of the State of Arkansas and the designated city to be represented. My printed name, date of birth, residence, city or town of residence, and date of signing are correctly written after my signature.

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**(Sample Petition of Nomination)  
City Manager Form of Government  
Candidates for Director**

**FOR OFFICE USE ONLY**  
Valid of \_\_\_\_\_  
By \_\_\_\_\_ Date \_\_\_\_\_

TO: The Honorable City Clerk of \_\_\_\_\_, Arkansas, each signer hereof residing at the address set opposite his or her signature, duly qualified electors of the City of \_\_\_\_\_ be placed on the ballot as a candidate for election to Position No. \_\_\_\_\_ on the Board of Directors of said City of \_\_\_\_\_ at the election to be held in such City on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_. We further state that we know said person to be a qualified elector of said City and a person of good moral character and qualified in our judgment for the duties of such office. Each of us for himself or herself says: I have personally signed this petition; I am a registered voter of the State of Arkansas and the designated city to be represented. My printed name, date of birth, residence, city or town of residence, and date of signing are correctly written after my signature.

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**(Sample Petition of Nomination)  
City Manager Form of Government  
Candidates for Mayor**

**FOR OFFICE USE ONLY**  
Valid of \_\_\_\_\_  
By \_\_\_\_\_ Date \_\_\_\_\_

TO: The Honorable City Clerk of \_\_\_\_\_, Arkansas, each signer hereof residing at the address set opposite his or her signature, duly qualified electors of the City of \_\_\_\_\_ be placed on the ballot as a candidate for election to the Position of Mayor of said City of \_\_\_\_\_ at the election to be held in such City on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_. We further state that we know said person to be a qualified elector of said City and a person of good moral character and qualified in our judgment for the duties of such office. Each of us for himself or herself says: I have personally signed this petition; I am a registered voter of the State of Arkansas and the designated city to be represented. My printed name, date of birth, residence, city or town of residence, and date of signing are correctly written after my signature.

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**(Sample Petition)  
School Board Candidate by Zone**

**FOR OFFICE USE ONLY**

Valid of \_\_\_\_\_

By \_\_\_\_\_ Date \_\_\_\_\_

**TO: The Honorable County Clerk of \_\_\_\_\_ County**

We, the undersigned qualified electors, propose that \_\_\_\_\_

(Name/Title as proposed to appear on the ballot)

whose address is \_\_\_\_\_, Arkansas, be placed on the ballot as a Candidate for the Board of Directors of School District \_\_\_\_\_, Position \_\_\_\_\_, Zone \_\_\_\_\_ in the School Board Election to be held on \_\_\_\_\_. Each of us for himself or herself says: I have personally signed this petition; I am a registered voter of the State of Arkansas and a resident of the school district and electoral zone to be represented, and my printed name, date of birth, residence, city or town of residence, and date of signing are correctly written after my signature.

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**(Sample Petition)  
School Board Candidate At Large**

TO: The Honorable County Clerk of \_\_\_\_\_ County

**FOR OFFICE USE ONLY**

Valid of \_\_\_\_\_

By \_\_\_\_\_ Date \_\_\_\_\_

We, the undersigned qualified electors, propose that \_\_\_\_\_

(Name/Title as proposed to appear on the ballot)

whose address is \_\_\_\_\_ be placed on the ballot as a Candidate for the Board of Directors of School District \_\_\_\_\_, Position \_\_\_\_\_ in the School Board Election to be held on \_\_\_\_\_. Each of us for himself or herself says: I have personally signed this petition; I am a registered voter of the State of Arkansas and a resident of the school district to be represented, and my printed name, date of birth, residence, city or town of residence, and date of signing are correctly written after my signature.

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# ARKANSAS ETHICS COMMISSION

J. Barrington Minix, Sr.  
Chairman

William C. Bird III  
Vice Chairman

Anna Bray  
Robert McCormack  
Sharon K. Trusty  
Commissioners

910 West Second Street, Suite 100  
Post Office Box 1917  
Little Rock, Arkansas 72203-1917  
(501) 324-9600 Fax (501) 324-9606  
Toll Free (800) 422-7773

Graham F. Sloan  
Director

Todd Elder  
Senior Staff Attorney

Jill Rogers Barham  
Staff Attorney

Teresa Keathley  
Director of Compliance



## 2014 REPORTING CALENDAR FOR STATE OR DISTRICT CANDIDATES

A candidate is not required to file any quarterly, monthly or preelection reports until the candidate has either received contributions or made expenditures in excess of five hundred dollars (\$500). Final reports are required regardless of whether a candidate has received contributions or made expenditures in excess of five hundred dollars (\$500).

January 15, 2014	Quarterly report for 4 <sup>th</sup> quarter of 2013 due. Covers period October 1, 2013 ó Dec. 31, 2013.*
January 31, 2014	Statement of Financial Interest for calendar year 2013 due from all incumbent officeholders.
February 18, 2014	January monthly report due. Covers period January 1-31.*
March 10, 2014	Statement of Financial Interest for calendar year 2013 due from non-incumbent candidates.
March 17, 2014	February monthly report due. Covers period February 1-28.*
March 4, 2014	First day unopposed candidates may dispose of surplus funds, if an affidavit is filed with the Secretary of State pursuant to Ark. Code Ann. § 7-6-203(h)(3). Unopposed candidates are exempt from further reporting requirements if the affidavit contains all campaign activity not previously reported and states that the campaign fund has a zero balance.
April 15, 2014	March monthly report due. Covers period March 1-31.*
May 13, 2014	If opposed in primary, preelection report due for primary election. Covers period April 1 - May 10.*
May 15, 2014	If unopposed in primary, April monthly report due. Covers period April 1-30.*
<b>May 20, 2014</b>	<b>Primary Election</b>
<b>June 10, 2014</b>	<b>† Primary Election Runoff</b>

\* If this is candidate's first report, it covers all campaign activity which has occurred through the closing date of the reporting period.

## 2014 Reporting Calendar - State or District Candidates

### Page 2

† IF YOU ARE INVOLVED IN A PRIMARY ELECTION RUNOFF, TWO ADDITIONAL REPORTS ARE DUE.	
June 3, 2014	Preelection report due for primary election runoff. Covers period May 21-31.
July 30, 2014	Final report due for primary election runoff. Covers period June 1-10 or, if candidate lost election, June 1 through the date the report is filed.

June 30, 2014 Final report due for primary election. If candidate was unopposed in primary election, report covers May 1-20.\* If candidate was opposed in primary election, report covers May 11-20 or, if candidate lost election, May 11 through the date the report is filed.\*

July 15, 2014 If candidate was not involved in a primary election runoff, June monthly report due. Covers May 21 - June 30.\*\*

August 15, 2014 July monthly report due. If candidate was not involved in a primary election runoff, report covers July 1-31.\*\* If candidate was involved in a primary election runoff, report covers June 11 - July 31.\*\*

September 15, 2014 August monthly report due. Covers period August 1-31.\*

October 15, 2014 September monthly report due. Covers period September 1-30.\*

October 28, 2014 If opposed in general election, preelection report is due. Covers period October 1-25.\*

### **November 4, 2014 General Election**

November 17, 2014 If unopposed in general election, October monthly report due. Covers period October 1-31.\*

**November 25, 2014 †† Special Runoff Election pursuant to Ark. Code Ann. § 7-5-704 (i.e., general election runoff)**

†† IF YOU ARE INVOLVED IN A SPECIAL RUNOFF ELECTION, TWO ADDITIONAL REPORTS ARE DUE.	
November 18, 2014	Preelection report due for special runoff election. Covers period November 5-15.
December 30, 2014	Final report due for special runoff election. Covers period November 16 through the date the report is filed.

December 30, 2014 Final report due for general election. If candidate was unopposed in the general election, final report for general election covers November 1 through the date the report is filed.\*\* If candidate was opposed in the general election and was not involved in a special runoff election, final report for general election covers October 26 through the date the report is filed.\*\* If candidate was involved in a special runoff election, final report for general election covers October 26 - November 4.\*\*

\* If this is candidate's first report, it covers all campaign activity which has occurred through the closing date of the reporting period.

\*\* If this is candidate's first report since final report for primary election, it covers all campaign activity which has occurred May 21 through the closing date of the reporting period.

## 2014 Reporting Calendar - State or District Candidates

### Page 3

**Please note:**

- 1. Reports must be filed with the Secretary of State. Postmark date is not used as date of filing when report is a preelection report.**
- 2. Reports may be faxed to the Secretary of State [(501) 682-3408] provided that the notary seal is legible (i.e., either stamped or raised and inked) and the original is received by the Secretary of State within ten (10) days of the date of transmission.**
- 3. In calculating the amount of contributions received or expenditures made for purposes of determining whether a candidate has received contributions or made expenditures in excess of five hundred dollars (\$500), the payment of the filing fee from the candidate's personal funds shall not be considered as either a contribution or an expenditure. Once the five hundred dollar (\$500) threshold has been met, a candidate who has used his or her personal funds to pay the filing fee is required to report same. Such a candidate would report the funds used to pay the filing fee as either a loan or a contribution to the campaign from the candidate and also as a campaign expenditure.**
- 4. All candidates are required to file a final report for an election regardless of whether or not they were opposed in the election.**

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# ARKANSAS ETHICS COMMISSION

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Graham F. Sloan  
Director

Todd Elder  
Senior Staff Attorney

Jill Rogers Barham  
Staff Attorney

Teresa Keathley  
Director of Compliance



## 2014 REPORTING CALENDAR

### CANDIDATES FOR THE NONPARTISAN OFFICES OF JUSTICE OF THE SUPREME COURT, JUDGE OF THE COURT OF APPEALS, CIRCUIT JUDGE, AND PROSECUTING ATTORNEY

**A candidate is not required to file any quarterly, monthly or preelection reports until the candidate has either received contributions or made expenditures in excess of five hundred dollars (\$500). Final reports are required regardless of whether a candidate has received contributions or made expenditures in excess of five hundred dollars (\$500).**

January 15, 2014	Quarterly report for 4 <sup>th</sup> quarter of 2013 due. Covers period October 1 ó December 31, 2013.* (NOTE: Pursuant to Rule 4.4(B)(2) of the Arkansas Code of Judicial Conduct, the earliest date the campaign committee of a candidate for Supreme Court, Court of Appeals, or Circuit Court may solicit or accept contributions is November 21, 2013.)
January 9, 2014	Deadline to file petition for ballot access pursuant to Ark. Code Ann. § 7-10-103(c).
January 13, 2014	Statement of Financial Interest for calendar year 2013 due from non-incumbent candidates whose names have been placed on the ballot pursuant to the provisions of Ark. Code Ann. § 7-10-103(c).
January 31, 2014	Statement of Financial Interest for calendar year 2013 due from all incumbent officeholders.
February 18, 2014	January monthly report due. Covers period January 1-31.*
March 3, 2014	Deadline to file as a candidate pursuant to the filing fee provisions of Ark. Code Ann. § 7-10-103(b).
March 3, 2014	Deadline to file as a write-in candidate pursuant to Ark. Code Ann. § 7-10-103(d).
March 10, 2014	Statement of Financial Interest for calendar year 2013 due from non-incumbent candidates whose names have been placed on the ballot pursuant to the filing fee provisions of Ark. Code Ann. § 7-10-103(b).
March 10, 2014	Statement of Financial Interest for calendar year 2013 due from non-incumbent candidates whose names have been placed on the ballot pursuant to the write-in candidate provisions of Ark. Code Ann. § 7-10-103(d).
March 17, 2014	February monthly report due. Covers period February 1-28.*
April 15, 2014	March monthly report due. Covers period March 1-31.*

\* If this is candidate's first report, it covers all campaign activity which has occurred through the closing date of the reporting period.

## 2014 Reporting Calendar – Candidates for Nonpartisan Office

### Page 2

May 13, 2014 If opposed in general election, preelection report due for general election. Covers period April 1 - May 10.\*

May 15, 2014 If unopposed in general election, April monthly report due. Covers period April 1-30.\*

### **May 20, 2014 General Election**

June 30, 2014 Final report due for general election.

If the candidate was opposed and filed a preelection report for the general election and the candidate is not involved in a general election runoff, final report for general election covers period May 11 through the date the report is filed.

If the candidate was opposed and filed a preelection report for the general election and the candidate is involved in a general election runoff, final report for the general election covers period May 11-20.

If the candidate was opposed and did not file a preelection report for the general election and the candidate is not involved in a general election runoff, final report for general election covers all campaign activity which has not been disclosed on reports previously required to be filed through the date the report is filed.

If the candidate was opposed and did not file a preelection report for the general election and the candidate is involved in a general election runoff, final report for general election covers all campaign activity through May 20.

If the candidate was unopposed and filed an April monthly report, final report for general election covers period May 1 through the date the report is filed.

If the candidate was unopposed and did not file an April monthly report (i.e., this is candidate's first report), final report for general election covers all campaign activity through the date the report is filed.

### **FOR CANDIDATES INVOLVED IN A GENERAL ELECTION RUNOFF, THE FOLLOWING REPORTS ARE ALSO DUE**

July 15, 2014 June monthly report due. Covers period May 21 through June 30.

August 15, 2014 July monthly report due. Covers period July 1-31.

September 15, 2014 August monthly report due. Covers period August 1-31.

October 15, 2014 September monthly report due. Covers period September 1-30.

October 28, 2014 Preelection report due for general election runoff. Covers period October 1 through Oct. 25.

\* If this is candidate's first report, it covers all campaign activity which has occurred through the closing date of the reporting period.

## 2014 Reporting Calendar – Candidates for Nonpartisan Office

### Page 3

**November 4, 2014      General Election Runoff**

December 30, 2014      Final report due for general election runoff. Report covers period October 26 through the date the report is filed.

**Please note:**

1. Reports must be filed with the Secretary of State. Postmark date is not used as date of filing when report is a preelection report.
2. Reports may be faxed to the Secretary of State provided that the notary seal is legible (i.e., either stamped or raised and inked) and the original is received by the Secretary of State within ten (10) days of the date of transmission.
3. In calculating the amount of contributions received or expenditures made for purposes of determining whether a candidate has received contributions or made expenditures in excess of five hundred dollars (\$500), the payment of the filing fee from the candidate's personal funds shall not be considered as either a contribution or an expenditure. Once the five hundred dollar (\$500) threshold has been met, the candidate who has used his or her personal funds to pay the filing fee is required to report same. Such a candidate would report the funds used to pay the filing fee as either a loan or a contribution to the campaign from the candidate and also as a campaign expenditure.

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# ARKANSAS ETHICS COMMISSION

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Director of Compliance



## 2014 REPORTING CALENDAR COUNTY CANDIDATES

January 31, 2014	Statement of Financial Interest for calendar year 2013 due from all incumbent officeholders.
March 10, 2014	Statement of Financial Interest for calendar year 2013 due from non-incumbent candidates.
May 13, 2014	If opposed in primary election, preelection report* due for primary election. This report covers all campaign activity through May 10.
<b>May 20, 2014</b>	<b>Primary Election</b>
<b>June 10, 2014</b>	<b>† Primary Election Runoff</b>

ÄIF YOU ARE INVOLVED IN A **PRIMARY ELECTION RUNOFF**, TWO ADDITIONAL REPORTS ARE DUE.

June 3, 2014	Preelection report* due for primary election runoff. This report covers all campaign activity from May 21-31.
July 30, 2014	Final report** due for primary election runoff. This report covers all campaign activity from June 1-10 or, if candidate lost election, June 1 through the date the report is filed.

June 30, 2014	Final report** due for primary election.  If preelection report filed, final report for primary election covers all campaign activity from May 11-20 or, if candidate lost election, May 11 through the date the report is filed.  If no preelection report filed, final report for primary election covers all campaign activity through May 20 or, if candidate lost election, all campaign activity through the date the report is filed.
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\* A candidate is not required to file a preelection report if he or she has not received contributions or made expenditures in excess of five hundred dollars (\$500). In calculating the amount of contributions received or expenditures made for purposes of this exception, the payment of the filing fee from the candidate's personal funds shall not be considered as either a contribution or an expenditure. Once the five hundred dollar (\$500) threshold has been met, however, a candidate who has used his or her personal funds to pay the filing fee is required to report same.

\*\* A final report is required regardless of whether a candidate has received contributions or made expenditures in excess of five hundred dollars (\$500).

## 2014 Reporting Calendar - County Candidates

### Page 2

October 28, 2014 If opposed in general election, preelection report\* due for general election.

If candidate has not previously filed any reports during the 2014 election cycle, this report covers all campaign activity through October 25.

If candidate filed a final report for the primary election and was not involved in a primary election runoff, preelection report for general election covers all campaign activity from May 21 through October 25.

If candidate was involved in a primary election runoff, preelection report for general election covers all campaign activity from June 11 through October 25.

### November 4, 2014 General Election

November 25, 2014 †† Special Runoff Election pursuant to Ark. Code Ann. § 7-5-106 (i.e., general election runoff)

ÄÄIF YOU ARE INVOLVED IN A SPECIAL RUNOFF ELECTION, TWO ADDITIONAL REPORTS ARE DUE.	
November 18, 2014	Preelection report* due for special runoff election. This report covers all campaign activity from November 5-15.
December 30, 2014	Final report** due for special runoff election. This report covers all campaign activity from November 16 through the date the report is filed.

December 30, 2014 Final report\*\* due for general election.

If candidate has not previously filed any reports during the 2014 election cycle, the final report for the general election covers all campaign activity through the date the report is filed.

If candidate filed a preelection report for the general election and was not involved in a special runoff election, the final report for the general election covers all campaign activity from October 26 through the date the report is filed.

If candidate filed a preelection report for the general election and was involved in a special runoff election, the final report for the general election covers all campaign activity from October 26 through November 4.

If candidate was not involved in a primary election runoff and did not file a preelection report for the general election, the final report for the general election covers May 21 through the date the report is filed.

If candidate was involved in a primary election runoff and did not file a preelection report for the general election, the final report for the general election covers June 11 through the date the report is filed.

\* A candidate is not required to file a preelection report if he or she has not received contributions or made expenditures in excess of five hundred dollars (\$500). In calculating the amount of contributions received or expenditures made for purposes of this exception, the payment of the filing fee from the candidate's personal funds shall not be considered as either a contribution or an expenditure. Once the five hundred dollar (\$500) threshold has been met, however, a candidate who has used his or her personal funds to pay the filing fee is required to report same.

\*\* A final report is required regardless of whether a candidate has received contributions or made expenditures in excess of five hundred dollars (\$500).

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## 2014 REPORTING CALENDAR CANDIDATES FOR THE NONPARTISAN OFFICE OF DISTRICT JUDGE

January 9, 2014	Deadline to file petition for ballot access pursuant to Ark. Code Ann. § 7-10-103(c).
January 13, 2014	Statement of Financial Interest for calendar year 2013 due from non-incumbent candidates whose names have been placed on the ballot pursuant to the provisions of Ark. Code Ann. § 7-10-103(c).
January 31, 2014	Statement of Financial Interest for calendar year 2013 due from all incumbent officeholders.
March 3, 2014	Deadline to file as a candidate pursuant to the filing fee provisions of Ark. Code Ann. § 7-10-103(b).
March 3, 2014	Deadline to file as a write-in candidate pursuant to Ark. Code Ann. § 7-10-103(d).
March 10, 2014	Statement of Financial Interest for calendar year 2013 due from non-incumbent candidates whose names have been placed on the ballot pursuant to the filing fee provisions of Ark. Code Ann. § 7-10-103(b).
March 10, 2014	Statement of Financial Interest for calendar year 2013 due from non-incumbent candidates whose names have been placed on the ballot pursuant to the write-in candidate provisions of Ark. Code Ann. § 7-10-103(d).
May 13, 2014	If opposed in general election, preelection report* due for general election. This report covers all campaign activity through May 10, 2014. (NOTE: Pursuant to Rule 4.4(B)(2) of the Arkansas Code of Judicial Conduct, the earliest a candidate's campaign committee may solicit or accept contributions is November 21, 2013.)
<b>May 20, 2014</b>	<b>General Election</b>

\* A candidate's campaign committee is not required to file a preelection report if it has not received contributions or made expenditures in excess of five hundred dollars (\$500). In calculating the amount of contributions received or expenditures made for purposes of this exception, the payment of the filing fee from the candidate's personal funds shall not be considered as either a contribution or an expenditure. Once the five hundred dollar (\$500) threshold has been met, however, a candidate who has used his or her personal funds to pay the filing fee is required to report same.

\*\* A final report is required regardless of whether a candidate's campaign committee has received contributions or made expenditures in excess of five hundred dollars (\$500).

**2014 Reporting Calendar – Candidates for Nonpartisan Office of District Judge**  
**Page 2**

- June 30, 2014            Final report\*\* due for general election.
- If candidate's campaign committee filed a preelection report for the general election and the candidate is not involved in a general election runoff, final report for general election covers period May 11 through the date the report is filed.
- If candidate's campaign committee filed a preelection report for the general election and the candidate is involved in a general election runoff, final report for the general election covers period May 11-20.
- If candidate's campaign committee did not file a preelection report for the general election and the candidate is not involved in a general election runoff, final report for general election covers all campaign activity through the date the report is filed.
- If candidate's campaign committee did not file a preelection report for the general election and the candidate is involved in a general election runoff, final report for general election covers all campaign activity through May 20.

**FOR CANDIDATES INVOLVED IN A GENERAL ELECTION  
RUNOFF, THE FOLLOWING REPORTS ARE ALSO DUE**

- October 28, 2014            Preelection report\* due for general election runoff. Covers period May 21 through October 25.
- November 4, 2014            General Election Runoff**
- December 30, 2014            Final report\*\* due for general election runoff. Report covers period October 26 through the date the report is filed.

\* A candidate's campaign committee is not required to file a preelection report if it has not received contributions or made expenditures in excess of five hundred dollars (\$500). In calculating the amount of contributions received or expenditures made for purposes of this exception, the payment of the filing fee from the candidate's personal funds shall not be considered as either a contribution or an expenditure. Once the five hundred dollar (\$500) threshold has been met, however, a candidate who has used his or her personal funds to pay the filing fee is required to report same.

\*\* A final report is required regardless of whether a candidate's campaign committee has received contributions or made expenditures in excess of five hundred dollars (\$500).

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## 2014 REPORTING CALENDAR MUNICIPAL CANDIDATES

NOTE: This reporting calendar is for use by all candidates for municipal office except those in a city or town with the mayor-council form of government which has passed a resolution requesting that party primaries be conducted. There is a separate reporting calendar for such candidates.

January 31, 2014	Statement of Financial Interest for calendar year 2013 due from all incumbent officeholders.
August 18, 2014	Statement of Financial Interest for calendar year 2013 due from non-incumbent candidates for municipal office.
October 28, 2014	If opposed in general election, preelection report* due for general election. Report covers all campaign activity through October 25.
<b>November 4, 2014</b>	<b>General Election</b>
<b>November 25, 2014</b>	<b>†† Special Runoff Election pursuant to Ark. Code Ann. § 7-5-106 (i.e., general election runoff)</b>

ÄÄIF YOU ARE INVOLVED IN A SPECIAL RUNOFF ELECTION, TWO ADDITIONAL REPORTS ARE DUE.

November 18, 2014	Preelection report* due for special runoff election. This report covers all campaign activity from November 5-15.
December 30, 2014	Final report** due for special runoff election. This report covers all campaign activity from November 16 through the date the report is filed.

December 30, 2014 Final report\*\* due for general election.

If candidate has not previously filed any reports during the 2014 election cycle, the final report for the general election covers all campaign activity through the date the report is filed.

If candidate filed a preelection report for the general election and was not involved in a special runoff election, the final report for the general election covers all campaign activity from October 26 through the date the report is filed.

If candidate filed a preelection report for the general election and was involved in a special runoff election, the final report for the general election covers all campaign activity from October 26 through November 4.

\* A candidate is not required to file a preelection report if he or she has not received contributions or made expenditures in excess of five hundred dollars (\$500). In calculating the amount of contributions received or expenditures made for purposes of this exception, the payment of the filing fee from the candidate's personal funds shall not be considered as either a contribution or an expenditure. Once the five hundred dollar (\$500) threshold has been met, however, a candidate who has used his or her personal funds to pay the filing fee is required to report same.

\*\* A final report is required regardless of whether a candidate has received contributions or made expenditures in excess of five hundred dollars (\$500).

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## 2014 REPORTING CALENDAR CANDIDATES FOR MUNICIPAL OFFICE IN A CITY OR TOWN WITH MAYOR-COUNCIL FORM OF GOVERNMENT WITH POLITICAL PARTY PRIMARIES UNDER ARK. CODE ANN. § 14-42-206

January 31, 2014	Statement of Financial Interest for calendar year 2013 due from all incumbent officeholders.
June 2, 2014	Statement of Financial Interest for calendar year 2013 due from non-incumbent candidates for the offices of director and mayor under Ark. Code Ann. § 14-48-109(a)(3).
August 5, 2014	If opposed in primary election, preelection report* due for primary election. This report covers all campaign activity through August 2.
<b>August 12, 2014</b>	<b>Primary Election [Ark. Code Ann. § 14-48-109(a)(2)(B)]</b>
August 18, 2014	Statement of Financial Interest for calendar year 2013 due from all non-incumbent independent candidates for municipal office.
September 30, 2014	Final report** due for primary election.  If preelection report filed, final report for primary election covers all campaign activity from August 3-12 or, if candidate lost election, August 3 through the date the report is filed.  If no preelection report filed, final report for primary election covers all campaign activity through August 12 or, if candidate lost election, all campaign activity through the date the report is filed.

\* A candidate is not required to file a preelection report if he or she has not received contributions or made expenditures in excess of five hundred dollars (\$500). In calculating the amount of contributions received or expenditures made for purposes of this exception, the payment of the filing fee from the candidate's personal funds shall not be considered as either a contribution or an expenditure. Once the five hundred dollar (\$500) threshold has been met, however, a candidate who has used his or her personal funds to pay the filing fee is required to report same.

\*\* A final report is required regardless of whether a candidate has received contributions or made expenditures in excess of five hundred dollars (\$500).

## 2014 Reporting Calendar - Municipal Candidates (with political party primaries)

### Page 2

October 28, 2014      If opposed in general election, preelection report\* due for general election.

                                 If candidate has not previously filed any reports during the 2014 election cycle, this report covers all campaign activity through October 25.

                                 If candidate filed a final report for the primary election, preelection report for general election covers all campaign activity from August 13 through October 25.

### November 4, 2014      **General Election**

November 25, 2014      †† **Special Runoff Election pursuant to Ark. Code Ann. § 7-5-106 (i.e., general election runoff)**

ÄÄIF YOU ARE INVOLVED IN A SPECIAL RUNOFF ELECTION, TWO ADDITIONAL REPORTS ARE DUE.	
November 18, 2014	Preelection report* due for special runoff election. This report covers all campaign activity from November 5-15.
December 30, 2014	Final report** due for special runoff election. This report covers all campaign activity from November 16 through the date the report is filed.

December 30, 2014      Final report\*\* due for general election.

                                 If candidate has not previously filed any reports during the 2014 election cycle, the final report for the general election covers all campaign activity through the date the report is filed.

                                 If candidate filed a preelection report for the general election and was not involved in a special runoff election, the final report for the general election covers all campaign activity from October 26 through the date the report is filed.

                                 If candidate filed a preelection report for the general election and was involved in a special runoff election, the final report for the general election covers all campaign activity from October 26 through November 4.

                                 If candidate filed a final report for the primary election and did not file a preelection report for the general election and was not involved in a special runoff election, the final report for the general election covers August 13 through the date the report is filed.

\* A candidate is not required to file a preelection report if he or she has not received contributions or made expenditures in excess of five hundred dollars (\$500). In calculating the amount of contributions received or expenditures made for purposes of this exception, the payment of the filing fee from the candidate's personal funds shall not be considered as either a contribution or an expenditure. Once the five hundred dollar (\$500) threshold has been met, however, a candidate who has used his or her personal funds to pay the filing fee is required to report same.

\*\* A final report is required regardless of whether a candidate has received contributions or made expenditures in excess of five hundred dollars (\$500).

## CAMPAIGN FINANCE

&

## DISCLOSURE REQUIREMENTS

*[ACA §§7-6-207, 7-6-208, 7-6-209, 21-8-701, 21-8-703;  
Rules on Campaign Finance & Disclosure §§236 through 244, 248]*

The campaign finance and public disclosure laws of Arkansas require candidates for public office to file disclosure documents relating to their campaigns, as well as their personal financial interests. Public office includes any and all state, district, county, municipal and township offices, as well as school boards.

Candidates for State, District, County, Municipal, Township, and School Board offices must file certain **Campaign Contribution and Expenditure Reports** when contributions received or expenditures made in any election exceed five hundred dollars (\$500). A candidate is required to file a final report for each election in which the candidate's name has appeared on the ballot regardless of whether he or she has received contributions or made expenditures in excess of five hundred dollars (\$500).

Candidates for State, District, County, Municipal, Township, and School Board must file a **Statement of Financial Interest** for the previous calendar year on the first Monday following the close of the period to file as a candidate for the elective office. Incumbent officeholders who filed a statement of financial interest for the previous calendar year by January 31 of the year in which an election is held are not required to file an additional statement of financial interest upon becoming a candidate for reelection or election to another office during the year.

Blank candidate disclosure forms and instructions are available from the Secretary of State and sample forms can be found in the Forms section of this handbook. The campaign finance and disclosure reports are filed as follows:

OFFICE SOUGHT	CAMPAIGN CONTRIBUTION AND EXPENDITURE REPORTS	STATEMENT OF FINANCIAL INTEREST
STATE	with the Secretary of State (pp.117-127, 128-13: , 174-157)	with the Secretary of State page 166
DISTRICT	with the Secretary of State (pp.117-127, 128-13: , 174-157)	with the Secretary of State page 166
COUNTY	with the County Clerk (pp.15; -173,"174-157)	with the County Clerk page 166
DISTRICT JUDGE	with the County Clerk (pp.15; -173,"174-157)	with the County Clerk page 166
MUNICIPAL	with the County Clerk (pp.15; -173,"174-157 )	with the City Clerk or Recorder page 166
TOWNSHIP	with the County Clerk (pp. 15; -173,"174-157)	with the County Clerk page 166
SCHOOL BOARD	with the County Clerk (pp. 15; -173,"174-157)	with the County Clerk page 166

# CAMPAIGN CONTRIBUTION AND EXPENDITURE REPORT

A Campaign Contribution and Expenditure Report is filed to evidence compliance with campaign finance disclosure laws and provide a public record of all contributions and expenditures of a candidate's campaign.

Blank reporting forms and instructions are available from the Secretary of State and sample forms can be found in the Forms section of this handbook.

**State and District Candidates** [ACA §7-6-207, 7-6-210, 7-6-213; Rules on Campaign Finance & Disclosure §§201, 218, 219, 233, 234, 235, 236, 237, 238, 246]

**A candidate is not required to file any quarterly, monthly or preelection reports until the candidate has either received contributions or made expenditures in excess of five hundred dollars (\$500). In calculating the amount of contributions received or expenditures made, the payment of a filing fee from the candidate's personal funds shall not be counted towards the five hundred dollar (\$500) reporting trigger. Once a report becomes due, however, the payment of the filing fee from the candidate's personal funds must be reported as either a loan or contribution to the campaign and also as a campaign expenditure.**

**Final reports are required regardless of whether a candidate has received contributions or made expenditures in excess of five hundred dollars (\$500).**

## **Quarterly Report:**

- Filed with the Secretary of State.
- For each quarter during a calendar year in which a candidate is not listed on any ballot for election, a quarterly report of all contributions received, with loans stated separately, and expenditures made during that quarter shall be filed.
- Due no later than fifteen (15) days after the end of each quarter.
- Considered timely filed if hand-delivered or mailed properly addressed, postage prepaid, and postmarked on or before the date that the report is due.

## **Monthly Report:**

- Filed with the Secretary of State.
- Beginning with the month of January in the calendar year in which a candidate may be listed on any ballot for election, a monthly report of all contributions received, with loans stated separately, and expenditures made from the first day through the last day of that month shall be filed.
- Due no later than fifteen (15) days after the end of each month.
- Considered timely filed if hand-delivered or mailed properly addressed, postage prepaid, and postmarked on or before the date that the report is due.

**NOTE:** No monthly report shall be due for any month in which certain days of that month are included in a preelection report or a final report. 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.

### **Preelection Report:**

- Filed with the Secretary of State.
- Before any primary, runoff, general, or special election in which the candidate's name appears on the ballot, a preelection report of all contributions received, with loans stated separately, and expenditures made between the period covered by the previous report and the period ten (10) days before the election shall be filed.
- In the case of a runoff election, covers the period beginning after the date of the election from which the runoff election arose and ending ten (10) days before the runoff election.
- Due no later than seven (7) days before each applicable election.
- Considered timely filed if received in the Secretary of State's office no later than seven (7) days before the election for which it is filed.

**NOTE:** Preelection reports are required only for candidates with opponents in those elections.

### **Final Report:**

- Filed with the Secretary of State.
- After the end of the month in which the candidate's name appeared on the ballot in any primary, runoff, or general election, a final report of all contributions received, with loans stated separately, and expenditures made that have not been disclosed on reports previously filed shall be filed.
- Due no later than thirty (30) days after the end of the month of each applicable election.
- Due no later than thirty (30) days after the end of the month in which the candidate has withdrawn. The candidate shall notify the Secretary of State in writing of the withdrawal.
- Closes out the handling of the financing for the particular election and any balance shall be brought forward to the first monthly report for the next election.
- Considered timely filed if hand-delivered or mailed properly addressed, postage prepaid, and postmarked on or before the date that the report is due.

**NOTE:** A final report is required regardless of whether a candidate has received contributions or made expenditures in excess of five hundred dollars (\$500).

### **Report Content:**

- Any personal loan made to a candidate by a financial institution and applied toward the candidate's campaign, with the name of the financial institution, the amount of the loan, and the name of the guarantor, if any.
- The total amount of contributions received, with loans stated separately, and the total amount of expenditures made during the filing periods, and the cumulative amount of those totals for the entire election cycle.

- The name and address of each person, including the candidate, who made a contribution or contributions which, in the aggregate, exceed fifty dollars (\$50).
- The contributor's principal place of business, employer, occupation, the amount contributed, the date the contribution was accepted by the candidate, and the aggregate contributed for each election.
- The name and address of each person, including the candidate, who contributed a nonmoney item, together with a description of the item, the date of receipt and the value, not including volunteer services by individuals. *For a more detailed discussion of in-kind contributions, see the Rules on Campaign Finance & Disclosure §§200(m), 205, and 206 in the back of the handbook.*
- An itemization of all single expenditures made that exceed one hundred dollars (\$100), including the amount of the expenditure, the name and address of any person, including the candidate, to whom the expenditure was made, and the date the expenditure was made.

**NOTE:** For the date of expenditures such as for utility and telephone bills, see the Rules on Campaign Finance & Disclosure §216.

- A list of all paid campaign workers and the amount the workers were paid.
- A list of all expenditures by category, including but not limited to television, radio, print and other advertising, direct mail, office supplies, rent, travel, expenses, entertainment, and telephone.
- The total amount of all nonitemized expenditures made during the filing period.
- The current balance of campaign funds.

**NOTE:** If a candidate keeps his or her campaign funds in interest-bearing accounts such as a bank checking account, a money market fund, or a certificate of deposit, the interest earned is not treated as a contribution for reporting purposes, but is considered in calculating the balance of campaign funds at the close of the reporting period and is disclosed in the summary information on the campaign contribution and expenditure reports.

**When the candidate's campaign has ended, the final report shall also include:**

- How surplus funds, if any, were disposed.
- The amount of surplus funds disposed of by the candidate.
- The amount of funds retained by the candidate as carryover funds.

**NOTE:** If the candidate's campaign has **not** ended, the candidate is not required to dispose of remaining campaign funds, but may carry them forward to the general primary, general, or general runoff election for that same office.

**Reports Received via Facsimile:**

- The Secretary of State shall accept faxed copies of any report if the notary seal is legible (i.e., either stamped or raised, and inked) and the original is received within ten (10) days of the date of transmission. Reports, in a readable electronic format acceptable to the Secretary of State and approved by the Arkansas Ethics Commission, may be received by the Secretary of State.

**For information on the periods covered by the reports and for deadlines for filing the reports, see the Reporting Calendar on pages 67 through 69.**

**For information on reporting on retirement of campaign debt, surplus campaign funds, and carryover funds, see pages 92 through 95.**

**All contribution and expenditure reports required to be filed shall be verified by affidavit of the candidate or a person acting in the candidate's behalf stating that to the best of the candidate's knowledge and belief, the information disclosed is a complete, true, and accurate financial statement of the candidate's campaign contributions and expenditures.**

## **County, Municipal, Township, and School Board Candidates**

*[ACA §§ 7-6-208, 7-6-209, 7-6-210, 7-6-213; Rules on Campaign Finance & Disclosure §§ 201, 234, 235, 239, 240, 241, 242, 243, 244, 246]*

**A candidate is not required to file a preelection report if he or she has not received contributions or made expenditures in excess of five hundred dollars (\$500). In calculating the amount of contributions received or expenditures made, the payment of the filing fee from the candidate's personal funds shall not be counted towards the five hundred dollar (\$500) reporting trigger. Once a report becomes due, however, the payment of the filing fee from the candidate's personal funds must be reported as either a loan or a contribution to the campaign and also as a campaign expenditure.**

**Final reports are required regardless of whether a candidate has received contributions or made expenditures in excess of five hundred dollars (\$500).**

### **Preelection Report:**

- Filed with the county clerk in the county where the election is held.
- Before any primary, runoff, general, school, or special election in which the candidate's name appears on the ballot, a preelection report of all contributions received, with loans stated separately, and expenditures made between the period covered by the previous report, if any, and the period ten (10) days before the election shall be filed.
- In case of a runoff election, covers the period beginning after the date of the election from which the runoff election arose and ending ten (10) days before the runoff election.
- Due no later than seven (7) days before each applicable election.
- Considered timely filed if received in the county clerk's office no later than the date the report is due.

**NOTE:** Preelection reports are required only for candidates with opponents in those elections.

### **Final Report:**

- Filed with the county clerk in the county in which the election is held.
- After any primary, runoff, general, school, or special election in which the candidate's name has appeared on the ballot, a final report of all contributions received, with loans stated separately, and expenditures made that have not been disclosed on reports previously required to be filed shall be filed.
- Due no later than thirty (30) days after the end of the month of each applicable election.
- Due no later than thirty (30) days after the end of the month in which the candidate has withdrawn. The candidate shall notify the county clerk in writing of the withdrawal.
- Closes out the handling of the financing for a particular election.
- Considered timely filed if received in the county clerk's office no later than the date the report is due.

**NOTE:** A final report is required regardless of whether a candidate has received contributions or made expenditures in excess of five hundred dollars (\$500).

### **Supplemental Report:**

- Filed with the county clerk in the county in which the election is held.
- After preparation of the final report, a supplemental report of all contributions received, with loans stated separately, and expenditures made since the final report shall be filed.
- Due within thirty (30) days after the receipt of a contribution or the making of an expenditure.
- Considered timely filed if received in the county clerk's office no later than the date the report is due.

### **Report Content:**

- Any personal loan made to a candidate by a financial institution and applied toward the candidate's campaign, with the name of the financial institution, the amount of the loan, and the name of the guarantor, if any.
- The total amount of contributions received, with loans stated separately, and the expenditures made during the filing periods, and the cumulative amount of these totals for the entire election cycle.
- The name and address of each person, including the candidate, who made a contribution or contributions, which in the aggregate exceed fifty dollars (\$50).
- The contributor's place of business, employer, occupation, the date the contribution was accepted by the candidate, the amount contributed, and the aggregate contributed for each election.
- The name and address of each person, including the candidate, who contributed a nonmoney item, together with a description of the item, the date of receipt, and the value, not including volunteer services by individuals. *For a more detailed discussion of in-kind contributions, see the Rules on Campaign Finance & Disclosure §§200(m), 205 and 206 in the back of the handbook.*

- An itemization of all single expenditures made that exceed one hundred dollars (\$100), including the amount of the expenditure, the name and address of any person, including the candidate, to whom the expenditure was made, and the date the expenditure was made.  
**NOTE:** For the date of expenditures such as for utility and telephone bills, see the Rules on Campaign Finance & Disclosure §216.
- A list of all paid campaign workers and the amount the workers were paid.
- A list of all expenditures by category, including, but not limited to television, radio, print and other advertising, direct mail, office supplies, rent, travel, expenses, entertainment, and telephone.
- The total amount of all nonitemized expenditures during the filing period.
- The current balance of campaign funds.

**NOTE:** If a candidate keeps his or her campaign funds in interest-bearing accounts such as a bank checking account, a money market fund, or a certificate of deposit, the interest earned is not treated as a contribution for reporting purposes, but is considered in calculating the balance of campaign funds at the close of the reporting period and is disclosed in the summary information on the campaign contribution and expenditure reports.

**When the candidate’s campaign has ended, the final report shall also include:**

- The option used to dispose of any surplus campaign funds.
- The amount of surplus funds disposed of by the candidate.
- The amount of funds retained by the candidate as carryover funds.

**NOTE:** If the candidate’s campaign has **not** ended, the candidate is not required to dispose of remaining campaign funds, but may carry them forward to the general primary, general, or general runoff election for that same office.

**For information on the periods covered by the reports and for deadlines for filing the reports, see the Reporting Calendar on pages 73 through 74.**

**For information on reporting on retirement of campaign debt, surplus campaign funds, and carryover funds, see pages 92 through 95.**

**All contribution and expenditure reports required to be filed shall be verified by affidavit of the candidate or a person acting in the candidate’s behalf stating that to the best of the candidate’s knowledge and belief, the information disclosed is a complete, true, and accurate financial statement of the candidate’s campaign contributions and expenditures.**

# CONTRIBUTIONS & EXPENDITURES

*[ACA §§7-6-201, 7-6-203, 7-6-204, 7-6-205, 7-6-206, 7-6-210; Rules on Campaign Finance & Disclosure §§200, 202, 203, 204, 205, 206, 207, 208, 209, 210, 214, 217, 225, 227, 232, 233, 234]*

“**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.

“**Contribution**” includes:

- The purchase of tickets for events such as dinners, luncheons, rallies, and similar fundraising events.
- The granting of discounts or rebates by television and radio stations and newspapers not extended on an equal basis to all candidates for the same office.
- 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.
- Any transfer of anything of value received by a committee from another committee.
- “In-kind contributions” of goods, services, or any other thing of value, or its use, other than money including an agreement made or other obligation incurred, whether legally enforceable or not, to make such a contribution in the future. “In-kind contribution” **shall not include** direct campaign contributions.

“**Contribution**” shall not include:

- Noncompensated, nonreimbursed, volunteer personal services or travel.

“**Expenditure**” means a purchase, payment, distribution, gift, loan, or advance of money or anything of value, and a contract, promise, or agreement to make an expenditure, made for the purpose of influencing the nomination or election of any candidate.

“**Contribution and expenditure**” shall not include:

- Activity sponsored and funded by a political party that meets the definition of a political party under §7-1-101 or a political party that meets the requirements of §7-7-205 to promote their candidates or nominees through events such as dinners, luncheons, rallies, or similar gatherings.
- Nonpartisan activity designed to encourage individuals to register to vote, or to vote.
- 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.

## **Loans, Allowable & Prohibited Uses of Campaign Funds & Other Facts**

- The transfer of a candidate's own personal funds to his or her own campaign shall be reported as either a loan from the candidate to his or her campaign or as a contribution from the candidate to his or her own campaign.
- If the transfer of a candidate's own personal funds to his or her campaign is reported as a loan from the candidate to his or her campaign, the campaign funds may be used to repay the candidate for the funds loaned by the candidate to his or her campaign.
- If the transfer of a candidate's own personal funds to his or her campaign is reported as a contribution from the candidate to his or her campaign, the campaign funds may not be used to repay the candidate for the funds contributed by the candidate to his or her campaign.
- Any personal loan made to a candidate by a financial institution that is applied toward a candidate's campaign shall be reported as a loan from the candidate to his or her campaign.
- A candidate, whether opposed or unopposed, may accept a campaign contribution or contributions up to two thousand dollars (\$2,000) from any prospective contributor for each election in which he or she is a candidate.

**NOTE:** The limitation shall not apply to loans made by a candidate from his or her own personal funds to the campaign, contributions made by a candidate from his or her personal funds to the campaign, or to personal loans made by financial institutions to the candidate that are applied to his or her campaign, or to independent expenditures, as defined in Ark. Code Ann. §7-6-201.

- An organized political party as defined in Ark. Code Ann. §7-1-101 may contribute up to two thousand five hundred dollars (\$2,500) to each of the party's candidates per election.
- It shall be unlawful for any candidate for any public office or for any person acting in the candidate's behalf to accept campaign contributions or cumulative contributions in excess of two thousand dollars (\$2,000) per person per election.
- It shall be unlawful for any candidate for any public office or any person acting in the candidate's behalf to accept any contribution from a prohibited political action committee for any election.
- It shall be unlawful for any candidate for public office, any person acting in the candidate's behalf, or any exploratory committee to solicit or accept campaign contributions more than two (2) years before an election at which the candidate seeks nomination or election.

**NOTE:** This shall not prohibit the solicitation or acceptance of a contribution for the sole purpose of raising funds to retire a previous campaign debt.

- No candidate, nor any person on behalf of a candidate, may accept contributions or funds after the candidate has withdrawn his or her nomination or after the candidate has been eliminated as a candidate.

**NOTE:** This shall not prohibit acceptance by a candidate for nomination or election of contributions after the date of the election for the sole purpose of raising funds to retire campaign debt.

- Payment of travel expenses associated with automobile usage during a campaign is allowable, but only in accordance with the Rules on Campaign Finance & Disclosure §211.
- A campaign or candidate may use campaign funds to lease an airplane for campaign purposes, but only in accordance with the Rules on Campaign Finance & Disclosure §212.

- A campaign or candidate may use campaign funds to pay fines associated with the campaign, but only in accordance with the Rules on Campaign Finance & Disclosure §213.
- A candidate may use campaign funds to reimburse himself or herself for attendance to in-state or out-of-state conferences or seminars on general political issues, but only in accordance with the Rules on Campaign Finance & Disclosure §215.
- A candidate may purchase advertisements in publications of charitable, civic, and educational organizations, but only in accordance with the Rules on Campaign Finance & Disclosure §220.
- A candidate may purchase tickets from charities, civic organizations and political parties for banquets or other similar special social events, but only in accordance with the Rules on Campaign Finance & Disclosure §221.
- A candidate may use campaign funds for lease, rental or use charges of any ordinary and necessary office equipment, but only in accordance with the Rules on Campaign Finance & Disclosure §222.
- A candidate may expend campaign funds on any purpose designed to further his or her campaign in accordance with the Rules on Campaign Finance & Disclosure §223, except for personal income or as otherwise prohibited by law.
- A candidate may use campaign funds to employ campaign workers, but shall not take any campaign funds as personal income or as income for his or her spouse or dependent children.

**NOTE:** A candidate may employ his or her spouse or dependent children as campaign workers. A candidate with an opponent who during the campaign and before the election takes a leave of absence without pay from his or her primary place of employment shall be authorized to take campaign funds during the campaign and before the election as personal income up to the amount of employment income lost as a result of such leave of absence. The candidate may elect to treat these leave of absence campaign funds as a loan from the campaign fund to the candidate to be paid back to the campaign fund by the candidate.

- A candidate who uses campaign funds to fulfill any commitment, obligation, or expense that would exist regardless of the candidate's campaign and an office holder who uses campaign funds retained as carryover funds to fulfill any commitment, obligation, or expense that would exist regardless of the duties and responsibilities of his or her office shall be deemed to have taken campaign funds as personal income.

**NOTE:** The use of campaign funds to purchase a cake or other perishable item of food at a fundraising event held by a volunteer agency, as defined in §16-6-103, or to purchase, prior to the filing deadline for the final report, advertising thanking voters for their support shall not be considered a taking of campaign funds as personal income.

- Campaign funds may not be used to pay personal expenses, including household food items for day-to-day consumption in the personal residence; supplies to maintain the personal residence; clothing for political or personal functions, except nominal value items such as T-shirts or caps with a campaign logo, slogan or candidate's name; mortgage, rent, and utility payments for the candidate's or his or her family's personal residence, except long distance telephone charges for campaign purposes originating from the candidate's residence; membership dues, fees or other gratuitous payment to nonpolitical organizations other than charities unless made in connection with a fundraising or political event held on the organization's premises; donations and contributions to churches unless a member or regular contributor prior to running for office; contributions to others' campaigns.

**NOTE:** Whether an expense or use of campaign funds is considered a “personal use” or “personal expense” and therefore prohibited by law is a factual determination to be made by the Arkansas Ethics Commission and an advisory opinion may be sought from the Commission.

- No campaign contribution exceeding one hundred dollars (\$100) shall be received in cash.
- No campaign expenditure exceeding fifty dollars (\$50) shall be made in cash.  
**NOTE:** Payment of filing fees may be in cash even though the amount exceeds fifty dollars (\$50). The candidate shall obtain a receipt for the payment and shall report it as either a loan or contribution to the campaign and also as a campaign expenditure.
- All contributions in excess of one hundred dollars (\$100) or expenditures in excess of fifty dollars (\$50) made in behalf of a campaign activity, other than in-kind contributions and expenditures and payment of filing fees, shall be made by a written instrument containing the name of the donor and the name of the payee, by credit card or debit card where the transaction results in a paper record signed by the cardholder, provided that the paper record contains a valid name, complete address, place of business, employer, and occupation for the cardholder at the time of making the contribution, or by transaction that results in an electronic record created or transmitted by the cardholder where a contribution or expenditure is made through the Internet, provided that the electronic record contains a valid name, complete address, place of business, employer and occupation for the cardholder at the time of making the contribution.
- Contributions to a candidate, an approved political action committee, a county political party committee, an independent expenditure committee, an exploratory committee, or a political party must be made directly to the intended recipient. Contributions to a candidate’s campaign committee instead of directly to the candidate are permissible.
- No contribution shall be made to or knowingly accepted by a candidate, a candidate’s campaign committee, an approved political action committee, a county political party committee, an independent expenditure committee, an exploratory committee, or a political party unless made in the name by which the contributor is identified for legal purposes.
- No person shall make an anonymous contribution in support of or opposition to a candidate or campaign committee totaling fifty dollars (\$50) or more in a calendar year.  
**NOTE:** Anonymous contributions of fifty dollars (\$50) or more shall be promptly turned over to the Secretary of State for deposit in the State Treasury as general revenues.
- No contribution shall be made by individuals who are not citizens of the United States of America or by any other entity which is not organized, existing or created under the laws of the United States or of any state or other place subject to the jurisdiction of the United States and which does not have its principal place of business in the United States.
- Records of all contributions and expenditures shall be kept by a candidate, a political party, or person acting in the candidate’s behalf in a manner sufficient to evidence compliance with campaign finance disclosure laws and maintained for a period of no less than four (4) years.

**The contribution limits herein are “per election,” not “per election cycle.” A candidate may receive a contribution up to the maximum amount from any prospective contributor for each preferential primary election, runoff election, special election or general election in which he or she is a candidate, whether opposed or unopposed. If a political party elects to use a caucus rather than a primary election to select its candidate, the caucus shall be treated as an election for campaign finance purposes and the maximum contribution limits shall be in effect.**

**For a more detailed discussion of allowable and prohibited uses of campaign funds, see the Rules on Campaign Finance & Disclosure in the back of the handbook.**

## RETIREMENT OF DEBT

[ACA §§7-6-203, 7-6-207, 7-6-219]

No later than thirty (30) days after the end of the month in which a candidate's name has appeared on the ballot in any primary election, runoff election, or general election, a candidate must file a Final Campaign Contribution and Expenditure Report disclosing the current status of the campaign account and declaring either a surplus or a debt.

Blank reporting forms for reporting debt retirement and carryover funds are available from the Secretary of State and sample forms can be found in the Forms section of this handbook.

**To determine whether there is a net debt outstanding from a particular election, the candidate must prove “net debts outstanding” as of the date of the election.**

**For assistance in determining legitimate campaign debts and in calculating the net debts outstanding, see the Rules on Campaign Finance & Disclosure §229 in the back of the handbook.**

### **Retiring Campaign Debt** [Rules on Campaign Finance & Disclosure §§229, 230]

- Any person who was a candidate and has campaign debt from an election that has ended may solicit funds and hold fund raisers to retire the campaign debt.
- The prohibition against a candidate soliciting or accepting campaign contributions more than two (2) years before an election at which the candidate seeks nomination or election does not apply to the solicitation or acceptance of a contribution for the sole purpose of raising funds to retire a previous campaign debt.

**NOTE:** A nonpartisan judicial candidate's committee is permitted to raise funds to retire debt no later than forty-five (45) days after the last contested election in which the candidate participates during the election year. [Cannon 4.4(B)(2) of the Code of Judicial Conduct]

- Contributions received for purposes of debt retirement shall be treated as campaign contributions to the candidate's previous election, and all campaign contribution limits shall continue to apply.
- Contributors shall be given notice that the campaign contributions are for the purpose of retiring a campaign debt.
- Any invitation to or notice of a fund raiser to retire a campaign debt of a previous campaign shall state that the funds will be used to retire a campaign debt.
- Campaign contribution and expenditure reports concerning campaign debt are filed on a quarterly basis and are due not later than fifteen (15) days after the end of the calendar quarter. A quarterly report is only due if a person who was a candidate has received cumulative contributions or made cumulative expenditures in excess of five hundred dollars (\$500) since the last report concerning the debt. No report is required for any calendar quarter in which the cumulative contribution or expenditure limit has not been exceeded since the person's last report.

## **Surplus Campaign Funds** [*Rules on Campaign Finance & Disclosure §§224, 226*]

“Surplus campaign funds” are any balance of campaign funds over expenses incurred as of the day of the election except for carryover funds and any funds required to repay loans made by the candidate from his or her personal funds to the campaign or to repay loans made by financial institutions to the candidate and applied to the campaign. *ACA §7-6-201*

**After a campaign has ended, the candidate is responsible for assigning a fair market value to all assets of the campaign, and the campaign assets must be disposed of by sale of property for money or by transfer of property in accordance with A.C.A. §7-6-203(h).**

**For assistance in determining the amount of surplus campaign funds, see the Rules on Campaign Finance & Disclosure §226 in the back of the handbook.**

Within thirty (30) days after the end of the month in which an election is held or a candidate has withdrawn, a candidate shall turn over surplus campaign funds to either:

- The Treasurer of State for the benefit of the General Revenue Fund Account of the State Apportionment Fund;
- A political party as defined in Ark. Code Ann. §7-1-101 or a political party caucus of the Arkansas General Assembly, the Senate, or the House of Representatives;
- A nonprofit organization that is exempt from taxation under Section 501(c)(3) of the Internal Revenue Code; cities of the first class, cities of the second class, or incorporated towns; or
- The contributors to the candidate’s campaign.

If the candidate’s campaign has not ended, disposal of surplus campaign funds shall not be required and the candidate may carry forward any remaining funds to the general primary election, general election, or general runoff election for that same office.

### **Nonpartisan Judicial Candidates** [*Canon 4.4(C) of Arkansas Code of Judicial Conduct*]:

- Nonpartisan judicial candidates must dispose of any surplus campaign funds by either returning them to contributors or turning them over to the Treasurer of State.

### **Unopposed and Defeated Candidates** [*Rules on Campaign Finance & Disclosure §§226, 238, 241, 244*]:

- An unopposed candidate who files an affidavit in the office to which the candidate files his or her campaign contribution and expenditure reports agreeing to not solicit further campaign contributions may dispose of any surplus campaign funds before a general election after the deadline to declare intent to be a write-in candidate has passed.
- For an unopposed candidate for nonpartisan office, the candidate may dispose of any surplus campaign funds before the nonpartisan general election by filing the affidavit after the deadline for filing an intent to be a write-in candidate.
- Unopposed and defeated candidates who file an affidavit containing all campaign activity not previously reported with a statement that his or her campaign fund has a zero (\$0.00) balance are exempt from further reporting requirements.

**Carryover Funds** [ACA §7-6-213; Rules on Campaign Finance & Disclosure §§207, 227, 228]

“Carryover funds” are the amount of campaign funds retained from the last election by the candidate for future use. Carryover funds may not exceed the annual salary, excluding expense allowances, set by Arkansas law for the office sought. ACA §7-6-201

**Carryover funds may be expended at any time for any purpose allowed by law and may be used as campaign funds for seeking any public office.**

**When carryover funds in excess of five hundred dollars (\$500) are expended, the expenditures must be reported on a Carryover Fund Reporting Form.**

**No report is required in any calendar quarter in which the cumulative expenditure limit is not exceeded since the last report.**

**Reporting:**

- A carryover fund reporting form must be filed no later than fifteen (15) days after a calendar quarter in which the report becomes required.
- Candidates for school district, township, municipal, or county office shall file with the county clerk of the county in which the election was held.
- Candidates for state or district office shall file with the Secretary of State.
- If no quarterly report has been filed within a calendar year, a person who retains carryover funds shall file an annual report by January 31 of each year outlining the status of the carryover fund account as of December 31.
- All or any portion of carryover funds may be disposed of in the same manner as for surplus campaign funds, except as personal income for the candidate or his or her spouse or dependent children.
- For all carryover funds related to elections after July 1, 1997, any person having carryover funds who later files as a candidate for public office must transfer his or her carryover funds into the person’s active campaign fund, and the funds will no longer be treated as carryover funds.
- The candidate must file an expenditure report for the calendar quarter in which he or she transfers the carryover funds to an active campaign.
- If carryover funds are retained, the candidate shall place them in one (1) or more campaign carryover accounts separate from any personal or business account.
- Any carryover funds transferred to this account shall be used only for legitimate expenses in connection with the candidate’s public office or in future campaigns by the candidate seeking a non-federal office.
- Carryover funds may be retained by a person for not more than ten (10) years after the last election in which he or she was a candidate, or, if applicable, not more than ten (10) years after the last day that the person held office.

**The carryover fund reporting form shall indicate the following information:**

- An itemization of all single expenditures made which exceed one hundred dollars (\$100), including the amount of the expenditure, the name and address of any person, including the candidate, to whom the expenditure was made, and the date the expenditure was made.
- The total amount of all nonitemized expenditures made during the filing period.
- The current balance of carryover funds.

**All reports shall be verified by affidavit by the candidate stating that he or she has examined the report, and that to the best of his or her knowledge and belief, the information disclosed is a complete, true, and accurate financial statement of the candidate's expenditures.**

**For a more detailed discussion of retirement of debt, surplus campaign funds, and carryover funds and reporting requirements, see the Rules on Campaign Finance & Disclosure §§204, 207, 208, 211, 215, 220, 221, 222, 224, 226, 227, 228, 229, 230, 238, 241, and 244 in the back of the handbook.**

# STATEMENT OF FINANCIAL INTEREST

*[ACA §§21-8-701, 21-8-702, 21-8-703; Rules on Campaign Finance & Disclosure §§248, 249]*

Candidates filing a Statement of Financial Interest are required to disclose personal income information about themselves and their spouses. A candidate must disclose employment and business interests, including investments, holdings, directorships, or offices held. The disclosure form also requires candidates to list their creditors, past due amounts which the candidate is legally obligated to pay to governmental bodies, guarantors or co-makers guaranteeing debt, gifts, teacher monetary awards, non-governmental sources of payment for travel expenses, and certain regulated business(es).

Creditors do not include financial institutions or persons who regularly lend money in the ordinary course of business or members of the candidate's family.

Forms can be found in the Forms section of this handbook.

## **Who Must File**

Any candidate for elective office, other than candidates for levee and drainage districts, must file a statement of financial interest, including candidates for:

- State offices
- District offices
- County offices
- Township offices
- Municipal offices
- School Board.

## **When to File**

Candidates for elective office are required to file a statement of financial interest for the previous calendar year on the first Monday following the close of the period to file as a candidate for the elective office unless already filed by January 31.

**Any incumbent officeholder who filed a statement of financial interest by January 31 of the year in which an election is held shall not be required to file an additional statement upon becoming a candidate for reelection or election to another office at any election held during the year.**

## **Where to File**

### **Statements of financial interest are filed as follows:**

- State and district candidates file with the Secretary of State.
- District (formerly municipal) judge, county, township, and school board candidates file with the county clerk.
- Municipal candidates file with the city clerk or recorder.
- City attorney candidates file with the city clerk of the municipality within which they serve.

## **How to File**

### **A statement of financial interest shall be considered timely filed if:**

- Hand-delivered to the appropriate public official on or before the date due;
- Mailed to the appropriate public official, postage prepaid, and postmarked on or before the due date;
- Received via facsimile by the appropriate public official on or before the due date, provided the original is received by the public official within ten (10) days of the transmission; or
- Received by the appropriate public official in a readable electronic format acceptable to the appropriate public official and approved by the Arkansas Ethics Commission.

## **What to File**

### **A statement of financial interest shall include the following information:**

- The name of the candidate and all names under which doing business.
- The name of the candidate's spouse and all names under which doing business.
- The reason(s) for filing the statement of financial interest.
- The name and address of each employer and of each other source of gross income exceeding one thousand dollars (\$1,000) annually received for the use or benefit of the candidate or his or her spouse with a brief description of the services for which compensated.

**NOTE:** This does not require the disclosure of individual items of income that constitute a portion of the gross income of the business or profession from which the candidate or his or her spouse derives income.

- Identification of each source of gross income as described above of more than twelve thousand five hundred dollars (\$12,500).

**NOTE:** This does not require the disclosure of individual items of income that constitute a portion of the gross income of the business or profession from which the candidate or his or her spouse derives income.

- The name and address of every business in which the candidate and his or her spouse, or any other person for the use or benefit of the candidate or his or her spouse, have an investment or holdings in excess of one thousand dollars (\$1,000) at fair market value as of the last day of the reporting period.
- Identification of each source described above with a fair market value in excess of twelve thousand five hundred dollars (\$12,500) as of the last day of the reporting period.

- Every office or directorship held by the candidate or his or her spouse in any business, corporation, firm, or enterprise subject to jurisdiction of a regulatory agency of this state, or of any of its political subdivisions.
- The name and address of each creditor to whom five thousand dollars (\$5,000) or more was personally owed or obligated by the candidate and still outstanding.  
**NOTE:** Loans made by either a financial institution or a person who regularly and customarily extends credit in the ordinary course of business and debts owed to members of the candidate's family are not required to be disclosed.
- The name and address of each governmental body to which the candidate is legally obligated to pay a past-due amount and a description of the nature and amount of the obligation.
- The name and address of each guarantor or co-maker who has guaranteed a debt of the candidate which is still outstanding.  
**NOTE:** This does not apply to a member of the candidate's family. This includes debt guarantors arising or extended and refinanced after January 1, 1989.
- The source, the date, a reasonable estimate of the fair market value, and a description of each gift exceeding one hundred dollars (\$100) received by the candidate or his or her spouse.
- The source, the date, a reasonable estimate of the fair market value, and description of each gift exceeding two hundred and fifty dollars (\$250) received by the candidate's dependent children.
- Each monetary or other award of more than one hundred dollars (\$100) received by the candidate in his or her capacity as an employee of a public school district, the Arkansas School for the Blind, the Arkansas School for the Deaf, the Arkansas School for Mathematics, Sciences, and the Arts, a university, college, technical college, technical institute, comprehensive life-long learning center, or community college in recognition of the candidate's contribution to education.
- Each nongovernmental source of payment exceeding one hundred fifty dollars (\$150) of the candidate's expenses for food, lodging, or travel that bears a relationship to the office when appearing in official capacity with the name and business address of the person or organization paying the expense, and the date, nature, and amount of the expenditure.
- Signature of the candidate, under penalty of false swearing, with respect to the truth and accuracy of the statements made on the form.

**Any public servant who is employed by any business that is under direct regulation or subject to direct control by the governmental body which he or she serves shall set out this employment and the fact that the business is regulated by or subject to control of the governmental body on the statement of financial interest.**

**If a public servant or any business in which he or she or his or her spouse is an officer, director, stockholder owning more than ten percent (10%) of the stock of the company, and the owner, trustee, or partner shall sell any goods or services having a total annual value in excess of one thousand dollars (\$1,000) to the governmental body in which the public servant serves or is employed, then the public servant shall set out in detail the goods or services sold, the governmental body to which they were sold, and the compensation paid for each category of goods or services sold.**

## PENALTIES

*[ACA §§7-6-202, 7-6-217, 7-6-218; Rules on Campaign Finance & Disclosure §§213, 247, 250]*

The Arkansas Ethics Commission has jurisdiction over Arkansas' campaign finance disclosure laws. If the Arkansas Ethics Commission finds a person in violation of any provision of these laws, the Commission may impose one or more of the following sanctions:

### **Late Filing and Failure to File**

#### **Preelection Contribution and Expenditure Reports:**

- Issue a public letter of caution, warning, or reprimand.
- Impose a fine of not less than fifty dollars (\$50) nor more than two thousand dollars (\$2,000) for the late filing of reports. Although fines are assessed on the facts of each case, the following schedule serves as a guideline in determining the amount of the fine:

Date Report Filed	First Time Delinquency	Repeated Delinquency by Same Candidate
1 to 3 days late	\$ 50.00 per report	\$100.00 per report
4 to 10 days late	\$100.00 per report	\$150.00 per report
11 to 30 days late	\$150.00 per report	\$250.00 per report

#### **All Other Contribution and Expenditure Reports:**

- Issue a public letter of caution, warning, or reprimand.
- Impose a fine of not less than fifty dollars (\$50) nor more than two thousand dollars (\$2,000) for the late filing of reports. Although fines are assessed on the facts of each case, the following schedule serves as a guideline in determining the amount of the fine:

Date Report Filed	First Time Delinquency	Repeated Delinquency by Same Candidate
1 to 10 days late	\$ 25.00 per report	\$ 50.00 per report
11 to 20 days late	\$ 50.00 per report	\$100.00 per report
21 to 30 days late	\$100.00 per report	\$200.00 per report

**“Repeated delinquency” refers to each different time during the entire election cycle that a candidate fails to file any contribution and expenditure report while running for office and until such time as the final report has been filed.**

**In addition to the fines and sanctions, a candidate who fails to file his or her contribution and expenditure reports will be ordered to file such reports within ten (10) days.**

### **Statement of Financial Interest:**

- Issue a public letter of caution, warning, or reprimand.
- Impose a fine of not less than fifty dollars (\$50) nor more than two thousand dollars (\$2,000) for the late filing of statements. Although fines are assessed on the facts of each case, the following schedule serves as a guideline in determining the amount of the fine:

<b>Date Statement Filed</b>	<b>Amount of Fine</b>
1 to 15 days late	\$ 50.00
16 to 30 days late	\$100.00

**In addition to the fines and sanctions, a candidate who fails to file his or her statement of financial interest will be ordered to file such reports within ten (10) days.**

### **False, Materially Misleading, or Incomplete Reporting**

#### **Contribution and Expenditure Reports:**

Any candidate who reports false or materially misleading information or omits information from a contribution and expenditure report may be assessed a fine of not less than fifty dollars (\$50) or more than two thousand dollars (\$2,000) for each violation and may be issued a public letter of caution, warning, or reprimand by the Arkansas Ethics Commission.

#### **Statement of Financial Interest:**

Any candidate who reports false or materially misleading information or omits information from a statement of financial interest may be assessed a fine of not less than fifty dollars (\$50) or more than two thousand dollars (\$2,000) for each violation and may be issued a public letter of caution, warning, or reprimand by the Arkansas Ethics Commission.

### **Payment of Fines**

A campaign or candidate may use campaign funds to pay fines associated with the campaign, such as fines issued by the Ethics Commission for the late filing of a report. The payment of a fine for violations relating to a candidate's campaign duties is considered a political expenditure connected with the campaign, not a personal expense.

Fines in excess of one hundred dollars (\$100) paid with campaign funds must be reported as an itemized campaign expenditure on the proper contribution and expenditure report.

**The Arkansas Ethics Commission may also refer to the proper law enforcement authorities for criminal prosecution any person who has knowingly failed to comply with any provision of Arkansas' campaign finance disclosure laws, and the offense shall be prosecuted as a Class A misdemeanor.**

## **EXPLORATORY COMMITTEES**

*[ACA §§7-6-201, 7-6-213, 7-6-216; Rules on Campaign Finance & Disclosure §§251, 252]*

An “exploratory committee” is a person that receives contributions which are held to be transferred later to the campaign of a single candidate in an election. An “exploratory committee” is one designated by a candidate to promote the candidate’s campaign and to serve as recipient of all contributions and distributor of all expenditures for a candidate before the candidate’s formal announcement of running for office. An “exploratory committee” **shall not include** a political party that meets the definition of a political party under §7-1-101, or a political party that meets the requirements of §7-7-205, or the candidate’s own campaign committee.

Blank registration and reporting forms are available from the Secretary of State and sample forms can be found in the Forms section of this handbook.

**For information on forming an exploratory committee, funds raised by an exploratory committee, maximum contribution limits applicable to an exploratory committee, expenditures from an exploratory committee, multiple simultaneous exploratory committees, and disposing of funds received by an exploratory committee, see the Rules on Campaign Finance & Disclosure §252 in the back of the handbook.**

### **Registration**

- Filed with the appropriate filing office.
- Filed within fifteen (15) days after receiving contributions during a calendar year which exceed, in the aggregate, five hundred dollars (\$500).
- Shall be verified by an affidavit of an officer of the committee.

The registration form of an exploratory committee shall disclose the following information:

- The name, address, and phone numbers of the committee and each of its officers.
- The name, address, and telephone number of the person who, upon becoming a candidate, is intended to receive the campaign contributions from the committee.

### **Contribution and Expenditure Report**

- Filed with the appropriate filing office.
- Filed beginning with the month in which the committee files its registration.
- Filed monthly within thirty (30) days of the end of each month.
- A final report shall be filed within thirty (30) days after the end of the month in which the committee either transfers the contributions received to a candidate’s campaign or no longer intends to accept contributions on behalf of the candidate.

**NOTE:** An exploratory committee shall not accept contributions after the filing of a final report.

**The contribution and expenditure report from an exploratory committee shall indicate the following information:**

- The total amount of contributions received during the filing period and/or the previous month.
- The names and addresses of each person contributing in excess of fifty dollars (\$50).
- Each contributor's principal place of business, employer, occupation, and the amount contributed.
- The total amount of expenditures made.
- An itemization for each single expenditure which exceeds one hundred dollars (\$100), including the amount of the expenditure, the name and address of the person to whom the expenditure was made, and the date the expenditure was made.

**All reports shall be verified by affidavit by a committee representative stating that to the best of the representative's knowledge and belief, the information disclosed is a complete, true, and accurate financial statement of the committee's contributions and expenditures.**

# POLITICAL COMMITTEES

## **County Political Party Committee** [ACA §§7-6-201, 7-6-203, 7-6-215, 7-6-226; Rules on Political Committees §§500, 502, 506, 507, 508, 509, 510, 511]

A “county political party committee” is a person that is organized at the county level for the purpose of supporting its affiliate party and making contributions; is recognized by an organized political party, as defined in Ark. Code Ann. §7-1-101, as being affiliated with that political party; receives contributions from one (1) or more persons in order to make contributions to candidates, campaign committees, ballot question committees, legislative question committees, political parties, political action committees, or other county political party committees; does not accept any contribution or cumulative contributions in excess of five thousand dollars (\$5,000) from any person in any calendar year; and registers pursuant to Ark. Code Ann. §7-6-226 before making contributions.

It shall be unlawful for any county political party committee to accept any contribution from a prohibited political action committee.

For purposes of making contributions to candidates, each county political party committee may contribute up to two thousand dollars (\$2,000) to a candidate’s campaign for each election, whether the candidate is opposed or unopposed. It is also permissible for a county political party committee to pay reasonable administrative expenses out of the contributions it has received.

Blank registration and reporting forms are available from the Secretary of State and sample forms can be found in the Forms section of this handbook.

**If the committee meets the five thousand dollar (\$5,000) threshold, a treasurer who is a qualified elector of the State of Arkansas must be appointed by the committee. No contribution may be accepted from a committee and no expenditure may be made by a committee that has met the registration threshold, but has not registered and appointed a treasurer.**

**The committee is also required to designate a financial institution within the State of Arkansas as its official depository for the purposes of depositing all money contributions that it receives in this state and making all expenditures in this state.**

**If a county political party committee does not meet the five thousand dollar (\$5,000) threshold, then no registration or reporting is required, and the treasurer and depository requirements are not applicable.**

### **Registration:**

- Filed with the Secretary of State.
- Filed within fifteen (15) days after accepting contributions during a calendar year which, in the aggregate, exceed five thousand dollars (\$5,000).
- Must be annually renewed by January 15, unless the committee has ceased to exist.
- Must be verified by an affidavit of an officer of the committee.

**The registration form of a county political party committee shall disclose the following information:**

- The name and any acronym, address, and phone number of the committee and the name, address, phone number, and place of employment of each of its officers.
- The political party with which the county political party committee is affiliated.
- The full name and full address of the financial institution in this state that the committee designates as its official depository for the purposes of depositing all money contributions that it receives in this state and making all expenditures in this state.
- A written acceptance of appointment by the treasurer.

**Quarterly Report:**

- Filed with the Secretary of State.
- Filed quarterly within fifteen (15) calendar days after the end of each calendar quarter.
- Must be verified by an affidavit of an officer of the committee stating that to the best of his or her knowledge and belief the information disclosed is a complete, true, and accurate financial statement of the committee's contributions received and made.
- Considered timely filed if hand delivered or mailed to the Secretary of State, properly addressed, postage prepaid, and postmarked on the date that the report is due.
- Records evidencing the name, address, and place of employment of each person that contributed to the committee are required to be maintained by the committee for a period of four (4) years.

**The quarterly report from a county political party committee shall indicate the following information:**

- The total amount of contributions received and the total amount of contributions made during the filing period and the cumulative amount of these totals.
- The current balance of committee funds.
- The name and address of each person that made a contribution or contributions to the committee that exceeded five hundred dollars (\$500) 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.
- The name and address of each candidate, campaign committee, ballot question committee, legislative question committee, political party, political action committee, independent expenditure committee, or other county political party committee, if any, to whom or which the committee made a contribution or contributions that exceeded fifty dollars (\$50) in the aggregate during the filing period, with the amount contributed and the election for which the contribution was made.
- The name and address of each candidate, campaign committee, ballot question committee, legislative question committee, political party, political action committee, independent expenditure committee, or other county political party committee, if any, to whom or which the committee contributed a nonmoney item, together with a description of the item, the date the item was contributed, and the value of the item.
- The total amount of expenditure made for administrative expenses and for each single expenditure that exceeds one hundred dollars (\$100), an itemization including the amount of the expenditure, the name and address of the person to which the expenditure was made, and the date the expenditure was made.
- Any change in information required to be disclosed on the registration form.

### **Reports Received via Facsimile:**

The Secretary of State shall accept faxed copies of any report if the original is received within ten (10) days of the date of transmission. Reports, in a readable electronic format acceptable to the Secretary of State and approved by the Arkansas Ethics Commission, may be received by the Secretary of State.

### **Penalties for Registration and Reporting Violations:**

If the Arkansas Ethics Commission finds that a person or a county political party committee has committed a violation of Ark. Code Ann. §7-6-226 concerning registration and reporting requirements, it may impose a fine of not less than fifty dollars (\$50) and not more than two thousand dollars (\$2,000) and/or issue a public letter of caution, warning, or reprimand.

### **Notice of Termination:**

- Filed with the Secretary of State.
- Must file a report of all previously unreported financial activity up to the date of termination.

**The notice of termination from a county political party committee shall indicate the following information:**

- The name and full address of the committee.
- The date the committee ceased to exist.
- An itemization of all previously unreported financial activity or an indication that all financial activity during the registration period has already been reported.

**All reports shall be verified by an affidavit of an officer of the committee stating that to the best of his or her knowledge and belief the information disclosed is a complete, true, and accurate financial statement of the committee's contributions received and made.**

### **Political Action Committee** [ACA §§7-6-201, 7-6-203, 7-6-215; Rules on Political Committees §§500, 501, 502, 503, 505, 507, 509, 510, 511]

An “approved political action committee” is any person that receives contributions from one (1) or more persons in order to make contributions to candidates, campaign committees, ballot question committees, legislative question committees, political parties, county political party committees, or other political action committees; does not accept any contribution or cumulative contributions in excess of five thousand dollars (\$5,000) from any person in any calendar year; and registers pursuant to Ark. Code Ann. §7-6-215 before making contributions.

An approved political action committee shall not include an organized political party as defined in Ark. Code Ann. §7-1-101, a county political party committee, the candidate's own campaign committee, an exploratory committee, or a ballot or legislative question committee.

It shall be unlawful for any approved political action committee to accept any contributions from a prohibited political action committee.

It shall be unlawful for a prohibited political action committee to make a contribution to a ballot question committee, legislative question committee, political party, political party committee, or an approved political action committee.

For purposes of making contributions to candidates, each political action committee may contribute up to two thousand dollars (\$2,000) to a candidate's campaign for each election, whether the candidate is opposed or unopposed. It is also permissible for a political action committee to pay reasonable administrative expenses out of the contributions it has received.

Blank registration and reporting forms are available from the Secretary of State and sample forms can be found in the Forms section of this handbook.

**If an out-of-state political action committee, including a federal committee, contributes more than five hundred dollar (\$500) in a calendar year to candidates, campaign committees, ballot question committees, legislative question committees, political parties, county political party committees, or other political action committees within this state, the out-of-state political action committee must designate a resident agent and comply with all registration and reporting requirements of subchapter 2 of chapter 6, Title 7 of the Arkansas Code and subject to the jurisdiction of the State of Arkansas for purposes of compliance.**

**No contribution may be accepted from a committee and no expenditure may be made by a committee that has met the registration threshold but has not registered and does not have a resident agent. For exceptions to these requirements, see the Rules on Political Committees §§501(a)(4)(B) and 505 in the back of the handbook.**

**If a political action committee, including any out-of-state political action committee, does not meet the five hundred dollar (\$500) contribution threshold, then no registration or reporting is required.**

### **Registration:**

- Filed with the Secretary of State.
- Filed within fifteen (15) days after accepting contributions during a calendar year that exceed five hundred dollars (\$500) in the aggregate.
- Must designate an individual who resides in this state to serve as a resident agent.
- Must be annually renewed by January 15, unless the committee has ceased to exist.

### **The registration form of a political action committee shall disclose the following information:**

- The name and any acronym, address, and phone number of the committee and the name, address, phone number, and place of employment of each of its officers.
- The professional, business, trade, labor, or other interests represented by the committee, including any individual business, organization, association, corporation, labor organization, or other group or firm whose interests will be represented by the committee.

- The full name and full address of each financial institution the committee uses to receive contributions or make expenditures within this state.
- A written acceptance of designation as a resident agent.
- A certification by an officer of the committee, under penalty of false swearing, that the information provided on the registration is true and correct.
- A clause submitting the committee to the jurisdiction of this state for all purposes related to provisions of subchapter 2 of chapter 6, Title 7 of the Arkansas Code.

### **Amended Registration:**

- Filed within ten (10) days of any change or subject to a late filing fee of ten dollars (\$10) for each day the change is not filed.

### **Quarterly Report:**

- Filed with the Secretary of State.
- Filed quarterly within fifteen (15) calendar days after the end of each calendar quarter.
- Must be verified by an affidavit of an officer of the committee stating that to the best of his or her knowledge and belief the information so disclosed is a complete, true, and accurate financial statement of the committee's contributions received and made.
- Considered timely filed if hand delivered or mailed to the Secretary of State, properly addressed, postage prepaid, and postmarked on the date that the report is due.
- Required to be maintained by the committee for a period of four (4) years.

### **The quarterly report from a political action committee shall indicate the following information:**

- The total amount of contributions received and the total amount of contributions made during the filing period and the cumulative amount of those totals.
- The current balance of committee funds.
- The name and address of each person that made a contribution or contributions to the committee that exceeded five hundred dollars (\$500) in the aggregate during the calendar year, the contributor's place of business, employer, occupation, the date of the contribution, the amount of the contribution, and the total contributed for the year.
- The name and address of each candidate, campaign committee, ballot question committee, legislative question committee, political party, county political party committee, or other political action committee, if any, to whom or which the committee made a contribution or contributions that exceeded fifty dollars (\$50) in the aggregate during the filing period, with the amount contributed and the election for which the contribution was made.
- The name and address of each candidate, campaign committee, ballot question committee, legislative question committee, political party, county political party committee, or other political action committee, if any, to whom or which the committee contributed a nonmoney item, together with a description of the item, the date the item was contributed, and the value of the item.
- The total amount of expenditures made for administrative expenses and for each single expenditure that exceeds one hundred dollars (\$100), an itemization of the amount of the expenditure, the name and address of the person to which the expenditure was made, and the date the expenditure was made.

### **Reports Received via Facsimile:**

The Secretary of State shall accept faxed copies of any report if the original is received within ten (10) days of the date of transmission. Reports, in a readable electronic format acceptable to the Secretary of State and approved by the Arkansas Ethics Commission, may be received by the Secretary of State.

### **Penalties for Registration and Reporting Violations:**

If the Arkansas Ethics Commission finds that a person or a political action committee has committed a violation of Ark. Code Ann. §7-6-215 concerning registration and reporting requirements, it may impose a fine of not less than fifty dollars (\$50) and not more than two thousand dollars (\$2,000) and/or issue a public letter of caution, warning, or reprimand.

### **Notice of Termination:**

- Filed with the Secretary of State.
- Must file a report of all previously unreported financial activity up to the date of termination.

**The notice of termination from a political action committee shall indicate the following information:**

- The name and full address of the committee.
- The date the committee ceased to exist.
- An itemization of all previously unreported financial activity or an indication that all financial activity during the registration period has already been reported.

**All reports shall be verified by an affidavit of an officer of the committee stating that to the best of his or her knowledge and belief the information so disclosed is a complete, true, and accurate financial statement of the political action committee's contributions received and made.**

### **Legislative Caucus Committee** [ACA §§7-6-201, 7-6-215; Rules on Political Committees §§500, 501, 502, 503, 504, 507, 509]

A “legislative caucus committee” is a person that is composed exclusively of members of the General Assembly, that elects or appoints officers and recognizes identified legislators as members of the organization, and that exists for research and other support of policy development and interest that the membership hold in common. A legislative caucus committee includes, but is not limited to, a political party caucus of the General Assembly, the Senate, or the House of Representatives.

Blank registration and reporting forms are available from the Secretary of State and sample political action committee forms can be found in the Forms section of this handbook.

**If a legislative caucus committee contributes more than five hundred dollars (\$500) in a calendar year to candidates, campaign committees, ballot question committees, legislative question committees, political parties, county political party committees, or political action committees, the legislative caucus committee is required to comply with the same registration and reporting provisions required of political action committees, including the designation of a resident agent who is an individual who resides in this state and the establishment of an account in a financial institution.**

**If a legislative caucus committee does not meet the five hundred dollar (\$500) contribution threshold, then no registration or reporting is required.**

### **Registration:**

- Filed with the Secretary of State.
- Filed within fifteen (15) days after accepting contributions during a calendar year that exceed five hundred dollars (\$500) in the aggregate.
- Must designate an individual who resides in this state to serve as a resident agent.
- Must be annually renewed by January 15, unless the committee has ceased to exist.

### **Amended Registration:**

- Filed within ten (10) days of any change or subject to a late filing fee of ten dollars (\$10) for each day the change is not filed.

**Legislative caucus committees use political action committee forms. For details on the information required to be disclosed on the registration form of a legislative caucus committee, see pages 106 through 107.**

### **Quarterly Report:**

- Filed with the Secretary of State.
- Filed quarterly within fifteen (15) calendar days after the end of each calendar quarter.
- Must be verified by an affidavit of an officer of the committee stating that to the best of his or her knowledge and belief the information so disclosed is a complete, true, and accurate financial statement of the committee's contributions received and made.
- Considered timely filed if hand delivered or mailed to the Secretary of State, properly addressed, postage prepaid, and postmarked on the date that the report is due.
- Required to be maintained by the committee for a period of four (4) years.

### **Reports Received via Facsimile:**

The Secretary of State shall accept faxed copies of any report if the original is received within ten (10) days of the date of transmission. Reports, in a readable electronic format acceptable to the Secretary of State and approved by the Arkansas Ethics Commission, may be received by the Secretary of State.

**Penalties for Registration and Reporting Violations:**

If the Arkansas Ethics Commission finds that a person or a political action committee has committed a violation of Ark. Code Ann. §7-6-215 concerning registration and reporting requirements, it may impose a fine of not less than fifty dollars (\$50) and not more than two thousand dollars (\$2,000) and/or issue a public letter of caution, warning, or reprimand.

**Legislative caucus committees use political action committee forms. For details on the information required to be disclosed on a quarterly report from a legislative caucus committee, see page 107.**

# INDEPENDENT EXPENDITURE COMMITTEES

[ACA §§7-6-201, 7-6-207, 7-6-213, 7-6-220, 7-6-227;  
*Rules on Independent Expenditures §§700, 701, 702, 703, 704, 705, 706*]

An “independent expenditure committee” is any person that receives contributions from one (1) or more persons in order to make an independent expenditure and is registered pursuant to Ark. Code Ann. §7-6-227 before making expenditures.

An “independent expenditure” is any expenditure which is not a contribution and expressly advocates the election or defeat of a clearly identified candidate for office; is made without arrangement, cooperation, or consultation between any candidate or any authorized committee or agent of the candidate and the person making the expenditure or any authorized agent of that person; and is not made in concert with or at the request or suggestion of any candidate or any authorized committee or agent of the candidate.

Blank registration and reporting forms are available from the Secretary of State and sample forms can be found in the Forms section of this handbook.

**If an out-of state independent expenditure committee makes an independent expenditure or expenditures within the state that in the aggregate exceed five hundred dollars (\$500) during a calendar year, the committee must comply with all registration and reporting requirements under Arkansas law and is subject to the jurisdiction of the State of Arkansas for all purposes of compliance with the provisions of subchapter 2 of chapter 6, Title 7 of the Arkansas Code.**

**It is permissible for an independent expenditure committee to pay reasonable administrative expenses out of the contributions it has received.**

**While it is permissible for an organized political party to make a contribution to an independent expenditure committee, an organized political party is NOT able to make an independent expenditure due to the inherently close relationship between the party and its nominees. *AEC Advisory Opinion No. 2005-EC-006***

**A contribution shall not be accepted from an independent expenditure committee nor can an expenditure be made by an independent expenditure committee that has not registered and does not have a resident agent.**

**If a person or an independent expenditure committee does not make independent expenditures that in the aggregate exceed five hundred dollars (\$500) in a calendar year, then no registration or reporting is required.**

## **Registration**

- Filed with the Secretary of State.
- Filed within fifteen (15) days after accepting contributions during a calendar year that exceed five hundred dollars (\$500) in the aggregate.
- Must be annually renewed by January 15 unless the committee has ceased to exist.
- Shall be verified by an affidavit of an officer of the committee.
- Shall designate a resident agent who shall be an individual who resides in the State of Arkansas.
- Each committee is required to maintain contribution and expenditure reports for a period of four (4) years.

### **The registration form of an independent expenditure committee shall disclose the following information:**

- The name and acronym, if applicable, address and phone number of the committee.
- The name, address, phone number, and place of employment of each officer.
- The full name and full address of each financial institution the committee uses for purposes of receiving contributions or making expenditures within the state.
- A written acceptance of designation as a resident agent.
- A certification by a committee officer, under penalty of false swearing, that the information provided on the registration is true and correct.
- A clause submitting the committee to the jurisdiction of the State of Arkansas for all purposes of compliance with the provisions of subchapter 2 of chapter 6, Title 7 of the Arkansas Code.

## **Amended Registration**

- Filed within ten (10) days of any change or subject to a late filing fee of ten dollars (\$10) for each day the change is not filed.

## **Report for Committees, Individuals, and Other Entities**

- Filed with the Secretary of State.
- Filed no later than thirty (30) days before preferential primary elections, general elections, and special elections covering the period ending thirty-five (35) days before the elections.
- Filed no later than seven (7) days before preferential primary elections, runoff elections, general elections, and special elections covering the period ending ten (10) days before the elections.
- Final reports filed 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.
- Considered timely filed if hand-delivered or mailed properly addressed, postage prepaid, and postmarked on or before the date that the report is due.
- Reports to be maintained by the committee for a period of four (4) years.

### **The independent expenditure report from a committee, individual, and any other entity required to file shall indicate the following information:**

- In the case of an individual making an expenditure, the name, address, phone number, principal place of business, employer, and occupation of the individual.

- In the case of a person who is not an individual, the principal name of the entity, the address, and the name, address, employer, and occupation of its officers.
- The total amount of contributions received, with loans stated separately, and the total amount of expenditures made during the filing periods, and the cumulative amount of those totals.
- The name and address of each person who made a contribution or contributions that in the aggregate exceeded fifty dollars (\$50), the contributor's place of business, employer, occupation, and the date of the contribution, and the amount contributed.
- The contributor's principal place of business, employer, occupation, the amount contributed, the date the contribution was accepted by the committee, and the aggregate contributed for each election.
- 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.
- An itemization of all single expenditures made that exceed one hundred dollars (\$100), including the amount of the expenditure, the name and address of any person to whom the expenditure was made, and the date the expenditure was made.
- A list of all paid workers and the amount the workers were paid.
- A list of all expenditures by category, including, but not limited to, television, radio, print and other advertising, direct mail, office supplies, rent, travel, expenses, entertainment, and telephone.
- The total amount of all nonitemized expenditures made during the filing period.
- The current balance of committee funds.

The information required by bullets four through twelve may be provided in the form of a schedule or schedules attached to the report.

### **Reports Received via Facsimile**

The Secretary of State shall accept faxed copies of any report if the notary seal is legible (i.e., either stamped or raised, and inked) and the original is received within ten (10) days of the date of transmission. Reports, in a readable electronic format are acceptable to the Secretary of State and approved by the Arkansas Ethics Commission, may be received by the Secretary of State.

### **Penalties for Registration and Reporting Violations**

If the Arkansas Ethics Commission finds that a person or an independent expenditure committee has committed a violation of Ark. Code Ann. §7-6-220 and/or Ark. Code Ann. §7-6-227 concerning registration and reporting requirements, it may impose a fine of not less than fifty dollars (\$50) and not more than two thousand dollars (\$2,000) and/or issue a public letter of caution, warning, or reprimand.

**All reports shall be verified by an affidavit of an officer of the committee or entity stating that he or she has examined the report, and that to the best of his or her knowledge and belief, the information disclosed is a complete, true, and accurate financial statement of the committee's contributions received and expenditures made.**

## **ETHICS FORMS & INSTRUCTIONS**

### **Campaign Contribution and Expenditure Report**

- **State and District Candidates**
  - Monthly, Preelection, Quarterly
  - Final
- **County, Municipal, and School Board Candidates**
- **Debt Retirement**

### **Carryover Fund Report**

### **Statement of Financial Interest - Information on obtaining the revised SFI**

### **Exploratory Committee**

- Registration Form
- Contribution and Expenditure Report

### **County Political Party Committee**

- Registration Form
- Quarterly Reporting Form
- Notice of Termination

### **Political Action Committee (PAC)**

- Registration Form
- Quarterly Reporting Form
- Notice of Termination

### **Independent Expenditure Committee Registration Form**

### **Independent Expenditure Report for Committees, Individuals, and Other Entities**

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**INSTRUCTIONS FOR COMPLETING THE  
CAMPAIGN CONTRIBUTION AND EXPENDITURE REPORT**

**STATE AND DISTRICT CANDIDATES**

**SECTION 1** - Indicate general candidate information and title of office sought. Include, if applicable, information concerning the candidate's campaign committee. Also, if you are amending a report, the appropriate box at the top of the page should be checked. The law requires that the report be signed under penalty of perjury. The place for the notarized signature is at the bottom of the front page of the report.

<p><b>NOTE:</b> State and District candidates are required to file this report with the Secretary of State.</p>
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**SECTION 2** - Check the box for the type of election and write in the year in which the election will be held.

**SECTION 3** - Check the appropriate box to indicate which report you are completing and fill in the dates covered by the report. Please note the various types of reports included. If you are completing a quarterly report, you should check the appropriate box in the first column. If it is a monthly report, columns 2-4 list each month. In addition, there is a box for the Preelection report. Check this box if it is appropriate.

**LINE 4** - This line, along with lines 5-10, contains SUMMARY information regarding campaign finance activity during the reporting period and cumulatively for the election. Line 4 reflects the balance of campaign funds as of the beginning of the reporting period which should be the same as the ending balance on your last report (found on line 9 of your last report). Your report will normally reflect a positive balance indicating the amount of funds on hand. However, a report may reflect a debt if the prior expenditures have exceeded the amount of contributions received.

**LINE 5** - This line reflects the amount of interest earned by your campaign account. Interest earned is not treated as a contribution for reporting purposes, but is considered in calculating the balance of campaign funds at the close of the reporting period. In the first column ("For Reporting Period") you list the amount of interest earned since the last reporting period. In the second column ("Cumulative Total"), you list the cumulative total of all interest earned by your campaign account for the election thus far.

**LINE 6** - This line reflects the amount of loans made by you from your own personal funds to your campaign, or personal loans made by financial institutions to you and applied to your campaign. In the first column ("For Reporting Period") you list the amount of loans which you received during the reporting period. This figure can be found on line 12 and should be entered on line 6. In the second column ("Cumulative Total") you should enter the total amount of all loans to your campaign to date, which should be calculated by adding the figure reported in the first column of this report to the figure reported in the second column of the last report.

**LINE 7** - This line reflects the total amount of monetary contributions to your campaign. In the first column ("For Reporting Period") you list the amount of contributions, itemized and nonitemized, which you received during this reporting period. This figure can be found on line 18 and should be entered on line 7.<sup>1</sup> In the second column ("Cumulative Total") you should enter the total amount of all contributions to your campaign to date, which should be calculated by adding the figure reported in the first column of this report to the figure reported in the second column of the last report. Non-money or "in-kind" contributions, as reflected on line 14, are not included in the figure for line 7.

**LINE 8** - This line reflects the total amount of expenditures made by your campaign. In the first column ("For Reporting Period") you list the amount of expenditures, itemized and nonitemized, you made during this reporting period. This figure can be found on line 27 and should be entered on line 8. In the second column ("Cumulative Total") you should list the total amount of all expenditures made by your campaign to date, which should be calculated by adding the figure reported in the first column of this report to the figure reported in the second column in the last report.

**LINE 9** - This line should reflect the balance of your campaign funds or "cash on hand" at the close of the reporting period. This figure is calculated by adding the amounts on lines 4, 5, 6, and 7 and subtracting from that total the figure entered on line 8.

**LINE 10** - This line should be checked only if you have not received any contributions or loans, made any expenditures, or otherwise had any campaign financial activity during this particular reporting period. If this is true, you should check this box, and complete only the items on page 1 of the Contribution and Expenditure Report. When filing a "no activity" report, the candidate should only sign and file the front page of the report.

**SECTION 11** - The limits on campaign contributions do not apply to loans or contributions made by a candidate from his or her own personal funds to the campaign or to personal loans made by financial institutions to the candidate and applied to his or her campaign. Any personal loan made by a financial institution to a candidate and applied to his or her campaign shall be reported in Section 11 and reported on line 6.

If a candidate desires to use or raise campaign funds to repay himself for personal funds which he contributed to the campaign, then he would need to report those personal funds as a loan in this section (Section 11).

If a candidate does not desire to use or raise campaign funds to repay himself for personal funds which he contributed to the campaign, then those personal funds would not be reported in Section 11. Instead, they would be reported as a campaign contribution either in Section 15 or on line 17, depending upon the amount.

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<sup>1</sup> If contributions for a general election are received during the reporting period for the primary election, those contributions should be reported in a separate but concurrent report designated for the general election. For more information on this subject, please see Ethics Commission Advisory Opinion No. 97-EC-015.

**LINE 12** - This line reflects the total amount of loans you received during this reporting period.

**SECTION 13** - This section is for itemization of non-money or "in-kind" contributions. Contributions to candidates may not exceed \$2,000 per election from any person and \$2,500 per election from any political party. Campaign contribution limits apply to "in-kind" contributions as well. Examples of non-money or "in-kind" contributions are donations of equipment, furniture, office space, advertising or some other item of value. The fair market value should be listed. Noncompensated, nonreimbursed, volunteer personal services or travel are **not** considered "in-kind" contributions.

**LINE 14** - This line reflects the total amount of non-money or "in-kind" contributions listed in Section 13.

**SECTION 15** - This section is for itemization of money or cash contributions over \$50. Contributions to candidates for state or district office may not exceed \$2,000 per election from any person and \$2,500 per election from any political party. These limits apply to all contributions. The law requires the candidate to list each **contributor, his or her address, place of business, employer, occupation** and the **date** and **amount** of each contribution during this reporting period. The candidate must also designate for **which election** the contribution was received by checking the applicable box in column 4. If additional pages are necessary to report all of the contributions received, this page of the Contribution and Expenditure Report may be photocopied and attached to the report when the report is filed. (NOTE: When a person having carryover funds from a prior campaign files as a candidate for public office, such carryover funds must be transferred to the person's active campaign fund. Although technically not a contribution, the transfer of such funds should be reported in this section.)

**LINE 16** - This line should reflect the total of the itemized contributions listed in Section 15.

**LINE 17** - Disclose the total amount of monetary contributions of \$50 or less received during this reporting period. A monetary contribution of \$50 or less from any person need not be itemized, but is considered a contribution for the particular individual and is credited against the maximum amount the person may contribute to the campaign. Once a contributor exceeds the \$50 threshold, for a particular election, all subsequent contributions must be itemized.

**LINE 18** - This line represents the totals from lines 16 (itemized monetary contributions) and 17 (nonitemized monetary contributions). While a non-money contribution is considered as a contribution from the contributor and applies toward that person's maximum limit, non-money contributions need not be included in this line. Line 18 reflects the total amount of monetary contributions and is used in computing the balance of campaign funds at the close of the reporting period. This figure should also be entered on line 7 on the front page of the report.

**SECTION 19** - This section requires disclosure by category of all expenditures made during the reporting period. The expenditures disclosed here include both the itemized expenditures totaled on line 24 and the non-itemized expenditures totaled on line 25. The total amount for each

category should be included. If an expenditure is made which does not fall within one of the listed categories, the candidate should include and list the expenditure as "Other" and provide a description in the appropriate space. Expenditures for salaries and wages of campaign workers should be totaled and listed in the applicable category here. Additionally, expenditures for any paid campaign workers must be itemized in Section 21.

**LINE 20** - This line should reflect the total of the expenditures categorized in Section 19. The total should reflect the sum of the amounts entered on lines 24, 25 and 26 and should be the same as the amount entered on line 27.

**SECTION 21** - The law also requires each candidate to list **any person paid to work on a candidate's campaign**. This is true whether the person is a full-time employee or a part-time employee and whether the amount paid exceeds \$100 or not. The candidate should list the name of each person paid to work on the campaign during the reporting period along with the amount paid. Payments to campaign workers reported in this section should not be repeated in Section 23 or on line 25.

**LINE 22** - This line should reflect the total amount paid during the reporting period for all campaign workers. This figure should also be entered on line 26.

**SECTION 23** - This section is for itemization of expenditures over \$100 made during the reporting period. For each expenditure over \$100, the candidate must disclose the **date**, the **amount** and a **description** of the expenditure made during this reporting period and the name and address of any person, including the candidate, to whom the expenditure was made. If additional pages are necessary to report all of the expenditures made, this page of the Contribution and Expenditure Report may be photocopied and attached to the report when the report is filed.

**LINE 24** - This line should reflect the total of the itemized expenditures listed in Section 23.

**LINE 25** - Disclose the total amount of expenditures of \$100 or less made during this reporting period. An expenditure of \$100 or less need not be itemized, but must be included in the total amount of expenditures made during the reporting period.

**LINE 26** - This line reflects the total amount paid during the reporting period for all campaign workers. This figure should be the same as the one entered on line 22.

**LINE 27** - This line reflects the sum of the amounts entered on lines 24 (itemized expenditures), 25 (nonitemized expenditures) and 26 (paid campaign workers). This figure should be the same as the one entered on line 8 on the front page of the report and on line 20.

# CAMPAIGN CONTRIBUTION AND EXPENDITURE REPORT

State and District Candidates Only

**To be filed with:**  
**Mark Martin, Secretary of State**  
**State Capitol, Room 026**  
**Little Rock, AR 72201**  
**Phone (501) 682-5070**  
**Fax (501) 682-3408**

Check if this report is an amendment

For assistance in completing  
 this form contact:  
 Arkansas Ethics Commission  
 Post Office Box 1917  
 Little Rock, AR 72203-1917  
 Phone (501) 324-9600  
 Toll Free (800) 422-7773

**THIS FORM CANNOT BE USED FOR THE FINAL REPORT - ALL INFORMATION MUST BE COMPLETE  
 THIS REPORT MUST BE FILED WITH THE SECRETARY OF STATE**

**1. Name of Candidate**

Address

City, State and Zip

Phone Number:

Office Sought

District Number:

Does the candidate have a campaign committee? ( ) Yes ( ) No

*(Secretary of State File Stamp)*

If yes, complete the following:

Name of Chairperson/Treasurer:

Mailing Address:

Phone Number:

**2. Type of Election:** (check one only) Year of Election: \_\_\_\_\_

Primary  Primary Runoff  General  General Runoff  Special

**3. Type of Report:** (check one only) This report covers what period? ( / / ) through ( / / )

- |  |   |  |   |
|--|---|--|---|
| <input type="checkbox"/> 10 Day Preelection              | <input type="checkbox"/> January Monthly  | <input type="checkbox"/> June Monthly      | <u><i>Special Elections Only:</i></u><br><input type="checkbox"/> May Monthly<br><input type="checkbox"/> November Monthly<br><input type="checkbox"/> December Monthly |
| <input type="checkbox"/> First Quarter (due April 15)    | <input type="checkbox"/> February Monthly | <input type="checkbox"/> July Monthly      |   |
| <input type="checkbox"/> Second Quarter (due July 15)    | <input type="checkbox"/> March Monthly    | <input type="checkbox"/> August Monthly    |   |
| <input type="checkbox"/> Third Quarter (due October 15)  | <input type="checkbox"/> April Monthly    | <input type="checkbox"/> September Monthly |   |
| <input type="checkbox"/> Fourth Quarter (due January 15) |   | <input type="checkbox"/> October Monthly   |   |

**SUMMARY**

**FOR REPORTING PERIOD**

**CUMULATIVE TOTAL**

**4. Balance of campaign funds at beginning of reporting period**

**5. Interest (if any) earned on campaign account**

**6. Total Loans (enter total from line 12)**

**7. Total Monetary Contributions (enter total from line 18)**

**8. Total Expenditures (enter total from line 27)**

**9. Balance of campaign funds at close of reporting period**

**10. ( ) NO ACTIVITY** (check if you have not received contributions, loans, or made expenditures during this reporting period)

I certify to the best of my knowledge and belief that the information disclosed in this report is a complete, true, and accurate financial statement of my (the candidate's) campaign contributions and expenditures.

\_\_\_\_\_  
 Signature of Candidate or Candidate's Representative

Sworn to and subscribed before me, a Notary Public, in and for \_\_\_\_\_, County, Arkansas, on this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.  
 (Legible Notary Seal) Notary Signature \_\_\_\_\_

My Commission Expires: \_\_\_\_\_

**Note: If faxed, notary seal must be legible (i.e., either stamped or raised and inked) and the original must follow within ten (10) days.**

The law provides for a maximum penalty of \$2,000 per violation and/or imprisonment for not more than one year for any person who knowingly or willfully fails to comply with the provisions of A.C.A. § 7-6-201 through § 7-6-227. This report constitutes a public record. This form has been approved by the Arkansas Ethics Commission.

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## 11. LOAN INFORMATION

Please Type or Print  
Do not list loans previously reported

DATE	NAME AND ADDRESS OF LENDING INSTITUTION	GUARANTOR(S) IF ANY	AMOUNT
<b>12. TOTAL LOANS DURING REPORTING PERIOD</b>			\$

### IMPORTANT

The limits on campaign contributions do not apply to loans or contributions made by a candidate from his or her own personal funds to the campaign, or to personal loans made by financial institutions to the candidate and applied to his or her campaign. Any loans made by a candidate to his or her campaign and any loans made by a financial institution to a candidate and applied to his or her campaign shall be reported in Section 11.

If a candidate desires to use or raise campaign funds to repay himself or herself for personal funds that he or she contributed to the campaign, then he or she would need to report those personal funds as a loan in Section 11.

If a candidate does not desire to use or raise campaign funds to repay himself or herself for personal funds that he or she contributed to the campaign, then those personal funds would not be reported in Section 11. Instead, they would be reported as a campaign contribution either in Section 15 or on line 17, depending upon the amount.

The law provides for a maximum penalty of \$2,000 per violation and/or imprisonment for not more than one year for any person who knowingly or willfully fails to comply with the provisions of A.C.A. § 7-6-201 through § 7-6-227. This report constitutes a public record. This form has been approved by the Arkansas Ethics Commission.

### 13. NONMONEY CONTRIBUTIONS

(Does not include volunteer services by individuals)

Date of receipt	Full Name and Address of Contributor	Description of nonmoney item	Value of nonmoney item	Cumulative Total From This Contributor
<b>14. TOTAL NONMONEY CONTRIBUTIONS</b>				

### IMPORTANT

In addition to monetary contributions, candidates are required to report the receipt of any nonmonetary (“in-kind”) contributions. A candidate receives an in-kind contribution whenever a person provides him with an item or service without charge or for a charge which is less than the fair market value of the item or service in question.

The value of an in-kind contribution is the difference between the fair market value and the amount charged. In-kind contributions are addressed in greater detail in Sections 205 and 206 of the Commission’s Rules on Campaign Finance & Disclosure.

The law provides for a maximum penalty of \$2,000 per violation and/or imprisonment for not more than one year for any person who knowingly or willfully fails to comply with the provisions of A.C.A. § 7-6-201 through § 7-6-227. This report constitutes a public record. This form has been approved by the Arkansas Ethics Commission.

## 15. ITEMIZED MONETARY CONTRIBUTIONS OVER \$50

Please Type or Print  
(Use Additional Copies Of This Page If Necessary)

Date	Full Name And Mailing Address Of Contributor	Place Of Business/ Employer/Occupation	Amount Of Contribution	Cumulative Total From This Contributor
			<input type="checkbox"/> Primary <input type="checkbox"/> Run-Off <input type="checkbox"/> General <input type="checkbox"/> Debt	
			<input type="checkbox"/> Primary <input type="checkbox"/> Run-Off <input type="checkbox"/> General <input type="checkbox"/> Debt	
			<input type="checkbox"/> Primary <input type="checkbox"/> Run-Off <input type="checkbox"/> General <input type="checkbox"/> Debt	
			<input type="checkbox"/> Primary <input type="checkbox"/> Run-Off <input type="checkbox"/> General <input type="checkbox"/> Debt	
			<input type="checkbox"/> Primary <input type="checkbox"/> Run-Off <input type="checkbox"/> General <input type="checkbox"/> Debt	
			<input type="checkbox"/> Primary <input type="checkbox"/> Run-Off <input type="checkbox"/> General <input type="checkbox"/> Debt	
			<input type="checkbox"/> Primary <input type="checkbox"/> Run-Off <input type="checkbox"/> General <input type="checkbox"/> Debt	
			<input type="checkbox"/> Primary <input type="checkbox"/> Run-Off <input type="checkbox"/> General <input type="checkbox"/> Debt	
			<input type="checkbox"/> Primary <input type="checkbox"/> Run-Off <input type="checkbox"/> General <input type="checkbox"/> Debt	
<b>Subtotal of Contributions This Page</b>				

The law provides for a maximum penalty of \$2,000 per violation and/or imprisonment for not more than one year for any person who knowingly or willfully fails to comply with the provisions of A.C.A. § 7-6-201 through § 7-6-227. This report constitutes a public record. This form has been approved by the Arkansas Ethics Commission.

REVISED 08/09

## ITEMIZED MONETARY CONTRIBUTIONS OVER \$50

Please Type or Print

Date	Full Name And Mailing Address Of Contributor	Place Of Business/ Employer/Occupation	Amount Of Contribution	Cumulative Total From This Contributor
			<input type="checkbox"/> Primary <input type="checkbox"/> Run-Off <input type="checkbox"/> General <input type="checkbox"/> Debt	
			<input type="checkbox"/> Primary <input type="checkbox"/> Run-Off <input type="checkbox"/> General <input type="checkbox"/> Debt	
			<input type="checkbox"/> Primary <input type="checkbox"/> Run-Off <input type="checkbox"/> General <input type="checkbox"/> Debt	
			<input type="checkbox"/> Primary <input type="checkbox"/> Run-Off <input type="checkbox"/> General <input type="checkbox"/> Debt	
			<input type="checkbox"/> Primary <input type="checkbox"/> Run-Off <input type="checkbox"/> General <input type="checkbox"/> Debt	
			<input type="checkbox"/> Primary <input type="checkbox"/> Run-Off <input type="checkbox"/> General <input type="checkbox"/> Debt	
			<input type="checkbox"/> Primary <input type="checkbox"/> Run-Off <input type="checkbox"/> General <input type="checkbox"/> Debt	
			<input type="checkbox"/> Primary <input type="checkbox"/> Run-Off <input type="checkbox"/> General <input type="checkbox"/> Debt	
			<input type="checkbox"/> Primary <input type="checkbox"/> Run-Off <input type="checkbox"/> General <input type="checkbox"/> Debt	
<b>16. TOTAL ITEMIZED MONETARY CONTRIBUTIONS OVER \$50</b>				
<b>17. TOTAL NONITEMIZED MONETARY CONTRIBUTIONS</b>				
<b>18. TOTAL MONETARY CONTRIBUTIONS THIS REPORT</b> (includes totals from lines 16 and 17)				

The law provides for a maximum penalty of \$2,000 per violation and/or imprisonment for not more than one year for any person who knowingly or willfully fails to comply with the provisions of A.C.A. § 7-6-201 through § 7-6-227. This report constitutes a public record. This form has been approved by the Arkansas Ethics Commission.

REVISED 08/09





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**INSTRUCTIONS FOR COMPLETING THE  
FINAL CAMPAIGN CONTRIBUTION AND EXPENDITURE REPORT**

**STATE AND DISTRICT CANDIDATES**

**SECTION 1** - Indicate general candidate information and title of office sought. If applicable, include information concerning the candidate's campaign committee. The candidate should indicate the year of the election on the top of the report. Also, if you are completing an amended final report, the appropriate box at the top of the page should be checked. The law requires that the report be signed under penalty of perjury. The place for the notarized signature is at the bottom of the front page of the report.

<p><b>NOTE:</b> State and District candidates are required to file this report with the Secretary of State.</p>
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**SECTION 2** - Check the box for the election to which this final report applies (*i.e.*, primary, primary runoff, general, general runoff, or special election) and indicate the time period covered by this final report.

**SECTION 3** - This section only applies to candidates whose campaigns have ended with surplus funds remaining. For example, candidates advancing from the primary election to the general election are not required to dispose of surplus funds until after the general election.

This section discloses the method used to dispose surplus campaign funds. "Surplus campaign funds" are defined as the balance of campaign funds over expenses incurred as of the day of the election except for carryover funds and any funds required to repay loans made by the candidate from his or her personal funds to the campaign or to repay loans made by financial institutions to the candidate and applied to his or her campaign.

"Carryover funds" refers to the amount of campaign funds retained from the last election by the candidate for future use but not to exceed the annual salary for the office sought. The amount of carryover funds retained, if any, are to be reflected on line 9 of this report.

The law requires candidates to dispose of surplus campaign funds within thirty (30) days following the end of the month in which the election is held and to disclose how the surplus campaign funds were disbursed. The funds may be disbursed in any one or more of the five (5) methods listed on this report. The candidate should check each box which is applicable.

**LINE 4** - This line, along with lines 5-10, contains SUMMARY information regarding campaign finance activity during the reporting period and cumulatively for the election. Line 4 reflects the balance of campaign funds as of the beginning of the reporting period which should be the same as the ending balance on your last report (found on line 9 of your last report). Your report will normally reflect a positive balance indicating the amount of funds on hand. However, a report may reflect a debt if the prior expenditures have exceeded the amount of contributions received.

**LINE 5** - This line reflects the amount of interest earned by your campaign account. Interest earned is not treated as a contribution for reporting purposes, but is considered in calculating the balance of campaign funds at the close of the reporting period. In the first column ("For Reporting Period") you list the amount of interest earned since the last reporting period. In the second column ("Cumulative Total"), you list the cumulative total of all interest earned by your campaign account for the election thus far.

**LINE 6** - This line reflects the total amount of loans made by you from your own personal funds to your campaign, or personal loans made by financial institutions to you and applied to your campaign. In the first column ("For Reporting Period") you list the amount of loans which you received during the reporting period. This figure can be found on line 12 and should be entered on line 6. In the second column ("Cumulative Total") you should enter the total amount of all loans to your campaign to date, which should be calculated by adding the figure reported in the first column of this report to the figure reported in the second column of the last report.

**LINE 7** - This line reflects the total amount of monetary contributions to your campaign. In the first column ("For Reporting Period") you list the amount of contributions, itemized and nonitemized, which you received during this reporting period. This figure can be found on line 18 of the final report and should be entered on line 7. In the second column ("Cumulative Total") you should enter the total amount of all contributions to your campaign to date, which should be calculated by adding the figure reported in the first column of this report to the figure reported in the second column of the last report. Non-money or "in-kind" contributions, as reflected on line 14, are not included in the figure for line 7.

**LINE 8** - This line reflects the total amount of expenditures made by your campaign. In the first column ("For Reporting Period") you list the amount of expenditures, itemized and nonitemized, you made during this reporting period. This figure can be found on line 27 and should be entered on line 8. In the second column ("Cumulative Total") you should list the total amount of all expenditures made by your campaign to date, which should be calculated by adding the figure reported in the first column of this report to the figure reported in the second column in the last report.

**LINE 9** - This line reflects the status of the campaign account after all contributions and expenditures, including the disbursement of any surplus funds. If a candidate has carryover funds remaining in his or her campaign account<sup>1</sup> for use as officeholder expenses or for future campaign purposes, the amount of the carryover funds should be indicated in the second column on line 9. If, instead of a surplus, the campaign has ended with a debt, the candidate must enter the amount of the debt in the second column on line 9. The amount noted as debt should be in brackets, *i.e.* "\$1,200". The amount of debt entered on line 9 should be the same amount reflected on line 29 and the outstanding items which make up this debt figure should be listed in Section 28.

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<sup>1</sup> See the instructions for Section 3, herein, for a definition of "carryover funds."

**LINE 10** - This line should be checked only if you have not received any contributions, made any expenditures, or otherwise had any campaign financial activity during this particular reporting period. If this is true, you should check this box, and complete only the items on page 1 of the Contribution and Expenditure Report. When filing a "no activity" report, the candidate should only sign and file the front page of the report.

**SECTION 11** - The limits on campaign contributions do not apply to loans or contributions made by a candidate from his or her own personal funds to the campaign or to personal loans made by financial institutions to a candidate and applied to his or her campaign. Any personal loan made by a financial institution to a candidate and applied to his or her campaign shall be reported in Section 11.

If a candidate desires to use or raise campaign funds to repay himself for personal funds which he contributed to the campaign, then he would need to report those personal funds as a loan in this section (Section 11).

If a candidate does not desire to use or raise campaign funds to repay himself for personal funds which he contributed to the campaign, then those personal funds would not be reported in Section 11. Instead, they would be reported as a campaign contribution either in Section 15 or on line 17, depending on the amount.

If a candidate has unpaid loans at the time of the primary, runoff, special or general election, the source, description and amount of each such loan should be itemized in Section 28. A candidate ending his or her campaign in debt is permitted to raise funds to retire the debt subject to the restrictions contained in Ark. Code Ann. § 7-6-219.

**LINE 12** – This line reflects the total amount of loans you received during this reporting period.

**SECTION 13** - This section is for itemization of non-money or "in-kind" contributions. Contributions to candidates may not exceed \$2,000 per election from any person and \$2,500 per election from any political party. These limits apply to "in-kind" contributions as well. Examples of non-money or "in-kind" contributions are donations of equipment, furniture, office space, advertising or some other item of value. The fair market value should be listed. Noncompensated, nonreimbursed, volunteer personal services or travel are **not** considered "in-kind" contributions.

**LINE 14** – This line reflects the total amount of non-money or "in-kind" contributions listed in Section 13.

**SECTION 15** - This section is for itemization of money or cash contributions over \$50. Contributions for candidates for state or district office may not exceed \$2,000 per election from any person and \$2,500 per election from any political party. These limits apply to all contributions. The law requires the candidate to list each **contributor, his or her address, place of business, employer, occupation** and the **date** and **amount** of each contribution during this

reporting period. The candidate must also designate for **which election** the contribution was received by checking the applicable box in column 4. If additional pages are necessary to report all of the contributions received, this page of the Contribution and Expenditure Report may be photocopied and attached to the report when the report is filed. (NOTE: When a person having carryover funds from a prior campaign files as a candidate for public office, such carryover funds must be transferred to the person's active campaign fund. Although technically not a contribution, the transfer of such funds should be reported in this section.)

**LINE 16** - This line should reflect the total of the itemized contributions listed in Section 15.

**LINE 17** – Disclose the total amount of monetary contributions of \$50 or less received during this reporting period. A monetary contribution of \$50 or less from any person need not be itemized, but is considered a contribution for the particular individual and is credited against the maximum amount the person may contribute to the campaign. Once a contributor exceeds the \$50 threshold for a particular election, all subsequent contributions must be itemized.

**LINE 18** - This line reflects the totals from lines 16 (itemized monetary contributions) and 17 (nonitemized monetary contributions). While a non-money contribution is considered as a contribution from the contributor and applies toward that person's maximum limit, non-money contributions are not entered on this line. Line 18 reflects the total amount of monetary contributions and is used in computing the balance of the amount of carryover funds or debt at the close of the reporting period. This figure should also be entered on line 7 on the front page of the report.

**SECTION 19** - This section requires disclosure by category of all expenditures made during the reporting period. The expenditures disclosed here include both the itemized expenditures totaled on line 24 and the non-itemized expenditures totaled on line 25. The total amount for each category should be included. If an expenditure is made which does not fall within one of the listed categories, the candidate should include and list the expenditure as "Other" and provide a description in the appropriate space. Expenditures for salaries and wages of campaign workers should be totaled and listed in the applicable category here. Additionally, expenditures for any paid campaign workers must be itemized in Section 21.

**LINE 20** - This line should reflect the total of the expenditures categorized in Section 19. The total should reflect the sum of the amounts entered on lines 24, 25 and 26 and should be the same as the amount entered on line 27.

**SECTION 21** - The law also requires each candidate to list **any person paid to work on a candidate's campaign**. This is true whether the person is a full-time employee or a part-time employee and whether the amount paid exceeds \$100 or not. The candidate should list the name of each person paid to work on the campaign during the reporting period along with the amount paid. Payments to campaign workers reported in this section should not be repeated in Section 23 or on line 25.

**LINE 22** - This line should reflect the total amount paid during the reporting period for all campaign workers. This figure should also be entered on line 26.

**SECTION 23** - This section is for itemization of expenditures over \$100 made during the reporting period. For each expenditure over \$100, the candidate must disclose the **date**, the **amount** and a **description** of the expenditure made during this reporting period and the name and address of any person, including the candidate, to whom the expenditure was made. If additional pages are necessary to report all of the expenditures made, this page of the Contribution and Expenditure Report may be photocopied and attached to the report when the report is filed.

**LINE 24** - This line should reflect the total of the itemized expenditures listed in Section 23.

**LINE 25** - Disclose the total amount of expenditures of \$100 or less made during this reporting period. An expenditure of \$100 or less need not be itemized, but must be included in the total amount of expenditures made during the reporting period.

**LINE 26** - This line reflects the total amount paid during the reporting period for all campaign workers. This figure should be the same as the one entered on line 22.

**LINE 27** - This line reflects the sum of the amounts entered on lines 24 (itemized expenditures), 25 (nonitemized expenditures) and 26 (paid campaign workers). This figure should be the same as the one entered on line 8 on the front page of the report and on line 20.

**SECTION 28** - This section should only be completed if the candidate has outstanding debts (including unpaid loans) after an election. The amount entered on line 29 should also be entered on line 9 of the report. If the campaign has ended in debt, the candidate must detail each item which constitutes a part of the total campaign debt. For each creditor, the candidate should list the **name and address of the creditor**, a **description of the debt** (e.g., "consulting services") and the **balance of the debt** as of the time of filing the final report. If additional pages are necessary to report all of the campaign debt, this page of the Contribution and Expenditure Report may be photocopied and attached to the report when the report is filed.

**LINE 29** - This line reflects the total amount of all debts listed in Section 28. This figure should also be the same as the one entered on line 9 on the front page of the report.

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# FINAL CAMPAIGN CONTRIBUTION AND EXPENDITURE REPORT

For State and District Candidates Only

**To be filed with:**  
**Mark Martin, Secretary of State**  
**State Capitol, Room 026**  
**Little Rock, AR 72201**  
**Phone (501) 682-5070**  
**Fax (501) 682-3408**

Year of Election \_\_\_\_\_

Check if this report is an amendment

For assistance in completing  
 this form contact:  
 Arkansas Ethics Commission  
 Post Office Box 1917  
 Little Rock, AR 72203-1917  
 Phone (501) 324-9600  
 Toll Free (800) 422-7773

**ALL INFORMATION IN THIS REPORT MUST BE COMPLETE  
 THIS REPORT MUST BE FILED WITH THE SECRETARY OF STATE**

**1. Name of Candidate**

Address \_\_\_\_\_

City, State and Zip \_\_\_\_\_

Phone Number \_\_\_\_\_

Office Sought \_\_\_\_\_

District Number: \_\_\_\_\_

Does the candidate have a campaign committee?  Yes  No

*(Secretary of State File Stamp)*

If yes, complete the following:

Name of Chairperson/Treasurer: \_\_\_\_\_

Mailing Address \_\_\_\_\_

Phone Number \_\_\_\_\_

**2. Type of Election:** (check one only)

Primary  Primary Runoff  General  General Runoff  Special  
 This report covers what period? ( / / ) through ( / / )

**3. Method by which surplus campaign funds were disposed:**

- Treasurer of State (for benefit of General Revenue Fund Account of the State Apportionment Fund)
- A political party as defined in Ark. Code Ann. § 7-1-101 or a political party caucus of the Arkansas General Assembly, the Senate, or the House of Representatives
- Contributors to the candidate's campaign
- A nonprofit organization that is exempt from taxation under Section 501(c)(3) of the Internal Revenue Code
- Cities of the first class, cities of the second class, or incorporated towns

SUMMARY	FOR REPORTING PERIOD	CUMULATIVE TOTAL
<b>4. Balance of campaign funds at beginning of reporting period</b>		
<b>5. Interest (if any) earned on campaign account</b>		
<b>6. Total Loans (enter total from line 12)</b>		
<b>7. Total Monetary Contributions (enter total from line 18)</b>		
<b>8. Total Expenditures (enter total from line 27)</b>		
<b>9. Carryover Funds or Debt at close of election</b> (use brackets to indicate debt)		
<b>10. ( ) NO ACTIVITY</b> (check if you have not received contributions, loans, or made expenditures during this reporting period)		

I certify to the best of my knowledge and belief that the information disclosed in this report is a complete, true, and accurate financial statement of my (the candidate's) campaign contributions and expenditures.

\_\_\_\_\_  
 Signature of Candidate or Candidate's Representative

Sworn to and subscribed before me, a Notary Public, in and for \_\_\_\_\_, County, Arkansas, on this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

*(Legible Notary Seal)*

Notary Signature \_\_\_\_\_  
 My Commission Expires: \_\_\_\_\_

**Note: If faxed, notary seal must be legible (i.e., either stamped or raised and inked) and the original must follow within ten (10) days.**

The law provides for a maximum penalty of \$2,000 per violation and/or imprisonment for not more than one year for any person who knowingly or willfully fails to comply with the provisions of A.C.A. § 7-6-201 through § 7-6-227. This report constitutes a public record. This form has been approved by the Arkansas Ethics Commission.

## 11. LOAN INFORMATION

Please Type or Print  
Do not list loans previously reported

DATE	NAME AND ADDRESS OF LENDING INSTITUTION	GUARANTOR(S), IF ANY	AMOUNT OF LOAN
<b>12. TOTAL LOANS DURING REPORTING PERIOD</b>			<b>\$</b>

### **IMPORTANT**

The limits on campaign contributions do not apply to loans or contributions made by a candidate from his or her own personal funds to the campaign or to personal loans made by financial institutions to the candidate and applied to his or her campaign. Any loans made by a candidate to his or her campaign and any loans made by a financial institution to a candidate and applied to his or her campaign shall be reported in Section 11.

If a candidate desires to use or raise campaign funds to repay himself or herself for personal funds that he or she contributed to the campaign, then he or she would need to report those personal funds as a loan in Section 11.

If a candidate does not desire to use or raise campaign funds to repay himself or herself for personal funds that he or she contributed to the campaign, then those personal funds would not be reported in Section 11. Instead, they would be reported as a campaign contribution either in Section 15 or on line 17, depending upon the amount.

If a candidate has unpaid loans at the time of the primary, runoff or general election, the source, description and amount of each such loan should be itemized in Section 28. A candidate ending his or her campaign in debt is permitted to raise funds to retire the debt subject to the restrictions contained in Ark. Code Ann. § 7-6-219.

The law provides for a maximum penalty of \$2,000 per violation and/or imprisonment for not more than one year for any person who knowingly or willfully fails to comply with the provisions of A.C.A. § 7-6-201 through § 7-6-227. This report constitutes a public record. This form has been approved by the Arkansas Ethics Commission.

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### 13. NONMONEY CONTRIBUTIONS

(Does not include volunteer services by individuals)

Date of Receipt	Full Name and Address of Contributor	Description of nonmoney item	Value of nonmoney item	Cumulative Total From This Contributor
<b>14. TOTAL NONMONEY CONTRIBUTIONS</b>				

### IMPORTANT

In addition to monetary contributions, candidates are required to report the receipt of any nonmonetary (“in-kind”) contributions. A candidate receives an in-kind contribution whenever a person provides him with an item or service without charge or for a charge which is less than the fair market value of the item or service in question.

The value of an in-kind contribution is the difference between the fair market value and the amount charged. In-kind contributions are addressed in greater detail in Sections 205 and 206 of the Commission’s Rules on Campaign Finance & Disclosure.

The law provides for a maximum penalty of \$2,000 per violation and/or imprisonment for not more than one year for any person who knowingly or willfully fails to comply with the provisions of A.C.A. § 7-6-201 through § 7-6-227. This report constitutes a public record. This form has been approved by the Arkansas Ethics Commission.

## 15. ITEMIZED MONETARY CONTRIBUTIONS OVER \$50

*Please Type or Print  
(Use copies of this page as needed)*

Date	Full Name and Mailing Address of Contributor	Place of Business/ Employer/Occupation	Amount of Contribution	Cumulative Total From This Contributor
			<input type="checkbox"/> Primary <input type="checkbox"/> Run-Off <input type="checkbox"/> General <input type="checkbox"/> Debt	
			<input type="checkbox"/> Primary <input type="checkbox"/> Run-Off <input type="checkbox"/> General <input type="checkbox"/> Debt	
			<input type="checkbox"/> Primary <input type="checkbox"/> Run-Off <input type="checkbox"/> General <input type="checkbox"/> Debt	
			<input type="checkbox"/> Primary <input type="checkbox"/> Run-Off <input type="checkbox"/> General <input type="checkbox"/> Debt	
			<input type="checkbox"/> Primary <input type="checkbox"/> Run-Off <input type="checkbox"/> General <input type="checkbox"/> Debt	
			<input type="checkbox"/> Primary <input type="checkbox"/> Run-Off <input type="checkbox"/> General <input type="checkbox"/> Debt	
			<input type="checkbox"/> Primary <input type="checkbox"/> Run-Off <input type="checkbox"/> General <input type="checkbox"/> Debt	
			<input type="checkbox"/> Primary <input type="checkbox"/> Run-Off <input type="checkbox"/> General <input type="checkbox"/> Debt	
			<input type="checkbox"/> Primary <input type="checkbox"/> Run-Off <input type="checkbox"/> General <input type="checkbox"/> Debt	
<b>Subtotal of Contributions This Page</b>				

The law provides for a maximum penalty of \$2,000 per violation and/or imprisonment for not more than one year for any person who knowingly or willfully fails to comply with the provisions of A.C.A. § 7-6-201 through § 7-6-227. This report constitutes a public record. This form has been approved by the Arkansas Ethics Commission.

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## ITEMIZED MONETARY CONTRIBUTIONS OVER \$50

Please Type or Print

Date	Full Name and Mailing Address of Contributor	Place of Business/ Employer/Occupation	Amount of Contribution	Cumulative Total From This Contributor
			<input type="checkbox"/> Primary <input type="checkbox"/> Run-Off <input type="checkbox"/> General <input type="checkbox"/> Debt	
			<input type="checkbox"/> Primary <input type="checkbox"/> Run-Off <input type="checkbox"/> General <input type="checkbox"/> Debt	
			<input type="checkbox"/> Primary <input type="checkbox"/> Run-Off <input type="checkbox"/> General <input type="checkbox"/> Debt	
			<input type="checkbox"/> Primary <input type="checkbox"/> Run-Off <input type="checkbox"/> General <input type="checkbox"/> Debt	
			<input type="checkbox"/> Primary <input type="checkbox"/> Run-Off <input type="checkbox"/> General <input type="checkbox"/> Debt	
			<input type="checkbox"/> Primary <input type="checkbox"/> Run-Off <input type="checkbox"/> General <input type="checkbox"/> Debt	
			<input type="checkbox"/> Primary <input type="checkbox"/> Run-Off <input type="checkbox"/> General <input type="checkbox"/> Debt	
			<input type="checkbox"/> Primary <input type="checkbox"/> Run-Off <input type="checkbox"/> General <input type="checkbox"/> Debt	
			<input type="checkbox"/> Primary <input type="checkbox"/> Run-Off <input type="checkbox"/> General <input type="checkbox"/> Debt	
<b>16. TOTAL ITEMIZED MONETARY CONTRIBUTIONS OVER \$50</b>				
<b>17. TOTAL NONITEMIZED MONETARY CONTRIBUTIONS</b>				
<b>18. TOTAL MONETARY CONTRIBUTIONS THIS REPORT (includes lines 16 and 17)</b>				

The law provides for a maximum penalty of \$2,000 per violation and/or imprisonment for not more than one year for any person who knowingly or willfully fails to comply with the provisions of A.C.A. § 7-6-201 through § 7-6-227. This report constitutes a public record. This form has been approved by the Arkansas Ethics Commission.

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**INSTRUCTIONS FOR COMPLETING THE  
CAMPAIGN CONTRIBUTION AND EXPENDITURE REPORT**

**COUNTY, MUNICIPAL AND SCHOOL BOARD CANDIDATES**

**SECTION 1** - Indicate general candidate information and title of office sought. If applicable, include information concerning the candidate's campaign committee. Also, if you are amending a report, the appropriate box at the top of the page should be checked. The law requires that the report be signed under penalty of perjury. The place for the notarized signature is at the bottom of the front page of the report.

<p><b>NOTE:</b> County, Municipal and School Board candidates are required to file a copy of this report with the County Clerk of the county in which the election is held.</p>
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**SECTION 2** - Check the box for the type of election and write in the year in which the election will be held.

**SECTION 3** - Check the appropriate box to indicate which type of report you are completing. Please note each type of report included here. Also, please complete the blanks indicating the dates covered by this report. When filing a final report, a candidate must indicate the method in which surplus funds are disposed.

**LINE 4** - This line, along with lines 5-10, contains SUMMARY information regarding campaign finance activity during the reporting period and cumulatively for the election. Line 4 reflects the balance of campaign funds as of the beginning of the reporting period which should be the same as the ending balance on your last report (found on line 9 of your last report). Your report will normally reflect a positive balance indicating the amount of funds on hand. However, a report may reflect a debt if prior expenditures have exceeded the amount of contributions received.

**LINE 5** - This line reflects the amount of interest earned by your campaign account. Interest earned is not treated as a contribution for reporting purposes, but is considered in calculating the balance of campaign funds at the close of the reporting period. In the first column ("For Reporting Period") you list the amount of interest earned since the last reporting period. In the second column ("Cumulative Total"), you list the cumulative total of all interest earned by your campaign account for the election thus far.

**LINE 6** - This line reflects the total amount of loans made by you from your own personal funds to your campaign, or personal loans made by financial institutions to you and applied to your campaign. In the first column ("For Reporting Period") you list the amount of loans which you received during the reporting period. This figure can be found on line 13 and should be entered on line 6. In the second column ("Cumulative Total") you should enter the total amount of all loans to your campaign to date, which should be calculated by adding the figure reported in the first column of this report to the figure reported in the second column of the last report.

Revised 08/09

**LINE 7** -This line reflects the total amount of monetary contributions for your campaign. In the first column ("For Reporting Period") you list the amount of contributions, itemized and nonitemized, you received during this reporting period.<sup>1</sup> This figure can be found on line 19 and should be entered on line 7. In the second column ("Cumulative Total") you should enter the total amount of all contributions to your campaign to date, which should be calculated by adding the figure reported in the first column of this report to the figure reported in the second column of the last report. Non-money or "in-kind" contributions, as reflected on line 15, are not included in the figure for line 7.

**LINE 8** -This line reflects the total amount of expenditures made by your campaign. In the first column ("For Reporting Period") you list the amount of expenditures, itemized and nonitemized, you made during this reporting period. This figure can be found on line 28 and should be entered on line 8. In the second column ("Cumulative Total") you should list the total amount of all expenditures to your campaign to date, which should be calculated by adding the figure reported in the first column of this report to the figure reported in the second column in the last report.

**LINE 9** -This line should reflect the balance of your campaign funds or "cash on hand" at the close of the reporting period. This figure is calculated by adding the amounts on lines 4, 5, 6 and 7 and subtracting from that total the figure listed on line 8.

**LINE 10** -When filing a final report for a particular election, the candidate should indicate either the balance of funds remaining after the payment of all debts or the amount of all debts (including loans) which remain unpaid. Line 10 of a candidate's final report should either reflect "cash on hand" or debts (but not both).

**LINE 11** -This line should be checked only if you have not received any contributions, made any expenditures, or otherwise had any campaign financial activity during this particular reporting period. If this is true, you should check this box, and complete only the items on page 1 of the Contribution and Expenditure Report. When filing a "no activity" report, the candidate should only sign and file the front page of the report.

**SECTION 12** -The limits on campaign contributions do not apply to loans or contributions made by a candidate from his or her own personal funds to the campaign or to personal loans made by financial institutions to the candidate and applied to his campaign. Any personal loan made by a financial institution to a candidate and applied to his campaign should be reported in Section 12.

If a candidate desires to use or raise campaign funds to repay himself for personal funds which he contributed to the campaign, then he would need to report those personal funds as a loan in Section 12.

If a candidate does not desire to use or raise campaign funds to repay himself for personal funds which he contributed to the campaign, then those personal funds would not be reported in Section 12. Instead, they would be reported as a campaign contribution either in Section 16 or on

<sup>1</sup> If contributions for a general election are received during the reporting period for the primary election, those contributions should be reported in a separate but concurrent report designated for the general election. For more information on this subject, please see Ethics Commission Advisory Opinion No. 97-EC-015.

If a candidate has unpaid loans at the end of a primary, runoff, special, or general election, the source, description and amount of each such loan should be itemized in Section 29. Candidates ending their campaign in debt are permitted to raise funds to retire the debt subject to the restrictions contained in Ark. Code Ann. § 7-6-219.

**LINE 13** -This line reflects the total amount of loans you received during this reporting period.

**SECTION 14** -This section is for itemization of non-money or "in-kind" contributions. Contributions to candidates may not exceed \$2,000 per election from any person and \$2,500 per election from any political party. Campaign contribution limits apply to "in-kind" contributions as well. Examples of non-money or "in-kind" contributions are donations of equipment, furniture, office space, advertising or some other item of value. The fair market value should be listed. Noncompensated, nonreimbursed, volunteer personal services or travel are **not** considered "in-kind" contributions.

**LINE 15** -This line reflects the total amount of non-money or "in-kind" contributions listed in Section 14.

**SECTION 16** -This section is for itemization of money or cash contributions over \$50. Contributions to candidates for county, municipal, or school board office may not exceed \$2,000 per election from any person and \$2,500 per election from any political party. These limits apply to all contributions. The law requires the candidate to list each **contributor**, his/her **address**, **place of business**, **employer**, **occupation** and the **date** and **amount** of each contribution during this reporting period. The candidate must also designate for **which election** the contribution was received by checking the applicable box in column 4. If additional pages are necessary to report all of the contributions received, this page of the Contribution and Expenditure Report may be photocopied and attached to the report when the report is filed. (NOTE: When a person having carryover funds from a prior campaign files as a candidate for public office, such carryover funds must be transferred to the person's active campaign fund. Although technically not a contribution, the transfer of such funds should be reported in this section.)

**LINE 17** -This line should reflect the total of the itemized contributions listed in Section 16.

**LINE 18** -Disclose the total amount of monetary contributions of \$50 or less received during this reporting period. A monetary contribution of \$50 or less from any person need not be itemized, but is considered a contribution for the particular individual and is credited against the maximum amount the person may contribute to the campaign. Once a contributor exceeds the \$50 threshold for a particular election, all subsequent contributions must be itemized.

**LINE 19** -This line reflects the totals from lines 17 (itemized contributions) and 18 (nonitemized contributions). While a non-money contribution is considered as a contribution from the contributor and applies toward that person's maximum limit, non-money contributions are not included in the amount entered on this line. Line 19 reflects the total amount of monetary contributions and is used in computing the balance of campaign funds at the close of the reporting period. This figure should also be entered on line 7 on the front page of the report.

**SECTION 20** -This section requires disclosure by category of all expenditures made during the reporting period. The expenditures disclosed here include both the itemized expenditures, listed in Section 24, and the non-itemized expenditures which comprise the total found on line 26. The total amount for each category should be included. If an expenditure is made which does not fall within one of the listed categories, the candidate should include and list the expenditure as "Other" and provide a description in the appropriate space. Expenditures for salaries and wages of campaign workers should be totaled and listed in the applicable category here. Additionally, expenditures for any paid campaign workers must be itemized in Section 22.

**LINE 21** -This line should reflect the total of the expenditures as categorized in Section 20. The total should reflect the combination of the figures on lines 25, 26 and 27 and should be the same as the figure on line 28.

**SECTION 22** -The law also requires each candidate to list **any person paid to work on a candidate's campaign**. This is true whether the person is a full-time employee or a part-time employee and whether the amount paid exceeds \$100 or not. The candidate should list the name of each person paid to work on the campaign along with the amount paid. Payments to campaign workers reported in this section should not be repeated in section 24 or on line 26.

**LINE 23** -This line should reflect the total amount paid during the reporting period for all campaign workers. This figure should also be entered on line 27.

**SECTION 24** -This section is for itemization of expenditures over \$100 made during the reporting period. For each expenditure over \$100, the candidate must disclose the **date**, the **amount**, and the **description** of the expenditure made during this reporting period, and the name and address of any person, including the candidate, to whom the expenditure was made. If additional pages are necessary to report all of the expenditures made, this page of the Contribution and Expenditure Report may be photocopied and attached to the report when the report is filed.

**LINE 25** -This line should reflect the total of the itemized expenditures listed in Section 24.

**LINE 26** -Disclose the total amount of expenditures of \$100 or less made during this reporting period. An expenditure of \$100 or less need not be itemized, but must be included in the total amount of expenditures made during the reporting period.

**LINE 27** -This line should reflect the total amount paid during the reporting period for all campaign workers. This figure should be the same as the one entered on line 23.

**LINE 28** -This line reflects the totals from lines 25 (itemized expenditures), 26 (nonitemized expenditures) and 27 (paid campaign workers). This figure should also be the same as the one entered on line 8 on the front page of the report and on line 21.

**SECTION 29** -This section should only be completed if the candidate has outstanding debts (including unpaid loans) after an election. The amount entered on line 30 should also be entered on line 10 of the report. If the campaign has ended with a debt, the candidate must detail each item which constitutes a part of the total campaign debt. For each creditor, the candidate should list the name and address of the creditor, the description of the debt (e.g. "consultant services"), and the balance of the debt as of the time of filing the final report. If additional pages are necessary to report all of the campaign debt, this page of the Contribution and Expenditure Report may be photocopied and attached to the report when the report is filed.

**LINE 30** - This line reflects the total of all debt reflected in Section 29. This figure should also be the same as the one entered on line 9 of the front page of the report.

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# CAMPAIGN CONTRIBUTION AND EXPENDITURE REPORT

For County, Municipal and School Board Candidates

Check if this report is an amendment

**This report should be filed with the County Clerk of the county in which the election is held**

1. Name of Candidate \_\_\_\_\_

Address \_\_\_\_\_

City, State and Zip \_\_\_\_\_

Phone Number: \_\_\_\_\_

Office Sought \_\_\_\_\_

District Number \_\_\_\_\_

(Clerk's File Stamp)

Does the candidate have a campaign committee? ( ) Yes ( ) No

If yes, complete the following:

Name of Chairperson/Treasurer: \_\_\_\_\_

Mailing Address \_\_\_\_\_

Phone Number: \_\_\_\_\_

2. **Type of Election:** (check only one) Year of Election \_\_\_\_\_

- Primary    Primary Runoff    General    General Runoff  
 Special    Annual School    Annual School Runoff

3. **Type of Report:** (check one) This report covers what period? ( / / ) through ( / / )

- Preelection report**  
 **Final report (check method by which surplus campaign funds were disposed)**  
 Treasurer of State (for benefit of General Revenue Fund Account of the State Apportionment Fund)  
 A political party as defined in Ark. Code Ann. § 7-1-101 or a political party caucus of the Arkansas General Assembly, the Senate, or the House of Representatives  
 Contributors to the candidate's campaign  
 A nonprofit organization that is exempt from taxation under Section 501(c)(3) of the Internal Revenue Code  
 Cities of the first class, cities of the second class, or incorporated towns  
 **Supplemental Report**

SUMMARY	FOR REPORTING PERIOD	CUMULATIVE TOTAL
4. Balance of campaign funds at beginning of reporting period		
5. Interest (if any) earned on campaign account		
6. Total Loans (enter total from line 12)		
7. Total Monetary Contributions (enter total from line 19)		
8. Total Expenditures (enter total from line 28)		
9. Balance of campaign funds at close of reporting period		
10. If this is candidate's final report for an election, amount of carryover funds or outstanding indebtedness (use brackets to indicate debt)		
11. ( ) <b>NO ACTIVITY</b> (check if you have not received contributions, loans, or made expenditures during this reporting period)		

I certify to the best of my knowledge and belief that the information disclosed in this report is a complete, true, and accurate financial statement of my (the candidate's) campaign contributions and expenditures.

\_\_\_\_\_  
Signature of Candidate or Candidate's Representative

Sworn to and subscribed before me, a Notary Public, in and for \_\_\_\_\_, County, Arkansas, on this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

(Legible Notary Seal)

\_\_\_\_\_  
Notary Signature

My Commission Expires: \_\_\_\_\_

**Note: If faxed, notary seal must be legible (i.e., either stamped or raised and inked) and the original must follow within ten (10) days.**

The law provides for a maximum penalty of \$2,000 per violation and/or imprisonment for not more than one year for any person who knowingly or willfully fails to comply with the provisions of A.C.A. § 7-6-201 through § 7-6-227. This report constitutes a public record. This form has been approved by the Arkansas Ethics Commission.

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## 12. LOAN INFORMATION

Please Type or Print  
Do not list loans previously reported

DATE	NAME AND ADDRESS OF LENDING INSTITUTION	GUARANTOR(S) IF ANY	AMOUNT
<b>13. TOTAL LOANS DURING REPORTING PERIOD</b>			<b>\$</b>

### **IMPORTANT**

The limits on campaign contributions do not apply to loans or contributions made by a candidate from his or her own personal funds to the campaign or to personal loans made by financial institutions to the candidate and applied to his or her campaign. Any loans made by a candidate to his or her campaign and any loans made by a financial institution to a candidate and applied to his or her campaign shall be reported in Section 12.

If a candidate desires to use or raise campaign funds to repay himself or herself for personal funds which he or she contributed to the campaign, then he or she would need to report those personal funds as a loan in Section 12.

If a candidate does not desire to use or raise campaign funds to repay himself or herself for personal funds which he or she contributed to the campaign, then those personal funds would not be reported in Section 12. Instead, they would be reported as a campaign contribution either in Section 16 or on line 18, depending upon the amount.

If a candidate has unpaid loans at the end of the primary, runoff, special, or general election, the source, description and amount of each such loan should be itemized in Section 29. Candidates ending their campaign in debt are permitted to raise funds to retire the debt subject to the restrictions contained in Ark. Code Ann. § 7-6-219.

The law provides for a maximum penalty of \$2,000 per violation and/or imprisonment for not more than one year for any person who knowingly or willfully fails to comply with the provisions of A.C.A. § 7-6-201 through § 7-6-227. This report constitutes a public record. This form has been approved by the Arkansas Ethics Commission.

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## 14. NONMONEY CONTRIBUTIONS

Does not include volunteer services by individuals

Date of receipt	Full Name and Address of Contributor	Description of nonmoney item	Value of nonmoney item	Cumulative Total From This Contributor
<b>15. TOTAL NONMONEY CONTRIBUTIONS</b>				

### IMPORTANT

In addition to monetary contributions, candidates are required to report the receipt of any nonmonetary (“in-kind”) contributions. A candidate receives an in-kind contribution whenever a person provides him with an item or service without charge or for a charge that is less than the fair market value of the item or service in question.

The value of an in-kind contribution is the difference between the fair market value and the amount charged. In-kind contributions are addressed in greater detail in Sections 205 and 206 of the Commission’s Rules on Campaign Finance & Disclosure.

The law provides for a maximum penalty of \$2,000 per violation and/or imprisonment for not more than one year for any person who knowingly or willfully fails to comply with the provisions of A.C.A. § 7-6-201 through § 7-6-227. This report constitutes a public record. This form has been approved by the Arkansas Ethics Commission.

## 16. ITEMIZED MONETARY CONTRIBUTIONS OVER \$50

*Please Type or Print  
(Use copies of this page as needed)*

Date	Full Name and Mailing Address of Contributor	Place Of Business Employer/Occupation	Amount of Contribution	Cumulative Total From This Contributor
			<input type="checkbox"/> Primary <input type="checkbox"/> Run-Off <input type="checkbox"/> General <input type="checkbox"/> Debt	
			<input type="checkbox"/> Primary <input type="checkbox"/> Run-Off <input type="checkbox"/> General <input type="checkbox"/> Debt	
			<input type="checkbox"/> Primary <input type="checkbox"/> Run-Off <input type="checkbox"/> General <input type="checkbox"/> Debt	
			<input type="checkbox"/> Primary <input type="checkbox"/> Run-Off <input type="checkbox"/> General <input type="checkbox"/> Debt	
			<input type="checkbox"/> Primary <input type="checkbox"/> Run-Off <input type="checkbox"/> General <input type="checkbox"/> Debt	
			<input type="checkbox"/> Primary <input type="checkbox"/> Run-Off <input type="checkbox"/> General <input type="checkbox"/> Debt	
			<input type="checkbox"/> Primary <input type="checkbox"/> Run-Off <input type="checkbox"/> General <input type="checkbox"/> Debt	
			<input type="checkbox"/> Primary <input type="checkbox"/> Run-Off <input type="checkbox"/> General <input type="checkbox"/> Debt	
			<input type="checkbox"/> Primary <input type="checkbox"/> Run-Off <input type="checkbox"/> General <input type="checkbox"/> Debt	
<b>Subtotal of Contributions This Page</b>				

The law provides for a maximum penalty of \$2,000 per violation and/or imprisonment for not more than one year for any person who knowingly or willfully fails to comply with the provisions of A.C.A. § 7-6-201 through § 7-6-227. This report constitutes a public record. This form has been approved by the Arkansas Ethics Commission.

## ITEMIZED MONETARY CONTRIBUTIONS OVER \$50

Please Type or Print

Date	Full Name and Mailing Address of Contributor	Place Of Business Employer/Occupation	Amount of Contribution	Cumulative Total From This Contributor
			<input type="checkbox"/> Primary <input type="checkbox"/> Run-Off <input type="checkbox"/> General <input type="checkbox"/> Debt	
			<input type="checkbox"/> Primary <input type="checkbox"/> Run-Off <input type="checkbox"/> General <input type="checkbox"/> Debt	
			<input type="checkbox"/> Primary <input type="checkbox"/> Run-Off <input type="checkbox"/> General <input type="checkbox"/> Debt	
			<input type="checkbox"/> Primary <input type="checkbox"/> Run-Off <input type="checkbox"/> General <input type="checkbox"/> Debt	
			<input type="checkbox"/> Primary <input type="checkbox"/> Run-Off <input type="checkbox"/> General <input type="checkbox"/> Debt	
			<input type="checkbox"/> Primary <input type="checkbox"/> Run-Off <input type="checkbox"/> General <input type="checkbox"/> Debt	
			<input type="checkbox"/> Primary <input type="checkbox"/> Run-Off <input type="checkbox"/> General <input type="checkbox"/> Debt	
			<input type="checkbox"/> Primary <input type="checkbox"/> Run-Off <input type="checkbox"/> General <input type="checkbox"/> Debt	
			<input type="checkbox"/> Primary <input type="checkbox"/> Run-Off <input type="checkbox"/> General <input type="checkbox"/> Debt	
<b>17. TOTAL ITEMIZED MONETARY CONTRIBUTIONS OVER \$50</b>				
<b>18. TOTAL NONITEMIZED MONETARY CONTRIBUTIONS</b>				
<b>19. TOTAL MONETARY CONTRIBUTIONS THIS REPORT</b> (includes totals from lines 17 and 18)				

The law provides for a maximum penalty of \$2,000 per violation and/or imprisonment for not more than one year for any person who knowingly or willfully fails to comply with the provisions of A.C.A. § 7-6-201 through § 7-6-227. This report constitutes a public record. This form has been approved by the Arkansas Ethics Commission.







# CAMPAIGN CONTRIBUTION AND EXPENDITURE REPORT FOR DEBT RETIREMENT

Year of Election: \_\_\_\_\_  
(Note: This is the year of the election for  
which you are seeking to retire campaign debt)

NOTE: The campaign contribution and expenditure reports for debt retirement of a person who ran for school district, township, municipal, or county office are required to be filed with the **county clerk** of the county in which the election was held. The campaign contribution and expenditure reports for debt retirement of a person who ran for state or district office are required to be filed with:

Mark Martin, Secretary of State  
State Capitol, Room 026  
Little Rock, AR 72201  
Phone (501) 682-5070  
Fax (501) 682-3408

For assistance in completing  
this form contact:  
Arkansas Ethics Commission  
Phone (501) 324-9600  
Toll Free (800) 422-7773

Check if this report is an amendment

Officeholder/Candidate Information	(file stamp)
1. Name of Officeholder/Candidate	
Address	
City, State, and Zip	Phone Number
Office Held/Office Sought	District Number
2. Type of Report: (check only one)      This report covers what period? (___/___/___) through (___/___/___) <input type="checkbox"/> <b>First Quarter</b> (due April 15) <input type="checkbox"/> <b>Third Quarter</b> (due October 15) <input type="checkbox"/> <b>Second Quarter</b> (due July 15) <input type="checkbox"/> <b>Fourth Quarter</b> (due January 15) A quarterly report is due if you have received in excess of \$500 since your last report concerning campaign debt. No report is required for any calendar quarter in which you have not exceeded the cumulative contribution limit of \$500 since your last report. For example, if you receive contributions in the amounts of \$250 and \$300, respectively, in the first and second quarters, then you trigger the reporting requirement in the second quarter because you crossed the \$500 threshold in that quarter. Note, however, that you are required to disclose the \$250 in contributions you received in the first quarter.	

SUMMARY	FOR REPORTING PERIOD	CUMULATIVE TOTAL
3. Amount of Campaign Debt to be Retired		
4. Total Monetary Contributions (enter amount from line 10)		
5. Total Expenditures (enter amount from line 14)		
6. Balance of Campaign Debt at Close of Reporting Period		

I certify that I have examined this Report, and that to the best of my knowledge and belief it is true, correct, and complete.

\_\_\_\_\_  
Signature of Officeholder/Candidate

Sworn to and subscribed before me, a Notary Public, in and for \_\_\_\_\_ County, Arkansas, on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

My Commission Expires: \_\_\_\_\_

\_\_\_\_\_  
Signature of Notary

**Note: If faxed, notary seal must be legible (i.e., either stamped or raised and inked) and the original must follow within ten (10) days.**

The law provides for a maximum penalty of \$2,000 per violation and/or imprisonment for not more than one year for any person who knowingly or willfully fails to comply with the provisions of Ark. Code Ann. § 7-6-201 through § 7-6-227. This report constitutes a public record. This form has been approved by the Arkansas Ethics Commission.







## INSTRUCTIONS FOR COMPLETING THE CARRYOVER FUND REPORTING FORM

**Section 1** – Provide the general information sought, including the name, address, and telephone number of the officeholder or candidate filing the report and the public office for which he or she sought election. In addition, the year of the election should be indicated at the top of the report. Also, if an amended report is being filed, the appropriate box at the top of the report should be checked. The law requires that the report be signed under penalty of perjury. The place for the notarized signature is at the bottom of the front page of the report.

**Section 2** – Check the box for the type of report. If the report is an annual report, provide the year.

**Line 3** – This line, along with lines 4-6, contains SUMMARY information concerning the person’s carryover funds during the reporting period and cumulatively for the year. Line 3 reflects the balance of carryover funds as of the beginning of the reporting period which should be the same as the ending balance of the previous report (found on line 6 of the last report).

**Line 4** – This line reflects the amount of interest, if any, earned by the carryover fund account. In the first column (“For Reporting Period”), list the amount of interest earned since the last report. In the second column (“Year to Date”), list the cumulative total of all interest earned during the calendar year.

**Line 5** – This line reflects the total amount of carryover funds which have been expended. In the first column (“For Reporting Period”), list the amount of expenditures, itemized and nonitemized, made since the last report. This figure can be found on line 10 and should be entered on line 5. In the second column (“Year to Date”), list the total amount of all expenditures made during the calendar year, which should be calculated by adding the figure reported in the first column to the figure reported in the second column of the last report.

**Line 6** – This line should reflect the balance of carryover funds at the close of the reporting period. This figure can be calculated by adding the amounts on lines 3 and 4 and subtracting from that total the figure entered on line 5.

**Section 7** – This section requires disclosure of each expenditure in excess of \$100 which has been made since the last report. For each expenditure over \$100, provide the name and address of the supplier or payee, the date of the expenditure, the amount of the expenditure, and a description of the expenditure.

**Line 8** – This line should reflect the total of the itemized expenditures listed in section 7.

**Line 9** – Disclose the total amount of expenditures of \$100 or less made since the last report. An expenditure of \$100 or less need not be itemized, but must be included in the total amount of expenditures made since the last report.

**Line 10** – This line reflects the sum of the amounts entered on lines 8 (“Itemized Expenditures”) and 9 (“Nonitemized Expenditures”). This figure should be the same as the one entered on line 5 on the front page of the report.

## FREQUENTLY ASKED QUESTIONS

### Question No. 1: *What are carryover funds?*

- A person who was a candidate and has campaign funds remaining from an election that has ended may retain as “carryover funds” an amount not exceeding the annual salary, excluding expense allowances, set by Arkansas law for the office sought.<sup>1</sup>
- The use of carryover funds is only available for those candidates or officeholders who ended their campaigns with funds remaining. Candidates or officeholders who end their campaigns either with no carryover or in debt may not use or raise campaign funds for travel associated with attending conferences or seminars on general political issues.<sup>2</sup>

### Question No. 2: *Where are carryover funds kept?*

- If carryover funds are retained, a candidate must establish an office account, separate from any personal or other account. Any carryover funds transferred to this account shall be used only for future campaigns involving the candidate in a non-federal office and/or legitimate expenses in connection with the candidate’s public office.<sup>3</sup>
- Carryover funds may be deposited in an interest-bearing account. At no time, however, may the total amount in the carryover account exceed the annual salary, excluding expense allowances, for the office sought or held.<sup>4</sup>

### Question No. 3: *What are the permissible uses for carryover funds?*

- Generally, officeholders are free to expend carryover funds on any purpose designed to further their office as long as it is not for personal income or otherwise prohibited by law.<sup>5</sup>

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<sup>1</sup> Ark. Code Ann. § 7-6-201(3).

<sup>2</sup> § 215(c) of the Commission’s Rules on Campaign Finance & Disclosure.

<sup>3</sup> § 227(b) of the Commission’s Rules on Campaign Finance & Disclosure.

<sup>4</sup> § 227(d) of the Commission’s Rules on Campaign Finance & Disclosure.

<sup>5</sup> § 223(a) of the Commission’s Rules on Campaign Finance & Disclosure.

- Legitimate office expenses include transportation incurred by the officeholder or a member of his or her staff incurred in the operation of the office.<sup>6</sup>
- Carryover funds may be used to purchase office supplies and/or equipment for use in the office or in future campaigns.<sup>7</sup>
- Carryover funds may be used to reimburse the officeholder or his or her staff for meals or lodging in connection with the operation of the office or future campaigns.<sup>8</sup>
- Carryover funds may be used to purchase invitations or notices to political events, as well as to purchase gifts or commemorative items for staff members or their families in times of sickness or death, or family emergency.<sup>9</sup>
- Carryover funds may be used to offset any reasonable and legitimate office expense which is otherwise not reimbursable from public funding.<sup>10</sup>
- Officeholders may use carryover funds to purchase advertisements in publications of charitable, civic and educational organizations.<sup>11</sup>
- Carryover funds may be used to buy items such as ads in school yearbooks as these purchases serve to increase public visibility for the officeholders.<sup>12</sup>
- Carryover funds may be used to purchase items given as awards in recognition of accomplishments where they are presented by a current officeholder in person. Such items include the purchase of American and State flags flown at the State Capitol and given to schools in subsequent ceremonies.<sup>13</sup>
- Officeholders may use carryover funds to purchase tickets from charities, civic organizations and political parties for banquets or other similar special social events. The presence of officeholders increases the public visibility of officeholders and, for that reason, officeholders who purchase tickets should make all reasonable efforts to attend the banquet. Officeholders may use carryover funds to purchase a ticket for a spouse but carryover funds should not be used to purchase tickets for State Capitol staff, current staff or former campaign workers.<sup>14</sup>

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<sup>6</sup> § 227(c) of the Commission’s Rules on Campaign Finance & Disclosure.

<sup>7</sup> § 227(c) of the Commission’s Rules on Campaign Finance & Disclosure.

<sup>8</sup> § 227(c) of the Commission’s Rules on Campaign Finance & Disclosure.

<sup>9</sup> § 227(c) of the Commission’s Rules on Campaign Finance & Disclosure.

<sup>10</sup> § 227(c) of the Commission’s Rules on Campaign Finance & Disclosure.

<sup>11</sup> § 220(a) of the Commission’s Rules on Campaign Finance & Disclosure.

<sup>12</sup> § 220(a) of the Commission’s Rules on Campaign Finance & Disclosure.

<sup>13</sup> § 220(b) of the Commission’s Rules on Campaign Finance & Disclosure.

<sup>14</sup> § 221(b) of the Commission’s Rules on Campaign Finance & Disclosure.

- Officeholders may use carryover funds for lease, rental or use charges of any ordinary and necessary office equipment such as copy machines, telephones, postage meters, facsimile machines, computer hardware and software, printers and video equipment for use in the office or in future campaigns.<sup>15</sup>
- Carryover funds may be used by an officeholder to pay for an inaugural event.<sup>16</sup>
- Examples of other miscellaneous expenses on which officeholders may lawfully expend carryover funds include, but are not limited to:
  - (a) Flowers, sympathy gifts or other nominal memorial items to a constituent's funeral or family;
  - (b) Hiring public halls and music for political meetings, furnishing music, uniforms, banners or fireworks for political clubs or parades or like events and for related advertising of same;
  - (c) Printing and circulating political communications, sample ballots or ballot labels; and
  - (d) Sponsorship of a sports team.<sup>17</sup>
- A person with carryover funds may, at any time, dispose of such funds in the same manner as surplus campaign funds.<sup>18</sup> In that regard, Ark. Code Ann. § 7-6-203(h)(1) provides that surplus funds may be turned over to either:
  - (a) The Treasurer of State for the benefit of the General Revenue Fund Account of the State Apportionment Fund;
  - (b) A political party as defined in Ark. Code Ann. § 7-1-101 or a political party caucus of the General Assembly, the Senate, or the House of Representatives;
  - (c) A nonprofit organization which is exempt from taxation under Section 501(c)(3) of the Internal Revenue Code;
  - (d) Cities of the first class, cities of the second class, or incorporated towns; or
  - (e) The contributors to the candidate's campaign.

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<sup>15</sup> § 222(a) of the Commission's Rules on Campaign Finance & Disclosure.

<sup>16</sup> Advisory Opinion No. 98-EC-020.

<sup>17</sup> § 223(a) of the Commission's Rules on Campaign Finance & Disclosure.

<sup>18</sup> § 227(a) of the Commission's Rules on Campaign Finance & Disclosure.

**Question No. 4: *What are the prohibited uses of carryover funds?***

- A candidate may not take carryover funds as personal income or as income for his or her spouse or dependent children.<sup>19</sup>
- Carryover funds may not be used to reimburse campaign workers, staff or spouses of either the candidate or the workers for attendance at conferences or seminars. Officeholders are permitted to use carryover funds to reimburse only themselves for travel associated with attending conferences or seminars on general political issues.<sup>20</sup>
- Carryover funds may not be used to purchase tickets for State Capitol staff, current staff or former campaign workers to attend banquets or social events held by charities, civic organizations or political parties.<sup>21</sup>

**Question No. 5: *How long may carryover funds be retained?***

- Carryover funds may be retained by a person for not more than ten (10) years after the last election at which he or she was a candidate or, if applicable, not more than ten (10) years after the last day that the person held office, and any remaining carryover funds shall be disposed of in the same manner as for surplus campaign funds.<sup>22</sup>
- When a person having carryover funds from an election held after July 1, 1997, files as a candidate for public office, his or her carryover funds shall be transferred to the person's active campaign fund. Once transferred, the funds will no longer be treated as carryover funds.<sup>23</sup>

**Question No. 6: *What are the record keeping and reporting requirements concerning carryover funds?***

- If a candidate ends a campaign with carryover funds, he or she must maintain records of such carryover fund for no less than ten (10) years or until such time as the funds are expended completely or disposed of, whichever occurs first.<sup>24</sup>

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<sup>19</sup> Ark. Code Ann. § 7-6-203(h)(4)(A).

<sup>20</sup> § 215(a) of the Commission's Rules on Campaign Finance & Disclosure.

<sup>21</sup> § 221(b) of the Commission's Rules on Campaign Finance & Disclosure.

<sup>22</sup> Ark. Code Ann. § 7-6-203(h)(4)(D).

<sup>23</sup> Ark. Code Ann. § 7-6-203(h)(4)(B).

<sup>24</sup> § 233(c) of the Commission's Rules on Campaign Finance & Disclosure.

- A person shall file an expenditure report concerning carryover funds if since the last report concerning the carryover funds, the person has expended in excess of five hundred dollars (\$500). The report shall be filed at the office in which the candidate was required to file his or her campaign contribution and expenditure reports for the previous campaign not later than fifteen (15) days after a calendar quarter in which a report becomes required. No report is required in any calendar quarter in which the cumulative expenditure limit has not been exceeded since the person's last report.<sup>25</sup>
- A person who retains carryover funds is required to file an annual report outlining the status of the carryover fund account as of December 31<sup>st</sup> unless the person has made a quarterly report during the calendar year pursuant to Ark. Code Ann. § 7-6-203(h)(4)(C)(i) and (ii). The annual report for a particular year shall be due by January 31<sup>st</sup> of the following year.<sup>26</sup> The carryover fund reports of a person who ran for school district, township, municipal, or county office must be filed with the **county clerk** of the county in which the election was held.<sup>27</sup> The carryover fund reports of a candidate for state or district office must be filed with the **Secretary of State**.<sup>28</sup>
- A person shall also file an expenditure report for the calendar quarter in which he or she transfers the carryover funds to an active campaign fund.<sup>29</sup>
- There is a separate carryover fund reporting form.<sup>30</sup>

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<sup>25</sup> Ark. Code Ann. § 7-6-203(h)(4)(C)(i).

<sup>26</sup> Ark. Code Ann. § 7-6-203(h)(4)(C)(iii).

<sup>27</sup> Ark. Code Ann. § 7-6-203(h)(4)(C)(iv).

<sup>28</sup> Ark. Code Ann. § 7-6-203(h)(4)(C)(v).

<sup>29</sup> Ark. Code Ann. § 7-6-203(h)(4)(C)(ii).

<sup>30</sup> § 228 of the Commission's Rules on Campaign Finance & Disclosure.

# CARRYOVER FUND REPORTING FORM

Year of Election: \_\_\_\_\_

NOTE: The carryover fund reports of a person who ran for school district, township, municipal, or county office are required to be filed with the **county clerk** of the county in which the election was held. The carryover fund reports of a person who ran for state or district office are required to be filed with:

Mark Martin, Secretary of State  
 State Capitol, Room 026  
 Little Rock, AR 72201  
 Phone (501) 682-5070  
 Fax (501) 682-3408

For assistance in completing this form contact:  
 Arkansas Ethics Commission  
 Post Office Box 1917  
 Little Rock, AR 72203-1917  
 Phone (501) 324-9600  
 Toll Free (800) 422-7773

Check if this report is an amendment

Officeholder/Candidate Information	(file stamp)	
1. Name of Officeholder/Candidate		
Address		
City, State, and Zip		Phone Number
Office		District Number
2. Type of Report: (check only one)    This report covers what period? (___/___/___) through (___/___/___)		
<input type="checkbox"/> <b>First Quarter</b> (due April 15) <input type="checkbox"/> <b>Fourth Quarter</b> (due January 15) <input type="checkbox"/> <b>Second Quarter</b> (due July 15) <input type="checkbox"/> <b>Annual Report for Calendar Year</b> _____ (due January 31) <input type="checkbox"/> <b>Third Quarter</b> (due October 15) <input type="checkbox"/> <b>Closing Out of Carryover Account</b>		
A quarterly report is due if you have expended in excess of \$500 since your last report concerning carryover funds. No report is required in any calendar quarter in which you have not exceeded the cumulative expenditure limit of \$500 since your last report. An annual report is not required if you have filed at least one quarterly report during the calendar year. A person is required to file a report for the calendar quarter in which he or she transfers carryover funds to his or her active campaign fund.		

SUMMARY	FOR REPORTING PERIOD	YEAR-TO-DATE
3. Balance of carryover funds at beginning of reporting period		
4. Interest (if any) earned on carryover account		
5. Total expenditures (enter amount from line 10)		
6. Balance of carryover funds at close of reporting period		

I certify that I have examined this Report, and that to the best of my knowledge and belief it is true, correct, and complete.

\_\_\_\_\_  
Signature of Officeholder/Candidate

Sworn to and subscribed before me, a Notary Public, in and for \_\_\_\_\_ County, Arkansas, on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Signature of Notary

My Commission Expires: \_\_\_\_\_

**Note: If faxed, notary seal must be legible (i.e., either stamped or raised and inked) and the original must follow within ten (10) days.**

The law provides for a maximum penalty of \$2,000 per violation and/or imprisonment for not more than one year for any person who knowingly or willfully fails to comply with the provisions of Ark. Code Ann. § 7-6-201 through § 7-6-227. This report constitutes a public record. This form has been approved by the Arkansas Ethics Commission.



# **STATEMENT OF FINANCIAL INTEREST FORMS & INSTRUCTIONS**

**The Statement of Financial Interest form is currently being revised as of the date of publication of this handbook. For the most current Statement of Financial Interest form, please visit the Arkansas Ethics Commission website at <http://www.arkansasethics.com/> or contact them at (800)-422-7773.**

**Ethics forms may also be obtained from the Secretary of State's website at <http://www.sos.arkansas.gov/elections/Pages/financialDisclosure.aspx> or by contacting the Elections Division at (800)-482-1127.**

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# EXPLORATORY COMMITTEE REGISTRATION FORM

NOTE: The exploratory committee registration form of a committee for an individual person who, upon becoming a candidate will seek a school district, township, municipal, or county office, is required to be filed with the county clerk of the county in which the election will be held. The exploratory committee registration form of a committee for an individual person who, upon becoming a candidate will seek a state or district office, is required to be filed with:

Mark Martin, Secretary of State  
 State Capitol, Room 026  
 Little Rock, AR 72201  
 Phone (501) 682-5070  
 Fax (501) 682-3408

For assistance in completing this form contact:  
 Arkansas Ethics Commission  
 Post Office Box 1917  
 Little Rock, AR 72203-1917  
 Phone (501) 324-9600  
 Toll Free (800) 422-7773

**1. Provide the name, telephone number, and address for the committee:**

Name of Committee: \_\_\_\_\_ Telephone: \_\_\_\_\_  
 Street Address: \_\_\_\_\_  
 City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

**2. Provide the name, title, address, and telephone number for each officer:**

a. Name: \_\_\_\_\_ Title: \_\_\_\_\_ Telephone: \_\_\_\_\_  
 Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

b. Name: \_\_\_\_\_ Title: \_\_\_\_\_ Telephone: \_\_\_\_\_  
 Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

c. Name: \_\_\_\_\_ Title: \_\_\_\_\_ Telephone: \_\_\_\_\_  
 Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

d. Name: \_\_\_\_\_ Title: \_\_\_\_\_ Telephone: \_\_\_\_\_  
 Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

**3. Provide the name, public office sought, telephone number, and address of the individual person who, upon becoming a candidate, is intended to receive campaign contributions from the committee:**

Name of Candidate: \_\_\_\_\_ Telephone: \_\_\_\_\_  
 Public Office Sought: \_\_\_\_\_  
 Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

**An exploratory committee is required to register within fifteen (15) days after receiving contributions during a calendar year which, in the aggregate, exceed five hundred dollars (\$500).**

**Affidavit**

I certify under oath that the above information is true and correct.

\_\_\_\_\_  
 Signature of Committee Officer

State of Arkansas  
 County of \_\_\_\_\_ } ss.

Subscribed and sworn before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

(Legible Notary Seal)

\_\_\_\_\_  
 Signature of Notary Public

My Commission Expires: \_\_\_\_\_

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# EXPLORATORY COMMITTEE CONTRIBUTION AND EXPENDITURE REPORT

NOTE: The exploratory committee reporting form of a committee for an individual person who, upon becoming a candidate will seek a school district, township, municipal, or county office, is required to be filed with the **county clerk** of the county in which the election will be held. The exploratory committee reporting form of a committee for an individual person who, upon becoming a candidate will seek a state or district office, is required to be filed with:

**Mark Martin, Secretary of State  
State Capitol, Room 026  
Little Rock, AR 72201  
Phone (501) 682-5070  
Fax (501) 682-3408**

For assistance in completing this form contact:  
Arkansas Ethics Commission  
Post Office Box 1917  
Little Rock, AR 72203-1917  
Phone (501) 324-9600  
Toll Free (800) 422-7773

Check if this report is an amendment

(File Stamp)

1. Name of Committee: \_\_\_\_\_

Date: \_\_\_\_\_ Telephone Number: \_\_\_\_\_

Street Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code \_\_\_\_\_

2. Type of Report: (check one only)

This report covers what period? (\_\_\_/\_\_\_/\_\_\_) through (\_\_\_/\_\_\_/\_\_\_)

- January Monthly (due March 2<sup>nd</sup>)   
  May Monthly (due June 30<sup>th</sup>)   
  September Monthly (due Oct 30<sup>th</sup>)  
 February Monthly (due March 30<sup>th</sup>)   
  June Monthly (due July 30<sup>th</sup>)   
  October Monthly (due Nov 30<sup>th</sup>)  
 March Monthly (due April 30<sup>th</sup>)   
  July Monthly (due August 30<sup>th</sup>)   
  November Monthly (due December 30<sup>th</sup>)  
 April Monthly (due May 30<sup>th</sup>)   
  August Monthly (due Sept 30<sup>th</sup>)   
  December Monthly (due January 30<sup>th</sup>)  
 FINAL REPORT\*

\* A FINAL REPORT must be filed within thirty (30) days after the end of the month in which the committee either transfers its contributions to a candidate's campaign or no longer accepts contributions.

SUMMARY	FOR REPORTING PERIOD	CUMULATIVE TOTAL
3. Balance of Committee's Funds at Beginning of Reporting Period		
4. Interest (if any) Earned on Committee's Account		
5. Total Contributions (enter total from line 16)		
6. Total Expenditures (enter total from line 20)		
7. Balance of Committee's Funds at Close of Reporting Period		
8. ( ) <b>NO ACTIVITY</b> (check if the committee has not received or spent money this reporting period)		

I certify to the best of my knowledge and belief that the information disclosed in this report is a complete, true, and accurate financial statement of the committee's contributions and expenditures.

\_\_\_\_\_  
Signature of Committee's Representative

Sworn to and subscribed before me, a Notary Public, in and for \_\_\_\_\_ County, Arkansas, on this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

(Legible Notary Seal)

Notary Signature \_\_\_\_\_

My Commission Expires \_\_\_\_\_

**Note: If faxed, notary seal must be legible (i.e., either stamped or raised and inked) and the original must follow within ten (10) days.**

The law provides for a maximum penalty of \$2,000 per violation and/or imprisonment for not more than one year for any person who knowingly or willfully fails to comply with the provisions of A.C.A. § 7-6-201 through § 7-6-227. This report constitutes a public record. This form has been approved by the Arkansas Ethics Commission.

Revised 08/09









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# COUNTY POLITICAL PARTY COMMITTEE REGISTRATION FORM

To be filed with:  
**Mark Martin, Secretary of State**  
State Capitol, Room 026  
Little Rock, AR 72201  
Phone (501) 682-5070  
Fax (501) 682-3408

Registration for calendar year \_\_\_\_\_

*For assistance in completing  
this form contact:*  
**Arkansas Ethics Commission**  
Post Office Box 1917  
Little Rock, AR 72203  
Phone (501) 324-9600  
Toll Free (800) 422-7773

Is this report an amendment?  Yes  No

## **Section One: Committee Name and Political Party Affiliation**

If the name of the committee is an acronym, the full name of the committee and the acronym should be disclosed.

Name of Committee (in full): \_\_\_\_\_

Acronym (if applicable): \_\_\_\_\_

Name of Political Party With Which Committee is Affiliated: \_\_\_\_\_

## **Section Two: Committee Address & Phone Number**

If the committee has no office address, use the address of the committee officer authorized to receive notices on behalf of the committee.

Address: \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_ Telephone Number \_\_\_\_\_

## **Section Three: Committee Officers**

Provide the name, address, telephone number, and place of employment for each officer of the committee.

Name: \_\_\_\_\_ Title: \_\_\_\_\_

Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Place of Employment: \_\_\_\_\_ Telephone Number: \_\_\_\_\_

Name: \_\_\_\_\_ Title: \_\_\_\_\_

Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Place of Employment: \_\_\_\_\_ Telephone Number: \_\_\_\_\_

Name: \_\_\_\_\_ Title: \_\_\_\_\_

Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Place of Employment: \_\_\_\_\_ Telephone Number: \_\_\_\_\_

Name: \_\_\_\_\_ Title: \_\_\_\_\_

Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Place of Employment: \_\_\_\_\_ Telephone Number: \_\_\_\_\_

**Section Four: Financial Institution**

Provide the financial institution in this state that the committee designates as its official depository for the purposes of depositing all money contributions that it receives in this state and makes all expenditures in this state.

Full Name of Financial Institution: \_\_\_\_\_

Street Address: \_\_\_\_\_ City: \_\_\_\_\_ State: Arkansas Zip: \_\_\_\_\_

**Section Five: Written Acceptance of Appointment by Treasurer**

I hereby accept the appointment as Treasurer.

\_\_\_\_\_  
Signature of Treasurer

\_\_\_\_\_  
Name of Treasurer

**Affidavit**

I certify under oath that the above information is true and correct. In addition, I certify that the committee shall maintain for a period of four (4) years records evidencing (1) the name, address, and place of employment of each person who contributed to the committee, along with the amount contributed and (2) the name and address of each candidate or committee which received a contribution from the committee, along with the amount contributed.

\_\_\_\_\_  
Signature of Committee Officer

State of Arkansas } ss.

County of \_\_\_\_\_

Subscribed and sworn before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Signature of Notary Public

*(Legible Notary Seal)*

My Commission Expires: \_\_\_\_\_

# COUNTY POLITICAL PARTY COMMITTEE QUARTERLY REPORTING FORM

To be filed with:  
 Mark Martin, Secretary of State  
 State Capitol, Room 026  
 Little Rock, AR 72201  
 Phone (501) 682-5070  
 Fax (501) 682-3408

For assistance in completing  
 this form contact:  
 Arkansas Ethics Commission  
 Post Office Box 1917  
 Little Rock, AR 72203  
 Phone (501) 324-9600  
 Toll Free (800) 422-7773

<b>1. NAME OF COMMITTEE (IN FULL)</b>	<b>2. TYPE OF REPORT</b>
<b>ADDRESS</b>	<input type="checkbox"/> <b>April 15 Quarterly</b> covers January 1 through March 31 <input type="checkbox"/> <b>July 15 Quarterly</b> covers April 1 through June 30 <input type="checkbox"/> <b>October 15 Quarterly</b> covers July 1 through September 30 <input type="checkbox"/> <b>January 15 Quarterly</b> covers October 1 through December 31
<b>CITY, STATE AND ZIP CODE</b>	<b>3. IS THIS REPORT AN AMENDMENT?</b>  <input type="checkbox"/> YES <input type="checkbox"/> NO

SUMMARY	FOR REPORTING PERIOD	CUMULATIVE TOTALS
4. BALANCE OF FUNDS AT BEGINNING OF REPORTING PERIOD		
5. INTEREST EARNED ON COMMITTEE FUNDS (IF ANY)		
6. TOTAL MONETARY CONTRIBUTIONS RECEIVED		
7. TOTAL CONTRIBUTIONS MADE TO CANDIDATES / COMMITTEES		
8. ADMINISTRATIVE EXPENSES		
9. BALANCE OF FUNDS AT CLOSE OF REPORTING PERIOD		
10. (    ) <b>NO ACTIVITY</b> (check if you have not received or made any contributions during this reporting period)		

I certify under oath that I have examined this report and to the best of my knowledge and belief the information so disclosed is a complete, true, and accurate financial statement.

\_\_\_\_\_  
Signature of Committee Officer

State of Arkansas } ss County of _____ Subscribed and sworn before me this _____ day of _____, 20_____.  _____ Signature of Notary Public  (Legible Notary Seal)  My Commission Expires: _____	
<b>Note: If faxed, notary seal must be legible (i.e., either stamped or raised and inked) and the original must follow within ten (10) days.</b>	

The law provides for a maximum penalty of \$2,000 per violation and/or imprisonment for not more than one year for any person who knowingly or willfully fails to comply with the provisions of Ark. Code Ann. § 7-6-201 through § 7-6-227. This report constitutes a public record. This form has been approved by the Arkansas Ethics Commission.





**15. ITEMIZED NONMONEY CONTRIBUTIONS RECEIVED  
BY COMMITTEE OVER \$500**

Please Type or Print  
Use Additional Copies of this Page if Necessary

Date of Receipt	Full Name and Address of Contributor	Description of Nonmoney Item	Value of Nonmoney Item	Cumulative Total From This Contributor
<b>16. TOTAL ITEMIZED NONMONEY CONTRIBUTIONS RECEIVED DURING REPORTING PERIOD</b>				
<b>17. TOTAL NONITEMIZED NONMONEY CONTRIBUTIONS RECEIVED DURING REPORTING PERIOD</b>				
<b>18. TOTAL NONMONEY CONTRIBUTIONS RECEIVED DURING REPORTING PERIOD</b>				

**IMPORTANT**

**In addition to monetary contributions, committees are required to report the receipt of any nonmoney (“in-kind”) contributions. A committee receives an in-kind contribution whenever a person provides it with an item or service without charge or for a charge that is less than the fair market value of the item or service in question. The value of an in-kind contribution is the difference between the fair market value and the amount charged.**

The law provides for a maximum penalty of \$2,000 per violation and/or imprisonment for not more than one year for any person who knowingly or willfully fails to comply with the provisions of Ark. Code Ann. § 7-6-201 through § 7-6-227. This report constitutes a public record. This form has been approved by the Arkansas Ethics Commission.









## COUNTY POLITICAL PARTY COMMITTEE NOTICE OF TERMINATION

To be filed with:  
Mark Martin, Secretary of State  
State Capitol, Room 026  
Little Rock, AR 72201  
Phone (501) 682-5070  
Fax (501) 682-3408

For assistance in completing  
this form contact:  
Arkansas Ethics Commission  
Post Office Box 1917  
Little Rock, AR 72203  
Phone (501) 324-9600

1. NAME OF COMMITTEE (IN FULL): \_\_\_\_\_  
ADDRESS: \_\_\_\_\_  
CITY, STATE AND ZIP CODE: \_\_\_\_\_
2. DATE COMMITTEE CEASED TO EXIST: \_\_\_\_\_
3. CONTRIBUTIONS AND EXPENDITURES:

**NO ACTIVITY TO BE REPORTED** (Check if the committee has already reported all financial activity during the period its registration was in effect; file this page only)

**REMAINING ACTIVITY DISCLOSED ON ATTACHED REPORT** (Check if the committee has financial activity which has not already been reported; attach report disclosing all unreported financial activity during period the committee's registration was in effect)

### Affidavit

I certify under oath that the above information is true and correct. In addition, I certify that the committee shall maintain for a period of four (4) years records evidencing (1) the name, address, and place of employment of each person who contributed to the above-named committee, along with the amount contributed and (2) the name and address of each candidate or committee which received a contribution from the above-named committee, along with the amount contributed.

\_\_\_\_\_  
Signature of Committee Officer

State of Arkansas                    )  
  ) ss.  
County of \_\_\_\_\_ )

Subscribed and sworn before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Signature of Notary Public

My Commission Expires: \_\_\_\_\_

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# POLITICAL ACTION COMMITTEE (PAC) REGISTRATION FORM

To be filed with:  
**Mark Martin, Secretary of State**  
State Capitol, Room 026  
Little Rock, AR 72201  
Phone (501) 682-5070  
Fax (501) 682-3408

Registration for calendar year \_\_\_\_\_

*For assistance in completing  
this form contact:*  
**Arkansas Ethics Commission**  
Post Office Box 1917  
Little Rock, AR 72203  
Phone (501) 324-9600  
Toll Free (800) 422-7773

Is this report an amendment?  Yes  No

## **Section One: PAC Name**

If the name of the PAC is an acronym, the full name of the PAC and the acronym should be disclosed.

Name of PAC (in full): \_\_\_\_\_

Acronym (if applicable): \_\_\_\_\_

## **Section Two: PAC Address & Phone Number**

If PAC has no office address, use the address of the PAC officer authorized to receive notices on behalf of the PAC.

Address: \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_ Telephone Number \_\_\_\_\_

## **Section Three: PAC Officers**

Provide the name, address, telephone number, and place of employment for each officer of the PAC.

Name: \_\_\_\_\_ Title: \_\_\_\_\_

Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Place of Employment: \_\_\_\_\_ Telephone Number: \_\_\_\_\_

Name: \_\_\_\_\_ Title: \_\_\_\_\_

Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Place of Employment: \_\_\_\_\_ Telephone Number: \_\_\_\_\_

Name: \_\_\_\_\_ Title: \_\_\_\_\_

Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Place of Employment: \_\_\_\_\_ Telephone Number: \_\_\_\_\_

Name: \_\_\_\_\_ Title: \_\_\_\_\_

Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Place of Employment: \_\_\_\_\_ Telephone Number: \_\_\_\_\_

**Section Four: Interests Represented**

Provide any professional, business, trade, labor, or other interests represented by the PAC. Include any individual business, organization, association, corporation, labor organization, or other group or firm whose interests will be represented by the PAC.

Name of Interest Represented: \_\_\_\_\_

Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Name of Interest Represented: \_\_\_\_\_

Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Name of Interest Represented: \_\_\_\_\_

Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Name of Interest Represented: \_\_\_\_\_

Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

**Section Five: Financial Institution**

Provide the financial institution that the committee designates as its official depository for purposes of receiving contributions or making expenditures within the State of Arkansas.

Full Name of Financial Institution: \_\_\_\_\_

Street Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

**Section Six: Written Acceptance of Designation as Resident Agent**

I hereby accept the designation as Resident Agent.

\_\_\_\_\_  
Signature of Resident Agent

\_\_\_\_\_  
Name of Resident Agent

\_\_\_\_\_  
Address of Resident Agent

**Affidavit**

I certify under oath that the above information is true and correct. In addition, I certify that the committee shall maintain for a period of four (4) years records evidencing (1) the name, address, and place of employment of each person who contributed to the committee, along with the amount contributed and (2) the name and address of each candidate or committee which received a contribution from the committee, along with the amount contributed. By filing this registration form, the committee hereby submits itself to the jurisdiction of the State of Arkansas for all purposes related to compliance with subchapter 2 of chapter 6, Title 7 of the Arkansas Code.

\_\_\_\_\_  
Signature of Committee Officer

State of Arkansas }  
County of \_\_\_\_\_ } ss.

Subscribed and sworn before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Signature of Notary Public

(Legible Notary Seal)

My Commission Expires: \_\_\_\_\_







**15. ITEMIZED NONMONEY CONTRIBUTIONS RECEIVED  
BY COMMITTEE OVER \$500**

Please Type or Print  
Use Additional Copies of this Page if Necessary

Date of Receipt	Full Name and Address of Contributor	Description of Nonmoney Item	Value of Nonmoney Item	Cumulative Total From This Contributor
<b>16. TOTAL ITEMIZED NONMONEY CONTRIBUTIONS RECEIVED DURING REPORTING PERIOD</b>				
<b>17. TOTAL NONITEMIZED NONMONEY CONTRIBUTIONS RECEIVED DURING REPORTING PERIOD</b>				
<b>18. TOTAL NONMONEY CONTRIBUTIONS RECEIVED DURING REPORTING PERIOD</b>				

**IMPORTANT**

**In addition to monetary contributions, political action committees are required to report the receipt of any nonmoney (“in-kind”) contributions. A political action committee receives an in-kind contribution whenever a person provides it with an item or service without charge or for a charge that is less than the fair market value of the item or service in question. The value of an in-kind contribution is the difference between the fair market value and the amount charged.**

The law provides for a maximum penalty of \$2,000 per violation and/or imprisonment for not more than one year for any person who knowingly or willfully fails to comply with the provisions of Ark. Code Ann. § 7-6-201 through § 7-6-227. This report constitutes a public record. This form has been approved by the Arkansas Ethics Commission.



## ITEMIZED MONETARY CONTRIBUTIONS MADE TO CANDIDATES AND COMMITTEES OVER \$50

Please Type or Print

Date	Name of Candidate/Committee To Whom Contribution Made	Address Of Candidate/Committee	Election for Which Contribution was Made	Amount Of Contribution
20. TOTAL ITEMIZED MONETARY CONTRIBUTIONS MADE TO CANDIDATES AND COMMITTEES DURING REPORTING PERIOD				
21. TOTAL UNITEMIZED MONETARY CONTRIBUTIONS MADE TO CANDIDATES AND COMMITTEES DURING REPORTING PERIOD				
22. <b>TOTAL MONETARY CONTRIBUTIONS MADE TO CANDIDATES AND COMMITTEES DURING REPORTING PERIOD</b> (to be entered on line #7)				

The law provides for a maximum penalty of \$2,000 per violation and/or imprisonment for not more than one year for any person who knowingly or willfully fails to comply with the provisions of Ark. Code Ann. § 7-6-201 through § 7-6-227. This report constitutes a public record. This form has been approved by the Arkansas Ethics Commission.

**23. ITEMIZED NONMONEY CONTRIBUTIONS MADE TO CANDIDATES  
AND COMMITTEES OVER \$50**

Please Type or Print

Date	Name and Address of Candidate/Committee To Whom Contribution Made	Election (if applicable) for which Contribution was Made	Description of Nonmoney Item	Value of Nonmoney Item
<b>24. TOTAL ITEMIZED NONMONEY CONTRIBUTIONS MADE TO CANDIDATES AND COMMITTEES DURING REPORTING PERIOD</b>				
<b>25. TOTAL UNITEMIZED NONMONEY CONTRIBUTIONS MADE TO CANDIDATES AND COMMITTEES DURING REPORTING PERIOD</b>				
<b>26. TOTAL NONMONEY CONTRIBUTIONS MADE TO CANDIDATES AND COMMITTEES DURING REPORTING PERIOD</b>				

The law provides for a maximum penalty of \$2,000 per violation and/or imprisonment for not more than one year for any person who knowingly or willfully fails to comply with the provisions of Ark. Code Ann. § 7-6-201 through § 7-6-227. This report constitutes a public record. This form has been approved by the Arkansas Ethics Commission.



**POLITICAL ACTION COMMITTEE (PAC)  
NOTICE OF TERMINATION**

To be filed with:  
Mark Martin, Secretary of State  
State Capitol, Room 026  
Little Rock, AR 72201  
Phone (501) 682-5070  
Fax (501) 682-3408

For assistance in completing  
this form contact:  
Arkansas Ethics Commission  
Post Office Box 1917  
Little Rock, AR 72203  
Phone (501) 324-9600

1. NAME OF COMMITTEE (IN FULL): \_\_\_\_\_  
ADDRESS: \_\_\_\_\_  
CITY, STATE AND ZIP CODE: \_\_\_\_\_
2. DATE COMMITTEE CEASED TO EXIST: \_\_\_\_\_
3. CONTRIBUTIONS AND EXPENDITURES:

- NO ACTIVITY TO BE REPORTED** (Check if PAC has already reported all financial activity during the period its registration was in effect; file this page only)
- REMAINING ACTIVITY DISCLOSED ON ATTACHED REPORT** (Check if PAC has financial activity which has not already been reported; attach report disclosing all unreported financial activity during period PAC's registration was in effect)

Affidavit

I certify under oath that the above information is true and correct. In addition, I certify that the committee shall maintain for a period of four (4) years records evidencing (1) the name, address, and place of employment of each person who contributed to the above-named committee, along with the amount contributed and (2) the name and address of each candidate or committee which received a contribution from the above-named committee, along with the amount contributed.

\_\_\_\_\_  
Signature of Committee Officer

State of Arkansas                    )  
  ) ss.  
County of \_\_\_\_\_ )

Subscribed and sworn before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Signature of Notary Public

My Commission Expires: \_\_\_\_\_

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# INDEPENDENT EXPENDITURE COMMITTEE REGISTRATION FORM

To be filed with:

**Mark Martin, Secretary of State**  
State Capitol, Room 026  
Little Rock, AR 72201  
Phone (501) 682-5070  
Fax (501) 682-3408

*For assistance in completing  
this form contact:*

**Arkansas Ethics Commission**  
Post Office Box 1917  
Little Rock, AR 72203  
Phone (501) 324-9600  
Toll Free (800) 422-7773

Is this report an amendment?  Yes  No

## **Section One: Independent Expenditure Committee Name**

If the name of the committee is an acronym, the full name of the committee and the acronym should be disclosed.

Name of Committee (in full): \_\_\_\_\_

Acronym (if applicable): \_\_\_\_\_

## **Section Two: Independent Expenditure Committee Address & Phone Number**

If the committee has no office address, use the address of the officer authorized to receive notices on behalf of the committee.

Address: \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_ Telephone Number \_\_\_\_\_

## **Section Three: Independent Expenditure Committee Officers**

Provide the name, address, telephone number, and place of employment for each officer of the committee.

Name: \_\_\_\_\_ Title: \_\_\_\_\_

Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Place of Employment: \_\_\_\_\_ Telephone Number: \_\_\_\_\_

Name: \_\_\_\_\_ Title: \_\_\_\_\_

Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Place of Employment: \_\_\_\_\_ Telephone Number: \_\_\_\_\_

Name: \_\_\_\_\_ Title: \_\_\_\_\_

Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Place of Employment: \_\_\_\_\_ Telephone Number: \_\_\_\_\_

Name: \_\_\_\_\_ Title: \_\_\_\_\_

Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Place of Employment: \_\_\_\_\_ Telephone Number: \_\_\_\_\_

**Section Four: Financial Institution**

Provide the financial institution that the committee designates as its official depository for purposes of receiving contributions or making expenditures within the State of Arkansas.

Full Name of Financial Institution: \_\_\_\_\_

Street Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

**Section Five: Written Acceptance of Designation as Resident Agent**

I hereby accept the designation as Resident Agent.

\_\_\_\_\_  
Signature of Resident Agent

\_\_\_\_\_  
Name of Resident Agent

\_\_\_\_\_  
Address of Resident Agent

**Affidavit**

I certify under oath that the above information is true and correct. In addition, I certify that the committee shall maintain for a period of four (4) years records evidencing (1) the name, address, and place of employment of each person who contributed to the committee, along with the amount contributed, and (2) each independent expenditure made by the committee, along with the amount of each expenditure. By filing this registration form, the committee hereby submits itself to the jurisdiction of the State of Arkansas for all purposes related to compliance with subchapter 2 of chapter 6, Title 7 of the Arkansas Code.

\_\_\_\_\_  
Signature of Committee Officer

State of Arkansas  
County of \_\_\_\_\_ } ss.

Subscribed and sworn before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Signature of Notary Public

*(Legible Notary Seal)*

My Commission Expires: \_\_\_\_\_



**10. INFORMATION CONCERNING COMMITTEE, INDIVIDUAL, OR OTHER ENTITY  
MAKING INDEPENDENT EXPENDITURES**

IF FILING AS AN INDEPENDENT EXPENDITURE COMMITTEE, PROVIDE THE  
FOLLOWING INFORMATION FOR EACH OF THE COMMITTEE'S OFFICERS

Name of officer:
Address:
Employer:
Occupation:
Name of officer:
Address:
Employer:
Occupation:
Name of officer:
Address:
Employer:
Occupation:

IF FILING AS AN INDIVIDUAL, PROVIDE THE FOLLOWING INFORMATION

Principal Place of Business:
Employer:
Occupation:

IF FILING AS AN ENTITY OTHER THAN AN INDIVIDUAL OR INDEPENDENT  
EXPENDITURE COMMITTEE, PROVIDE THE FOLLOWING INFORMATION  
WITH RESPECT TO THE ENTITY AND ITS OFFICERS

Name of Entity:
Address:
Name of Officer:
Address:
Employer:
Occupation:
Name of Officer:
Address:
Employer:
Occupation:
Name of Officer:
Address:
Employer:
Occupation:

The law provides for a maximum penalty of \$2,000 per violation and/or imprisonment for not more than one year for any person who knowingly or willfully fails to comply with the provisions of Ark. Code Ann. § 7-6-201 through § 7-6-227. This report constitutes a public record. This form has been approved by the Arkansas Ethics Commission.

REVISED 08/09

**11. LOAN INFORMATION – COMMITTEES ONLY**

*Please Type or Print*

*Do not list loans previously reported*

DATE	NAME AND ADDRESS OF LENDING INSTITUTION	GUARANTOR(S) IF ANY	AMOUNT
<b>12. TOTAL LOANS DURING REPORTING PERIOD</b>			<b>\$</b>

**[This space intentionally blank]**

The law provides for a maximum penalty of \$2,000 per violation and/or imprisonment for not more than one year for any person who knowingly or willfully fails to comply with the provisions of Ark. Code Ann. § 7-6-201 through § 7-6-227. This report constitutes a public record. This form has been approved by the Arkansas Ethics Commission.

REVISED 08/09

**13. ITEMIZED MONETARY CONTRIBUTIONS OVER \$50 – COMMITTEES ONLY**

*Please Type or Print*

*(Use copies of this page as needed)*

Date	Name and Address of Contributor	Employer/Occupation And Place of Business	Total Contributions for filing period	Cumulative Total
			<input type="checkbox"/> Primary <input type="checkbox"/> Run-off <input type="checkbox"/> General <input type="checkbox"/> Special	
			<input type="checkbox"/> Primary <input type="checkbox"/> Run-off <input type="checkbox"/> General <input type="checkbox"/> Special	
			<input type="checkbox"/> Primary <input type="checkbox"/> Run-off <input type="checkbox"/> General <input type="checkbox"/> Special	
			<input type="checkbox"/> Primary <input type="checkbox"/> Run-off <input type="checkbox"/> General <input type="checkbox"/> Special	
			<input type="checkbox"/> Primary <input type="checkbox"/> Run-off <input type="checkbox"/> General <input type="checkbox"/> Special	
			<input type="checkbox"/> Primary <input type="checkbox"/> Run-off <input type="checkbox"/> General <input type="checkbox"/> Special	
			<input type="checkbox"/> Primary <input type="checkbox"/> Run-off <input type="checkbox"/> General <input type="checkbox"/> Special	
			<input type="checkbox"/> Primary <input type="checkbox"/> Run-off <input type="checkbox"/> General <input type="checkbox"/> Special	
<b>14. Total Itemized Monetary Contributions</b>				
<b>15. Total Nonitemized Monetary Contributions</b>				
<b>16. Total Monetary Contributions This Report (includes lines 14 and 15)</b>				

The law provides for a maximum penalty of \$2,000 per violation and/or imprisonment for not more than one year for any person who knowingly or willfully fails to comply with the provisions of Ark. Code Ann. § 7-6-201 through § 7-6-227. This report constitutes a public record. This form has been approved by the Arkansas Ethics Commission.

REVISED 08/09

**17. NONMONEY CONTRIBUTIONS – COMMITTEES ONLY**

Date	Full Name, Mailing Address and Zip Code of Contributor	Employer/Occupation	Description of Nonmoney Item	Value of Nonmoney Item
<b>18. Total Nonmoney Contributions This Report</b>				

The law provides for a maximum penalty of \$2,000 per violation and/or imprisonment for not more than one year for any person who knowingly or willfully fails to comply with the provisions of Ark. Code Ann. § 7-6-201 through § 7-6-227. This report constitutes a public record. This form has been approved by the Arkansas Ethics Commission.

REVISED 08/09

**19. ITEMIZED EXPENDITURES OVER \$100 – COMMITTEE, INDIVIDUAL, OR OTHER ENTITY**

*Please Type or Print  
(Use copies of this page as needed)*

Name and Address of Supplier/Payee	Description of Expenditure	Date of Disbursement	Amount of Disbursement
<b>20. Total Itemized Expenditures This Report</b>			
<b>21. Total Nonitemized Expenditures This Report</b>			
<b>22. Total Expenditures This Report (includes lines 20 and 21)</b>			

The law provides for a maximum penalty of \$2,000 per violation and/or imprisonment for not more than one year for any person who knowingly or willfully fails to comply with the provisions of Ark. Code Ann. § 7-6-201 through § 7-6-227. This report constitutes a public record. This form has been approved by the Arkansas Ethics Commission.



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# **ARKANSAS ETHICS COMMISSION RULES**

**Rules on Campaign Finance & Disclosure** (Effective 12/17/97; Revised 09/20/2013)

**Rules on Political Committees** (Effective 08/29/05; Revised 08/19/11)

**Rules on Independent Expenditures** (Effective 08/19/11)

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**RULES**  
**on**  
**CAMPAIGN FINANCE**  
**& DISCLOSURE**

**ARKANSAS ETHICS COMMISSION**  
**910 West Second Street, Suite 100**  
**Post Office Box 1917**  
**Little Rock, AR 72203-1917**  
**(501) 324-9600 or (800) 422-7773**  
**Facsimile (501) 324-9606**

## TABLE OF CONTENTS

- § 200 Definitions
- § 201 Loans
- § 202 Prohibited Contributions
- § 203 Contribution Amounts
- § 204 Limitations on Soliciting and Accepting Contributions
- § 205 In-Kind Contributions-Reporting and Value
- § 206 Volunteer Services-Exception to In-Kind Contribution
- § 207 Personal Use of Campaign Funds
- § 208 Use of Campaign/Carryover Funds-Personal Use Defined
- § 209 Personal Expenses-Prohibited Uses
- § 210 Personal Use-Determination by Arkansas Ethics Commission
- § 211 Automobile Expenses
- § 212 Use or Lease of Airplane During Campaign
- § 213 Payment of Fines Associated with Campaign
- § 214 Campaign Expenditures-Use of Funds to Employ Campaign Workers,  
Including the Candidate and Family Members
- § 215 Campaign Expenditures-Political Conferences or Seminars
- § 216 Time of Making Expenditures
- § 217 Campaign Cash Expenditures
- § 218 Description of Campaign Expenditures
- § 219 Reporting Expenditures by Credit Card
- § 220 Allowable Expenditures-Purchase of Advertising and Awards

## TABLE OF CONTENTS-continued

- § 221 Allowable Expenditures-Purchase of Banquet Tickets for Charitable, Civic, or Political Events
- § 222 Allowable Expenditures-Office Equipment
- § 223 Allowable Expenditures-Miscellaneous Campaign-Related Expenditures
- § 224 Campaign Assets
- § 225 Repayment of Loans
- § 226 Surplus or Carryover Funds
- § 227 Carryover Funds-Used as Officeholder Expenses
- § 228 Carryover Funds-Time Frame for Reporting Expenditures
- § 229 Retirement of Debt
- § 230 Retirement of Past Campaign Debts
- § 231 Contributions by Children and Spouses
- § 232 Political Party and Group Activities-Exceptions to the Definitions of Contribution and Expenditure
- § 233 Records of Contributions and Expenditures
- § 234 Reporting of Candidate's Own Personal Funds and Loans From Financial Institutions
- § 235 Verification of Contribution and Expenditure Reports-All Candidates
- § 236 Reports of Contributions-Candidates for Office Other Than School District, Township, Municipal or County Office
- § 237 Contents of Reports of Contributions and Expenditures-Candidates for Office Other Than School District, Township, Municipal or County Office
- § 238 Exceptions to Filing Reports of Contributions-Candidates for Office Other Than School District, Township, Municipal or County Office
- § 239 Reports of Contributions-Candidates for School District, Township or Municipal Office

**TABLE OF CONTENTS-continued**

- § 240 Contents of Reports of Contributions-Candidates for School District, Township, or Municipal Office**
- § 241 Exceptions to Filing Reports of Contributions-Candidates for School District, Township, or Municipal Office**
- § 242 Reports of Contributions-Candidates for County Office**
- § 243 Contents of Reports of Contributions-Candidates for County Office**
- § 244 Exceptions to Filing Reports of Contributions-Candidates for County Office**
- § 245 Prohibited Campaign Activities Concerning Public Servants and Public Property; Advertising Disclaimer**
- § 246 Interest-Bearing Accounts**
- § 247 Penalty Schedule for Failure to File or Late Filing of Contribution & Expenditure Reports**
- § 248 Statement of Financial Interest-Filing Required of Candidates**
- § 249 Statement of Financial Interest-Filing Required of Public Officials, Appointees and Employees**
- § 250 Penalty Schedule for Failure to File or Late Filing of Statements of Financial Interest**
- § 251 Exploratory Committees-Registration and Reporting**
- § 252 Exploratory Committees-Contribution Limits**

**§ 200 Definitions**

- (a) “Approved political action committee” means any person who receives contributions from one or more persons in order to make contributions to candidates, ballot question committees, legislative question committees, political parties, county political party committees, or other political action committees; does not accept any contribution or cumulative contributions in excess of five thousand dollars (\$5,000) from any person in any calendar year; and has registered pursuant to Ark. Code Ann. § 7-6-215 prior to making contributions. “Approved political action committee” does not include political parties, county political party committees, the candidate’s own campaign committee, exploratory committees, or ballot question committees or legislative question committees.<sup>1</sup>
- (b) “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.<sup>2</sup>
- (c) “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, pledge or promise 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;

“Contribution” includes the purchase of tickets for events such as dinners, luncheons, rallies, and similar fund-raising events; 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 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 these rules. The term “contribution” further includes any transfer of anything of value received by a committee from another committee; “Contribution” shall not include noncompensated, nonreimbursed, volunteer personal services or travel.<sup>3</sup>

“Contribution and expenditure” shall not include activity sponsored and funded by a political party that meets the definition of “political party” under Ark. Code Ann. § 7-1-101 or the requirements of Ark. Code Ann. § 7-7-205 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.<sup>4</sup>

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<sup>1</sup> Ark. Code Ann. § 7-6-201(1).

<sup>2</sup> Ark. Code Ann. § 7-6-201(2).

<sup>3</sup> Ark. Code Ann. § 7-6-201(4).

<sup>4</sup> Ark. Code Ann. § 7-6-201(5).

- (d) “Carryover funds” means the amount of campaign funds retained from the last election by the candidate for future use but not to exceed the annual salary, excluding expense allowances, set by Arkansas law for the office sought.<sup>5</sup>
- (e) “County political party committee” means a person that is organized at the county level for the purpose of supporting its affiliate party and making contributions; is recognized by an organized political party, as defined in Ark. Code Ann. § 7-1-101, as being affiliated with that political party; receives contributions from one (1) or more persons in order to make contributions to candidates, ballot question committees, legislative question committees, political parties, political action committees, or other county political party committees; does not accept any contribution or cumulative contributions in excess of five thousand dollars (\$5,000) from any person in any calendar year; and registers pursuant to Ark. Code Ann. § 7-6-226 prior to making contributions.<sup>6</sup>
- (f) “Election” means each election to be held to nominate or elect a candidate to any public office, including school elections. For the purposes of these rules, a preferential primary election, a runoff election, a special election, and a general election shall each constitute a separate election.<sup>7</sup>
- (g) “Expenditure” means a purchase, payment, distribution, gift, loan, or advance of money or anything of value, and a contract, promise, or agreement to make an expenditure, made for the purpose of influencing the nomination or election of any candidate.<sup>8</sup> “Contribution and expenditure” shall not include activity sponsored and funded by a political party that meets the definition of “political party” under Ark. Code Ann. § 7-1-101 or the requirements of Ark. Code Ann. § 7-7-205 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.<sup>9</sup>
- (h) “Exploratory committee” means a person who receives contributions which are held to be transferred to the campaign of a single candidate in an election.
- “Exploratory committee” shall not include: (1) a political party that meets the definition of a political party under Ark. Code Ann. § 7-1-101 or the requirements of Ark. Code Ann. § 7-7-205; or (2) the candidate’s own campaign committee.<sup>10</sup> For a more detailed description of an “exploratory committee” and its duties, see §§ 251-252 herein.
- (i) “Fair market value” means the price the good or service would bring between a willing seller and a willing buyer in the open market after negotiations. See Minerva Enterprises, Inc. v. Howlett, 308 Ark. 291, 824 S.W.2d 377 (1992).

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<sup>5</sup> Ark. Code Ann. § 7-6-201(3).

<sup>6</sup> Ark. Code Ann. § 7-6-201(6).

<sup>7</sup> Ark. Code Ann. § 7-6-201(7).

<sup>8</sup> Ark. Code Ann. § 7-6-201(8).

<sup>9</sup> Ark. Code Ann. § 7-6-201(5).

<sup>10</sup> Ark. Code Ann. § 7-6-201(9).

- (j) “Family” means an individual’s spouse, children of that individual or his or her spouse, or brothers, sisters, or parents of the individual or his or her spouse.
- (k) “Financial institution” means any commercial bank, savings and loan, mutual savings bank or savings bank, credit union, insurance company, brokerage house, or any corporation that is in the business of lending money and that is subject to state or federal regulation.<sup>11</sup>
- (l) “Guarantor” means a person who makes a guaranty for a debt, the liability for which does not begin until the principal debtor is in default.
- (m) “In-kind contribution” means a contribution of goods, services, or any other thing of value, or its use, other than money and includes an agreement made or other obligation incurred, whether legally enforceable or not, to make such a contribution in the future. The term does not include direct campaign contributions. For a more detailed discussion of in-kind contributions, see § 205 of these rules.
- (n) “Independent expenditure” means any expenditure which is not a contribution and expressly advocates the election or defeat of a clearly identified candidate for office; is made without arrangement, cooperation, or consultation between any candidate or any authorized committee or agent of the candidate and the person making the expenditure or any authorized agent of that person; and is not made in concert with or at the request or suggestion of any candidate or any authorized committee or agent of the candidate.<sup>12</sup>
- (o) “Independent expenditure committee” means any person who receives contributions from one (1) or more persons in order to make an independent expenditure and is registered pursuant to Ark. Code Ann. § 7-6-227 prior to making expenditures.<sup>13</sup>
- (p) “Legislative caucus committee” means a person that is composed exclusively of members of the General Assembly, that elects or appoints officers and recognizes identified legislators as members of the organization, and that exists for research and other support of policy development and interests that the membership hold in common. A “legislative caucus committee” includes, but is not limited to, a political party caucus of the General Assembly, the Senate, or the House of Representatives. An organization whose only nonlegislator members are the Lieutenant Governor or the Governor is a “legislative caucus committee” under these rules.<sup>14</sup>
- (q) “Nonpartisan candidate” means a candidate for the office of Justice of the Supreme Court, Judge of the Court of Appeals, circuit judge, district judge, or prosecuting attorney. “Nonpartisan candidate” does not include a candidate for nonpartisan municipal office.<sup>15</sup>
- (r) “Person” means any individual, proprietorship, firm, partnership, joint venture, syndicate, labor union, business trust, company, corporation, association, committee, or any other organization or

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<sup>11</sup> Ark. Code Ann. § 7-6-201(10).

<sup>12</sup> Ark. Code Ann. § 7-6-201(11).

<sup>13</sup> Ark. Code Ann. § 7-6-201(12).

<sup>14</sup> Ark. Code Ann. § 7-6-201(13).

<sup>15</sup> Ark. Code Ann. § 7-1-101.

group of persons acting in concert. It shall also include a political party that meets the definition of “political party” under Ark. Code Ann. § 7-1-101 or the requirements of Ark. Code Ann. § 7-7-205, county political party committees, and legislative caucus committees.<sup>16</sup>

- (s) “Political party” means any group of voters which, 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 which 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 which has been declared a new political party by the Secretary of State.

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.<sup>17</sup>

- (t) “Prohibited political action committee” means any person who receives contributions from one or more persons in order to make contributions to candidates, ballot question committees, legislative question committees, political parties, county political party committees, or other political action committees but who does not meet the requirements of an approved political action committee. “Prohibited political action committee” shall not include a political party that meets the definition of “political party” under Ark. Code Ann. § 7-1-101 or the requirements of Ark. Code Ann. § 7-7-205, the candidate’s own campaign committee, a county political party committee, an exploratory committee, or a ballot or legislative question committee.<sup>18</sup>

- (u) “Public office” means any office created by or under authority of the laws of the State of Arkansas, or of a subdivision thereof, that is filled by the voters, except a federal office.<sup>19</sup>

- (v) “Surplus campaign funds” means any balance of campaign funds over expenses incurred as of the day of the election except for:

- (A) Carryover funds; and

- (B) Any funds required to repay loans made by the candidate from his or her personal funds to the campaign or to repay loans made by financial institutions to the candidate and applied to the campaign.<sup>20</sup>

- (w) “Written instrument” means a check on which the contributor is directly liable or which is written on a personal account, trust account, partnership account, business account, or other account that contains the contributor’s funds. In the case of a contribution by credit card or debit card, “written instrument” includes without limitation: (i) A paper record signed by the cardholder, provided that the paper record contains the following information for the cardholder at the time of making the

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<sup>16</sup> Ark. Code Ann. § 7-6-201(14).

<sup>17</sup> Ark. Code Ann. § 7-1-101, Ark. Code Ann. § 7-7-205.

<sup>18</sup> Ark. Code Ann. § 7-6-201(15).

<sup>19</sup> Ark. Code Ann. § 7-6-201(16).

<sup>20</sup> Ark. Code Ann. § 7-6-201(17).

contribution: (a) Valid name; (b) Complete address; (c) Place of business; (d) Employer; and (e) Occupation; or (ii) In the case of a contribution made through the internet, an electronic record created and transmitted by the cardholder, provided that the electronic record contains the following information for the cardholder at the time of making the contribution: (a) Valid name; (b) Complete address; (c) Place of business; (d) Employer; and (e) Occupation.<sup>21</sup>

## § 201 Loans

A candidate shall treat a loan of money or goods as a contribution for purposes of campaign finance laws and of the rules that follow. A candidate receiving a personal loan from a financial institution must disclose the loan as a loan from the candidate to his or her campaign on the proper Contribution and Expenditure Report. On the issue of loans, see also § 225 and § 234 *infra*.

## § 202 Prohibited Contributions

- (a) (1) A candidate or a person acting on a candidate's behalf shall not accept any contribution from a prohibited political action committee.
- (2) A prohibited political action committee shall not make any contribution to a candidate in an election.<sup>22</sup>
- (b) No contribution shall be made to a candidate, an approved political action committee, a county political party committee, an independent expenditure committee, an exploratory committee, or a political party unless such contribution is made directly to the intended recipient, provided that it shall be permissible to make a contribution to a candidate's campaign committee instead of directly to the candidate.<sup>23</sup>
- (c) No contribution shall be made to or knowingly accepted by a candidate or his or her campaign committee, an approved political action committee, a county political party committee, an independent expenditure committee, an exploratory committee, or a political party unless the contribution is made in the name by which the person providing the funds for the contribution is identified for legal purposes.<sup>24</sup>
- (d) (1) No person shall make an anonymous contribution in support of or opposition to a candidate or campaign committee totaling \$50 or more in a calendar year.
- (2) The intended recipient shall not keep an anonymous contribution of \$50 or more; the recipient shall promptly pay that contribution to the Secretary of State of Arkansas for deposit in the State Treasury as general revenues.<sup>25</sup>

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<sup>21</sup> Ark. Code Ann. § 7-6-201(18).

<sup>22</sup> Ark. Code Ann. § 7-6-203(e).

<sup>23</sup> Ark. Code Ann. § 7-6-205(a).

<sup>24</sup> Ark. Code Ann. § 7-6-205(b).

<sup>25</sup> Ark. Code Ann. § 7-6-205(c).

- (e) Whenever any person provides his or her dependent child with funds and the child uses those funds to make a contribution to a candidate, the contribution shall be attributed to such person for purposes of applying the individual contribution limit.<sup>26</sup>
- (f) Campaign contributions may not be made by individuals who are not citizens of the United States of America or by any other entity which is not organized, existing, or created under the laws of the United States or of any state or other place subject to the jurisdiction of the United States and which does not have its principal place of business in the United States.<sup>27</sup>

**§ 203 Contribution Amounts**

- (a) A candidate or a person acting on the candidate's behalf shall not accept contributions or cumulative contributions which exceed \$2,000 per person per election. A candidate may accept a campaign contribution or contributions up to the maximum amount from any prospective contributor for each election in which he or she is a candidate, whether opposed or unopposed.
- (b) A person shall not make contributions or cumulative contributions to a candidate or to a person acting on the candidate's behalf which exceed \$2,000 per person per election. A person may make a contribution or contributions up to the maximum amount to a candidate for each election, whether opposed or unopposed.
- (c) The above limitations shall not apply to:
  - (1) loans made by a candidate from his or her own personal funds to the campaign;
  - (2) contributions made by a candidate from his or her own personal funds to the campaign;
  - (3) personal loans that financial institutions make to a candidate and that are applied to his or her campaign; or
  - (4) independent expenditures, as defined in Ark Code Ann. § 7-6-201(11).
- (d) A state political party may contribute up to \$2,500 to its candidate's campaign per election.<sup>28</sup>
- (e) No campaign contribution exceeding \$100<sup>29</sup> shall be received in cash nor shall any campaign expenditure exceeding \$50 be made in cash.<sup>30</sup>
- (f) All contributions and expenditures<sup>31</sup> in behalf of a campaign activity, other than in-kind contributions and expenditures,<sup>32</sup> in excess of the amounts mentioned in subsection (e) of this section shall be

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<sup>26</sup> Ark. Code Ann. § 7-6-205(d).  
<sup>27</sup> Ark. Code Ann. § 7-6-205(e).  
<sup>28</sup> Ark. Code Ann. § 7-6-203(a)-(d).  
<sup>29</sup> Ark. Code Ann. § 7-6-204(a).  
<sup>30</sup> Ark. Code Ann. § 7-6-204.

made by: (1) a written instrument containing the name of the donor and the name of the payee; (2) a credit card or a debit card where the transaction results in a paper record signed by the cardholder, provided that the paper record contains the following information for the cardholder at the time of making the contribution: (a) valid name; (b) complete address; (c) place of business; (d) employer; and (e) occupation; or (3) a transaction that results in an electronic record created or transmitted by the cardholder where a contribution or expenditure is made through the internet, provided that the electronic record contains the following information for the cardholder at the time of making the contribution: (a) valid name; (b) complete address; (c) place of business; (d) employer; and (e) occupation.

- (g) The contribution limits herein are “per election,” not “per election cycle.” A candidate may receive a contribution up to the maximum amount from any prospective contributor for each preferential primary election, runoff election, special election, or general election in which he or she is a candidate, whether opposed or unopposed. If a political party elects to use a caucus, rather than a primary election, in which to select its candidate, the caucus shall be treated as an election for campaign finance purposes and the maximum contribution limits shall be in effect.

#### **§ 204 Limitations on Soliciting and Accepting Contributions**

- (a) A candidate, a person acting on the candidate’s behalf, or an exploratory committee shall not solicit or accept campaign contributions more than two (2) years before an election in which the candidate seeks nomination or election. This section shall not prohibit the solicitation or acceptance of a contribution for the sole purpose of raising funds to retire a previous campaign debt.<sup>33</sup>
- (b) After the date of an election at which the person is a candidate for nomination or election, the person shall not accept campaign contributions for that election except for the sole purpose of raising funds to retire campaign debt.<sup>34</sup>

#### **§ 205 In-Kind Contributions-Reporting and Value**

- (a) In addition to monetary contributions, candidates are required to report the receipt of any “in-kind contributions,” as defined in § 200(m) of these rules.
- (b) For reporting purposes, the value of an in-kind contribution shall be its fair market value if it had been purchased, sold or leased in the ordinary course of business. An in-kind contribution constitutes a contribution. Those transactions which are specifically excluded from the definition of “contribution” are likewise excluded from the definition of “in-kind contribution.”

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<sup>31</sup> Ark. Code Ann. § 7-6-204(b).

<sup>32</sup> See definition of “in-kind contribution” in § 200(l).

<sup>33</sup> Ark. Code Ann. § 7-6-203(f).

<sup>34</sup> Ark. Code Ann. § 7-6-203(h)(5).

- (c) A person makes an "in-kind contribution" whenever, in conjunction with the nomination or election of a specific candidate, such person purchases, sells or leases an item, or provides a service to or on behalf of the candidate without charge or for a charge which is less than the fair market value of the item or service provided. The difference between the fair market value and the charge shall be the value of the in-kind contribution. The donor of the item or service shall place the value on the in-kind contribution when given. The candidate or someone designated to act on his or her behalf, such as the treasurer of the campaign, may question the value set by the donor if it appears unreasonable and shall revalue the in-kind contribution to a reasonable value. The value of an in-kind contribution is a factual determination which shall be made by the Ethics Commission.
- (d) The transfer of anything of value by a political party to a candidate, other than a direct contribution or those items specifically listed as exemptions in Ark. Code Ann. § 7-6-201(5), shall constitute an in-kind contribution. A political advertisement by a political party on behalf of a specifically named candidate expressly advocating the election of the candidate or the defeat of the candidate's opponent constitutes an in-kind contribution. However, public efforts, including political advertisements, by political parties to promote the party's platform or to inform the public of the party's views on certain issues, as opposed to promoting the election or defeat of specific candidates, shall not constitute an in-kind contribution to any candidate.
- (e) The costs associated with any news story, commentary or editorial distributed in the ordinary course of business by a broadcasting station, newspaper or other periodical publication does not constitute an in-kind contribution. Costs associated with nonpartisan activities designed to encourage individuals to register to vote or to vote do not constitute in-kind contributions. Finally, the costs associated with internal organizational communications of business, labor, professional or other associations which merely endorse a candidate do not constitute in-kind contributions.
- (f) Political advertising, as detailed in subsection (d) above, supporting more than one candidate and other forms of political marketing may be an in-kind contribution. If political advertising or other mass political marketing technique supports more than one candidate and is determined to be an in-kind contribution, the amount of the contribution shall be determined and reported by dividing the full value of the political advertising or marketing by the number of persons benefited. Each candidate specifically listed by the advertisement shall assume the *pro rata* share of the costs of the contribution.

#### § 206 Volunteer Services-Exception to In-Kind Contribution

- (a) In addition to the other exceptions noted in these rules, the value of volunteer services provided without compensation do not constitute an in-kind contribution. Accordingly, an individual may volunteer any personal service provided he or she is not compensated for the service by any other individual or person. This applies both to manual tasks (*i.e.*, stuffing envelopes, answering telephones, etc.) and to specialized services (*i.e.*, services provided by musicians, accountants, etc.). Whether a contribution has occurred depends upon whether the work performed is considered "volunteer services." Whether time is spent on a volunteer basis depends upon whether the services are rendered during time that is the individual's own time to spend as he or she sees fit. If services are rendered after working hours, they will typically be viewed as exempted volunteer services.

- (b) In accordance with subsection (a) above, certain professional services, such as legal and accounting services, which typically have fees associated with them, may be provided to a candidate on a volunteer basis, provided the need for the services arises from the campaign. For example, accounting or bookkeeping services involved with handling the candidate's campaign financing may be provided to a candidate on a volunteer basis and will not count as an "in-kind" contribution even if no fees are charged.<sup>35</sup>
- (c) An individual may use his or her home or the recreational room of his or her residential complex for a candidate and/or party-related activities and such use will not be deemed a contribution. Any nominal fee charged for the use of the room is not considered a contribution. An individual may buy food, beverage and invitations<sup>36</sup> used in connection with a candidate or party-related activity conducted in his home or the recreational room of his or her residential complex and such expenses will not be considered an "in-kind" contribution, provided the expenditures do not exceed \$1,000 per candidate per election. Any amounts over \$1,000 would need to be duly reported as an in-kind contribution.
- (d) An individual may volunteer and obtain the use of a church or community center room for a candidate or party-related activities without incurring an "in-kind" contribution, provided the room is used on a regular basis *without charge* by members of the community without regard to political affiliation and for noncommercial purposes.
- (e) An individual may spend a reasonable amount for his or her normal living expenses incurred while engaging in volunteer activity.

#### § 207 Personal Use of Campaign Funds

- (a) A candidate shall not take campaign funds as personal income. A candidate shall not take any campaign funds as income for his or her spouse or dependent children, except that:
  - (1) An opposed candidate may employ his or her spouse or dependent children as campaign workers;<sup>37</sup> and
  - (2) An opposed candidate who, during and before the election, takes a leave of absence without pay from his primary place of employment shall be authorized to take campaign funds before the election as personal income up to the amount of employment income lost as a result of such leave of absence.
- (b) Campaign funds which are retained as "carryover funds," as defined by § 200(d) of these rules and Ark. Code Ann. § 7-6-201(3), are treated as campaign funds and may not be taken as personal income or as income for the candidate's spouse or dependent children.

<sup>35</sup> Arkansas Ethics Commission Opinion No. 96-EC-005.

<sup>36</sup> This exemption does not cover the cost of mailing invitations, only the cost of printing invitations.

<sup>37</sup> Ark. Code Ann. § 7-6-203(g).

**§ 208 Use of Campaign/Carryover Funds-Personal Use Defined**

- (a) For purposes of this section and throughout these rules, a candidate who uses campaign funds to fulfill any commitment, obligation or expense that would exist regardless of the candidate's campaign and an officeholder who uses campaign funds (retained as carryover funds) to fulfill any commitment, obligation or expense that would exist regardless of the duties and responsibilities of his or her office shall be deemed to have taken campaign funds as personal income.
- (b) The use of campaign funds to purchase a cake or other perishable item of food at a fund-raising event held by a volunteer agency, as defined in Ark. Code Ann. § 16-6-103, shall not be considered a taking of campaign funds as personal income.
- (c) The use of campaign funds to purchase advertising prior to the date the final report is due to be filed thanking voters for their support shall not be considered a taking of campaign funds as personal income.
- (d) The use of campaign funds to pay a candidate's own personal expenses for food, lodging, or travel to attend a national presidential nominating convention shall not be considered a taking of campaign funds as personal income.
- (e) If an expense is the result of campaign or officeholder activity, then it is not considered personal use and not prohibited by those sections and subsections herein limiting the personal use of campaign funds or carryover funds.
- (f) For those candidates who lose an election and, after disposing of surplus funds, have carryover funds remaining, or for those officeholders who are no longer in office, personal use of such funds remains prohibited for expenses unless the expenses relate to a future candidacy.

**§ 209 Personal Expenses-Prohibited Uses**

Campaign funds may not be used to pay personal expenses. The following expenses are considered "personal expenses" per se:

- (a) **Household Food Items and Supplies**-This includes food purchased for day-to-day consumption in the personal residence and supplies purchased to maintain the personal residence. It does not include food and supplies for fund-raising activities (even if they take place in the candidate's home) and food or refreshments for meetings and gatherings related to the candidate's campaign.
- (b) **Clothing**-This includes all attire for political or personal functions. It does not include clothing of nominal value such as T-shirts or caps imprinted with a campaign logo or slogan or a candidate's name. Such items may be purchased with campaign funds and are a legitimate campaign expense.
- (c) **Mortgage, Rent and Utility Payments**-This includes any payments with respect to a personal residence of the candidate or his or her family, even if a portion of the residence is used by the

campaign. It does not include (i) payments made by a candidate with respect to other buildings or offices or office space used solely for campaign purposes, such as the campaign's headquarters, even if the candidate owns the space used, so long as the space is not the personal residence of the candidate or his or her family and the campaign pays a fair market value for use of the space; or (ii) payments made by a member of the General Assembly with respect to an apartment leased solely for use while in the capitol on official business so long as the apartment is not maintained as the officeholder's primary personal residence and per diem is used to pay a proportional share of the rent and utilities incurred in connection with maintaining the apartment. That share shall be determined using a fraction, the numerator of which shall be the number of days per diem was received in a particular month and the denominator of which shall be the total number of days in that month. Furthermore, this prohibition does not apply to charges for long distance telephone calls made for campaign or officeholder purposes which may originate from the candidate's residence.

- (d) **Membership Dues, Fees or Other Gratuitous Payments to Nonpolitical Organizations, Other Than Charities**-Campaign funds may not be used to make payments to a country club, health club, recreational facility or other nonpolitical organization unless the payments are made in connection with a fund-raising event or other political event which takes place on the organization's premises. The prohibition does not include membership dues in an organization which may offer political contacts, such as community-based religious organizations, ethnic organizations and other civic organizations.
- (e) **Donations and Contributions to Churches**-Donations and contributions to churches are not allowed from campaign funds while a candidate is seeking office unless the candidate had, prior to deciding to run for office, regularly given money to the church or had been a previous member of the particular church to which the expenditure is intended. Following the conclusion of the campaign, a candidate may donate or contribute surplus or carryover funds to nonprofit, tax-exempt organizations as provided in Ark. Code Ann. § 7-6-203(h)(1)(C).
- (f) **Contributions to the Campaigns of Others** -Generally, campaign funds may not be used to make a contribution to another candidate's campaign. Contributions are construed as a personal matter and transferring a contribution from one campaign to another person's campaign is considered a "personal use" of the funds. However, this general rule is a rebuttable presumption. There could be times and circumstances when a candidate may attend a fund raiser for another candidate and the purpose of attending would be to further the candidate's own campaign. Therefore, buying a ticket to the fund raiser would be permitted. Factual circumstances thus may justify a departure from the general rule that making a campaign contribution constitutes a personal use of funds. As noted in § 210 below, for this reason, the Commission will review the facts of each such situation separately with the rebuttable presumption that such use is prohibited as a personal use of campaign funds.<sup>38</sup>

## § 210 Personal Use-Determination by Arkansas Ethics Commission

Whether an expense or use of campaign funds is to be considered a "personal use" or "personal expense" and therefore prohibited by the law and these rules is a factual determination to be made by the

<sup>38</sup> Arkansas Ethics Commission Opinion No. 97-EC-001.

Arkansas Ethics Commission. A person may seek an advisory opinion from the Commission concerning whether a particular use of funds is to be considered "personal use."

### **§ 211 Automobile Expenses**

- (a) The payment of travel expenses associated with automobile usage during a campaign is allowable. If a candidate wishes to use campaign funds for reimbursement of travel expenses, the following must be observed:
- (1) The campaign may reimburse the candidate and/or campaign workers for actual miles driven relating to campaign activity at a reasonable mileage rate not to exceed the rate at which the State of Arkansas, pursuant to the General Accounting and Budgetary Procedures Law of 1973, as amended, reimburses its employees for private automobile mileage for official business travel.<sup>39</sup>
  - (2) The campaign must maintain records showing the date of travel, destination(s) involved, purpose of travel and odometer readings of each trip for which reimbursement is allowed.
  - (3) The candidate will be held responsible to ensure that accurate odometer readings are maintained.
  - (4) Maintenance costs should be paid from personal funds, not campaign funds, as the rate per mile necessarily includes depreciation and anticipated maintenance costs.
  - (5) Nothing in this rule shall prevent a campaign from leasing a vehicle from a third party for campaign use. The campaign may lease or rent a car for the exclusive use of the campaign, provided it pays the fair market value of all costs associated with the car pursuant to the lease or rent agreement.
- (b) Following the election, the candidate may not use campaign or surplus funds to reimburse the candidate or campaign workers for automobile expenses or travel unless the expense is related solely to pre-election travel and the request for the reimbursement had been submitted to the campaign prior to the time of election or the expense relates solely to retiring a campaign debt.

### **§ 212 Use or Lease of Airplane During Campaign**

- (a) A campaign or candidate may use campaign funds to lease an airplane for campaign purposes. As with automobile usage, described in § 211 above, the campaign or the candidate should ensure that accurate records are maintained and that the travel relates to campaign activity before using campaign funds to pay for the lease.
- (b) A candidate may lease an airplane to his or her campaign from a company in which he or she has a financial interest and pay for the lease from campaign funds. The lease payment must not

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<sup>39</sup> Arkansas Ethics Commission Opinion No. 97-EC-005(B).

exceed the amount necessary to reimburse the leasing business for actual expenditures made by the business related to the lease. If the candidate has a significant financial interest in the leasing company, neither the candidate nor the leasing company may make a profit from the lease agreement. When such a lease occurs, the candidate should report the expenditure by itemizing the amount paid, the date of payment, and the name and address of any person, including the candidate, to whom the expenditure was made.<sup>40</sup>

### **§ 213 Payment of Fines Associated with Campaign**

A campaign or candidate may use campaign funds to pay fines associated with the campaign, as in the case of a fine issued by the Ethics Commission for the late filing of a report. The payment of a fine for violations relating to a candidate's campaign duties is a political expenditure connected with the campaign and not a personal expense. If a fine is paid with campaign funds, it must be reported as a campaign expenditure and itemized on the next Contribution and Expenditure Report due, if exceeding \$100.<sup>41</sup>

### **§ 214 Campaign Expenditures-Use of Funds to Employ Campaign Workers, Including the Candidate and Family Members**

- (a) A candidate may use campaign funds to employ people to work for the campaign and may pay those employees reasonable wages or expenses provided payment relates to campaign activity. A candidate or the campaign is allowed to hire employees or contract labor on a temporary basis to assist in such campaign matters as conducting polls, providing transportation for electors to the polls, posting signs and other forms of political advertising, handling mail and telephone solicitation, and other tasks related to campaign activity.
- (b) A candidate who is unopposed may not use campaign funds to employ family members. If the candidate has an opponent, he or she may employ members of his or her family as campaign workers, provided the wage paid is reasonable. What constitutes a reasonable wage is a factual determination subject to review by the Arkansas Ethics Commission. Excessive wages may be viewed as personal income in violation of Ark. Code Ann. § 7-6-203.
- (c) In addition to the personal income exceptions noted above, a candidate who has an opponent and who during and before the election takes a leave of absence without pay from his primary place of employment shall be authorized to use campaign funds as personal income up to the amount of employment lost as a result of the leave. See § 207(a)(2) herein.

### **§ 215 Campaign Expenditures-Political Conferences or Seminars**

- (a) Candidates may use campaign funds to reimburse themselves for attendance to in-state or out-of-state conferences or seminars on general political issues. During the campaign, funds may be

<sup>40</sup> Arkansas Ethics Commission Opinion No. 97-EC-005(A).

<sup>41</sup> Arkansas Ethics Commission Opinion No. 97-EC-002.

used to reimburse campaign staff and spouses provided their attendance to these conferences relates to the campaign. After an election, neither surplus funds nor carryover funds may be used to reimburse campaign workers, staff or spouses of either the candidate or the workers for attendance at conferences or seminars. Officeholders are permitted to use carryover funds to reimburse only themselves for travel associated with attending conferences or seminars on general political issues.

- (b) After an election, officeholders may only use campaign funds for reimbursement of travel associated with attending conferences or seminars on general political issues if there is a carryover fund, as defined by Ark. Code Ann. § 7-6-201(3) and § 200(d) of these rules, remaining and available to the officeholder. A surplus must have been declared properly at the end of the election and reported in a timely fashion and the use of the carryover funds must be reported on the Carryover Fund Reporting Form pursuant to Ark. Code Ann. § 7-6-203(h)(4)(C).
- (c) The use of campaign funds or carryover funds after an election, as outlined in (a) and (b) above, is only available for those candidates or officeholders who ended their respective campaigns with a carryover fund. Candidates or officeholders who end their campaigns either with no carryover or in debt may not use or raise campaign funds for travel associated with attending conferences or seminars on general political issues. Candidates who end campaigns in debt may not seek reimbursement for any post-election travel unless the travel is related to an event or fund-raising effort designed for the sole purpose of retiring the campaign debt. Whether travel solely relates to efforts to retire a debt is a factual determination to be made by the Arkansas Ethics Commission.

#### **§ 216 Time of Making Expenditure**

- (a) The date of a campaign or post-campaign expenditure is the date the amount is readily ascertainable by the person making the expenditure, except as provided in subsection (b) of this section.
- (b) If, under normal business practices, the amount of an expenditure is not known or readily ascertainable until receipt of a periodic bill, the date of the expenditure is the date the bill is received. Examples of expenditures to which this subsection is applicable are expenditures for utilities and telephone bills.
- (c) An expenditure by credit card or in other ways charged to an account must be included in the report for the period during which the charge was made, not in the report for the period during which the statement from the credit card company or charge account was received.

**§ 217 Campaign Cash Expenditures**

- (a) Except as noted in subsection (c) below, no campaign expenditure in excess of fifty dollars (\$50) shall be made in cash.
- (b) All expenditures on behalf of a campaign activity, in excess of fifty dollars (\$50), shall be made by a written instrument containing the name of the payee.
- (c) The payment of filing fees may be in cash even though the amount exceeds fifty dollars (\$50). The candidate shall obtain a receipt for the payment and shall report it as either a loan or contribution to the campaign and also as a campaign expenditure.

**§ 218 Description of Campaign Expenditures**

The report disclosing a campaign expenditure for goods or services must describe the category(ies) of goods or services received in exchange for the expenditure. It is not sufficient simply to list the payee.

**§ 219 Reporting Expenditures by Credit Card**

- (a) In addition to the reporting requirements outlined in § 216(c) and § 218 above, report of an expenditure by credit card must identify the vendor who receives the payment from the credit card company. The nature of the expenditures should be included in the applicable category on the Contribution and Expenditure Report.
- (b) Expenditures by credit card should not be reflected or reported as lump sum expenditures. Instead, expenditures by credit card are to be itemized showing:
  - (1) Name of vendor;
  - (2) Amount of payment or expense;
  - (3) Date of expense; and
  - (4) Item purchased or reason for expenditure.

**§ 220 Allowable Expenditures-Purchase of Advertisements and Awards**

- (a) Candidates and officeholders may purchase advertisements in publications of charitable, civic and educational organizations. This is permissible for officeholders even if the expenses are related to their holding office and not reimbursable by the state. Campaign and post-campaign surplus and carryover funds may be used to buy items such as ads in school yearbooks, as these purchases serve to increase public visibility for the candidates and officeholders.
- (b) Following an election, but not before, a candidate or officeholder, who ends his or her campaign with carryover funds may use those funds to purchase items given as awards in recognition of accomplishments where they are presented by a current officeholder in person. Such items

include the purchase of American and State flags flown at the State Capitol and given to schools in subsequent ceremonies.

**§ 221 Allowable Expenditures-Purchase of Banquet Tickets for Charitable, Civic, or Political Events**

- (a) Candidates may purchase tickets from charities, civic organizations and political parties for banquets or other similar special social events. This includes the purchase of a table if the customary and normal practice of the banquet is the purchasing of a table as opposed to individual tickets. Purchase of tickets for a candidate's spouse and campaign workers is likewise permissible with campaign funds. The presence at a banquet increases public visibility of candidates. If the candidate purchases a table of seats or tickets, the candidate shall make all reasonable efforts to attend the banquet.
- (b) Officeholders who ended their campaigns with carryover funds may use these funds to purchase tickets from charities, civic organizations and political parties for banquets or other similar special social events. The presence of officeholders increases the public visibility of officeholders and, for that reason, officeholders who purchase tickets should make all reasonable efforts to attend the banquet. Officeholders may use carryover funds to purchase a ticket for a spouse, but carryover funds should not be used to purchase tickets for State Capitol staff, current staff or former campaign workers.

**§ 222 Allowable Expenditures-Office Equipment**

- (a) Candidates and officeholders may use campaign or carryover funds for lease, rental or use charges of any ordinary and necessary office equipment including, but not limited to, copy machines, telephones, postage meters, facsimile machines, computer hardware and software, printers, and video equipment.
- (b) Party committees, candidate committees and political committees organized for ongoing political activities may purchase space or office equipment for ongoing political concerns.

**§ 223 Allowable Expenditures-Miscellaneous Campaign-Related Expenditures**

- (a) In addition to those expenditures listed throughout these rules, candidates and officeholders are free to expend campaign funds on any purpose designed to further their campaign or office as long as it is not for personal income or otherwise prohibited by law. Examples of other miscellaneous expenses on which candidates or officeholders may lawfully expend money include, but are not limited to:
- (1) Flowers, sympathy gifts or other nominal memorial items to a constituent's funeral or family;

- (2) Hiring public halls and music for political meetings, furnishing music, uniforms, banners or fireworks for political clubs, parades or like events and for related advertising of same;
  - (3) Printing and circulating political communications, sample ballots or ballot labels; and
  - (4) Sponsorship of a sports team.
- (b) This list is not exhaustive. As noted, the determination whether a campaign expense is allowable is a factual determination to be made by the Arkansas Ethics Commission. The Commission may periodically issue advisory opinions determining allowable expenditures and such opinions should be considered as an addition to any listing of expenditures herein.

#### **§ 224 Campaign Assets**

After a campaign has ended, campaign assets must be disposed of in the manner prescribed by Ark. Code Ann. § 7-6-203(h), whether by sale of property for money or transfer of property in accordance with Ark. Code Ann. § 7-6-203(h).<sup>42</sup> The candidate is responsible for assigning a fair market value to all assets of the campaign.<sup>43</sup>

#### **§ 225 Repayment of Loans**

- (a) During an election cycle, a candidate may use campaign contributions to repay loans by the candidate from his or her personal funds to the campaign or to repay loans made by financial institutions to the candidate and applied to the campaign.
- (b) After an election, a candidate may retain any campaign contributions required to repay loans made by the candidate from his or her personal funds to the campaign or to repay loans made by financial institutions to the candidate and applied to the campaign.<sup>44</sup> Such contributions are subject to applicable campaign contribution limits.

#### **§ 226 Surplus or Carryover Funds**

- (a) In ascertaining the amount of surplus campaign funds, as defined in § 200(v), the candidate shall take the total of all cash on hand (currency), balances on deposit in any bank or other depository institution, money orders, checks, traveler's checks or cash equivalents, certificates of deposit, treasury bills, and any other investment by the candidate or his or her committee valued at fair market value with the total amounts owed to the candidate or his or her committee in the form of credits, refunds or returns, or receivables and subtract therefrom the sum of the total amount of unpaid debts and obligations incurred with respect to the election.

<sup>42</sup> Arkansas Ethics Commission Opinion No. 92-EC-020.

<sup>43</sup> For the definition of fair market value, *see* § 200(i) *supra*.

<sup>44</sup> Ark. Code Ann. § 7-6-201(17)(B).

- (b) A candidate who has surplus campaign funds, as defined in § 200(v), not otherwise obligated for the payment of campaign expenses incurred, shall disclose on the final report filed following the general election, how such surplus funds were distributed. Within thirty (30) days following the end of the month in which an election is held or a candidate has withdrawn, a candidate shall turn over surplus campaign funds to either:
- (1) The Treasurer of Arkansas for the benefit of the General Revenue Fund Account of the State Apportionment Fund;
  - (2) A political party as defined in Ark. Code Ann. § 7-1-101 or a political party caucus of the Arkansas 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;
  - (4) Cities of the first class, cities of the second class, or incorporated towns; or
  - (5) The contributors to the candidate's campaign. Provided that no person may receive more than the amount contributed by such person for that election.
- (c) Notwithstanding the provisions of § 226(b)(1)-(5), the candidate may elect to retain from the surplus an amount as *carryover funds*. *Carryover funds* shall be the amount of campaign funds retained from the last election by the candidate for future use but not to exceed the annual salary, excluding expense allowances, set by Arkansas law for the office sought. If funds are retained pursuant to this section, they may be used as provided for in § 227 of these rules.
- (d) If an unopposed candidate agrees not to solicit further campaign contributions by filing an affidavit declaring such agreement, the candidate may dispose of any surplus campaign funds prior to a general election as soon as the time has passed to declare an intent to be a write-in candidate pursuant to Ark. Code Ann. § 7-5-205. For unopposed candidates for nonpartisan office, the candidate may dispose of any surplus campaign funds prior to a nonpartisan general election by filing such an affidavit as soon as the time has passed to declare an intent to be a filing fee candidate, a petition candidate, or a write-in candidate pursuant to Ark. Code Ann. § 7-10-103. The affidavit shall be filed in the office where the candidate is required to file reports of contributions received and expenditures made. Unopposed candidates and defeated candidates who file the affidavit are exempt from further reporting requirements provided that the affidavit contains all campaign activity not previously reported and a statement that the candidate's fund has a zero balance.
- (e) Surplus campaign funds or carryover funds given to a political party caucus shall be segregated in an account separate from other caucus funds and shall not be used by the political party caucus to make a campaign contribution or to provide any personal income to any candidate who donated surplus campaign funds or carryover funds.

- (f) If the candidate's campaign has not ended, disposal of surplus campaign funds is not required and the candidate may carry forward any remaining funds to the general primary election, general election, or general runoff election for that same office.

**§ 227 Carryover Funds-Used as Officeholder Expenses**

- (a) In addition to the uses of carryover funds as described in §§ 220-223 above, an officeholder with carryover funds may use such funds for future office-related or future campaign expenses. Nothing shall prohibit a person at any time from disposing of his or her carryover funds in the same manner that surplus campaign funds could be expended.
- (b) If funds are retained pursuant to § 226(c) of this chapter, the candidate shall establish a carryover account, separate from any personal or other account. Any carryover funds transferred to this account shall be used only for future campaigns involving the candidate in a non-federal office and/or legitimate expenses in connection with the candidate's public office.
- (c) Legitimate office expenses include transportation incurred by the officeholder or a member of his or her staff incurred in the operation of the office. The funds may be used to purchase office supplies and/or equipment for use in the office or in future campaigns, or to purchase advertisements for the office in such publications as a school's yearbook. The funds may be used to reimburse the officeholder or his or her staff for meals or lodging in connection with the operation of the office or future campaigns. The funds may be used to purchase invitations or notices to political events, as well as to purchase gifts or commemorative items for staff members or their families in times of sickness, death, or family emergency. The funds could be used to offset any reasonable and legitimate office expense which is otherwise not reimbursable from public funding.
- (d) The carryover account funds may be deposited in an interest-bearing account; however, all deposits, withdrawals and interest earned thereon shall be reported on the appropriate Contribution and Expenditure Report during the applicable reporting period. If the candidate seeks reelection to office or election to another office, the funds remaining must be transferred to the new campaign account. The candidate may also choose to transfer surplus campaign funds from future elections to the office account upon reelection or election to another office. At no time, however, may the total amount of the office account exceed the yearly salary, excluding expense allowances, for the office sought or held.
- (e) Upon leaving public office, any person who has funds in an carryover account pursuant to this subsection remaining on deposit shall be able to retain such funds for not more than ten (10) years after the last election at which he or she was a candidate or, if applicable, not more than ten (10) years after the last day that the person held office.<sup>45</sup> The person may give such funds to the State Treasurer to be deposited in the General Revenue Fund, to a political party as defined by Ark. Code Ann. § 7-1-101 or a political party caucus of the Arkansas General Assembly, the Senate, or the House of Representatives, to a nonprofit organization which is exempt from taxation under Section 501(c)(3) of the Internal Revenue Code; or to cities of the first class, cities of the second class, or incorporated towns.

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<sup>45</sup> Ark. Code Ann. § 7-6-203(h)(4)(D).

- (f) No candidate, nor any person on behalf of a candidate, may accept contributions or funds after the candidate has withdrawn his or her nomination or after the candidate has been eliminated as a candidate.
- (g) For all carryover funds related to elections after July 1, 1997, any person having carryover funds and who later files as a candidate for public office, shall be required to transfer his or her carryover funds into the person's new active campaign account upon filing for the position. Once transferred, the funds will no longer be treated as carryover funds.<sup>46</sup>

### **§ 228 Carryover Funds-Time Frame for Reporting Expenditures**

Any time carryover funds in excess of \$500 are expended, including the disposal of such funds pursuant to § 227(e), the expenditures shall be reported on the Carryover Fund Reporting Form. The report shall be filed no later than fifteen (15) days after a calendar quarter in which a report becomes required. No report is required in any calendar quarter in which the cumulative expenditure limit has not been exceeded since the person's last report. If no quarterly report has been filed within a calendar year pursuant to this section, then a person who retains carryover funds shall file an annual report outlining the status of the carryover fund account as of December 31. This annual report shall be due by January 31 of each year. The carryover fund reports of a candidate for school district, township, municipal, or county office shall be filed with the county clerk of the county in which the election was held. The carryover fund reports of a candidate for state or district office shall be filed with the Secretary of State.

### **§ 229 Retirement of Debt**

- (a) At the time when the candidate's final report is due, the candidate shall determine the current status of the campaign account and ascertain whether the campaign ended in surplus or in debt. In order to determine whether there is a net debt outstanding from a particular election, the candidate must prove net debts outstanding as of the date of the election.
- (b) For purposes of this section, "*net debts outstanding*" means the total amount of unpaid debts, loans and obligations incurred with respect to the campaign, less the sum of:
  - (1) The total cash on hand available to pay those debts, loans and obligations, including: currency; balances on deposit in banks and other financial institutions; checks; drafts; money orders; traveler's checks; certificates of deposit; treasury bills; and any other candidate or committee investments valued at fair market value; and
  - (2) The total amount owed to the candidate or political committee in the form of credits, refunds of deposits, returns or receivables, or a commercially reasonable amount based on the collectibility of those credits, refunds, returns, or receivables.

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<sup>46</sup> Ark. Code Ann. § 7-6-203(h)(4)(B).

- (c) For purposes of this section, any bill or matter not listed as a debt as of the filing of the final report and any obligation not included on the final report and for which there is no proof of receipt or existence of bill or other documentation of expenditure or indebtedness as of the filing of the final report, shall not be considered as part of the net debts outstanding.
- (d) Matters which will not be considered as legitimate campaign debts include, but are not limited to: campaign workers' salary bonuses; mileage on behalf of the candidate or any member of the candidate's immediate family, unless said mileage was regularly paid by the candidate throughout the campaign; postage, photocopying, meals, lodging or utility bills or other miscellaneous bills which, during the campaign, were not billed to the campaign nor paid by the campaign, but billed to and/or paid by the candidate or the candidate's family unless, at the time of filing the final report, the candidate is able to provide an itemization of each bill which constitutes the debt and for which retirement is sought.
- (e) For purposes of this section, "reasonable and legitimate costs and administrative expenses of debt retirement," means those post-election expenses directly related to a particular debt retirement function, performed not for matters generally incidental to political activity or holding an office, but for matters specifically and solely related to retiring a legitimate campaign debt. If the expense is for personnel services or staff salaries, such services or salaries must be directly and solely for the express purpose of retiring the campaign debt(s) noted by the candidate in his or her final report and not related to general political functions incidental to holding an office or campaigning for a future office. An expense is "reasonably and legitimately related to debt retirement" if it is generated by activity which, but for the existence of a legitimate campaign debt and efforts to retire same, would not otherwise have been undertaken and the related expense not otherwise incurred.
- (f) The prohibition against soliciting or accepting campaign contributions more than two (2) years before an election at which a candidate seeks nomination or election shall not apply to the solicitation or acceptance of a contribution for the sole purpose of raising funds to retire a previous campaign debt. Contributions received for debt retirement shall be treated as contributions to the candidate's previous election, and all campaign contribution limits shall continue to apply. If a contributor makes a contribution after the general election, to retire a debt associated with the general election, the campaign limits applicable to contributions for the general election would apply.
- (g) Contributors shall be given notice that the campaign contributions are for the purpose of retiring a campaign debt. Any invitation to or notice of a fundraiser to retire a campaign debt of a previous campaign shall state that the funds will be used to retire a campaign debt.
- (h) A candidate who is a candidate in the general election may pay primary election debts and obligations with funds obtained through contributions made towards the general election campaign.
- (i) A person shall file a Campaign Contribution and Expenditure Report concerning a campaign debt if, since the last report concerning the debt, the person has received cumulative contributions in excess of five hundred dollars (\$500). The report shall be filed not later than fifteen (15) days after a calendar quarter in which a report becomes required. No report is required in any calendar quarter in which the cumulative contribution or cumulative expenditure limit has not been exceeded since the person's last report.

**§ 230 Retirement of Past Campaign Debts**

- (a) Candidates and officeholders are permitted to raise funds to retire campaign debts from prior campaigns. Funds can be raised after a current campaign has ended or during a current campaign provided the notice requirements of § 229(g) of these rules are fulfilled. If there is another ongoing campaign account, candidates or officeholders should ensure that a separate account is established for the purpose of retiring the prior campaign debts. Surplus funds from a current campaign account, however, may be used to retire the debt, as explained in § 230(b) and (d) below, provided the candidate has ended the current campaign and the debt relates to personal loans to a prior campaign.
- (b) If a candidate or officeholder desires to raise funds to retire a prior debt at a time when a different campaign is ongoing, the candidate or officeholder must ensure that the notice explains that the debt to be retired relates to a specific prior campaign and not the current ongoing campaign.
- (c) A candidate, whose prior campaign debts relate to funds or personal loans and the repayment of such debts or loans would be in the form of reimbursement to the candidate, may wait until the current campaign has ended and use surplus funds to repay prior campaign loans the candidate may have made to his or her campaign.
- (d) A candidate, whose prior campaign debts relate to funds other than personal loans or personal contributions, may not use surplus funds from a current campaign to repay debts relating to a different campaign. Instead, the candidate must retire the prior debt in the manner described in § 229 above.

**§ 231 Contributions by Children and Spouses**

- (a) Whenever a person provides his or her dependent children with funds and the child uses those funds to make a contribution to a candidate, the contribution shall be attributed to such person for purposes of applying the contribution limits per election.
- (b) Contributions by independent children and spouses of contributors will be attributed to the independent children and the spouse individually provided the independent children or the spouse intended to make such a contribution on his or her own behalf.

**§ 232 Political Party and Group Activities-Exceptions to the Definitions of Contribution and Expenditure**

For purposes of these rules and laws governing campaign finance, the terms “contribution” and “expenditure” shall not include activity sponsored and funded by political parties, as defined in Ark. Code Ann. § 7-1-101, to promote their candidates or nominees through events such as dinners, luncheons, rallies, or similar gatherings and shall not include nonpartisan activity designed to encourage individuals to vote or register 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.

### **§ 233 Records of Contributions and Expenditures**

- (a) A candidate, a political party, or a person acting on a candidate's behalf shall keep records of all contributions and expenditures in a manner sufficient to evidence compliance with these rules and the campaign finance disclosure laws, Ark. Code Ann. § 7-6-201 *et seq.*
- (b) The records shall be made available to the Arkansas Ethics Commission and the prosecuting attorney in the district in which the candidate resides and such records shall be maintained for a period of no less than four (4) years.
- (c) If a candidate ends a campaign with carryover funds as defined by Ark. Code Ann. § 7-6-201(3) and § 200(d) of these rules, he or she must maintain records of such carryover fund for no less than ten (10) years or until such time as the funds are expended completely or disposed of, whichever occurs first.
- (d) The information required by these reporting and disclosure rules, including any and all Contribution and Expenditure Reports, shall, upon proper filing, constitute a public record and shall be available within twenty-four (24) hours of the reporting deadline to all interested persons and the news media.<sup>47</sup>

### **§ 234 Reporting of Candidate's Own Personal Funds and Loans From Financial Institutions**

- (a)(1) The transfer of a candidate's own personal funds to his or her own campaign shall be reported as either a loan from the candidate to his or her campaign or a contribution from the candidate to his or her own campaign.
- (2) In the event such funds are reported as a loan from the candidate to his or her campaign, campaign funds may be used to repay the candidate for the funds loaned by the candidate to his or her campaign.
- (3) In the event such funds are reported as a contribution from the candidate to his or her campaign, campaign funds may not be used to repay the candidate for his or her funds contributed by the candidate to his or her campaign.
- (b) Any personal loan a financial institution makes to a candidate that is applied to a candidate's campaign shall be reported as a loan from the candidate to his or her campaign.<sup>48</sup>

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<sup>47</sup> Ark. Code Ann. § 7-6-214.

<sup>48</sup> Arkansas Ethics Commission Opinion No. 92-EC-004.

- (c) The candidate or someone acting on the candidate's behalf shall report the name of the financial institution, the amount of the loan, and the name of the guarantor, if any.<sup>49</sup>

Example: On April 5, 1996, Candidate Jane receives a \$2,000 loan from Commercial Bank. She will use this loan to pay her campaign expenses. On her April report of contributions and expenditures, Candidate Jane will disclose that she received a \$2,000 loan from Commercial Bank on April 5, 1996, listing it as a contribution. She must also disclose Commercial Bank's address and the guarantor's name (if there was a guarantor).

- (d) The execution of a guaranty of repayment shall not be deemed a campaign contribution by the guarantor but actual repayment of the loan by the guarantor shall constitute a campaign contribution and be subject to the campaign contribution limit of \$2,000 per person per election.

### **§ 235 Verification of Contribution and Expenditure Reports-All Candidates**

All Contribution and Expenditure Reports filed by candidates shall be verified by affidavit of the candidate or a person acting on the candidate's behalf. This affidavit shall state that, to the best of the candidate's knowledge and belief, the information so disclosed is a complete, true and accurate financial statement of the candidate's campaign contributions or expenditures.<sup>50</sup>

### **§ 236 Reports of Contributions-Candidates for Office Other Than School District, Township, Municipal or County Office**

#### **Required Reports and Time for Filing**

- (a) For all candidates for office other than school district, township, municipal, or county office, the candidate or any person acting on the candidate's behalf shall comply with the filings required by these sections beginning with the first reporting period, either quarterly, monthly, or preelection, in which his total contributions or expenditures exceed five hundred dollars (\$500). The payment of a filing fee from the candidate's personal funds must be reported as either a loan or a contribution to the campaign and also as a campaign expenditure but such payment shall not be counted towards the five hundred dollar (\$500) reporting trigger. See § 238(b), *infra*.
- (b) Except as provided in § 238 of these rules and Ark. Code Ann. § 7-6-207(c), each candidate for office, other than a school district, township, municipal, or county office, or a person acting on the candidate's behalf, shall file with the Secretary of State the following Contribution and Expenditure Reports:
- (1) For each quarter during a calendar year in which a candidate is not listed on any ballot for election, a quarterly report of all contributions received, with loans stated separately, and expenditures made during that quarter. The quarterly report shall be filed no later than fifteen (15) days after the end of each quarter;

<sup>49</sup> Ark. Code Ann. § 7-6-210.

<sup>50</sup> Ark. Code Ann. § 7-6-213.

- (2) Beginning with the month of January in the calendar year in which a candidate may be listed on any ballot for election, a monthly report of all contributions received, with loans stated separately, 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 subsection (3) of this rule and Ark. Code Ann. § 7-6-207(a)(1)(C) or a final report required under subsection (4) of this rule and Ark. Code Ann. § 7-6-207(a)(1)(D), 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 such election shall be carried forward and included in the next monthly report. The monthly report shall be filed no later than fifteen (15) days after the end of each month. With respect to a special election, the candidate shall file monthly reports beginning with the month in which the special election candidate's total campaign contributions or expenditures exceed five hundred dollars (\$500);
  - (3) No later than seven (7) days prior to any preferential primary election, runoff election, general election, or special election in which the candidate's name appears on the ballot, a candidate must file a preelection report of all contributions received, with loans stated separately, and expenditures made between the period covered by the previous report and the period ten (10) days before the election. In case of a runoff election, the report shall cover all contributions received and expenditures made during the period of time which begins after the date of the election from which the runoff arose and ends ten (10) days before the runoff election;
  - (4) No later than thirty (30) days after the end of the month in which the candidate's name has appeared on the ballot in any primary election, runoff election, general election, or special election, a final report of all contributions received, with loans stated separately, and expenditures made which have not been disclosed on reports previously required to be filed. The final report closes out the handling of the financing for the particular election (e.g., primary) and the balance, if any, shall be brought forward to the first monthly report for the next election (e.g., general). A final report is required regardless of whether a candidate has received contributions or made expenditures in excess of five hundred dollars (\$500); and
  - (5) No later than thirty (30) days after the end of the month in which the candidate has withdrawn, a final report of all contributions received, with loans stated separately, and expenditures made that have not been disclosed on reports previously required to be filed. Moreover, if a candidate withdraws from the campaign, the candidate shall notify the Secretary of State in writing of the withdrawal.
- (c) Any report, except a preelection report, is timely filed if it is either hand-delivered or mailed to the Secretary of State properly addressed, postage prepaid, bearing a postmark indicating that it was received by the post office or common carrier on or before the date it was due. A preelection report is timely filed if it is received in the Secretary of State's office no later than seven (7) days prior to the election for which it is filed. The Secretary of State shall accept via facsimile any report, provided the original is received by the Secretary of State within ten (10) days of the transmission. The Secretary of State may receive reports in a readable electronic format which is acceptable to the Secretary of State and approved by the Arkansas Ethics Commission.

**§ 237 Contents of Reports of Contributions and Expenditures-Candidates for Office Other Than School District, Township, Municipal or County Office**

- (a) The Contribution and Expenditure Reports referenced above in § 236 shall indicate:
- (1) The total amount of contributions received, with loans stated separately, and the total amount of expenditures made during the filing periods, and the cumulative amount of those totals for the entire election cycle;
  - (2) The name and address of each person, including the candidate, who made a contribution or contributions which, in the aggregate, exceeds fifty dollars (\$50);
  - (3) The contributor's principal place of business, employer, occupation, amount contributed, the date the contribution was accepted by the candidate, and the aggregate contributed for each election;
  - (4) The name and address of each person, including the candidate, who contributed a nonmoney item, together with a description of the item, the date of receipt and the value, not including volunteer services by individuals;
  - (5) An itemization of all single expenditures made which exceed one hundred dollars (\$100) including the amount of the expenditure, the name and address of any person, including the candidate, to whom the expenditure was made, and the date the expenditure was made;
  - (6) A list of all paid campaign workers and the amount the workers were paid;
  - (7) A list of all expenditures by category, including, but not limited to, television, radio, print, and other advertising, direct mail, office supplies, rent, travel, expenses, entertainment and telephone;
  - (8) The total amount of all nonitemized expenditures made during the filing period; and
  - (9) The current balance of campaign funds.
- (b) In addition to the requirements noted above in (a), when the candidate's campaign has ended, the final report for the general election, or for the primary if the candidate fails to win the primary, shall also indicate how the surplus funds, if any, were disposed of pursuant to Ark. Code Ann. § 7-6-203(h) and § 226 of the rules, and shall indicate the amount of funds retained by the candidate as carryover funds. If the candidate's campaign has not ended, disposal of campaign funds shall not be required and the candidate may carry forward any remaining campaign funds to the general primary election, general election, or general runoff election for that same office.
- (c) Candidates for state and district offices shall file Campaign Contribution and Expenditure Reports with the Secretary of State.

**§ 238 Exceptions to Filing Reports of Contributions-Candidates for Office Other Than School District, Township, Municipal or County Office**

- (a) For those candidates covered by §§ 236 -237, the candidate or person acting on the candidate's behalf shall comply with the filings required by this section upon receiving contributions or making expenditures totaling in excess of five hundred dollars (\$500).
- (b) A candidate who has not received contributions or made expenditures in excess of five hundred dollars (\$500) shall not be required to file any reports other than the final report(s) required under § 236(b)(4). In calculating the amount of contributions received or expenditures made for purposes of this exception, the payment of a filing fee from the candidate's personal funds shall not be counted towards the five hundred dollar (\$500) reporting trigger. Once a report becomes due, however, the payment of the filing fee from the candidate's personal funds must be reported as either a loan or contribution to the campaign and also as a campaign expenditure.
- (c) The preelection reports referenced in § 236(b)(3) are only required for candidates with opponents in those elections.
- (d) If an unopposed candidate agrees not to solicit further campaign contributions by filing an affidavit declaring such agreement, the candidate may dispose of any surplus campaign funds prior to a general election as soon as the time has passed to declare an intent to be a write-in candidate pursuant to Ark. Code Ann. § 7-5-205. For unopposed candidates for nonpartisan office, the candidate may dispose of any surplus campaign funds prior to a nonpartisan general election by filing such an affidavit as soon as the time has passed to declare an intent to be a filing fee candidate, a petition candidate, or a write-in candidate pursuant to Ark. Code Ann. § 7-10-103. The affidavit shall be filed in the office where the candidate is required to file reports of contributions received and expenditures made. Unopposed candidates and defeated candidates who file the affidavit are exempt from further reporting requirements provided that the affidavit contains all campaign activity not previously reported and a statement that the candidate's fund has a zero balance.

**§ 239 Reports of Contributions-Candidates for School District, Township, or Municipal Office**

**Required Reports and Time for Filing**

Except as provided in § 241 of these rules and Ark. Code Ann. § 7-6-208(d), each candidate for a school district, township, or municipal office, or a person acting on the candidate's behalf, shall file with the county clerk in the county where the election is held on the appropriate forms furnished by the Secretary of State, the following Contribution and Expenditure Reports:

- (a) No later than seven (7) days prior to any preferential primary election, runoff election, general election, school election or special election in which the candidate's name appears on the ballot, file a preelection report of all contributions received, with loans stated separately, and expenditures made between the period covered by the previous report, if any, and the period ten (10) days before the election. In case of a runoff election, the report shall cover all contributions received and expenditures

made during that period of time which begins after the date of the election from which the runoff arose and ends ten (10) days before the runoff election;

- (b) No later than thirty (30) days after the end of the month in which the candidate's name has appeared on the ballot in any preferential primary election, runoff election, general election, school election, or special election, file a final report of all contributions received, with loans stated separately, and expenditures made which have not been disclosed on reports previously required to be filed. A final report is required regardless of whether a candidate has received contributions or made expenditures in excess of five hundred dollars (\$500);
- (c) File supplemental reports of all contributions received, with loans stated separately, and expenditures made after the date of preparation of the final report, and the supplemental reports shall be filed within thirty (30) days after the receipt of a contribution or the making of an expenditure; and
- (d) No later than thirty (30) days after the end of the month in which the candidate has withdrawn, file a final report of all contributions received, with loans stated separately, and expenditures made which have not been disclosed on reports previously required to be filed. Moreover, if a candidate withdraws from the campaign, the candidate shall notify the county clerk in writing of the withdrawal.
- (e) A report is timely filed when it is received in the county clerk's office no later than the date the report is due.

**§ 240 Contents of Reports of Contributions-Candidates for School District, Township, or Municipal Office**

The Campaign Contribution and Expenditure Reports required by § 239 shall indicate:

- (a) The total amount of contributions received, with loans stated separately, and the total amount of expenditures made during the filing periods, and the cumulative amount of these totals for the entire election cycle;
- (b) The name and address of each person, including the candidate, who has made a contribution or contributions which, in the aggregate, exceed fifty dollars (\$50), the contributor's principal place of business, employer, occupation, the date the contribution was accepted by the candidate, the amount contributed and the aggregate contributed for each election;
- (c) The name and address of each person, including the candidate, 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;
- (d) An itemization of all single expenditures made which exceed one hundred dollars (\$100), including the amount of the expenditure, the name and address of any person, including the candidate, to whom the expenditure was made, and the date of the expenditure;
- (e) A list of all paid campaign workers and the amount the workers were paid;

- (f) A list of all expenditures by category, including, but not limited to, television, radio, print and other advertising, direct mail, office supplies, rent, travel, expenses, entertainment, and telephone;
- (g) The total amount of all nonitemized expenditures during the filing period; and
- (h) The current balance of campaign funds.

When the candidate's campaign has ended, the final report shall also indicate which option under Ark. Code Ann. § 7-6-203(h) and § 226(c) of these rules was used to dispose of any surplus campaign funds, as well as provide the amount of carryover funds retained by the candidate. If the candidate's campaign has not ended, disposal of campaign funds is not required and the candidate may carry forward any remaining campaign funds to the general primary election, general election, or general runoff election for that same office.

**§ 241 Exceptions to Filing Reports of Contributions-Candidates for School District, Township, or Municipal Office**

- (a) For those candidates covered by §§ 239-240, the candidate or person acting on the candidate's behalf shall comply with the filings required by this section upon receiving contributions or making expenditures totaling in excess of five hundred dollars (\$500).
- (b) A candidate or any person acting on the candidate's behalf who has not received contributions or made expenditures in excess of five hundred dollars (\$500) as of the date a preelection report is due, shall not be required to file the preelection report required by Ark. Code Ann. § 7-6-208(a)(1) and § 239(a). In calculating the amount of contributions received or expenditures made for purposes of this exception, the payment of the filing fee from the candidate's personal funds shall not be counted towards the five hundred dollar (\$500) reporting trigger. Once a report becomes due, however, the payment of the filing fee from the candidate's personal funds must be reported as either a loan or contribution to the campaign and also as a campaign expenditure.
- (c) The preelection reports referenced in § 239(a) are only required for candidates with opponents in those elections.
- (d) If an unopposed candidate agrees not to solicit further campaign contributions by filing an affidavit declaring such agreement, the candidate may dispose of any surplus campaign funds prior to a general election as soon as the time has passed to declare an intent to be a write-in candidate pursuant to Ark. Code Ann. § 7-5-205. For unopposed candidates for nonpartisan office, the candidate may dispose of any surplus campaign funds prior to a nonpartisan general election by filing such an affidavit as soon as the time has passed to declare an intent to be a filing fee candidate, a petition candidate, or a write-in candidate pursuant to Ark. Code Ann. § 7-10-103. The affidavit shall be filed in the office where the candidate is required to file reports of contributions received and expenditures made. Unopposed candidates and defeated candidates who file the affidavit are exempt from further reporting requirements provided that the affidavit contains all campaign activity not previously reported and a statement that the candidate's fund has a zero balance.

## § 242 Reports of Contributions-Candidates for County Office

### Required Reports and Time For Filing

Except as provided in § 244 of these rules and Ark. Code Ann. § 7-6-209(d), each candidate for a county office, or a person acting on the candidate's behalf, shall file with the county clerk in the county where the election is held on the appropriate forms furnished by the Secretary of State, the following Contribution and Expenditure Reports:

- (a) No later than seven (7) days prior to any preferential primary election, runoff election, general election, or special election in which the candidate's name appears on the ballot, file a preelection report of all contributions received, with loans stated separately, and expenditures made between the period covered by the previous report, if any, and the period ten (10) days before the election. In case of a runoff election, the report shall cover all contributions received and expenditures made during that period of time which begins after the date of the election from which the runoff arose and ends ten (10) days before the runoff election;
- (b) No later than thirty (30) days after the end of the month in which the candidate's name has appeared on the ballot in any preferential primary election, runoff election, general election, or special election, file a final report of all contributions received, with loans stated separately, and expenditures made which have not been disclosed on reports previously required to be filed. A final report is required regardless of whether a candidate has received contributions or made expenditures in excess of five hundred dollars (\$500);
- (c) File supplemental reports of all contributions received, with loans stated separately, and expenditures made after the date of preparation of the final report, and the supplemental reports shall be filed within thirty (30) days after the receipt of a contribution or the making of an expenditure;
- (d) No later than thirty (30) days after the end of the month in which the candidate has withdrawn, a final report of all contributions received, with loans stated separately, and expenditures made which have not been disclosed on reports previously required to be filed. Moreover, if a candidate withdraws from the campaign, the candidate shall notify the county clerk in writing of the withdrawal; and
- (e) A report is timely filed when it is received in the county clerk's office no later than the date the report is due.

## § 243 Contents of Reports of Contributions-Candidates for County Office

The campaign contribution reports required by § 242 shall indicate:

- (a) The total amount of contributions received, with loans stated separately, and the total amount of expenditures made during the filing periods, and the cumulative amount of these totals for the entire election cycle;
- (b) The name and address of each person, including the candidate, who has made a contribution or contributions which, in the aggregate, exceed fifty dollars (\$50), the contributor's principal place of

business, employer, occupation, and the date the contribution was accepted by the candidate, the amount contributed and the aggregate contributed for each election;

- (c) The name and address of each person, including the candidate, 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;
- (d) An itemization of all single expenditures made which exceed one hundred dollars (\$100), including the amount of the expenditure, the name and address of any person, including the candidate, to whom the expenditure was made, and the date of the expenditure;
- (e) A list of all paid campaign workers and the amount the workers were paid;
- (f) A list of all expenditures by category, including, but not limited to, television, radio, print and other advertising, direct mail, office supplies, rent, travel, expenses, entertainment, and telephone;
- (g) The total amount of all nonitemized expenditures during the filing period; and
- (h) The current balance of campaign funds.

In addition to the information required in subsection (a), when the candidate's campaign has ended, the final report shall also indicate which option under Ark. Code Ann. § 7-6-203(h) and § 226(c) of these rules was used to dispose of any surplus campaign funds, as well as provide the amount of carryover funds retained by the candidate. If the candidate's campaign has not ended, disposal of campaign funds is not required and the candidate may carry forward any remaining funds in the campaign to the general primary election, general election, or general runoff election for that same office.

#### **§ 244 Exceptions to Filing Reports of Contributions-Candidates for County Office**

- (a) For those candidates covered by §§ 242-243, the candidate or person acting on the candidate's behalf shall comply with the filings required by this section upon receiving contributions or making expenditures totaling in excess of five hundred dollars (\$500).
- (b) A candidate or any person acting on the candidate's behalf who has not received contributions or made expenditures in excess of five hundred dollars (\$500) as of the date a preelection report is due, shall not be required to file the preelection report required by Ark. Code Ann. § 7-6-209(a)(1) and § 242(a). In calculating the amount of contributions received or expenditures made for purposes of this exception, the payment of the filing fee from the candidate's personal funds shall not be counted towards the five hundred dollar (\$500) reporting trigger. Once a report becomes due, however, the payment of the filing fee from the candidate's personal funds must be reported as either a loan or contribution to the campaign and also as a campaign expenditure.
- (c) The preelection reports referenced in § 242(a) are only required for candidates with opponents in those elections.

- (d) If an unopposed candidate agrees not to solicit further campaign contributions by filing an affidavit declaring such agreement, the candidate may dispose of any surplus campaign funds prior to a general election as soon as the time has passed to declare an intent to be a write-in candidate pursuant to Ark. Code Ann. § 7-5-205. For unopposed candidates for nonpartisan office, the candidate may dispose of any surplus campaign funds prior to a nonpartisan general election by filing such an affidavit as soon as the time has passed to declare an intent to be a filing fee candidate, a petition candidate, or a write-in candidate pursuant to Ark. Code Ann. § 7-10-103. The affidavit shall be filed in the office where the candidate is required to file reports of contributions received and expenditures made. Unopposed candidates and defeated candidates who file the affidavit are exempt from further reporting requirements provided that the affidavit contains all campaign activity not previously reported and a statement that the candidate's fund has a zero balance.

**§ 245 Prohibited Campaign Activities Concerning Public Servants and Public Property; Advertising Disclaimer**

- (a) No public servant shall devote any time or labor during usual office hours toward the campaign of any other candidate for office or for the nomination to any office. Devoting any time or labor during usual office hours toward the campaign of any other candidate for office or for the nomination to any office includes without limitation the gathering of signatures for a nominating petition.<sup>51</sup> Public servants who have usual office hours but are on call 24 hours a day would only be prohibited from campaigning for another candidate during their usual office hours.<sup>52</sup>
- (b) No public servant shall circulate an initiative or referendum petition or solicit signatures on an initiative or referendum petition in any public office of the state, county, or municipal governments of Arkansas or while on duty for any state agency or any county or municipal government in Arkansas.<sup>53</sup>
- (c) No public servant shall coerce by threats or otherwise any public employee into devoting time or labor toward the campaign of any candidate for office or for the nomination to any office.<sup>54</sup>
- (d) No public servant shall use any office or room furnished at public expense to distribute any letters, circulars, or other campaign materials, unless such office or room is regularly used by members of the public for such purposes without regard to political affiliation.<sup>55</sup> "Campaign materials" refers to the campaign of a candidate for public office and efforts to support or oppose a ballot measure, except as provided in Ark. Code Ann. § 7-1-111.<sup>56</sup>

<sup>51</sup> Ark. Code Ann. § 7-1-103(a)(2)(A).

<sup>52</sup> Arkansas Ethics Commission Opinion No. 2002-EC-005.

<sup>53</sup> Ark. Code Ann. § 7-1-103(a)(2)(B).

<sup>54</sup> Ark. Code Ann. § 7-1-103(a)(2)(C).

<sup>55</sup> Ark. Code Ann. § 7-1-103(a)(3).

<sup>56</sup> Ark. Code Ann. § 7-1-111 was established by Act 312 of 2013 and falls outside of the Arkansas Ethics Commission's jurisdiction. Pursuant thereto, an elected official or a person appointed to an elective office is permitted to expend or permit the expenditure of public funds to support or oppose a ballot measure. It is noted that Ark. Code Ann. § 7-1-111 does not: limit the freedom of speech of a public servant or governmental body, including without limitation verbal expressions of views supporting or opposing a ballot measure; prohibit a governmental body from expressing an opinion on a ballot measure through the passage of a resolution or proclamation; prohibit the incidental use of state resources by a public servant, including without limitation travel costs, when speaking at

- (e) No public servant shall use for campaign purposes any item of personal property provided with public funds.<sup>57</sup> "Campaign purposes" refers to the campaign of a candidate for public office and efforts to support or oppose a ballot measure, except as provided in Ark. Code Ann. § 7-1-111.<sup>58</sup>
- (f) No person shall assess any public employee for any political purpose whatever or coerce by threats or otherwise any public employee into making a subscription or contribution for any political purpose.<sup>59</sup>
- (g) No person shall place any campaign banners, campaign signs, or other campaign literature on any cars, trucks, tractors or other vehicles belonging to the State of Arkansas or any municipality, county, or school district in the state.<sup>60</sup>
- (h) All articles, statements, or communications appearing in any newspaper printed or circulated in this state intended or calculated to influence the vote of any elector in any election and for the publication of which a consideration is paid or to be paid shall clearly contain the words "Paid Political Advertisement", "Paid Political Ad", or "Paid for by" the candidate, committee, or person who paid for the message. Both the persons placing and the persons publishing the articles, statements, or communications shall be responsible for including the required disclaimer. In addition, all articles, statements, or communications appearing in any radio, television, or any other electronic medium intended or calculated to influence the vote of any elector in any election and for the publication of which a consideration is paid or to be paid shall clearly contain the words "Paid Political Advertisement" or "Paid Political Ad" or "Paid for by", "Sponsored by", or "Furnished by" the true sponsor of the advertisement. Both the persons placing and the persons publishing the articles, statements, or communications shall be responsible for including the required disclaimer.<sup>61</sup>

**§ 246 Interest-Bearing Accounts**

It shall be permissible for candidates to keep their campaign funds in interest-bearing accounts such as a bank checking account, a money market fund or a certificate of deposit. Candidates shall disclose the interest-bearing account on their Campaign Contribution and Expenditure Reports and report the interest earned as a contribution.

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an event in which a ballot measure is discussed if the subject matter of the speaking engagement is within the scope of the official duties and responsibilities of the public servant; or prohibit the dissemination of public information at a speaking engagement and the incidental use of state resources in the analysis and preparation of that public information if the subject matter of the public information is within the scope of the official duties and responsibilities of the public servant.

<sup>57</sup> Ark. Code Ann. § 7-1-103(a)(3).

<sup>58</sup> See footnote 56.

<sup>59</sup> Ark. Code Ann. § 7-1-103(a)(4).

<sup>60</sup> Ark. Code Ann. § 7-1-103(a)(6).

<sup>61</sup> Ark. Code Ann. § 7-1-103(a)(7).

**§ 247 Penalty Schedule for Failure to File or Late Filing of Contribution & Expenditure Reports**

(a) In addition to being sanctioned as provided for in Ark. Code Ann. § 7-6-218(b)(4), candidates who fail to file or file untimely Contribution and Expenditure Reports, other than the preelection report required by Ark. Code Ann. § 7-6-207(a)(1)(C), § 7-6-208(a)(1), and § 7-6-209(a)(1), as required by law, and referenced throughout these rules, shall be subject to fines for the late filing of reports. Although fines are assessed on the facts of each case, the following schedule serves as a guideline in determining the amount of the fine:

<u>Date Report Filed</u>	<u>First Time Delinquency</u>	<u>Repeated Delinquency by Same Candidate</u>
1 to 10 days late	\$ 25.00 per report	\$ 50.00 per report
11 to 20 days late	\$ 50.00 per report	\$ 100.00 per report
21 to 30 days late	\$ 100.00 per report	\$ 200.00 per report

(b) In addition to being sanctioned as provided for in Ark. Code Ann. § 7-6-218(b)(4), candidates who fail to file or file untimely the preelection Contribution and Expenditure Reports, required by Ark. Code Ann. § 7-6-207(a)(1)(C), § 7-6-208(a)(1), or § 7-6-209(a)(1), shall be subject to fines for the late filing of reports. Although fines are assessed on the facts of each case, the following schedule serves as a guideline in determining the amount of the fine:

<u>Date Report Filed</u>	<u>First Time Delinquency</u>	<u>Repeated Delinquency by Same Candidate</u>
1 to 3 days late	\$ 50.00 per report	\$ 100.00 per report
4 to 10 days late	\$ 100.00 per report	\$ 150.00 per report
11 to 30 days late	\$ 150.00 per report	\$ 250.00 per report

(c) For purposes of this rule, "repeated delinquency" shall refer to each different time, during the entire election cycle, a candidate fails to file any Contribution and Expenditure Report while running for office and until such time as the final report has been filed.

(d) In addition to the fines and sanctions discussed above, candidates who fail to file their Contribution and Expenditure Reports will be ordered to file such reports within ten (10) days.

(e) A candidate who gives false or materially misleading information on a Contribution and Expenditure Report or omits information from that report as required herein may be assessed by the Arkansas Ethics Commission a fine of not less than \$50 or more than \$2,000 for each violation and may be issued a public letter of caution, warning or reprimand.

**§ 248 Statement of Financial Interest-Filing Required of Candidates**

- (a) Pursuant to Ark. Code Ann. § 21-8-701(a)(2), any candidate for elective office, other than candidates for levee and drainage districts, must file a Statement of Financial Interest.
- (b) Candidates shall file the Statement of Financial Interest on the first Monday following the close of the period to file as a candidate for office for which he or she seeks election.
- (c) The Statement of Financial Interest shall include the information sought by Ark. Code Ann. § 21-8-701(d).<sup>62</sup>
- (d) The Statement of Financial Interest shall be filed as follows:
  - (1) Candidates for state or district office shall file with the Secretary of State;
  - (2) Candidates for county or township office shall file with the county clerk;
  - (3) Candidates for municipal office shall file with the city clerk or recorder; and
  - (4) Candidates for municipal judges or city attorneys shall file with the city clerk of the municipality within which they serve.<sup>63</sup>
- (e) The Statement of Financial Interest shall be deemed to be timely filed if it is:
  - (1) Hand-delivered to the appropriate public official on or before the due date;
  - (2) Mailed to the appropriate public official, 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 appropriate public official on or before the due date, provided the original is received by the public official within ten (10) days of the transmission; or
  - (4) Received by the appropriate public official in a readable electronic format which is acceptable to the appropriate public official and approved by the Ethics Commission.

**§ 249 Statement of Financial Interest-Filing Required of Public Officials, Appointees and Employees**

- (a) Pursuant to Ark. Code Ann. § 21-8-701(a), the following persons are required to file a Statement of Financial Interest in addition to candidates for elective office:

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<sup>62</sup> Subsections (a)-(c) are taken directly from Ark. Code Ann. § 21-8-701. *See also* Arkansas Ethics Commission Opinion No. 97-EC-014, which discusses debts arising out of the ordinary course of business.

<sup>63</sup> Ark. Code Ann. § 21-8-703.

- A public official, as defined in Ark. Code Ann. § 21-8-402(17);
- A district judge or city attorney, whether elected or appointed;
- Any agency head, department director, or division director of state government, or a chief of staff or chief deputy of a constitutional officer, the Senate, or the House of Representatives;
- Any public appointee to a state board or commission that is authorized or charged by law with the exercise of regulatory authority or is authorized to receive or disburse state or federal funds (however, a public appointee to a state board or commission which is not charged by law with the exercise of regulatory authority and which receives or disburses state or federal funds only in the form of mileage reimbursement for members attending meetings of the board or commission shall not be required to file a written statement of financial interest);
- All persons who are elected members of a school board or who are candidates for a position on a school board;
- All public and charter school superintendents;
- All executive directors of education service cooperatives;
- Any person appointed to a municipal, county or regional (i) planning board or commission, (ii) airport board or commission, (iii) water or sewer board or commission, (iv) utility board or commission, or (v) civil service commission;
- Any member of an advertising and promotion commission; and
- Any member of a research authority board existing under Ark. Code Ann. § 14-144-201 et seq.

If a person is included in one of these categories for any part of a calendar year, then he or she must file a Statement of Financial Interest covering that period of time regardless of whether he or she has left his or her office or position as of the date the statement is due.

- (b)** Public officials, appointees or employees shall file the Statement of Financial Interest no later than January 31 of each year. As an exception to § 248 of these rules, incumbent officeholders who filed the Statement of Financial Interest by January 31 of the year in which an election is held shall not be required to file an additional Statement of Financial Interest upon becoming a candidate for reelection or election to another office at any election held during the year.<sup>64</sup>
- (c)** All appointees appointed to state boards or commissions after July 30, 1999, shall file a Statement of Financial Interest covering the previous calendar year within thirty (30) days of appointment. Any person hired, promoted, or selected as an agency head, department director, or division director within state government after July 30, 1999, shall file a Statement of Financial Interest covering the previous calendar year within thirty (30) days of filling such a position.<sup>65</sup>
- (d)** The Statement of Financial Interest shall include all the information required in Ark. Code Ann. § 21-8-701(d).<sup>66</sup>

<sup>64</sup> Ark. Code Ann. § 21-8-701(c)(2).

<sup>65</sup> Act 553 of 1999, codified at Ark. Code Ann § 21-8-701(c)(1).

<sup>66</sup> Subsections (a) - (c) are derived directly from Ark. Code Ann. § 21-8-701. *See also* Arkansas Ethics Commission Opinion No. 97-EC-014, which discusses debts arising out of the ordinary course of business.

- (e) The Statement of Financial Interest shall be filed as follows:
  - (1) State or district public servants shall file with the Secretary of State;
  - (2) County, township or school district public servants shall file with the county clerk;
  - (3) Municipal public servants shall file with the city clerk or recorder;
  - (4) City attorneys shall file with the city clerk of the municipality within which they serve;
  - (5) Persons appointed to regional boards or commissions shall file with the county clerk of the county where they reside;<sup>67</sup> and
  - (6) District judges shall file with the county clerk.
  
- (f) The Statement of Financial Interest shall be deemed to be timely filed if it is:
  - (1) Hand-delivered to the appropriate public official on or before the due date;
  - (2) Mailed to the appropriate public official, 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 appropriate public official on or before the due date, provided the original is received by the public official within ten (10) days of the transmission; or
  - (4) Received by the appropriate public official in a readable electronic format which is acceptable to the appropriate public official and approved by the Ethics Commission.

**§ 250 Penalty Schedule for Failure to File or Late Filing of Statements of Financial Interest**

- (a) In addition to being sanctioned as provided for in Ark. Code Ann. § 7-6-218(b)(4), candidates and public servants who fail to file or file untimely the Statement of Financial Interest as required by law, and referenced in § 248 of these rules, shall be subject to fines for the late filing of statements. Although fines are assessed on the facts of each case, the following serves as a guideline in determining the amount of the fine:

<u>Date Statement Filed</u>	<u>Amount of Fine</u>
1 to 15 days late	\$ 50.00
16 to 30 days late	\$ 100.00

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<sup>67</sup> Ark. Code Ann. § 21-8-703.

- (b) A public servant or candidate who gives false or materially misleading information on a Statement of Financial Interest or omits information from the Statement as required by Ark. Code Ann. § 21-8-701 *et seq.* may be assessed by the Arkansas Ethics Commission a fine of not less than \$50 or more than \$2,000 for each violation and issued a public letter of caution, warning or reprimand.
- (c) In addition to the fines and sanctions discussed above, candidates and public servants who fail to file their Statement of Financial Interest will be ordered to file such reports within ten (10) days.

### **§ 251 Exploratory Committees-Registration and Reporting**

- (a) An exploratory committee is a person who receives contributions held to be transferred later to a single candidate. It shall not include: (1) a political party that meets the definition of a political party under Ark. Code Ann. § 7-1-101 or the requirements of Ark. Code Ann. § 7-7-205; or (2) the candidate's own campaign committee.<sup>68</sup>
- (b) Exploratory committees must register within fifteen (15) days after receiving contributions during a calendar year which, in the aggregate, exceed \$500. The committee must also disclose the name, address and telephone numbers of the committee and its officers as well as the name of the person who, upon becoming a candidate, is intended to receive the contributions received by the committee. The place of filing for an exploratory committee for a state or district office shall be the Secretary of State's office, and the place of filing for an exploratory committee for a county, municipal, township, or school district office shall be the county clerk's office.<sup>69</sup>
- (c) Within thirty (30) days of the end of each month, an exploratory committee shall file a report indicating the total amount of contributions received during the filing period and/or the previous month and disclose the names and addresses of persons contributing in excess of \$50, along with the contributor's principal place of business, employer, occupation, and the amount contributed, and the total amount of expenditures made and, for each single expenditure which exceeds one hundred dollars (\$100), an itemization including the amount of the expenditure, the name and address of the person to whom the expenditure was made, and the date the expenditure was made.<sup>70</sup> The first report shall be filed for the month in which the committee files its registration. A final report shall be filed within thirty (30) days after the end of the month in which the committee either transfers the contributions received to the candidate or no longer intends to accept contributions on behalf of the candidate.<sup>71</sup>
- (d) An exploratory committee shall not accept contributions after the filing of a final report.

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<sup>68</sup> Ark. Code Ann. § 7-6-201(9).

<sup>69</sup> Ark. Code Ann. § 7-6-216 (a) and (b).

<sup>70</sup> Ark. Code Ann. § 7-6-207 (b)(1)(B) requires itemization of all contributions to campaign committees in excess of \$50.00. *See* Arkansas Ethics Commission Opinion No. 97-EC-007.

<sup>71</sup> Ark. Code Ann. § 7-6-216(c) and (d).

**§ 252 Exploratory Committees-Contribution Limits**

- (a) An exploratory committee is a person who receives contributions held to be transferred later to a single candidate.<sup>72</sup> Furthermore, an exploratory committee is one designated by a candidate to promote the candidate's campaign and to serve as recipient of all contributions and the distributor of all expenditures for a candidate prior to the time the candidate formally announces his intentions to run for office.<sup>73</sup>
- (b) An exploratory committee is under the same guidelines applicable to maximum contribution limits per election as the candidate's campaign committee. Contributions to an exploratory committee count toward the maximum limit a candidate may receive.
- (c) Expenditures from exploratory committees must be for campaign purposes. As with any other campaign funds, candidates or their exploratory committees are prohibited from using any campaign funds, including funds given to an exploratory committee, as personal income or for personal purposes.
- (d) An exploratory committee may be formed on a candidate's behalf even if the candidate is presently an officeholder and has an existing campaign fund. The exploratory committee must not be formed for the same office as currently held by the officeholder. The monies which make up the existing campaign fund relate to a prior election. Funds contributed to an exploratory committee will apply toward the contribution limits of the election for which the exploratory committee was formed and are exclusive from funds already maintained in an officeholder account.
- (e) Funds raised by the exploratory committee on the candidate's behalf will be treated as contributions if the individual elects to become a candidate. The contribution limits for the election/office being sought by the individual will apply. The money contributed will apply against the limits applicable to the primary election for the candidate when, and if, the person decides to run for office.
- (f) A potential candidate may have more than one exploratory committee. If a potential candidate or individual establishes more than one exploratory committee, or if the person elects to run for an office other than the one for which the exploratory committee was receiving contributions, the candidate must dispose of the funds received by the exploratory committee for the office not sought pursuant to § 226 and/or Ark. Code Ann. § 7-6-203(h)(1)(A)-(E) within thirty (30) days of the close of filing for public office.
- (g) Exploratory committees must maintain bank accounts separate from the candidate's personal account and separate from any concurrent officeholder/candidate's account. When the candidate announces for election, the exploratory committee may convert the funds remaining in its account to the candidate's campaign account.

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<sup>72</sup> Ark. Code Ann. § 7-6-201(9).

<sup>73</sup> Arkansas Ethics Commission Opinion No. 97-EC-007.

- (h) (1) More than one exploratory committee for a potential candidate may exist simultaneously which designates the same or different campaigns to be explored. If the committees are for the same office (e.g., different committees in different counties), the contributions received will be applied toward the limitations for contributions as noted herein in subsection (e). The committees should keep accurate and separate bank accounts and be able to verify that no contributor has given more than the maximum in the aggregate to any exploratory committees. As an example, if a person gives \$2,000 to the candidate's Pulaski County Exploratory Committee for Governor, such person could not give any money to any other exploratory committee for the same candidate, same office.
- (2) If the committees are for different offices, the candidate must ensure that the funds retained by the committee for the office not sought are disposed pursuant to § 226 of these rules and Ark. Code Ann. § 7-6-203(h)(1)(A)-(E) and subsection (f) above.
- (i) (1) If the candidate ultimately seeks the office being explored, the funds raised by the exploratory committee should be transferred to the candidate's campaign committee and reported in the final report pursuant to § 251 of these rules and Ark. Code Ann. § 7-6-216. The amount(s) a person contributes to an exploratory committee shall count towards the limit on campaign contributions which such person may make to the candidate.
- (2) If the candidate seeks another office, the committee should file a final report, note this fact on the report, and dispose of the funds pursuant to § 226 of these rules and Ark. Code Ann. § 7-6-203(h)(1)(A)-(E).
- (3) If the person elects not to seek office, the committee must file a final report and note this fact on the report. Since the person is not going to be a candidate, any funds remaining in the exploratory committee's account should be disposed pursuant to § 226 of these rules and Ark. Code Ann. § 7-6-203(h)(1)(A)-(E). Within thirty (30) days after the end of the month in which the candidate decides not to run for office or the committee no longer intends to accept contributions on his or her behalf, the committee must file its final report and note how any remaining funds were disposed of by the committee. The funds should be disposed pursuant to one of the five options in § 7-6-203(h)(1). The Commission encourages exploratory committees to consider refunding the contributions on a *pro rata* basis to the contributors. The funds must not be used by the candidate for personal purposes.

# **RULES ON POLITICAL COMMITTEES**

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## **TABLE OF CONTENTS**

- § 500 Definitions
- § 501 Registration by Political Action Committees
- § 502 Reporting by Political Action Committees
- § 503 Penalties for Political Action Committees
- § 504 Legislative Caucus Committees
- § 505 Out-of-State Political Action Committees
- § 506 Registration by County Political Party Committees
- § 507 Reporting by County Political Party Committees
- § 508 Penalties for County Political Party Committees
- § 509 Records Retention by PACs and County Political Party Committees
- § 510 Contribution Limits
- § 511 Administrative Expenses of PACs and County Political Party Committees
- § 512 Receipt of Surplus Campaign Funds or Carryover Funds by Political Party Caucus

## § 500 Definitions.

**(a) Approved political action committee** – As used in these rules, the term “approved political action committee” means any person who:

- (i) Receives contributions from one (1) or more persons in order to make contributions to candidates, campaign committees, ballot question committees, legislative question committees, political parties, county political party committees, or other political action committees;
- (ii) Does not accept any contribution or cumulative contributions in excess of five thousand dollars (\$5,000) from any person in any calendar year; and
- (iii) Registers pursuant to Ark. Code Ann. § 7-6-215 prior to making contributions.

An approved political action committee shall not include an organized political party as defined in Ark. Code Ann. § 7-1-101, a county political party committee, the candidate's own campaign committee, an exploratory committee, or a ballot or legislative question committee.

**(b) Carryover funds** – As used in these rules, the term “carryover funds” means the amount of campaign funds retained from the last election by the candidate for future use but not to exceed the annual salary, excluding expense allowances, set by Arkansas law for the office sought.

**(c) Contribution** – As used in these rules, the term “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, pledge or promise 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 or in support of or opposition to a ballot or legislative question. “Contribution” shall include membership dues paid to a committee but not filing fees paid to a committee by candidates.

"Contribution" includes the purchase of tickets for events such as dinners, luncheons, rallies, and similar fundraising events; the granting of discounts or rebates by television and radio stations and newspapers not extended on an equal basis to all candidates for the same office; and 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 this subchapter. The term "contribution" further includes any transfer of anything of value received by a committee from another committee.

"Contribution" shall not include noncompensated, nonreimbursed, volunteer personal services or travel.

“Contribution and expenditure” shall not include activity sponsored and funded by a political party that meets the definition of “political party” under Ark. Code Ann. § 7-1-101 or the requirements of Ark. Code Ann. § 7-7-205 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.

**(d) County political party committee** – As used in these rules, the term “county political party committee” means a person that:

- (i) Is organized at the county level for the purpose of supporting its affiliate party and making contributions;
- (ii) Is recognized by an organized political party, as defined in Ark. Code Ann. § 7-1-101, as being affiliated with that political party;
- (iii) Receives contributions from one (1) or more persons in order to make contributions to candidates, campaign committees, ballot question committees, legislative question committees, political parties, political action committees, or other county political party committees;
- (iv) Does not accept any contribution or cumulative contributions in excess of five thousand dollars (\$5,000) from any person in any calendar year; and
- (v) Registers pursuant to Ark. Code Ann. § 7-6-226 prior to making contributions.

**(e) Legislative caucus committee** – As used in these rules, the term “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 interest that the membership hold in common.

A “legislative caucus committee” includes, but is not limited to, a political party caucus of the General Assembly, the Senate, or the House of Representatives.

**(f) Person** – As used in these rules, the term “person” means any individual, proprietorship, firm, partnership, joint venture, syndicate, labor union, business trust, company, corporation, association, committee, or any other organization or group of persons acting in concert. It shall also include a political party that meets the definition of “political party” under Ark. Code Ann. § 7-1-101 or the requirements of Ark. Code Ann. § 7-7-205, county political party committees, and legislative caucus committees.

**(g) Prohibited political action committee** – As used in these rules, the term “prohibited political action committee” means any person who receives contributions from one (1) or more persons in order to make contributions to candidates, ballot question committees, legislative question committees, political parties, county political party committees, or other political action committees, but who does not meet the requirements of an approved political action committee. A prohibited political action committee shall not include a political party that meets the definition of “political party” under Ark. Code Ann. § 7-1-101 or the requirements of Ark. Code

Ann. § 7-7-205, the candidate's own campaign committee, a county political party committee, an exploratory committee, or a ballot or legislative question committee.

**(h) Surplus campaign funds** – As used in these rules, the term “surplus campaign funds” means any balance of campaign funds over expenses incurred as of the day of the election except for carryover funds and any funds required to repay loans made by the candidate from his or her personal funds to the campaign or to repay loans made by financial institutions to the candidate and applied to the campaign.

## **§ 501 Registration by Political Action Committees**

**(a)(1)(A)** To qualify as an approved political action committee, the committee is required to register with the Secretary of State within fifteen (15) days after accepting contributions during a calendar year that exceed five hundred dollars (\$500) in the aggregate.

**(B)** Registration shall be annually renewed by January 15, unless the committee ceased to exist.

**(C)** Registration shall be on forms provided by the Secretary of State, and the contents therein shall be verified by an affidavit of an officer of the committee.

**(2)(A)** The committee shall designate a resident agent who shall be an individual who resides in the State of Arkansas.

**(B)** No contribution shall be accepted from a committee and no expenditure shall be made by a committee that has not registered and does not have a resident agent.

**(3)(A)** No approved political action committee shall accept a contribution from a prohibited political action committee as defined in § 500(g) of these rules.

**(B)** It shall be unlawful for a prohibited political action committee as defined in § 500(g) of these rules to make a contribution to an approved political action committee.

**(4)(A)** An out-of-state committee, including a federal committee, shall be required to comply with the registration and reporting provisions of these rules if the committee contributes more than five hundred dollars (\$500) in a calendar year to candidates, campaign committees, ballot question committees, legislative question committees, political parties, county political party committees, or other political action committees within the State of Arkansas.

**(B)** Section 501(a)(4)(A) of these rules shall not apply to: (i) the national committee of any political party that is registered with the Federal Election Commission; (ii) any federal candidate committee that is registered with the Federal Election Commission; (iii) funds which a subordinate committee of the national committee of any political party that is registered with the Federal Election Commission transfers to the federal account of an organized political party as defined in Ark. Code Ann. § 7-1-101; or (iv) funds which a political action committee that is registered with the Federal Election Commission transfers to the federal account of an organized political party as defined in Ark. Code Ann. § 7-1-101.

**(b)** The registration form of an approved political action committee shall contain the following information:

**(1)** The name, address, and, where available, phone number of the committee and the name, address, phone number, and place of employment of each of its officers, provided if the committee's name is an acronym, then both it and the words forming the acronym shall be disclosed;

**(2)** The professional, business, trade, labor, or other interests represented by the committee, including any individual business, organization, association, corporation, labor organization, or other group or firm whose interests will be represented by the committee;

**(3)** The full name and street address, city, state, and zip code of each financial institution the committee uses for purposes of receiving contributions or making expenditures within the State of Arkansas;

**(4)** A written acceptance of designation as a resident agent;

**(5)** A certification by a committee officer, under penalty of false swearing, that the information provided on the registration is true and correct; and

**(6)** A clause submitting the committee to the jurisdiction of the State of Arkansas for all purposes related to compliance with the provisions of subchapter 2 of chapter 6, Title 7 of the Arkansas Code.

**(c)(1)** When a committee makes a change to any of the information required in § 501(b) of these rules, an amendment is required to be filed within ten (10) days to reflect the change.

**(2)** A committee failing to file an amendment shall be subject to a late filing fee of ten dollars (\$10.00) for each day the change is not filed.

## **§ 502 Reporting by Political Action Committees**

**(a)(1)** Within fifteen (15) calendar days after the end of each calendar quarter, approved political action committees are required to file a quarterly report with the Secretary of State, including the following information:

**(A)** The total amount of contributions received and the total amount of contributions made during the filing period and the cumulative amount of those totals;

**(B)** The current balance of committee funds;

**(C)** The name and address of each person that made a contribution or contributions to the committee that exceeded five hundred dollars (\$500) 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;

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

(E) The name and address of each candidate, campaign committee, ballot question committee, legislative question committee, political party, county political party committee, or other political action committee, if any, to whom or which the committee contributed a nonmoney item, together with a description of the item, the date the item was contributed, and the value of the item; and

(F) The total amount of expenditures made for administrative expenses and for each single expenditure that exceeds one hundred dollars (\$100) an itemization including the amount of the expenditure, the name and address of the person to which the expenditure was made, and the date the expenditure was made.

(2) The information required in § 502(a)(1)(C)-(F) of these rules may be provided in the form of schedules attached to the report.

(3) The reports shall be verified by an affidavit of an officer of the committee stating that to the best of his or her knowledge and belief the information so disclosed is a complete, true, and accurate financial statement of the committee's contributions received and made.

(4)(A) A report is timely filed if it is either hand delivered or mailed to the Secretary of State, properly addressed, postage prepaid, bearing a postmark indicating that it was received by the post office or common carrier on the date that the report is due.

(B) The Secretary of State shall accept via facsimile any report if the original is received by the Secretary of State within ten (10) days of the date of transmission.

(C) The Secretary of State may receive reports in a readable electronic format that is acceptable to the Secretary of State and approved by the Arkansas Ethics Commission.

### **§ 503 Penalties for Political Action Committees**

(a) If the Arkansas Ethics Commission finds that a person or political action committee has committed a violation of Ark. Code Ann. § 7-6-215, then it may impose a fine of not less than fifty dollars (\$50.00) and not more than two thousand dollars (\$2,000) and/or issue a public letter of caution, warning, or reprimand.

(b) In addition, the Arkansas Ethics Commission may impose a late filing fee not exceeding ten dollars (\$10.00) for each day a required amendment of the information contained in a registration form remains unfiled by a political action committee.

#### **§ 504 Legislative Caucus Committees**

A legislative caucus committee is required to comply with the registration and reporting provisions of §§ 501-502 of these rules, including the designation of a resident agent who is an individual who resides in the State of Arkansas and the establishment of an account in a financial institution, if the committee contributes more than five hundred dollars (\$500) in a calendar year to candidates, campaign committees, ballot question committees, legislative question committees, political parties, county political party committees, or political action committees.

#### **§ 505 Out-of-State Political Action Committees**

An out-of-state political action committee, including a federal committee, is required to comply with the registration and reporting provisions of §§ 501-502 and is subject to the jurisdiction of the State of Arkansas for all purposes related to compliance with the provisions of subchapter 2 of chapter 6, Title 7 of the Arkansas Code, if the committee contributes more than five hundred dollars (\$500) in a calendar year to candidates, campaign committees, ballot question committees, legislative question committees, political parties, county political party committees, or other political action committees within the State of Arkansas.

Section 505 of these rules shall not apply to: (i) the national committee of any political party that is registered with the Federal Election Commission; (ii) any federal candidate committee that is registered with the Federal Election Commission; (iii) funds which a subordinate committee of the national committee of any political party that is registered with the Federal Election Commission transfers to the federal account of an organized political party as defined in Ark. Code Ann. § 7-1-101; or (iv) funds which a political action committee that is registered with the Federal Election Commission transfers to the federal account of an organized political party as defined in Ark. Code Ann. § 7-1-101.

#### **§ 506 Registration by County Political Party Committees**

**(a)(1)(A)** To qualify as a county political party committee, a committee is required to register with the Secretary of State within fifteen (15) days after accepting contributions during a calendar year which, in the aggregate, exceed five thousand dollars (\$5,000).

**(B)** The registration is to be annually renewed by January 15, unless the committee has ceased to exist.

**(C)** Registration shall be on forms provided by the Secretary of State, and the contents of the form shall be verified by an affidavit of an officer of the committee.

**(2)(A)** The committee is required to appoint a treasurer who is a qualified elector of the State of Arkansas.

**(B)** No contribution shall be accepted from a committee and no expenditure shall be made by a committee that has not registered and which does not have a treasurer.

**(3)(A)** No county political party committee shall accept a contribution from a prohibited political action committee as defined in § 500(f) of these rules.

**(B)** It shall be unlawful for a prohibited political action committee as defined in § 500(f) of these rules to make a contribution to a county political party committee.

**(b)** The committee is required to disclose on the registration form the following information:

**(1)** The name, address, and, when available, phone number of the committee and the name, address, phone number, and place of employment of each of its officers, provided if the committee's name is an acronym, then both the acronym and the words forming the acronym shall be disclosed;

**(2)** The political party with which the county political party committee is affiliated;

**(3)** The full name and street address, city, state, and zip code of the financial institution in the State of Arkansas that the committee designates as its official depository for the purposes of depositing all money contributions that it receives in this state and making all expenditures in this state; and

**(4)** A written acceptance of appointment by the treasurer.

### **§ 507 Reporting by County Political Party Committees**

**(a)(1)** Within fifteen (15) calendar days after the end of each calendar quarter, county political party committees are required to file a quarterly report with the Secretary of State, including the following information:

**(A)** The total amount of contributions received and the total amount of contributions made during the filing period and the cumulative amount of these totals;

**(B)** The current balance of committee funds;

**(C)** The name and address of each person that made a contribution or contributions to the committee that exceeded five hundred dollars (\$500) 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, campaign committee, ballot question committee, legislative question committee, political party, political action committee, or other county political party committee, if any, to whom or which the committee made a contribution or contributions that exceeded fifty dollars (\$50.00) in the aggregate during the filing period, with the amount contributed and the election for which the contribution was made;

**(E)** The name and address of each candidate, campaign committee, ballot question committee, legislative question committee, political party, political action committee, or other county political party committee, if any, to whom or which the committee contributed a

nonmoney item, together with a description of the item, the date the item was contributed, and the value of the item;

(F) The total amount of expenditures made for administrative expenses and for each single expenditure that exceeds one hundred dollars (\$100) an itemization including the amount of the expenditure, the name and address of the person to which the expenditure was made, and the date the expenditure was made; and

(G) Any change in information required by these rules.

(2) The reports shall be verified by an affidavit of an officer of the committee stating that to the best of his or her knowledge and belief the information disclosed is a complete, true, and accurate financial statement of the committee's contributions received and made.

(3)(A) A report is timely filed if it is either hand delivered or mailed to the Secretary of State, properly addressed, postage prepaid, bearing a postmark indicating that it was received by the post office or common carrier on the date that the report is due.

(B) The Secretary of State shall accept via facsimile any report if the original is received by the Secretary of State within ten (10) days of the date of transmission.

(C) The Secretary of State may receive reports in a readable electronic format acceptable to the Secretary of State and approved by the Arkansas Ethics Commission.

### **§ 508 Penalties for County Political Party Committees**

If the Arkansas Ethics Commission finds that a person or county political party committee has committed a violation of Ark. Code Ann. § 7-6-226, then it may impose a fine of not less than fifty dollars (\$50.00) and not more than two thousand dollars (\$2,000) and/or issue a public letter of caution, warning, or reprimand.

### **§ 509 Records Retention by PACs and County Political Party Committees**

Each committee is required to maintain for a period of four (4) years records evidencing the name, address, and place of employment of each person who contributed to the committee, along with the amount contributed. Furthermore, each committee shall maintain for a period of four (4) years records evidencing the name and address of each candidate, campaign committee, ballot question committee, legislative question committee, political party, county political party committee, or political action committee who or which received a contribution from the committee, along with the amount contributed.

### **§ 510 Contribution Limits**

(a) No political action committee or county political party committee shall accept any contribution or cumulative contributions in excess of five thousand dollars (\$5,000) from any person in any calendar year.

(b) For purposes of making contributions to candidates, each political action committee and county political party committee may contribute up to two thousand dollars (\$2,000) to a candidate's campaign for each election, whether the candidate is opposed or unopposed.

### **§ 511 Administrative Expenses of PACs and County Political Party Committees**

It is permissible for a PAC or a county political party committee to pay reasonable administrative expenses out of the contributions it has received.

### **§ 512 Receipt of Surplus Campaign Funds or Carryover Funds by Political Party Caucus**

Surplus campaign funds or carryover funds given to a political party caucus shall be segregated in an account separated from other caucus funds and shall not be used by the political party caucus to make a campaign contribution or to provide any personal income to any candidate who donated surplus campaign funds or carryover funds.

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# **RULES ON INDEPENDENT EXPENDITURES**

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## TABLE OF CONTENTS

§ 700	Definitions	.....	1
§ 701	Registration by Independent Expenditure Committees	.....	2
§ 702	Reporting of Independent Expenditures	.....	3
§ 703	Out-of-State Independent Expenditure Committees	.....	5
§ 704	Penalties	.....	5
§ 705	Records Retention	.....	5
§ 706	Administrative Expenses of Independent Expenditure Committees	....	5

## § 700 Definitions.

**(a) Contribution** – As used in these rules, the term “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, pledge or promise 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.

"Contribution" includes the purchase of tickets for events such as dinners, luncheons, rallies, and similar fundraising events; 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 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 these rules. The term "contribution" further includes any transfer of anything of value received by a committee from another committee. "Contribution" shall not include noncompensated, nonreimbursed, volunteer personal services or travel.

“Contribution and expenditure” shall not include activity sponsored and funded by a political party that meets the definition of “political party” under Ark. Code Ann. § 7-1-101 or the requirements of Ark. Code Ann. § 7-7-205 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.

**(b) Expenditure** – As used in these rules, the term “expenditure” means a purchase, payment, distribution, gift, loan, or advance of money or anything of value, and a contract, promise, or agreement to make an expenditure, made for the purpose of influencing the nomination or election of any candidate.

“Contribution and expenditure” shall not include activity sponsored and funded by a political party that meets the definition of “political party” under Ark. Code Ann. § 7-1-101 or the requirements of Ark. Code Ann. § 7-7-205 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.

**(c) Independent Expenditure** – As used in these rules, the term “independent expenditure” means any expenditure which is not a contribution and expressly advocates the election or defeat of a clearly identified candidate for office; is made without arrangement, cooperation, or consultation between any candidate or any authorized committee or agent of the candidate and the person making the expenditure or any authorized agent of that person; and is not made in concert with or at the request or suggestion of any candidate or any authorized committee or agent of the candidate.

**(d) Independent Expenditure Committee** – As used in these rules, the term “independent expenditure committee” means any person who receives contributions from one (1) or more persons in order to make an independent expenditure and is registered pursuant to Ark. Code Ann. § 7-6-227 prior to making expenditures.

**(e) Person** – As used in these rules, the term “person” means any individual, proprietorship, firm, partnership, joint venture, syndicate, labor union, business trust, company, corporation, association, committee, or any other organization or group of persons acting in concert. It shall also include a political party that meets the definition of a political party under Ark. Code Ann. § 7-1-101 or a political party that meets the requirements of Ark. Code Ann. § 7-7-205, county political party committees, and legislative caucus committees.

### **§ 701 Registration by Independent Expenditure Committees**

**(a)(1)(A)** To qualify as an independent expenditure committee, the committee is required to register with the Secretary of State within fifteen (15) days after accepting contributions during a calendar year that exceed five hundred dollars (\$500) in the aggregate.

**(B)** Registration shall be annually renewed by January 15, unless the committee has ceased to exist.

**(C)** Registration shall be on forms provided by the Secretary of State, and the contents therein shall be verified by an affidavit of an officer of the committee.

**(2)(A)** The committee shall designate a resident agent who shall be an individual who resides in the State of Arkansas.

**(B)** No contribution shall be accepted from a committee and no expenditure shall be made by a committee that has not registered and does not have a resident agent.

**(3)** An out-of-state committee shall be required to comply with the registration and reporting provisions of these rules if the committee makes an independent expenditure or independent expenditures within the State of Arkansas that in the aggregate exceed more than five hundred dollars (\$500) during a calendar year.

**(b)** The registration form of an independent expenditure committee shall contain the following information:

**(1)** The name, address, and, where available, phone number of the committee and the name, address, phone number, and place of employment of each of its officers, provided if the committee’s name is an acronym, then both it and the words forming the acronym shall be disclosed;

**(2)** The full name and street address, city, state, and zip code of each financial institution the committee uses for purposes of receiving contributions or making expenditures within the State of Arkansas;

(3) A written acceptance of designation as a resident agent;

(4) A certification by a committee officer, under penalty of false swearing, that the information provided on the registration is true and correct; and

(5) A clause submitting the committee to the jurisdiction of the State of Arkansas for all purposes related to compliance with the provisions of subchapter 2 of chapter 6, Title 7 of the Arkansas Code.

(c)(1) When a committee makes a change to any of the information required in § 701(b) of these rules, an amendment is required to be filed within ten (10) days to reflect the change.

(2) A committee failing to file an amendment shall be subject to a late filing fee of ten dollars (\$10.00) for each day the change is not filed.

## **§ 702 Reporting of Independent Expenditures**

(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) 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.

(b) Such reports shall include:

(1) In the case of an individual making such an expenditure, the name, address, telephone number, principal place of business, employer, and occupation of the individual;

(2) In the case of a committee, the name, address, employer, and occupation of its officers;

(3) In the case of a person who is not an individual, the principal name of the entity, the address, and the name, address, employer, and occupation of its officers;

(4) The total amount of contributions received, with loans stated separately, and the total amount of expenditures made during the filing periods, and the cumulative amount of those totals;

**(5)** The name and address of each person who made a contribution or contributions that in the aggregate exceeded fifty dollars (\$50.00);

**(6)** The contributor's principal place of business, employer, occupation, the amount contributed, the date the contribution was accepted by the committee, and the aggregate contributed for each election;

**(7)** 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;

**(8)** An itemization of all single expenditures made which exceed one hundred dollars (\$100), including the amount of the expenditure, the name and address of any person to whom the expenditure was made and the date the expenditure was made;

**(9)** A list of all paid workers and the amount the workers were paid;

**(10)** A list of all expenditures by categories, including, but not limited to:

**(A)** Television, radio, print, and other advertising;

**(B)** Direct mail;

**(C)** Office supplies;

**(D)** Rent;

**(E)** Travel;

**(F)** Expenses;

**(G)** Entertainment; and

**(H)** Telephone.

**(11)** The total amount of all nonitemized expenditures made during the filing period;  
and

**(12)** The current balance of committee funds.

**(c)** The information required in § 702(b)(4)-(10) of these rules may be provided in the form of schedules attached to the report.

**(d)** The report shall be verified by an affidavit of an officer of the committee stating that to the best of his or her knowledge and belief the information disclosed is a complete, true, and accurate financial statement of the committee's contributions received and made.

**(e)(1)** A report is timely filed if it is either hand-delivered or mailed to the Secretary of State, properly addressed, postage prepaid, bearing a postmark indicating that it was received by the post office or common carrier on the date that the report is due.

**(2)** The Secretary of State shall accept via facsimile any report if the original is received by the Secretary of State within ten (10) days of the date of transmission.

(3) The Secretary of State may receive reports in a readable electronic format that is acceptable to the Secretary of State and approved by the Arkansas Ethics Commission.

### **§ 703 Out-of-State Independent Expenditure Committees**

An out-of-state independent expenditure committee is required to comply with the registration and reporting provisions of §§ 701-702 and is subject to the jurisdiction of the State of Arkansas for all purposes related to compliance with the provisions of subchapter 2 of chapter 6, Title 7 of the Arkansas Code, if the committee makes an independent expenditure or independent expenditures within the State of Arkansas that in the aggregate exceed more than five hundred dollars (\$500) during a calendar year.

### **§ 704 Penalties**

If the Arkansas Ethics Commission finds that a person or an independent expenditure committee has committed a violation of Ark. Code Ann. § 7-6-220 and/ or Ark. Code Ann. § 7-6-227, then it may impose a fine of not less than fifty dollars (\$50.00) and not more than two thousand dollars (\$2,000) and/or issue a public letter of caution, warning, or reprimand. In addition, a committee failing to file an amendment within ten (10) days as required by § 701(c) shall be subject to a late filing fee of ten dollars (\$10.00) for each day the change is not filed.

### **§ 705 Records Retention**

(a) An independent expenditure committee required to comply with the registration requirements of § 701 shall maintain for a period of four (4) years records evidencing the name, address, and place of employment of each person that contributed to the independent expenditure committee, along with the amount contributed. Such a committee shall also maintain for a period of four (4) years records evidencing each independent expenditure made by the committee, along with the amount of each expenditure.

(b) A person required to comply with the reporting requirements of § 702 shall maintain for a period of four (4) years records evidencing each independent expenditure made by the person, along with the amount of each expenditure.

### **§ 706 Administrative Expenses of Independent Expenditure Committees**

It is permissible for an independent expenditure committee to pay reasonable administrative expenses out of the contributions it has received.

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## ARKANSAS STATUTES

- Ark. Code Ann. § 7-1-103. Miscellaneous misdemeanor offenses – Penalties.**
- Ark. Code Ann. §7-1-104. Miscellaneous felonies – Penalties.**
- Ark. Code Ann. § 7-3-108. Subversive parties – New parties – Affidavit required – Penalty.**
- Ark. Code Ann. § 7-6-101. Campaign services contract – Right of action.**
- Ark. Code Ann. § 7-6-102. Political practices pledge – Penalty for Falsification.**
- Ark. Code Ann. § 7-6-103. Campaign participation by judges – Penalty.**
- Ark. Code Ann. § 7-6-104. Defamatory political broadcasts.**
- Ark. Code Ann. § 16-93-302. Penalties.**

# ARKANSAS STATUTES

## **Ark. Code Ann. § 7-1-103**

### **7-1-103. Miscellaneous misdemeanor offenses - Penalties.**

(a) The violation of any of the following shall be deemed misdemeanors punishable as provided in this section:

(1) It shall be unlawful for any person to appoint or offer to appoint anyone to any office or position of trust or for any person to influence, attempt to influence, or offer to influence the appointment, nomination, or election of any person to office in consideration of the support or assistance of the person for any candidate in any election in this state;

(2)(A)(i) It shall be unlawful for any public servant, as defined in § 21-8-402, to devote any time or labor during usual office hours toward the campaign of any other candidate for office or for the nomination to any office.

(ii) Devoting any time or labor during usual office hours toward the campaign of any other candidate for office or for the nomination to any office includes without limitation the gathering of signatures for a nominating petition.

(B) It shall be unlawful for any public servant, as defined in § 21-8-402, to circulate an initiative or referendum petition or to solicit signatures on an initiative or referendum petition in any public office of the state, county, or municipal governments of Arkansas or during the usual office hours or while on duty for any state agency or any county or municipal government in Arkansas.

(C) It shall be unlawful for any public servant, as defined in § 21-8-402, to coerce, by threats or otherwise, any public employee into devoting time or labor toward the campaign of any candidate for office or for the nomination to any office;

(3)(A) It shall be unlawful for any public servant, as defined in § 21-8-402, to use any office or room furnished at public expense to distribute any letters, circulars, or other campaign materials unless such office or room is regularly used by members of the public for such purposes without regard to political affiliation. It shall further be unlawful for any public servant to use for campaign purposes any item of personal property provided with public funds.

(B) As used in subdivision (a)(3)(A) of this section, “campaign materials” and “campaign purposes” refer to:

- (i) The campaign of a candidate for public office; and
- (ii) Efforts to support or oppose a ballot measure except as provided in §7-1-111;

(4) It shall be unlawful for any person to assess any public employee, as defined in § 21-8-402, for any political purpose whatever or to coerce, by threats or otherwise, any public employee into making a subscription or contribution for any political purpose;

(5) It shall be unlawful for any person employed in any capacity in any department of the State of Arkansas to have membership in any political party or organization that advocates the overthrow of our constitutional form of government;

(6) It shall be unlawful for any campaign banners, campaign signs, or other campaign literature to be placed on any cars, trucks, tractors, or other vehicles belonging to the State of Arkansas or any municipality, county, or school district in the state;

(7)(A)(i) All articles, statements, or communications appearing in any newspaper printed or circulated in this state intended or calculated to influence the vote of any elector in any election and for the publication of which a consideration is paid or to be paid shall clearly contain the words "Paid Political Advertisement," "Paid Political Ad," or "Paid for by" the candidate, committee, or person who paid for the message.

(ii) Both the persons placing and the persons publishing the articles, statements, or communications shall be responsible for including the required disclaimer.

(B)(i) All articles, statements, or communications appearing in any radio, television, or any other electronic medium intended or calculated to influence the vote of any elector in any election and for the publication of which a consideration is paid or to be paid shall clearly contain the words:

(a) "Paid political advertisement" or "paid political ad"; or

(b) "Paid for by", "sponsored by", or "furnished by" the true sponsor of the advertisement.

(ii) Both the persons placing and the persons publishing the articles, statements, or communications shall be responsible for including the required disclaimer;

(8) [Repealed.]

(9)(A) No election official acting in his or her official capacity shall do any electioneering on any election day or any day on which early voting is allowed. Except as provided in subdivisions (a)(9)(B) and (C) of this section, no person shall hand out or distribute or offer to hand out or distribute any campaign literature or any literature regarding any candidate or issue on the ballot, solicit signatures on any petition, solicit contributions for any charitable or other purpose, or do any electioneering of any kind whatsoever in the building or within one hundred feet (100') of the primary exterior entrance used by voters to the building containing the polling place on election day.

(B) During early voting days, no person shall hand out or distribute or offer to hand out or distribute any campaign literature or any literature regarding any candidate or issue on the ballot, solicit signatures on any petition, solicit contributions for any charitable or other purpose, or do any electioneering of any kind whatsoever during early voting hours in the building or within one hundred feet (100') of the primary exterior entrance used by voters to the building containing the early voting site nor engage in those activities with persons standing in line to vote whether within or without the courthouse.

(C) When the early voting occurs at a facility other than the county clerk's office, no person shall hand out or distribute or offer to hand out or distribute any campaign literature or any literature regarding any candidate or issue on the ballot, solicit signatures on any petition, solicit contributions for any charitable or other purpose, or do any electioneering of any kind whatsoever in the building or within one hundred feet (100') of the primary exterior entrance used by voters to the building containing the polling place;

(10) No election official shall perform any of the duties of the position before taking and subscribing to the oath provided for in § 7-4-110;

(11) No person applying for a ballot shall swear falsely to any oath administered by the election officials with reference to his or her qualifications to vote;

(12) No person shall willfully cause or attempt to cause his or her own name to be registered in any other election precinct than that in which he or she is or will be before the next ensuing election qualified as an elector;

(13) During any election, no person shall remove, tear down, or destroy any booths or supplies or other conveniences placed in any booth or polling site for the purpose of enabling the voter to prepare his or her ballot;

(14) No person shall take or carry any ballot obtained from any election official outside of the polling room or have in his possession outside of the polling room before the closing of the polls any ballot provided by any county election commissioner;

(15) No person shall furnish a ballot to any elector who cannot read informing him or her that it contains a name or names different from those that are written or printed thereon or shall change or mark the ballot of any elector who cannot read so as to prevent the elector from voting for any candidate, act, section, or constitutional amendment as the elector intended;

(16) No election official or other person shall unfold a ballot or without the express consent of the voter ascertain or attempt to ascertain any vote on a ballot before it is placed in the ballot box;

(17) No person shall print or cause to be printed any ballot for any election held under this act with the names of the candidates appearing thereon in any other or different order or manner than provided by this act;

(18) No election official shall permit the vote of any person to be cast in any election precinct in this state in any election legally held in this state when the person does not appear in person at the election precinct and actually cast the vote. This subdivision (a)(18) shall not apply to persons entitled to cast absentee ballots;

(19)(A) No person shall vote or offer to vote more than one (1) time in any election held in this state, either in person or by absentee ballot, or shall vote in more than one (1) election precinct in any election held in this state.

(B) No person shall cast a ballot or vote in the preferential primary of one (1) political party and then cast a ballot or vote in the general primary of another political party in this state;

(20) No person shall:

(A) Vote, knowing himself or herself not to be entitled to vote;

(B) Vote more than once at any election or knowingly cast more than one (1) ballot or attempt to do so;

(C) Provide assistance to a voter in marking and casting the voter's ballot except as provided in § 7-5-310;

(D) Alter or attempt to alter any ballot after it has been cast;

(E) Add or attempt to add any ballot to those legally polled at any election either by fraudulently introducing it into the ballot box before or after the ballots have been counted or at any other time or in any other manner with the intent or effect of affecting the count or recount of the ballots;

(F) Withdraw or attempt to withdraw any ballot lawfully polled with the intent or effect of affecting the count or recount of the ballots; or

(G) In any manner interfere with the officials lawfully conducting the election or the canvass or with the voters lawfully exercising their right to vote at the election;

(21) No person shall make any bet or wager upon the result of any election in this state;

(22) No election official, poll watcher, or any other person in or out of this state in any primary, general, or special election in this state shall divulge to any person the results of any votes cast for any candidate or on any issue in the election until after the closing of the polls on the day of the election. The provisions of this subdivision (a)(22) shall not apply to any township or precinct in this state in which all of the registered voters therein have voted prior to the closing of the polls in those instances in which there are fifteen (15) or fewer registered voters in the precinct or township; and

(23) Any person, election official, county clerk, or deputy clerk who violates any provisions of the absentee voting laws, § 7-5-401 et seq., shall be punished as provided in this section.

(b)(1) Except as otherwise provided, the violation of any provision of this section shall be a Class A misdemeanor.

(2)(A) Any person convicted under the provisions of this section shall thereafter be ineligible to hold any office or employment in any of the departments in this state.

(B)(i) If any person is convicted under the provisions of this section while employed by any of the departments of this state, he or she shall be removed from employment immediately.

(ii) If any person is convicted under the provisions of this section while holding public office, the conviction shall be deemed a misfeasance and malfeasance in office and shall subject the person to impeachment.

(c) Any violation of this act not covered by this section and § 7-1-104 shall be considered a Class A misdemeanor and shall be punishable as such.

## **Ark. Code Ann. § 7-1-104**

### **7-1-104. Miscellaneous felonies - Penalties.**

(a) The following offenses shall be deemed felonies punishable as provided in this section:

(1) No person shall falsely make or fraudulently destroy any certificate of nominations or any part thereof, file any certificate of nominations knowing the certificate or any part thereof to be false, suppress any nomination or any part thereof which has been filed, or forge or falsely write the name or initials of any election official on any ballot;

(2) No public official or other person shall in any manner willfully or corruptly permit any person not entitled to register for the purpose of voting to register, nor shall a public official or other person forge or attempt to forge a registration;

(3) No person shall vote in any election in the state unless the person is a qualified elector of this state and has registered to vote in the manner provided by law;

(4) It shall be unlawful for any person to offer, accept, receive, or pay any person any money, goods, wares, or merchandise or solicit any money, goods, wares, or merchandise for the purpose of influencing his or her vote during the progress of any election in this state;

(5) It shall be unlawful for any person to make any threat or attempt to intimidate any elector or the family, business, or profession of the elector;

(6) It shall be unlawful for any person to interfere with or to prevent any qualified elector from voting at any election or to attempt to interfere with or to prevent any qualified elector from

voting at any election, provided that this subdivision (a)(6) shall not prohibit good faith challenges of ballots or voters according to law by candidates, authorized representatives of candidates, political parties, or ballot issues;

(7) It shall be unlawful for any person to attend any polling site on election day and hand out or give away any campaign cards, placards, or other articles for the purpose of influencing the electors to vote for any candidate, except in the manner now provided by law;

(8)(A) It shall be unlawful for a person with the intent to defraud a voter or an election official to possess an absentee ballot issued to another.

(B) The possession by a person of more than ten (10) absentee ballots creates a rebuttable presumption of intent to defraud.

(C) The presumption under subdivision (a)(8)(B) of this section does not apply to:

(i) An employee of the United States Postal Service performing the normal course of the employee's authorized duties;

(ii) A common or contract carrier performing the normal course of the carrier's authorized duties;

(iii) The administrative head of a long-term care or residential care facility licensed by the state authorized by a voter under Arkansas law; or

(iv) An election official acting in his or her official capacity;

(9) No person shall tamper with a voting machine or fraudulently affect or attempt to affect its results;

(10) No person may cast a ballot in more than one (1) party primary election on the same day in this state or for candidates for more than one (1) political party;

(11) No person shall vote in any election more than one (1) vote;

(12) No person shall vote or attempt to vote other than his or her legal ballot;

(13) No election official shall knowingly permit any person to vote other than his or her legal ballot in any election;

(14) No election official or other person shall fraudulently permit any person to vote illegally, refuse the vote of any qualified elector, or cast up or make a false return of any election;

(15) No election official or other person shall willfully make a false count of any election ballots or falsely or fraudulently certify the returns of any election;

(16) No person shall fraudulently change, alter, or obliterate the poll books or books of any election or break any seals upon any ballot box, voting machine, or stub box, except as authorized by law;

(17) No person shall contrive, alter, forge, counterfeit, detain, mutilate, steal, secrete, or destroy any election returns or election materials for the purpose of hindering or preventing or falsely reporting a tabulation or check of the returns; and

(18) Any person who violates the provisions of § 7-5-702 or who shall disclose how any voter may have voted unless compelled to do so in a judicial proceeding shall be deemed guilty of a Class D felony and punished as provided in this section.

(b)(1) Any person convicted of a felony as defined in this section shall be guilty of a Class D felony.

(2)(A) Any person convicted of a felony as defined in this section shall be barred from holding public office or employment in any of the departments of the state from the date of his conviction.

(B)(i) If the person is employed by any of the departments of this state at the time of his conviction, he shall be removed from employment immediately.

(ii) If any person is convicted under the provisions of this section while holding public office, the conviction shall be deemed a misfeasance and malfeasance in office and shall subject the person to impeachment.

### **Ark. Code Ann. § 7-3-108**

#### **7-3-108. Subversive parties - New parties - Affidavit required - Penalty.**

(a) A political party shall not be recognized, qualified to participate, or permitted to have the names of its candidates printed on the ballot in any election in this state that:

(1) Either directly or indirectly advocates, teaches, justifies, aids, or abets the overthrow by force or violence, or by any unlawful means, of the government of the United States or this state, or an act of terrorism as described by § 5-54-205; or

(2) Directly or indirectly carries on, advocates, teaches, justifies, aids, or abets a program of sabotage, force and violence, sedition, or treason against the government of the United States or this state.

(b)(1) A newly organized political party shall not be recognized, qualified to participate, or permitted to have the names of its candidates printed on the ballot in any election in this state until it has filed an affidavit, by the officers of the party in this state under oath, that:

(A) It does not either directly or indirectly advocate, teach, justify, aid, or abet the overthrow by force or violence or by any unlawful means of the government of the United States or this state, or an act of terrorism as described by § 5-54-205; or

(B) It does not directly or indirectly carry on, advocate, teach, justify, aid, or abet a program of sabotage, force and violence, sedition, or treason against the government of the United States or this state.

(2) The affidavit shall be filed with the Secretary of State.

(c) Any person who violates any provision of this section shall be guilty of a Class A misdemeanor.

### **Ark. Code Ann. § 7-6-101**

#### **7-6-101. Campaign services contract - Right of action.**

No action shall be brought to charge any person upon any contract, promise, or agreement for any service rendered to or for him or her as a candidate in any election in this state or in aid of his or her campaign for the nomination to any office in this state unless the agreement, promise, or contract, upon which said action shall be brought, or some memorandum or note thereof, shall be made in writing and signed by the party to be charged therewith, or signed by some other person by him or her thereunto properly authorized in writing.

### **Ark. Code Ann. § 7-6-102**

#### **7-6-102. Political practices pledge — Penalty for falsification.**

(a)(1) Candidates for political party nominations for state or district offices shall file with the Secretary of State and candidates for county, municipal, or township offices shall file with the county clerk of the county during the filing period set out in § 7-7-203 for the preferential primary election a pledge in writing stating that they are familiar with the requirements of §§ 7-1-103, 7-1-104, 7-3-108, and 7-6-101, 7-6-103, 7-6-104 and this section and will comply in good faith with their terms.

(2) An independent candidate or school district candidate shall file the political practices pledge at the time of filing the petition for nomination.

(3) Independent candidates for municipal office shall file the political practices pledge with the county clerk at the time of filing the petition for nomination.

(4) Write-in candidates shall file the political practices pledge at the time of filing the notice to be a write-in candidate.

(5) A nonpartisan candidate paying filing fees in accordance with § 7-10-103(b) shall file the political practices pledge at the time of filing for office.

(6) A nonpartisan candidate filing by petition according to § 7-10-103(c) shall file the political practices pledge at the time of filing the petition.

(b) All political practices pledge forms for state or district offices and county, municipal, or township offices shall be required to contain the following additional pledge:

“I hereby certify that I have never been convicted of a felony in Arkansas or in any other jurisdiction outside of Arkansas.”

(c) Any person who has been convicted of a felony and signs the pledge stating that he or she has not been convicted of a felony shall be guilty of a Class D felony.

(d) For purposes of this section, a person shall be qualified to be a candidate for a state, district, county, municipal, and township office and may certify that he or she has never been convicted of a felony if his or her record was expunged in accordance with §§ 16-93-301 — 16-93-303, or a similar expunction statute in another state if the candidate presents a certificate of expunction from the court that convicted the candidate.

(e)(1) The name of a candidate who fails to sign and file the pledge shall not appear on the ballot.

(2)(A) Within two (2) days of the date the pledge is required to be filed, the Secretary of State or the county clerk shall notify by certified mail that requires a return receipt signed by the candidate those candidates who have failed to file a signed political practice pledge and include a copy of the written pledge required by this section.

(B) Failure of the state or district candidate to file with the Secretary of State or of the county, municipal, or township candidate to file with the county clerk within five (5) days of receipt or refusal of this notice shall prevent the candidate's name from appearing on the ballot.

### **Ark. Code Ann. § 7-6-103**

#### **7-6-103. Campaign participation by judges - Penalty.**

(a) It shall be unlawful for any judge of the district or circuit courts and any Justice of the Supreme Court or judge of the Court of Appeals to participate in the campaign of any candidate for office at any election, other than his or her own.

(b) The word "participation", as used in this section, shall mean the managing of another's campaign or any solicitation on his or her behalf.

(c) Participation shall be deemed to be misfeasance and malfeasance in office and shall subject the judge to impeachment therefore.

## **Ark. Code Ann. § 7-6-104**

### **7-6-104. Defamatory political broadcasts.**

Neither the owner, licensee, nor operator of a visual or sound radio broadcasting station or network of stations nor his agents or employees shall be liable for any damages for any defamatory statement published or uttered in, or as a part of, a visual or sound broadcast by a candidate for political office in those instances in which, under the acts of Congress or the rules and regulations of the Federal Communications Commission, the broadcasting station or network is prohibited from censoring the script of the broadcast.

## **Ark. Code Ann. § 16-93-302**

### **16-93-302. Probation – First time offenders - Penalties.**

(a)(1) A person may not avail himself or herself of the provisions of this section and §§ 16-93-301 and 16-93-303 on more than one (1) occasion.

(2) Any person seeking to avail himself or herself of the benefits of this section and §§ 16-93-301 and 16-93-303 who falsely testifies, swears, or affirms to the court that he or she has not previously availed himself or herself of the benefits of this section and §§ 16-93-301 and 16-93-303 is guilty of a Class D felony.

(b)(1) Any person charged under this section and §§ 16-93-301 and 16-93-303 with keeping the confidential records of first offenders, as provided in § 16-93-301, who divulges any information contained in the records to any person or agency other than a law enforcement officer or judicial officer is guilty of a violation and upon conviction is subject to a fine of not more than five hundred dollars (\$500).

(2) Each violation shall be considered a separate offense.

## **See Act 1460 of 2013 for statutes regarding expungement**

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