

Popular Name

THE CAMPAIGN FINANCE AND LOBBYING ACT OF 2012

Ballot Title

AN ACT AMENDING ARKANSAS LAW—WHICH CURRENTLY ALLOWS INDIVIDUALS, CORPORATIONS, PROPRIETORSHIPS, FIRMS, PARTNERSHIPS, JOINT VENTURES, SYNDICATES, LABOR UNIONS, BUSINESS TRUSTS, COMPANIES, ASSOCIATIONS, POLITICAL PARTIES, AND COMMITTEES TO MAKE CAMPAIGN CONTRIBUTIONS TO CANDIDATES AND TO AUTHORIZED POLITICAL ACTION COMMITTEES—TO PROVIDE THAT, WHILE THE FOREGOING MAY CONTINUE TO MAKE CAMPAIGN CONTRIBUTIONS TO AUTHORIZED POLITICAL ACTION COMMITTEES, ONLY INDIVIDUALS, POLITICAL PARTIES, COUNTY POLITICAL PARTY COMMITTEES, LEGISLATIVE CAUCUS COMMITTEES, AND AUTHORIZED POLITICAL ACTION COMMITTEES MAY MAKE CAMPAIGN CONTRIBUTIONS DIRECTLY TO CANDIDATES FOR PUBLIC OFFICE; AMENDING CURRENT ARKANSAS LAW—WHICH PROHIBITS MEMBERS OF THE GENERAL ASSEMBLY FROM ACTING AS REGISTERED LOBBYISTS FOR ONE YEAR AFTER THE EXPIRATION OF THEIR TERM IN OFFICE AND APPLICABLE ONLY TO MEMBERS ELECTED ON OR AFTER JULY 27, 2011—TO EXPAND THE PROHIBITION TO TWO YEARS AND MAKE THE PROHIBITION APPLICABLE TO ALL MEMBERS ELECTED OR RE-ELECTED ON OR AFTER NOVEMBER 6, 2012; AND AMENDING ARKANSAS LAW TO PROHIBIT MEMBERS OF THE GENERAL ASSEMBLY FROM SOLICITING OR ACCEPTING GIFTS FROM A LOBBYIST (OR ANYONE ACTING ON BEHALF OF A LOBBYIST, OR ANYONE EMPLOYING A LOBBYIST), WITH GIFT DEFINED AS ANY PAYMENT, ENTERTAINMENT, ADVANCE, SERVICES, OR ANYTHING OF VALUE, UNLESS CONSIDERATION OF EQUAL OR GREATER VALUE HAS BEEN GIVEN THEREFOR, BUT EXCLUDING FROM THE DEFINITION: (1) INFORMATIONAL MATERIALS SUCH AS BOOKS, REPORTS, PAMPHLETS, CALENDARS, OR PERIODICALS INFORMING A MEMBER REGARDING HIS OR HER OFFICIAL DUTIES (BUT SUCH INFORMATIONAL MATERIAL SHALL NOT INCLUDE PAYMENTS FOR TRAVEL OR REIMBURSEMENT FOR ANY EXPENSES); (2) GIFTS WHICH ARE NOT USED AND WHICH, WITHIN THIRTY (30) DAYS AFTER RECEIPT, ARE RETURNED; (3) GIFTS FROM A MEMBER'S FAMILY; (4) LAWFUL CAMPAIGN CONTRIBUTIONS; AND (5) ANY DEVISE OR INHERITANCE.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF ARKANSAS:

WHEREAS, the People of the State of Arkansas have found an increasing risk and appearance of corruption in contributions that are made to candidates for public office by or through proprietorships, firms, partnerships, joint ventures, syndicates, labor unions, business trusts, companies, corporations, associations, and committees, in which the ultimate source of the funds may be undisclosed and untraceable, lacking the transparency of contributions from individuals, from registered political parties, and from disclosed and regulated approved political action committees; and

WHEREAS, the People of the State of Arkansas have found that the risk and appearance of their representatives using public office to seek private benefit increases when former members of the General Assembly seek employment lobbying their former fellow members of the General Assembly; and

WHEREAS, the People of the State of Arkansas cherish the fundamental First Amendment right to freely and equally petition our public officials, and have found the risk and appearance of conflicts of interest and corruption of the political process increases when lobbyists provide gifts to public officials,

NOW, THEREFORE, BE IT ENACTED:

SECTION 1. Arkansas Code Title 7, Chapter 6, Subchapter 2, Subsections 203(a) and 203(b) are amended as follows:

“(a)(1)(A) It shall be unlawful for any candidate for any public office, except the office of Governor, Lieutenant Governor, Secretary of State, Treasurer of State, Auditor of State, Attorney General, and Commissioner of State Lands, or for any person acting on the candidate's behalf to accept campaign contributions other than from an individual, 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 committee, legislative caucus committee, or approved political action committee, or in excess of two thousand dollars (\$2,000) per election from any ~~person~~ individual, 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 committee, legislative caucus committee, or approved political action committee. (B) A candidate may accept a campaign contribution or contributions up to the maximum amount from any prospective contributor for each election, whether opposed or unopposed.

(2)(A) It shall be unlawful for any candidate for the office of Governor, Lieutenant Governor, Secretary of State, Treasurer of State, Auditor of State, Attorney General, and Commissioner of State Lands, or for any person acting on the candidate's behalf to accept campaign contributions other than from an individual, 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 committee, legislative caucus committee, or approved political action committee, or in excess of two thousand dollars (\$2,000) per election from any ~~person~~ individual, 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 committee, legislative caucus committee, or approved political action committee. (B) A candidate may

accept a campaign contribution or contributions up to the maximum amount from any prospective contributor for each election, whether opposed or unopposed.

(b)(1)(A) It shall be unlawful for any ~~person~~ individual, 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 committee, legislative caucus committee, or approved political action committee to make a contribution to a candidate for any public office, except the office of Governor, Lieutenant Governor, Secretary of State, Treasurer of State, Auditor of State, Attorney General, and Commissioner of State Lands, or to any person acting on the candidate's behalf, which in the aggregate exceeds two thousand dollars (\$2,000) per election. (B) ~~A person~~ An individual, 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 committee, legislative caucus committee, or approved political action committee may make a contribution or contributions up to the maximum amount to a candidate for each election, whether opposed or unopposed.

(2)(A) It shall be unlawful for any ~~person~~ individual, 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 committee, legislative caucus committee, or approved political action committee to make a contribution to a candidate for the office of Governor, Lieutenant Governor, Secretary of State, Treasurer of State, Auditor of State, Attorney General, and Commissioner of State Lands, or to any person acting on the candidate's behalf, which in the aggregate exceeds two thousand dollars (\$2,000) per election. (B) ~~A person~~ An individual, 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 committee, legislative caucus committee, or approved political action committee may make a contribution or contributions up to the maximum amount to a candidate for each election, whether opposed or unopposed.

SECTION 2. Arkansas Code Title 21, Chapter 1, Subchapter 4, Section 402(f) is amended as follows:

“(f)(1) A former member of the General Assembly shall not be eligible to be registered as a lobbyist under § 21-8-601 et seq. until ~~one (1) year~~ two (2) years after the expiration of the term of office for which he or she was elected. (2) Subdivision (f) (1) of this section applies to all persons elected or re-elected to the General Assembly on or after ~~July 27, 2011~~ November 6, 2012.”

SECTION 3. Arkansas Code Title 21, Chapter 8, Subchapter 3, shall include a new section 21-8-305 as follows:

“(a) Members of the General Assembly shall not solicit or accept any gift from a lobbyist, as defined in Ark. Code Ann. § 21-8-402(11), a person acting on behalf of a lobbyist, or a person employing a lobbyist.

(b) For the purposes of this section, “gift” means any payment, entertainment, advance, services, or anything of value, unless consideration of equal or greater value has been given therefor, but does not include:

(1) Informational material such as books, reports, pamphlets, calendars, or periodicals informing a member of the General Assembly regarding his or her official duties, but such informational material shall not include payments for any travel or reimbursement for any expenses;

(2) Gifts which are not used, and within thirty (30) days after receipt, are returned to the donor;

(3) Gifts from a member of the General Assembly’s spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin, or the spouse of any of these persons, unless the person is acting as an agent or intermediary for any person not covered by this subdivision;

(4) Lawful campaign contributions; and

(5) Any devise or inheritance.”

SECTION 4. If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

SECTION 5. All laws and parts of laws in conflict with this act are hereby repealed.

SECTION 6. All provisions of this act are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code Revision Commission shall incorporate the same into the Code.

SECTION 7. The provisions of this initiated act shall become effective on January 1, 2013.

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