

CAMPAIGN TRAINING
2016 Election Cycle



ARKANSAS ETHICS COMMISSION

501 Woodlane Street, Suite 301N • Post Office Box 1917

Little Rock, Arkansas 72203-1917

PHONE: (501) 324-9600 • FAX: (501) 324-9606

TOLL FREE: 1-800-422-7773

www.arkansasethics.com

INTRODUCTION

The Arkansas Ethics Commission serves as the compliance and enforcement agency with respect to various standards of conduct and public disclosure laws of the State of Arkansas applicable to candidates for public office, public officials, appointees and employees at the state and local levels, lobbyists, political committees, and persons involved with initiatives, referenda, and measures referred to voters.

The Commission promotes openness and accountability in government through a balanced approach of (i) interpreting, investigating compliance with, and issuing sanctions for proven violations of the laws under its jurisdiction and (ii) providing advice and assistance to persons required to comply with those laws.

Street Address: 501 Woodlane Street, Suite 301N
Little Rock, Arkansas 72201

Mailing Address: Post Office Box 1917
Little Rock, Arkansas 72203-1917

Telephone: (501) 324-9600 / Toll Free (800) 422-7773

Fax: (501) 324-9606

E-mail: ContactUs@ArkansasEthics.com

Website: www.ArkansasEthics.com

Table of Contents

2016 Reporting Calendar for State/District Candidates	1
2016 Reporting Calendars for County/Municipal Candidates	2
2016 Reporting Calendars for Nonpartisan Candidates	3
Memorandum re Campaign Contribution Limit and Rules on Campaign Finance & Disclosure.....	4
Campaign Contribution and Expenditure Report Form and Instructions for State/District Candidates	5
Final Campaign Contribution and Expenditure Report Form and Instructions for State/District Candidates	6
Campaign Contribution and Expenditure Report Form and Instructions for County, Municipal and School Board Candidates.....	7
Carryover Fund Reporting Form and Instructions	8
Campaign Contribution and Expenditure Report for Debt Retirement.....	9
Statement of Financial Interest Form and Instructions.....	10

1

ARKANSAS ETHICS COMMISSION

William C. Bird III
Chairman

Robert McCormack
Vice Chairman

Sharon K. Trusty
Sybil Jordan Hampton
Tony Juneau

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

Jill Rogers Barham
Staff Attorney

Drew Blankenship
Staff Attorney

Teresa Keathley
Director of Compliance

2016 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).

October 15, 2015	Quarterly report for 3 rd quarter of 2015 due. Covers period July 1 - September 30.*
November 16, 2015	Statement of Financial Interest for calendar year 2014 due from non-incumbent candidates.
November 16, 2015	October monthly report due. Covers period October 1-31.*
December 15, 2015	November monthly report due. Covers period November 1-30.*
January 15, 2016	December monthly report due. Covers period December 1-31.*
February 1, 2016	Statement of Financial Interest for calendar year 2015 due from all incumbent officeholders and non-incumbent candidates.
February 16, 2016	January monthly report due. Covers period January 1-31.*
February 23, 2016	If opposed in primary, preelection report due for primary election. Covers period Feb. 1-20.*
March 1, 2016	Primary Election
March 15, 2016	If unopposed in primary or did not participate in primary, February monthly report due. Covers period February 1-29.*
March 22, 2016	† Primary Election Runoff

† IF YOU ARE INVOLVED IN A PRIMARY ELECTION RUNOFF, TWO ADDITIONAL REPORTS ARE DUE.

March 15, 2016	Preelection report due for primary election runoff. Covers period March 2-12.
May 2, 2016	Final report due for primary election runoff. Covers period March 13-22 or, if candidate lost election, March 13 through the date the report is filed.

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

2016 Reporting Calendar - State or District Candidates

Page 2

April 15, 2016	If candidate did not participate in primary, March monthly report due. Covers period March 1-31.*
May 2, 2016	Final report due for primary election. If candidate was unopposed in primary election, report covers March 1.* If candidate was opposed in primary election, report covers February 21 - March 1 or, if candidate lost election, February 21 through the date the report is filed.*
May 16, 2016	April monthly report due. If candidate did not participate in primary, April monthly report covers period April 1-30. If candidate participated in primary but was not involved in a primary election runoff, April monthly report covers March 2 - April 30.** If candidate was involved in a primary election runoff, April monthly report covers March 23 - April 30.**
June 15, 2016	May monthly report due. Covers period May 1-31.*
July 15, 2016	June monthly report due. Covers period June 1-30.*
August 11, 2016	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.
August 15, 2016	July monthly report due. Covers period July 1-31.*
September 15, 2016	August monthly report due. Covers period August 1-31.*
October 17, 2016	September monthly report due. Covers period September 1-30.*
November 1, 2016	If opposed in general election, preelection report is due. Covers period October 1-29.*
November 8, 2016	General Election
November 15, 2016	If unopposed in general election, October monthly report due. Covers period October 1-31.*
November 29, 2016	†† 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 22, 2016	Preelection report due for special runoff election. Covers period November 9-19.
December 30, 2016	Final report due for special runoff election. Covers period November 20 through the date the report is filed.

December 30, 2016	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 30 through the date the report is filed.** If candidate was involved in a special runoff election, final report for general election covers October 30 - November 8.**
-------------------	--

* 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 March 23 through the closing date of the reporting period.

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.**
- 5. In accordance with Act 1280 of 2015 and pursuant to Ark. Code Ann. § 7-6-203(j), the campaign contribution limit is now two thousand seven hundred dollars (\$2,700) and will be adjusted at the beginning of each odd-numbered year in an amount equal to the percentage certified to the Federal Election Commission by the Bureau of Labor Statistics of the Department of Labor under 52 U.S.C. § 30116(c) as existing on January 1, 2015. Based upon the foregoing, the campaign contribution limit in effect for the 2016 election cycle is two thousand seven hundred dollars (\$2,700.00) per election.**

2

ARKANSAS ETHICS COMMISSION

William C. Bird III
Chairman

Robert McCormack
Vice Chairman

Sharon K. Trusty
Sybil Jordan Hampton
Tony Juneau

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

Jill Rogers Barham
Staff Attorney

Drew Blankenship
Staff Attorney

Teresa Keathley
Director of Compliance

2016 REPORTING CALENDAR COUNTY CANDIDATES

- November 16, 2015 Statement of Financial Interest for calendar year 2014 due from non-incumbent candidates.
- February 1, 2016 Statement of Financial Interest for calendar year 2015 due from all incumbent officeholders and non-incumbent candidates.
- February 23, 2016 If opposed in primary, preelection report due for primary election. This report covers all campaign activity through February 20.*
- March 1, 2016 Primary Election**
- March 22, 2016 † Primary Election Runoff**

† IF YOU ARE INVOLVED IN A PRIMARY ELECTION RUNOFF, TWO ADDITIONAL REPORTS ARE DUE.

- March 15, 2016 Preelection report* due for primary election runoff. Covers period March 2 through 12.
- May 2, 2016 Final report** due for primary election runoff. Covers period March 13 through 22, or if candidate lost election, March 13 through the date the report is filed.

- May 2, 2016 Final report** due for primary election.
- If preelection report filed, final report for primary election covers all campaign activity from February 21 through March 1 or, if candidate lost election, February 21 through the date the report is filed.
- If no preelection report filed, final report for primary election covers all campaign activity through March 1 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).

2016 Reporting Calendar – County Candidates – Page 2

- November 1, 2016 If opposed in general election, preelection report* due for general election.
- If candidate has not previously filed any reports during the 2016 election cycle, this report covers all campaign activity through October 29.
- 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 March 2 through October 29.
- If candidate was involved in a primary election runoff, preelection report for general election covers all campaign activity from March 23 through October 29.

November 8, 2016 **General Election**

November 29, 2016 †† **Special Runoff Election** pursuant to Ark. Code Ann. § 7-5-106 (i.e., general election runoff)

†† IF YOU ARE INVOLVED IN A SPECIAL RUNOFF ELECTION, TWO ADDITIONAL REPORTS ARE DUE.	
November 22, 2016	Preelection report* due for special runoff election. This report covers all campaign activity from November 9 through 19.
December 30, 2016	Final report** due for special runoff election. This report covers all campaign activity from November 20 through the date the report is filed.

- December 30, 2016 Final report** due for general election.
- If candidate has not previously filed any reports during the 2016 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 30 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 30 through November 8.
- 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 March 2 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 March 23 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).

ARKANSAS ETHICS COMMISSION

William C. Bird III
Chairman

Robert McCormack
Vice Chairman

Sharon K. Trusty
Sybil Jordan Hampton
Tony Juneau

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

Jill Rogers Barham
Staff Attorney

Drew Blankenship
Staff Attorney

Teresa Keathley
Director of Compliance



2016 REPORTING CALENDAR

MUNICIPAL CANDIDATES PARTICIPATING IN MARCH 1, 2016 PRIMARY ELECTION

- November 16, 2015 Statement of Financial Interest for calendar year 2014 due from non-incumbent candidates.
- February 1, 2016 Statement of Financial Interest for calendar year 2015 due from all incumbent officeholders and non-incumbent candidates.
- February 23, 2016 If opposed in primary election, preelection report* due for primary election. This report covers all campaign activity through February 20.
- March 1, 2016 Primary Election**
- March 22, 2016 † Primary Election Runoff**

† IF YOU ARE INVOLVED IN A PRIMARY ELECTION RUNOFF, TWO ADDITIONAL REPORTS ARE DUE.

- March 15, 2016 Preelection report* due for primary election runoff. This report covers all campaign activity from March 2-12.
- May 2, 2016 Final report** due for primary election runoff. This report covers all campaign activity from March 13-22 or, if candidate lost election, March 13 through the date the report is filed.

- May 2, 2016 Final report** due for primary election.
- If preelection report filed, final report for primary election covers all campaign activity from February 21-March 1 or, if candidate lost election, February 21 through the date the report is filed.
- If no preelection report filed, final report for primary election covers all campaign activity through March 1 or, if candidate lost election, all campaign activity through the date the report is filed.
- August 22, 2016 Statement of Financial Interest for calendar year 2015 due from independent non-incumbent candidates under Ark. Code Ann. § 14-42-206(b).

* 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).

2016 Reporting Calendar – Municipal Candidates (Participating in March 1, 2016 Primary Election)

Page 2

- November 1, 2016** If opposed in general election, preelection report* due for general election.
- If candidate has not previously filed any reports during the 2016 election cycle, this report covers all campaign activity through October 29.
- 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 March 2 through October 29.
- If candidate was involved in a primary election runoff, preelection report for general election covers all campaign activity from March 23 through October 29.

November 8, 2016 **General Election**

November 29, 2016 †† **Special Runoff Election** pursuant to Ark. Code Ann. § 7-5-106 (i.e., general election runoff)

†† IF YOU ARE INVOLVED IN A SPECIAL RUNOFF ELECTION, TWO ADDITIONAL REPORTS ARE DUE.	
November 22, 2016	Preelection report* due for special runoff election. This report covers all campaign activity from November 9-19.
December 30, 2016	Final report** due for special runoff election. This report covers all campaign activity from November 20 through the date the report is filed.

- December 30, 2016** Final report** due for general election.
- If candidate has not previously filed any reports during the 2016 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 30 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 30 through November 8.
- 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 March 2 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 March 23 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).

ARKANSAS ETHICS COMMISSION

William C. Bird III
Chairman

Robert McCormack
Vice Chairman

Sharon K. Trusty
Sybil Jordan Hampton
Tony Juneau

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

Jill Rogers Barham
Staff Attorney

Drew Blankenship
Staff Attorney

Teresa Keathley
Director of Compliance



2016 REPORTING CALENDAR CANDIDATES FOR MUNICIPAL OFFICE IN A CITY OR TOWN WITH CITY MANAGER FORM OF GOVERNMENT

February 1, 2016	Statement of Financial Interest for calendar year 2015 due from all incumbent officeholders.
August 22, 2016	Statement of Financial Interest for calendar year 2015 due from non-incumbent candidates for municipal office under Ark. Code Ann. § 14-47-110(a).
November 1, 2016	If opposed in general election, preelection report* due for general election. Report covers all campaign activity through October 29.
November 8, 2016	General Election
November 29, 2016	†† Special Runoff Election pursuant to Ark. Code Ann. § 7-5-106 (i.e., general election runoff)
†† IF YOU ARE INVOLVED IN A SPECIAL RUNOFF ELECTION, TWO ADDITIONAL REPORTS ARE DUE.	
November 22, 2016	Preelection report* due for special runoff election. This report covers all campaign activity from November 9-19.
December 30, 2016	Final report** due for special runoff election. This report covers all campaign activity from November 20 through the date the report is filed.
December 30, 2016	Final report** due for general election.

If candidate has not previously filed any reports during the 2016 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 30 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 30 through November 8.

* 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).

ARKANSAS ETHICS COMMISSION

William C. Bird III
Chairman

Robert McCormack
Vice Chairman

Sharon K. Trusty
Sybil Jordan Hampton
Tony Juneau

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

Jill Rogers Barham
Staff Attorney

Drew Blankenship
Staff Attorney

Teresa Keathley
Director of Compliance



2016 REPORTING CALENDAR CANDIDATES FOR MUNICIPAL OFFICE IN A CITY OR TOWN WITH CITY ADMINISTRATOR FORM OF GOVERNMENT

- February 1, 2016 Statement of Financial Interest for calendar year 2015 due from all incumbent officeholders.
- May 31, 2016 Statement of Financial Interest for calendar year 2015 due from non-incumbent candidates for the offices of director and mayor under Ark. Code Ann. § 14-48-109(a)(3).
- August 2, 2016 If opposed in primary election, preelection report* due for primary election. This report covers all campaign activity through July 30.
- August 9, 2016 Primary Election [Ark. Code Ann. § 14-48-109(a)(2)(B)]**
- August 29, 2016 Statement of Financial Interest for calendar year 2015 due from all non-incumbent independent candidates for municipal office under Ark. Code Ann. § 14-48-109(a)(4).
- September 30, 2016 Final report** due for primary election.
- If preelection report filed, final report for primary election covers all campaign activity from July 31-August 9 or, if candidate lost election, July 31 through the date the report is filed.
- If no preelection report filed, final report for primary election covers all campaign activity through August 9 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).

2016 Reporting Calendar - Municipal Candidates (City Administrator Form of Government)
Page 2

- November 1, 2016 If opposed in general election, preelection report* due for general election.
- If candidate has not previously filed any reports during the 2016 election cycle, this report covers all campaign activity through October 29.
- If candidate filed a final report for the primary election, preelection report for general election covers all campaign activity from August 10 through October 29.
- November 8, 2016 General Election**
- December 30, 2016 Final report** due for general election.
- If candidate has not previously filed any reports during the 2016 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, the final report for the general election covers all campaign activity from October 30 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).

3

ARKANSAS ETHICS COMMISSION

William C. Bird III
Chairman

Robert McCormack
Vice Chairman

Sharon K. Trusty
Sybil Jordan Hampton
Tony Juneau

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

Jill Rogers Barham
Staff Attorney

Drew Blankenship
Staff Attorney

Teresa Keathley
Director of Compliance

2016 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).

- September 21, 2015 Statement of Financial Interest for calendar year 2014 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).
- October 15, 2015 Quarterly report for 3rd quarter of 2015 due from all candidates. Covers period July 1 – September 30, 2015.* (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 September 3, 2015.)
- November 16, 2015 October monthly report due from candidates whose names have been placed on the ballot pursuant to the filing fee provisions of Ark. Code Ann. § 7-10-103(b). Covers period October 1-31.*
- November 16, 2015 Statement of Financial Interest for calendar year 2014 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).
- December 14, 2015 Statement of Financial Interest for calendar year 2014 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).
- December 15, 2015 November monthly report due from candidates whose names have been placed on the ballot pursuant to the filing fee provisions of Ark. Code Ann. § 7-10-103(b). Covers period November 1-30.*
- January 15, 2016 December monthly report due from candidates whose names have been placed on the ballot pursuant to the filing fee provisions of Ark. Code Ann. § 7-10-103(b). Covers period December 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.

2016 Reporting Calendar – Candidates for Nonpartisan Office

Page 2

January 15, 2016	Quarterly report for 4 th quarter due from candidates whose names have been placed on the ballot pursuant to the petition provisions of Ark. Code Ann. § 7-10-103(c) or the write-in candidate provisions of Ark. Code Ann. § 7-10-103(d). Covers period October 1 – December 31, 2015.
February 1, 2016	Statement of Financial Interest for calendar year 2015 due from all incumbent officeholders and non-incumbent candidates.
February 16, 2016	January monthly report due from all candidates. Covers period January 1-31.*
February 23, 2016	If opposed in general election, preelection report due for general election. Covers period Feb. 1-20.*
March 1, 2016	General Election
March 15, 2016	If unopposed in general election, February monthly report due. Covers period February 1-29.*
May 2, 2016	Final report due from all candidates 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 February 21 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 February 21-March 1.* 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 March 1.* If the candidate was unopposed and filed a February monthly report, final report for general election covers period March 1 through the date the report is filed.* If the candidate was unopposed and did not file a February 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.*

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

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

May 16, 2016	April monthly report due. Covers period March 2-April 30.
June 15, 2016	May monthly report due. Covers period May 1-31.
July 15, 2016	June monthly report due. Covers period June 1-30.
August 15, 2016	July monthly report due. Covers period July 1-31.
September 15, 2016	August monthly report due. Covers period August 1-31.
October 17, 2016	September monthly report due. Covers period September 1-30.
November 1, 2016	Preelection report due for general election runoff. Covers period October 1-29.
November 8, 2016	General Election Runoff
December 30, 2016	Final report due for general election runoff. Report covers period October 30 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.
4. In accordance with Act 1280 of 2015 and pursuant to Ark. Code Ann. § 7-6-203(j), the campaign contribution limit is now two thousand seven hundred dollars (\$2,700) and will be adjusted at the beginning of each odd-numbered year in an amount equal to the percentage certified to the Federal Election Commission by the Bureau of Labor Statistics of the Department of Labor under 52 U.S.C. § 30116(c) as existing on January 1, 2015. Based upon the foregoing, the campaign contribution limit in effect for the 2016 election cycle is two thousand seven hundred dollars (\$2,700.00) per election.

ARKANSAS ETHICS COMMISSION

William C. Bird III
Chairman

Robert McCormack
Vice Chairman

Sharon K. Trusty
Sybil Jordan Hampton
Tony Juneau

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

Jill Rogers Barham
Staff Attorney

Drew Blankenship
Staff Attorney

Teresa Keathley
Director of Compliance

2016 REPORTING CALENDAR CANDIDATES FOR THE NONPARTISAN OFFICE OF DISTRICT JUDGE

- September 21, 2015 Statement of Financial Interest for calendar year 2014 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).
- November 16, 2015 Statement of Financial Interest for calendar year 2014 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).
- December 14, 2015 Statement of Financial Interest for calendar year 2014 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).
- February 1, 2016 Statement of Financial Interest for calendar year 2015 due from all incumbent officeholders and non-incumbent candidates.
- February 23, 2016 If opposed in general election, preelection report* due for general election. This report covers all campaign activity through February 20, 2016. (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 September 3, 2015.)
- March 1, 2016 General Election**
- May 2, 2016 Final report** due for general election.
- If candidate 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 February 21 through the date the report is filed.
- If candidate 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 February 21 through March 1.
- If candidate 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 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 March 1.

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

November 1, 2016	Preelection report* due for general election runoff. Covers period March 2 through October 29.
November 8, 2016	General Election Runoff
December 30, 2016	Final report** due for general election runoff. Report covers period October 30 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).

4

ARKANSAS ETHICS COMMISSION

501 Woodlane Street, Suite 301N, Little Rock, Arkansas 72201
Post Office Box 1917
Little Rock, Arkansas 72203-1917
(501) 324-9600 Fax (501) 324-9606
Toll Free (800) 422-7773



MEMORANDUM

From: Arkansas Ethics Commission
Re: Campaign Contribution Limit – 2016 Election Cycle
Date: October 27, 2015

In accordance with Act 1280 of 2015 and pursuant to Ark. Code Ann. § 7-6-203(j), the campaign contribution limit is now two thousand seven hundred dollars (\$2,700) and will be adjusted at the beginning of each odd-numbered year in an amount equal to the percentage certified to the Federal Election Commission by the Bureau of Labor Statistics of the Department of Labor under 52 U.S.C. § 30116(c) as existing on January 1, 2015.

Based upon the foregoing, the campaign contribution limit in effect for the 2016 election cycle is two thousand seven hundred dollars (\$2,700.00) per election.

In accordance with Act 1280 of 2015 and pursuant to Ark. Code Ann. § 7-6-203(a), it shall be unlawful for any candidate for public office or for any person acting on the candidate's behalf to accept campaign contributions in excess of the campaign contribution maximum amount per election from:

- (i) an individual;
- (ii) a political party that meets with definition of a political party under Ark. Code Ann. § 7-1-101;
- (iii) a political party that meets the requirements of Ark. Code Ann. § 7-7-205;
- (iv) a county political party committee;
- (v) a legislative caucus committee; or
- (vi) an approved political action committee.

A candidate may accept a campaign contribution or contributions up to the maximum amount from any prospective contributor listed above, whether opposed or unopposed.

RULES
on
CAMPAIGN FINANCE
& DISCLOSURE

ARKANSAS ETHICS COMMISSION
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; Display of Campaign Literature on State Capitol Grounds**
- § 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.¹
- (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.²
- (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.³

"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.⁴

¹ Ark. Code Ann. § 7-6-201(1).

² Ark. Code Ann. § 7-6-201(2).

³ Ark. Code Ann. § 7-6-201(4).

⁴ 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. "Carryover funds" does not include campaign signs, campaign literature, and other printed materials that were: (i) purchased by the campaign; (ii) reported on the appropriate contribution and expenditure report for the campaign at the time of the purchase; and (iii) retained for use in a future campaign by the same candidate.⁵
- (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.⁶
- (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.⁷
- (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.⁸ "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.⁹
- (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.¹⁰ For a more detailed description of an "exploratory committee" and its duties, see §§ 251-252 herein.

⁵ Ark. Code Ann. § 7-6-201(3).

⁶ Ark. Code Ann. § 7-6-201(6).

⁷ Ark. Code Ann. § 7-6-201(7).

⁸ Ark. Code Ann. § 7-6-201(8).

⁹ Ark. Code Ann. § 7-6-201(5).

¹⁰ Ark. Code Ann. § 7-6-201(9).

- (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).
- (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.¹¹
- (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.¹²
- (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.¹³
- (p) "Individual" means a human being.
- (q) "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.¹⁴

¹¹ Ark. Code Ann. § 7-6-201(10).

¹² Ark. Code Ann. § 7-6-201(11).

¹³ Ark. Code Ann. § 7-6-201(12).

¹⁴ Ark. Code Ann. § 7-6-201(13).

- (r) "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.¹⁵
- (s) "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.¹⁶
- (t) "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.¹⁷

- (u) "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.¹⁸
- (v) "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.¹⁹
- (w) "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.

¹⁵ Ark. Code Ann. § 7-1-101.

¹⁶ Ark. Code Ann. § 7-6-201(14).

¹⁷ Ark. Code Ann. § 7-1-101, Ark. Code Ann. § 7-7-205.

¹⁸ Ark. Code Ann. § 7-6-201(15).

¹⁹ Ark. Code Ann. § 7-6-201(16).

"Surplus campaign funds" does not include campaign signs, campaign literature, and other printed materials that were: (i) purchased by the campaign; (ii) reported on the appropriate contribution and expenditure report for the campaign at the time of the purchase; and (iii) retained for use in a future campaign by the same candidate.²⁰

- (x) "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 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.²¹

§ 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.²²
- (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.²³
- (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

²⁰ Ark. Code Ann. § 7-6-201(17).

²¹ Ark. Code Ann. § 7-6-201(18).

²² Ark. Code Ann. § 7-6-203(e).

²³ Ark. Code Ann. § 7-6-205(a).

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.²⁴

- (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.²⁵
- (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.²⁶
- (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.²⁷
- (g) It shall be unlawful for a candidate for public office or for any person acting on the candidate's behalf to accept campaign contributions in excess of the campaign contribution maximum amount per election from an individual, political party, county political party committee, legislative caucus committee, or approved political action committee. It shall be unlawful for a candidate for public office or for any person acting on the candidate's behalf to accept a campaign contribution from a prospective contributor other than an individual, political party, county political party committee, legislative caucus committee, or approved political action committee.²⁸
- (h) It shall be unlawful for an individual, political party, county political party committee, legislative caucus committee, or approved political action committee to make a contribution to a candidate for public office or to any person acting on the candidate's behalf, which in the aggregate exceeds the campaign contribution maximum amount per election.²⁹

§ 203 Contribution Amounts

- (a) A candidate or a person acting on the candidate's behalf shall not accept contributions or cumulative contributions which exceed the campaign contribution maximum amount per contributor per election. A candidate may accept a campaign contribution or contributions up to the maximum amount from the following prospective contributors for each election in which he or she is a candidate, whether opposed or unopposed: (i) an individual; (ii) a political party; (iii) a county

²⁴ Ark. Code Ann. § 7-6-205(b).

²⁵ Ark. Code Ann. § 7-6-205(c).

²⁶ Ark. Code Ann. § 7-6-205(d).

²⁷ Ark. Code Ann. § 7-6-205(e).

²⁸ Ark. Code Ann. § 7-6-203(a).

²⁹ Ark. Code Ann. § 7-6-203(b).

political party committee; (iv) a legislative caucus committee; or (v) an approved political action committee.

- (b) An individual, a political party, a county political party committee, a legislative caucus committee, or an approved political action committee shall not make contributions or cumulative contributions to a candidate or to a person acting on the candidate's behalf which exceed the campaign contribution maximum amount per contributor per election. An individual, a political party, a county political party committee, a legislative caucus committee, or an 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.
- (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) The campaign contribution limit shall be adjusted by the Arkansas Ethics Commission at the beginning of each odd-numbered year in an amount equal to the percentage certified to the Federal Election Commission by the Bureau of Labor Statistics of the Department of Labor under 52 U.S.C. § 30116(c) as existing on January 1, 2015. If the amount after the adjustment is not a multiple of one hundred dollars (\$100), the Arkansas Ethics Commission shall round the amount to the nearest multiple of one hundred dollars (\$100).³⁰
- (e) No campaign contribution exceeding \$100³¹ shall be received in cash nor shall any campaign expenditure exceeding \$50 be made in cash.³²
- (f) All contributions and expenditures³³ in behalf of a campaign activity, other than in-kind contributions and expenditures,³⁴ in excess of the amounts mentioned in subsection (e) of this section shall be 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

³⁰ Ark. Code Ann. § 7-6-203(j).

³¹ Ark. Code Ann. § 7-6-204(a).

³² Ark. Code Ann. § 7-6-204.

³³ Ark. Code Ann. § 7-6-204(b).

³⁴ See definition of "in-kind contribution" in § 200(m).

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.³⁵
- (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.³⁶

§ 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."
- (c) A contributor makes an "in-kind contribution" whenever, in conjunction with the nomination or election of a specific candidate, such contributor 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.

³⁵ Ark. Code Ann. § 7-6-203(f).

³⁶ Ark. Code Ann. § 7-6-203(h)(5).

- (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.³⁷

³⁷ Arkansas Ethics Commission Opinion No. 96-EC-005.

- (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 invitations³⁸ 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;³⁹ 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.

§ 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.

³⁸ This exemption does not cover the cost of mailing invitations, only the cost of printing invitations.

³⁹ Ark. Code Ann. § 7-6-203(g).

- (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.⁴⁰

§ 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 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:

⁴⁰ Arkansas Ethics Commission Opinion No. 97-EC-001.

- (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.⁴¹
 - (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 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.⁴²

⁴¹ Arkansas Ethics Commission Opinion No. 97-EC-005(B).

⁴² Arkansas Ethics Commission Opinion No. 97-EC-005(A).

§ 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 \$100.⁴³

§ 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 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

⁴³ Arkansas Ethics Commission Opinion No. 97-EC-002.

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).⁴⁴ The candidate is responsible for assigning a fair market value to all assets of the campaign.⁴⁵

A candidate may retain campaign signs, campaign literature, and other printed campaign materials that were purchased by the campaign, were reported on the appropriate contribution and expenditure report for the campaign at the time of the purchase, and are retained for use in a future campaign by the same candidate. A candidate may reuse the campaign signs, campaign literature, and other printed campaign materials in future campaigns and is not required to list the campaign signs, campaign literature, and other printed campaign materials in future contribution and expenditure reports.⁴⁶

§ 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.⁴⁷ 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(w), 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.
- (b) A candidate who has surplus campaign funds, as defined in § 200(w), 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

⁴⁴ Arkansas Ethics Commission Opinion No. 92-EC-020.

⁴⁵ For the definition of fair market value, *see* § 200(i) *supra*.

⁴⁶ Ark. Code Ann. § 7-6-228.

⁴⁷ Ark. Code Ann. § 7-6-201(17)(B).

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 contributor may receive more than the amount contributed by such contributor 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.⁴⁸ 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.
- (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.

⁴⁸ Ark. Code Ann. § 7-6-203(h)(4)(D).

- (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.⁴⁹

§ 228 Carryover Funds-Time Frame for Reporting Expenditures

- (a) 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.
- (b) A person who retains carryover funds from a general election held in November or a runoff election held in November is not required to file an annual report for the year of the general election or runoff election from which carryover funds were retained.
- (c) 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.

⁴⁹ 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.⁵⁰

§ 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.⁵¹

⁵⁰ Ark. Code Ann. § 7-6-214.

⁵¹ 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.⁵²

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 per contributor 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.⁵³

§ 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. However, if a candidate files for office during the party filing period, for the quarter including the party filing period, the candidate shall file

⁵² Ark. Code Ann. § 7-6-210.

⁵³ Ark. Code Ann. § 7-6-213.

monthly reports under subsection (2) of this rule and Ark. Code Ann. § 7-6-207(e) for the months of the quarter that include the party filing period.

- (2) Beginning with the month of November preceding a 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; Display of Campaign Literature on State Capitol Grounds

- (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.⁵⁴ 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.⁵⁵
- (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.⁵⁶
- (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.⁵⁷
- (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.⁵⁸ "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. § 7-1-111.⁵⁹

⁵⁴ Ark. Code Ann. § 7-1-103(a)(2)(A).

⁵⁵ Arkansas Ethics Commission Opinion No. 2002-EC-005.

⁵⁶ Ark. Code Ann. § 7-1-103(a)(2)(B).

⁵⁷ Ark. Code Ann. § 7-1-103(a)(2)(C).

⁵⁸ Ark. Code Ann. § 7-1-103(a)(3).

⁵⁹ 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.⁶⁰ "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. § 7-1-111.⁶¹
- (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.⁶²
- (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.⁶³
- (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.⁶⁴
- (h) It is unlawful for a candidate or a public official, as defined in Ark. Code Ann. § 21-8-402,⁶⁵ to display one (1) or more campaign banners, campaign signs, or other campaign literature larger than twelve inches by twelve inches (12" x 12") on a car, truck, tractor, or other vehicle belonging to the candidate or public official while on the State Capitol grounds.⁶⁶

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.

⁶⁰ Ark. Code Ann. § 7-1-103(a)(3).

⁶¹ See footnote 56.

⁶² Ark. Code Ann. § 7-1-103(a)(4).

⁶³ Ark. Code Ann. § 7-1-103(a)(6).

⁶⁴ Ark. Code Ann. § 7-1-103(a)(7).

⁶⁵ The term "public official" is defined in Ark. Code Ann. § 21-8-402 to mean "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 were elected and the date they took office[.]"

⁶⁶ Ark. Code Ann. § 7-1-114. It is noted that the imposition of a fine for violation of Ark. Code Ann. § 7-1-114 shall not exceed one hundred fifty dollars (\$150).

§ 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.

§ 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.
- (f) It is an affirmative defense to prosecution or disciplinary action if a candidate who is required to file a Campaign Contribution and Expenditure Report under Subchapter 2 of Chapter 6, Title 7 of the Arkansas Code amends the report within thirty (30) days of discovering or learning of an unintentional error in the report. However, assertion of the affirmative defense provision shall not be construed to remove the duty to file a report or authorize a candidate to knowingly fail to file a report required under Subchapter 2 of Chapter 6, Title 7 of the Arkansas Code.⁶⁷

§ 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. In addition, if a party filing period under Ark. Code Ann. § 7-7-203 ends before January 1 of the year of the general election, a candidate for elective office shall file an additional Statement of Financial Interest for the previous calendar year no later than January 31 of the year of the general election.
- (c) The Statement of Financial Interest shall include the information sought by Ark. Code Ann. § 21-8-701(d).⁶⁸
- (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.⁶⁹

⁶⁷ Ark. Code Ann. § 7-6-229.

⁶⁸ 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.

⁶⁹ Ark. Code Ann. § 21-8-703.

- (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:

- 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.⁷⁰
- (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.⁷¹
- (d) The Statement of Financial Interest shall include all the information required in Ark. Code Ann. § 21-8-701(d).⁷²
- (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;⁷³ 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

⁷⁰ Ark. Code Ann. § 21-8-701(c)(2).

⁷¹ Act 553 of 1999, codified at Ark. Code Ann § 21-8-701(c)(1).

⁷² 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.

⁷³ Ark. Code Ann. § 21-8-703.

- (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

- (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.
- (d) It is an affirmative defense to prosecution or disciplinary action if a candidate who is required to file a Statement of Financial Interest under Subchapter 7 of Chapter 8, Title 21 of the Arkansas Code amends the Statement within thirty (30) days of discovering or learning of an unintentional error in the Statement of Financial Interest. However, assertion of the affirmative defense provision shall not be construed to remove the duty to file a Statement of Financial Interest or authorize a candidate to knowingly fail to file a Statement of Financial Interest required under Subchapter 7 of Chapter 8, Title 21 of the Arkansas Code.⁷⁴

§ 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.⁷⁵

⁷⁴ Ark. Code Ann. § 21-8-701(f).

⁷⁵ Ark. Code Ann. § 7-6-201(9).

- (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.⁷⁶
- (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.⁷⁷ 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.⁷⁸
- (d) An exploratory committee shall not accept contributions after the filing of a final report.

§ 252 Exploratory Committees-Contribution Limits

- (a) An exploratory committee is a person who receives contributions held to be transferred later to a single candidate.⁷⁹ 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.⁸⁰
- (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.

⁷⁶ Ark. Code Ann. § 7-6-216 (a) and (b).

⁷⁷ 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.

⁷⁸ Ark. Code Ann. § 7-6-216(c) and (d).

⁷⁹ Ark. Code Ann. § 7-6-201(9).

⁸⁰ Arkansas Ethics Commission Opinion No. 97-EC-007.

- (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.
- (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 contributor gives the maximum amount to the candidate's Pulaski County Exploratory Committee for Governor, such contributor 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.

5

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
If yes, complete the following:

(Secretary of State File Stamp)

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 (/ /)

10 Day Preelection January Monthly June Monthly November Monthly
 First Quarter (due April 15) February Monthly July Monthly December Monthly
 Second Quarter (due July 15) March Monthly August Monthly
 Third Quarter (due October 15) April Monthly September Monthly
 Fourth Quarter (due January 15) May Monthly 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.

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
12. TOTAL LOANS DURING REPORTING PERIOD			\$

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.

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
14. TOTAL NONMONEY CONTRIBUTIONS				

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 contributor 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.

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	
			<input type="checkbox"/> Primary <input type="checkbox"/> Run-Off <input type="checkbox"/> General <input type="checkbox"/> Debt	
Subtotal of Contributions This Page				

Ark. Code Ann. § 7-6-202 provides that a person who knowingly fails to comply with the provisions of subchapter 2 of chapter 6, Title 7 of the Arkansas Code shall upon conviction be guilty of a Class A misdemeanor.

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	
16. TOTAL ITEMIZED MONETARY CONTRIBUTIONS OVER \$50				
17. TOTAL NONITEMIZED MONETARY CONTRIBUTIONS				
18. TOTAL MONETARY CONTRIBUTIONS THIS REPORT (includes totals from lines 16 and 17)				

Ark. Code Ann. § 7-6-202 provides that a person who knowingly fails to comply with the provisions of subchapter 2 of chapter 6, Title 7 of the Arkansas Code shall upon conviction be guilty of a Class A misdemeanor.

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.

NOTE: State and District candidates are required to file this report with the Secretary of State.

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 7.¹ 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 limit on campaign contributions does 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.

¹ 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 the maximum amount per election from any contributor. The campaign contribution limit applies 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 the maximum amount per election from any contributor. The limit applies 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 contributor need not be itemized, but is considered a contribution for the particular contributor and is credited against the maximum amount the contributor 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 contributor'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.

6

FINAL CAMPAIGN CONTRIBUTION AND EXPENDITURE REPORT

For State and District Candidates Only

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

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

**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
 If yes, complete the following:

(Secretary of State File Stamp)

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

*If the campaign has not ended, disposal of campaign funds is not required and the candidate may carry forward any remaining campaign funds to the next election in the cycle for that same office.

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. Carryover Funds or Debt at close of election (use brackets to indicate debt)		

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.

Ark. Code Ann. § 7-6-202 provides that a person who knowingly fails to comply with the provisions of subchapter 2 of chapter 6, Title 7 of the Arkansas Code shall upon conviction be guilty of a Class A misdemeanor.

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
12. TOTAL LOANS DURING REPORTING PERIOD			\$

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.

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
14. TOTAL NONMONEY CONTRIBUTIONS				

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 contributor 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.

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	
Subtotal of Contributions This Page				

Ark. Code Ann. § 7-6-202 provides that a person who knowingly fails to comply with the provisions of subchapter 2 of chapter 6, Title 7 of the Arkansas Code shall upon conviction be guilty of a Class A misdemeanor.

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	
			<input type="checkbox"/> Primary <input type="checkbox"/> Run-Off <input type="checkbox"/> General <input type="checkbox"/> Debt	
16. TOTAL ITEMIZED MONETARY CONTRIBUTIONS OVER \$50				
17. TOTAL NONITEMIZED MONETARY CONTRIBUTIONS				
18. TOTAL MONETARY CONTRIBUTIONS THIS REPORT (includes lines 16 and 17)				

Ark. Code Ann. § 7-6-202 provides that a person who knowingly fails to comply with the provisions of subchapter 2 of chapter 6, Title 7 of the Arkansas Code shall upon conviction be guilty of a Class A misdemeanor.

**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.

NOTE: State and District candidates are required to file this report with the Secretary of State.

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.

"Surplus campaign funds" and "carryover funds" do not include campaign signs, campaign literature, and other printed materials that were: (i) purchased by the campaign; (ii) reported on the appropriate contribution and expenditure report for the campaign at the time of the purchase; and (iii) retained for use in a future campaign by the same candidate.

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 account¹ 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

¹ See the instructions for Section 3, herein, for a definition of "carryover funds."

reflected on line 29 and the outstanding items which make up this debt figure should be listed in Section 28.

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 limit on campaign contributions does 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 the maximum amount per election from any contributor. The limit applies 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 the maximum amount per election from any contributor. The limit applies 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 contributor need not be itemized, but is considered a contribution for the particular contributor and is credited against the maximum amount the contributor 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 contributor'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.

7

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

*If the campaign has not ended, disposal of campaign funds is not required and the candidate may carry forward any remaining campaign funds to the next election in the cycle for that same office.

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. () **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.

Ark. Code Ann. § 7-6-202 provides that a person who knowingly fails to comply with the provisions of subchapter 2 of chapter 6, Title 7 of the Arkansas Code shall upon conviction be guilty of a Class A misdemeanor.

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
13. TOTAL LOANS DURING REPORTING PERIOD			\$

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.

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
15. TOTAL NONMONEY CONTRIBUTIONS				

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 contributor 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.

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	
Subtotal of Contributions This Page				

Ark. Code Ann. § 7-6-202 provides that a person who knowingly fails to comply with the provisions of subchapter 2 of chapter 6, Title 7 of the Arkansas Code shall upon conviction be guilty of a Class A misdemeanor.

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	
17. TOTAL ITEMIZED MONETARY CONTRIBUTIONS OVER \$50				
18. TOTAL NONITEMIZED MONETARY CONTRIBUTIONS				
19. TOTAL MONETARY CONTRIBUTIONS THIS REPORT (includes totals from lines 17 and 18)				

Ark. Code Ann. § 7-6-202 provides that a person who knowingly fails to comply with the provisions of subchapter 2 of chapter 6, Title 7 of the Arkansas Code shall upon conviction be guilty of a Class A misdemeanor.

**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>NOTE: 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>

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. It is noted that, when filing a final report, a candidate must indicate the method in which surplus funds are disposed. When a candidate's campaign has ended, the final report is required to indicate which option under Ark. Code Ann. § 7-6-203(h) was used to dispose of any surplus funds and the amount of such funds disposed of by the candidate. In addition, the amount of funds retained by the candidate as carryover funds is also required to be disclosed. However, 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.

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.

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.¹ 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 limit on campaign contributions does 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.

¹ 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 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 line 18, depending upon the amount.

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 the maximum amount per election from a contributor. The campaign contribution limit applies 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 the maximum amount per election from any contributor. The limit applies 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 contributor need not be itemized, but is considered a contribution for the particular contributor and is credited against the maximum amount the contributor 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 contributor'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.

8

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 (___/___/___)		
First Quarter (due April 15) Second Quarter (due July 15) Third Quarter (due October 15)	Fourth Quarter (due January 15) Annual Report for Calendar Year _____ (due January 31) Closing Out of Carryover Account	
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_____.

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.

Ark. Code Ann. § 7-6-202 provides that a person who knowingly fails to comply with the provisions of subchapter 2 of chapter 6, Title 7 of the Arkansas Code shall upon conviction be guilty of a Class A misdemeanor.

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. (NOTE: A person who retains carryover funds from a general election held in November or a runoff election held in November is not required to file an annual report for the year of the general election or runoff election from which carryover funds were retained.)

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. “Carryover funds” do not include campaign signs, campaign literature, and other printed materials that were: (i) purchased by the campaign; (ii) reported on the appropriate contribution and expenditure report for the campaign at the time of the purchase; and (iii) retained for use in a future campaign by the same candidate.¹
- 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.²

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.³
- 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.⁴

¹ Ark. Code Ann. § 7-6-201(3).

² § 215(c) of the Commission’s Rules on Campaign Finance & Disclosure.

³ § 227(b) of the Commission’s Rules on Campaign Finance & Disclosure.

⁴ § 227(d) of the Commission’s Rules on Campaign Finance & Disclosure.

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.⁵
- Legitimate office expenses include transportation incurred by the officeholder or a member of his or her staff incurred in the operation of the office.⁶
- Carryover funds may be used to purchase office supplies and/or equipment for use in the office or in future campaigns.⁷
- 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.⁸
- 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.⁹
- Carryover funds may be used to offset any reasonable and legitimate office expense which is otherwise not reimbursable from public funding.¹⁰
- Officeholders may use carryover funds to purchase advertisements in publications of charitable, civic and educational organizations.¹¹
- 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.¹²
- 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.¹³
- 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

⁵ § 223(a) of the Commission's Rules on Campaign Finance & Disclosure.

⁶ § 227(c) of the Commission's Rules on Campaign Finance & Disclosure.

⁷ § 227(c) of the Commission's Rules on Campaign Finance & Disclosure.

⁸ § 227(c) of the Commission's Rules on Campaign Finance & Disclosure.

⁹ § 227(c) of the Commission's Rules on Campaign Finance & Disclosure.

¹⁰ § 227(c) of the Commission's Rules on Campaign Finance & Disclosure.

¹¹ § 220(a) of the Commission's Rules on Campaign Finance & Disclosure.

¹² § 220(a) of the Commission's Rules on Campaign Finance & Disclosure.

¹³ § 220(b) of the Commission's Rules on Campaign Finance & Disclosure.

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.¹⁴

- 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.¹⁵
- Carryover funds may be used by an officeholder to pay for an inaugural event.¹⁶
- 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.¹⁷
- A person with carryover funds may, at any time, dispose of such funds in the same manner as surplus campaign funds.¹⁸ In that regard, Ark. Code Ann. § 7-6-203(g)(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;

¹⁴ § 221(b) of the Commission's Rules on Campaign Finance & Disclosure.

¹⁵ § 222(a) of the Commission's Rules on Campaign Finance & Disclosure.

¹⁶ Advisory Opinion No. 98-EC-020.

¹⁷ § 223(a) of the Commission's Rules on Campaign Finance & Disclosure.

¹⁸ § 227(a) of the Commission's Rules on Campaign Finance & Disclosure.

- (d) Cities of the first class, cities of the second class, or incorporated towns; or
- (e) The contributors to the candidate's campaign.

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.¹⁹
- 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.²⁰
- 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.²¹

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.²²
- 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.²³

¹⁹ Ark. Code Ann. § 7-6-203(g)(4)(A).

²⁰ § 215(a) of the Commission's Rules on Campaign Finance & Disclosure.

²¹ § 221(b) of the Commission's Rules on Campaign Finance & Disclosure.

²² Ark. Code Ann. § 7-6-203(g)(4)(D).

²³ Ark. Code Ann. § 7-6-203(g)(4)(B).

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.²⁴
- 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.²⁵
- A person who retains carryover funds is required to file an annual report outlining the status of the carryover fund account as of December 31st 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 31st of the following year. A person who retains carryover funds from a general election held in November or a runoff election held in November is not required to file an annual report for the year of the general election or runoff election from which carryover funds were retained.²⁶ 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.²⁷ The carryover fund reports of a candidate for state or district office must be filed with the **Secretary of State**.²⁸
- 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.²⁹
- There is a separate carryover fund reporting form.³⁰

²⁴ § 233(c) of the Commission's Rules on Campaign Finance & Disclosure.

²⁵ Ark. Code Ann. § 7-6-203(g)(4)(C)(i).

²⁶ Ark. Code Ann. § 7-6-203(g)(4)(C)(iii).

²⁷ Ark. Code Ann. § 7-6-203(g)(4)(C)(iv).

²⁸ Ark. Code Ann. § 7-6-203(g)(4)(C)(v).

²⁹ Ark. Code Ann. § 7-6-203(g)(4)(C)(ii).

³⁰ § 228 of the Commission's Rules on Campaign Finance & Disclosure.

9

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	
Office Held/Office Sought	
Phone Number	
Office Held/Office Sought	District Number
2. Type of Report: (check only one) This report covers what period? (___/___/___) through (___/___/___) First Quarter (due April 15) Third Quarter (due October 15) Second Quarter (due July 15) Fourth Quarter (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 Loans (enter amount from line 10)		
5. Total Monetary Contributions (enter amount from line 14)		
6. Total Expenditures (enter amount from line 18)		
7. Total Amount of Debt Retired During Reporting Period (enter amount from line 19)		
8. Balance of Campaign Debt at Close of Reporting Period (add lines 3 and 4 and then reduce that amount by line 7)		

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.
 Ark. Code Ann. § 7-6-202 provides that a person who knowingly fails to comply with the provisions of subchapter 2 of chapter 6, Title 7 of the Arkansas Code shall upon conviction be guilty of a Class A misdemeanor.

9. LOAN INFORMATION

Please Type or Print

Do not list loans previously reported

DATE	NAME AND ADDRESS OF LENDING INSTITUTION	GUARANTOR(S) IF ANY	AMOUNT
10. TOTAL LOANS DURING REPORTING PERIOD			\$

IMPORTANT

If it is necessary for the candidate to loan the campaign money in order to conduct debt retirement activities, those loans should be reported here.

Ark. Code Ann. § 7-6-202 provides that a person who knowingly fails to comply with the provisions of subchapter 2 of chapter 6, Title 7 of the Arkansas Code shall upon conviction be guilty of a Class A misdemeanor.

10

STATEMENT OF FINANCIAL INTEREST

State/District officials file with:

Mark Martin, Secretary of State
State Capitol, Room 026
Little Rock, AR 72201
Phone (501) 682-5070
Fax (501) 682-3548

Calendar year covered _____
(Note: Filing covers the previous calendar year)

For assistance in completing
this form contact:
Arkansas Ethics Commission
Phone (501) 324-9600
Toll Free (800) 422-7773

Is this an amendment? Yes No

Please provide complete information. If the information requested in a particular section does not apply to you, indicate such by noting "Not Applicable" in that section. Do not leave any part of this form blank. If additional space is needed, you may attach the information to this document.

SECTION 1- NAME AND ADDRESS

Name _____
(Last) (First) (Middle)

Address _____
(Street or P.O. Box Number) (City) (State) (Zip Code)

Phone _____

Spouse's name _____
(Last) (First) (Middle)

All names under which you and/or your spouse do business: _____

SECTION 2- REASON FOR FILING

- Public Official _____
(office held)
- Candidate _____
(office sought)
- District Judge _____
(name of municipality)
- City Attorney _____
(name of city)
- State Government: Agency Head/Department Director/Division Director _____
(name of agency/department/division)
- Chief of Staff or Chief Deputy _____
(name of Constitutional Officer, Senate, or House of Representatives)
- Public appointee to State Board or Commission _____
(name of board/commission)
- School Board member _____
(name of school district)
- Candidate for school board _____
(name of school district)
- Public or Charter School Superintendent _____
(name of school district/school)
- Executive Director of Education Service Cooperative _____
(name of cooperative)
- Advertising and Promotion Commission member _____
(name of advertising and promotion commission)
- Research Park Authority Board member under A.C.A. § 14-144-201 et seq. _____
(name of research park authority board)

SECTION 2- REASON FOR FILING (continued)

- Appointee to one of the following municipal, county or regional boards or commissions (list name of board or commission):
- Planning board or commission _____
 - Airport board or commission _____
 - Water or Sewer board or commission _____
 - Utility board or commission _____
 - Civil Service commission _____

SECTION 3- SOURCE OF INCOME

List each employer and/or each other source of income from which you, your spouse, or any other person for the use or benefit of you or your spouse receives gross income amounting to more than \$1,000. (You are not required to disclose the individual items of income that constitute a portion of the gross income of the business or profession from which you or you spouse derives income. For example: accountants, attorneys, farmers, contractors, etc. do not have to list their individual clients.) If you receive gross income exceeding \$1,000 from at least one source, the answer N/A is not correct.

- a) Check appropriate box: More than \$1,000 More than \$12,500

_____ (name of employer or source of income)

_____ (address)

_____ (name under which income received)

Provide a brief description of the nature of the services for which the compensation was received _____

- b) Check appropriate box: More than \$1,000 More than \$12,500

_____ (name of employer or source of income)

_____ (address)

_____ (name under which income received)

Provide a brief description of the nature of the services for which the compensation was received _____

- c) Check appropriate box: More than \$1,000 More than \$12,500

_____ (name of employer or source of income)

_____ (address)

_____ (name under which income received)

Provide a brief description of the nature of the services for which the compensation was received _____

SECTION 5- OFFICE OR DIRECTORSHIP

List every office or directorship held by you or your 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.

a) _____
(name of business, corporation, firm, or enterprise)

(address)

(office or directorship held)

(name of office holder)

b) _____
(name of business, corporation, firm, or enterprise)

(address)

(office or directorship held)

(name of office holder)

SECTION 6- CREDITORS

List each creditor to whom the value of five thousand dollars (\$5,000) or more was personally owed or personally obligated and is still outstanding. (This does not include debts owed to members of your family or loans made in the ordinary course of business by either a financial institution or a person who regularly and customarily extends credit.)

a) _____
(name of creditor)

(address of creditor)

b) _____
(name of creditor)

(address of creditor)

c) _____
(name of creditor)

(address of creditor)

SECTION 7- PAST-DUE AMOUNTS OWED TO GOVERNMENT

List the name and address of each governmental body to which you are legally obligated to pay a past-due amount and a description of the nature of the amount of the obligation.

a) _____
(name of governmental body) (address of governmental body)

(amount owed) (nature of the obligation)

b) _____
(name of governmental body) (address of governmental body)

(amount owed) (nature of the obligation)

SECTION 10- AWARDS

If you are 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, a college, a technical college, a technical institute, a comprehensive life-long learning center, or a community college, the law requires you to disclose each monetary or other award over one hundred dollars (\$100) which you have received in recognition of your contributions to education. The information disclosed with respect to each such award should include the source, date, description, and a reasonable estimate of the fair market value.

a) _____
(description of award)

_____ (date) _____ (fair market value)

_____ (source of award)

b) _____
(description of award)

_____ (date) _____ (fair market value)

_____ (source of award)

c) _____
(description of award)

_____ (date) _____ (fair market value)

_____ (source of award)

d) _____
(description of award)

_____ (date) _____ (fair market value)

_____ (source of award)

SECTION 11- NONGOVERNMENTAL SOURCES OF PAYMENT

List each nongovernmental source of payment of your expenses for food, lodging, or travel which bears a relationship to your office when you appear in your official capacity when the expenses incurred exceed \$150.

a) _____
(name of person or organization paying expense)

_____ (business address)

_____ (date of expense) _____ \$ _____ (amount of expense)

_____ (nature of expenditure)

b) _____
(name of person or organization paying expense)

_____ (business address)

_____ (date of expense) _____ \$ _____ (amount of expense)

_____ (nature of expenditure)

SECTION 12- DIRECT REGULATION OF BUSINESS

List any business which employs you and is under direct regulation or subject to direct control by the governmental body which you serve.

a) _____
(name of business)

(governmental body which regulates or controls)

b) _____
(name of business)

(governmental body which regulates or controls)

c) _____
(name of business)

(governmental body which regulates or controls)

d) _____
(name of business)

(governmental body which regulates or controls)

SECTION 13- SALES TO GOVERNMENTAL BODY

List the goods or services sold to the governmental body for which you serve which have a total annual value in excess of \$1,000. List the compensation paid for each category of goods or services sold by you or any business in which you or your spouse is an officer, director, or stockholder owning more than 10% of the stock of the company.

a) _____
(goods or services)

(governmental body to whom sold)

(compensation paid)

b) _____
(goods or services)

(governmental body to whom sold)

(compensation paid)

c) _____
(goods or services)

(governmental body to whom sold)

(compensation paid)

d) _____
(goods or services)

(governmental body to whom sold)

(compensation paid)

SECTION 14- SIGNATURE

I certify under penalty of false swearing that the above information is true and correct.

Signature

STATE OF ARKANSAS

} ss

COUNTY OF _____

Subscribed and sworn before me this _____ day of _____, 20_____.

(Legible Notary Seal)

Notary Public

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 pursuant to Ark. Code Ann. § 21-8-703(b)(3).

IMPORTANT

Where to file:

- State or district candidates/public servants file with the Secretary of State.
- Appointees to state boards/commissions file with the Secretary of State.
- County, township, and school district candidates/public servants file with the county clerk.
- Municipal candidates/public servants file with the city clerk or recorder, as the case may be.
- City attorneys file with the city clerk of the municipality in which they serve.
- District judges file with the county clerk.
- Members of regional boards or commissions file with the county clerk of the county in which they reside.

General Information:

- * The Statement of Financial Interest should be filed by January 31 of each year.
- * The filing covers the previous calendar year.
- * Candidates for elective office shall file the 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 elective office unless already filed by January 31. In addition, if the party filing period ends before January 1 of the year of the general election, candidates for elective office shall file a Statement of Financial Interest for the previous calendar year by no later than January 31 of the year of the general election.
- * Agency heads, department directors, and division directors of state government shall file the Statement of Financial Interest within thirty (30) days of appointment or employment unless already filed by January 31.
- * Appointees to state boards or commissions shall file the Statement of Financial Interest within thirty (30) days after appointment unless already filed by January 31.
- * If a person is included in any category listed above for any part of a calendar year, that person shall file a Statement of Financial Interest covering that period of time regardless of whether they have left their office or position as of the date the statement is due.

INSTRUCTIONS FOR STATEMENT OF FINANCIAL INTEREST

INTRODUCTION/WHO MUST FILE

Ark. Code Ann. § 21-8-701(a) requires that the following persons file a written Statement of Financial Interest on an annual basis:

- A public official, as defined by Ark. Code Ann. § 21-8-402(17);
- A candidate for elective office;
- A district judge or city attorney, whether elected or appointed;
- Any agency head, department director, or division director of state government;
- Any chief of staff or chief deputy of a constitutional officer, the Senate, or the House of Representatives;
- Any public appointee to any state board or commission (who possesses regulatory authority or is authorized to receive or disburse state or federal funds);¹
- 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 park authority board under Ark. Code Ann. § 14-144-201 et seq.

The Arkansas Ethics Commission, which enforces this statute, has prepared these instructions, along with the office of the Secretary of State, whose office maintains the records, to assist persons required to file these statements. If you have any questions concerning the reporting requirements or how to fill out your Statement of Financial Interest, call or write either the **Arkansas Ethics Commission**, Post Office Box 1917, Little Rock, Arkansas 72203-1917, tel. (501) 324-9600 or the **Secretary of State, Elections Division**, State Capitol, Room 026, Little Rock, Arkansas 72201, tel. (501) 682-5070.

When preparing the Statement of Financial Interest, please **print or type the information**. You must also sign the Statement in Section 13 and your signature must be attested to before a Notary Public.

¹ Pursuant to Ark. Code Ann. § 21-8-701(a)(5)(B), 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 is not required file a written Statement of Financial Interest.

TIME FOR FILING/PERIOD COVERED

Pursuant to Ark. Code Ann. § 21-8-701(c)(1)(A), a Statement of Financial Interest for the previous calendar year "shall be filed by January 31, of each year, except that a candidate for elective office shall file the 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 elective office." Pursuant to Ark. Code Ann. § 21-8-705, if the party filing period under Ark. Code Ann. § 7-7-203 ends before January 1 of the year of the general election, a candidate for elective office shall file a Statement of Financial Interest for the previous calendar year no later than January 31 of the year of the general election in addition to the Statement of Financial Interest required under Ark. Code Ann. § 12-8-701.

Moreover, an agency head, department director, or division director of state government and any public appointee to a state board or commission authorized or charged by law with the exercise of regulatory authority or authorized to receive or disburse state or federal funds shall file a Statement of Financial Interest for the previous calendar year within thirty (30) days after appointment or employment. 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. Ark. Code Ann. § 21-8-701(c)(2). If a person required to file a Statement of Financial Interest leaves his or her office or position during a particular calendar year, he or she shall still be required to file a Statement of Financial Interest covering that part of the year which he or she held the office or position. Ark. Code Ann. § 21-8-701(c)(1)(B).

WHERE TO FILE

Pursuant to Ark. Code Ann. § 21-8-703, the Statement of Financial Interest shall be filed as follows:

- (1) State or district public servants (including appointees to state boards/commissions) and candidates for state or district public office are required to file the statement with the Secretary of State;
- (2) County, township, or school district public servants and candidates for county, township, or school district public office are required to file the statement with the county clerks;
- (3) Municipal public servants and candidates for municipal office are required to file the statement with the city clerk or recorder;
- (4) City attorneys, whether elected or appointed, are required to file the statement with the city clerk of the municipality within which they serve;
- (5) Members of regional boards or commissions are required to file the statement with the county clerk of the county in which they reside; and
- (6) District judges are required to file the statement with the county clerk.

SPECIFIC REPORTING INSTRUCTIONS

SECTION 1 (Name and Address)

Answer each of these questions or indicate "Not Applicable". List all names under which you and/or your spouse do business.

SECTION 2 (Reason for Filing)

Check the box applicable to you and provide the office/position held or name of the board, commission or school district in the appropriate space.

SECTION 3 (Sources of Income)

The term "gross income" is intended to be comprehensive. It refers to all income from whatever source derived, including but not limited to compensation for services, fees, commissions, and income derived from business interests. Report each employer and/or each other source of income from which you, your spouse, or any other person for the use or benefit of you or your spouse receives gross income exceeding \$1,000 on an annual basis. Include your governmental income from the office or position which requires your filing of this form. You are required to use the gross amount received as income. Thus, you must compute your total income from any particular source without first deducting expenses.

You are not required to list the individual items of gross income that constitute a portion of the income of the business or profession from which you or your spouse derives income. (For example: Accountants, attorneys, farmers, contractors, etc. do not have to list their individual clients.) If more than one source/employer/entity compensated you during the past year, you are required to list each source of income greater than \$1,000. If you or your spouse received speaking honoraria, you must report, under the request for "source", the sponsor of each event for which a payment was made for your speech or appearance, as well as the date and dollar category ("more than \$1,000.00" or "more than \$12,500.00"). The term "honoraria", as used herein, means a payment of money or any thing of value for an appearance, speech, or article. NOTE: Food, lodging, and travel provided to a public servant in connection with an appearance would not constitute honoraria if the public servant is appearing in his or her official capacity and the appearance bears a relationship to the public servant's office or position. Section 10 of the Statement of Financial Interest addresses the reporting of payment for such food, lodging, and travel.

You must also provide a brief description of the nature of the services for which the income was received, as well as the name under which the income was received. For example:

Source	Description	Amount
State of Arkansas (address) John Doe	Executive Dir.	More than \$12,500.00
University of Arkansas (address) John M. Doe	Teaching	More than \$12,500.00
450 Main Street, Little Rock, Arkansas John M. Doe	Rent Income	More than \$12,500.00
Ark. Med. Society Annual Meeting (address) John Doe	Speaking fee Oct. 2, Little Rock	More than \$1,000.00
Star National Bank Star, Arkansas John or Jane Doe	Interest Income	More than \$1,000.00
City of Mayberry (address) Jane Doe	Spouse income	More than \$12,500.00
Ark. Bar Association Annual Meeting (address) Jane Doe	Speaking Fee Spouse, June 12 Hot Springs	More than \$1,000.00

Section 4 (Business or Holdings)

In this section, list the name of every business in which you, your spouse or any other person for the use or benefit of you or your spouse have an investment or holding. Stocks, bonds, stock options and other securities held by you or your spouse must be reported. Figures for these items, as well as all other holdings or accounts, should be based on fair market value at the end of the reporting period.

For **securities, stocks, or bonds**, you must disclose each security held in your portfolio which exceeds the \$1,000.00 threshold. If securities are held through an investment firm, the firm will normally provide periodic statements from which you may obtain the information required to be disclosed. If you own different types of securities issued by the same authority, such as U. S. Treasury obligations or bonds, it is not necessary to provide an itemized list of each security worth over \$1,000.00. Rather, you may simply report the aggregate value of the securities issued by the same authority and identify the type of securities.

In the case of **mutual funds or similar investments**, you need not disclose specific stocks held in a widely diversified investment trust or mutual fund as long as the holdings of the trust or fund are a matter of public record and you have no ability to exercise control over the specific holdings. If you have such control, you must disclose each holding exceeding the threshold level of \$1,000.00, whether or not you exercise the control. Otherwise, you may simply disclose the name, address, etc. of the authority through which your mutual fund is invested (e.g., IDS), the category of the fund and the category of the appropriate amount (e.g., "more than \$1,000.00").

In the case of **bank accounts**, if the total of accounts (including certificates of deposit) deposited in a particular bank exceeds \$1,000.00, list each institution holding more than \$1,000.00. If no particular bank holds more than \$1,000.00, you need not report any bank accounts. All accounts at one institution, including those for your spouse, may be combined as one entry. Thus, for example, you may report a checking account, savings account, certificate of deposit, and IRA in Smith First National Bank of Arkansas by checking the gross total of the accounts (e.g., "more than \$1,000.00") and stating "Smith First National Bank of Arkansas" with its address. You need not list each account. If you are listed on an account purely for custodial reasons, and you do not assert any ownership rights to the assets in the account (for example, if you are a joint tenant with an elderly relative), you need not list the account.

For any business interest, if you or your spouse has an interest in a proprietorship, partnership, or corporation that is actively engaged in a trade or business, you must disclose the name and address of each interest. It is not necessary to provide an itemized list of the assets of the business. For example, you need only categorize the total value of your interest (e.g., "more than \$12,500.00") and not items such as "office equipment." This includes each asset held in trust for you or your spouse which has a value greater than \$1,000.00. Holdings of a trust for which you or your spouse are merely an administrator and for which you have no beneficial interest need not be reported.

Section 5 (Office or Directorship)

You must report your nongovernmental offices and directorships held by you or your spouse in any business, corporation, firm, or enterprise subject to the jurisdiction of a regulatory agency of this State, or any of its political subdivisions. For each such business, provide the name of the business, its address, the office or directorship held and the name of the person (either you or your spouse) who holds the office or directorship. A "regulatory agency", as

defined by Ark. Code Ann. § 21-8-301(1), means any "state board, commission, department, or officer authorized by law to make rules or to adjudicate contested cases except those in the legislative or judicial branches."

Section 6 (Creditors)

You must report the name and address of each creditor to whom the value of \$5,000.00 or more is personally owed and outstanding at the end of the reporting period. All information regarding a single creditor may be reported in a single entry. If you have more than one liability owed to the same creditor, add up the items of credit to determine if the \$5,000.00 threshold has been met. The identity of the creditor is the name of the person or organization to which the liability is owed (e.g., "Bob Smith, 1000 Elm Street, Little Rock, Arkansas").

You do not need to include debts owed to members of your family. You may also exclude loans made in the ordinary course of business by either a financial institution or a person who regularly and customarily extends credit. This exclusion applies to such items as a mortgage secured by real property which is your personal residence, credit extended to purchase personal items such as furniture or appliances, credit card debts, and car loans, provided the credit does not exceed the value of the item purchased.

Debts not incurred in the ordinary course of business include, but are not limited to, such items as legal judgments, judgment liens, money borrowed from individuals, other than family members, who are not normally in the business of lending money, and tax liens owed to any governmental agency.

Section 7 (Past-Due Amounts Owed to Government)

You must report the name and address of each governmental body to which you are legally obligated to pay a past-due amount and a description of the nature and amount of the obligation. Such debts include, but are not limited to tax liens owed to any governmental agency or other legally obligated debts in which you may be in default to a governmental body.

Section 8 (Guarantor, Co-Maker)

The law requires you to provide the name and address of each guarantor or co-maker, other than a member of your family, who has guaranteed a debt which is still outstanding. The \$5,000.00 threshold of Section 6 does not apply here. To the extent that you have a guarantor or co-maker of any of your outstanding debts, the guarantor or co-maker must be disclosed. There is no exception for debts incurred in the ordinary course of business. This requirement also includes debts arising, extended or refinanced after January 1, 1989.

This requirement extends to situations where you have co-signed a loan to assist another person in obtaining credit, unless the person is a member of your family.

Section 9 (Gifts)

The law requires you to identify the source, date, description, and a reasonable estimate of the fair market value of each gift of more than one hundred dollars (\$100.00) received by you or your spouse during the reporting period or more than two hundred and fifty dollars (\$250.00) received by your dependent children during the reporting period. A gift is any "payment, entertainment, advance, services, or anything of value" unless consideration of equal or greater value has been given therefor. The value of an item shall be considered to be less than one hundred dollars (\$100) if the public servant reimburses the person from whom the item was received any amount over one hundred dollars (\$100) and the reimbursement occurs within ten (10) days from the date the item was received. All types of gifts must be reported. Items such as food, lodging, and travel are considered gifts unless they are received when you are appearing in your official capacity and the appearance bears a relationship to your office or position. [Note: The reporting of food, lodging, and travel received by a public servant who is appearing in his or her official capacity at an event which bears a relationship to his or her office or position is addressed in Section 10 below.]

A gift can be a tangible item, such as a watch, or an intangible item, such as a hunting or fishing trip. A gift does not include (1) informational material; (2) receiving food, lodging, or travel which bears a relationship to the public servant's office and when appearing in an official capacity; (3) gifts which are not used and returned to the donor within 30 days; (4) gifts from a family member listed in Ark. Code Ann. § 21-8-402(5)(B)(iv), unless the family member is acting as an agent for a person not covered by the exception; (5) campaign contributions; (6) devises or inheritances; (7) anything with a value of \$100 or less; (8) wedding presents and engagement gifts; (9) a monetary or other award presented to 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, a college, a technical college, a technical institute, a comprehensive life-long learning center, or a community college in recognition of the employee's contribution to education; (10) tickets to charitable fundraising events held within this state by a non-profit organization which is exempt from taxation under Section 501(c)(3) of the Internal Revenue Code; (11) a personalized award, plaque, or trophy with a value of one hundred fifty dollars (\$150) or less; (12) an item which appointed or elected members of a specific governmental body purchase with their own personal funds and present to a fellow member of that governmental body in recognition of public service; (13) food or beverages provided at a conference scheduled event that is part of the program of the conference; (14) food or beverages provided in return for participation in a bona fide panel, seminar, speaking engagement at which the audience is a civic, social, or cultural organization or group; and (15) a monetary or other award publicly presented to an employee of state government in recognition of his or her contributions to the community and State of Arkansas when the presentation is made by the employee's supervisor or peers, individually or through a non-profit organization which is exempt from taxation under Section 501(c) of the Internal Revenue Code, and the employee's receipt of the award would not result in or create the appearance of the employee using his or her position for private gain, giving preferential treatment to any person, or losing independence or impartiality (This exception shall not apply to an award presented to an employee of state government by a person having economic interests which may be affected by the performance or nonperformance of the employee's duties or responsibilities.).

In reporting a gift, you must report the source, the date it was received, a reasonable estimate of its fair market value, and a brief description. In that regard, the Ethics Commission has issued opinions concerning the "fair market value" of such items as transportation on a private aircraft. A group of items received from the same source at the same time would be considered one gift and the separate values should be added together. As an example, if you receive a tie and tie clip (valued \$50.00) along with a pair of golf shoes (valued at \$75) from one donor, this should be reported and described in Section 9, as the receipt of a gift, "tie, tie clip and shoes." The value would be \$125.00. Similarly, food and beverages provided you in connection with lodging should be aggregated to ascertain if the threshold reporting level has been reached. If you are unsure if the value should be aggregated for purposes of reporting, you may wish to contact the Arkansas Ethics Commission for an opinion.

In accordance with Ark. Code Ann. § 21-8-804, certain designated officials are authorized to accept gifts, grants, and donations of money or property on behalf of the State of Arkansas, the Arkansas Senate, the Arkansas House of Representatives, and the Arkansas Supreme Court. In addition, the designated officials are authorized to accept donations of money for the purpose of hosting official swearing-in and inaugural events of the constitutional officers, Senate, House of Representatives, and Supreme Court justices, the official recognition event for the President Pro Tempore, and the official recognition event for the Speaker of the House. The public official accepting the gift, grant, or donation of money or property on behalf of an appropriate entity is not required to disclose same on his or her Statement of Financial Interest. Instead, public servants are required to report such gifts, grants, or donations of money or property to the Ethics Commission on a quarterly basis on a separate disclosure form prepared for such purposes.

Section 10 (Awards)

If you are 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, a college, a technical college, a technical institute, a comprehensive life-long learning center, or a community college, the law requires you to disclose each monetary or other award over one hundred dollars (\$100) which you have received in recognition of your contributions to education. The information disclosed with respect to each such award should include the source, date, description, and a reasonable estimate of the fair market value.

Section 11 (Nongovernmental Sources of Payment)

Payments for food, lodging, or travel are not considered a gift in situations where a public servant is appearing in his or her official capacity and the appearance bears a relationship to the public servant's office or position. However, Section 11 requires that each nongovernmental source of payment of expenses for such food, lodging, or travel be listed when the expenses paid by that source exceed \$150.00. [Note: The reporting of money or things of value received when you are not appearing in an official capacity or the appearance does not bear a relationship to your office or position is addressed in Section 3 ("Sources of Income") or Section 9 ("Gifts).] In this regard, you must list the name and business address of the person or organization which has paid your expenses, the date, nature, and amount of the expenses unless such person or

organization was compensated by the governmental body for which the public servant serves. Thus, you must disclose in this section, lodging or travel received in connection with such activities as speaking engagements, conferences, or fact finding events related to your official duties.

Section 11 requires the disclosure of each nongovernmental source of payment when the expenses paid in connection with a particular appearance exceed \$150.00. Thus, if one source provides lodging and food and the total amount paid exceeds \$150.00, that source must be reported in this section.

The **organization** is the source of payment. It should be the name of the sponsor actually paying or providing the expenses. The **date of expenses** should be the inclusive dates of all travel provided. If the travel all occurred on one day, report that day. Otherwise, list the starting and ending dates of each trip provided (i.e., "May 1 - 5, 1997").

It is permissible to extend the duration of a trip at your own expense, accepting return travel from the sponsor. However, to avoid suggesting that travel was accepted for a longer period of time than was actually the case, you should indicate any time not spent at the sponsor's expense on either the line requesting the "date" or "nature" of expenses. For example, using the dates listed above, you could report "May 1 - 5, 1997. May 3 - 4 on personal business, expenses paid by me."

Section 12 (Direct Regulation of Business)

The law requires you to list any business by whom you are employed if the business is under direct regulation or subject to direct control by the governmental body which you serve. You must report the employment by listing the name of this business/employer and provide the governmental body which regulates or controls aspects of the business. Such a business relationship typically exists if your private employer is subject to any rules or regulations of a governmental body or if a governmental body adjudicates contested cases of fact involving your private employer. For example, if you work as a licensed dentist, the appropriate regulatory governing body may be the State Board of Dental Examiners.

Whether your business is under direct regulation or subject to direct control by a governing body is often a question of fact. If you are unsure, you should contact the Arkansas Ethics Commission or, if you know, the agency you suspect may regulate part or all of your activities.

Section 13 (Sales to Governmental Body)

The law requires you to report certain business relationships with the government if a significant sale of goods or services occurs. Specifically, you must set out in detail the goods or services sold having a total annual value in excess of \$1,000.00 sold to the governmental body for which you serve or are employed and the compensation paid for each category of goods or services by you or any business in which you or your spouse is an officer, director, stockholder owning more than ten percent (10%) of the stock, owner, trustee, or partner.

Section 14 (Signature)

Under the law, each person, required to file a Statement of Financial Interest must prepare the statement under penalty of false swearing and sign such form attesting to the truth and accuracy of the information set forth on the form. Ark. Code Ann. § 21-8-702. If a person who is required to file a Statement of Financial Interest is called to active duty in the armed forces of the United States, the statement may be completed by the spouse of the person. If the Statement of Financial Interest is completed by the spouse, under this exception, the spouse's signature shall be sufficient for the requirement of Ark. Code Ann. § 21-8-702.

REVISED 08/2015