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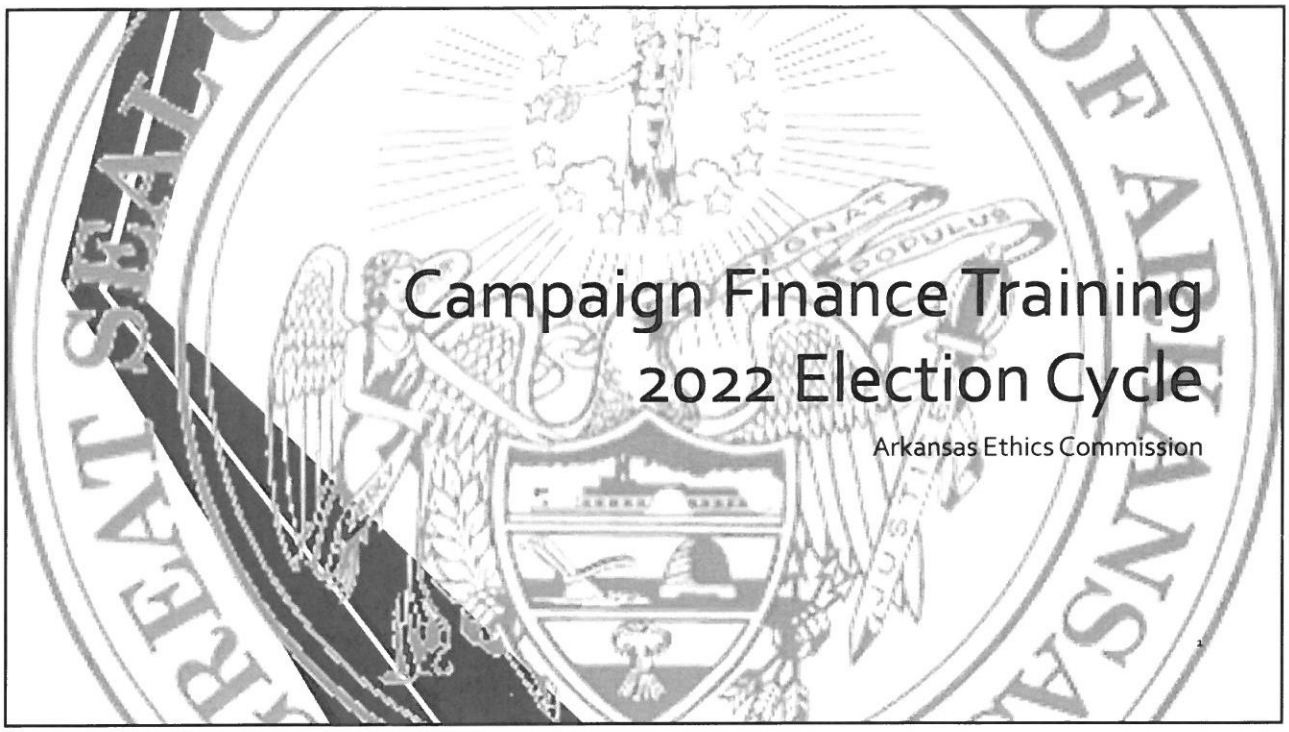

Campaign Finance Training
2022 Election Cycle

Arkansas Ethics Commission

1

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Campaign Contribution and Expenditure Reports

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Campaign Contribution and Expenditure Reports

- **The types of reports required to be filed depend upon the office being sought.**
- **Generally, candidates fit into one of two categories:**
  - Those running for county, municipal, or school board office.
  - Those running for state or district office.

4

Campaign Contribution and Expenditure Reports

- **Where do candidates for county, municipal, or school board office file reports?**
  - County Clerk

- **Where do candidates for state or district office file reports?**
  - Secretary of State

5

Campaign Contribution and Expenditure Reports

- **Where/how do State and District Candidates file their reports in 2021-2022?**
  - A report is timely filed if it is filed in electronic form through the official website of the Secretary of State or paper form with the Secretary of State on or before the date that the report is due.

6

Campaign Contribution and Expenditure Reports

Do I have the option to paper-file my reports?...Yes

Act 1029 of 2021

- Act 1029 eliminated the requirement that Contribution and Expenditure reports are filed *in paper form only* when (A) The candidate does not have access to the technology necessary to submit reports in electronic form; and (B) Submitting reports in electronic form would constitute a substantial hardship for the candidate.
- It did not remove the requirement that paper filers submit an affidavit, but did eliminate the requirement that the affidavit *declare*: (i) The candidate does not have access to the technology necessary to submit reports in electronic form; (ii) Submitting reports in electronic form would constitute a substantial hardship for the candidate; and (iii) The candidate agrees to file all other reports in paper form for the duration of the election cycle.
- Likewise, Act 1029 provided that the SOS shall develop electronic reporting forms, including without limitation: (i) A cover sheet for a reporting period; (ii) Campaign contribution reports; and (iii) Campaign expenditure reports.
- Furthermore, Act 1029 provided that the SOS shall develop electronic reporting forms in a manner that allows a candidate to: (i) Fill out an electronic form for each reporting period in an electronic word processing file, portable document format, or equivalent format that may be saved in a read-only format; (ii) Upload the electronic reporting forms electronically by an upload to the internet or delivered by electronic media to the SOS; and (iii) Combine all electronic forms into a single document that is available to the public in an electronically searchable format.
- Act 1029 also includes the following uncodified timetable: "DO NOT CODIFY". Duty of SOS. The SOS shall: (1) Develop criteria for an updated and simplified electronic campaign finance online reporting system by January 1, 2022; and (2) Develop a timeline of the expected time to implement the updated and simplified electronic campaign finance online reporting system.
- Had an emergency clause.

7

Campaign Contribution and Expenditure Reports

Are there any requirements in order to paper-file?

- A candidate filing reports in paper form shall submit with his or her first paper report in an election cycle a notarized affidavit on a form prepared by the Secretary of State.
- The Secretary of State **shall not** accept a report in paper form if a notarized affidavit was not submitted with the first paper report in the election cycle.
- However: No specified contents of the affidavit are outlined in Act 1029.

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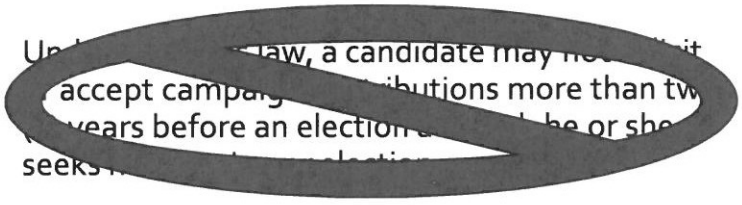
Campaign Contribution and Expenditure Reports

What did not change?

- When reports are due: The due dates and reporting schedules did not change with the passage of Act 1029. Please see the calendars issued by the Ethics Commission for specific dates.
- Who must file: Candidates for office, whether opposed or unopposed, regardless of how much they spent and regardless of the source of the money they spent (including the candidates own funds), must file AT LEAST ONE report, a Final Report.
- Who they are due to:
  - State and District candidates file their campaign finance reports and Statements of Financial Interest with the Secretary of State.
  - County, Municipal, and School Board candidates file their campaign finance reports with the County Clerk.
  - County and school board candidates file their SFIs with the County Clerk.
  - Municipal candidates file their SFI with the City Clerk.

Campaign Contribution and Expenditure Reports

- **When may a candidate start raising campaign funds?**



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Campaign Contribution and Expenditure Reports

Act 254 of 2021

- Act 254 removes the two-year fundraising blackout window. Candidates for public office are now permitted to raise campaign contributions more than two (2) years before an election.
- Repealed Ark. Code Ann. § 7-6-203 (e)
- (Approved: 3/4/21)
- ~~(e) It shall be unlawful for any candidate for public office, any person acting in the candidate's behalf, or any exploratory committee to solicit or accept campaign contributions more than two (2) years before an election at which the candidate seeks nomination or election. This subsection shall not prohibit the solicitation or acceptance of a contribution for the sole purpose of raising funds to retire a previous campaign debt.~~
- In keeping with *Jones v. Jegley*, 947 F.3d 1100 (8th Cir. 2020)

What did not change?

- Campaign contribution limits still apply.
- Campaign contributions and campaign finance records from each election should still be segregated into different bank accounts.
- There is still a list of permissible contributors. Any contributor not on the list of permissible contributors is a prohibited contributor and contributions should not be accepted from them.

Campaign Contribution and Expenditure Reports

- **When may a judicial candidate's campaign committee begin raising campaign funds?**
  - Campaign committees of candidates for judicial office may not solicit or accept campaign contributions more than one hundred eighty (180) days before an election.
  - With respect to the general election for judicial offices which will be held on May 24, 2022, committees of judicial candidates could have started raising funds on November 25, 2021.

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Judicial Discipline & Disability Commission

PRESS RELEASE

POINT OF CONTACT: DAVID SACHAR

PHONE: 501-682-1050

CORRECTED COPY
FOR IMMEDIATE RELEASE

May 19, 2021

Upon the approval of the Judicial Discipline & Disability Commission, Executive Director David J. Sachar announces the following concerning relevant dates for the upcoming 2022 nonpartisan judicial elections.

Rule 4.2 (B) of the Code of Judicial Conduct allows for candidates to publically announce their intention to seek judicial office and establish a campaign committee not earlier than 365 days before the first applicable election. Rule 4.4 (B)(2) allows for campaign committees to refrain from soliciting or accepting contributions to the current campaign more than 180 days before the applicable election. Under the same provision campaign committees must not solicit or accept contributions more than 45 days after the last election in which the candidate participated.

The following dates have been calculated to apply to judicial candidates in the 2022 election cycle:

Election date: Tuesday, May 24, 2022
365 days before the election: Monday, May 24, 2021
180 days before the election: Thursday, November 25, 2021
45 days after the election: Friday, July 8, 2022

If any judicial elections result in a run-off election, the 45 day limit on retiring debt should be calculated from the end of the run-off election date. This would only apply to the two candidates in the contested run-off. Act 545, as well as the other relevant portions of Arkansas Code Annotated, should be reviewed when candidates consider the candidate filing period, access to the ballot via signature and other dates of interest.

All candidates for judicial office should review the Code of Judicial Conduct and encourage those working on their campaign to do the same.

David J. Sachar, J.D.

Campaign Contribution and Expenditure Reports

- **When is a candidate required to begin reporting?**
  - Except for the Final Report, a candidate does not have to start filing reports until he or she has received contributions in excess of $500 or made expenditures in excess of $500.
  - The crossing of the $500 threshold is a one-time event.

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Campaign Contribution and Expenditure Reports

- **Is the payment of the filing fee from the candidate's personal funds considered either a contribution or an expenditure?**
  - In calculating the amount of contributions received or expenditures made, the payment of the filing fee from the candidate's personal funds is not considered either a contribution or an expenditure.
  - Once the threshold has otherwise been met or a final report becomes due, the filing fee is required to be reported.

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Campaign Contribution and Expenditure Reports

- **How should the payment of the filing fee with personal funds be reported?**

- A candidate who has paid the filing fee with his or her personal funds would report such funds as either a loan or a contribution to the campaign from the candidate and also as a campaign expenditure.

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Act 254 of 2021
Disclosure of Campaign Bank Account:

- Amended to add an additional subsection, Ark. Code Ann. § 7-6-207 (f)(1)
- (f)(1) For each financial institution the candidate and committee working on the candidate's behalf use for the purposes of receiving contributions or making expenditures within this state, the following information shall be submitted to the Secretary of State with the initial report filed under this section:
  - (A) The full name of the financial institution; and
  - (B) For the financial institution, the:
    - (i) Street address;
    - (ii) City;
    - (iii) State; and
    - (iv) United States postal zip code of the financial institution.
- (2) The information disclosed under subdivision (f)(1) of this section:
  - (A) Shall be made available to the commission upon request;
  - (B) Is not a public record; and
  - (C) Is exempt from disclosure under the Freedom of Information Act of 1967, § 25-19-101 et seq.

What did not change?

- Candidates for public office already had to have campaign funds in a separate bank account from all other funds.
- Candidates for public office already had to file the Statement of Financial Interest, disclosing the location of all of their personal holdings that exceed $1,000 in value.

Candidates for County, Municipal, or School Board Office

20

Campaign Contribution and Expenditure Reports (County/Mun)

- **Types of Reports**
  - Election Year
    - Preelection
    - Final
  - Non-Election year
    - Annual report if remaining campaign funds are retained.

- **When are reports deemed filed?**
  - A report is timely filed when it is received in the county clerk's office no later than the date the report is due.

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Campaign Contribution and Expenditure Reports (County/Mun)

- **Preelection Reports**

  - When are preelection reports due and what is the period of time covered?
    - Due no later than seven (7) days prior to each election.
    - Covers all campaign activity between the period covered by previous report, if any, and the period ten (10) days before the election.

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Campaign Contribution and Expenditure Reports (County/Mun)

- **Are there any exceptions to filing a preelection report?**
  - Unopposed candidates
  - Opposed candidates who have not triggered the $500 reporting threshold.

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Campaign Contribution and Expenditure Reports (County/Mun)

- **Final Reports**
  - **When is the final report for a particular election due?**
    - Due thirty (30) days after the end of the month in which the election was held.
  - **Are there any exceptions to the filing of a final report?**
    - There are **no exceptions** to the filing of a final report for a primary, general, or runoff election.

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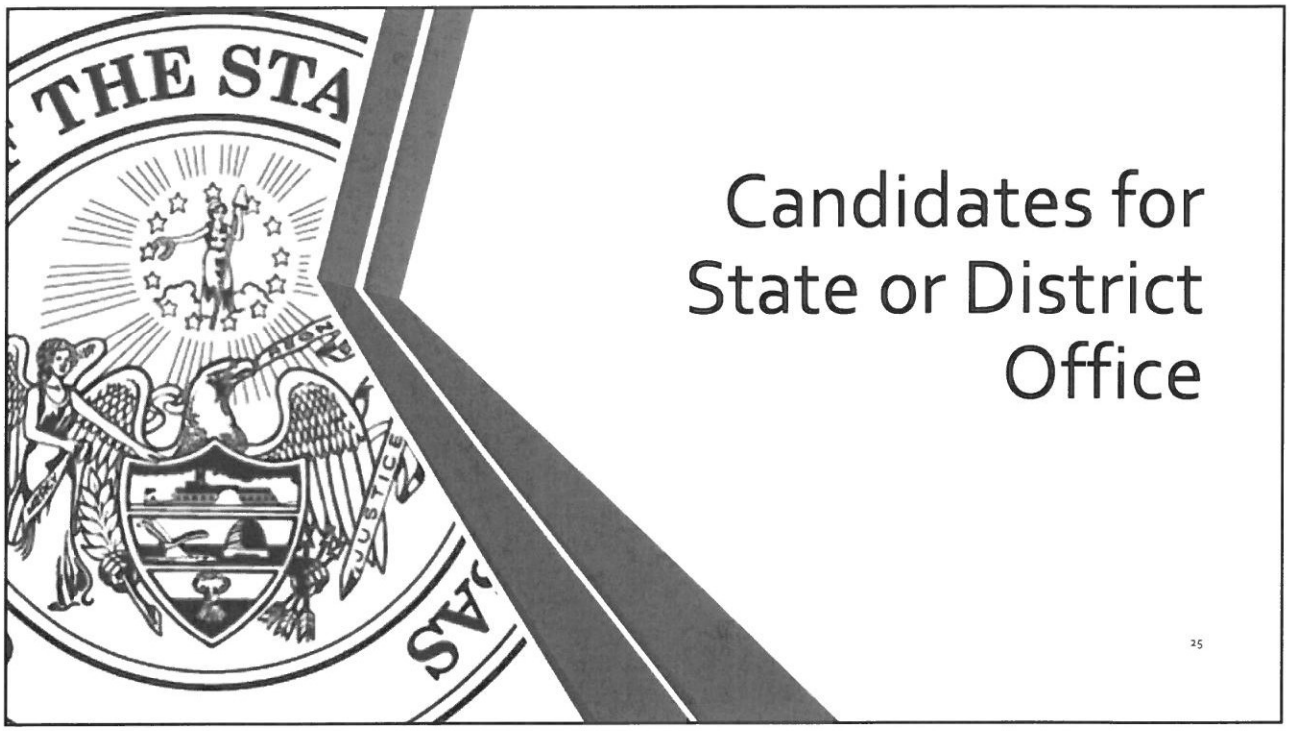

Candidates for State or District Office

25

Campaign Contribution and Expenditure Reports (State/District)

NOTE:

Which now officially includes "District Judges".

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Campaign Contribution and Expenditure Reports (State/District)

- **Types of Reports**
  - Non-Election Year
    - Quarterly
  - Election Year
    - Monthly
    - Pre-Election
    - Final

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Campaign Contribution and Expenditure Reports (State/District)

- **During Non-Election Year**
  - When are quarterly reports due?
    - Due no later than fifteen (15) days after the end of each quarter.

- **During Election Year**
  - When are monthly reports due?
    - Due no later than fifteen (15) days after the end of each month.

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Campaign Contribution and Expenditure Reports (State/District)

- **When are preelection reports due and what is the period of time covered?**
  - Due no later than seven (7) days prior to each election.
  - Covers all campaign activity between the period covered by previous report and the period ten (10) days before the election.
  - A candidate who is unopposed in an election is not required to file a preelection report.

29

Campaign Contribution and Expenditure Reports (State/District)

- **Who must file a preelection report?**
  - Opposed candidates who have triggered the $500 reporting threshold.
  - CAUTION: Preelection reports must be received in the Secretary of State's office on or before the due date.

30

Campaign Contribution and Expenditure Reports (State/District)

- **When is the final report for a particular election due?**
  - Due thirty (30) days after the end of the month in which the election was held.
- **Are there any exceptions to the filing of a final report?**
  - There are NO Exceptions to the filing of a final report for a primary, general or runoff election.

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Campaign Finance and Disclosure

32

Campaign Finance and Disclosure

- **What is the campaign contribution limit?**
  - **$2,900** per person per election from:
    1) An Individual
    2) A political party that meets the definition of a political party under § 7-1-101
    3) A political party that meets the requirements of § 7-7-205
    4) A county political party committee
    5) A legislative caucus committee
    6) An approved political action committee

33

Campaign Finance and Disclosure

- A candidate may accept a campaign contribution or contributions up to the maximum amount from any permissible contributor for each election in which he or she is a candidate, whether opposed or unopposed.

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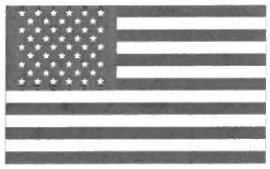
Campaign Finance and Disclosure

- Campaign contributions may not be made by individuals who are not citizens of the United States or by foreign businesses.



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Campaign Finance and Disclosure

- **Are political action committees subject to the $2,900 contribution limit?**
  - Approved PACs are subject to the $2,900 contribution limit.
  - A PAC which does not meet the requirements of an approved PAC constitutes a prohibited PAC.
  - Candidates may not accept contributions from prohibited PACs.

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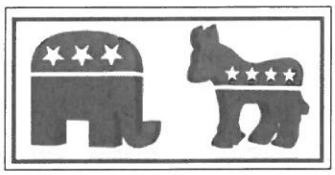
- **What about political parties?**
  - A party may contribute up to $2,900 to each of the party's candidates per election.



- **What about County Political Party Committees?**
  - County Political Party Committees are subject to the $2,900 contribution limit.

37

- **How much may a candidate contribute to his or her own campaign?**

  - The $2,900 limit does **not** apply to a candidate's own contributions from personal funds.
  - In other words, there is no limit on the amount of personal funds a candidate may contribute to his or her own campaign.
  - But, it is all reportable!!

38

Campaign Finance and Disclosure

- **Does the $2,900 limit apply to loans from financial institutions?**
  - The $2,900 limit does not apply to personal loans made by financial institutions to a candidate to be applied to the candidate's campaign.
  - There is no limit on the amount a candidate may personally borrow from a financial institution for use in his or her campaign.

39

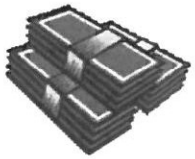
Campaign Finance and Disclosure

- **If a candidate is putting personal funds into his or her campaign, how should those funds be reported?**
  - In one of two (2) ways:
    - Loan
    - Contribution
  - There is a big difference, in that a candidate may use campaign funds to repay himself or herself if such funds are reported as a <u>loan</u>.

40

Campaign Finance and Disclosure

- **What are the limits on the use of cash?**
  - Contributions - $100
  - Expenditures - $50



- **All contributions or expenditures in excess of these amounts must be made by written instrument.**

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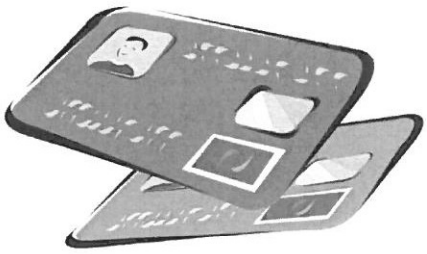
Campaign Finance and Disclosure

- **What about a contribution made by credit card or debit card?**
  - "Written instrument" includes without limitation a paper record signed by the cardholder that has:
    - Valid name
    - Complete address
    - Place of business
    - Employer
    - Occupation



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Campaign Finance and Disclosure

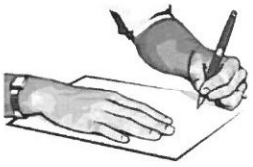
- **What about a contribution made through the internet?**
  - "Written instrument" also includes an electronic record created and transmitted by the cardholder that contains the following information for the cardholder:
    - Valid name
    - Complete address
    - Place of business
    - Employer
    - Occupation

43

Campaign Finance and Disclosure

- **Are there any exceptions to the limits on using cash?**

  - The payment of the filing fee may be in cash even though the amount exceeds $50.
  - The candidate is required to obtain a receipt and report the payment as a campaign expenditure.



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Campaign Finance and Disclosure

- **What about anonymous contributions?**
  - A candidate may not keep an anonymous contribution of $50 or more and is required to give such contributions to the Secretary of State for deposit in the State Treasury as general revenues.

45

Campaign Finance and Disclosure

- **What are "in-kind" contributions?**
  - A person makes an "in-kind" contribution when, in connection with the nomination or election of a specific candidate, he or she purchases, sells or provides a service, to or on behalf of a candidate, without charge or for a charge which is less than the fair market value of the item or service provided.

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ONLY from permissible contributors!!!
Valued no more than $2,900!!!

Campaign Finance and Disclosure

- **What is the value of an "in-kind" contribution?**
  - The value of an "in-kind" contribution is its fair market value if it had been purchased, sold or leased in the ordinary course of business.
  - Must be reported, regardless of whether it is over or under $50.

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- NOTE: There is an exception to the reporting of "in-kind" contributions for volunteer services provided free of charge. This exception applies to both manual tasks and specialized services.

Campaign Finance and Disclosure

- **When is itemization required with respect to contributions and expenditures?**
  - Contributions in excess of $50
  - Expenditures in excess of $100

50

Campaign Finance and Disclosure

- **How are contributions over $50 handled for reporting purposes?**
  - Each person, including the candidate, who made a contribution or contributions which, in the aggregate, exceeded $50 must be listed.
  - For each person listed, you must provide the following information:
    - Name and address
    - Place of business/employer/occupation
    - Date and amount of contribution

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Campaign Finance and Disclosure

- **How are expenditures over $100 handled for reporting purposes?**
  - Each expenditure which exceeds $100 must be itemized.
  - For each such expenditure, you must provide the following information:
    - Name and address of the person, including the candidate, to whom expenditure was made
    - Date and amount of expenditure

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Campaign Finance and Disclosure

- **How are contributions and expenditures which fall below the itemization thresholds reported?**
  - There are lines on the various reporting forms for the lump-sum disclosure of such contributions and expenditures.
  - NOTE: In addition, the reporting forms contain a section for the reporting of all campaign expenditures **by category**.

53

Campaign Finance and Disclosure

- **When is a campaign contribution deemed to have been accepted?**
  - A campaign contribution is deemed accepted when it has been delivered to a candidate (or a person acting on the candidate's behalf) and is not returned within a reasonable time.
  - The question of what is a "reasonable time" depends upon the facts of a particular situation but normally should not be more than **five (5)** business days.

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- **When is a campaign expenditure deemed to have been made?**
  - An expenditure is deemed made on the date the amount is **readily ascertainable** by the person making the expenditure.
  - If the amount of an expenditure is not known or readily ascertainable under normal business practices until receipt of a periodic bill, the date of the expenditure is the date the bill is received.
  - An expenditure by credit card 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.

55

- **Are there prohibited uses of campaign funds?**
  - A candidate may not use campaign funds to fulfill any commitment, obligation or expense that would exist regardless of the candidate's campaign.

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- Campaign funds may not be used for personal expenses such as:
  - Household food items and supplies
  - Clothing
  - Mortgage, rent, and utility payments
  - Membership dues to a country club, health club, or recreational facility
  - Contributions to the campaign of others.

- **May reimbursement be sought for automobile usage?**
  - The payment of travel expenses associated with automobile usage during a campaign is allowable.
  - If campaign funds are used for reimbursement of automobile travel, the following must be observed:
    - 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 reimburses its employees for private automobile mileage for official business travel.

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Campaign Finance and Disclosure

- **Reimbursement for automobile usage (continued)**
  - 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 paid.
  - Maintenance costs should be paid from personal funds, not campaign funds, as the rate per mile necessarily includes depreciation and anticipated maintenance costs.

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Campaign Finance and Disclosure

- **May a candidate employ campaign workers?**
  - A candidate may use campaign funds to hire employees to work for his or her campaign and may pay such employees reasonable wages or expenses for campaign-related activities.
  - A candidate who is unopposed may not use campaign funds to employ family members.
  - The reporting form contains a section which requires disclosure of the name of each person hired as a campaign worker even if the amount paid does not exceed $100.

60

Campaign Finance and Disclosure

- **How long must records concerning contributions and expenditures be maintained?**
  - Four (4) years

61

Campaign Finance and Disclosure

- **What happens if your campaign ends in debt?**
  - A candidate whose campaign ends in debt may solicit funds and hold fundraisers to retire campaign debt.
  - Contributors must be given notice that the contributions are for debt retirement.
  - Contributions received to retire debt are treated as contributions for the prior election and the contribution limits continue to apply.

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Campaign Finance and Disclosure

- **What happens if your campaign doesn't end in debt?**
  - A candidate who is <u>not</u> in debt may not accept campaign contributions after the date of the election.

63

Campaign Finance and Disclosure

- **What happens if your campaign ends with funds remaining?**

  - Nonjudicial candidates may keep campaign funds as remaining campaign funds.
  - Those candidates who choose to retain remaining campaign funds should continue filing reports.

64

Campaign Finance and Disclosure

- **How may a candidate dispose of remaining funds?**
  - A candidate with remaining campaign funds may turn them over to either:
    - The state treasurer for benefit of the general revenue fund
    - A political party or caucus
    - A Section 501(c)(3) charity
    - Cities of the first or second class, or incorporated towns
    - The contributors to the campaign

65

Campaign Finance and Disclosure

- **How should the disposition of remaining campaign funds be reported?**
  - The final report for candidates contains a section to disclose the method by which a candidate has disposed of remaining campaign funds. If the money is not disposed of before the final report is due, the candidate shall continue to file reports and disclosure any disbursements on future C&E reports.

66

Campaign Finance and Disclosure

What about leftover campaign signs and materials?

- 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.

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Campaign Finance and Disclosure

A candidate:

- May reuse such 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 under subsection (a) of this section in future reports filed under this subchapter.

68

Campaign Finance and Disclosure

- **What should a candidate do with remaining campaign funds?**
  - Such funds may be used for officeholder expenses or future campaigns.
  - Remaining campaign funds may be disposed of in one of the methods outlined above.
  - All expenditures and disbursements should be reported.

69

Campaign Finance and Disclosure

- **How long may campaign funds be retained?**
  - Campaign funds may be retained for a period of ten (10) years after the last election in which the candidate's name appeared on the ballot or, if applicable, not more than ten (10) years after the last day the person held office.

70

Campaign Finance and Disclosure

- **What are the reporting requirements with respect to remaining campaign funds?**
  - State and district candidates who choose to retain remaining campaign funds after an election should continue to file reports. (monthly in election year and quarterly in non-election year)
  - An annual report is required for county, municipal, and school board candidates who retain remaining campaign funds after an election.

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Campaign Finance and Disclosure

- **Where are those reports filed?**
  - County/Municipal Candidates or Officeholders file with:
    - County Clerk

  - State/District Candidates or Officeholders file with:
    - Secretary of State

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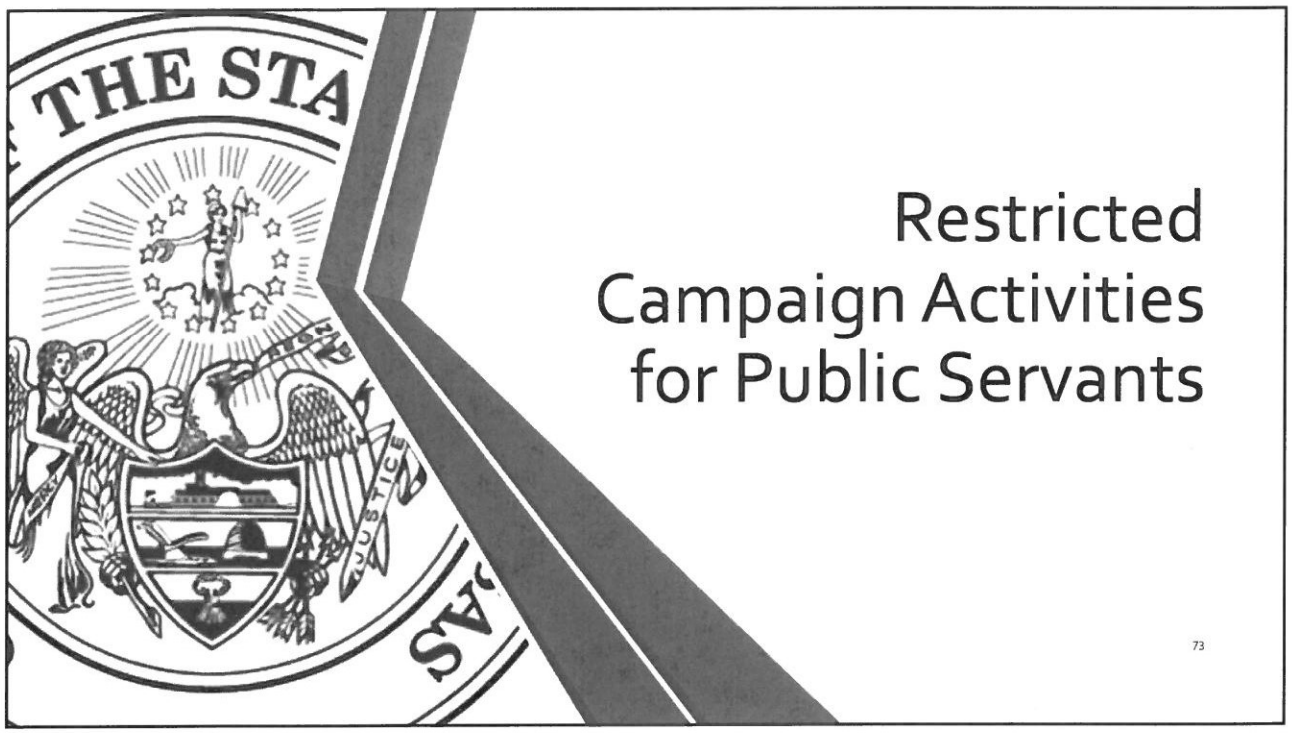

Restricted Campaign Activities for Public Servants

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- **There are certain restrictions applicable to "Public Servants".**

- **Who qualifies as a Public Servant?**
  - The term "Public Servant" is defined in Ark. Code Ann. §21-8-402 (18) to mean:
    - All public officials
    - All public employees, and
    - All public appointees

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- **"Public Official"**
  - Under Ark. Code Ann. §21-8-402 (17), "Public Official" means 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.

75

- **"Public Employee"**
  - Under Ark. Code Ann. §21-8-402 (16)(A), "public employee" means an individual who is employed by a governmental body or who is appointed to serve a governmental body.

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- **"Public Appointee"**
  - Ark. Code Ann. §21-8-402 (15)
    - "Public Appointee" means an individual who is appointed to a governmental body.
    - "Public Appointee" shall not include individuals appointed to an elected office.

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- **Devoting time or labor toward a campaign**
- Ark. Code Ann. § 7-1-103(a)(2)(A)(i) states:

  It shall be unlawful for any public servant... to devote ANY time or labor during usual office hours toward the campaign of any other candidate for office or for the nomination to any office.
- Ark. Code Ann. § 7-1-103 (a)(2)(A)(ii) states:

  Devoting ANY time or labor during usual office hours towards 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.

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Restricted Campaign Activities for Public Servants

- **Circulating Initiative or Referendum Petitions**

- Ark. Code Ann. § 7-1-103(a)(2)(B) states:

  It shall be unlawful for any public servant... to circulate an initiative or referendum petition or to solicit signatures on an initiative or referendum petition in any public office of the state, county, or municipal governments of Arkansas or during the usual office hours or while on duty for any state agency or any county or municipal government in Arkansas.

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Restricted Campaign Activities for Public Servants

- **Coercing others to devote time or labor towards a campaign**

- Ark. Code Ann. § 7-1-103(a)(2)(C) provides:

  It shall be unlawful for any public servant... to coerce, by threats or otherwise, any public employee into devoting time or labor toward the campaign of any candidate for office or for the nomination to any office.

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Restricted Campaign Activities for Public Servants

- **Distributing campaign materials out of a public room or office**

- Ark. Code Ann. § 7-1-103 (a)(3)(A) further provides:

  It shall be unlawful for any public servant... to use any office or room furnished at public expense to distribute any letters, circulars, or other campaign materials *unless* such office or room is regularly used by members of the public for such purposes without regard to political affiliation.

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Restricted Campaign Activities for Public Servants

- **Using personal property provided with public funds**

  - Ark. Code Ann. § 7-1-103 (a)(3)(A) states:

    It shall further be unlawful for any public servant to use for campaign purposes any item of personal property provided with public funds.

  - Ark. Code Ann. § 7-1-103 (a)(3)(B)

    As used in this subdivision, "campaign materials" and "campaign purposes" refer to:

    - The campaign of a candidate for public office; and
    - Efforts to support or oppose a ballot measure, (except as provided in §7-1-111).

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- **Assessments, subscriptions, and contributions**
  - Ark. Code Ann. § 7-1-103(a)(4) states:
    - It shall be unlawful for any person to assess any public employee for any political purpose whatever OR
    - to coerce by threats or otherwise any public employees into making a subscription or contribution for any political purpose.

- **Placing campaign Materials on Government Vehicles**
  - Ark. Code Ann. § 7-1-103(a)(6) states:

    It shall be unlawful for any campaign banners, campaign signs, or other campaign literature to be placed on any cars, trucks, tractors, or other vehicles belonging to the State of Arkansas or any municipality, county, or school district in the state.

- **Criminal Penalties Ark. Code Ann. § 7-1-103**
  - Subsection (b)(1) of § 7-1-103 provides that:

    Except as otherwise provided, the violation of any provision of this section shall be a Class A misdemeanor.
  - Subsection (b)(2)(A) goes on to provide that:

    Any persons convicted under the provisions of this section shall thereafter be ineligible to hold any office or employment in any of the departments in this state.

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- **Criminal Penalties *Ark. Code Ann. § 7-1-103***
  - Subsection (b)(2)(B)(i) provides further that:

    If any person is convicted under the provisions of this section while employed by any departments of this state, he or she shall be removed from employment immediately.
  - Subsection (b)(2)(B)(ii) of Ark. Code Ann. § 7-1-103 goes on to provide that:

    If any person is convicted under the provisions of this section while holding public office, the conviction shall be deemed misfeasance and malfeasance in office and shall subject the person to impeachment.

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Other Helpful Resources:

- The Arkansas Ethics Commission Rules on Campaign Finance & Disclosure (www.ArkansasEthics.Com)
- The Running for Public Office Handbook (www.SoS.Arkansas.gov)
- The Judicial Election Guide (www.ARcourts.gov)

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This publication provides guidance on certain aspects of Arkansas law. This publication is not intended to replace the law or to change its meaning, nor does this publication create or confer any rights for or on any person or bind the Arkansas Ethics Commission or the public.

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The reader is also encouraged to consult the Arkansas Code sections provided below, applicable court decisions, and the Commission Rules and Commission Advisory Opinions, which are available at ArkansasEthics.com.

- Sections 28, 29, and 30 of Article 19 of the Arkansas Constitution;
- Ark. Code Ann. § 3-8-701 *et seq.* (entitled "Disclosure Act for Initiative Proceedings");
- Ark. Code Ann. § 7-1-103(a)(1)-(4), (6) and (7) (concerning "Elections");
- Ark. Code Ann. § 7-6-201 *et seq.* (entitled "Campaign Financing");
- Ark. Code Ann. § 7-9-401 *et seq.* (entitled "Disclosure Act for Public Initiatives, Referenda, and Measures Referred to Voters");
- Ark. Code Ann. § 19-11-718 (concerning "Special State Employees – Conflicts of Interest")
- Ark. Code Ann. § 21-1-401 *et seq.* (concerning "Constitutional Officers and Their Spouses");
- Ark. Code Ann. § 21-8-301 through § 21-8-903 (referred to as "The Disclosure Act for Lobbyists and State and Local Officials");
- Ark. Code Ann. § 21-8-1001 *et seq.* (pertaining to "State Boards, Commissions, and Entities Receiving State Funds"); and
- Ark. Code Ann. § 23-115-501(e) and § 23-115-601(j) (concerning "Arkansas Scholarship Lottery Act" vendor/retailer gift/compensation prohibition).

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For further information, please contact the Arkansas Ethics Commission

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Campaign Training 2022 Election Cycle

Arkansas Ethics Commission

THE END

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