

# ARKANSAS REGISTER

## Transmittal Sheet



Sharon Priest  
Secretary of State  
State Capitol Rm. 01  
Little Rock, Arkansas 72201-1094

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Name of Agency Arkansas Ethics Commission

Department \_\_\_\_\_

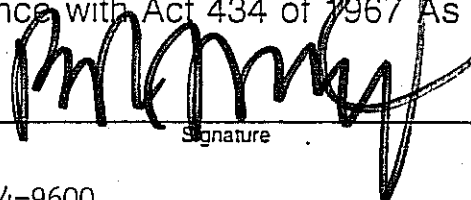
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Statutory Authority for Promulgating Rules Ark. Code Ann. section 7-6-217(g) (1)

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### CERTIFICATION OF AUTHORIZED OFFICER

I Hereby Certify That The Attached Rules Were Adopted  
In Compliance with Act 434 of 1967 As Amended



Signature

501-324-9600

Phone Number

Executive Director

Title

May 28, 1998

Date

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STATE OF ARKANSAS

# ARKANSAS ETHICS COMMISSION

## RULES OF PRACTICE AND PROCEDURE

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STATE OF ARKANSAS  
SUPREME COURT  
CLERK OF COURT  
STATE OF ARKANSAS

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AR. REGISTER DIV.

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## I. DESCRIPTION

The Arkansas Ethics Commission ("Commission") is composed of five appointed Commissioners who set policy under authority of the ethics, conflicts of interest, lobbying, campaign finance disclosure and ballot question laws within the State of Arkansas. In accordance with these rules of practice and procedure, the Commission issues advisory opinions and legal interpretations of law, and acts as fact-finder and enforcement body for those alleged to have violated those laws under its jurisdiction. Information may be obtained from the Commission by written request. The Commission staff, which may consist of an executive director, staff attorney(s), director of compliance and others, act as the administrator and operating entity of the Commission. This staff, or members thereof, may make office administrative procedure, act as spokesman for the Commission, receive correspondence and correspond on behalf of the Commission, provide legal and other research to the Commission, investigate allegations of violations of laws under the Commission's jurisdiction, and perform such functions as the Commission deems appropriate. These rules of practice and procedure shall govern all proceedings before the Commission and shall be applicable to any complaints filed or initiated after the effective date hereof. In accordance with Ark. Code Ann. § 25-15-204(c), any person may petition the Commission for the issuance, amendment, or repeal of any rule.

## II. COMMISSION & STAFF

### A. Commission Organization

(1) The Commission shall consist of five (5) Commissioners who shall be appointed as follows:

- one member by the Governor of the State of Arkansas
- one member by the Lieutenant Governor of the State of Arkansas

- one member by the Attorney General of Arkansas
- one member by the Speaker of the Arkansas House of Representatives
- one member by the President Pro Tempore of the Arkansas Senate

(2) Pursuant to Ark. Code Ann. § 7-6-217(b)(1), the Commission shall, at all times, have among its members:

- one member of a minority race
- one woman
- one member of a minority political party

(3) Each Commissioner has a responsibility to attend all regular or special meetings of the Commission. Any Commissioner who fails to attend three (3) consecutive regular meetings shall be subject to removal from the Commission pursuant to Ark. Code Ann. § 25-17-211.

(4) The Commissioners shall be appointed in compliance with Ark. Code Ann. § 7-6-217, and each Commissioner shall serve for one term of five (5) years, so long as he or she maintains good moral character. Provided, however, that any Commissioner who has been appointed to serve two (2) years or less of an unexpired term shall be eligible for an appointment to a subsequent five (5) year term.

(5) The Commission shall annually elect one of its members to serve as chairman for a term of one (1) year. The Commission may elect a vice-chairman and other such officers as a majority of the Commissioners choose. The vice-chairman shall serve as chairman in the absence, disqualification or disability of the chairman.

(6) The election of officers shall be conducted at the first meeting of the Commission following January 1 of each year. The Commission may form such committees or subcommittees as it deems necessary and/or appropriate to accomplish its

legal aims and purposes. The Commission may appoint one or more of its members to an unofficial committee or subcommittee and may invite non-Commissioners to participate as unofficial committee or subcommittee members.

(7) At each meeting of the Commission, three members shall constitute a quorum whether in person or by electronic or telephonic means. However, an affirmative vote of at least three (3) Commissioners physically present at a meeting is required before any sanction(s) can be imposed. The vote of each member voting on any action shall be a public record.

(8) A majority of the members of the Commission present shall vote on any matter before the Commission for any decision of the Commission to become effective. The following matters shall be by motion, followed by a second, in order for a vote of the Commission to be valid:

- a. all matters requiring affirmative action by the full Commission or one of its members;
- b. all decisions on public positions taken by the full Commission;
- c. all decisions on advisory opinions and declaratory orders; and
- d. all decisions regarding findings of fact and conclusions of law or other actions regarding a person accused of violating any laws under the Commission's jurisdiction.

(9) The Commission may, by majority vote, delegate the execution of any official duty or action to its chairman, one of its members, or the executive director.

(10) A vacancy on the Commission shall not impair the right of the Commission to exercise its statutory powers and authority, subject to the requirement that a quorum be present and participating before any action of the Commission shall be considered valid.

(11) No Commissioner shall be a federal, state or local government official or employee, an elected public official, a candidate for public office, a lobbyist as defined by Ark. Code Ann. § 21-8-402(11), or an officer or paid employee of an organized political party as defined by Ark. Code Ann. § 7-1-101(1).

(12) Each Commissioner, during the entire term of his or her service on the Commission, shall be prohibited from participating in, raising funds for, making contributions to, providing services to, or lending his or her name in support of any candidate for election to a state, district, county, municipal or school board office or in support of a ballot issue or issues submitted or intended to be submitted to voters of the state of Arkansas, excluding the exercise of the right to vote or the mere signing of an initiative or referendum petition. This prohibition shall not extend to the spouse or family members of a Commissioner nor to his or her business partners or professional associates.

(13) Unless required for the disposition of ex parte matters authorized by law, the Commissioners shall not communicate, directly or indirectly, in connection with any issue of fact with any person, including the complainant and the accused nor, in connection with any issue of law, with either the complainant or the accused, or their representatives, except upon notice and opportunity for the complainant and accused to participate.

## **B. Staff Organization**

(1) The Commission shall employ an executive director who shall serve at the will and pleasure of the Commission.

(2) The executive director shall employ a staff, with the consent of the Commission, to assist in the administration of the Commission office.

(3) The executive director shall be responsible to the full Commission and shall not be answerable to any member thereof. The executive director shall, however, ensure that the chairman of the Commission is advised of the progress and conduct of the employees and operation of the Commission office.

(4) Though the executive director's hiring of staff shall be with the consent of the Commission, such employees, once approved for employment, shall be the responsibility of the executive director in matters common to an employer/employee relationship, and the executive director shall be responsible to the Commission for the actions of employees on the staff.

(5) Each member of the Commission staff, during the entire term of his or her service on the Commission, shall be prohibited from participating in, raising funds for, making contributions to, providing services to, or lending his or her name in support of any candidate for election to a state, district, county, municipal or school board office or in support of a ballot issue or issues submitted or intended to be submitted to the voters of the state of Arkansas excluding the exercise of the right to vote or the mere signing of an initiative or referendum petition. This prohibition shall not extend to the spouse or family members of the employee.

### **C. Meeting Times and Sites**

(1) Meetings shall be regularly scheduled and held, subject to cancellation or re-scheduling by majority vote of the members. The date, time and place of each regular meeting shall be furnished to anyone who requests the information. Should there fail to be a quorum at a scheduled meeting, then such meeting may be rescheduled by the chairman



provided all members are given reasonable notice of the date, time and place of the rescheduled meeting. Special meetings of the Commission may be called by the chairman, provided that the majority of the members of the Commission so consent. Commissioners may call a meeting by written request to the chairman of any three Commissioners. In the event of a special meeting, notification of the date, time and place of the meeting shall be given, at least two (2) hours before the meeting takes place, to the news media located in the county in which the meeting is to be held and any news media located elsewhere which cover regular meetings of the Commission and which have requested to be so notified.

(2) The Commission may vary its meeting site to accommodate its needs and accomplish its purposes.

(3) The executive director shall prepare a proposed agenda for each regular meeting, and the proposed agenda shall be distributed to the Commission members prior to any such meeting. Any Commissioner may add items to the agenda by notification to the executive director twenty-four (24) hours before the scheduled meeting date. Any item may be added to the agenda at any time with the unanimous consent of the Commission.

#### **D. Meeting Procedure**

(1) All meetings of the Commission shall be governed by Robert's Rules of Order, except as may be modified by a majority of the Commission members and by these rules of practice and procedure.

(2) Any Commissioner who has an actual conflict of interest on any proceeding before the Commission shall recuse voluntarily from any involvement in the matter. If a majority of the Commissioners determines that one of its members has such a conflict, they may, by affirmative vote, disqualify said member from participation in the matter.

(3) All meetings of the Commission, except as provided in subparagraph (D)(4) of this section and Ark. Code Ann. § 25-19-106(c), shall be open to the public.

(4) Any portion of a Commission meeting at which official complaints, including Commission initiated complaints, are considered shall be in confidential session and not open to the public. Following any such confidential session, the Commission shall reconvene in public to vote on any matters which require a vote.

(5) All records generated by or accepted by the Commission and its staff shall be open to public inspection, except for: (a) matters which are parts of confidential investigations or inquiries, and (b) the advice and opinions of the executive director or staff attorney when acting as the Commission's counsel on matters which may be considered to have occurred in an attorney-client relationship.

(6) All proceedings, records, and transcripts of any investigations or inquiries shall remain confidential and not subject to disclosure, unless: (a) the accused requests disclosure of the documents; (b) there is a public hearing before the Commission; or (c) there is judicial review of a Commission decision. However, thirty (30) days after any final adjudication in which the Commission makes a finding of a violation, all records relevant to the investigation and upon which the Commission based its decision, except working papers of the Commission and its staff, shall be open to public inspection.

### **III. GENERAL ADMINISTRATION**

(1) The Commission shall delegate to the executive director the authority to operate the Commission office, with his or her duties enumerated by the Commission. Such duties shall include, but not be limited to:

- a. Conducting general administration of the Commission office and its staff in a business-like and efficient manner. The executive director shall periodically report to the Commission concerning the conduct and operation of the office;
- b. Managing the appropriated budget of the Commission, and ensuring that all expenditures from budgeted money are made within the law and general purposes of the Commission. The executive director shall periodically report to the Commission concerning the financial status of the office;
- c. Preparing and maintaining files and records on the activities, matters and persons who come under the authority and responsibility of the Commission.
- d. Preparing reports, studies, opinions, policy statements, legal interpretations and other matters as required by the Commission;
- e. Receiving and responding to correspondence on behalf of the Commission on matters relating to official Commission business;
- f. Managing travel, logistics, expenses and reimbursement for Commissioners and staff and scheduling seminars and training by or for the Commission; and
- g. Ensuring that the Commission office and its employees reflect good character, comply with the law, and carry out other duties as may, from time to time, be enumerated by the Commission.

## **IV. MATTERS BEFORE THE COMMISSION**

### **A. Advisory Opinions**

(1) Advisory opinions, except commission-initiated opinions, shall be issued only in response to a written request setting forth an inquiry into matters falling under the jurisdiction of the Commission.

(2) The Commission may, on its own initiative, direct the staff to prepare a draft opinion, or it may accept a draft advisory opinion from the staff without first receiving a request when the Commission determines the subject of the draft opinion is of such public concern that an advisory opinion would benefit the public.

(3) No advisory opinion shall be valid, official or have any effect unless same has been approved by a vote of a majority of a quorum of the Commission.

(4) Any citizen shall be entitled to request an advisory opinion from the Commission. Any request which meets these procedural guidelines shall be responded to within ninety (90) days, unless good cause be shown.

(5) The response to opinion requests shall be prepared by the Commission staff and shall be presented by staff to the full Commission for its consideration within the time limit set forth above, unless good cause be shown.

(6) The Commission is not bound by or obligated to release the conclusions or language of the staff's draft opinion but may alter, amend, add to, or strike any portion of the draft opinion, or may order that said draft opinion be tabled for future consideration or that it be rewritten to comply with the Commission's directives, as the Commission shall so decide.

(7) No draft opinion prepared by the Commission staff shall be considered an official opinion until it has received an affirmative vote of a majority of a quorum of the Commission.

(8) The Commission may reconsider, withdraw, or amend prior opinions upon request of a citizen, or on its own motion, on a majority vote of a quorum of the Commission. In such event, written notice shall be mailed to the citizen who originally requested the opinion at the last address which that citizen provided to the Commission.

(9) All advisory opinions issued by the Commission shall be made available for public inspection.

#### **B. Declaratory Orders**

(1) The Commission shall, upon the filing of a petition for declaratory order by any person subject to the Commission's jurisdiction, promptly issue a declaratory order as to the applicability of any rule, statute, or order enforced by it. Said petition shall contain the name, mailing address, telephone number and signature of the person requesting the order and a full and complete statement of the facts or circumstances applicable to that person. Such declaratory orders shall have the same status as final orders of the Commission in cases of adjudication.

(2) No declaratory order shall be valid, official or have any effect unless same has been approved by a vote of a majority of a quorum of the Commission.

(3) The Commission is not bound by or obligated to release the conclusions or language of the staff's draft order but may alter, amend, add to, or strike any portion of the draft order, or may table said draft order for future consideration or request that it be rewritten to comply with the Commission's directives, as the Commission shall so decide.

(4) No draft order prepared by the Commission staff shall be considered an official order until it has received an affirmative vote of a majority of a quorum of the Commission.

(5) The Commission may reconsider, withdraw, or amend prior orders upon request of a citizen, or on its own motion, on a majority vote of a quorum of the Commission.

(6) All declaratory orders issued by the Commission shall be made available for public inspection.

**C. Monitoring Compliance with Ethics and Disclosure Laws-Corrective Action Letters**

(1) The Commission, through its staff, shall periodically review documents required to be filed pursuant to the laws under the Commission's jurisdiction.

(2) Persons who have failed to file, filed required documents late or filed required documents with incomplete or erroneous information may be contacted in writing by the Commission or its staff and advised to take corrective action. The contact and advice may be in lieu of, or in addition to, other action(s) by the Commission under Ark. Code Ann. § 7-6-218(b)(4).

(3) If the Commission or its staff is notified by the Secretary of State, a county clerk or city clerk or recorder that a person required to file documents under the Commission's jurisdiction has failed to file, filed late, or filed incomplete or false or materially misleading documents, the Commission may contact the person and advise him or her to take corrective action as to the document(s) required to be filed. The contact and advice may be in lieu of, or in addition to, other action(s) by the Commission under Ark. Code Ann. § 7-6-218(b)(4)

(4) Corrective action letters shall be public records. However, the sending of a corrective action letter is not tantamount to the finding of a violation by the Commission.

Instead, such letters are a means of seeking public disclosure. Persons who fail to take corrective action when advised to do so by the Commission may, after investigation, be subject to sanction(s) in accordance with these rules.

## **V. INITIATION OF COMPLAINT**

### **A. Citizen Complaint**

(1) The Commission staff has prepared a form on which any citizen may make a complaint of an alleged violation of the laws over which the Commission has jurisdiction. The Commission citizen complaint form may be furnished to any person who expresses an intent to file a complaint, free of cost to the citizen.

(2) A valid complaint to the Commission must:

- a. Clearly set forth the name(s) of the person or persons alleged to have violated the laws under the Commission's jurisdiction;
- b. Clearly set forth the facts the complainant believes constitute a violation of the laws under the Commission's jurisdiction and;
- c. Be sworn and signed, under penalty of perjury.

(3) A valid complaint must be accepted by the staff of the Commission provided it is written on a Commission complaint form or is otherwise reduced to writing.

(4) Any Commissioner who shall receive a written complaint or evidence relevant to an on-going complaint investigation shall immediately transfer same to the executive director of the Commission for proper handling. If, however, the written complaint is against

the executive director or other staff member, the Commissioner shall not release same to the executive director, except as provided in these rules.

**B. Complaints Against Staff or Commissioners**

(1) Complaints against the executive director or any staff member of the Commission shall be filed with the chairman of the Commission.

(2) Complaints against any Commissioner shall be filed with the executive director of the Commission, or with any of the remaining Commissioners.

**C. Commission Initiation of Investigation**

(1) The executive director or the staff attorney may initiate an investigation not otherwise contained in a sworn complaint by:

- a. Notifying the chairman of the name of the individual alleged to have violated the law and setting forth the nature of the alleged violation;
- b. Receiving the consent of the chairman to proceed with an investigation; and
- c. Notifying the accused in writing that he or she is under investigation and the nature of the investigation.

(2) Once commenced, such an investigation shall be handled in the same manner as investigations arising from complaints received from citizens.



## VI. INVESTIGATION PROCEDURE

(1) Every document the Commission receives which purports to be a complaint, whether sworn or unsworn, shall, upon receipt, be stamped with the current date, then forwarded to the executive director.

(2) The executive director shall determine if the document meets the requirements of a valid complaint set forth in subparagraph A(2) of section V. If the executive director determines that the document does not constitute a valid complaint, he or she shall advise the complainant in writing specifically as to how the document fails to meet the requirements of a valid complaint.

(3) Upon a determination that a valid complaint has been received, the executive director shall cause an investigation to be commenced concerning the allegations of the complaint. As part of that investigation, the executive director shall request that the complainant submit any and all evidence he or she may have concerning the matter(s) alleged.

(4) Each such investigation must be assigned a case number and, thereafter all records, documents, and other evidence collected must be maintained in the file to which such case number is assigned.

(5) The executive director shall notify the person accused that he or she is under investigation, and the nature of the investigation pursuant to Ark. Code Ann. § 7-6-218(b)(1)(B). If during the process of the investigation, evidence of other potential violations is discovered, the executive director shall notify the accused of the same in writing if an investigation of the other potential violations is pursued. When notifying an accused of an investigation, the executive director shall inform the accused that he or she has a right to submit any and all evidence which may serve to rebut or mitigate the alleged violation(s).

(6) Staff shall present a preliminary report of its investigation, including a recommendation that the investigation either be continued or that the complaint be dismissed, to the Commission within sixty (60) days of the filing of the complaint, unless good cause be shown. After being presented the preliminary report, the Commission shall decide whether to dismiss the complaint or direct the staff to complete the investigation. If the Commission directs staff to complete the investigation, the executive director shall notify the accused in writing of this decision.

(7) If, during the course of the investigation, the Commission has reason to believe that any person filed or caused to be filed a complaint against another which he or she knows or should know contains a false material allegation, the Commission may forward all documents and other evidence of same to the appropriate law enforcement authority with such recommendations as it deems appropriate.

(8) The executive director or staff attorney of the Commission may issue subpoenas for documents, persons, books or other records relevant to complaint investigations and may take sworn statements or depositions and administer oaths in connection therewith. The executive director shall also be empowered to issue subpoenas on behalf of the accused so as to ensure all relevant evidence may be obtained in any investigation. Any decision by the executive director to deny the accused a requested subpoena shall be in consultation with the chairman of the Commission.

(9) All proceedings, records, and transcripts of any investigations or inquiries shall be kept confidential by the Commission, unless: (i) the accused requests disclosure of documents relating to investigation of the case; or (ii) the accused requests a public hearing, see subparagraph (1) of section VII; or (iii) there is judicial review of a Commission decision pursuant to § 25-15-212, see subparagraph (3) of section X.

(10) The Commission's staff shall not detail evidence of an ongoing investigation to the Commissioners after being directed to complete an investigation pursuant to subparagraph 6 of this section.

(11) After completing its investigation, staff shall prepare a final report of the investigation to be submitted to the Commission in connection with determining whether or not probable cause exists for a finding of a violation.

(12) The accused and the complainant, if applicable, shall be notified in writing by the executive director of the date, time and place of the meeting where the complaint will be considered for a probable cause determination. The accused may choose to attend and/or be represented by counsel. The accused may offer testimony and other evidence at the probable cause hearing. When the matter comes before the Commission for a probable cause determination, it will be handled in confidential session and not be open to the public. At the probable cause hearing, staff shall present a final report of its investigation to the Commissioners together with any other information staff deems appropriate.

(13) If the Commission finds that probable cause exists for a finding of a violation, the Commission shall issue a written Offer of Settlement to the accused stating the finding(s) of the Commission and the proposed sanction(s). The issuance of an Offer of Settlement shall not mean that the Commission has found that the accused has committed a violation but, rather, that probable cause has been found to exist. If the Commission does not find probable cause, it shall dismiss the complaint.

(14) Any person who wishes to accept the Commission's Offer of Settlement shall do so in writing within ten (10) business days of receipt of the offer. The acceptance of an Offer of Settlement shall be the equivalent of a final adjudication in which the Commission made a finding of a violation. If accepted, the Offer of Settlement shall be deemed a public record.

(15) If the accused neither accepts the Offer of Settlement nor requests a public hearing (in accordance with subparagraph (1) of section VII) within ten (10) business days from his or her receipt of the Offer of Settlement, then the Commission shall set the complaint for final adjudication hearing. Said hearing shall be conducted in the same manner as provided for in subparagraphs (4) through (11) of section VII, except that the final adjudication hearing shall be held in confidential session. The accused and the complainant, if applicable, shall be given written notice of the date, time and place of the hearing pursuant to Ark. Code Ann. § 25-15-208(a)(2). Following the final adjudication hearing, the Commission shall prepare a final order setting forth its findings of fact and conclusions of law based upon the evidence presented at the final adjudication hearing. The Commission shall not be bound by the terms of the Offer of Settlement in issuing the final order.

(16) All investigations commenced as a result of any complaint must be completed within one hundred fifty (150) days from the date of receipt of the complaint upon which the investigation is based, except that, if a hearing is conducted, all action on the complaint by the Commission shall be completed within one hundred eighty (180) days.

(17) The Commission, in a document, shall advise the complainant and the accused of the final action taken together with the reasons for the action. Said document shall be a public record.

(18) Nothing herein shall prohibit the Commission from informally disposing of a complaint by stipulation, settlement, consent order or default pursuant to Ark. Code Ann. § 25-15-208(b). Any settlement agreement entered into between the Commission and an accused shall be deemed a public record.

## VII. PUBLIC HEARING

(1) Any accused who has received an Offer of Settlement from the Commission shall have the right to request a public hearing pursuant to Ark. Code Ann. § 7-6-218(b)(2).

The request must be in writing and received by the Commission no later than ten (10) business days from the accused's receipt of the Commission's Offer of Settlement.

(2) In the event the accused requests a public hearing, the confidentiality requirements of Ark. Code Ann. § 7-6-218(b)(3)(B) shall not prohibit documents and other evidence gathered in the investigation from being made a part of the record at the hearing.

(3) Upon receiving a request for a public hearing, the executive director shall set a date, time and place for the hearing, and written notice shall be given to the accused and complainant, if applicable, pursuant to Ark. Code Ann. § 25-15-208(a)(2).

(4) The accused shall have the right to appear in person before the Commission at the public hearing, to be represented by counsel, to present such documentary, oral or other evidence as he or she may have in support of his position, to cross-examine witnesses, and to present argument on all issues involved.

(5) The executive director or the staff attorney shall appear at the public hearing for purposes of presenting evidence concerning the alleged violation(s) of the accused. Whichever of these two (2) individuals presents such evidence shall not be present while the Commissioners conduct their deliberations, nor shall said individual assist the Commission in preparation of the final order.

(6) The chairman of the Commission shall preside at the public hearing, rule on motions and objections, and admit or deny evidence into the record.

(7) The Commission may appoint a hearing master who shall, at the conclusion of a public hearing, report his factual findings and recommend disposition to the Commission, which the Commission may accept, reject or modify.

(8) All testimony given at the public hearing will be given under oath. The Commission, or a master, shall have the power to take testimony, examine or cause to be examined any and all documents relevant to the inquiry, and generally be allowed to conduct the hearing, take proof and consider any information deemed relevant to the issues. The hearing will be recorded and a record maintained in accordance with Ark. Code Ann. § 25-15-208(a)(5) in the event of judicial review is sought under Ark. Code Ann. § 25-15-212. The accused, or his counsel, shall have the right to cross-examine any witness or rebut any document presented at the public hearing.

(9) The decision of the Commission, after a public hearing, shall be reduced to a final order signed by the chairman of the Commission, containing written findings of fact and conclusions of law, separately stated, in accordance with Ark. Code Ann. § 25-15-210(b)(2). Findings of fact shall be based exclusively on the evidence and on matters officially noticed. All such decisions of the Commission shall be made available for public inspection.

(10) The accused shall be served either personally or by mail with a copy of any decision or order.

(11) Any final order of the Commission shall constitute an adjudication for purposes of judicial review under Ark. Code Ann. § 25-15-212.

## VIII. RENDERING OF DECISION

(1) The Commission will review the evidence, testimony, documents and any other matters presented at the public hearing and thereafter render a decision. In rendering its decision, the Commission will not be bound by the terms of its Offer of Settlement and shall do one or more of the following:

- a. Issue a final order in which the Commission finds that the accused did not violate any laws under the jurisdiction of the Commission and that the complaint shall be dismissed;
- b. Issue a final order in which the Commission finds that there is sufficient evidence to show that a violation of law under the jurisdiction of the Commission occurred and that the accused shall be issued a public LETTER OF CAUTION;
- c. Issue a final order in which the Commission finds that there is sufficient evidence to show that a violation of law under the jurisdiction of the Commission occurred and that the accused shall be issued a public LETTER OF WARNING;
- d. Issue a final order in which the Commission finds that there is sufficient evidence to show that a violation of law under the jurisdiction of the Commission occurred and that the accused shall be issued a public LETTER OF REPRIMAND;
- e. Report its findings and other evidence to the proper law enforcement authorities along with recommendations on criminal prosecution; and
- f. Impose a fine of not less than twenty-five dollars (\$25.00) nor more than one thousand dollars (\$1,000.00) for *each* negligent or intentional violation of law under the Commission's jurisdiction.

(2) In determining the type of sanction(s) to impose after making a finding of a violation, the Commission may consider all of the surrounding circumstances including, but not limited to, the following:

- a. The seriousness of the violation;
- b. The presence or absence of any intention to conceal, deceive or mislead;
- c. Whether the violation was negligent or intentional;
- d. Whether the accused demonstrated good faith by consulting the Commission staff or any other government agency;
- e. Whether the violation was isolated or part of a pattern;
- f. Whether the accused has previously been found to have violated the law under the Commission's jurisdiction; and
- g. Whether the accused, upon learning of a reporting violation, voluntarily filed amendments to provide full disclosure.

(3) In the event a fine is not paid in a timely fashion, the Commission shall be authorized to file suit in accordance with Ark. Code Ann. § 7-6-217(g)(8)(A) to obtain a judgment for the amount of said fine.



## IX. DEFINITIONS OF PUBLIC LETTERS

(1) **Caution** is defined as: a written disposition of an allegation against any person which is advisory in nature, clearly giving notice to the accused that his or her action or lack of action is a violation of law, and further advising the accused not to engage in the same activity again. A caution may include a requirement that the accused take corrective action as to the improper activity.

(2) **Warning** is defined as: a written disposition of an allegation against any person which is condemnatory in nature, expressing strong disapproval for the accused's misconduct and expressing the view that the misconduct undermines public confidence in the integrity of the governmental process. A warning may include a requirement that the accused take corrective action as to his or her misconduct, and may also include notice to any public official, public agency, professional association or other entity to which the accused is a member or is employed.

(3) **Reprimand** is defined as: a written disposition of an allegation against any person which is condemnatory in nature, clearly giving notice to the accused that his or her action or lack of action is a violation of the law and constitutes activity which is below the standard of conduct expected of persons under the jurisdiction of the Commission. The reprimand will require the accused to refrain from engaging in the same activity again. A **reprimand** may include a requirement that the accused take corrective action as to his or her misconduct and may also include notice to any public official, public agency, professional association or other entity to which the accused is a member or is employed. A **reprimand** shall be considered more severe than a **caution or warning**.

## **X. JUDICIAL REVIEW**

(1) Any person who has been sanctioned, fined and/or found to have violated the laws under the Commission's jurisdiction shall have the right to file a petition for review, within thirty (30) days of service of the Commission's final order, with an appropriate Circuit Court pursuant to Ark. Code Ann. § 25-15-212.

(2) A person filing a petition for review must serve the Commission with a copy of same by personal delivery or by mail.

(3) Upon receipt of a petition for review, the Commission staff shall prepare and transmit the entire record of the proceeding to the reviewing court within thirty (30) days, or within such further time as the court may allow, but not exceeding an aggregate of ninety (90) days. By stipulation of the parties, the record may be shortened. Once prepared, the record shall be subject to public disclosure.

## **XI. FORMS AND INSTRUCTIONS**

The Commission has prepared the following forms and instructions: Citizen Complaint Form, Final Contribution and Expenditure Instructions-State and District, Contribution and Expenditure Instructions-State and District, Contribution and Expenditure Instructions-County and Municipal, Instructions for Statement of Financial Interest, Statement of Organization, and Committee Financial Report. Copies of same are set forth in the appendix hereto. Moreover, the Commission has approved the following forms and instructions prepared by the Secretary of State: Lobbyist Registration Form, Lobbyist Activity Report, Independent Expenditure Committee Registration Form, Independent Expenditure Committee Reporting Form, Statement of Financial Interest, Political Party Reporting Form, Carryover Account Report Form, PAC Registration Form, Contribution and

Expenditure Form-State and District, Final Contribution and Expenditure Form-State and District, Contribution and Expenditure Form-County and Municipal, and Act 808 Form. Finally, the Commission has participated in the publication of the following document(s) prepared by the State Board of Election Commissioners: Running for Office, A "Plain English" Handbook for Candidates.

## APPENDIX

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| Citizen Complaint Form   | A-1         |
| Final Contribution and Expenditure Instructions-State and District | A-2         |
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Please print or type all information except signatures.

CITIZEN COMPLAINT OF ALLEGED VIOLATION  
of those Laws of the State of Arkansas  
over which authority and responsibility have been given to the  
**ARKANSAS ETHICS COMMISSION**  
**910 West Second Street, Suite 100**  
**Little Rock, AR 72201**  
**Phone (501)324-9600 Toll Free 1-800-422-7773**  
**FAX (501)324-9602**

I/We, the undersigned, do allege that certain persons(s) has/have committed certain acts which do constitute a violation of certain laws of the State of Arkansas, to wit:

1. Name, address, occupation or public office of person(s) alleged to have committed certain unlawful acts.

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2. Alleged unlawful acts (include dates and circumstances, if possible): (attach additional sheets if necessary)

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3. Name and address of person(s) filing complaint (please print):

|                 |                    |                  |
|-----------------|--------------------|------------------|
| _____<br>(Name) | _____<br>(Address) | _____<br>(Phone) |
| _____<br>(Name) | _____<br>(Address) | _____<br>(Phone) |

\_\_\_\_\_  
(Signature of person filing complaint)

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

Subscribed and sworn to before me, a Notary Public, this the \_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_.

\_\_\_\_\_  
(Signature of Notary)

My Commission Expires: \_\_\_\_\_

**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. Include, if applicable, information concerning the candidate's campaign committee. At the top of this report, please indicate for which election this final report is applicable, i.e. preferential primary, general primary (run-off), general or special election.<sup>1</sup> 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 a copy of this report with the Secretary of State and County Clerk of the county of their residence.

**SECTION 2** - This section only applies to the primary or runoff elections if the candidate loses either of these elections and has concluded his campaign with a surplus of funds. This section otherwise applies to all candidates who run in the general election and end the campaign with a surplus of funds. This section discloses how surplus campaign funds were disposed of. "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 reimburse the candidate for personal funds contributed to the campaign or to repay loans to the candidate and applied to the 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 in section 7 of this report.

The law requires candidates to disburse the campaign surplus 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 four methods listed on this report. The candidate should check each box which is applicable.

**SECTION 3** - This section, along with sections 4-8 seeks SUMMARY information regarding campaign finance activity during the reporting period and cumulative for the election. Section 3 seeks the surplus or debt amount of the campaign account as of the beginning of the reporting period which should normally reflect the ending balance on your last report, found in Section 8 on your last report. Your campaign often will reflect a surplus indicating an amount of cash on hand. However, campaigns may reflect a debt if the prior expenditures have exceeded the amount of contributions received.

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<sup>1</sup> For dates when a final report is due, please refer to the 1998 Reporting Calendar for State and District Candidates. This calendar is available from the Arkansas Ethics Commission or the office of the Secretary of State.

**SECTION 4** - This reflects the addition of interest earned by your campaign account. In the first column ("Current Period") you list the amount of interest earned since the last reporting period. In the second column ("Year to Date"), you list the cumulative total of all interest earned by your campaign account for the election thus far.

**SECTION 5** - This section reflects the total amount of contributions for your campaign. In the first column ("Current Period") you list the amount of contributions, itemized and nonitemized, you received during this reporting period. This figure is found in Section 18 of the Final Report and the number listed there should be transferred to Section 5. In the second column ("Year to Date") you should list the cumulative total of all contributions to your campaign to date, which should be derived from adding the figure reported in the first column of this report to the figure reported in the second column in the last report. "In-kind" contributions, as reflected in Sections 12-14, are not included in the figures for this section.

**SECTION 6** - This section reflects the total amount of expenditures for your campaign. In the first column ("Current Period") you list the amount of expenditures, itemized and nonitemized, you made during this reporting period. This figure is found in section 27 and the number listed there should be transferred to section 6. In the second column ("Year to Date") you should list the cumulative total of all expenditures to your campaign to date, which should be derived from adding the figure reported in the first column of this report to the figure reported in the second column in the last report.

**SECTION 7** - This section 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/her campaign account<sup>2</sup> for use as officeholder expenses or for future campaign purposes, the amount of the carryover funds should be indicated in the second column in section 7. If, instead of a surplus, the campaign account has closed with a debt, the candidate must reflect the amount of the debt in the second column in section 7. The amount noted as debt should be in brackets, i.e. "\$1200". The outstanding items which make up this debt figure should be listed in section 28 and the total amount of the debts reflected in section 30.

**SECTION 8** - This section should be checked only if you have not received any contributions, made any expenditures and otherwise had no campaign financial activity during this particular reporting period. If this is true, you should check this box, and only complete the items on page 1 of the Contribution and Expenditure report. The candidate should also sign and file only the front sheet of this report.

**SECTION 9** - Personal loans to the candidate are considered contributions to the campaign, but are not limited to \$100.00 per election applicable to candidates for district office or \$1000 per election for candidates for state office, provided the loan is from a financial institution or a person regularly and customarily in the business of lending money.

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<sup>2</sup> See the instructions for section 2, herein, for a definition of "carryover funds."

**SECTION 10 -** Indicate the total amount of loans you received during this reporting period.

**SECTION 11 -** This section is for itemization of non-money or "in-kind" contributions over \$50. Contributions for candidates for district office may not exceed \$100 per election from any person. The limit applicable to candidates for state-wide office is \$1000 per election. These limits apply to "in-kind" contributions as well. Examples of non-money or "in-kind" contributions are donations of equipment, furniture, office space, advertising or some other item of value. A reasonable market value should be listed. Noncompensated, nonreimbursed, volunteer personal services or travel are **not** considered "in-kind" contributions.

**SECTION 12 -** Indicate the total amount of non-money or "in-kind" contributions listed in section 11.

**SECTION 13 -** Disclose the total amount of non-money or "in-kind" contributions of \$50 or less made during this reporting period. A non-money or "in-kind" contribution of \$50 or less from any person need not be itemized, but is considered a contribution for the particular individual and is credited against the maximum amount the person may contribute to the campaign.

**SECTION 14 -** Add the figures listed in sections 12 and 13 to get the total of non-money or "in-kind" contributions for this reporting period.

**SECTION 15 -** This section is for itemization of money or cash contributions over \$50. Contributions for candidates for district office may not exceed \$100 per election from any person. The limit applicable to candidates for state-wide office is \$1000 per election. These limits apply to all contributions. The law requires the candidate to list each **contributor**, his/her **address**, **place of business**, **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. This page of the Contribution and Expenditure report should be photocopied and attached to the report when the report is filed if additional pages are necessary to report all of the contributions received.

**SECTION 16 -** This section should reflect the total of the itemized contributions listed in section 15.

**SECTION 17 -** Disclose the total amount of monetary contributions of \$50 or less received during this reporting period. A monetary contribution of \$50 or less from any person need not be itemized, but is considered a contribution for the particular individual and is credited against the maximum amount the person may contribute to the campaign. Once a contributor exceeds the \$50 threshold, the contribution must be itemized.

**SECTION 18 -** This section reflects the totals from sections 10 (loans), 16 (itemized contributions) and 17 (nonitemized contributions). While a non-money contribution is considered as a contribution from the contributor and applies toward that person's maximum limit, it need not be included in this line as section 18 reflects the monetary amount of contributions



which is then included in the computation of the "cash on hand" or surplus or debt balance of the campaign account. This figure should also be reflected in section 5 on the front page of this report.

**SECTION 19 -** This section requires disclosure of all expenditures by category, made during the reporting period. The expenditures included here include both the itemized expenditures listed in section 23 and the non-itemized expenditures which comprise the total in section 25. The total amount applicable to 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 below.

**SECTION 20 -** This section should reflect the total of the expenditures as categorized in section 19. The total should reflect the combination of the figures in sections 22, 24 and 25 and should be the same as the figure in section 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. The total of the amounts should be reflect in section 22.

**SECTION 22 -** This section should reflect the total amount paid during the reporting period for all campaign workers. This figure should also be reflected in section 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 **name and address of the supplier or payee, a description of the expenditure, and the date and amount** of the expenditure made during this reporting period. This page of the Contribution and Expenditure report should be photocopied and attached to the report when the report is filed if additional pages are necessary to report all of the expenditures made.

**SECTION 24 -** This section should reflect the total of the itemized expenditures listed in section 23.

**SECTION 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.

**SECTION 26 -** This section should reflect the total amount paid during the reporting period for all campaign workers. This figure is taken from section 22.

**SECTION 27** - This section reflects the totals from sections 24 (itemized expenditures), 25 (nonitemized expenditures) and 26 (paid employees). This figure should also be the same as the one reflected in section 6 on the front page of the report and section 20 on the previous page.

**SECTION 28** - This section should only be completed if the candidate has ended his/her campaign in debt and the debt is reflected in section 7 on the front page of this report. If the campaign account has closed with a debt, the candidate must detail each item which constitutes the 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. This page of the Contribution and Expenditure report should be photocopied and attached to the report when the report is filed if additional pages are necessary to report all of the campaign debt.

**SECTION 29** - This figure reflects the sub-total of the debts listed in section 28. If additional pages are necessary to complete section 28, each separate amount in section 29 should reflect the subtotal for each separate listing in section 28.

**SECTION 30** - This section reflects the total from each sub-total reflected in section 29. If the candidate needs only one page to reflect the debts of the campaign, the figure reflected in section 30 will be the same as for section 29. If multiple pages are needed to disclose the debt, then each subtotal listed per page in section 29 should be totaled for this line item. This figure should also be the same as the one reflected in section 7 on the front page of the report.

**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.

**NOTE:** State and District candidates are required to file a copy of this report with the Secretary of State and the County Clerk of the county of their residence.

**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 what dates are covered by the report. Please note that each type of monthly and quarterly report is included here. 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 Pre-election report. Check this box if it is appropriate. Finally, please complete the blanks indicating the dates covered by this report. For instance, a June Monthly report should cover the dates, 6-1-98 through 6-30-98.<sup>1</sup>

**SECTION 4** - This section, along with sections 5-9 seeks SUMMARY information regarding campaign finance activity during the reporting period and cumulative for the election. Section 4 seeks the surplus or debt amount of the campaign account as of the beginning of the reporting period which should normally reflect the ending balance on your last report, found in Section 8 on your last report. Your campaign often will reflect a surplus indicating an amount of cash on hand. However, campaigns may reflect a debt if prior expenditures have exceeded the amount of contributions received.

**SECTION 5** - This 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 reaching the total amount of the surplus or debt of your campaign account at the end 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 ("Year to Date"), you list the cumulative total of all interest earned by your campaign account for the election thus far.

**SECTION 6** - This section reflects the total amount of contributions for your campaign. In the first column ("For Reporting Period") you list the amount of contributions, itemized and

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<sup>1</sup> For dates when reports are due, please refer to the 1998 Reporting Calendar for State and District Candidates. This calendar is available from the Arkansas Ethics Commission or the office of the Secretary of State.

nonitemized, you received during this reporting period.<sup>2</sup> This figure is found in Section 19 and the number listed there should be transferred to Section 6.<sup>3</sup> In the second column ("Year to Date") you should list the cumulative total of all contributions to your campaign to date, which should be derived from adding the figure reported in the first column of this report to the figure reported in the second column in the last report. "In-kind" contributions, as reflected in Sections 13-15, are not included in the figures for this section.

**SECTION 7 -** This section reflects the total amount of expenditures for 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 is found in Section 27 and the number listed there should be transferred to Section 7. In the second column ("Year to Date") you should list the cumulative total of all expenditures to your campaign to date, which should be derived from adding the figure reported in the first column of this report to the figure reported in the second column in the last report.

**SECTION 8 -** This section should reflect the balance of your campaign account or "cash on hand" at the close of the reporting period. This figure is achieved by adding the figures in Sections 4, 5 and 6 and subtracting from the total the figure listed in Section 7.

**SECTION 9 -** This section should be checked only if you have not received any contributions, made any expenditures and otherwise had no campaign financial activity during this particular reporting period. If this is true, you should check this box, and only complete the items on page 1 of the Contribution and Expenditure report. The candidate should also only sign and file the front sheet of this report.

**SECTION 10 -** Personal loans to the candidate are considered contributions to the campaign, but are not limited to \$100.00 per election applicable to candidates for district office or \$1000 per election for candidates for state office, provided the loan is from a financial institution or a person regularly and customarily in the business of lending money.

**SECTION 11 -** Indicate the total amount of loans you received during this reporting period.

**SECTION 12 -** This section is for itemization of non-money or "in-kind" contributions over \$50. Contributions for candidates for district office may not exceed \$100 per election from any person. The limit applicable to candidates for state-wide office is \$1000 per election. These limits apply to "in-kind" contributions as well. Examples of non-money or "in-kind" contributions are donations of equipment, furniture, office space, advertising or some other item of value. A

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<sup>2</sup> Contributions reported for any reporting period and included in the cash on hand summary in sections 4-9, should not include money received as contributions and designated for a different election. These contributions should be included in the cash on hand summary in the appropriate subsequent report.

<sup>3</sup> If a candidate receives a contribution designated for a different election other than the one involved with this reporting period, the contribution should be included in the subsequent cash on hand summary (sections 6 and 19) and referenced accordingly.

reasonable market value should be listed. Noncompensated, nonreimbursed, volunteer personal services or travel are **not** considered "in-kind" contributions.

**SECTION 13 -** Indicate the total amount of non-money or "in-kind" contributions listed in section 12.

**SECTION 14 -** Disclose the total amount of non-money or "in-kind" contributions of \$50 or less made during this reporting period. A non-money or "in-kind" contribution of \$50 or less from any person need not be itemized, but is considered a contribution for the particular individual and is credited against the maximum amount the person may contribute to the campaign.

**SECTION 15 -** Add the figures listed in sections 13 and 14 to get the total of non-money or "in-kind" contributions for this reporting period.

**SECTION 16 -** This section is for itemization of money or cash contributions over \$50. Contributions for candidates for district office may not exceed \$100 per election from any person. The limit applicable to candidates for state-wide office is \$1000 per election. These limits apply to all contributions. The law requires the candidate to list each **contributor**, his/her **address**, **place of business**, **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. This page of the Contribution and Expenditure report should be photocopied and attached to the report when the report is filed if additional pages are necessary to report all of the contributions received.

**SECTION 17 -** This section should reflect the total of the itemized contributions listed in section 16.

**SECTION 18 -** Disclose the total amount of monetary contributions of \$50 or less received during this reporting period. A monetary contribution of \$50 or less from any person need not be itemized, but is considered a contribution for the particular individual and is credited against the maximum amount the person may contribute to the campaign. Once a contributor exceeds the \$50 threshold, the contribution must be itemized.

**SECTION 19 -** This section reflects the totals from sections 11 (loans), 17 (itemized contributions) and 18 (nonitemized contributions). While a non-money contribution is considered as a contribution from the contributor and applies toward that person's maximum limit, it need not be included in this line as section 19 reflects the monetary amount of contributions which is then included in the computation of the "cash on hand" or surplus or debt balance of the campaign account. This figure should also be reflected in section 6 on the front page of this report.

**SECTION 20 -** This section requires disclosure of all expenditures by category. The expenditures included here include both the itemized expenditures, listed in section 24 and the non-itemized expenditures which are included within the total found in section 26. The total amount applicable to 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 below.

**SECTION 21** - This section should reflect the total of the expenditures as categorized in section 20. The total should reflect the combination of the figures in sections 25, 26 and 27 and should be the same as the figure in section 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. The total of the amounts should be reflected in section 23.

**SECTION 23** - This section should reflect the total amount paid during the reporting period for all campaign workers. This figure should also be reflected in section 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 **name and address of the supplier or payee, a description of the expenditure, and the date and amount** of the expenditure made during this reporting period. This page of the Contribution and Expenditure report should be photocopied and attached to the report when the report is filed if additional pages are necessary to report all of the expenditures made.

**SECTION 25** - This section should reflect the total of the itemized expenditures listed in section 24.

**SECTION 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.

**SECTION 27** - This section should reflect the total amount paid during the reporting period for all campaign workers. This figure should be taken from section 23.

**SECTION 28** - This section reflects the totals from sections 25 (itemized expenditures), 26 (nonitemized expenditures) and 27 (paid employees). This figure should also be the same as the one reflected in section 7 on the front page of the report and section 21 on the previous page.

Revised 10/97

**INSTRUCTIONS FOR COMPLETING THE  
CAMPAIGN CONTRIBUTION AND EXPENDITURE REPORT**

**COUNTY AND MUNICIPAL CANDIDATES**

**SECTION 1** - Indicate general candidate information and title of office sought. Include, if applicable, information concerning the candidate's campaign committee.

**NOTE:** County and Municipal candidates are required to file a copy of this report with the County Clerk of the county in which the election is held.

**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 what dates are covered by the report. Please note each type of report included here. Also, please complete the blanks indicating the dates covered by this report. When filing a final report, a candidate must indicate the method in which surplus funds are disposed of.

**SECTION 4** - This section, along with sections 5-9 seeks SUMMARY information regarding campaign finance activity during the reporting period and cumulative for the election. Section 4 seeks the surplus or debt amount of the campaign account as of the beginning of the reporting period which should normally reflect the ending balance on your last report, found in Section 8 on your last report. Your campaign often will reflect a surplus indicating an amount of cash on hand. However, campaigns may reflect a debt if prior expenditures have exceeded the amount of contributions received.

**SECTION 5** - This 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 reaching the total amount of the surplus or debt of your campaign account at the end 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 ("Year to Date"), you list the cumulative total of all interest earned by your campaign account for the election thus far.

**SECTION 6** - This section reflects the total amount of contributions for your campaign. In the first column ("For Reporting Period") you list the amount of contributions, itemized and nonitemized, you received during this reporting period.<sup>1</sup> This figure is found in Section 19 and the number listed there should be transferred to Section 6.<sup>2</sup> In the second column ("Year to Date") you should list the cumulative total of all contributions to your campaign to date, which should be derived from adding the figure reported in the first column of this report to the figure reported in the second column in the last report. "In-kind" contributions, as reflected in Sections 13-15, are not included in the figures for this section.

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<sup>1</sup> Contributions reported for any reporting period and included in the cash on hand summary in sections 4-9, should not include contributions received but designated for a different election. These contributions should be included in the cash on hand summary in the appropriate subsequent report.

<sup>2</sup> If a candidate receives a contribution designated for a different election other than the one involved with this reporting period, the contribution should be included in the subsequent cash on hand summary (sections 6 and 19) and referenced accordingly.

**SECTION 7 -** This section reflects the total amount of expenditures for 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 is found in Section 27 and the number listed there should be transferred to Section 7. In the second column ("Year to Date") you should list the cumulative total of all expenditures to your campaign to date, which should be derived from adding the figure reported in the first column of this report to the figure reported in the second column in the last report.

**SECTION 8 -** This section should reflect the balance of your campaign account or "cash on hand" at the close of the reporting period. This figure is achieved by adding the figures in Sections 4, 5 and 6 and subtracting from the total the figure listed in Section 7.

**SECTION 9 -** This section should be checked only if you have not received any contributions, made any expenditures and otherwise had no campaign financial activity during this particular reporting period. If this is true, you should check this box, and only complete the items on page 1 of the Contribution and Expenditure report. The candidate should also only sign and file the front sheet of this report.

**SECTION 10 -** Personal loans to the candidate are considered contributions to the campaign, but are not limited to \$100.00 per election applicable to candidates for county and municipal offices, providing the loan is from a financial institution or a person regularly and customarily in the business of lending money.

**SECTION 11 -** Indicate the total amount of loans you received during this reporting period.

**SECTION 12 -** This section is for itemization of non-money or "in-kind" contributions over \$50. Contributions for candidates for county and municipal offices may not exceed \$100 per election from any person. These limits apply to "in-kind" contributions as well. Examples of non-money or "in-kind" contributions are donations of equipment, furniture, office space, advertising or some other item of value. A reasonable market value should be listed. Noncompensated, nonreimbursed, volunteer personal services or travel are **not** considered "in-kind" contributions.

**SECTION 13 -** Indicate the total amount of non-money or "in-kind" contributions listed in section 12.

**SECTION 14 -** Disclose the total amount of non-money or "in-kind" contributions of \$50 or less made during this reporting period. A non-money or "in-kind" contribution of \$50 or less from any person need not be itemized, but is considered a contribution for the particular individual and is credited against the maximum amount the person may contribute to the campaign.

**SECTION 15 -** Add the figures listed in sections 13 and 14 to get the total of non-money or "in-kind" contributions for this reporting period.

**SECTION 16 -** This section is for itemization of money or cash contributions over \$50. Contributions for candidates for county and municipal offices may not exceed \$100 per election from any person. These limits apply to all contributions. The law requires the candidate to list each **contributor**, his/her **address**, **place of business**, **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. This page of



the Contribution and Expenditure report should be photocopied and attached to the report when the report is filed if additional pages are necessary to report all of the contributions received.

**SECTION 17** - This section should reflect the total of the itemized contributions listed in section 16.

**SECTION 18** - Disclose the total amount of monetary contributions of \$50 or less received during this reporting period. A monetary contribution of \$50 or less from any person need not be itemized, but is considered a contribution for the particular individual and is credited against the maximum amount the person may contribute to the campaign. Once a contributor exceeds the \$50 threshold, the contribution must be itemized.

**SECTION 19** - This section reflects the totals from sections 11 (loans), 17 (itemized contributions) and 18 (nonitemized contributions). While a non-money contribution is considered as a contribution from the contributor and applies toward that person's maximum limit, it need not be included in this line as section 19 reflects the monetary amount of contributions which is then included in the computation of the "cash on hand" or surplus or debt balance of the campaign account. This figure should also be reflected in section 6 on the front page of this report.

**SECTION 20** - This section requires disclosure of all expenditures by category. The expenditures included here include both the itemized expenditures, listed in section 24 and the non-itemized expenditures which are included within the total found in section 26. The total amount applicable to 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 below.

**SECTION 21** - This section should reflect the total of the expenditures as categorized in section 20. The total should reflect the combination of the figures in sections 25, 26 and 27 and should be the same as the figure in section 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. The total of the amounts should be reflected in section 23.

**SECTION 23** - This section should reflect the total amount paid during the reporting period for all campaign workers. This figure should also be reflected in section 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 **name and address of the supplier or payee, a description of the expenditure, and the date and amount** of the expenditure made during this reporting period. This page of the Contribution and Expenditure report should be photocopied and attached to the report when the report is filed if additional pages are necessary to report all of the expenditures made.

**SECTION 25** - This section should reflect the total of the itemized expenditures listed in section 24.

**SECTION 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.

**SECTION 27** - This section should reflect the total amount paid during the reporting period for all campaign workers. This figure should be taken from section 23.

**SECTION 28** - This section reflects the totals from sections 25 (itemized expenditures), 26 (nonitemized expenditures) and 27 (paid employees). This figure should also be the same as the one reflected in section 7 on the front page of the report and section 21 on the previous page.

Revised 10/97

# INSTRUCTIONS FOR STATEMENT OF FINANCIAL INTEREST

## INTRODUCTION/WHO MUST FILE

Ark. Code Ann. § 21-8-701(a) requires the following persons to file an annual written statement of financial interest:

- Public officials, as defined by Ark. Code Ann. § 21-8-402(16);
- Candidates for elective office;
- Municipal judges and/or city attorneys, whether elected or appointed;
- Any agency head, department director, or division director of state government;
- Public appointees to any state board or commission.

The Arkansas Ethics Commission, which regulates 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**, 910 W. Second Street, Suite 100, Little Rock, Arkansas 72201, tel. (501) 324-9600 or the **Secretary of State, Elections Division**, State Capitol, Room 026, Little Rock, Arkansas 72201, tel. (501) 682-5070.

When filling out the Statement of Financial Interest, please **print or type the information**. You must also sign the Statement in Section 12 and your signature must be attested to before a Notary Public.

## TIME FOR FILING/PERIOD COVERED

Pursuant to Ark. Code Ann. § 21-8-701(c)(1), the Statement of Financial Interest "shall be filed by January 31, of each year, except that a candidate for elective office shall file the statement of financial interest within thirty (30) days after the deadline for filing for office." Incumbent officeholders, who filed the statement by January 31 of the year in which an election is held are not required to file an additional statement upon becoming a candidate for reelection or election to another office during the year. Ark. Code Ann. § 21-8-701(c)(2). The Statement of Financial Interest covers the period of the previous calendar year.

## 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 are required to file the statement with the Secretary of State:

- (2) County, township, or school district public servants are required to file the statement with the county clerks;
- (3) Municipal public servants are required to file the statement with the city clerk or recorder; and
- (4) Municipal judges and city attorneys are required to file the statement with the city clerk of the municipality within which they serve.

## **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 appropriate to you. After noting which category fits you, provide the office/position held or name of the board or commission in the appropriate space.

### **SECTION 3 (Sources of Income)**

The term "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 gross 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 income. Include your current employment with the government 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 source without first deducting expenses.

You are not required to list the individual items of income that constitute a portion of the gross income of the business or profession from which you or your spouse derives income. You are required to list each source of income greater than \$1,000.00 if more than one source/employer/entity compensated you during the past year. 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, article and necessary travel or lodging expenses incurred by the individual, acting in his/her unofficial capacity, or incurred by his/her spouse, to the extent that such expenses are reimbursed by the sponsor.

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

| Source  | Description  | Amount                |
|---|--|-----------------------|
| State of Arkansas<br>(address)<br>John Doe                      | Executive Dir.                                     | More than \$12,500.00 |
| University of Arkansas<br>(address)<br>John M. Doe              | Teaching   | More than \$12,500.00 |
| 450 Main Street,<br>Little Rock, Arkansas<br>John M. Doe        | Rent Income  | More than \$12,500.00 |
| Ark. Med. Society<br>Annual Meeting<br>(address)<br>John Doe    | Speaking fee<br>Oct. 2, Little Rock                | More than \$1,000.00  |
| Star National Bank<br>Star, Arkansas<br>John or Jane Doe        | Interest Income                                    | More than \$1,000.00  |
| City of Mayberry<br>(address)<br>Jane Doe                       | Spouse income                                      | More than \$12,500.00 |
| Ark. Bar Association<br>Annual Meeting<br>(address)<br>Jane Doe | Speaking Fee<br><br>Spouse, June 12<br>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 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 meets the income 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 meeting 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 interest bearing accounts deposited, including certificates of deposit, 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 (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 time of filling out the Statement of Financial

Interest. 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" or "First Federal Bank of Little Rock, 111 Main, Little Rock, Arkansas").

You do not need to include debts owed to members of you family. You may also exclude loans made in the ordinary course of business by either a financial institution or a person who regular 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, if 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 (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 or extended or refinanced after January 1, 1989.

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

#### **Section 8 (Gifts)**

The law requires you to identify the sources, date and description of each gift you or your spouse received 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 in return. In order to be a gift, the value must be equal to or greater than \$100.00. All types of gifts, including travel-related, paid-for expenses provided for your personal benefit, must be reported. Travel (including food and lodging) received in connection with official duties and capacity is reported separately. (See below -- Section 9 " Nongovernmental Sources of Payment.")

A gift can be a tangible item, such as a watch or cash, or an intangible item, such as travel or lodging given you during an occasion when you were not appearing in an official capacity. 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, as defined by Ark. Code Ann. § 21-8-402(5)(B)(iv), unless the family member is acting as an agent for a person not covered by this paragraph, (5) campaign contributions, (6) devises or inheritances, and (7) anything of value less than \$100.

In reporting a gift, you must report the source, the date you received it and briefly describe it. Although not required, the Commission encourages that the value of the gift be included in the 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 at one time, this should be reported and described on line 3, Section 8, as the receipt of a gift, "tie, tie clip and shoes." The value would be \$125.00. Similarly, food and beverages provided you during and connected with an overnight lodging, also provided, 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.

### **Section 9 (Nongovernmental Sources of Payment)**

The law allows public officials to receive sources of payment or income from other sources. If you receive money or things of value when acting in an "unofficial capacity", these items will be reported either as "income" (Section 3) or as a "gift" (Section 8). When you receive a payment for expenses, from a nongovernmental source, exceeding \$150.00, for food, lodging or travel, which bears a relationship to your office when you appear in your official capacity, you must list each such payment in Section 9.

This section concerns expenses paid by nongovernmental sources (such as lobbyists). Each payment exceeding \$150 in value must be reported. You must list the name and business address of the person or organization which has paid your expenses, the date and nature of the expenses if the expenses were not compensated by the governmental body for which the public servant serves. Thus, you must disclose in this section, lodging or travel for such activities as speaking engagements, conferences or fact finding events related to your official duties.

Section 9 requires the disclosure of each nongovernmental source of payment. The threshold applicable to this section is to the source and not the individual payment. If one source provides lodging and food and the total of the expenses exceeds \$150.00, it must be reported in this section. You do not need to itemize the dollar value or provide an itemized accounting of the expenses provided. Also, as an example, you do not need to indicate whether the travel was on private or commercial carrier. You only need to provide the name of the organization providing the travel, its address, the date of the travel and the nature of the expenses, i.e. "travel to conference along with lodging."

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 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, not reimbursed. "

### **Section 10 (Direct Regulation of Business)**

The law requires you to list any business for 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 Secretary of State's office, the Arkansas Ethics Commission or, if you know, the agency you suspect may regulate part or all of your activities.

### **Section 11 (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, or stockholder owning more than ten percent (10%) of the stock.

### **Section 12 (Signature)**

Under the law, each person, required to fill out a Statement of Financial Interest, must fill out the Statement under penalty of perjury and sign such form attesting to the truth and accuracy of the statements made 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.

**STATEMENT OF ORGANIZATION**

**PHONE NUMBERS:**

(501) 324-9600 or 1-800-422-7773

Facsimile (501) 324-9606

**ACT 834 OF 1989, AS AMENDED BY ACT 1114 OF 1993  
DISCLOSURE ACT FOR PUBLIC INITIATIVES, REFERENDUMS  
AND MEASURES REFERRED TO VOTERS BY THE GENERAL ASSEMBLY  
(PLEASE PRINT OR TYPE)**

1. Organization's name: \_\_\_\_\_

2. Street Address: \_\_\_\_\_

3. Telephone number: \_\_\_\_\_

4. Committee Treasurer's name, address & telephone number:

| name & title | street address | phone # |
|--------------|----------------|---------|
|--------------|----------------|---------|

5. Provide the name, street address & telephone number for each officer of the committee:

| name & title | street address | phone # |
|--------------|----------------|---------|
|--------------|----------------|---------|

| name & title | street address | phone # |
|--------------|----------------|---------|
|--------------|----------------|---------|

| name & title | street address | phone # |
|--------------|----------------|---------|
|--------------|----------------|---------|

6. Provide the name and address of each financial institution in which the committee deposits money or anything else of monetary value:

\_\_\_\_\_

7. Provide the name of each person who is a member of the committee. A member that is not an individual may be listed by its name without also listing its own members, if any: \_\_\_\_\_

\_\_\_\_\_

8. Provide a brief statement identifying the substance of each ballot question whose qualification, passage, or defeat the committee seeks to influence or of each legislative question whose passage or defeat the committee seeks to influence:

\_\_\_\_\_

\_\_\_\_\_

Date: \_\_\_\_\_ Name: \_\_\_\_\_

**STATEMENT OF ORGANIZATION**

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- \* A committee must file this Statement of Organization within ten (10) days of forming the committee.
- \* If any of the information required in this statement is changed, an amendment shall be filed within ten (10) days. EXCEPTION: Changes in membership may be filed when the next campaign statement is required.
- \* A committee failing to file a change as required shall pay a late filing fee of ten dollars (\$10.00) for each day the change remains not filed.
- \* A financial report shall be filed every thirty (30) days after the first receipt of a contribution or the first expenditure, in the case of a ballot question committee or legislative question committee, or after the first expenditure if any individual person.
- \* A financial report shall be filed not less than four (4) days prior to any election on the ballot question or legislative question, such statement to have a closing date of seven days prior to the election.
- \* A final financial report shall be filed no later than thirty (30) days after the election.
- \* A ballot question committee, legislative question committee or individual person who files a late financial report shall pay a late fee of ten dollars (\$10.00) for each day the report remains not filed.
- \* Upon dissolution - - notify the Arkansas Ethics Commission in writing.

ARKANSAS ETHICS COMMISSION  
910 WEST SECOND STREET, SUITE 100  
LITTLE ROCK, AR 72201  
(501) 324-9600  
FAX: 324-9606

COMMITTEE FINANCIAL REPORT

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PURSUANT TO  
ACT 634 OF 1989, AS AMENDED  
THE DISCLOSURE ACT FOR PUBLIC INITIATIVES, REFERENDUMS  
AND MEASURES REFERRED TO VOTERS BY THE GENERAL ASSEMBLY  
(PLEASE PRINT OR TYPE)

REPORTING PERIOD: \_\_\_\_\_ TO \_\_\_\_\_

1. Committee name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Phone number: \_\_\_\_\_
2. Total of contributions received during this reporting period: \_\_\_\_\_
3. Total cumulative contributions for each ballot or legislative question:  
\_\_\_\_\_
4. Total expenditures during this reporting period: \_\_\_\_\_
5. Total cumulative expenditures for each ballot or legislative question:  
\_\_\_\_\_
6. Balance of cash and cash equivalents:  
Beginning of report period: \_\_\_\_\_  
End of report period: \_\_\_\_\_
7. Total contributions during report period from persons contributing less than \$100.00: \_\_\_\_\_
8. Total cumulative contributions from persons contributing less than \$100.00 \_\_\_\_\_
9. Total contributions during report period from persons contributing \$100.00 or more: \_\_\_\_\_
10. Total cumulative contributions from persons contributing \$100.00 or more: \_\_\_\_\_

Committee Financial Report

Page 2 of 3

11. Name and street address of each person who contributed more than \$100.00 during report period:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Amount contributed: \_\_\_\_\_

Date received: \_\_\_\_\_

Cumulative total received from this person: \_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Amount contributed: \_\_\_\_\_

Date Received: \_\_\_\_\_

Cumulative total received from this person: \_\_\_\_\_

12. Name and street address of each person to whom expenditures totaling \$100.00 or more were made during this reporting period:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Amount of expenditure: \_\_\_\_\_

Purpose of expenditure: \_\_\_\_\_

\_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Amount of expenditure: \_\_\_\_\_

Purpose of expenditure: \_\_\_\_\_

\_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Amount of expenditure: \_\_\_\_\_

Purpose of expenditure: \_\_\_\_\_

I, \_\_\_\_\_, certify that I have to the best of my knowledge and belief, disclosed all information required by law according to Act 634 of 1989, and that all information is a complete, true and accurate financial statement of contributions and/or expenditures.

\_\_\_\_\_  
Signature

STATE OF ARKANSAS

COUNTY OF \_\_\_\_\_

Subscribed and sworn to before me, a Notary Public, this the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_.

\_\_\_\_\_  
Notary Public

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

.....

\* A Committee Financial Report shall be filed every thirty (30) days after the first receipt of a contribution or the first expenditure in excess of \$250.00 for the purpose of influencing the qualification, passage, or defeat of a ballot question or the passage or defeat of a legislative question shall file with the Arkansas Ethics Commission financial reports are required by 7-9-407.

\* A financial report shall be filed not less than four (4) days prior to any election on the ballot question or legislative question, such statement to have a closing date of seven (7) days prior to the election.

\* A final financial report shall be filed no later than thirty (30) days after the election.

\* A ballot question committee, legislative question committee or individual person who files a late financial report shall pay a late fee of ten dollars (\$10.00) for each day the report remains not filed.