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2 88th General Assembly
3 Regular Session, 2011
4

A Bill

SENATE BILL 290

5 By: Senators G. Baker, R. Thompson, J. Key, D. Johnson
6

For An Act To Be Entitled

8 AN ACT TO CLARIFY ARKANSAS ETHICS LAWS; AMENDING
9 PORTIONS OF ARKANSAS LAW RESULTING FROM INITIATED ACT
10 1 OF 1990 AND INITIATED ACT 1 OF 1996; AND FOR OTHER
11 PURPOSES.
12
13

Subtitle

14 TO CLARIFY ARKANSAS ETHICS LAWS.
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18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
19

20 SECTION 1. Arkansas Code § 7-1-103(a)(7)(A)(i), concerning articles,
21 statements, or communications intended to influence an elector's vote, is
22 amended to read as follows:

23 (7)(A)(i) All articles, statements, or communications
24 appearing in any newspaper printed or circulated in this state intended or
25 calculated to influence the vote of any elector in any election and for the
26 publication of which a consideration is paid or to be paid shall clearly
27 contain the words "Paid Political Advertisement", ~~or~~ "Paid Political Ad", or
28 "Paid for by" the candidate, committee, or person who paid for the message.
29

30 SECTION 2. Arkansas Code § 7-6-201, resulting from Initiated Act 1 of
31 1990 and Initiated Act 1 of 1996, is amended to read as follows:

32 7-6-201. Definitions.

33 As used in this subchapter:

34 (1)(A) "Approved political action committee" means any person
35 that:

36 (i) Receives contributions from one (1) or more



1 persons in order to make contributions to candidates, ballot question
 2 committees, legislative question committees, political parties, county
 3 political party committees, or other political action committees;

4 (ii) Does not accept any contribution or cumulative
 5 contributions in excess of five thousand dollars (\$5,000) from any person in
 6 any calendar year; and

7 (iii) Registers pursuant to § 7-6-215 prior to
 8 making contributions.

9 (B) "Approved political action committee" shall not
 10 include an organized political party as defined in § 7-1-101, a county
 11 political party committee, the candidate's own campaign committee, an
 12 exploratory committee, or a ballot or legislative question committee as
 13 defined in § 7-9-402;

14 (2) "Candidate" means any individual who has knowingly and
 15 willingly taken affirmative action, including solicitation of funds, for the
 16 purpose of seeking nomination for or election to any public office;

17 (3) "Carryover funds" means the amount of campaign funds
 18 retained from the last election by the candidate for future use but not to
 19 exceed the annual salary, excluding expense allowances, set by Arkansas law
 20 for the office sought;

21 (4)(A) "Contribution" means, whether direct or indirect,
 22 advances, deposits, or transfers of funds, contracts, or obligations, whether
 23 or not legally enforceable, payments, gifts, subscriptions, assessments,
 24 payment for services, dues, advancements, forbearance, loans, or pledges or
 25 promises of money or anything of value, whether or not legally enforceable,
 26 to a candidate, committee, or holder of elective office made for the purpose
 27 of influencing the nomination or election of any candidate.

28 (B)(i) "Contribution" includes the purchase of tickets for
 29 events such as dinners, luncheons, rallies, and similar fundraising events;
 30 the granting of discounts or rebates by television and radio stations and
 31 newspapers not extended on an equal basis to all candidates for the same
 32 office; and any payments for the services of any person serving as an agent
 33 of a candidate or committee by a person other than the candidate or committee
 34 or persons whose expenditures the candidates or committee must report under
 35 this subchapter.

36 (ii) "Contribution" further includes any transfer of

1 anything of value received by a committee from another committee.

2 (C) "Contribution" shall not include noncompensated,
3 nonreimbursed, volunteer personal services or travel;

4 (5) "Contribution and expenditure" shall not include activity
5 sponsored and funded by ~~organized political parties as defined in § 7-1-101 a~~
6 political party that meets the definition of a political party under § 7-1-
7 101 or a political party that meets the requirements of § 7-7-205 to promote
8 their candidates or nominees through events such as dinners, luncheons,
9 rallies, or similar gatherings and shall not include nonpartisan activity
10 designed to encourage individuals to register to vote or to vote or any
11 communication by any membership organization to its members or stockholders
12 if the membership organization or corporation is not organized primarily for
13 the purpose of influencing the nomination for election or election of any
14 candidate;

15 (6) "County political party committee" means a person that:

16 (A) Is organized at the county level for the purpose of
17 supporting its affiliate party and making contributions;

18 (B) Is recognized by an organized political party, as
19 defined in § 7-1-101, as being affiliated with that political party;

20 (C) Receives contributions from one (1) or more persons in
21 order to make contributions to candidates, ballot question committees,
22 legislative question committees, political parties, political action
23 committees, or other county political party committees;

24 (D) Does not accept any contribution or cumulative
25 contributions in excess of five thousand dollars (\$5,000) from any person in
26 any calendar year; and

27 (E) Registers pursuant to § 7-6-226 prior to making
28 contributions;

29 (7) "Election" means each election held to nominate or elect a
30 candidate to any public office, including school elections. For the purposes
31 of this subchapter, a preferential primary, a general primary, a special
32 election, and a general election shall each constitute a separate election;

33 (8) "Expenditure" means a purchase, payment, distribution, gift,
34 loan, or advance of money or anything of value, and a contract, promise, or
35 agreement to make an expenditure, made for the purpose of influencing the
36 nomination or election of any candidate;

1 (9)(A) "Exploratory committee" means a person that receives
2 contributions which are held to be transferred to the campaign of a single
3 candidate in an election.

4 (B) "Exploratory committee" shall not include ~~an~~
5 ~~organized political party as defined in § 7-1-101;~~

6 (i) A political party:

7 (a) That meets the definition of a political
8 party under § 7-1-101; or

9 (b) A political party that meets the
10 requirements of § 7-7-205; or

11 (ii) ~~the~~ The candidate's own campaign committee;

12 (10) "Financial institution" means any commercial bank, savings
13 and loan, mutual savings bank or savings bank, insurance company brokerage
14 house, or any corporation that is in the business of lending money and that
15 is subject to state or federal regulation;

16 (11) An "independent expenditure" is any expenditure which is
17 not a contribution and:

18 (A) Expressly advocates the election or defeat of a
19 clearly identified candidate for office;

20 (B) Is made without arrangement, cooperation, or
21 consultation between any candidate or any authorized committee or agent of
22 the candidate and the person making the expenditure or any authorized agent
23 of that person; and

24 (C) Is not made in concert with or at the request or
25 suggestion of any candidate or any authorized committee or agent of the
26 candidate;

27 (12) "Independent expenditure committee" means any person that
28 receives contributions from one (1) or more persons in order to make an
29 independent expenditure and is registered pursuant to § 7-6-227 prior to
30 making expenditures;

31 (13)(A) "Legislative caucus committee" means a person that is
32 composed exclusively of members of the General Assembly, that elects or
33 appoints officers and recognizes identified legislators as members of the
34 organization, and that exists for research and other support of policy
35 development and interests that the membership hold in common.

36 (B) "Legislative caucus committee" includes, but is not

1 limited to, a political party caucus of the General Assembly, the Senate, or
 2 the House of Representatives.

3 (C) An organization whose only nonlegislator members are
 4 the Lieutenant Governor or the Governor is a “legislative caucus committee”
 5 for the purposes of this subchapter;

6 (14)(A) “Person” means any individual, proprietorship, firm,
 7 partnership, joint venture, syndicate, labor union, business trust, company,
 8 corporation, association, committee, or any other organization or group of
 9 persons acting in concert.

10 (B) ~~It~~ “Person” shall also include ~~organized political~~
 11 ~~parties as defined in § 7-1-101;~~

12 (i) A political party that meets the definition of a
 13 political party under § 7-1-101 or a political party that meets the
 14 requirements of § 7-7-205;

15 (ii) ~~county~~ County political party committees; and

16 (iii) ~~legislative~~ Legislative caucus committees;

17 (15)(A) “Prohibited political action committee” means any person
 18 that receives contributions from one (1) or more persons in order to make
 19 contributions to candidates, ballot question committees, legislative question
 20 committees, political parties, county political party committees, or other
 21 political action committees but that does not meet the requirements of an
 22 approved political action committee.

23 (B) “Prohibited political action committee” shall not
 24 include ~~an organized political party as defined in § 7-1-101;~~

25 (i) A political party that meets the definition of a
 26 political party under § 7-1-101 or a political party that meets the
 27 requirements of § 7-7-205;

28 (ii) ~~the~~ The candidate’s own campaign committee; and

29 (iii) ~~a~~ A county political party committee; and

30 (iv) ~~an~~ An exploratory committee; or

31 (v) ~~a~~ A ballot or legislative question committee;

32 (16) “Public office” means any office created by or under
 33 authority of the laws of the State of Arkansas, or of a subdivision thereof,
 34 that is filled by the voters, except a federal office; ~~and~~

35 (17) “Surplus campaign funds” means any balance of campaign
 36 funds over expenses incurred as of the day of the election except for:

- 1 (A) Carryover funds; and
- 2 (B) Any funds required to repay loans made by the
- 3 candidate from his or her personal funds to the campaign or to repay loans
- 4 made by financial institutions to the candidate and applied to the campaign;
- 5 and

6 (18)(A) "Written instrument" means a check on which the
 7 contributor is directly liable or which is written on a personal account,
 8 trust account, partnership account, business account, or other account that
 9 contains the contributor's funds.

10 (B) As used in § 7-6-204 in the case of a contribution by
 11 credit card or debit card, "written instrument" includes without limitation:

- 12 (i) A paper record signed by the cardholder; or
- 13 (ii) In the case of a contribution made through the
 14 Internet, an electronic record created and transmitted by the cardholder.

15
 16 SECTION 3. Arkansas Code § 7-6-203(e), concerning contributions from a
 17 prohibited political action committee and resulting from Initiated Act 1 of
 18 1990 and Initiated Act 1 of 1996, is amended to read as follows:

19 (e)(1) It shall be unlawful for any candidate for any public office or
 20 any person acting in the candidate's behalf to accept any contribution from a
 21 prohibited political action committee for any election.

22 (2) It shall be unlawful for any prohibited political action
 23 committee to make a contribution to a candidate for public office in an
 24 election.

25 (3) It shall be unlawful for any ballot question committee,
 26 legislative question committee, political party, county political party
 27 committee, or approved political action committee to accept any contribution
 28 from a prohibited political action committee.

29 (4) It shall be unlawful for any prohibited political action
 30 committee to make a contribution to a:

- 31 (A) ~~Ballot~~ A ballot question committee;
- 32 (B) ~~Legislative~~ A legislative question committee;
- 33 (C) ~~Political~~ A political party;
- 34 (D) ~~County~~ A county political party committee; or
- 35 (E) ~~Political~~ An approved political action committee.

36

1 SECTION 4. Arkansas Code § 7-6-203(h), concerning surplus campaign
 2 funds and resulting from Initiated Act 1 of 1990 and Initiated Act 1 of 1996,
 3 is amended to read as follows:

4 (h)(1) Within thirty (30) days following the end of the month in
 5 which ~~the general~~ an election is held or a candidate has withdrawn, a
 6 candidate shall turn over surplus campaign funds to either:

7 (A) The Treasurer of State for the benefit of the General
 8 Revenue Fund Account of the State Apportionment Fund;

9 (B) A political party as defined in § 7-1-101 or a
 10 political party caucus of the General Assembly, the Senate, or the House of
 11 Representatives;

12 (C) A nonprofit organization that is exempt from taxation
 13 under Section 501(c)(3) of the Internal Revenue Code;

14 (D) Cities of the first class, cities of the second class,
 15 or incorporated towns; or

16 (E) The contributors to the candidate's campaign.

17 (2) If the candidate's campaign has not ended, disposal of
 18 surplus campaign funds shall not be required and the candidate may carry
 19 forward any remaining funds to the general primary election, general
 20 election, or general runoff election for that same office.

21 ~~(2)(3)~~(A) If an unopposed candidate agrees not to solicit
 22 further campaign contributions by filing an affidavit declaring such an
 23 agreement, the candidate may dispose of any surplus campaign funds prior to a
 24 general election as soon as the time has passed to declare an intent to be a
 25 write-in candidate pursuant to § 7-5-205.

26 (B) For unopposed candidates for nonpartisan judicial
 27 office, the affidavit may be filed after the deadlines have passed to declare
 28 as a filing fee candidate, petition candidate, or write-in candidate under §
 29 7-10-103.

30 (C) The affidavit shall be filed in the office in which
 31 the candidate is required to file reports of contributions received and
 32 expenditures made.

33 (D) Unopposed candidates and defeated candidates who file
 34 the affidavit are exempt from further reporting requirements provided that
 35 the affidavit contains:

36 (i) All campaign activity not previously reported;

1 and

2 (ii) A statement that the candidate's campaign fund
 3 has a zero (\$0.00) balance.

4 ~~(3)~~(4)(A) Carryover funds may be expended at any time for any
 5 purpose not prohibited by this chapter and may be used as campaign funds for
 6 seeking any public office. Nothing shall prohibit a person at any time from
 7 disposing of all or any portion of his or her carryover funds in the same
 8 manner as for surplus campaign funds. However, the candidate shall not take
 9 the funds as personal income or as income for his or her spouse or dependent
 10 children.

11 (B)(i) When a person having carryover funds files as a
 12 candidate for public office, his or her carryover funds shall be transferred
 13 to the person's active campaign fund. Once transferred, the funds will no
 14 longer be treated as carryover funds.

15 (ii) This subdivision ~~(h)(3)(B)~~ (h)(4)(B) shall not
 16 apply to carryover funds from an election held prior to July 1, 1997.

17 (iii) This subdivision ~~(h)(3)(B)~~ (h)(4)(B) shall not
 18 apply to a campaign debt.

19 (C)(i) If carryover funds are expended prior to
 20 transferring the funds to an active campaign fund, the expenditures shall be
 21 reported pursuant to this subdivision ~~(h)(3)(C)~~ (h)(4)(C). A person shall
 22 file an expenditure report concerning carryover funds if since the last
 23 report concerning the carryover funds, the person has expended in excess of
 24 five hundred dollars (\$500). The report shall be filed at the office in which
 25 the candidate was required to file his or her campaign contribution and
 26 expenditure reports for the previous campaign not later than fifteen (15)
 27 days after a calendar quarter in which a report becomes required. No report
 28 is required in any calendar quarter in which the cumulative expenditure limit
 29 has not been exceeded since the person's last report.

30 (ii) The person shall also file an expenditure
 31 report for the calendar quarter in which he or she transfers the carryover
 32 funds to an active campaign fund.

33 (iii) A person who retains carryover funds shall
 34 file an annual report outlining the status of the carryover fund account as
 35 of December 31 unless the person has filed a quarterly report during the
 36 calendar year pursuant to subdivisions ~~(h)(3)(C)(i) and (ii)~~ (h)(4)(C)(i) and

1 (ii) of this section. The annual report shall be due by January 31 of each
2 year.

3 (iv) The carryover fund reports of a candidate for
4 school district, township, municipal, or county office shall be filed with
5 the county clerk of the county in which the election was held.

6 (v) The carryover fund reports of a candidate for
7 state or district office shall be filed with the Secretary of State.

8 (D)(i) Carryover funds may be retained by a person for not
9 more than ten (10) years after the last election at which he or she was a
10 candidate, or if applicable, not more than ten (10) years after the last day
11 that the person held office, and any remaining carryover funds shall be
12 disposed of in the same manner as for surplus campaign funds.

13 (ii)(a) The officer with whom the person last filed
14 a final campaign report shall provide the person timely notice of the
15 requirements of this subdivision ~~(h)(3)(D)~~ (h)(4)(D) prior to the expiration
16 of the ten-year period.

17 (b) However, failure to provide the notice
18 does not relieve the person of his or her obligation under this subsection.

19 ~~(4)(5)~~ After the date of an election at which the person is a
20 candidate for nomination or election, the person shall not accept campaign
21 contributions for that election except for the sole purpose of raising funds
22 to retire campaign debt.

23 ~~(5)(6)~~ Surplus campaign funds or carryover funds given to a
24 political party caucus shall be segregated in an account separated from other
25 caucus funds and shall not be used:

26 (A) By the political party caucus to make a campaign
27 contribution; or

28 (B) To provide any personal income to any candidate who
29 donated surplus campaign funds or carryover funds. A candidate may maintain
30 his or her campaign funds in one (1) or more campaign accounts. Campaign
31 funds shall not be placed in an account containing personal or business
32 funds.

33

34 SECTION 5. Arkansas Code § 7-6-204 is amended as follows:

35 7-6-204. Restriction on cash contributions or expenditures –

36 Exception.

1 (a) No campaign contribution in excess of one hundred dollars (\$100)
 2 or expenditure in excess of fifty dollars (\$50.00) shall be made or received
 3 in cash.

4 (b) All contributions or expenditures in behalf of a campaign
 5 activity, other than in-kind contributions and expenditures, in excess of the
 6 amounts mentioned in subsection (a) of this section shall be made:

7 (1) By a written instrument containing the name of the donor
 8 and the name of the payee;

9 (2) By credit card or debit card where the transaction results
 10 in a paper record signed by the cardholder; or

11 (3) By transaction that results in an electronic record created
 12 or transmitted by the cardholder where a contribution or expenditure is made
 13 through the Internet.

14 (c) The payment of filing fees may be in cash even though the amount
 15 exceeds fifty dollars (\$50.00). The candidate shall obtain a receipt for the
 16 payment and shall report it as a campaign expenditure.

17
 18 SECTION 6. Arkansas Code § 7-6-207(b), concerning the contents of
 19 contribution and expenditure reports and resulting from Initiated Act 1 of
 20 1990 and Initiated Act 1 of 1996, is amended to read as follows:

21 (b) Contents of Reports.

22 (1) The contribution and expenditure reports required by
 23 subsection (a) of this section shall indicate:

24 (A) The total amount of contributions received with loans
 25 stated separately, the total amount of expenditures made during the filing
 26 periods, and the cumulative amount of those totals;

27 (B) The name and address of each person, including the
 28 candidate, who made a contribution or contributions that in the aggregate
 29 exceeded fifty dollars (\$50.00), ~~the contributor's place of business,~~
 30 ~~employer, occupation, and date of the contribution and the amount~~
 31 ~~contributed;~~

32 (C) The contributor's principal place of business,
 33 employer, occupation, the amount contributed, the date the contribution was
 34 accepted by the candidate, and the aggregate contributed for each election;

35 (D) The name and address of each person, including the
 36 candidate, who contributed a nonmoney item, together with a description of

1 the item, the date of receipt, and the value, not including volunteer service
 2 by individuals;

3 (E) An itemization of all single expenditures made ~~which~~
 4 that exceed one hundred dollars (\$100), including the:

- 5 ~~i amount~~ Amount of the expenditures;~~;~~
- 6 ~~ii the name~~ Name and address of any person,
 7 including the candidate, to whom the expenditure was made;~~;~~ and
- 8 ~~iii the date~~ Date the expenditure was made;

9 (F) A list of all paid campaign workers and the amount the
 10 workers were paid;

11 (G) A list of all expenditures by categories, including,
 12 but not limited to:

- 13 (i)(a) Television;
- 14 (b) Radio;
- 15 (c) Print; and
- 16 (d) Other advertising;
- 17 (ii) Direct mail;
- 18 (iii) Office supplies;
- 19 (iv) Rent;
- 20 (v) Travel;
- 21 (vi) Expenses;
- 22 (vii) Entertainment; and
- 23 (viii) Telephone;

24 (H) The total amount of all nonitemized expenditures made
 25 during the filing period; and

26 (I) The current balance of campaign funds.

27 (2)(A) When the candidate's campaign has ended, the final report
 28 shall also indicate which option under § 7-6-203(h) was used to dispose of
 29 any surplus of campaign funds, the amount of funds disposed of by the
 30 candidate, and the amount of funds retained by the candidate in accordance
 31 with ~~§ 7-6-203(h)~~ § 7-6-201(3).

32 (B) If the candidate's campaign has not ended, disposal of
 33 campaign funds shall not be required and the candidate may carry forward any
 34 remaining campaign funds to the general primary election, general election,
 35 or general runoff election for that same office.

36

1 SECTION 7. Arkansas Code § 7-6-208, resulting from Initiated Act 1 of
 2 1996, is amended to read as follows:

3 7-6-208. Reports of contributions – Candidates for school district,
 4 township, or municipal office.

5 (a) Reports Required. Except as provided in subsection (d) of this
 6 section, each candidate for school district, township, or municipal office,
 7 or a person acting in the candidate’s behalf shall:

8 (1) No later than seven (7) days prior to any preferential
 9 primary election, runoff election, general election, school election, or
 10 special election in which the candidate’s name appears on the ballot, file a
 11 preelection report of all contributions received and expenditures made
 12 between the period covered by the previous report, if any, and the period ten
 13 (10) days before the election. In case of a runoff election, the report shall
 14 cover all contributions received and expenditures made during that period of
 15 time that begins after the date of the election from which the runoff arose
 16 and ends ten (10) days before the runoff election;

17 (2) No later than thirty (30) days after the end of the month in
 18 which the candidate’s name has appeared on the ballot in any preferential
 19 primary election, runoff election, general election, school election, or
 20 special election ~~in which the candidate’s name has appeared on the ballot,~~
 21 file a final report of all contributions received and expenditures made that
 22 have not been disclosed on reports previously required to be filed. A final
 23 report is required regardless of whether a candidate has received
 24 contributions or made expenditures in excess of five hundred dollars (\$500);

25 (3) File supplemental reports of all contributions received and
 26 expenditures made after the date of preparation of the final report. The
 27 supplemental reports shall be filed within thirty (30) days after the receipt
 28 of a contribution or the making of an expenditure; and

29 (4)(A) No later than thirty (30) days after the end of the month
 30 in which the candidate has withdrawn, file a final report of all
 31 contributions received and expenditures made that have not been disclosed on
 32 reports previously required to be filed.

33 (B) If a candidate withdraws from the campaign, the
 34 candidate shall notify the county clerk in writing of the withdrawal.

35 (b) Contents of Reports.

36 (1) The contribution and expenditure reports required by

1 subsection (a) of this section shall indicate:

2 (A) The total amount of contributions received with loans
3 stated separately, the total amount of expenditures made during the filing
4 periods, and the cumulative amount of those totals;

5 (B) The name and address of each person, including the
6 candidate, who made a contribution or contributions that in the aggregate
7 exceeded fifty dollars (\$50.00), ~~the contributor's place of business,~~
8 ~~employer, occupation, and date of the contribution and the amount~~
9 ~~contributed;~~

10 (C) The contributor's principal place of business,
11 employer, occupation, the amount contributed, the date the contribution was
12 accepted by the candidate and the aggregate contributed for each election;

13 (D) The name and address of each person, including the
14 candidate, who contributed a nonmoney item, together with a description of
15 the item, the date of receipt, and the value, not including volunteer service
16 by individuals;

17 (E) An itemization of all single expenditures made that
18 exceeded one hundred dollars (\$100), including the amount of the expenditure,
19 the name and address of any person, including the candidate, to whom the
20 expenditure was made, and the date the expenditure was made;

21 (F) A list of all paid campaign workers and the amount the
22 workers were paid;

23 (G) A list of all expenditures by categories, including,
24 but not limited to:

- 25 (i)(a) Television;
- 26 (b) Radio;
- 27 (c) Print; and
- 28 (d) Other advertising;
- 29 (ii) Direct mail;
- 30 (iii) Office supplies;
- 31 (iv) Rent;
- 32 (v) Travel;
- 33 (vi) Expenses;
- 34 (vii) Entertainment; and
- 35 (viii) Telephone;

36 (H) The total amount of all nonitemized expenditures made

1 during the filing period; and

2 (I) The current balance of campaign funds.

3 (2)(A) When the candidate’s campaign has ended, the final report
 4 shall also indicate which option under § 7-6-203(h) was used to dispose of
 5 any surplus of campaign funds, the amount of funds disposed of by the
 6 candidate, and the amount of funds retained by the candidate in accordance
 7 with ~~§ 7-6-203(h)~~ § 7-6-201(3).

8 (B) If the candidate’s campaign has not ended, disposal of
 9 campaign funds is not required and the candidate may carry forward any
 10 remaining campaign funds to the general primary election, general election,
 11 or general runoff election for that same office.

12 (3)(A) Not later than fourteen (14) days after the deadline for
 13 filing for office, the county clerk shall notify each candidate in person or
 14 by mail of the deadlines for filing the ten-day preelection and final reports
 15 required by subsection (a) of this section and, at that time, furnish each
 16 candidate with the appropriate forms and instructions for complying with the
 17 deadlines.

18 (B) If notice is sent by mail, then the notice shall be
 19 postmarked within fourteen (14) days after the deadline for filing for
 20 office.

21 (c) Filing of Reports. The reports required by this section shall be
 22 filed with the county clerk in the county in which the election is held.
 23 Reports shall be filed on the appropriate forms furnished by the Secretary of
 24 State.

25 (d) Reports Not Required.

26 (1) A candidate who has not received contributions or made
 27 expenditures in excess of five hundred dollars (\$500) shall not be required
 28 to file any preelection reports required under subdivision (a)(1) of this
 29 section. In calculating the amount of contributions received or expenditures
 30 made for purposes of this exception, the payment of the filing fee from the
 31 candidate’s personal funds shall not be considered as either a contribution
 32 or an expenditure.

33 (2) The preelection reports referenced in subdivision (a)(1) of
 34 this section are required only for candidates with opponents in those
 35 elections.

36

1 SECTION 8. Arkansas Code § 7-6-209, resulting from Initiated Act 1 of
 2 1996, is amended to read as follows:

3 7-6-209. Reports of contributions – Candidates for county office.

4 (a) Reports Required. Except as provided in subsection (d) of this
 5 section, each candidate for county office or a person acting in the
 6 candidate’s behalf shall:

7 (1) No later than seven (7) days prior to any preferential
 8 primary election, runoff election, general election, or special election in
 9 which the candidate’s name appears on the ballot, file a preelection report
 10 of all contributions received and expenditures made between the period
 11 covered by the previous report, if any, and the period ten (10) days before
 12 the election. In case of a runoff election, the report shall cover all
 13 contributions received and expenditures made during that period of time that
 14 begins after the date of the election from which the runoff arose and ends
 15 ten (10) days before the runoff election;

16 (2) No later than thirty (30) days after the end of the month in
 17 which the candidate’s name has appeared on the ballot in any preferential
 18 primary election, runoff election, general election, or special election ~~in~~
 19 ~~which the candidate’s name has appeared on the ballot~~, file a final report of
 20 all contributions received and expenditures made that have not been disclosed
 21 on reports previously required to be filed. A final report is required
 22 regardless of whether a candidate has received contributions or made
 23 expenditures in excess of five hundred dollars (\$500);

24 (3) File supplemental reports of all contributions received and
 25 expenditures made after the date of preparation of the final report, and the
 26 supplemental reports shall be filed within thirty (30) days after the receipt
 27 of a contribution or the making of an expenditure; and

28 (4)(A) No later than thirty (30) days after the end of the month
 29 in which the candidate has withdrawn, a final report of all contributions
 30 received and expenditures made that have not been disclosed on reports
 31 previously required to be filed.

32 (B) If a candidate withdraws from the campaign, the
 33 candidate shall notify the county clerk in writing of the withdrawal.

34 (b) Contents of Reports.

35 (1) The contribution and expenditure reports required by
 36 subsection (a) of this section shall indicate:

1 (A) The total amount of contributions received with loans
 2 stated separately, the total amount of expenditures made during the filing
 3 periods, and the cumulative amount of those totals;

4 (B) The name and address of each person, including the
 5 candidate, who made a contribution or contributions that in the aggregate
 6 exceeded fifty dollars (\$50.00), ~~the contributor's place of business,~~
 7 ~~employer, occupation, and date of the contribution and the amount~~
 8 ~~contributed;~~

9 (C) The contributor's principal place of business,
 10 employer, occupation, the amount contributed, the date the contribution was
 11 accepted by the candidate, and the aggregate contributed for each election;

12 (D) The name and address of each person, including the
 13 candidate, who contributed a nonmonetary item, together with a description of
 14 the item, the date of receipt, and the value, not including volunteer service
 15 by individuals;

16 (E) An itemization of all single expenditures made that
 17 exceeded one hundred dollars (\$100), including the amount of the expenditure,
 18 the name and address of any person, including the candidate, to whom the
 19 expenditure was made, and the date the expenditure was made;

20 (F) A list of all paid campaign workers and the amount the
 21 workers were paid;

22 (G) A list of all expenditures by categories, including,
 23 but not limited to:

- 24 (i)(a) Television;
- 25 (b) Radio;
- 26 (c) Print; and
- 27 (d) Other advertising;
- 28 (ii) Direct mail;
- 29 (iii) Office supplies;
- 30 (iv) Rent;
- 31 (v) Travel;
- 32 (vi) Expenses;
- 33 (vii) Entertainment; and
- 34 (viii) Telephone;

35 (H) The total amount of all nonitemized expenditures made
 36 during the filing period; and

1 (I) The current balance of campaign funds.

2 (2)(A) When the candidate's campaign has ended, the final report
 3 shall also indicate which option under § 7-6-203(h) was used to dispose of
 4 any surplus of campaign funds, the amount of funds disposed of by the
 5 candidate, and the amount of funds retained by the candidate in accordance
 6 with ~~§ 7-6-203(h)~~ § 7-6-201(3).

7 (B) If the candidate's campaign has not ended, disposal of
 8 campaign funds is not required and the candidate may carry forward any
 9 remaining funds in the campaign to the general primary election, general
 10 election, or general runoff election for that same office.

11 (3)(A) Not later than fourteen (14) days after the deadline for
 12 filing for office, the county clerk shall notify each candidate in person or
 13 by mail of the deadlines for filing the ten-day preelection and final reports
 14 required by subsection (a) of this section and, at that time, furnish each
 15 candidate with the appropriate forms and instructions for complying with the
 16 deadlines.

17 (B) If notice is sent by mail, then the notice shall be
 18 postmarked within fourteen (14) days after the deadline for filing for
 19 office.

20 (c) Filing of Reports. The reports required by this section shall be
 21 filed with the county clerk in the county in which the election is held.
 22 Reports shall be filed on the appropriate forms furnished by the Secretary of
 23 State.

24 (d) Reports Not Required.

25 (1) A candidate who has not received contributions or made
 26 expenditures in excess of five hundred dollars (\$500) shall not be required
 27 to file any preelection reports required under subdivision (a)(1) of this
 28 section. In calculating the amount of contributions received or expenditures
 29 made for purposes of this exception, the payment of the filing fee from the
 30 candidate's personal funds shall not be considered as either a contribution
 31 or an expenditure.

32 (2) The preelection reports referenced in subdivision (a)(1) of
 33 this section are required only for candidates with opponents in those
 34 elections.

35

36 SECTION 9. Arkansas Code § 7-6-215, resulting from Initiated Act 1 of

1 1990 and Initiated Act 1 of 1996, is amended to read as follows:

2 7-6-215. Registration and reporting by approved political action
3 committees.

4 (a)(1)(A) To qualify as an approved political action committee, the
5 political action committee shall register with the Secretary of State within
6 fifteen (15) days after accepting contributions during a calendar year that
7 exceed five hundred dollars (\$500) in the aggregate.

8 (B) Registration shall be annually renewed by January 15,
9 unless the political action committee has ceased to exist.

10 (C) Registration shall be on forms provided by the
11 Secretary of State, and the contents therein shall be verified by an
12 affidavit of an officer of the political action committee.

13 (2)(A) The political action committee shall maintain for a
14 period of four (4) years records evidencing the name, address, and place of
15 employment of each person that contributed to the political action committee,
16 along with the amount contributed.

17 (B) Furthermore, the political action committee shall
18 maintain for a period of four (4) years records evidencing the name and
19 address of each candidate, ballot question committee, legislative question
20 committee, political party, county political party committee, or other
21 political action committee ~~who~~ that received a contribution from the
22 political action committee, along with the amount contributed.

23 (3)(A) The political action committee shall designate a resident
24 agent who shall be an individual who resides in this state.

25 (B) No contribution shall be accepted from a political
26 action committee and no expenditure shall be made by a political action
27 committee that has not registered and does not have a resident agent.

28 (C) It shall be unlawful for a prohibited political action
29 committee as defined in § 7-6-201 to make a contribution to a:

- 30 (i) Ballot question committee;
- 31 (ii) Legislative question committee;
- 32 (iii) Political party;
- 33 (iv) Political party committee; or
- 34 (v) Political action committee.

35 (4)(A) An out-of-state political action committee, including a
36 federal political action committee, shall be required to comply with the

1 registration and reporting provisions of this section if the committee
 2 contributes more than five hundred dollars (\$500) in a calendar year to
 3 candidates, ballot question committees, legislative question committees,
 4 political parties, county political party committees, ~~independent expenditure~~
 5 ~~committees~~, or other political action committees within this state.

6 (B) Subdivision (a)(4)(A) of this section shall not apply
 7 to:

8 (i) The national committee of any political party
 9 that is registered with the Federal Election Commission;

10 (ii) Any federal candidate committee that is
 11 registered with the Federal Election Commission;

12 (iii) Funds which a subordinate committee of the
 13 national committee of any political party that is registered with the Federal
 14 Election Commission transfers to the federal account of an organized
 15 political party as defined under § 7-1-101; or

16 (iv) Funds which a political action committee that
 17 is registered with the Federal Election Commission transfers to the federal
 18 account of an organized political party as defined under § 7-1-101.

19 (b) The registration form of an approved political action committee
 20 shall contain the following information:

21 (1) The name, address, and, where available, phone number of the
 22 political action committee and the name, address, phone number, and place of
 23 employment of each of its officers, provided if the political action
 24 committee's name is an acronym, then both it and the words forming the
 25 acronym shall be disclosed;

26 (2) The professional, business, trade, labor, or other interests
 27 represented by the political action committee, including any individual
 28 business, organization, association, corporation, labor organization, or
 29 other group or firm whose interests will be represented by the political
 30 action committee;

31 (3) The full name and street address, city, state, and zip code
 32 of each financial institution the political action committee uses for
 33 purposes of receiving contributions or making expenditures within this state;

34 (4) A written acceptance of designation as a resident agent;

35 (5) A certification by a political action committee officer,
 36 under penalty of false swearing, that the information provided on the

1 registration is true and correct; and

2 (6) A clause submitting the political action committee to the
3 jurisdiction of the State of Arkansas for all purposes related to compliance
4 with the provisions of this subchapter.

5 (c)(1) When a committee makes a change to any information required in
6 subsection (b) of this section, an amendment shall be filed within ten (10)
7 days to reflect the change.

8 (2) A committee failing to file an amendment shall be subject to
9 a late filing fee of ten dollars (\$10.00) for each day the change is not
10 filed.

11 (d)(1) Within fifteen (15) calendar days after the end of each
12 calendar quarter, political action committees shall file a quarterly report
13 with the Secretary of State, including the following information:

14 (A) The total amount of contributions received and the
15 total amount of contributions made during the filing period and the
16 cumulative amount of those totals;

17 (B) The current balance of political action committee
18 funds;

19 (C) The name and address of each person that made a
20 contribution or contributions to the political action committee that exceeded
21 five hundred dollars (\$500) in the aggregate during the calendar year, the
22 contributor's place of business, employer, occupation, the date of the
23 contribution, the amount contributed, and the total contributed for the year;

24 (D) The name and address of each candidate, ballot
25 question committee, legislative question committee, political party, county
26 political party committee, or other political action committee, if any, to
27 whom or which the political action committee made a contribution or
28 contributions that exceeded fifty dollars (\$50.00) in the aggregate during
29 the filing period, with the amount contributed and the election for which the
30 contribution was made;

31 (E) The name and address of each candidate, ballot
32 question committee, legislative question committee, political party, county
33 political party committee, or other political action committee, if any, to
34 whom or which the political action committee contributed a nonmonetary item,
35 together with a description of the item, the date the item was contributed,
36 and the value of the item; and

1 (F) The total amount of expenditures made for
 2 administrative expenses and for each single expenditure that exceeded one
 3 hundred dollars (\$100), an itemization including the amount of the
 4 expenditure, the name and address of the person to whom the expenditure was
 5 made, and the date the expenditure was made.

6 (2) The information required in subdivision (d)(1)(C)-(F) of
 7 this section may be provided in the form of schedules attached to the report.

8 (3) The reports shall be verified by an affidavit of an officer
 9 of the political action committee stating that to the best of his or her
 10 knowledge and belief the information so disclosed is a complete, true, and
 11 accurate financial statement of the political action committee's
 12 contributions received and made.

13 (4)(A) A report is timely filed if it is either hand delivered
 14 or mailed to the Secretary of State, properly addressed, postage prepaid,
 15 bearing a postmark indicating that it was received by the post office or
 16 common carrier on the date that the report is due.

17 (B) The Secretary of State shall accept via facsimile any
 18 report if the original is received by the Secretary of State within ten (10)
 19 days of the date of transmission.

20 (C) The Secretary of State may receive reports in a
 21 readable electronic format that is acceptable to the Secretary of State and
 22 approved by the Arkansas Ethics Commission.

23
 24 SECTION 10. Arkansas Code § 7-6-216, resulting from Initiated Act 1 of
 25 1990, is amended to read as follows:

26 7-6-216. Registration and reports by exploratory committees.

27 (a)(1) An exploratory committee shall register with the ~~Secretary of~~
 28 ~~State~~ appropriate filing office within fifteen (15) days after receiving
 29 contributions during a calendar year which, in the aggregate, exceed five
 30 hundred dollars (\$500).

31 (2)(A) For a state or district office, the place of filing shall
 32 be the Secretary of State's office.

33 (B) For a county, municipal, township, or school district
 34 office, the place of filing shall be the county clerk's office.

35 (3) Registration shall be on forms provided by the Secretary of
 36 State and the contents therein shall be verified by an affidavit of an

1 officer of the committee.

2 (b) An exploratory committee shall disclose on the registration form
 3 the name, address, and, where available, phone number of the committee and
 4 each of its officers. It shall also disclose the individual person who, upon
 5 becoming a candidate, is intended to receive campaign contributions from the
 6 committee.

7 (c) Within thirty (30) days of the end of each month, an exploratory
 8 committee shall file a report with the ~~Secretary of State~~ appropriate filing
 9 office indicating:

10 (1) The total amount of contributions received during the filing
 11 period;

12 (2) The name and address of each person who has made a
 13 contribution which, in the aggregate, exceeds fifty dollars (\$50.00), along
 14 with the contributor's principal place of business, employer, occupation, and
 15 the amount contributed; and

16 (3) The total amount of expenditures made and for each single
 17 expenditure which exceeds one hundred dollars (\$100) an itemization including
 18 the amount of the expenditure, the name and address of the person to whom the
 19 expenditure was made, and the date the expenditure was made.

20 (d)(1) The first report shall be filed for the month in which the
 21 committee files its registration. The final report shall be filed within
 22 thirty (30) days after the end of the month in which the committee either
 23 transfers its contributions to a candidate's campaign or no longer accepts
 24 contributions.

25 (2) The committee shall not accept contributions after the
 26 filing of a final report.

27

28 SECTION 11. Arkansas Code § 7-6-220, resulting from Initiated Act 1 of
 29 1996, is amended to read as follows:

30 7-6-220. Reporting of independent expenditures.

31 (a) A person who or an independent expenditure committee which makes
 32 independent expenditures in an aggregate amount or value in excess of five
 33 hundred dollars (\$500) in a calendar year shall file reports with the
 34 Secretary of State:

35 (1) No later than thirty (30) days prior to preferential primary
 36 elections, general elections, and special elections covering the period

1 ending thirty-five (35) days prior to such elections;

2 (2) No later than seven (7) days prior to preferential primary
 3 elections, runoff elections, general elections, and special elections
 4 covering the period ending ten (10) days prior to such elections; and

5 (3) As for a final report, no later than thirty (30) days after
 6 the end of the month in which the last election is held at which the
 7 candidate seeks nomination or election.

8 (b) Such reports shall include:

9 (1) In the case of an individual making such an expenditure, the
 10 name, address, telephone number, principal place of business, employer, and
 11 occupation of the individual;

12 (2) In the case of a committee, the name, address, employer, and
 13 occupation of its officers;

14 (3) In the case of a person who is not an individual, the
 15 principal name of the entity, the address, and the name, address, employer,
 16 and occupation of its officers; and

17 (4) The same information required of candidates for office other
 18 than school district, township, municipal, or county office as set forth in §
 19 7-6-207(b)(1)(A)-(I).

20 (c) The information required in § 7-6-207(b)(1)(A)-(I) may be provided
 21 in the form of a schedule or schedules attached to the report.

22 (d) The report shall be verified by an affidavit of an officer of the
 23 committee stating that to the best of his or her knowledge and belief the
 24 information disclosed is a complete, true, and accurate financial statement
 25 of the committee's contributions received and made.

26 (e)(1) A report is timely filed if it is either hand-delivered or
 27 mailed to the Secretary of State, properly addressed, postage prepaid,
 28 bearing a postmark indicating that it was received by the post office or
 29 common carrier on the date that the report is due.

30 (2) The Secretary of State shall accept via facsimile any report
 31 if the original is received by the Secretary of State within ten (10) days of
 32 the date of transmission.

33 (3) The Secretary of State may receive reports in a readable
 34 electronic format that is acceptable to the Secretary of State and approved
 35 by the Arkansas Ethics Commission.

36

1 SECTION 12. Arkansas Code § 7-6-227(a), concerning registration by
 2 independent expenditure committees, is amended to read as follows:

3 (a)(1)(A) An independent expenditure committee shall register with the
 4 Secretary of State within fifteen (15) days after accepting contributions
 5 that exceed five hundred dollars (\$500) in the aggregate during a calendar
 6 year.

7 (B) Registration shall be annually renewed by January 15
 8 unless the independent expenditure committee has ceased to exist.

9 (C) Registration shall be on a form provided by the
 10 Secretary of State, and the contents of the form shall be verified by an
 11 affidavit of an officer of the independent expenditure committee.

12 (2)(A) The independent expenditure committee shall maintain for
 13 a period of four (4) years records evidencing the name, address, and place of
 14 employment of each person that contributed to the ~~political action~~
 15 independent expenditure committee, along with the amount contributed.

16 (B) The independent expenditure committee shall maintain
 17 for a period of four (4) years records evidencing each independent
 18 expenditure made by the committee, along with the amount of each expenditure.

19 (3)(A) The ~~political action~~ independent expenditure committee
 20 shall designate a resident agent who shall be an individual who resides in
 21 this state.

22 (B) A contribution shall not be accepted from an
 23 independent expenditure committee and an expenditure shall not be made by an
 24 independent expenditure committee that has not registered and does not have a
 25 resident agent.

26 (4) An out-of-state independent expenditure committee shall
 27 comply with the registration and reporting provisions of this section if the
 28 committee makes an independent expenditure or independent expenditures within
 29 the State of Arkansas that in the aggregate exceed more than five hundred
 30 dollars (\$500) during a calendar year.

31
 32 SECTION 13. Arkansas Code § 7-9-402 is amended to read as follows:

33 7-9-402. Definitions.

34 As used in this subchapter:

35 (1) "Ballot question" means a question in the form of a
 36 statewide, county, municipal, or school district initiative or referendum

1 which is submitted or intended to be submitted to a popular vote at an
 2 election, whether or not it qualifies for the ballot;

3 (2)(A) "Ballot question committee" means any person, located
 4 within or outside Arkansas, that receives contributions for the purpose of
 5 expressly advocating the qualification, disqualification, passage, or defeat
 6 of any ballot question, or any person, other than a public servant, a
 7 governmental body expending public funds, or an individual, located within or
 8 outside Arkansas, that makes expenditures for the purpose of expressly
 9 advocating the qualification, disqualification, passage, or defeat of any
 10 ballot question.

11 (B) A person other than an individual or an approved
 12 political action committee as defined in § 7-6-201, located within or outside
 13 Arkansas, also qualifies as a ballot question committee if two percent (2%)
 14 or more of its annual revenues, operating expenses, or funds are used to make
 15 a contribution or contributions to another ballot question committee and if
 16 the contribution or contributions exceed ten thousand dollars (\$10,000) in
 17 value;

18 (3)(A) "Contribution" means, whether direct or indirect,
 19 advances, deposits, transfers of funds, contracts, or obligations, whether or
 20 not legally enforceable, payments, gifts, subscriptions, assessments, payment
 21 for services, dues, advancements, forbearance, loans, pledges, or promises of
 22 money or anything of value, whether or not legally enforceable, to a person
 23 for the purpose of expressly advocating the qualification, disqualification,
 24 passage, or defeat of a ballot question or the passage or defeat of a
 25 legislative question.

26 (B) "Contribution" includes the purchase of tickets for
 27 events such as dinners, luncheons, rallies, and similar fundraising events,
 28 and the granting of discounts or rebates by television and radio stations and
 29 newspapers, not extended on an equal basis to all persons seeking to
 30 expressly advocate the qualification, disqualification, passage, or defeat of
 31 a ballot question or the passage or defeat of a legislative question.

32 (C) "Contribution" shall not include noncompensated,
 33 nonreimbursed volunteer personal services or travel;

34 (4) "Contribution and expenditure" shall not include activities
 35 designed solely to encourage individuals to register to vote or to vote, or
 36 any communication by a bona fide church or religious denomination to its own

1 members or adherents for the sole purpose of protecting the right to practice
 2 the religious tenets of the church or religious denomination, and
 3 “expenditure” shall not include one ~~(1)~~ made for communication by a person
 4 strictly with the person’s paid members or shareholders;

5 (5) “Disqualification of a ballot question” means any action or
 6 process, legal or otherwise, which seeks to prevent a ballot question from
 7 being on the ballot at an election;

8 (6) “Expenditure” means a purchase, payment, distribution, gift,
 9 loan, or advance of money or anything of value, and a contract, promise, or
 10 agreement to make an expenditure, for goods, services, materials, or
 11 facilities for the purpose of expressly advocating the qualification,
 12 disqualification, passage, or defeat of a ballot question or the passage or
 13 defeat of a legislative question;

14 (7) “Legislative question” means a question in the form of a
 15 measure referred by the General Assembly, a quorum court, a municipality, or
 16 a school district to a popular vote at an election;

17 (8)(A) “Legislative question committee” means any person,
 18 located within or outside Arkansas, that receives contributions for the
 19 purpose of expressly advocating the passage or defeat of any legislative
 20 question or any person, other than a public servant, a governmental body
 21 expending public funds, or an individual, located within or outside Arkansas,
 22 that makes expenditures for the purpose of expressly advocating the passage
 23 or defeat of any legislative question.

24 (B) A person other than an individual or an approved
 25 political action committee as defined in § 7-6-201, located within or outside
 26 Arkansas, also qualifies as a legislative question committee if two percent
 27 (2%) or more of its annual revenues, operating expenses, or funds are used to
 28 make a contribution or contributions to another legislative question
 29 committee and if the contribution or contributions exceed ten thousand
 30 dollars (\$10,000) in value;

31 (9)(A) “Person” means any individual, business, proprietorship,
 32 firm, partnership, joint venture, syndicate, business trust, labor
 33 organization, company, corporation, association, committee, or any other
 34 organization or group of persons acting in concert.

35 (B) “Person” includes a public servant or governmental
 36 body using public funds to expressly advocate the qualification,

1 disqualification, passage, or defeat of any ballot question or the passage or
 2 defeat of any legislative question; and

3 (10) "Qualification of a ballot question" means any action or
 4 process, legal or otherwise, through which a ballot question obtains
 5 certification to be on the ballot at an election.

6
 7 SECTION 14. Arkansas Code § 21-8-301 is amended to read as follows:
 8 21-8-301. Definitions.

9 As used in this subchapter, ~~"state employee" means all employees of the~~
 10 ~~State of Arkansas employed on a full-time or part-time basis.;~~

11 (1)(A) "Public appointee" means an individual who is appointed
 12 to a governmental body.

13 (B) "Public appointee" does not include an individual
 14 appointed to an elective office;

15 (2)(A) "Public employee" means an individual who is employed by
 16 a governmental body or who is appointed to serve a governmental body.

17 (B) "Public employee" does not include a public official
 18 or a public appointee;

19 (3)(A) "Public official" means a legislator or any other person
 20 holding an elective office of any governmental body, whether elected or
 21 appointed to the office.

22 (B) "Public official" includes a legislator or any other
 23 person holding an elective office of any governmental body, whether elected
 24 or appointed to the office, during the time period between the date he or she
 25 is elected or appointed and the date he or she takes office; and

26 (4) "Public servant" means any:

27 (A) Public official;

28 (B) Public employee; or

29 (C) Public appointee.

30
 31 SECTION 15. Arkansas Code § 21-8-304 is amended to read as follows:
 32 21-8-304. Prohibited activities.

33 (a) No public ~~official or state employee~~ servant shall use or attempt
 34 to use his or her official position to secure special privileges or
 35 exemptions for himself or herself or his or her spouse, child, parents, or
 36 other persons standing in the first degree of relationship, or for those with

1 whom he or she has a substantial financial relationship that are not
2 available to others except as may be otherwise provided by law.

3 (b) No public ~~official or state employee~~ servant shall accept
4 employment or engage in any public or professional activity while serving as
5 a public official which he or she might reasonably expect would require or
6 induce him or her to disclose any information acquired by him or her by
7 reason of his or her official position which is declared by law or regulation
8 to be confidential.

9 (c) No public ~~official or state employee~~ servant shall disclose any
10 such information gained by reason of his or her position, nor shall he or she
11 otherwise use such information for his or her personal gain or benefit.

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