A.C.A.§ 21-8-401 through § 21-8-804

21-8-401. Title.

Subchapters 4 and 6-8 of this chapter may be referred to and cited as the Disclosure Act for Lobbyists and State and Local Officials.


Amendments. The 2007 amendment substituted Subchapters 4 and 6-8 for Subchapters 4, 5 [repealed], and 6-8, and made a stylistic change.

21-8-402. Definitions.

As used in this subchapter and 21-8-601 et seq., 21-8-701 et seq., and 21-8-801 et seq., unless the context otherwise requires:

(1) (A) Administrative action means any decision on, or proposal, consideration, or making of any rule, regulation, ratemaking proceeding, or policy action by a governmental body.

(B) Administrative action does not include ministerial action;

(2) Business means any corporation, partnership, sole proprietorship, firm, enterprise, franchise, association, organization, self-employed individual, receivership, trust, or any legal entity through which business is conducted;

(3) County government means any office, department, commission, council, board, bureau, committee, legislative body, agency, or other establishment of a county;

(4) Family means an individual's spouse, children of that individual or his or her spouse, or brothers, sisters, or parents of the individual or his or her spouse;

(5) (A) Gift means any payment, entertainment, advance, services, or anything of value, unless consideration of equal or greater value has been given therefor.

(B) The term gift does not include:

(i) (a) Informational material such as books, reports, pamphlets, calendars, or periodicals informing a public servant regarding his or her official duties.

(b) Payments for travel or reimbursement for any expenses are not informational material;

(ii) The giving or receiving of food, lodging, or travel which bears a relationship to the public servant's office and when appearing in an official capacity;

(iii) Gifts which are not used and which, within thirty (30) days after receipt, are returned to the donor;
(iv) Gifts from an individual's spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin, or the spouse of any of these persons, unless the person is acting as an agent or intermediary for any person not covered by this subdivision (5)(B)(iv);

(v) Campaign contributions;

(vi) Any devise or inheritance;

(vii) (a) Anything with a value of one hundred dollars ($100) or less.

(b) The value of an item shall be considered to be less than one hundred dollars ($100) if the public servant reimburses the person from whom the item was received any amount over one hundred dollars ($100) and the reimbursement occurs within ten (10) days from the date the item was received;

(viii) Wedding presents and engagement gifts;

(ix) A monetary or other award presented to an employee of a public school district, the Arkansas School for the Blind, the Arkansas School for the Deaf, the Arkansas School for Mathematics, Science, and the Arts, a university, a college, a technical college, a technical institute, a comprehensive life-long learning center, or a community college in recognition of the employee's contribution to education;

(x) Tickets to charitable fund-raising events held within this state by a nonprofit organization which is exempt from taxation under 501(c)(3) of the Internal Revenue Code;

(xi) A personalized award, plaque, or trophy with a value of one hundred and fifty dollars ($150) or less;

(xii) An item which appointed or elected members of a specific governmental body purchase with their own personal funds and present to a fellow member of that governmental body in recognition of public service;

(xiii) Food or beverages provided at a conference-scheduled event that is part of the program of the conference;

(xiv) Food or beverages provided in return for participation in a bona fide panel, seminar, or speaking engagement at which the audience is a civic, social, or cultural organization or group; and

(xv) (a) A monetary or other award publicly presented to an employee of state government in recognition of his or her contributions to the community and State of Arkansas when the presentation is made by the employee's supervisors or peers, individually or through a nonprofit organization which is exempt from taxation under 501(c) of the Internal Revenue Code, and the employee's receipt of the award would not result in or create the appearance of the employee using his or her position for private gain, giving preferential treatment to any person, or losing independence or impartiality.

(b) The exception in subdivision (5)(B)(xv)(a) of this section shall not apply to an award presented to an employee of state government by a person having economic interests
which may be affected by the performance or nonperformance of the employee's duties or responsibilities.

(6) Governmental body means any office, department, commission, council, board, committee, legislative body, agency, or other establishment of the executive, judicial, or legislative branch of the state, municipality, county, school district, improvement district, or any political district or subdivision thereof;

(7) (A) Income or compensation means any money or anything of value received or to be received as a claim for future services, whether in the form of a retainer, fee, salary, expense, allowance, forbearance, forgiveness, interest, dividend, royalty, rent, or any other form of recompense or any combination thereof. It includes a payment made under obligation for services or other value received.

(B) The term compensation does not include anything of value presented to an employee of a public school district, the Arkansas School for the Blind, the Arkansas School for the Deaf, the Arkansas School for Mathematics and Sciences, a university, a college, a technical college, a technical institute, a comprehensive life-long learning center, or a community college in recognition of the employee's contribution to education;

(8) Legislative action means introduction, sponsorship, consideration, debate, amendment, passage, defeat, approval, veto, or any other official action or nonaction on any bill, ordinance, law, resolution, amendment, nomination, appointment, report, or other matter pending or proposed before a committee or house of the General Assembly, a quorum court, or a city council or board of directors of a municipality;

(9) Legislator means any person who is a member of the General Assembly, a quorum court of any county, or the city council or board of directors of any municipality;

(10) Lobbying means communicating directly or soliciting others to communicate with any public servant with the purpose of influencing legislative action or administrative action;

(11) Lobbyist means a person who:

(A) Receives income or reimbursement in a combined amount of four hundred dollars ($400) or more in a calendar quarter for lobbying one (1) or more governmental bodies;

(B) Expends four hundred dollars ($400) or more in a calendar quarter for lobbying one (1) or more governmental bodies, excluding the cost of personal travel, lodging, meals, or dues; or

(C) Expends four hundred dollars ($400) or more in a calendar quarter, including postage, for the express purpose of soliciting others to communicate with any public servant to influence any legislative action or administrative action of one (1) or more governmental bodies unless the communication has been filed with the Secretary of State or the communication has been published in the news media. If the communication is filed with the Secretary of State, the filing shall include the approximate number of recipients;

(12) Municipal government means any office, department, commission, council, board, bureau, committee, legislative body, agency, or other establishment of a municipality;
Official capacity means activities which:

(A) Arise solely because of the position held by the public servant;

(B) Would be subject to expense reimbursement by the agency with which the public servant is associated; and

(C) Involve matters which fall within the official responsibility of the public servant;

Person means a business, individual, corporation, union, association, firm, partnership, committee, club, or other organization or group of persons;

Public appointee means an individual who is appointed to a governmental body.

(B) Public appointee shall not include an individual appointed to an elective office;

Public employee means an individual who is employed by a governmental body or who is appointed to serve a governmental body.

(B) Public employee shall not include public officials or public appointees;

Public official means a legislator or any other person holding an elective office of any governmental body, whether elected or appointed to the office, and shall include such persons during the time period between the date they were elected and the date they took office;

Public servant means all public officials, public employees, and public appointees;

Registered lobbyist means a lobbyist registered pursuant to the provisions of this subchapter and 21-8-601 et seq., 21-8-701 et seq., and 21-8-801 et seq.;

Special event means a planned activity to which a specific governmental body or identifiable group of public servants is invited; and

State government means any office, department, commission, council, board, bureau, committee, legislative body, agency, or other establishment of the State of Arkansas.


Under the provisions of 1-2-207(b), Act 1839 was the last enactment, and the amendment of 21-8-402(5)(B) by Act 1839, 23, prevails over the amendment of 21-8-402(5)(B) by Act 1192, 1. Act 1192, 1 provided:

Arkansas Code 21-8-402(5)(B), which provides the definition of gift for the purpose of ethics provisions, is amended to read as follows:

(B) The term gift does not include:

(i) (a) Informational material such as books, reports, pamphlets, calendars, or periodicals informing a public servant regarding his or her official duties;

(b) Payments for travel or reimbursement for any expenses are not informational material;
(ii) The giving or receiving of food, lodging, or travel that bears a relationship to the public servant's office and when appearing in an official capacity;

(iii) Gifts that are not used and that within thirty (30) days after receipt are returned to the donor;

(iv) Gifts from an individual's spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin, or the spouse of any of these persons, unless the person is acting as an agent or intermediary for any person not covered by this subdivision (5)(B)(iv);

(v) Campaign contributions;

(vi) Any devise or inheritance;

(vii) Anything with a value of one hundred dollars ($100) or less;

(viii) Wedding presents; or

(ix) Anything of value presented to an employee of a public school district, the Arkansas School for the Blind, the Arkansas School for the Deaf, the Arkansas School for Mathematics and Science, a university, a college, a technical college, a technical institute, a comprehensive life-long learning center, or a community college in recognition of the employee's contribution to education;

Amendments. The 1999 amendment rewrote (5)(B)(vii); added (5)(B)(viii); and added the language beginning with and shall include such persons in (16).

The 2001 amendment by No. 239 inserted present (13) and renumbered the remaining subdivisions accordingly.

The 2001 amendment by Nos. 1192 and 1839 rewrote (7).

The 2001 amendment by No. 1839 rewrote (5)(B); in (11)(A)-(C), substituted four hundred dollars ($400) for two hundred fifty dollars ($250); added present (20); and made stylistic changes.

The 2007 amendment added and at the end of (13)(B).

21-8-403. Penalty.

(a) Upon conviction, any person who violates any provision of subchapter 4, 6, 7, or 8 of this chapter is guilty of a Class A misdemeanor.

(b) The culpable mental state required shall be a purposeful violation.


Amendments. The 2007 amendment, in (a), added Upon conviction, substituted subchapter 4, 6, 7, or 8 for subchapters 4, 5 [repealed], and 6-8, and made related and stylistic changes.

21-8-404. Investigation generally.

The prosecuting attorney of the district where an alleged violation occurred shall have the authority to investigate the alleged violations of this chapter.


Cross References. Arkansas Ethics Commission, 7-6-217.

Subchapters 4 and 6-8 of this chapter are supplemental to any other law pertaining to ethics or conflicts of interest and do not repeal any other law except for a law specifically repealed by subchapter 4, 6, 7, or 8 of this chapter.


Amendments. The 2007 amendment rewrote the section.

21-8-406. Tickets to charitable events.

For the purposes of this subchapter and Subchapters 6-8 of this chapter, the value of a ticket to a charitable event shall not include the tax deductible portion of the ticket.


21-8-407. Gifts of art.

Any work of art contracted for prior to January 1, 1998, for public service recognition for members of the General Assembly shall not be a gift under 21-8-402 nor shall it be deemed an unlawful gift under any other statute or regulation.


A.C.R.C. Notes. References to this subchapter in 21-8-401-21-8-406 may not apply to this section which was enacted subsequently.

Subchapter 6
Disclosure by Lobbyists

21-8-601. Registration required Exceptions Termination.
21-8-602. Other filings required.
21-8-603. Activity reports Inspection.
21-8-604. Activity reports Required contents.
21-8-605. Records.
21-8-606. Duties of public officials.
21-8-607. Prohibited acts.

Research References

U. Ark. Little Rock L.J.
21-8-601. Registration required Exceptions Termination.

(a) (1) A lobbyist shall register within five (5) days after beginning lobbying. Such registration shall be on forms provided by the Secretary of State containing the following information:

(A) The name, address, and telephone number of the lobbyist;
(B) The calendar year for which the lobbyist is registering;
(C) The types of public servants being lobbied;
(D) The name, address, and telephone number of the lobbyist's client or employer;
(E) A description of the nature of the lobbyist's client or employer; and
(F) Certification by the lobbyist that the information contained on the lobbyist registration form is true and correct.

(2) (A) Except as provided in subdivision (a)(2)(B) of this section, if there is a change of information during the registration period, a lobbyist shall file an amended registration form within ten (10) days of the change.

(B) A lobbyist registered to lobby members of the General Assembly shall file an amended registration form within three (3) business days of a change of information that occurs during a regular or extraordinary session of the General Assembly.

(3) A lobbyist shall not be required to register if he or she engages in no lobbying other than the following activities:

(A) The publishing or broadcasting, by news media executives or their employees or agents, in the ordinary course of business, of news items, editorials, or other comments or paid advertisements which directly or indirectly urge legislative action or administrative action;

(B) Engaging in lobbying exclusively on behalf of an Arkansas church which qualifies as a tax exempt organization under 501(c)(3) of the Internal Revenue Code when lobbying solely for the purpose of protecting the rights of members or adherents to practice the religious doctrines of the church;

(C) (i) Action in a person's official capacity as a public servant.

(ii) However, a public servant shall be required to register as a lobbyist if he or she:

(a) Receives income from a nongovernmental person in excess of four hundred dollars ($400) in a quarter for lobbying; or

(b) Expends or is reimbursed in excess of four hundred dollars ($400), regardless of the source, in a quarter for lobbying, excluding the cost of informational material and personal travel, lodging, meals, and dues;
(D) Drafting legislation;

(E) Appearing in:

(i) A judicial proceeding;

(ii) A proceeding or hearing if the appearance is a matter of public record; or

(iii) Any hearing or appeal proceeding conducted pursuant to the Arkansas Administrative Procedure Act, 25-15-201 et seq.;

(F) Assisting an executive agency, at the written request of the agency, in drafting administrative regulations or in publicizing or assisting in the implementation of final administrative actions;

(G) Testifying as an individual at a public hearing in support of or in opposition to legislation or administrative action, testifying on behalf of a corporation, partnership, association, or other organization with which the person is regularly associated as an employee, officer, member, or partner, or testifying at the request of a legislative committee; or

(H) Actions by contractors or employees of contractors while engaged in selling to a governmental body by demonstrating or describing commodities or services or inquiring as to specifications or terms and conditions of a particular purchase unless such contractor or its employees expend in excess of four hundred dollars ($400) in a calendar quarter for food, lodging, travel, or gifts to benefit public servants who purchase commodities or services on behalf of a governmental body.

(4) A person whose only act of lobbying is to compensate or reimburse a registered lobbyist in the person's behalf shall not be required to register as a lobbyist.

(b) Upon the termination of a registered lobbyist's employment or designation as a lobbyist, the termination shall be conveyed by the registered lobbyist in writing to the public official with whom the lobbyist is registered. The written notice of termination shall:

(1) State the registered lobbyist's name;

(2) State the date the registered lobbyist's employment is terminated or his or her designation as a lobbyist terminated; and

(3) Report any activity to be reported during the period in which the registration was in effect that has not already been reported.

(c) Each registered lobbyist whose employment or designation as a lobbyist has not terminated shall reregister by January 15 of each year.


Amendments. The 2001 amendment added the last sentence in (a)(1); added (a)(1)(A) through (a)(1)(E); substituted four hundred dollars ($400) for two hundred fifty dollars ($250) in (a)(2)(C)(ii)(a), (a)(2)(C)(ii)(b) and (a)(2)(H); added the last sentence to (b); and added (b)(1) through (b)(3).
The 2005 amendment inserted present (a)(1)(C) and (a)(2); and redesignated former (a)(1)(C)-(E), (a)(2) and (a)(3) as present (a)(1)(D)-(F), (a)(3) and (a)(4).

**U.S. Code.** Section 501(c)(3) of the Internal Revenue Code, referred to in this section, is codified as 26 U.S.C. 501(c)(3).

**Cross References.** Preparation of General Assembly bills, resolutions, and amendments, 10-2-501.

**RESEARCH REFERENCES**

*U. Ark. Little Rock L. Rev.*


**21-8-602. Other filings required.**

**(a)** A lobbyist who lobbies public servants of state government shall register and make other filings with the Secretary of State.

**(b)** A lobbyist who lobbies public servants of municipal government shall register and make other filings with the city clerk or recorder of the municipality, as the case may be.

**(c)** A lobbyist who lobbies public servants of county government or any government body not otherwise covered by this section shall register and make other filings with the county clerk of the county.

**(d)** A lobbyist who lobbies public servants of a governmental body covering a district which includes all or part of more than one (1) county shall file with the Secretary of State and the county clerk of his or her principal place of business or residence within the state.

**(e)** A lobbyist who would be required to register and file with more than one (1) public official under this section may, in lieu of registering with each public official, register and make other filings with the Secretary of State and the county clerk of his or her principal place of business or residence within the state.


**21-8-603. Activity reports Inspection.**

**(a)** *(1)* Within fifteen (15) days after the end of each calendar quarter, each registered lobbyist shall file a complete and detailed statement, signed and sworn to, concerning his or her lobbying activities during the previous calendar quarter.

**(2)** *(A)* A registered lobbyist who lobbies members of the General Assembly shall file a monthly lobbyist activity report, signed and sworn to, for any month in which the General Assembly is in session. A quarterly report is not required if the registered lobbyist has filed monthly lobbyist activity reports for each month of the calendar quarter.

**(B)** The monthly lobbyist activity report shall be filed within ten (10) days after the end of each month.
(b) (1) Lobbyist activity reports shall be open to public inspection.

(2) Beginning January 1, 2010, all lobbyist activity reports that are required to be filed with the Secretary of State shall be filed in electronic form through the Internet.

(c) The Secretary of State shall provide a form to be filed simultaneously with the lobbyist activity report that:

(1) Is signed by a registered lobbyist under penalty of perjury under 5-53-102; and

(2) Certifies that the lobbyist activity report is accurate.


Amendments. The 1999 amendment, in (a)(2)(A), substituted A for In addition to the quarterly lobbyist activity report, a and added the last sentence.

The 2009 amendment added the (b)(1) designation; and added (b)(2) and (c).

21-8-604. Activity reports Required contents.

(a) The lobbyist activity reports shall be signed and sworn to by the registered lobbyist.

(b) The reports shall contain:

(1) (A) The total of all expenditures made or incurred by the registered lobbyist or on behalf of the registered lobbyist by his or her employer or any officer, employee, or agent during the preceding period.

(B) These totals shall be itemized according to financial category and employers and clients, including food and refreshments, entertainment, living accommodations, advertising, printing, postage, travel, telephone, and other expenses or services.

(C) Registered lobbyists shall not be required to report office expenses other than office expenses specifically required to be reported under this section.

(D) Registered lobbyists are not required to report unreimbursed personal living and travel expenses not incurred directly for lobbying;

(2) (A) An itemized listing of each:

(i) Gift given to a public servant or on behalf of the public servant;

(ii) Payment for food, lodging, or travel in excess of forty dollars ($40.00) on behalf of a public servant; and

(iii) Any other item paid or given to a public servant or on behalf of the public servant, except for campaign contributions, having a value in excess of forty dollars ($40.00) unless consideration of equal or greater value has been given therefor. If the person receiving or to be benefiting by the item is a public employee, the person's governmental body shall be identified.

(B) Each item shall be identified by date, amount paid or value, and the name of the individual receiving or to be benefited by the item, and a description of the item.
(C) In the case of special events, including parties, dinners, athletic events, entertainment, and other functions, expenses need not be allocated by individuals. The information reported for a special event shall include:

(i) The date of the event;
(ii) The name of the event;
(iii) The location of the event;
(iv) The name of the governmental body or group of public servants invited;
(v) The exact amount paid by the lobbyist toward the total expenditure; and
(vi) The name of the lobbyist's employer or client making the expenditure and the names of all other lobbyists sharing in the cost of the payment;

(3) A detailed statement of any money loaned or promised or line of credit established to a public servant or to anyone on behalf of the public servant in excess of twenty-five dollars ($25.00) per individual. Money loaned or a line of credit established that is issued in the ordinary course of business by a financial institution or a person who regularly and customarily extends credit shall not be required to be disclosed; and

(4) A statement detailing the direct business association or partnership with any public servant before whom the lobbyist may engage in lobbying.

(c) Whenever the name of a public servant will appear in an activity report of a lobbyist, the lobbyist shall notify the public servant and provide him or her the information being reported. The lobbyist shall mail or deliver the notification to the public servant not later than seven (7) working days prior to the date for filing the activity report.


Amendments. The 1999 amendment, in (b)(1)(A), inserted or any officer, employee, or agent; substituted forty dollars ($40.00) for twenty-five dollars ($25.00) in (b)(2)(A)(ii) and (b)(2)(A)(iii); and added the last sentence in (b)(2)(A)(iii).

The 2001 amendment, in (b)(2)(C), deleted but the date of the event, location, name of the governmental body or groups of public servants invited, and total expense shall be stated following by individuals and added the last sentence; and added (b)(2)(C)(i) through (b)(2)(C)(vi).

21-8-605. Records.

A registered lobbyist shall maintain and preserve all accounts, bills, receipts, and any other documents necessary to substantiate the financial reports required by subchapters 4 and 6-8 of this chapter for a period of at least four (4) years from the date of the filing of the statement or report.

Amendments. The 1999 amendment deleted 5 following subchapters 4 and substituted four (4) years for three (3) years.

21-8-606. Duties of public officials.

The Secretary of State, each county clerk, and each city clerk or recorder shall:

(1) Provide forms approved by the Arkansas Ethics Commission for registration and for statements required by this subchapter and 21-8-401 et seq., 21-8-701 et seq., and 21-8-801 et seq. to all persons required to file; and

(2) Make all statements and reports filed available for public inspection and copying at a reasonable cost during regular office hours.


Amendments. The 2001 amendment, in (1), deleted 4, 5 [repealed] following by subchapters and added and to the end; deleted (2); and redesignated former (3) as present (2).

21-8-607. Prohibited acts.

(a) No person shall purposely employ any lobbyist who is required to register as a registered lobbyist but is not registered pursuant to this chapter.

(b) No person engaging in lobbying shall:

(1) Influence or attempt to influence, by coercion, bribery, or threat of economic sanction, any public servant in the discharge of the duties of his or her office;

(2) Purposely provide false information to any public servant as to any material fact pertaining to any legislative or administrative action;

(3) Purposely omit, conceal, or falsify in any manner information required by the registration and lobbyist activity reports;

(4) Contract to receive or accept compensation that is dependent in any manner upon:

(A) The success or failure of a legislative or administrative action; or

(B) The outcome of any executive, legislative, or administrative action relating to the solicitation or securing of a procurement contract; or

(5) (A) Provide payment for food or beverages at any location or event at which the lobbyist is not present physically.

(B) Subdivision (b)(5)(A) of this section shall not apply to a special event under 21-8-402(20).

(c) (1) A person convicted of violating subsection (a) or subsection (b) of this section is:
(A) Prohibited from acting as a registered lobbyist for a period of three (3) years from the date of the conviction; and

(B) Subject to a fine of not less than one hundred dollars ($100) and not more than one thousand dollars ($1,000).

(2) Any person violating the three-year ban shall be deemed guilty of an additional violation of this subchapter.

(d) Any person who acts as a lobbyist as defined by 21-8-402(11) but purposely fails to register within five (5) days of beginning lobbying activities as required by 21-8-601 is subject to a fine of not less than five hundred dollars ($500) and not more than one thousand dollars ($1,000).

(e) (1) On a lobbyist registration form, a person acting as a lobbyist shall not:

   (A) Purposely provide false information; or
   (B) Purposely omit information.

(2) A person who violates subdivision (e)(1) of this section shall:

   (A) Not be considered a registered lobbyist; and
   (B) Be subject to a fine of not less than five hundred dollars ($500) and not more than one thousand dollars ($1,000).

(f) A person convicted of three (3) or more violations of a provision of this subchapter shall be permanently prohibited from acting as a registered lobbyist in this state.

(g) An expunged record shall not serve as the basis for disqualification under this section.


Amendments. The 2009 amendment added (b)(4) and (b)(5); rewrote (c); and added (d) through (g).

Cross References. Arkansas Ethics Commission, 7-6-217.

Subchapter 7

Disclosure by State and Local Officials Statement of Financial Interest

21-8-701. Persons required to file Exceptions Contents.
21-8-702. Forms.
21-8-703. Place and manner of filing.
21-8-704. Filing by persons called to active duty Exceptions.

A.C.R.C. Notes. Acts 1989, No. 5, 1, provided:

The time limit for filing a statement of financial interest under Initiated Act 1 of 1988, for the filing made in 1989, shall be extended to a date thirty (30) days after the Attorney General renders an official opinion on all questions submitted to him on or before January 25, 1989, pertaining to the filing of a statement of
financial interest under Initiated Act 1 of 1988. Upon issuing all necessary opinions, the Attorney General shall notify the Secretary of State.

Research References

U. Ark. Little Rock L.J.


21-8-701. Persons required to file Exceptions Contents.

(a) The following persons shall file a written statement of financial interest:

(1) A public official, as defined in 21-8-402(17);

(2) A candidate for elective office;

(3) A district judge or city attorney, whether elected or appointed;

(4) Any agency head, department director, or division director of state government or a chief of staff or chief deputy of a constitutional officer, the Senate, or the House of Representatives;

(5) (A) Any public appointee to any state board or commission that is authorized or charged by law with the exercise of regulatory authority or is authorized to receive or disburse state or federal funds.

(B) A public appointee to a state board or commission that is not charged by law with the exercise of regulatory authority and that receives or disburses state or federal funds only in the form of mileage reimbursement for members attending meetings of the board or commission shall not be required to file a written statement of financial interest;

(6) All persons who are elected members of a school board or who are candidates for a position on a school board;

(7) All public and charter school superintendents;

(8) Executive directors of education service cooperatives; and

(9) Any person appointed to one (1) of the following types of regional, municipal, or county boards or commissions:

(A) A planning board or commission;

(B) An airport board or commission;

(C) A water or sewer board or commission;

(D) A utility board or commission; or

(E) A civil service commission.

(b) A member of a levee district or a levee and drainage district or any candidate therefor shall not be required to file a written statement of financial interest under this section.
(c) (1) (A) The statement of financial interest for the previous calendar year shall be filed by January 31 of each year, except that a candidate for elective office shall file the statement of financial interest for the previous calendar year on the first Monday following the close of the period to file as a candidate for the elective office, and persons identified in subdivisions (a)(4) and (5) of this section shall file the statement of financial interest within thirty (30) days after appointment or employment.

(B) If a person is included in any category listed in subsection (a) of this section for any part of a calendar year, then such person shall file a statement of financial interest covering that period of time regardless of whether the person has left his or her office or position as of the date that statement of financial interest is due.

(2) Any incumbent officeholder who filed the statement of financial interest by January 31 of the year in which the election is held shall not be required to file an additional statement upon becoming a candidate for reelection or election to another office at any election held during the year.

(d) The statement of financial interest shall include the following:

(1) The name of the public servant or candidate and his or her spouse and all names under which they do business;

(2) The reasons for filing the statement of financial interest;

(3) (A) Identification of each employer and of each other source of gross income amounting to more than one thousand dollars ($1,000) annually received by the person or his or her spouse in their own names, or by any other person for the use or benefit of the public servant or candidate or his or her spouse, and a brief description of the nature of the services for which the compensation was received, except that this subdivision (d)(3) shall not be construed to require the disclosure of individual items of income that constitute a portion of the gross income of the business or profession from which the public servant or candidate or his or her spouse derives income; and

(B) In addition thereto, identification of each source of gross income as described above of more than twelve thousand five hundred dollars ($12,500), except that this shall not be construed to require the disclosure of individual items of income that constitute a portion of the gross income of the business or profession from which the public servant or candidate or his or her spouse derives income;

(4) (A) The name and address of every business in which the public servant or candidate and his or her spouse, or any other person for the use or benefit of the public servant or candidate or his or her spouse, have an investment or holdings of over one thousand dollars ($1,000) at fair market value as of the last day of the previous calendar year; and

(B) In addition thereto, identification of each source as described above that has a fair market value of over twelve thousand five hundred dollars ($12,500) as of the last day of the previous calendar year;
(5) Every office or directorship held by the public servant or candidate or his or her spouse in any business, corporation, firm, or enterprise subject to jurisdiction of a regulatory agency of this state or of any of its political subdivisions;

(6) (A) The name and address of each creditor to whom the value of five thousand dollars ($5,000) or more was personally owed or personally obligated and is still outstanding by the public servant or candidate.

(B) (i) Loans made in the ordinary course of business by either a financial institution or a person who regularly and customarily extends credit shall not be required to be disclosed.

(ii) Debts owed to the members of the public servant's or candidate's family need not be included;

(7) (A) The name and address of each guarantor or co-maker, other than a member of the public servant's or candidate's family, who has guaranteed a debt of the public servant or candidate that is still outstanding.

(B) (i) This requirement shall be applicable only to debt guaranties for debts assumed or arising after January 1, 1989.

(ii) Guaranteed debts existing prior to January 1, 1989, which are extended or refinanced shall become subject to disclosure in the annual financing statement due to be filed after the conclusion of the year in which such extension or refinancing occurred;

(8) The source, date, description, and a reasonable estimate of the fair market value of each gift of more than one hundred dollars ($100) received by the public servant or candidate or his or her spouse or more than two hundred fifty dollars ($250) received by his or her dependent children;

(9) Each monetary or other award of more than one hundred dollars ($100) received by the public servant or candidate in his or her capacity as an employee of a public school district, the Arkansas School for the Blind, the Arkansas School for the Deaf, the Arkansas School for Mathematics, Sciences, and the Arts, a university, a college, a technical college, a technical institute, a comprehensive life-long learning center, or a community college in recognition of his or her contribution to education;

(10) Each nongovernmental source of payment of the public servant's expenses for food, lodging, or travel that bears a relationship to the public servant's office when the public servant is appearing in his or her official capacity when the expenses incurred exceed one hundred fifty dollars ($150). The public servant shall identify the name and business address of the person or organization paying the public servant's expenses and the date, nature, and amount of that expenditure if not compensated by the entity for which the public servant serves;

(11) Any public servant who is employed by any business that is under direct regulation or subject to direct control by the governmental body which he or she serves shall set out this employment and the fact that the business is regulated by or subject to control of the governmental body on the statement of financial interest; and

(12) If a public servant or any business in which he or she or his or her spouse is an officer, director, stockholder owning more than ten percent (10%) of the stock of the company, and the
owner, trustee, or partner shall sell any goods or services having a total annual value in excess of one thousand dollars ($1,000) to the governmental body in which the public servant serves or is employed, then the public servant shall set out in detail the goods or services sold, the governmental body to which they were sold, and the compensation paid for each category of goods or services sold.

(e) All statements of financial interest required to be filed with the Secretary of State on or after January 1, 2010, shall be made publicly accessible at no charge by the Secretary of State in electronic form through the Internet.


Publisher's Notes. Acts 1989, No. 719, 3, provided, in part, that, for the financial statement required to be filed by January 31, 1989, this requirement shall apply only to gifts received after November 8, 1988.

Amendments. The 1999 amendment by No. 553 added (a)(6) and (7); rewrote (b) and (c); added (d)(2); redesignated former (d)(2)-(d)(10) as present (d)(3)-(d)(11), respectively; substituted last day of the previous calendar year for date of the state in (d)(4)(A); substituted as of the last day of the previous calendar year for on the date of the statement in (d)(4)(B); rewrote (d)(8); and made stylistic changes.

The 1999 amendment by No. 1172 added (a)(6) and (7).

The 2001 amendment by No. 1599 inserted (a)(7)-(8) and redesignated the remaining subdivisions accordingly.

The 2001 amendment by No. 1839 inserted gross preceding income twice in (d)(3); substituted description and a reasonable estimate of the fair market value for reasonable fair market value, and in (d)(8); added (d)(9) and redesignated the remaining subsections accordingly; inserted or she in present (d)(11); and in present (d)(12), deleted or preceding stockholder, substituted and the owner for the owner, and made minor stylistic changes.

The 2005 amendment redesignated former (5) as present (5)(A); substituted commission that for commission who in present (5)(A); and added (5)(B).

The 2007 amendment by No. 221 inserted or candidate and or candidate's throughout (d); substituted Arkansas School for Mathematics, Sciences, and the Arts for Arkansas School for Mathematics and Science in (d)(9); and in (d)(10), inserted and amount and made related changes.

The 2007 amendment by No. 267 substituted on the first Monday following the close of the period to file as a candidate for the elective office for within thirty (30) days after the deadline for filing for office for which he or she seeks election in (c)(1)(A).

The 2007 amendment by No. 617, in (a)(8), substituted Executive directors for Directors and substituted education service cooperatives for educational cooperatives.

The 2009 amendment by No. 473 inserted and address in (d)(4)(A).

The 2009 amendment by No. 963 added or a chief of House of Representatives in (a)(4); and added (e).

Research References

Ark. L. Notes.

21-8-702. Forms.

Forms used by persons in filing statements as required in this subchapter shall provide for the signature of the person, under penalty of false swearing, with respect to the truth and accuracy of the statements made on the form.


Amendments. The 1999 amendment substituted false swearing for perjury.

21-8-703. Place and manner of filing.

(a) The statement of financial interest shall be filed as follows:

(1) State or district public servants and candidates for state or district public office required to file shall file with the Secretary of State;

(2) County, township, or school district public servants and candidates for county, township, or school district public office required to file shall file with the county clerks;

(3) Municipal public servants and candidates for municipal office required to file shall file with the city clerk or recorder, as the case may be;

(4) All district judges or city attorneys, whether elected or appointed, shall file with the city clerk of the municipality within which they serve; and

(5) Members of regional boards or commissions shall file with the county clerk of the county in which they reside.

(b) Any report required by this subchapter shall be deemed timely filed if it is:

(1) Hand delivered to the appropriate public official on or before the date due;

(2) Mailed to the appropriate public official, properly addressed, postage prepaid, bearing a postmark indicating that it was received by the post office or common carrier on or before the date due;

(3) Received via facsimile by the appropriate public official on or before the date due, provided the original is received by the appropriate public official within ten (10) days of the transmission; or

(4) Received by the appropriate public official in a readable electronic format which is acceptable to such public official and approved by the Arkansas Ethics Commission.

Amendments. The 1999 amendment inserted and manner in the section catchline; added (b); and made stylistic changes.

The 2001 amendment inserted and candidates for state or district public office in (a)(1); inserted and office in (a)(2); inserted and candidates for municipal office in (a)(3); added and to the end of (a)(4); added (a)(5); substituted appropriate public official for Secretary of State throughout (b); and substituted such public official for the Secretary of State in (b)(4).

21-8-704. Filing by persons called to active duty Exceptions.

If a person who is required to file a statement of financial interest under this subchapter is called to active duty in the armed forces of the United States:

(1) The person shall be allowed an additional one hundred eighty (180) days to file the statement of financial interest required by this subchapter; and

(2) The statement of financial interest may be completed by the spouse of the person. If the statement of financial interest is completed by the spouse of the person, the spouse's signature shall be sufficient for the requirement of 21-8-702.


Subchapter 8
Disclosure by State and Local Officials Conflict of Interest

21-8-801. Prohibited acts generally.

21-8-802. Prohibited appearances Exceptions.

21-8-803. Reporting of potential conflicts.

21-8-804. Gifts to governmental entities.

Research References

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21-8-801. Prohibited acts generally.

(a) No public servant shall:

(1) Receive a gift or compensation as defined in 21-8-401 et seq., other than income and benefits from the governmental body to which he or she is duly entitled, for the performance of the duties and responsibilities of his or her office or position; or

(2) Purposely use or disclose to any other person or entity confidential government information acquired by him or her in the course of and by reason of the public servant's official duties, to secure anything of material value or benefit for himself or herself or his or her family.
(b) (1) No person shall confer a gift or compensation as defined in 21-8-401 et seq. to any public servant, the receipt of which is prohibited by subdivision (a)(1) of this section.

(2) (A) The first violation of this subsection by any person other than a registered lobbyist shall result in a written warning.

(B) Upon a second violation and subsequent violations by persons other than registered lobbyists and upon a first violation by registered lobbyists, the penalties provided for in 7-6-218 shall apply.


Amendments. The 2001 amendment redesignated the former introductory language as present (a); added or to the end of (a)(1); and added (b).

Research References

Ark. L. Notes.


21-8-802. Prohibited appearances Exceptions.

(a) No legislator shall appear for compensation on behalf of another person, firm, corporation, or entity before any entity of:

(1) State government, if the legislator is a member of the General Assembly;

(2) The legislator's county government, if the legislator is a member of a quorum court; or

(3) The legislator's municipal government, if the legislator is a member of a city council or board of directors of a municipality.

(b) This section shall not:

(1) Apply to any judicial proceeding or to any hearing or proceeding which is adversarial in nature or character;

(2) Apply to any hearing or proceeding on which a record is made by the entity of state government, county government, or municipal government;

(3) Apply to an appearance which is a matter of public record;

(4) Apply to ministerial actions; or

(5) Preclude a legislator from acting on behalf of a constituent to determine the status of a matter without accepting compensation.

(c) An appearance which is a matter of public record as provided in subdivision (b)(3) of this section may be made by:

(1) (A) Filing a written statement within twenty-four (24) hours with the agency head of the entity of state government, county government, or municipal government before which an appearance is sought.
(B) In the event that a written statement cannot be provided to the agency head prior to the meeting, telephonic notice must be given the agency head or his office; or

(2) Filing a quarterly statement with the agency head of the entity of state government before which an appearance is sought.

(d) (1) A statement filed under subsection (c) of this section shall identify the client on behalf of whom the appearance is made and contain a general statement of the action sought from the governmental body.

(2) (A) The statements shall be retained by the agency head and shall be a matter of public record.

(B) If the agency head determines that the release of the client's name would be an unwarranted invasion of individual privacy or would give advantage to competitors for bidding, the agency head may withhold the name until appropriate.

(e) No member of the General Assembly shall receive any income or compensation as defined in 21-8-401 et seq., other than income and benefits from the governmental body to which he or she is duly entitled, for lobbying other members of the General Assembly by communicating directly or soliciting others to communicate with any other member with the purpose of influencing legislative action by the General Assembly.


21-8-803. Reporting of potential conflicts.

(a) A legislator who is required to take an action in the discharge of his or her official duties that may affect his or her financial interest or cause financial benefit or detriment to him, or a business in which he or she is an officer, director, stockholder owning more than ten percent (10%) of the stock of the company, owner, trustee, partner, or employee, which is distinguishable from the effects of the action on the public generally or a broad segment of the public, shall:

(1) Prepare a written statement describing the matter requiring action and stating the potential conflict; and

(2) (A) Deliver a copy of the statement to the appropriate official to be filed with the statement of financial interest.

(B) The copy of the statement may be delivered in person by the public official, by mail, or by a person authorized by the public official to deliver the copy.

(b) The obligation to report a potential conflict of interest under this section arises as soon as the legislator is aware of the conflict.

(c) If the statement of financial interest filed by the legislator makes the conflict readily apparent, then no report need be filed.

21-8-804. Gifts to governmental entities.

(a) (1) The Governor, Lieutenant Governor, Secretary of State, Treasurer of State, Auditor of State, Commissioner of State Lands, and Attorney General, in their official capacity, may accept gifts, grants, and donations of money or property on behalf of the state for any lawful public purpose.

(2) The President Pro Tempore of the Senate, in his or her official capacity, may accept gifts, grants, and donations of money or property on behalf of the Senate for any lawful public purpose.

(3) The Speaker of the House, in his or her official capacity, may accept gifts, grants, and donations of money or property on behalf of the House of Representatives for any lawful public purpose.

(4) The Chief Justice of the Supreme Court, in his or her official capacity, may accept gifts, grants, and donations of money or property on behalf of the Supreme Court for any lawful public purpose.

(b) (1) Except as provided in subdivision (b)(2) of this section, the items received shall:

(A) Not be of such a personal nature that their use is limited to a specific person or persons;

(B) Be available to be enjoyed by the public at large; and

(C) Become property of the governmental entity to which they were donated.

(2) The designated officials may accept donations of money for the purpose of hosting the:

(A) Official swearing-in and inaugural events of the constitutional officers, Senate, House of Representatives, and Supreme Court justices;

(B) Official recognition event for the President Pro Tempore of the Senate; and

(C) Official recognition event for the Speaker of the House.

(c) The public official accepting the gift, grant, or donation of money on behalf of the appropriate entity shall disclose to the Arkansas Ethics Commission on a quarterly basis:

(1) The gift, grant, or donation of money received;

(2) The person donating the gift, grant, or donation of money; and

(3) The estimated value of the gift, grant, or donation of money.