

State of Arkansas
92nd General Assembly
Regular Session, 2019

A Bill

HOUSE BILL 1698

By: Representative Della Rosa

For An Act To Be Entitled

AN ACT TO AMEND THE LAW CONCERNING THE FILING AND PUBLICATION OF CERTAIN CAMPAIGN FINANCE REPORTS; TO PROVIDE NOTICE WHEN CAMPAIGN FINANCE PAPER REPORTS ARE NOT ACCEPTED FOR FILING; TO REQUIRE AFFIDAVITS FOR PAPER FILING; TO AMEND PORTIONS OF ARKANSAS CODE RESULTING FROM INITIATED ACT 1 OF 1990 AND INITIATED ACT 1 OF 1996; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND THE LAW CONCERNING THE FILING AND PUBLICATION OF CERTAIN CAMPAIGN FINANCE REPORTS; AND TO AMEND PORTIONS OF ARKANSAS CODE RESULTING FROM INITIATED ACT 1 OF 1990 AND INITIATED ACT 1 OF 1996.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code § 7-6-214, concerning publication of reports, is amended to add an additional subsection to read as follows:

(c)(1) The Secretary of State shall maintain a list of all reports required under §§ 7-6-203, 7-6-207 – 7-6-210, 7-6-215, 7-6-216, and 7-6-220 not filed in electronic form.

(2) The list shall include:

(A) The name of the person filing the report;

(B) The type of report filed;

(C) The date the report was filed; and



(D) The designation "paper filer".

(3) The list shall be posted on the official website of the Secretary of State.

(4) The list shall be organized by calendar year and updated at least monthly on a schedule to be determined by the Secretary of State.

SECTION 2. Arkansas Code § 7-6-215(a)(1), concerning registration and reporting by approved political action committees and resulting from Initiated Act 1 of 1990 and Initiated Act 1 of 1996, is amended to add an additional subdivision to read as follows:

(E) Registration with the Secretary of State under this section may be filed in paper form if:

(i) The political action committee does not have access to the technology necessary to submit registration in electronic form;

(ii) Submitting registration in electronic form would constitute a substantial hardship for the political action committee;
and

(iii) The political action committee submits a notarized affidavit that complies with § 7-6-231.

SECTION 3. Arkansas Code § 7-6-215(d)(5)(B)(iv), concerning registration and reporting by approved political action committees and resulting from Initiated Act 1 of 1990 and Initiated Act 1 of 1996, is amended to read as follows:

(iv) A political action committee under this section may file reports in paper form under this section if:

(a) The political action committee does not have access to the technology necessary to submit reports in electronic form;
and

(b) Submitting reports in electronic form would constitute a substantial hardship for the political action committee;
and

(c) The political action committee submits a notarized affidavit that complies with § 7-6-231.

SECTION 4. Arkansas Code § 7-6-220(e)(3), concerning reporting of

independent expenditures and resulting from Initiated Act 1 of 1996, is amended to read as follows:

(3) A person or independent expenditure committee under this section may file reports in paper form under this section if:

(A) The person or independent expenditure committee does not have access to the technology necessary to submit reports in electronic form; ~~and~~

(B) Submitting reports in electronic form would constitute a substantial hardship for the person or independent expenditure committee; and

(C) The person or independent expenditure committee submits a notarized affidavit that complies with § 7-6-231.

SECTION 4. Arkansas Code § 7-6-230(a)(2)(B), concerning the alternative to electronic filing of reports, is amended to read as follows:

(B) The Secretary of State shall:

(1) ~~not~~ Not accept a report in paper form under subdivision (a)(1) of this section if a notarized affidavit was not submitted with the first paper report in the election cycle; and

(2) Provide written notice to the candidate within five (5) business days if the report in paper form was not filed or accepted; and

(3) Provide the reason the report in paper form was not filed or accepted.

SECTION 5. Arkansas Code § 7-6-230(d), concerning the alternative to electronic filing of reports, is amended to read as follows:

(d)(1) The Secretary of State shall make available campaign contribution and expenditure reports submitted in paper form, carryover fund reports submitted in paper form, and affidavits accompanying reports filed in paper form, on a portion of the official website of the Secretary of State.

(2) The Secretary of State shall comply with the requirements of § 7-6-214(c) regarding the "paper filer" designation and publication requirements for all reports submitted in paper form.

SECTION 6. Arkansas Code Title 7, Chapter 6, Subchapter 2, is amended

to add an additional section to read as follows:

7-6-231. Alternative to electronic filing - Reporting of independent expenditures - Registration and reports for political action committees.

(a)(1) A person required to file reports or register in electronic form under § 7-6-215 or § 7-6-220 may file reports or register in paper form under this section if:

(A) The person does not have access to the technology necessary to submit reports or registration in electronic form; and

(B) Submitting reports or registration in electronic form would constitute a substantial hardship for the person.

(2)(A) A person filing reports or registration in paper form under subdivision (a)(1) of this section shall submit with its first report or registration a notarized affidavit on a form prepared by the Secretary of State declaring that:

(i) The person does not have access to the technology necessary to submit reports or registration in electronic form;

(ii) Submitting reports or registration in electronic form would constitute a substantial hardship for the person; and

(iii) The person agrees to file all other reports in paper form for the duration of the period of registration.

(B) The Secretary of State shall:

(i) Not accept a report or registration in paper form under subdivision (a)(1) of this section if a notarized affidavit was not submitted with the:

(a) Registration of a political action committee; or

(b) First report of a person or independent expenditure committee;

(ii) Provide written notice to the political action committee within five (5) business days if the registration in paper form was not filed or accepted;

(iii) Provide written notice to a political action committee, person, or independent expenditure committee within five (5) business days if a report in paper form was not filed or accepted; and

(iv) Provide the reason the registration or report in paper form was not filed or accepted.

(b)(1) The Secretary of State shall make available to persons wishing to file reports in paper form under this section:

(A) Information on the deadlines for filing required reports; and

(B)(i) Appropriate forms and instructions for complying with the deadlines.

(ii) The Arkansas Ethics Commission shall approve the forms and instructions used by the Secretary of State under this section to ensure that all required information is requested.

(2) Reports shall be filed on the forms furnished by the Secretary of State, except that computer-generated contribution and expenditure reports shall be accepted by the Secretary of State and the Arkansas Ethics Commission provided that all of the requisite elements are included.

(c)(1)(A) A report submitted in paper form under this section other than a preelection report is timely filed if it is either hand delivered or mailed to the Secretary of State, properly addressed, and postage prepaid, bearing a postmark indicating that it was received by the post office or common carrier on or before the date that the report is due.

(B) A preelection report submitted in paper form under this section is timely filed if it is received by the Secretary of State no later than seven (7) days before the election for which it is filed.

(2) The Secretary of State shall accept a report via facsimile, provided the original is received by the Secretary of State within ten (10) days of the date of facsimile transmission.

(d)(1) The Secretary of State shall make available reports submitted in paper form on a portion of the official website of the Secretary of State.

(2) The Secretary of State shall comply with the requirements of § 7-6-214(c) regarding the "paper filer" designation and publication requirements for all reports submitted in paper form.

APPROVED: 4/16/19