

Stricken language would be deleted from and underlined language would be added to present law.

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As Engrossed: H3/4/15
A Bill

HOUSE BILL 1233

By: Representatives Della Rosa, Gillam, Bragg, Eubanks, Linck, Hickerson, Gossage, Sabin, Davis, Leding, Neal, Magie, D. Douglas, McElroy, Drown, Nicks, Harris, Richey, Holcomb, M.J. Gray, Miller, Baine, Eads, Tucker, Tosh, Johnson, Ladyman, Blake, Petty, Bennett, Sorvillo
By: Senator J. Woods

For An Act To Be Entitled

AN ACT TO AMEND ARKANSAS LAW CONCERNING THE FILING OF CERTAIN REPORTS WITH THE SECRETARY OF STATE; TO AMEND PORTIONS OF LAW RESULTING FROM INITIATED ACT 1 OF 1990 AND INITIATED ACT 1 OF 1996; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND ARKANSAS LAW CONCERNING THE FILING OF CERTAIN REPORTS WITH THE SECRETARY OF STATE; AND TO AMEND PORTIONS OF LAW 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 § 7-6-203(h)(4)(C)(v), concerning carryover fund reports and resulting from Initiated Act 1 of 1990 and Initiated Act 1 of 1996, is amended to read as follows:

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

(b) The carryover fund reports of a candidate for state or district office filed with the Secretary of State shall be filed in electronic form through the official website of the Secretary of State. The Arkansas Ethics Commission shall approve the format used by the Secretary



of State for the filing of carryover fund reports in electronic form under this subdivision to ensure that all required information is requested. The official website of the Secretary of State shall allow for searches of carryover fund report information required to be filed in electronic form under this subdivision.

SECTION 2. Arkansas Code § 7-6-207(a)(2) and (3), concerning reports of contributions filed with the Secretary of State and resulting from Initiated Act 1 of 1990 and Initiated Act 1 of 1996, are amended to read as follows:

(2) Upon receiving the first report from any candidate, or upon receipt of the candidate's notice of filing for office, the Secretary of State shall provide the candidate with information on the deadlines for filing remaining quarterly, monthly, and preelection reports and shall furnish each candidate with the appropriate ~~forms and~~ instructions for complying with the deadlines. ~~All 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.~~

(3) ~~For any report except a preelection report, a~~ A report is timely filed if it is ~~either hand delivered or mailed to the Secretary of State, properly addressed, postage prepaid, bearing a postmark indicating that it was received by the post office or common carrier~~ filed in electronic form through the official website of the Secretary of State on or before the date that the report is due. ~~A preelection report is timely filed if it is received in the Secretary of State's office no later than seven (7) days prior to the election for which it is filed. The Secretary of State shall accept via facsimile any report, provided the original is received by the Secretary of State within ten (10) days of the date of transmission. The Secretary of State may receive reports in a readable electronic format that is acceptable to the Secretary of State and approved by the commission.~~

SECTION 3. Arkansas Code § 7-6-207(d)(1), concerning reports of contributions filed with the Secretary of State and resulting from Initiated Act 1 of 1990 and Initiated Act 1 of 1996, is amended to read as follows:

(d) Filings and Public Inspection.

(1)(A) The Secretary of State shall establish a filing system for reports filed ~~pursuant to~~ under this section. The reports shall be kept for eight (8) years from the date of filing, catalogued by candidate in chronological order, and made available for public inspection.

(B) After the eight-year period, the Secretary of State shall turn the reports over to the Arkansas History Commission for maintenance and continued public inspection.

(C)(i) The campaign contribution and expenditure reports filed with the Secretary of State under this section shall be filed in electronic form through the official website of the Secretary of State.

(ii) The Arkansas Ethics Commission shall approve the format used by the Secretary of State for the filing of campaign contribution and expenditure reports in electronic form under subdivision (d)(1)(C)(i) of this section to ensure that all required information is requested.

(iii) The official website of the Secretary of State shall allow for searches of campaign contribution and expenditure report information filed in electronic form under subdivision (d)(1)(C)(i) of this section.

SECTION 4. Arkansas Code § 7-6-214(b), concerning the publication of campaign finance reports, is amended to read as follows:

(b)(1) The Secretary of State shall post reports of contributions required in § 7-6-207 on his or her official website.

(2) The official website of the Secretary of State shall allow for searches of campaign contribution and expenditure report information required to be filed in electronic form under § 7-6-207(d)(1)(C)(i).

SECTION 5. Arkansas Code Title 7, Chapter 6, Subchapter 2, is amended to add an additional section to read as follows:

7-6-228. Alternative to electronic filing of reports.

(a)(1) A candidate required to file carryover fund reports in electronic form under § 7-6-203 and campaign contribution and expenditure reports in electronic form under § 7-6-207 may file reports in paper form under this section if:

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

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

(2)(A) A candidate filing reports in paper form under subdivision (a)(1) of this section shall submit with each paper report a notarized affidavit declaring that:

(i) The candidate does not have access to the technology necessary to submit reports in electronic form; and

(ii) Submitting reports in electronic form would constitute a substantial hardship for the candidate.

(B) The affidavit under subdivision (a)(2)(A) of this section shall be:

(i) Considered part of the paper report filed with the affidavit; and

(ii) Retained under § 7-6-207(d)(1).

(b)(1) The Secretary of State shall make available to candidates 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 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 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 in the Secretary of State's office 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) The Secretary of State shall display links to 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 the portion of the official website of the Secretary of State allowing for searches of campaign contribution and expenditure report information and carryover fund report information submitted under this chapter.

SECTION 6. EFFECTIVE DATE. Sections 1 – 5 of this act shall become effective October 1, 2015.

SECTION 7. TEMPORARY LANGUAGE - DO NOT CODIFY. (a) The Secretary of State shall provide that the website utilized for the submission of campaign contribution and expenditure reports and carryover fund reports in electronic form allows candidates to electronically upload campaign contribution and expenditure information in lieu of manual entry of each contribution and expenditure.

(b) The Secretary of State shall obtain the approval of the Arkansas Ethics Commission before implementing the feature required by subsection (a) of this section to ensure that all required information is requested through the website.

(c) The provisions of this section are contingent on the availability of funding to carry out its purposes.

(d) This section expires on June 30, 2016.

/s/Della Rosa