

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

State of Arkansas
90th General Assembly
Regular Session, 2015

As Engrossed: H3/20/15
A Bill

SENATE BILL 716

By: Senator J. Cooper

For An Act To Be Entitled

AN ACT TO CLARIFY THAT THE SECRETARY OF STATE IS THE OFFICIAL CUSTODIAN OF CAMPAIGN CONTRIBUTION RECORDS AND STATEMENTS OF FINANCIAL INTEREST; TO AMEND THE LAW CONCERNING CERTAIN RECORDS CONCERNING ETHICS; TO AMEND A PORTION OF THE LAW RESULTING FROM INITIATED ACT 1 OF 1999 AND INITIATED ACT 1 OF 1996; TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.

Subtitle

TO CLARIFY THAT THE SECRETARY OF STATE IS THE CUSTODIAN OF CERTAIN RECORDS CONCERNING ETHICS; TO AMEND A PORTION OF THE LAW RESULTING FROM INITIATED ACT 1 OF 1999 AND INITIATED ACT 1 OF 1996; AND TO DECLARE AN EMERGENCY.

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

SECTION 1. Arkansas Code § 7-6-207(d)(1), concerning the filing of campaign contribution reports and resulting from Initiated Act 1 of 1990 and Initiated Act 1 of 1996, is amended to read as follows:

(1)(A)(i) The Secretary of State shall establish a filing system for reports filed pursuant to this section.

(ii) 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.

(iii) For eight (8) years after the reports are



filed under this section, the Secretary of State is the official custodian of those records.

(B)(i) 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.

(ii) After the eight-year period, the Arkansas History Commission is the official custodian of the records of the reports filed under this section.

SECTION 2. Arkansas Code § 7-6-214 is amended to read as follows:

7-6-214. Publication of reports.

(a)(1) Upon proper filing, the information required in §§ 7-6-203 and 7-6-207 – 7-6-210 ~~of this subchapter~~ shall constitute a public record and shall be available within twenty-four (24) hours of the reporting deadline to all interested persons and the news media.

(2) The Secretary of State is the official custodian of the records that are required to be:

(1) Filed with the Secretary of State; and

(2) Maintained under §§ 7-6-203 and 7-6-207.

(b) The Secretary of State shall post reports of contributions required in §§ 7-6-203 and 7-6-207 on his or her official website.

SECTION 3. Arkansas Code § 21-8-701(e), concerning statements of financial interest, is amended to read as follows:

(e)(1) 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.

(2) The Secretary of State is the official custodian of the records of statements of financial interest that are filed with the Secretary of State under this section.

SECTION 4. Arkansas Code § 25-19-103(1)(A), concerning the definition of a custodian, is amended to read as follows:

(1)(A) “Custodian”, except as otherwise provided by law and with

respect to any public record, means the person having administrative control of that record.

SECTION 5. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that the retention of certain public records such as campaign contribution reports and statements of financial interest filed by public officials warrants recognition, promotion, and protection by this state; that it is of vital importance that the state immediately designates an official custodian of these records so that the public can be assured that a designated state office will keep the records; and that this act is immediately necessary to ensure that the records will be available for immediate inspection. Therefore, an emergency is declared to exist, and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on:

(1) The date of its approval by the Governor;

(2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or

(3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto.

/s/J. Cooper