

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

State of Arkansas
92nd General Assembly
Regular Session, 2019

As Engrossed: S3/20/19
A Bill

SENATE BILL 574

By: Senator K. Hammer
By: Representative L. Fite

For An Act To Be Entitled

AN ACT TO REQUIRE A CANDIDATE FOR AN ELECTED OFFICE TO FILE A SWORN STATEMENT CONCERNING THE CANDIDATE'S TAX PAYMENT STATUS AND CRIMINAL HISTORY; TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.

Subtitle

TO REQUIRE A CANDIDATE FOR AN ELECTED OFFICE TO FILE A SWORN STATEMENT CONCERNING THE CANDIDATE'S TAX PAYMENT STATUS AND CRIMINAL HISTORY; AND TO DECLARE AN EMERGENCY.

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

SECTION 1. Arkansas Code Title 7, Chapter 5, Subchapter 1, is amended to add an additional section to read as follows:

7-5-112. Statement concerning tax history and criminal background.

(a) As used in this section, "elected office" means any office for which the holder is determined by a vote of qualified electors, regardless of whether the office at issue is elected on a partisan or nonpartisan basis, including without limitation the following offices:

- (1) An elected state office;
- (2) An elected county office;
- (3) An elected municipal office;
- (4) An elected judicial office;
- (5) The office of prosecuting attorney; and



(6) A position on the board of directors for a school district.

(b) A person filing as a candidate for an elected office shall file a sworn statement indicating his or her answers to the following questions:

(1) Have you duly filed all applicable tax returns and statements, including any related financial disclosures, for which you are responsible? The time period covered by the previous question includes the current tax or reporting period and the five (5) immediately preceding tax or reporting periods. The tax returns and statements covered by the previous question are not limited to income tax returns alone, nor to tax returns or statements in the individual's name only;

(2) Do you have any individual outstanding liabilities to any taxing authority?;

(3) Do you have a payment plan for any tax matter? If so, are you current on the payments under the payment plan?;

(4) Are you delinquent on any taxes for any business with which you are personally or professionally associated and for which you are responsible for collecting or paying withheld income and employment taxes or for paying collected excise taxes?; and

(5) Have you been convicted of any of the following:

(A) Embezzlement of public money;

(B) Bribery;

(C) Forgery;

(D) A felony offense;

(E) Abuse of office as defined under Arkansas law;

(F) Tampering as defined under Arkansas law; or

(G) A misdemeanor offense in which the finder of fact was required to find, or the defendant to admit, an act of deceit, fraud, or false statement, including without limitation a misdemeanor offense related to the election process?

(c)(1) The sworn statement under subsection (b) of this section shall be filed:

(A) With the official with whom the person files the documents required for candidacy for an elected office; and

(B) At the time the person submits the documents required for candidacy for an elected office.

(2) An official receiving a sworn statement from a person filing

as a candidate for an elected office under subsection (c) of this section shall:

(A) Make a copy of the sworn statement available to any person upon request; and

(B) Retain the sworn statement for at least four (4) years.

(d) Knowingly making a false statement on the sworn statement under subsection (b) of this section is a:

(A) Class A misdemeanor; and

(B) Misdemeanor offense related to the election process under Arkansas Constitution, Article 5, § 9.

(e)(1) The Secretary of State shall promulgate rules necessary to implement this section, including without limitation the promulgation of a sworn statement meeting the requirements of this section for use by a person filing as a candidate for an elected office.

(2) The sworn statement promulgated under subdivision (e)(1) of this section shall include a space for a candidate for an elected office to provide an explanation for one (1) or more of his or her answers on the sworn statement.

SECTION 2. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that this act pertains to disclosures made by a candidate for an elected office; and that this act should become effective as soon as possible to allow for the implementation of the act in advance of the upcoming primary elections. 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/K. Hammer