

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

State of Arkansas
93rd General Assembly
Regular Session, 2021

A Bill

HOUSE BILL 1844

By: Representative Pilkington
By: Senator T. Garner

For An Act To Be Entitled

AN ACT TO CREATE THE PUBLIC OFFICE FILING FEE
COMMISSION; TO AMEND THE LAW CONCERNING POLITICAL
PARTY FILING FEES; AND FOR OTHER PURPOSES.

Subtitle

TO CREATE THE PUBLIC OFFICE FILING FEE
COMMISSION; AND TO AMEND THE LAW
CONCERNING POLITICAL PARTY FILING FEES.

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

SECTION 1. Arkansas Code § 7-7-301 is amended to read as follows:

7-7-301. Party pledges, affidavits of eligibility, and ~~party~~ filing fees.

(a) ~~A political party may impose a filing fee for candidates seeking nomination by that party. The filing fee for county, municipal, and township offices shall be fixed by the county committee, as authorized by the state executive committee. For all other races, the filing fee for all candidates seeking an elected office shall be established by the state executive committee.~~ Public Office Filing Fee Commission. On or before noon of the last day of the political party filing period, all candidates at primary elections of political parties shall file an affidavit of eligibility and any pledge required by such party and shall pay the ~~party~~ filing fees ~~required by the party fee~~, as follows:

(1) Candidates for United States Senator, for United States Representative, and for all state offices shall file the pledge and the



affidavit of eligibility and pay the ~~party~~ filing ~~fees~~ fee with the secretary of the state committee of the political party or his or her designated agent;

(2) Candidates for district offices, including, but not limited to, the offices of State Representative and State Senator, shall file the pledge and affidavit of eligibility with the secretary of the state committee of the political party or his or her designated agent and pay the ~~party~~ filing ~~fees~~ fee with the secretary of the state committee of the political party or his or her designated agent; and

(3) All candidates for county, municipal, and township offices, candidates for county committee member, and delegates to the county convention shall file the pledge and the affidavit of eligibility and pay the ~~party~~ filing ~~fees~~ fee with the secretary of the county committee of the political party.

(b) The county clerk shall not accept for filing the political practices pledge of any candidate for nomination by a political party to any county, township, or partisan municipal office, nor shall the Secretary of State accept for filing the political practices pledge of any candidate for nomination by a political party to any state or district office, unless the candidate first files a party certificate.

(c) Any candidate who shall fail to file the party pledge and affidavit of eligibility and pay the ~~party~~ filing fee at the time and in the manner as provided in this section shall not receive a party certificate and shall not have his or her name printed on the ballot at any primary election.

(d) The names of candidates who file with the state committee as provided in this section shall be certified to the various county committees and the various county boards of election commissioners in the manner and at the time provided in § 7-7-203.

SECTION 2. Arkansas Code Title 25, is amended to add an additional chapter to read as follows:

Chapter 44 – Public Office Filing Fee Commission

25-44-101. Public Office Filing Fee Commission.

(a) There is created the Public Office Filing Fee Commission.

(b) The commission shall establish the filing fees for all elected offices.

(c)(1)(A) Each member of the commission shall serve a term of two (2) years.

(B) A person shall not serve more than two (2) terms on the commission.

(2)(A) The commission shall consist of ten (10) voting members, the distribution of the membership shall be in a percentage equal to the percentage of each political party represented in the House of Representatives and one (1) nonvoting member who shall be a registered independent.

(B) A political party shall have a minimum of ten (10) party members elected to the House of Representatives to hold a seat on the commission.

(C) The members of the commission representing the Republican Party of Arkansas shall be appointed by the Chair of the Republican Party of Arkansas.

(D) The members of the commission representing the Democratic Party of Arkansas shall be appointed by the Chair of the Democratic Party of Arkansas.

(3) The commission shall have one (1) nonvoting member who is a registered independent and who shall be appointed by the Governor.

(4) Vacancies on the commission shall be filled in the manner of the original appointment.

(5) The commission shall elect from its membership:

(A) A chair; and

(B) Other officers deemed necessary by the commission.

(6) Four (4) members of the commission shall constitute a quorum for the purpose of transacting business.

(7) A majority vote of the total membership of the commission is required for any action of the commission.

(8) The Secretary of State's office shall provide staff assistance as may be requested by the commission.

(d)(1) In making appointments to the commission, the chairs of the political parties and the Governor shall consider racial, gender, and geographical diversity.

(2) A member of the commission shall be:

(A) A citizen of the United States;

(B) A resident of the State of Arkansas for at least two (2) years preceding his or her appointment;

(C) A qualified elector; and

(D) At least twenty-five (25) years of age.

(3) The following persons shall not serve on the commission:

(A) A person holding civil office;

(B) An employee of the State of Arkansas;

(C) A person required by law to register as a lobbyist; or

(D)(i) An immediate family member of:

(a) A person holding civil office;

(b) An employee of the State of Arkansas; or

(c) A person required by law to register as a lobbyist.

(ii) As used in subdivision (c)(3)(D)(i) of this section, "immediate family member" means a person's spouse, a child of the person or the spouse, a child's spouse, a parent of the person or the spouse, a brother or sister of the person or the spouse, anyone living or residing in the same residence or household with the person or the spouse, or anyone acting or serving as an agent of the person.

(e) The commission shall have the duty to establish a uniform political party filing fee for each candidate for elected office in the state.

(f) Members of the commission shall receive no compensation, expense reimbursement, or in-lieu-of payments.

(g)(1) Initial members of the commission shall be appointed by October 30, 2021.

(2) The Secretary of State shall call the first meeting of the commission, which shall occur within thirty (30) days of October 30, 2021.

(h) The commission shall be subject to the Freedom of Information Act of 1967, § 25-19-101 et seq.