

1 State of Arkansas  
2 92nd General Assembly  
3 Regular Session, 2019  
4

As Engrossed: S3/20/19  
**A Bill**

SENATE BILL 574

5 By: Senator K. Hammer  
6 By: Representative L. Fite  
7

**For An Act To Be Entitled**

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

15 TO REQUIRE A CANDIDATE FOR AN ELECTED  
16 OFFICE TO FILE A SWORN STATEMENT  
17 CONCERNING THE CANDIDATE'S TAX PAYMENT  
18 STATUS AND CRIMINAL HISTORY; AND TO  
19 DECLARE AN EMERGENCY.  
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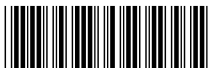
23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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25 SECTION 1. Arkansas Code Title 7, Chapter 5, Subchapter 1, is amended  
26 to add an additional section to read as follows:

27 7-5-112. Statement concerning tax history and criminal background.

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

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



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

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

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

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

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

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

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

20 (A) Embezzlement of public money;

21 (B) Bribery;

22 (C) Forgery;

23 (D) A felony offense;

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

25 (F) Tampering as defined under Arkansas law; or

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

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

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

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

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

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

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

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

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

9 (A) Class A misdemeanor; and

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

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

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

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21 SECTION 2. EMERGENCY CLAUSE. It is found and determined by the  
22 General Assembly of the State of Arkansas that this act pertains to  
23 disclosures made by a candidate for an elected office; and that this act  
24 should become effective as soon as possible to allow for the implementation  
25 of the act in advance of the upcoming primary elections. Therefore, an  
26 emergency is declared to exist, and this act being immediately necessary for  
27 the preservation of the public peace, health, and safety shall become  
28 effective on:

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

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

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

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*/s/K. Hammer*