

1 State of Arkansas
2 90th General Assembly
3 Regular Session, 2015
4

A Bill

SENATE BILL 817

5 By: Senator E. Williams
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For An Act To Be Entitled

8 AN ACT TO AMEND ARKANSAS LAW CONCERNING REGISTRATION
9 AND REPORTING BY APPROVED POLITICAL ACTION
10 COMMITTEES; TO AMEND PORTIONS OF ARKANSAS LAW
11 RESULTING FROM INITIATED ACT 1 OF 1990 AND INITIATED
12 ACT 1 OF 1996; AND FOR OTHER PURPOSES.
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Subtitle

15 TO AMEND ARKANSAS LAW CONCERNING
16 REGISTRATION AND REPORTING BY APPROVED
17 POLITICAL ACTION COMMITTEES; AND AMENDING
18 PORTIONS OF ARKANSAS LAW RESULTING FROM
19 INITIATED ACTS.
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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 § 7-6-215, resulting from Initiated Act 1 of
26 1990 and Initiated Act 1 of 1996, is amended to read as follows:

27 7-6-215. Registration and reporting by approved political action
28 committees.

29 (a)(1)(A) To qualify as an approved political action committee, the
30 political action committee shall register with the Secretary of State within
31 fifteen (15) days after accepting contributions during a calendar year that
32 exceed five hundred dollars (\$500) in the aggregate.

33 (B) Registration shall be annually renewed by January 15,
34 unless the political action committee has ceased to exist.

35 (C) ~~Registration~~ Except as provided in subdivision
36 (a)(1)(D) of this section, registration shall be on forms provided by the



1 Secretary of State, and the contents therein shall be verified by an
 2 affidavit of an officer of the political action committee.

3 (D)(i) Registration with the Secretary of State under this
 4 section may be filed in electronic form through the official website of the
 5 Secretary of State if electronic filing is offered by the Secretary of State.

6 (ii) An electronic registration shall be verified by
 7 an officer of the political action committee.

8 (iii)(a) The Arkansas Ethics Commission shall
 9 approve a format used by the Secretary of State for registering as a
 10 political action committee in electronic form under subdivision (a)(1)(D)(i)
 11 of this section to ensure that all required information is requested.

12 (b) A format used by the Secretary of State
 13 for registering as a political action committee in electronic form shall
 14 provide that a registration filed in electronic form be rejected if it omits
 15 the name, street address, or telephone number of an individual designated as
 16 the resident agent for the political action committee.

17 (iii) The official website of the Secretary of State
 18 shall allow for searches of political action committee registration
 19 information filed in electronic form under subdivision (a)(1)(D)(i) of this
 20 section.

21 (2)(A) The political action committee shall maintain for a
 22 period of four (4) years records evidencing the name, address, and place of
 23 employment of each person that contributed to the political action committee,
 24 along with the amount contributed.

25 (B) Furthermore, the political action committee shall
 26 maintain for a period of four (4) years records evidencing the name and
 27 address of each candidate, ballot question committee, legislative question
 28 committee, political party, county political party committee, or other
 29 political action committee that received a contribution from the political
 30 action committee, along with the amount contributed.

31 (3)(A) The political action committee shall designate a resident
 32 agent who shall be an individual who resides in this state.

33 (B) No contribution shall be accepted from a political
 34 action committee and no expenditure shall be made by a political action
 35 committee that has not registered and does not have a resident agent.

36 (C) It shall be unlawful for a prohibited political action

1 committee as defined in § 7-6-201 to make a contribution to a:

- 2 (i) Ballot question committee;
- 3 (ii) Legislative question committee;
- 4 (iii) Political party;
- 5 (iv) Political party committee; or
- 6 (v) Political action committee.

7 (4)(A) An out-of-state political action committee, including a
 8 federal political action committee, shall be required to comply with the
 9 registration and reporting provisions of this section if the committee
 10 contributes more than five hundred dollars (\$500) in a calendar year to
 11 candidates, ballot question committees, legislative question committees,
 12 political parties, county political party committees, or other political
 13 action committees within this state.

14 (B) Subdivision (a)(4)(A) of this section shall not apply
 15 to:

- 16 (i) The national committee of any political party
 17 that is registered with the Federal Election Commission;
- 18 (ii) Any federal candidate committee that is
 19 registered with the Federal Election Commission;
- 20 (iii) Funds which a subordinate committee of the
 21 national committee of any political party that is registered with the Federal
 22 Election Commission transfers to the federal account of an organized
 23 political party as defined under § 7-1-101; or
- 24 (iv) Funds which a political action committee that
 25 is registered with the Federal Election Commission transfers to the federal
 26 account of an organized political party as defined under § 7-1-101.

27 (b) The registration form of an approved political action committee
 28 shall contain the following information:

- 29 (1) The name, address, and, where available, phone number of the
 30 political action committee and the name, address, phone number, and place of
 31 employment of each of its officers, provided if the political action
 32 committee's name is an acronym, then both it and the words forming the
 33 acronym shall be disclosed;
- 34 (2) The professional, business, trade, labor, or other interests
 35 represented by the political action committee, including any individual
 36 business, organization, association, corporation, labor organization, or

1 other group or firm whose interests will be represented by the political
 2 action committee;

3 (3) The full name and street address, city, state, and zip code
 4 of each financial institution the political action committee uses for
 5 purposes of receiving contributions or making expenditures within this state;

6 ~~(4) A written acceptance of designation as a~~ The name, street
 7 address, and telephone number of the individual designated as the resident
 8 agent for the political action committee;

9 (5) If the registration form is filed in paper form, a written
 10 acceptance of designation as a resident agent;

11 ~~(5)(6)~~ A certification by a political action committee officer,
 12 under penalty of false swearing, that the information provided on the
 13 registration is true and correct; and

14 ~~(6)(7)~~ A clause submitting the political action committee to the
 15 jurisdiction of the State of Arkansas for all purposes related to compliance
 16 with the provisions of this subchapter.

17 (c)(1) When a committee makes a change to any information required in
 18 subsection (b) of this section, an amendment shall be filed within ten (10)
 19 days to reflect the change.

20 (2) A committee failing to file an amendment shall be subject to
 21 a late filing fee of ten dollars (\$10.00) for each day the change is not
 22 filed.

23 (d)(1) Within fifteen (15) calendar days after the end of each
 24 calendar quarter, a political action committee shall file a quarterly report
 25 with the Secretary of State, including the following information:

26 (A) The total amount of contributions received and the
 27 total amount of contributions made during the filing period and the
 28 cumulative amount of those totals;

29 (B) The current balance of political action committee
 30 funds;

31 (C) The name and address of each person that made a
 32 contribution or contributions to the political action committee that exceeded
 33 five hundred dollars (\$500) in the aggregate during the calendar year, the
 34 contributor's place of business, employer, occupation, the date of the
 35 contribution, the amount contributed, and the total contributed for the year;

36 (D) The name and address of each candidate, ballot

1 question committee, legislative question committee, political party, county
 2 political party committee, or other political action committee, if any, to
 3 whom or which the political action committee made a contribution or
 4 contributions that exceeded fifty dollars (\$50.00) in the aggregate during
 5 the filing period, with the amount contributed and the election for which the
 6 contribution was made;

7 (E) The name and address of each candidate, ballot
 8 question committee, legislative question committee, political party, county
 9 political party committee, or other political action committee, if any, to
 10 whom or which the political action committee contributed a nonmonetary item,
 11 together with a description of the item, the date the item was contributed,
 12 and the value of the item; and

13 (F) The total amount of expenditures made for
 14 administrative expenses and for each single expenditure that exceeded one
 15 hundred dollars (\$100), an itemization including the amount of the
 16 expenditure, the name and address of the person to whom the expenditure was
 17 made, and the date the expenditure was made.

18 (2) Political action committee quarterly reports may be filed in
 19 electronic form through the official website of the Secretary of State if
 20 electronic filing is offered by the Secretary of State.

21 ~~(2)(3)~~ The information required in subdivision (d)(1)(C)-(F) of
 22 this section may be provided in the form of schedules attached to ~~the a~~
 23 report filed in paper form.

24 ~~(3)(4)~~ The reports shall be verified by an affidavit of an
 25 officer of the political action committee stating that to the best of his or
 26 her knowledge and belief the information so disclosed is a complete, true,
 27 and accurate financial statement of the political action committee's
 28 contributions received and made.

29 ~~(4)(A)(5)(A)~~ A report is timely filed if it is:

30 (i) either ~~delivered~~ Delivered by hand or mailed to
 31 the Secretary of State, properly addressed, postage prepaid, and bearing a
 32 postmark indicating that it was received by the post office or common carrier
 33 on or before the date that the report is due if the report is filed in paper
 34 form; or

35 (ii) Filed in electronic form through the official
 36 website of the Secretary of State on or before the date that the report is

1 due if the Secretary of State offers electronic filing of political action
2 committee reports.

3 (B) The Secretary of State shall accept via facsimile any
4 report filed in paper form if the original is received by the Secretary of
5 State within ten (10) days of the date of transmission.

6 (C) The Secretary of State may receive reports in a
7 readable electronic format that is acceptable to the Secretary of State and
8 approved by the Arkansas Ethics Commission.

9 (D) If the Secretary of State chooses to offer electronic
10 filing of political action committee reports:

11 (i) The Arkansas Ethics Commission shall approve a
12 format used by the Secretary of State for the filing of political action
13 committee reports in electronic form under this section to ensure that all
14 required information is requested; and

15 (ii) The official website of the Secretary of State
16 shall allow for searches of political action committee report information
17 filed in electronic form.

18 (6)(A) A political action committee shall indicate on its
19 quarterly report for the fourth quarter of each calendar year whether or not
20 it intends to renew its registration for the next calendar year.

21 (B)(i) If a fourth quarter report is filed in paper form,
22 the form utilized by the Secretary of State for filing shall require the
23 political action committee to indicate whether or not it intends to renew its
24 registration for the next calendar year.

25 (ii) A political action committee indicating that it
26 will renew its registration for the next calendar year shall submit its
27 registration form for the next calendar year at the same time as the
28 quarterly report for the fourth quarter.

29 (iii) The Secretary of State shall not accept a
30 quarterly report for the fourth quarter if:

31 (a) The political action committee indicates
32 that it intends to renew its registration for the next calendar year; and

33 (b) The registration form for the next
34 calendar year is not submitted at the same time as the quarterly report for
35 the fourth quarter.

36 (C) If the Secretary of State offers electronic filing of

1 political action committee reports, the format used by the Secretary of State
2 for the filing of political action committee reports in electronic form shall
3 require a political action committee indicating that it intends to renew its
4 registration for the next calendar year to renew its registration for the
5 next calendar year before submitting its quarterly report for the fourth
6 quarter.

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