

1 State of Arkansas  
2 91st General Assembly  
3 Regular Session, 2017  
4

# A Bill

HOUSE BILL 1427

5 By: Representative Della Rosa  
6

## For An Act To Be Entitled

8 AN ACT TO AMEND ARKANSAS LAW CONCERNING THE FILING OF  
9 CERTAIN REPORTS WITH THE SECRETARY OF STATE; TO AMEND  
10 PORTIONS OF LAW RESULTING FROM INITIATED ACT 1 OF  
11 1990 AND INITIATED ACT 1 OF 1996; AND FOR OTHER  
12 PURPOSES.  
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## Subtitle

15 TO AMEND ARKANSAS LAW CONCERNING THE  
16 FILING OF CERTAIN REPORTS WITH THE  
17 SECRETARY OF STATE; AND TO AMEND PORTIONS  
18 OF LAW RESULTING FROM INITIATED ACT 1 OF  
19 1990 AND INITIATED ACT 1 OF 1996.  
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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 § 7-6-203(g)(4)(C)(v), concerning carryover  
26 fund reports and resulting from Initiated Act 1 of 1990 and Initiated Act 1  
27 of 1996, is amended to read as follows:

28 (v)(a) The carryover fund reports of a candidate for  
29 state or district office shall be filed with the Secretary of State.

30 (b) The carryover fund reports of a candidate  
31 for state or district office filed with the Secretary of State shall be filed  
32 in electronic form through the official website of the Secretary of State.  
33 The Arkansas Ethics Commission shall approve the format used by the Secretary  
34 of State for the filing of carryover fund reports in electronic form under  
35 this subdivision (g)(4)(C)(v)(b) to ensure that all required information is  
36 requested. The official website of the Secretary of State shall allow for



1 searches of carryover fund report information required to be filed in  
2 electronic form under this subdivision (g)(4)(C)(v)(b).

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4 SECTION 2. Arkansas Code § 7-6-207(a)(2) and (3), concerning reports  
5 of contributions filed with the Secretary of State and resulting from  
6 Initiated Act 1 of 1990 and Initiated Act 1 of 1996, are amended to read as  
7 follows:

8 (2) Upon receiving the first report from any candidate, or upon  
9 receipt of the candidate's notice of filing for office, the Secretary of  
10 State shall provide the candidate with information on the deadlines for  
11 filing remaining quarterly, monthly, and preelection reports and shall  
12 furnish each candidate with the appropriate ~~forms and~~ instructions for  
13 complying with the deadlines. ~~All reports shall be filed on the forms~~  
14 ~~furnished by the Secretary of State, except that computer-generated~~  
15 ~~contribution and expenditure reports shall be accepted by the Secretary of~~  
16 ~~State and the Arkansas Ethics Commission provided that all of the requisite~~  
17 ~~elements are included.~~

18 (3) ~~For any report except a preelection report, a A report is~~  
19 ~~timely filed if it is either hand delivered or mailed to the Secretary of~~  
20 ~~State, properly addressed, postage prepaid, bearing a postmark indicating~~  
21 ~~that it was received by the post office or common carrier filed in electronic~~  
22 ~~form through the official website of the Secretary of State on or before the~~  
23 ~~date that the report is due. A preelection report is timely filed if it is~~  
24 ~~received in the Secretary of State's office no later than seven (7) days~~  
25 ~~prior to the election for which it is filed. The Secretary of State shall~~  
26 ~~accept via facsimile any report, provided the original is received by the~~  
27 ~~Secretary of State within ten (10) days of the date of transmission. The~~  
28 ~~Secretary of State may receive reports in a readable electronic format that~~  
29 ~~is acceptable to the Secretary of State and approved by the commission.~~

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31 SECTION 3. Arkansas Code § 7-6-207(d)(1), concerning reports of  
32 contributions filed with the Secretary of State and resulting from Initiated  
33 Act 1 of 1990 and Initiated Act 1 of 1996, is amended to read as follows:

34 (d) Filings and Public Inspection.

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

1 (ii) The reports shall be kept for eight (8) years  
2 from the date of filing, catalogued by candidate in chronological order, and  
3 made available for public inspection.

4 (iii) For eight (8) years after the reports are  
5 filed under this section, the Secretary of State is the official custodian of  
6 those records.

7 (B)(i) After the eight-year period, the Secretary of State  
8 shall turn the reports over to the Arkansas State Archives for maintenance  
9 and continued public inspection.

10 (ii) After the eight-year period, the Arkansas State  
11 Archives is the official custodian of the records of the reports filed under  
12 this section.

13 (C)(i) The campaign contribution and expenditure reports  
14 filed with the Secretary of State under this section shall be filed in  
15 electronic form through the official website of the Secretary of State.

16 (ii) The Arkansas Ethics Commission shall approve  
17 the format used by the Secretary of State for the filing of campaign  
18 contribution and expenditure reports in electronic form under subdivision  
19 (d)(1)(C)(i) of this section to ensure that all required information is  
20 requested.

21 (iii) The official website of the Secretary of State  
22 shall allow for searches of campaign contribution and expenditure report  
23 information filed in electronic form under subdivision (d)(1)(C)(i) of this  
24 section.

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26 SECTION 4. Arkansas Code § 7-6-214(b), concerning the publication of  
27 campaign finance reports, is amended to read as follows:

28 (b)(1) The Secretary of State shall post reports of contributions  
29 required in §§ 7-6-203 and 7-6-207 on his or her official website.

30 (2) The official website of the Secretary of State shall allow  
31 for searches of campaign contribution and expenditure report information  
32 required to be filed in electronic form under § 7-6-207(d)(1)(C)(i).

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34 SECTION 5. Arkansas Code Title 7, Chapter 6, Subchapter 2, is amended  
35 to add an additional section to read as follows:

36 7-6-230. Alternative to electronic filing of reports.

1           (a)(1) A candidate required to file carryover fund reports in  
2 electronic form under § 7-6-203 and campaign contribution and expenditure  
3 reports in electronic form under § 7-6-207 may file reports in paper form  
4 under this section if:

5                   (A) The candidate does not have access to the technology  
6 necessary to submit reports in electronic form; and

7                   (B) Submitting reports in electronic form would constitute  
8 a substantial hardship for the candidate.

9           (2)(A) A candidate filing reports in paper form under  
10 subdivision (a)(1) of this section shall submit with his or her first paper  
11 report in an election cycle a notarized affidavit on a form prepared by the  
12 Secretary of State declaring that:

13                   (i) The candidate does not have access to the  
14 technology necessary to submit reports in electronic form;

15                   (ii) Submitting reports in electronic form would  
16 constitute a substantial hardship for the candidate; and

17                   (iii) The candidate agrees to file all other reports  
18 in paper form for the duration of the election cycle.

19                   (B) The Secretary of State shall not accept a report in  
20 paper form under subdivision (a)(1) of this section if a notarized affidavit  
21 was not submitted with the first paper report in the election cycle.

22           (b)(1) The Secretary of State shall make available to candidates  
23 wishing to file reports in paper form under this section:

24                   (A) Information on the deadlines for filing required  
25 reports; and

26                   (B)(i) Appropriate forms and instructions for complying  
27 with the deadlines.

28                   (ii) The Arkansas Ethics Commission shall approve  
29 the forms and instructions used by the Secretary of State to ensure that all  
30 required information is requested.

31           (2) Reports shall be filed on the forms furnished by the  
32 Secretary of State, except that computer-generated contribution and  
33 expenditure reports shall be accepted by the Secretary of State and the  
34 Arkansas Ethics Commission provided that all of the requisite elements are  
35 included.

36           (c)(1)(A) A report submitted in paper form under this section other

1 than a preelection report is timely filed if it is either hand delivered or  
2 mailed to the Secretary of State, properly addressed, and postage prepaid,  
3 bearing a postmark indicating that it was received by the post office or  
4 common carrier on the date that the report is due.

5 (B) A preelection report submitted in paper form under  
6 this section is timely filed if it is received by the Secretary of State no  
7 later than seven (7) days before the election for which it is filed.

8 (2) The Secretary of State shall accept a report via facsimile,  
9 provided the original is received by the Secretary of State within ten (10)  
10 days of the date of facsimile transmission.

11 (d) The Secretary of State shall make available campaign contribution  
12 and expenditure reports submitted in paper form, carryover fund reports  
13 submitted in paper form, and affidavits accompanying reports filed in paper  
14 form, on a portion of the official website of the Secretary of State.

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16 SECTION 6. EFFECTIVE DATE. Sections 1 – 5 of this act shall become  
17 effective October 1, 2017.

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19 SECTION 7. TEMPORARY LANGUAGE - DO NOT CODIFY. (a) The Secretary of  
20 State shall provide that the website utilized for the submission of campaign  
21 contribution and expenditure reports and carryover fund reports in electronic  
22 form allows candidates to electronically upload campaign contribution and  
23 expenditure information in lieu of manual entry of each contribution and  
24 expenditure.

25 (b) The Secretary of State shall obtain the approval of the Arkansas  
26 Ethics Commission before implementing the feature required by subsection (a)  
27 of this section to ensure that all required information is requested through  
28 the website.

29 (c) This section expires on June 30, 2018.  
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