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4

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A Bill

HOUSE BILL 1233

5 By: Representatives Della Rosa, Gillam, Bragg, Eubanks, Linck, Hickerson, Gossage, Sabin, Davis,
6 Leding, Neal, Magie, D. Douglas, McElroy, Drown, Nicks, Harris, Richey, Holcomb, M.J. Gray, Miller,
7 Baine, Eads, Tucker, Tosh, Johnson, Ladyman, Blake, Petty, Bennett, Sorvillo
8 By: Senator J. Woods
9

For An Act To Be Entitled

11 AN ACT TO AMEND ARKANSAS LAW CONCERNING THE FILING OF
12 CERTAIN REPORTS WITH THE SECRETARY OF STATE; TO AMEND
13 PORTIONS OF LAW RESULTING FROM INITIATED ACT 1 OF
14 1990 AND INITIATED ACT 1 OF 1996; AND FOR OTHER
15 PURPOSES.
16
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Subtitle

19 TO AMEND ARKANSAS LAW CONCERNING THE
20 FILING OF CERTAIN REPORTS WITH THE
21 SECRETARY OF STATE; AND TO AMEND PORTIONS
22 OF LAW RESULTING FROM INITIATED ACT 1 OF
23 1990 AND INITIATED ACT 1 OF 1996.
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26 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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28 SECTION 1. Arkansas Code § 7-6-203(h)(4)(C)(v), concerning carryover
29 fund reports and resulting from Initiated Act 1 of 1990 and Initiated Act 1
30 of 1996, is amended to read as follows:

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

33 (b) The carryover fund reports of a candidate
34 for state or district office filed with the Secretary of State shall be filed
35 in electronic form through the official website of the Secretary of State.
36 The Arkansas Ethics Commission shall approve the format used by the Secretary



1 of State for the filing of carryover fund reports in electronic form under
2 this subdivision to ensure that all required information is requested. The
3 official website of the Secretary of State shall allow for searches of
4 carryover fund report information required to be filed in electronic form
5 under this subdivision.

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

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

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

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

1 (d) Filings and Public Inspection.

2 (1)(A) The Secretary of State shall establish a filing system
3 for reports filed ~~pursuant to~~ under this section. The reports shall be kept
4 for eight (8) years from the date of filing, catalogued by candidate in
5 chronological order, and made available for public inspection.

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

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

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

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

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

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

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

29
30 SECTION 5. Arkansas Code Title 7, Chapter 6, Subchapter 2, is amended
31 to add an additional section to read as follows:

32 7-6-228. Alternative to electronic filing of reports.

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

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

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

5 (2)(A) A candidate filing reports in paper form under
6 subdivision (a)(1) of this section shall submit with each paper report a
7 notarized affidavit declaring that:

8 (i) The candidate does not have access to the
9 technology necessary to submit reports in electronic form; and

10 (ii) Submitting reports in electronic form would
11 constitute a substantial hardship for the candidate.

12 (B) The affidavit under subdivision (a)(2)(A) of this
13 section shall be:

14 (i) Considered part of the paper report filed with
15 the affidavit; and

16 (ii) Retained under § 7-6-207(d)(1).

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

19 (A) Information on the deadlines for filing required
20 reports; and

21 (B)(i) Appropriate forms and instructions for complying
22 with the deadlines.

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

26 (2) Reports shall be filed on the forms furnished by the
27 Secretary of State, except that computer-generated contribution and
28 expenditure reports shall be accepted by the Secretary of State and the
29 Arkansas Ethics Commission provided that all of the requisite elements are
30 included.

31 (c)(1)(A) A report submitted in paper form under this section other
32 than a preelection report is timely filed if it is either hand delivered or
33 mailed to the Secretary of State, properly addressed, and postage prepaid,
34 bearing a postmark indicating that it was received by the post office or
35 common carrier on the date that the report is due.

36 (B) A preelection report submitted in paper form under

1 this section is timely filed if it is received in the Secretary of State's
2 office no later than seven (7) days before the election for which it is
3 filed.

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

7 (d) The Secretary of State shall display links to campaign
8 contribution and expenditure reports submitted in paper form, carryover fund
9 reports submitted in paper form, and affidavits accompanying reports filed in
10 paper form, on the portion of the official website of the Secretary of State
11 allowing for searches of campaign contribution and expenditure report
12 information and carryover fund report information submitted under this
13 chapter.

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15 SECTION 6. EFFECTIVE DATE. Sections 1 – 5 of this act shall become
16 effective October 1, 2015.

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

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

28 (c) The provisions of this section are contingent on the availability
29 of funding to carry out its purposes.

30 (d) This section expires on June 30, 2016.

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32 /s/Della Rosa
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