

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

As Engrossed: H3/20/15

A Bill

SENATE BILL 716

5 By: Senator J. Cooper
6

For An Act To Be Entitled

8 AN ACT TO CLARIFY THAT THE SECRETARY OF STATE IS THE
9 OFFICIAL CUSTODIAN OF CAMPAIGN CONTRIBUTION RECORDS
10 AND STATEMENTS OF FINANCIAL INTEREST; TO AMEND THE
11 LAW CONCERNING CERTAIN RECORDS CONCERNING ETHICS; TO
12 AMEND A PORTION OF THE LAW RESULTING FROM INITIATED
13 ACT 1 OF 1999 AND INITIATED ACT 1 OF 1996; TO DECLARE
14 AN EMERGENCY; AND FOR OTHER PURPOSES.
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Subtitle

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18 TO CLARIFY THAT THE SECRETARY OF STATE IS
19 THE CUSTODIAN OF CERTAIN RECORDS
20 CONCERNING ETHICS; TO AMEND A PORTION OF
21 THE LAW RESULTING FROM INITIATED ACT 1 OF
22 1999 AND INITIATED ACT 1 OF 1996; AND TO
23 DECLARE AN EMERGENCY.
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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 § 7-6-207(d)(1), concerning the filing of
29 campaign contribution reports and resulting from Initiated Act 1 of 1990 and
30 Initiated Act 1 of 1996, is amended to read as follows:

31 (1)(A)(i) The Secretary of State shall establish a filing system
32 for reports filed pursuant to this section.

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

36 (iii) For eight (8) years after the reports are



1 filed under this section, the Secretary of State is the official custodian of
2 those records.

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

6 (ii) After the eight-year period, the Arkansas
7 History Commission is the official custodian of the records of the reports
8 filed under this section.

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10 SECTION 2. Arkansas Code § 7-6-214 is amended to read as follows:

11 7-6-214. Publication of reports.

12 (a)(1) Upon proper filing, the information required in §§ 7-6-203 and
13 7-6-207 – 7-6-210 of this subchapter shall constitute a public record and
14 shall be available within twenty-four (24) hours of the reporting deadline to
15 all interested persons and the news media.

16 (2) The Secretary of State is the official custodian of the
17 records that are required to be:

18 (1) Filed with the Secretary of State; and

19 (2) Maintained under §§ 7-6-203 and 7-6-207.

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

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24 SECTION 3. Arkansas Code § 21-8-701(e), concerning statements of
25 financial interest, is amended to read as follows:

26 (e)(1) All statements of financial interest required to be filed with
27 the Secretary of State on or after January 1, 2010, shall be made publicly
28 accessible at no charge by the Secretary of State in electronic form through
29 the Internet.

30 (2) The Secretary of State is the official custodian of the
31 records of statements of financial interest that are filed with the Secretary
32 of State under this section.

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34 SECTION 4. Arkansas Code § 25-19-103(1)(A), concerning the definition
35 of a custodian, is amended to read as follows:

36 (1)(A) "Custodian", except as otherwise provided by law and with

1 respect to any public record, means the person having administrative control
2 of that record.

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4 SECTION 5. EMERGENCY CLAUSE. It is found and determined by the
5 General Assembly of the State of Arkansas that the retention of certain
6 public records such as campaign contribution reports and statements of
7 financial interest filed by public officials warrants recognition, promotion,
8 and protection by this state; that it is of vital importance that the state
9 immediately designates an official custodian of these records so that the
10 public can be assured that a designated state office will keep the records;
11 and that this act is immediately necessary to ensure that the records will be
12 available for immediate inspection. Therefore, an emergency is declared to
13 exist, and this act being immediately necessary for the preservation of the
14 public peace, health, and safety shall become effective on:

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

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

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

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22 */s/J. Cooper*
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