

Stricken language would be deleted from and underlined language would be added to present law.

1 State of Arkansas *As Engrossed: H2/7/17 H2/9/17*

2 91st General Assembly

A Bill

3 Regular Session, 2017

HOUSE BILL 1427

4

5 By: Representatives Della Rosa, Davis, Eubanks, M. Gray, Hillman, Holcomb, Hollowell, Jett, Lynch, A.
6 Mayberry, Penzo, Pilkington, Sabin, Tucker, J. Williams

7 By: Senator J. Cooper

8

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For An Act To Be Entitled

10 *AN ACT TO EXPAND THE USE OF TECHNOLOGY TO IMPROVE*
11 *CAMPAIGN FINANCE TRANSPARENCY, ACCURACY, AND*
12 *CONVENIENCE; TO AMEND PORTIONS OF LAW RESULTING FROM*
13 *INITIATED ACT 1 OF 1990 AND INITIATED ACT 1 OF 1996;*
14 *AND FOR OTHER PURPOSES.*

15

16

17

Subtitle

18 *TO EXPAND THE USE OF TECHNOLOGY TO*
19 *IMPROVE CAMPAIGN FINANCE TRANSPARENCY,*
20 *ACCURACY, AND CONVENIENCE; AND TO AMEND*
21 *PORTIONS OF LAW RESULTING FROM INITIATED*
22 *ACT 1 OF 1990 AND INITIATED ACT 1 OF*
23 *1996.*

24

25

26 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

27

28 SECTION 1. Arkansas Code § 7-6-203(g)(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:

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(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 (g)(4)(C)(v)(b) to ensure that all required information is
3 requested. The official website of the Secretary of State shall allow for
4 searches of carryover fund report information required to be filed in
5 electronic form under this subdivision (g)(4)(C)(v)(b).

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.~~

33
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)(i) The Secretary of State shall establish a filing system
3 for reports filed ~~pursuant to~~ under this section.

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

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

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

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

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

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

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

28
29 SECTION 4. Arkansas Code § 7-6-214(b), concerning the publication of
30 campaign finance reports, is amended to read as follows:

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

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

36

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

3 7-6-230. Alternative to electronic filing of reports.

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

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

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

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

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

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

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

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

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

27 (A) Information on the deadlines for filing required
28 reports; and

29 (B)(i) Appropriate forms and instructions for complying
30 with the deadlines.

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

34 (2) Reports shall be filed on the forms furnished by the
35 Secretary of State, except that computer-generated contribution and
36 expenditure reports shall be accepted by the Secretary of State and the

1 Arkansas Ethics Commission provided that all of the requisite elements are
2 included.

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

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

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

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

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

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

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

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

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34 */s/Della Rosa*