

1 State of Arkansas
2 92nd General Assembly
3 Regular Session, 2019
4

A Bill

HOUSE BILL 1698

5 By: Representative Della Rosa
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For An Act To Be Entitled

8 AN ACT TO AMEND THE LAW CONCERNING THE FILING AND
9 PUBLICATION OF CERTAIN CAMPAIGN FINANCE REPORTS; TO
10 PROVIDE NOTICE WHEN CAMPAIGN FINANCE PAPER REPORTS
11 ARE NOT ACCEPTED FOR FILING; TO REQUIRE AFFIDAVITS
12 FOR PAPER FILING; TO AMEND PORTIONS OF ARKANSAS CODE
13 RESULTING FROM INITIATED ACT 1 OF 1990 AND INITIATED
14 ACT 1 OF 1996; AND FOR OTHER PURPOSES.
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Subtitle

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18 TO AMEND THE LAW CONCERNING THE FILING
19 AND PUBLICATION OF CERTAIN CAMPAIGN
20 FINANCE REPORTS; AND TO AMEND PORTIONS OF
21 ARKANSAS CODE RESULTING FROM INITIATED
22 ACT 1 OF 1990 AND INITIATED ACT 1 OF
23 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 § 7-6-214, concerning publication of reports,
29 is amended to add an additional subsection to read as follows:

30 (c)(1) The Secretary of State shall maintain a list of all reports
31 required under §§ 7-6-203, 7-6-207 – 7-6-210, 7-6-215, 7-6-216, and 7-6-220
32 not filed in electronic form.

33 (2) The list shall include:

34 (A) The name of the person filing the report;

35 (B) The type of report filed;

36 (C) The date the report was filed; and



1 (D) The designation "paper filer".

2 (3) The list shall be posted on the official website of the
 3 Secretary of State.

4 (4) The list shall be organized by calendar year and updated at
 5 least monthly on a schedule to be determined by the Secretary of State.

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 7 SECTION 2. Arkansas Code § 7-6-215(a)(1), concerning registration and
 8 reporting by approved political action committees and resulting from
 9 Initiated Act 1 of 1990 and Initiated Act 1 of 1996, is amended to add an
 10 additional subdivision to read as follows:

11 (E) Registration with the Secretary of State under this
 12 section may be filed in paper form if:

13 (i) The political action committee does not have
 14 access to the technology necessary to submit registration in electronic form;

15 (ii) Submitting registration in electronic form
 16 would constitute a substantial hardship for the political action committee;
 17 and

18 (iii) The political action committee submits a
 19 notarized affidavit that complies with § 7-6-231.

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 21 SECTION 3. Arkansas Code § 7-6-215(d)(5)(B)(iv), concerning
 22 registration and reporting by approved political action committees and
 23 resulting from Initiated Act 1 of 1990 and Initiated Act 1 of 1996, is
 24 amended to read as follows:

25 (iv) A political action committee under this section
 26 may file reports in paper form under this section if:

27 (a) The political action committee does not
 28 have access to the technology necessary to submit reports in electronic form;
 29 ~~and~~

30 (b) Submitting reports in electronic form
 31 would constitute a substantial hardship for the political action committee;
 32 and

33 (c) The political action committee submits a
 34 notarized affidavit that complies with § 7-6-231.

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 36 SECTION 4. Arkansas Code § 7-6-220(e)(3), concerning reporting of

1 independent expenditures and resulting from Initiated Act 1 of 1996, is
 2 amended to read as follows:

3 (3) A person or independent expenditure committee under this
 4 section may file reports in paper form under this section if:

5 (A) The person or independent expenditure committee does
 6 not have access to the technology necessary to submit reports in electronic
 7 form; ~~and~~

8 (B) Submitting reports in electronic form would constitute
 9 a substantial hardship for the person or independent expenditure committee;
 10 and

11 (C) The person or independent expenditure committee
 12 submits a notarized affidavit that complies with § 7-6-231.

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 14 SECTION 4. Arkansas Code § 7-6-230(a)(2)(B), concerning the
 15 alternative to electronic filing of reports, is amended to read as follows:

16 (B) The Secretary of State shall:

17 (1) ~~not~~ Not accept a report in paper form under
 18 subdivision (a)(1) of this section if a notarized affidavit was not submitted
 19 with the first paper report in the election cycle;

20 (2) Provide written notice to the candidate within
 21 five (5) business days if the report in paper form was not filed or accepted;
 22 and

23 (3) Provide the reason the report in paper form was
 24 not filed or accepted.

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 26 SECTION 5. Arkansas Code § 7-6-230(d), concerning the alternative to
 27 electronic filing of reports, is amended to read as follows:

28 (d)(1) The Secretary of State shall make available campaign
 29 contribution and expenditure reports submitted in paper form, carryover fund
 30 reports submitted in paper form, and affidavits accompanying reports filed in
 31 paper form, on a portion of the official website of the Secretary of State.

32 (2) The Secretary of State shall comply with the requirements of
 33 § 7-6-214(c) regarding the "paper filer" designation and publication
 34 requirements for all reports submitted in paper form.

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 36 SECTION 6. Arkansas Code Title 7, Chapter 6, Subchapter 2, is amended

1 to add an additional section to read as follows:

2 7-6-231. Alternative to electronic filing - Reporting of independent
 3 expenditures - Registration and reports for political action committees.

4 (a)(1) A person required to file reports or register in electronic
 5 form under § 7-6-215 or § 7-6-220 may file reports or register in paper form
 6 under this section if:

7 (A) The person does not have access to the technology
 8 necessary to submit reports or registration in electronic form; and

9 (B) Submitting reports or registration in electronic form
 10 would constitute a substantial hardship for the person.

11 (2)(A) A person filing reports or registration in paper form
 12 under subdivision (a)(1) of this section shall submit with its first report
 13 or registration a notarized affidavit on a form prepared by the Secretary of
 14 State declaring that:

15 (i) The person does not have access to the
 16 technology necessary to submit reports or registration in electronic form;

17 (ii) Submitting reports or registration in
 18 electronic form would constitute a substantial hardship for the person; and

19 (iii) The person agrees to file all other reports in
 20 paper form for the duration of the period of registration.

21 (B) The Secretary of State shall:

22 (i) Not accept a report or registration in paper form
 23 under subdivision (a)(1) of this section if a notarized affidavit was not
 24 submitted with the:

25 (a) Registration of a political action
 26 committee; or

27 (b) First report of a person or independent
 28 expenditure committee;

29 (ii) Provide written notice to the political action
 30 committee within five (5) business days if the registration in paper form was
 31 not filed or accepted;

32 (iii) Provide written notice to a political action
 33 committee, person, or independent expenditure committee within five (5)
 34 business days if a report in paper form was not filed or accepted; and

35 (iv) Provide the reason the registration or report
 36 in paper form was not filed or accepted.

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

3 (A) Information on the deadlines for filing required
4 reports; and

5 (B)(i) Appropriate forms and instructions for complying
6 with the deadlines.

7 (ii) The Arkansas Ethics Commission shall approve
8 the forms and instructions used by the Secretary of State under this section
9 to ensure that all required information is requested.

10 (2) Reports shall be filed on the forms furnished by the
11 Secretary of State, except that computer-generated contribution and
12 expenditure reports shall be accepted by the Secretary of State and the
13 Arkansas Ethics Commission provided that all of the requisite elements are
14 included.

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

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

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

26 (d)(1) The Secretary of State shall make available reports submitted
27 in paper form on a portion of the official website of the Secretary of State.

28 (2) The Secretary of State shall comply with the requirements of
29 § 7-6-214(c) regarding the "paper filer" designation and publication
30 requirements for all reports submitted in paper form.

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