

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

A Bill

SENATE BILL 574

5 By: Senator K. Hammer
6 By: Representative L. Fite
7

For An Act To Be Entitled

9 AN ACT TO REQUIRE A CANDIDATE FOR AN ELECTED OFFICE
10 TO FILE A SWORN STATEMENT CONCERNING THE CANDIDATE'S
11 TAX PAYMENT STATUS AND CRIMINAL HISTORY; TO DECLARE
12 AN EMERGENCY; AND FOR OTHER PURPOSES.
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Subtitle

15 TO REQUIRE A CANDIDATE FOR AN ELECTED
16 OFFICE TO FILE A SWORN STATEMENT
17 CONCERNING THE CANDIDATE'S TAX PAYMENT
18 STATUS AND CRIMINAL HISTORY; AND TO
19 DECLARE AN EMERGENCY.
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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 Title 7, Chapter 5, Subchapter 1, is amended
26 to add an additional section to read as follows:

27 7-5-112. Statement concerning tax history and criminal background.

28 (a) As used in this section, "elected office" means any office for
29 which the holder is determined by a vote of qualified electors, regardless of
30 whether the office at issue is elected on a partisan or nonpartisan basis,
31 including without limitation the following offices:

- 32 (1) An elected state office;
- 33 (2) An elected county office;
- 34 (3) An elected municipal office;
- 35 (4) An elected judicial office;
- 36 (5) The office of prosecuting attorney; and



1 (6) A position on the board of directors for a school district.

2 (b) A person filing as a candidate for an elected office shall file a
3 sworn statement indicating his or her answers to the following questions:

4 (1) Have you filed all applicable tax returns for the current
5 year and the previous five (5) years?;

6 (2) Do you have any individual outstanding liabilities to any
7 taxing authority?;

8 (3) Do you have a payment plan for any tax matter? If so, are
9 you current on the payments under the payment plan?;

10 (4) Are you delinquent on any taxes for any business with which
11 you are personally or professional associated and for which you are
12 responsible for collecting or paying withheld income and employment taxes or
13 for paying collected excise taxes?; and

14 (5) Have you been convicted of any of the following:

15 (A) Embezzlement of public money;

16 (B) Bribery;

17 (C) Forgery;

18 (D) A felony offense;

19 (E) Abuse of office;

20 (F) Tampering; or

21 (G) A misdemeanor offense in which the finder of fact was
22 required to find, or the defendant to admit, an act of deceit, fraud, or
23 false statement, including without limitation a misdemeanor offense related
24 to the election process?

25 (c)(1) The sworn statement under subsection (b) of this section shall
26 be filed:

27 (A) With the official with whom the person files the
28 documents required for candidacy for an elected office; and

29 (B) At the time the person submits the documents required
30 for candidacy for an elected office.

31 (2) An official receiving a sworn statement from a person filing
32 as a candidate for an elected office under subsection (c) of this section
33 shall:

34 (A) Make a copy of the sworn statement available to any
35 person upon request; and

36 (B) Retain the sworn statement for at least four (4)

1 years.

2 (d) Knowingly making a false statement on the sworn statement under
3 subsection (b) of this section is a:

4 (A) Class A misdemeanor; and

5 (B) Misdemeanor offense related to the election process
6 under Arkansas Constitution, Article 5, § 9.

7 (e)(1) The Secretary of State shall promulgate rules necessary to
8 implement this section, including without limitation the promulgation of a
9 sworn statement meeting the requirements of this section for use by a person
10 filing as a candidate for an elected office.

11 (2) The sworn statement promulgated under subdivision (e)(1) of
12 this section shall include a space for a candidate for an elected office to
13 provide an explanation for one (1) or more of his or her answers on the sworn
14 statement.

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16 SECTION 2. EMERGENCY CLAUSE. It is found and determined by the
17 General Assembly of the State of Arkansas that this act pertains to
18 disclosures made by a candidate for an elected office; and that this act
19 should become effective as soon as possible to allow for the implementation
20 of the act in advance of the upcoming primary elections. Therefore, an
21 emergency is declared to exist, and this act being immediately necessary for
22 the preservation of the public peace, health, and safety shall become
23 effective on:

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

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

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

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