

Summary

Proposed Amendment to the Rules on Practice & Procedure

PURPOSE:

The purpose of these proposed amendments is to bring the Rules on Practice & Procedure into conformity with the legislation passed during the 94th General Assembly of the Arkansas Legislature.

DISCUSSION:

Act 753 specified acceptable manners of delivery of complaints filed with the AEC. Specifically, it provides complaints can be hand delivered...on or before the date that the complaint is due; mailed; or received via email or facsimile by the AEC on or before the date that the complaint is due, provided the original is received by the AEC within ten (10) days of the transmission. The AEC shall prepare a citizen complaint form and make it publicly available on the AEC website.

Relating to “Delinquent Reports”, Act 753 created a requirement that the AEC shall review the timeliness of reports filed with the SOS by all candidates for state or district office.

If a candidate for state or district office has failed to file a required report, the AEC shall notify the candidate in writing via regular mail that the report is delinquent and request that the report be filed within thirty (30) days of the report’s original due date. Upon the third late report during an election cycle, the AEC shall bring a complaint against the candidate and, if a violation is found, impose a fine of one thousand dollars (\$1,000) unless good cause shown. In addition to the fine, the AEC can do one or more of the following: issue a public letter, order the reports be filed, or report the matter and make recommendations to law enforcement.

Act 753 mandated that the AEC issue one or more reporting calendars for candidates no later than December 31 preceding the year of the reporting calendar.