

**RULES
FOR
NONPARTISAN OFFICE
FILING FEES**

(Effective February 17, 2002; Revised ~~November 8, 2013~~)



State Board of Election Commissioners
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www.arkansas.gov/sbec

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Scope of Rules

These rules and regulations will set forth the procedures for establishing filing fees for nonpartisan offices pursuant to Arkansas Code Annotated § 7-10-103. These rules are in addition to and not a substitute for the laws of the State of Arkansas.

§ 100 Definitions

- (a) Annual Salary - for the purpose of these rules, the salary established by the ~~General Assembly during Regular sessions~~ Independent Citizens Commission for each office for the fiscal year in which the candidate files for office.
- (b) Nonpartisan office - the offices of Justice of the Supreme Court, Judge of the Court of Appeals, circuit judge, district judge, or prosecuting attorney.¹
- (c) Filing Fee - for the purpose of these rules, the fee paid by a candidate for the offices of Justice of the Supreme Court, Judge of the Court of Appeals, circuit judge, district judge, and prosecuting attorney to the Secretary of State at the time of filing his or her political practices pledge.

§ 101 Filing as a Candidate

A candidate for a nonpartisan office may access the ballot by:

- (a) Paying a filing fee;
- (b) Filing a petition; or
- (c) Filing as a write-in candidate in the manner provided under §7-10-103.

§ 102 Payment of Filing Fees

Candidates for the offices of Justice of the Supreme Court, Judge of the Court of Appeals, circuit judge, district judge, and prosecuting attorney shall pay the filing fee to the Secretary of State at the same time the candidate files his or her political practices pledge².

These filing fees shall be nonrefundable.

§ 103 Filing Fee Period

The filing period shall begin at 3:00 p.m. on the first day of the party filing period and shall end at 3:00 p.m. on the last day of the party filing period.³

¹ A.C.A. §§ 7-1-101(~~2337~~)(A); 7-10-102(a) ~~as amended by Act 1110 of 2013~~

² A.C.A. § 7-10-103(b)(2)(A) ~~as amended by Acts 1110 and 1286 of 2013~~

³ A.C.A. § 7-10-103(b)(2)(B) as amended by Act 1286 of 2013

§ 104 Nonpartisan Filing Fee Fund

The filing fees collected for the offices of Justice of the Supreme Court, Judge of the Court of Appeals, circuit judge, and district judge shall be remitted to the Treasurer of State for deposit into the Nonpartisan Filing Fee Fund for covering the cost of election expenses of the State Board of Election Commissioners.⁴

The first one hundred thousand dollars (\$100,000) collected annually from filing fees for the office of prosecuting attorney shall be remitted to the Treasurer of State for deposit into the Trial Court Administrative Assistant Fund.⁵ The remaining filing fees collected for the office of prosecuting attorney shall be remitted to the Treasurer of State for deposit in the Nonpartisan Judicial Filing Fee Fund.⁶

§ 105 Filing Fees

The filing fee for the Chief Justice of the Supreme Court shall be 6% of the annual salary.

The filing fee for Associate Justice of the Supreme Court shall be 6% of the annual salary.

The filing fee for Judge of the Court of Appeals shall be 5% of the annual salary.

The filing fee for circuit judge shall be 4% of the annual salary.

The filing fee for prosecuting attorney shall be 3% of the annual salary.

The filing fee for district judge shall be 3% of the annual salary.

⁴ A.C.A. § 7-10-103(b)(3)(A)

⁵ A.C.A. § 7-10-103(b)(3)(B)(ii)

⁶ A.C.A. § 7-10-103(b)(3)(B)(i)

QUESTIONNAIRE FOR FILING PROPOSED RULES AND REGULATIONS
WITH THE ARKANSAS LEGISLATIVE COUNCIL AND JOINT INTERIM COMMITTEE

DEPARTMENT/AGENCY State Board of Election Commissioners
DIVISION _____
DIVISION DIRECTOR Justin Clay
CONTACT PERSON Justin Clay
ADDRESS 501 Woodlane, Suite 401N, Little Rock, AR 72201
PHONE NO. 501-682-1834 **FAX NO.** 501-682-1782 **E-MAIL** clay.sbec@sos.arkansas.gov
NAME OF PRESENTER AT COMMITTEE MEETING Justin Clay
PRESENTER E-MAIL clay.sbec@sos.arkansas.gov

INSTRUCTIONS

- A. Please make copies of this form for future use.
B. Please answer each question completely using layman terms. You may use additional sheets, if necessary.
C. If you have a method of indexing your rules, please give the proposed citation after "Short Title of this Rule" below.
D. Submit two (2) copies of this questionnaire and financial impact statement attached to the front of two (2) copies of the proposed rule and required documents. Mail or deliver to:

Donna K. Davis
Administrative Rules Review Section
Arkansas Legislative Council
Bureau of Legislative Research
One Capitol Mall, 5th Floor
Little Rock, AR 72201

1. What is the short title of this rule? Rules for Nonpartisan Office Filing Fees 108.00.01
2. What is the subject of the proposed rule? Establishing nonpartisan offices' filing fees and procedures for payment
3. Is this rule required to comply with a federal statute, rule, or regulation? Yes ☐ No ☒
If yes, please provide the federal rule, regulation, and/or statute citation. _____
4. Was this rule filed under the emergency provisions of the Administrative Procedure Act? Yes ☐ No ☒
If yes, what is the effective date of the emergency rule? N/A
- When does the emergency rule expire? N/A

Will this emergency rule be promulgated under the permanent provisions of the Administrative Procedure Act?

Yes ☐

No ☐

5. Is this a new rule? Yes ☐ No ☒

If yes, please provide a brief summary explaining the regulation. N/A

Does this repeal an existing rule? Yes ☐ No ☒

If yes, a copy of the repealed rule is to be included with your completed questionnaire. If it is being replaced with a new rule, please provide a summary of the rule giving an explanation of what the rule does. N/A

Is this an amendment to an existing rule?

Yes ☒

No ☐

If yes, please attach a mark-up showing the changes in the existing rule and a summary of the substantive changes. **Note: The summary should explain what the amendment does, and the mark-up copy should be clearly labeled "mark-up."**

6. Cite the state law that grants the authority for this proposed rule? If codified, please give the Arkansas Code citation. 7-10-103

7. What is the purpose of this proposed rule? Why is it necessary? To establish a uniform procedure making filing fees for nonpartisan office nonrefundable and to clarify that the Independent Citizens Commission sets the salaries for certain nonpartisan offices.

8. Please provide the address where this rule is publicly accessible in electronic form via the Internet as required by Arkansas Code § 25-19-108(b). www.arkansas.gov/sbec

9. Will a public hearing be held on this proposed rule? Yes ☐ No ☒

If yes, please complete the following:

Date: N/A

Time: N/A

Place: N/A

10. When does the public comment period expire for permanent promulgation? (Must provide a date.)

August 10, 2015

11. What is the proposed effective date of this proposed rule? (Must provide a date.)

October 4, 2015

12. Do you expect this rule to be controversial? Yes ☐ No ☒

If yes, please explain.

13. Please give the names of persons, groups, or organizations that you expect to comment on these rules?
Please provide their position (for or against) if known.
Office of the Prosecuting Coordinator (position unknown); Other associations affiliated with judges and
prosecutors (positions unknown)

FINANCIAL IMPACT STATEMENT

PLEASE ANSWER ALL QUESTIONS COMPLETELY

DEPARTMENT State Board of Election Commissioners

DIVISION

PERSON COMPLETING THIS STATEMENT Justin Clay

TELEPHONE NO. 501-682-1834 **FAX NO.** 501-682-1782 **EMAIL:** clay.sbec@sos.arkansas.gov

To comply with Ark. Code Ann. § 25-15-204(e), please complete the following Financial Impact Statement and file two copies with the questionnaire and proposed rules.

SHORT TITLE OF THIS RULE Rules for Nonpartisan Office Filing Fees 108.00.01

1. Does this proposed, amended, or repealed rule have a financial impact? Yes ☐ No ☒
2. Is the rule based on the best reasonably obtainable scientific, technical, economic, or other evidence and information available concerning the need for, consequences of, and alternatives to the rule? Yes ☒ No ☐
3. In consideration of the alternatives to this rule, was this rule determined by the agency to be the least costly rule considered? Yes ☒ No ☐

If an agency is proposing a more costly rule, please state the following:

- (a) How the additional benefits of the more costly rule justify its additional cost;
N/A

- (b) The reason for adoption of the more costly rule;
N/A

- (c) Whether the more costly rule is based on the interests of public health, safety, or welfare, and if so, please explain; and;
N/A

- (d) Whether the reason is within the scope of the agency's statutory authority; and if so, please explain.
N/A

4. If the purpose of this rule is to implement a federal rule or regulation, please state the following:

- (a) What is the cost to implement the federal rule or regulation?

Current Fiscal Year

General Revenue	N/A
Federal Funds	N/A
Cash Funds	N/A
Special Revenue	N/A
Other (Identify)	N/A

Next Fiscal Year

General Revenue	N/A
Federal Funds	N/A
Cash Funds	N/A
Special Revenue	N/A
Other (Identify)	N/A

Total 0.00

Total 0.00

(b) What is the additional cost of the state rule?

Current Fiscal Year

General Revenue	<u>N/A</u>
Federal Funds	<u>N/A</u>
Cash Funds	<u>N/A</u>
Special Revenue	<u>N/A</u>
Other (Identify)	<u>N/A</u>
Total	<u>0.00</u>

Next Fiscal Year

General Revenue	<u>N/A</u>
Federal Funds	<u>N/A</u>
Cash Funds	<u>N/A</u>
Special Revenue	<u>N/A</u>
Other (Identify)	<u>N/A</u>
Total	<u>0.00</u>

5. What is the total estimated cost by fiscal year to any private individual, entity and business subject to the proposed, amended, or repealed rule? Identify the entity(ies) subject to the proposed rule and explain how they are affected.

Current Fiscal Year

\$ 0.00

N/A

Next Fiscal Year

\$ 0.00

6. What is the total estimated cost by fiscal year to state, county, and municipal government to implement this rule? Is this the cost of the program or grant? Please explain how the government is affected.

Current Fiscal Year

\$ 0.00

N/A

Next Fiscal Year

\$ 0.00

7. With respect to the agency's answers to Questions #5 and #6 above, is there a new or increased cost or obligation of at least one hundred thousand dollars (\$100,000) per year to a private individual, private entity, private business, state government, county government, municipal government, or to two (2) or more of those entities combined?

Yes ☐ No ☒

If YES, the agency is required by Ark. Code Ann. § 25-15-204(e)(4) to file written findings at the time of filing the financial impact statement. The written findings shall be filed simultaneously with the financial impact statement and shall include, without limitation, the following:

- (1) a statement of the rule's basis and purpose;
- (2) the problem the agency seeks to address with the proposed rule, including a statement of whether a rule is required by statute;
- (3) a description of the factual evidence that:
 - (a) justifies the agency's need for the proposed rule; and

- (b) describes how the benefits of the rule meet the relevant statutory objectives and justify the rule's costs;
- (4) a list of less costly alternatives to the proposed rule and the reasons why the alternatives do not adequately address the problem to be solved by the proposed rule;
- (5) a list of alternatives to the proposed rule that were suggested as a result of public comment and the reasons why the alternatives do not adequately address the problem to be solved by the proposed rule;
- (6) a statement of whether existing rules have created or contributed to the problem the agency seeks to address with the proposed rule and, if existing rules have created or contributed to the problem, an explanation of why amendment or repeal of the rule creating or contributing to the problem is not a sufficient response; and
- (7) an agency plan for review of the rule no less than every ten (10) years to determine whether, based upon the evidence, there remains a need for the rule including, without limitation, whether:
 - (a) the rule is achieving the statutory objectives;
 - (b) the benefits of the rule continue to justify its costs; and
 - (c) the rule can be amended or repealed to reduce costs while continuing to achieve the statutory objectives.