

STATE BOARD OF ELECTION COMMISSIONERS

Enabling Laws

Act 1597 of 2003

A.C.A. §7-4-101, 7-4-102, 7-4-107, 7-4-118

A.C.A. §7-5-311, 7-5-503, 7-5-606, 7-5-707

A.C.A. §7-7-201, 7-7-305

A.C.A. §7-10-103

History and Organization

The State Board of Election Commissioners was created pursuant to Act 465 of 1969. Act 901 of 1995 amended various sections of Arkansas Code Title 7 to provide for joint political party primary elections funded by the State from an appropriation made to the Board. Act 741 of 1995 amended Arkansas Code Annotated §7-4-101 to reconstitute the Board, with Act 1217 of 1995 providing funding for operations and staff to implement the Board's expanded duties and responsibilities.

The mission of the Board is to provide reimbursement to the counties for state funded election expenses while assuring fair and orderly election procedures in the State for the benefit of all Arkansans.

The Board's goal is to improve the orderly conduct of elections in the State through assistance, education, and monitoring by distributing funds for political party primary, statewide special and nonpartisan judicial general elections, developing resources to assist and educate candidates and election officials, and monitoring compliance with election laws.

The Board consists of a six member staff serving a seven member board comprised of the Secretary of State as Chair, two members appointed by the Governor, and one member each appointed by the chair of the state Democratic party, the chair of the state Republican party, the President Pro Tempore of the Arkansas Senate, and the Speaker of the Arkansas House of Representatives.

The Board is charged with funding political party primary, nonpartisan judicial general, and statewide special elections, including establishing filing fees for nonpartisan judicial offices for covering the cost of election expenses; publishing a candidate handbook outlining the legal obligations of candidates running for public office; conducting statewide training of election officials and county election commissioners, including adopting rules for monitoring training attendance and determining the method and amount of compensation; monitoring all election law-related legislation; assisting local election authorities with implementing Title II requirements of the Americans with Disabilities Act; handling complaints of alleged violations of election and voter registration laws under the Board's jurisdiction, conducting investigations, rendering findings, and imposing disciplinary actions, including the imposition of fines; appointing certified election monitors to any county for the purpose of observing the conduct of an election and reporting to the Board; appointing third members to the county boards of election commissioners; assisting the county election commissions in the

performance of the administrative duties of the election process, if determined necessary and appropriate by the Board; monitoring county election commissions for compliance with the statutory duties and responsibilities for conducting elections, including reviewing every county's accounting of ballots and over and under votes; reviewing and certifying the form in which the names and titles of candidates for federal, state, or district office will appear on the ballot; and examining, approving, and certifying all election equipment for use by the counties.



Agency Commentary

The State Board of Election Commissioners was initially staffed in 1995 with four (4) budgeted positions. With numerous additional statutory demands placed upon the Board over the years, two new positions were acquired in 2003, a Director of Educational Services and an additional Agency Program Coordinator. With a staff of six, it takes dedicated, well-trained, skilled personnel to meet the statutory demands of this Board. The Board struggles with attracting and retaining qualified personnel with election expertise and experience due to our noncompetitive salary environment. The Board is requesting reclassification of its two Agency Program Coordinator positions (Grade 21) to unclassified Election Coordinators and a reclassification of its Management Project Analyst II position (Grade 20) to an unclassified Administrative Assistant to allow the Board flexibility in recruiting new personnel and compensating existing personnel within the specific maximum annual salaries set out in law, thus enabling the Board to efficiently and effectively execute its ongoing legal obligations.

The Board is requesting a change level of \$34,385 in Operating Expenses for facility rent in FY 2006 and in FY 2007 for annual rental of 2,547 square feet of office space located in the 501 Building, 501 Woodlane Drive, Suite 122. Rent-free space in the basement of the State Capitol was provided in the past to the Board by the Secretary of State.

The Board is requesting a change level of \$20,000 in Operating Expenses for printing in FY 2006 for publishing a candidate handbook pursuant to A.C.A. §7-4-101. Although the cost of this publication is not included in the FY 2005 budgeted level and thus the FY 2005-06 base level, it is an ongoing legal obligation of the Board incurred in the first year of each biennium as a result of election law changes during each legislative session.

The Board is requesting a transfer of \$150,000 from State Central Services for Election Poll Workers Training to the Miscellaneous Agencies Fund for consolidation of election expense funding. Since implementation of Act 901 of 1995 providing for state supported political party primary elections, the

Board has funded 24 elections at a total cost of \$10,482,807.80. Through assistance and education provided the counties and through monitoring and close scrutiny of election expenses submitted by the counties to the Board for state reimbursement, the Board has saved the State nearly a half million dollars (\$478,605.25). As the Board is currently in the process of reimbursing the counties for the May 2004 preferential primary and nonpartisan judicial general elections and the June 2004 run-off primary election, costs associated with these elections are excluded from the above data.

The Board is requesting a change level of \$200,000 in the Judicial Filing Fee Fund in FY 2006 to cover the anticipated receipts for FY 2006 and the fees already collected in FY 2004 in excess of the original authorized appropriation for covering the cost of election expenses of the Board.

Audit Findings

DIVISION OF LEGISLATIVE AUDIT
AUDIT OF :
STATE BOARD OF ELECTION COMMISSIONERS
FOR THE YEAR ENDED JUNE 30, 2003

Findings	Recommendations
None	None

Employment Summary

	Male	Female	Total	%
White Employees	0	3	3	60 %
Black Employees	0	1	1	20 %
Other Racial Minorities	1	0	1	20 %
Total Minorities			2	40 %
Total Employees			5	100 %

Publications

A.C.A 25-1-204

Name	Statutory Authorization	Required for		# Of Copies	Reason (s) for Continued Publication and Distribution
		Governor	General Assembly		
"Running for Public Office: A 'Plain English' Handbook for Candidates"	7-4-101	N	N	7,250	Statutory Requirement

Department Appropriation / Program Summary

Appropriation / Program	Historical Data						Agency Request and Executive Recommendation							
	2003-2004		2004-2005		2004-2005		2005-2006				2006-2007			
	Actual	Pos	Budget	Pos	Authorized	Pos	Agency	Pos	Executive	Pos	Agency	Pos	Executive	Pos
432 Election Poll Workers Training	0	0	150,000	0	0	0	0	0	0	0	0	0	0	0
436 Nonpartisan Judicial General Elect	0	0	0	0	0	0	800,000	0	800,000	0	0	0	0	0
580 Election Commissioner-Operation	359,920	5	415,201	6	412,518	6	529,431	6	491,431	6	520,074	6	481,185	6
581 Election Expenses	721,758	0	0	0	0	0	2,770,000	0	2,770,000	0	0	0	0	0
Total	1,081,678	5	565,201	6	412,518	6	4,099,431	6	4,061,431	6	520,074	6	481,185	6

Funding Sources			%		%		%		%		%		%
Fund Balance	4000005	507,752	29.1	665,264	54.1	665,264	16.0	665,264	16.1	65,264	11.1	65,264	11.9
General Revenue	4000010	1,081,678	61.9	415,201	33.7	3,299,431	79.2	3,261,431	79.0	520,074	88.9	481,185	88.1
State Central Services	4000035	0	0.0	150,000	12.2	0	0.0	0	0.0	0	0.0	0	0.0
Judicial Filing Fees	4000320	157,512	9.0	0	0.0	200,000	4.8	200,000	4.9	0	0.0	0	0.0
Total Funds		1,746,942	100.0	1,230,465	100.0	4,164,695	100.0	4,126,695	100.0	585,338	100.0	546,449	100.0
Excess Appropriation/(Funding)		(665,264)		(665,264)		(65,264)		(65,264)		(65,264)		(65,264)	
Grand Total		1,081,678		565,201		4,099,431		4,061,431		520,074		481,185	

Analysis of Budget Request

Appropriation / Program: 432 - Election Poll Workers Training

Funding Sources: HSC-State Central Services Fund

Act 1822 of 2001 amended A.C.A. §7-4-109 to require the county board of election commissioners for each county to designate two (2) election officials per polling site to attend election training. This amendment charged the State Board of Election Commissioners with coordinating the training and determining the method and amount of compensation for attending the training. Act 1677 of 2001 provided a biennial appropriation in the amount of \$150,000 for the training of Election Poll Workers.

In 2002, the Board developed the procedures for monitoring election officials training attendance. The Board conducted training in 49 counties and coordinated training in the remaining 26. In 2004, the Board conducted 11 training seminars inhouse for 100% county participation. The Board certified 204 attendees to conduct training in their respective counties.

The Board is requesting to consolidate election expense appropriations by transferring the \$150,000 authorized for Election Poll Workers Training to the Election Expenses appropriation. This request is reflected by the negative change level. Funding is requested to be provided from general revenue.

The Executive Recommendation provides for the Agency Request.

Appropriation / Program Summary

Appropriation / Program: 432 Election Poll Workers Training
Funding Sources: HSC-State Central Services Fund

Historical Data

Agency Request and Executive Recommendation

Commitment Item	2003-2004	2004-2005	2004-2005	2005-2006			2006-2007		
	Actual	Budget	Authorized	Base Level	Agency	Executive	Base Level	Agency	Executive
Refund/Reimbursements 5110014	0	150,000	0	150,000	0	0	0	0	0
Total	0	150,000	0	150,000	0	0	0	0	0
Funding Sources									
State Central Services 4000035	0	150,000		150,000	0	0	0	0	0
Total Funding	0	150,000		150,000	0	0	0	0	0
Excess Appropriation/(Funding)	0	0		0	0	0	0	0	0
Grand Total	0	150,000		150,000	0	0	0	0	0

This is a biennial appropriation. FY05 Budget has been adjusted to reflect the carry forward balance of appropriation for the purpose of showing the agency's request.

Change Level by Appropriation

Appropriation / Program: 432-Election Poll Workers Training

Funding Sources: HSC-State Central Services Fund

Agency Request

Change Level		2005-2006	Pos	Cumulative	% of BL	2006-2007	Pos	Cumulative	% of BL
BL	Base Level	150,000	0	150,000	100.0	0	0	0	x
C03	Discontinue Program	(150,000)	0	0	0.0	0	0	0	x

Executive Recommendation

Change Level		2005-2006	Pos	Cumulative	% of BL	2006-2007	Pos	Cumulative	% of BL
BL	Base Level	150,000	0	150,000	100.0	0	0	0	100.0
C03	Discontinue Program	(150,000)	0	0	0.0	0	0	0	100.0

Justification

C03	The Board is requesting a negative change level of \$150,000 in Election Poll Workers Training to consolidate election expense appropriation and funding to Miscellaneous Agencies Fund.
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Analysis of Budget Request

Appropriation / Program: 436 - Nonpartisan Judicial General Elections

Funding Sources: MFF-Judicial Filing Fee Fund

Amendment 80, §§17 and 18, to the Arkansas Constitution states that Circuit Judges, District Judges, Supreme Court Justices and Court of Appeals Judges be elected on a nonpartisan basis. This amendment went into effect July 2001. Act 1789 of 2001 established the guidelines for the nonpartisan judicial elections and charged the State Board of Election Commissioners with funding nonpartisan judicial general elections and establishing reasonable filing fees for nonpartisan judicial offices.

In 2002, the Board promulgated rules and regulations establishing nonpartisan judicial office filing fees for covering the cost of election expenses. Act 1597 of 2003 provided a biennial appropriation in the amount of \$600,000 to be used for covering those election costs.

The Board is requesting a Change Level of \$200,000 for FY06 to cover the anticipated receipts for FY06.

The Executive Recommendation provides for the Agency Request.

Appropriation / Program Summary

Appropriation / Program: 436 Nonpartisan Judicial General Elections
Funding Sources: MFF-Judicial Filing Fee Fund

Historical Data

Agency Request and Executive Recommendation

Commitment Item	2003-2004	2004-2005	2004-2005	2005-2006			2006-2007		
	Actual	Budget	Authorized	Base Level	Agency	Executive	Base Level	Agency	Executive
Grants and Aid 5100004	0	0	0	600,000	800,000	800,000	0	0	0
Total	0	0	0	600,000	800,000	800,000	0	0	0
Funding Sources									
Fund Balance 4000005	507,752	665,264		665,264	665,264	665,264	65,264	65,264	65,264
Judicial Filing Fees 4000320	157,512	0		0	200,000	200,000	0	0	0
Total Funding	665,264	665,264		665,264	865,264	865,264	65,264	65,264	65,264
Excess Appropriation/(Funding)	(665,264)	(665,264)		(65,264)	(65,264)	(65,264)	(65,264)	(65,264)	(65,264)
Grand Total	0	0		600,000	800,000	800,000	0	0	0

This is a biennial appropriation.

Change Level by Appropriation

Appropriation / Program: 436-Nonpartisan Judicial General Elections

Funding Sources: MFF-Judicial Filing Fee Fund

Agency Request

Change Level		2005-2006	Pos	Cumulative	% of BL	2006-2007	Pos	Cumulative	% of BL
BL	Base Level	600,000	0	600,000	100.0	0	0	0	x
C01	Existing Program	200,000	0	800,000	133.3	0	0	0	x

Executive Recommendation

Change Level		2005-2006	Pos	Cumulative	% of BL	2006-2007	Pos	Cumulative	% of BL
BL	Base Level	600,000	0	600,000	100.0	0	0	0	100.0
C01	Existing Program	200,000	0	800,000	133.3	0	0	0	100.0

Justification

C01	The Board is requesting a change level of \$200,000 in the Judicial Filing Fee Fund in FY 2006 to cover the anticipated receipts for FY 2006 and the fees already collected in FY 2004 in excess of the original authorized appropriation for covering the cost of election expenses of the Board.
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Analysis of Budget Request

Appropriation / Program: 580 - Election Commissioner-Operation

Funding Sources: HUA-Miscellaneous Agencies Fund

The State Board of Election Commissioners is a general revenue funded agency that administers state supported political party primary and special elections. The seven member Board is comprised of the Secretary of State as Chair, and six appointed members.

Legislation passed during the 1995 session redefined the duties of the Board and created for the first time a staff (4 positions) and an operating appropriation. In addition to charging the Board with funding political party primary elections, Act 901 of 1995 also added the responsibilities of publishing a candidate's election handbook, conducting statewide training for election clerks and county election commissioners, and conducting investigations of citizen complaints regarding violations of election and voter registration laws. The responsibilities of the Board have increased each session as a result of legislation passed by the Arkansas General Assembly in an attempt to ensure public confidence in the election process. Legislation passed during the 2001 session added the nonpartisan judicial general elections to those elections to be funded by the Board and charged the Board with coordinating the mandatory training of election officials prior to regularly scheduled preferential primary elections.

Base Level for this appropriation includes graduated salary increases of 3% to 1.5% each year over the FY05 salary levels, along with related Personal Services Matching costs for six (6) Base Level positions. This includes a \$600 minimum increase for employees earning \$20,000 or below. Included in Personal Services Matching is a \$40 increase in the monthly contribution for State employee's health insurance for a total State match of \$320 per month.

The Change Level request for Regular Salaries and Personal Services Matching in the amount of \$47,568 for FY06 and \$48,714 for FY07 provides for Extraordinary Salary Increases for the Director, Director of Compliance and Director of Educational Services as well as the following:

- 3 position reclassifications:
 - 2 - Agency Program Coordinators (GR 21) to Election Coordinators (GR 99)
 - 1 - Management Project Analyst II (GR 20) to Administrative Assistant (GR 99)

The Change Level request for Operating Expenses of \$54,385 for FY06 and \$34,385 for FY07 includes \$20,000 for the publication of a candidate handbook in fiscal year 2006 and \$34,385 each fiscal for rent. Prior to FY04, the Board had been provided with rent-free space in the basement of the State Capitol. But due to the need for office expansion in the Secretary of State's Office, the Board was asked to find other accommodations.

The Executive Recommendation provides for the Agency Request for Operating Expenses and an Extraordinary Salary Increase for the Agency Director of \$11,421 for FY06 and \$11,638 for FY07 and related Personal Services Matching. The Executive Recommendation also reduced Base Level by \$4,000 in Travel-Conference Fees from \$7,000 to \$3,000.

Appropriation / Program Summary

Appropriation / Program: 580 Election Commissioner-Operation
Funding Sources: HUA-Miscellaneous Agencies Fund

Historical Data

Agency Request and Executive Recommendation

Commitment Item	2003-2004	2004-2005	2004-2005	2005-2006			2006-2007		
	Actual	Budget	Authorized	Base Level	Agency	Executive	Base Level	Agency	Executive
Regular Salaries 5010000	190,509	260,541	260,541	268,320	308,360	279,741	276,314	317,319	287,952
#Positions	5	6							
Personal Services Matching 5010003	57,520	68,985	66,302	73,483	81,011	75,630	74,986	82,695	77,173
Operating Expenses 5020002	89,330	73,675	73,675	73,675	128,060	128,060	73,675	108,060	108,060
Travel-Conference Fees 5050009	2,030	7,000	7,000	7,000	7,000	3,000	7,000	7,000	3,000
Professional Fees and Services 5060010	1,311	5,000	5,000	5,000	5,000	5,000	5,000	5,000	5,000
Data Processing 5090012	0	0	0	0	0	0	0	0	0
Capital Outlay 5120011	19,220	0	0	0	0	0	0	0	0
Total	359,920	415,201	412,518	427,478	529,431	491,431	436,975	520,074	481,185
Funding Sources									
General Revenue 4000010	359,920	415,201		427,478	529,431	491,431	436,975	520,074	481,185
Total Funding	359,920	415,201		427,478	529,431	491,431	436,975	520,074	481,185
Excess Appropriation/(Funding)	0	0		0	0	0	0	0	0
Grand Total	359,920	415,201		427,478	529,431	491,431	436,975	520,074	481,185

FY05 Budgeted for Personal Services Matching exceeds Authorized due to matching rate adjustments during the 2003-05 biennium.

Change Level by Appropriation

Appropriation / Program: 580-Election Commissioner-Operation

Funding Sources: HUA-Miscellaneous Agencies Fund

Agency Request

Change Level		2005-2006	Pos	Cumulative	% of BL	2006-2007	Pos	Cumulative	% of BL
BL	Base Level	427,478	6	427,478	100.0	436,975	6	436,975	100.0
C01	Existing Program	54,385	0	481,863	112.7	34,385	0	471,360	107.8
C10	Reclass	8,702	0	490,565	114.7	8,965	0	480,325	109.9
C15	Ex Salary Increase	38,866	0	529,431	123.8	39,749	0	520,074	119.0

Executive Recommendation

Change Level		2005-2006	Pos	Cumulative	% of BL	2006-2007	Pos	Cumulative	% of BL
BL	Base Level	427,478	6	427,478	100.0	436,975	6	436,975	100.0
C01	Existing Program	54,385	0	481,863	112.7	34,385	0	471,360	107.8
C10	Reclass	0	0	481,863	112.7	0	0	471,360	107.8
C15	Ex Salary Increase	13,568	0	495,431	115.9	13,825	0	485,185	111.0
C19	Executive Changes	(4,000)	0	491,431	114.9	(4,000)	0	481,185	110.1

Justification

C01	The Board is requesting a change level of \$34,385 for facility rent in FY 2006 and in FY 2007 for annual rental of office space in the 501 Building due to loss of rent-free space in the State Capitol and a change level of \$20,000 for printing in FY 2006 for publishing a candidate handbook pursuant to A.C.A. § 7-4-101, an ongoing legal obligation the Board incurs in the first year of each biennium as a result of election law changes during each legislative session and, therefore, not included in FY 2005 budgeted level or FY 2005-2006 base level.
C10	The Board is requesting reclassification of its two Agency Program Coordinator positions (Grade 21) to unclassified Election Coordinators and a reclassification of its Management Project Analyst II position (Grade 20) to an unclassified Administrative Assistant to allow the Board flexibility in recruiting new personnel and compensating existing personnel within the specific maximum annual salaries set out in law.
C15	The Board is requesting Extraordinary Salary increases for the Agency Director, Director of Compliance and Director of Educational Services due to the additional responsibilities placed upon these positions to efficiently and effectively execute the statutory requirements of the Board.
C19	The Executive Recommendation reduces Base Level for Travel-Conference Fees from \$7,000 each fiscal year to \$3,000 each fiscal year.

Analysis of Budget Request

Appropriation / Program: 581 - Election Expenses

Funding Sources: HUA-Miscellaneous Agencies Fund

This general revenue funded appropriation provides reimbursement to the counties for the expenses of state supported political party primary elections, special primary elections and statewide special elections. Since the implementation of Act 901 of 1995, which charged the Board with funding these elections, the Board has funded twenty-four elections at a cost of \$10,482,808. This is a biennial appropriation with carry forward provisions.

The Board is requesting Base Level appropriation and funding in the amount of \$2,620,000 for the biennium. The Board is also requesting a Change Level of \$150,000 to consolidate election expenses by transferring the appropriation authorized for the Election Poll Workers Training to the Election Expenses appropriation. Currently, Election Poll Workers Training is funded from the State Central Services Fund. The Board is requesting funding for the change level be provided from the Miscellaneous Agencies Fund.

The Executive Recommendation provides for the Agency Request.

Appropriation / Program Summary

Appropriation / Program: 581 Election Expenses
Funding Sources: HUA-Miscellaneous Agencies Fund

Commitment Item	Historical Data			Agency Request and Executive Recommendation					
	2003-2004 Actual	2004-2005 Budget	2004-2005 Authorized	2005-2006			2006-2007		
				Base Level	Agency	Executive	Base Level	Agency	Executive
Election Expenses 5900046	721,758	0	0	2,620,000	2,770,000	2,770,000	0	0	0
Total	721,758	0	0	2,620,000	2,770,000	2,770,000	0	0	0
Funding Sources									
General Revenue 4000010	721,758	0		2,620,000	2,770,000	2,770,000	0	0	0
Total Funding	721,758	0		2,620,000	2,770,000	2,770,000	0	0	0
Excess Appropriation/(Funding)	0	0		0	0	0	0	0	0
Grand Total	721,758	0		2,620,000	2,770,000	2,770,000	0	0	0

This is a biennial appropriation. Special Language authorizes carry forward of funding and appropriation. The amount of carry forward for FY05 was \$1,898,242.

Change Level by Appropriation

Appropriation / Program: 581-Election Expenses

Funding Sources: HUA-Miscellaneous Agencies Fund

Agency Request

Change Level		2005-2006	Pos	Cumulative	% of BL	2006-2007	Pos	Cumulative	% of BL
BL	Base Level	2,620,000	0	2,620,000	100.0	0	0	0	x
C01	Existing Program	150,000	0	2,770,000	105.7	0	0	0	x

Executive Recommendation

Change Level		2005-2006	Pos	Cumulative	% of BL	2006-2007	Pos	Cumulative	% of BL
BL	Base Level	2,620,000	0	2,620,000	100.0	0	0	0	100.0
C01	Existing Program	150,000	0	2,770,000	105.7	0	0	0	100.0

Justification

C01	The Board is requesting a change level of \$150,000 in Election Expenses for the transfer of \$150,000 from State Central Services Fund for election poll workers training to the Miscellaneous Agencies Fund for consolidation of election expense funding.
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