

STATE BOARD OF ELECTION COMMISSIONERS

Enabling Laws

Act 320 of 2007
Act 1316 of 2007

A.C.A. §7-4-101, 7-4-103, 7-4-107, 7-4-109, 7-4-118
A.C.A. §7-5-311, 7-5-503, 7-5-606, 7-5-707
A.C.A. §7-7-201
A.C.A. §7-8-201
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 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 mission of the Board is to improve the orderly conduct of elections in the State by promoting fair and orderly election procedures through education, assistance, and monitoring. The Board develops resources to educate and assist candidates and county election administrators, distributes funds to the counties for state supported political party primary elections, nonpartisan judicial general elections, special primary elections, and statewide special elections, and monitors compliance with federal and state election laws.

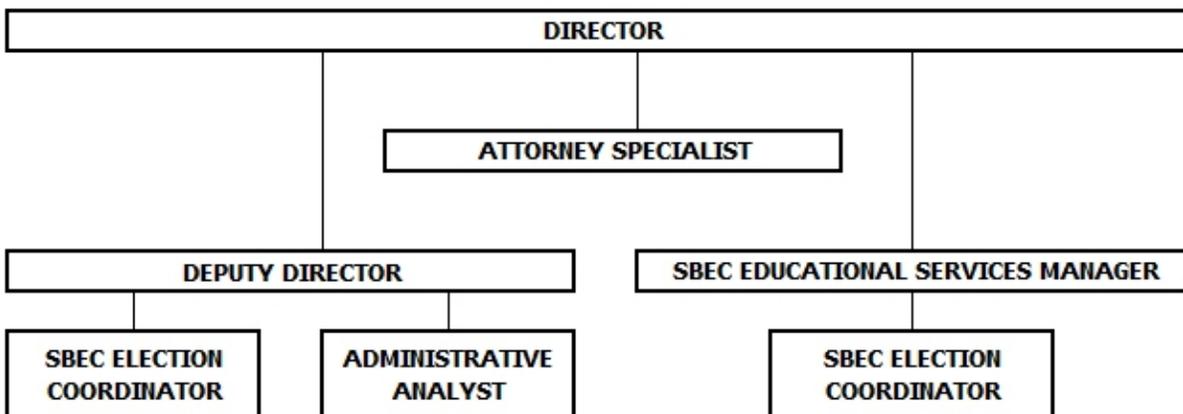
The Board publishes a handbook for candidates running for public office that outlines in a readable and understandable format the legal obligations of candidates in complying with state election laws.

The Board develops specialized training programs, rules, and procedures to assist and educate county election authorities in administering elections in compliance with federal and state election laws. The Board provides the counties with educational and training publications and conducts and coordinates statewide training of election officials and county election commissioners. The Board assists county election administrators with the administrative duties of conducting elections, when determined necessary and appropriate, and handles inquiries on election administration.

The Board implements a cost effective system of reimbursement to the counties that ensures statewide uniformity and consistency in distributing funds from the State to the counties for state supported elections. The Board promulgates rules for reimbursement, rules on training attendance and compensation, and rules establishing nonpartisan judicial filing fees for covering the cost of election

expenses. The Board provides each county with comprehensive reporting forms for requesting reimbursement for state supported elections, distributes funds statewide following extensive auditing and reconciliation of each individual county reimbursement request, and maintains election expense databases for fiscal accountability.

The Board monitors compliance by county election administrators with federal and state election laws, identifies problematic election laws, and drafts proposed legislation addressing potential or needed changes to existing election laws. The Board examines, approves, and certifies voting equipment for compliance with federal and state election laws. The Board implements a certified election monitor program for appointing monitors to observe and report to the Board on the conduct of elections. The Board provides comprehensive written directives to county election administrators for evaluating and reporting on polling site accessibility, for compiling reports of compliance with the Americans with Disabilities Act, and for addressing deficiencies. The Board develops and provides resources to county election administrators for gathering information for statutorily required reporting to the State on the conduct of elections, for reviewing and compiling statistical reports of county compliance, and for addressing deficiencies. The Board promulgates rules on administrative complaint procedures, handles complaints alleging election misconduct and violations of federal and state election and voter registration laws, conducts investigations, holds public hearings, renders reports of findings, and imposes disciplinary actions.



Agency Commentary

The State Board of Election Commissioners requests a Change Level in Election Expenses of \$1,250,000 in appropriation and general revenue funding in FY 2010 for increased expenses of the Board and county boards of election commissioners to conduct state supported political party primary elections, nonpartisan judicial general elections, special primary elections, and statewide special elections for the biennial period ending June 30, 2011.

The Change Level request covers the expenses incurred in the first year of each biennium by the Board to compensate local election administrators for mandatory statewide training attendance, to publish a handbook for candidates running for public office, and to publish educational and training materials to aid county election authorities in administering elections in compliance with federal and state election laws, pursuant to Arkansas Code Annotated §§ 7-4-101, 7-4-107, and 7-4-109.

The State Board requests continuation of Base Level in Operations of \$500,766 for FY2010 and \$509,635

for FY2011. The Board requests additional appropriation and general revenue funding of \$82,653 for FY2010 and \$84,436 for FY2011 for a new Attorney Specialist position to serve as legal counsel to the Board, to conduct legal research, and to provide legal assistance to the agency in developing and implementing agency programs designed to improve the conduct of elections and promote public confidence in the election process. An in-house attorney will provide the additional personnel and legal expertise needed by the agency to address the increased complexity of election administration created by the implementation of the Federal Help America Vote Act and the resulting multitude of federal and state election law changes. The position will research, analyze, and interpret federal and state laws, case law, and attorney general opinions pertaining to the implementation of agency programs that provide educational resources and assistance to county election authorities in administering elections in compliance with federal and state election laws. The position will monitor election law-related legislation for impact on election processes and procedures and agency program implementation and assist with the statewide implementation of specialized training programs for county election administrators. The position will provide legal assistance to the agency in promulgating rules promoting uniform and orderly election procedures statewide, in implementing the agency's Board Certified Election Monitor Program to observe and report on the conduct of elections, in responding to verbal and written inquiries on election administration, in handling allegations of election misconduct and violations of election laws, in conducting investigations, in preparing reports of findings, in preparing written dispositions, and in making recommendations on disciplinary actions.

The State Board requests continuation of Base Level in the amount of \$1,600,000 for Nonpartisan Judicial General Elections for covering the cost of election expenses of the State Board.

Audit Findings

DIVISION OF LEGISLATIVE AUDIT
 AUDIT OF :
 STATE BOARD OF ELECTION COMMISSIONERS
 FOR THE YEAR ENDED JUNE 30, 2007

Findings	Recommendations
None	None

Employment Summary

	Male	Female	Total	%
White Employees	0	4	4	67 %
Black Employees	0	1	1	17 %
Other Racial Minorities	1	0	1	16 %
Total Minorities			2	33 %
Total Employees			6	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		
"County Boards of Election Commissioners Procedures Manual"	7-4-101(f)(2); 7-4-109(e)(1)	N	N	550	Statewide training of county election commissioners to assure fair and orderly election procedures
"Election Officials Training Guide for Certified County Trainers"	7-4-101(f)(2); 7-4-109(e)(1)	N	N	300	Statewide training, testing, and Board certification of trainers to train poll workers locally
"Poll Workers Training Guide"	7-4-101(f)(2); 7-4-107(b)(2); 7-4-109(e)(1)	N	N	12,000	Statewide training of poll workers to assist them in executing election day duties and responsibilities
"Running for Public Office: A 'Plain English' Handbook for Candidates"	7-4-101(f)(1)	N	N	7,200	Statutory Requirement - to outline in a readable and understandable format the legal obligations of candidates running for public office

Department Appropriation Summary

Historical Data

Agency Request and Executive Recommendation

Appropriation	2007-2008		2008-2009		2008-2009		2009-2010					2010-2011							
	Actual	Pos	Budget	Pos	Authorized	Pos	Base Level	Pos	Agency	Pos	Executive	Pos	Base Level	Pos	Agency	Pos	Executive	Pos	
436 Nonpartisan Judicial General Elections	674	0	1,599,326	0	0	0	1,600,000	0	1,600,000	0	1,600,000	0	0	0	0	0	0	0	0
580 Election Commissioners - Operations	464,219	6	491,542	6	491,542	6	500,766	6	583,419	7	583,419	7	509,635	6	594,071	7	594,071	7	
581 Election Expenses	146,664	0	3,640,336	0	0	0	3,787,000	0	5,037,000	0	4,987,000	0	0	0	0	0	0	0	0
Total	611,557	6	5,731,204	6	491,542	6	5,887,766	6	7,220,419	7	7,170,419	7	509,635	6	594,071	7	594,071	7	

Funding Sources		%		%		%		%		%		%		%		%		%
Fund Balance 4000005	353,939	7.0	4,429,513	77.3		0.0		0.0		0.0		0.0		0.0		0.0		0.0
General Revenue 4000010	4,251,209	84.3	491,542	8.6		72.8	5,620,419	77.8	4,370,419	73.2	509,635	100.0	594,071	100.0	594,071	100.0	594,071	100.0
Judicial Filing Fees 4000320	435,912	8.6	810,149	14.1		27.2	1,600,000	22.2	1,600,000	26.8	0	0.0	0	0.0	0	0.0	0	0.0
M & R Sales 4000340	10	0.0	0	0.0		0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Total Funds	5,041,070	100.0	5,731,204	100.0		100.0	7,220,419	100.0	5,970,419	100.0	509,635	100.0	594,071	100.0	594,071	100.0	594,071	100.0
Excess Appropriation/(Funding)	(4,429,513)		0				0		1,200,000		0		0		0		0	
Grand Total	611,557		5,731,204				5,887,766		7,220,419		7,170,419		509,635		594,071		594,071	

Nonpartisan Judicial General Elections (436) is a biennial appropriation. Special Language authorizes carry forward of funding and appropriation. FY09 Budget amount has been adjusted to reflect the carry forward balance of appropriation between fiscal years of \$1,599,326.

Election Expenses (581) is a biennial appropriation. Special Language authorizes carry forward of funding and appropriation. FY09 Budget amount has been adjusted to reflect the carry forward balance of appropriation between fiscal years of \$3,640,336.

Base Level has been restored to the FY08 Authorized amount for Appropriations 436 & 581.

Agency Position Usage Report

FY2006 - 2007						FY2007 - 2008						FY2008 - 2009					
Authorized in Act	Budgeted			Unbudgeted	% of Authorized Unused	Authorized in Act	Budgeted			Unbudgeted	% of Authorized Unused	Authorized in Act	Budgeted			Unbudgeted	% of Authorized Unused
	Filled	Unfilled	Total	Total			Filled	Unfilled	Total	Total			Filled	Unfilled	Total	Total	
6	6	0	6	0	0.00 %	6	5	1	6	0	16.67 %	6	6	0	6	0	0.00 %

Analysis of Budget Request

Appropriation: 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. The Board promulgates rules and regulations establishing nonpartisan judicial office filing fees for covering the cost of election expenses paid from this appropriation.

The Board is requesting Base Level for the 2009-2011 Biennium

The Executive Recommendation provides for the Agency Request.

Appropriation Summary

Appropriation: 436 - Nonpartisan Judicial General Elections

Funding Sources: MFF - Judicial Filing Fee Fund

Historical Data

Agency Request and Executive Recommendation

Commitment Item	Historical Data			2009-2010			2010-2011		
	2007-2008 Actual	2008-2009 Budget	2008-2009 Authorized	Base Level	Agency	Executive	Base Level	Agency	Executive
Grants and Aid 5100004	674	1,599,326	0	1,600,000	1,600,000	1,600,000	0	0	0
Total	674	1,599,326	0	1,600,000	1,600,000	1,600,000	0	0	0
Funding Sources									
Fund Balance 4000005	353,939	789,177		0	0	0	0	0	0
Judicial Filing Fees 4000320	435,912	810,149		1,600,000	1,600,000	1,600,000	0	0	0
Total Funding	789,851	1,599,326		1,600,000	1,600,000	1,600,000	0	0	0
Excess Appropriation/(Funding)	(789,177)	0		0	0	0	0	0	0
Grand Total	674	1,599,326		1,600,000	1,600,000	1,600,000	0	0	0

This is a biennial appropriation. Special Language authorizes carry forward of funding and appropriation. FY09 Budget amount has been adjusted to reflect the carry forward balance of appropriation between fiscal years of \$1,599,326.

Base Level has been restored to the FY08 Authorized amount of \$1,600,000.

Analysis of Budget Request

Appropriation: 580 - Election Commissioners - Operations

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 Chairperson, 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. Legislation passed during the 1995 session redefined the duties of the Board and created for the first time a staff and an operating appropriation.

The Board develops resources to educate and assist candidates and county election administrators, develops specialized training programs, conducts and coordinates statewide training of county election commissioners and election officials, monitors compliance by local election authorities with federal and state election laws, investigates complaints of alleged election misconduct and election law violations, and distributes funds to the counties for state-supported political party primary elections, nonpartisan judicial general elections, special primary elections, and statewide special elections.

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.

Base Level salaries for classified positions reflect the recommendations of the Pay Plan Study as well as the recommendation for the State Election Commission Director transition from an unclassified to a classified position. Salaries are adjusted accordingly. A 2.3% Cost of Living Allowance is reflected in the second year of the biennium. The Base Level request for Regular Salaries may include board member Stipend payments and Career Service payments for eligible employees. Personal Services Matching includes a \$75 increase in the monthly contribution for State employee's health insurance for a total State match per budgeted employee of \$425.

The Board requests Base Level and additional appropriation and general revenue funding of \$82,653 for FY2010 and \$84,436 for FY2011 for an Attorney Specialist position and related Personal Services Matching to serve as legal counsel to the Board, to conduct legal research, and to provide legal assistance in developing and implementing Agency programs designed to improve the conduct of elections and promote public confidence in the election process.

The Executive Recommendation provides for the Agency Request.

Appropriation Summary

Appropriation: 580 - Election Commissioners - Operations

Funding Sources: HUA - Miscellaneous Agencies Fund

Historical Data

Agency Request and Executive Recommendation

Commitment Item		Historical Data			Agency Request and Executive Recommendation			Agency Request and Executive Recommendation		
		2007-2008 Actual	2008-2009 Budget	2008-2009 Authorized	2009-2010			2010-2011		
					Base Level	Agency	Executive	Base Level	Agency	Executive
Regular Salaries	5010000	283,222	291,514	291,514	298,465	363,789	363,789	305,937	372,763	372,763
#Positions		6	6	6	6	7	7	6	7	7
Personal Services Matching	5010003	82,048	83,968	83,968	86,241	103,570	103,570	87,638	105,248	105,248
Operating Expenses	5020002	98,949	108,060	108,060	108,060	108,060	108,060	108,060	108,060	108,060
Conference & Travel Expenses	5050009	0	3,000	3,000	3,000	3,000	3,000	3,000	3,000	3,000
Professional Fees	5060010	0	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	0	0	0	0	0	0	0	0	0
Total		464,219	491,542	491,542	500,766	583,419	583,419	509,635	594,071	594,071
Funding Sources										
General Revenue	4000010	464,209	491,542		500,766	583,419	583,419	509,635	594,071	594,071
M & R Sales	4000340	10	0		0	0	0	0	0	0
Total Funding		464,219	491,542		500,766	583,419	583,419	509,635	594,071	594,071
Excess Appropriation/(Funding)		0	0		0	0	0	0	0	0
Grand Total		464,219	491,542		500,766	583,419	583,419	509,635	594,071	594,071

Change Level by Appropriation

Appropriation: 580 - Election Commissioners - Operations

Funding Sources: HUA - Miscellaneous Agencies Fund

Agency Request

Change Level		2009-2010	Pos	Cumulative	% of BL	2010-2011	Pos	Cumulative	% of BL
BL	Base Level	500,766	6	500,766	100.0	509,635	6	509,635	100.0
C01	Existing Program	82,653	1	583,419	116.5	84,436	1	594,071	116.6

Executive Recommendation

Change Level		2009-2010	Pos	Cumulative	% of BL	2010-2011	Pos	Cumulative	% of BL
BL	Base Level	500,766	6	500,766	100.0	509,635	6	509,635	100.0
C01	Existing Program	82,653	1	583,419	116.5	84,436	1	594,071	116.6

Justification

C01	<p>The State Board requests a Change Level in Operations of \$82,653 in appropriation and general revenue funding in FY2010 and \$84,436 for FY2011 for a new Attorney Specialist position to serve as legal counsel to the Board, to conduct legal research, and to provide legal assistance to the agency in developing and implementing agency programs designed to improve the conduct of elections and promote public confidence in the election process. An in-house attorney will provide the additional personnel and legal expertise needed by the agency to address the increased complexity of election administration created by the implementation of the Federal Help America Vote Act and the resulting multitude of federal and state election law changes. The position will research, analyze, and interpret federal and state laws, case law, and attorney general opinions pertaining to the implementation of agency programs that provide educational resources and assistance to county election authorities in administering elections in compliance with federal and state election laws. The position will monitor election law-related legislation for impact on election processes and procedures and agency program implementation and assist with the statewide implementation of specialized training programs for county election administrators. The position will provide legal assistance to the agency in promulgating rules promoting uniform and orderly election procedures statewide, in implementing the agency's Board Certified Election Monitor Program to observe and report on the conduct of elections, in responding to verbal and written inquiries on election administration, in handling allegations of election misconduct and violations of election laws, in conducting investigations, in preparing reports of findings, in preparing written dispositions, and in making recommendations on disciplinary actions.</p>
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Analysis of Budget Request

Appropriation: 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. This appropriation also provides for County Election Commission training, certified trainer's pay and training publications. This is a biennial appropriation with carry forward provisions.

The State Board of Election Commissioners requests Base Level and a Change Level in Election Expenses of \$1,250,000 in appropriation and general revenue funding as follows:

	<u>BASE LEVEL</u>	<u>CHANGE LEVEL</u>	<u>TOTAL REQUEST</u>
Preferential Primary	2,204,000	250,000	2,454,000
Primary Runoff	1,454,000	(209,000)	1,245,000
Statewide Special Elections	0	1,200,000	1,200,000
County Election Commission Training	30,000	9,000	39,000
Certified Trainer's Pay	24,000	17,000	41,000
Training Publications	75,000	(17,000)	58,000
	<u>3,787,000</u>	<u>1,250,000</u>	<u>5,037,000</u>

The Change Level request covers increasing expenses of the Board and county boards of election commissioners to conduct state supported political party primary elections, special primary elections and statewide special elections. The request also covers an increase in the expenses incurred by the Board to compensate local election administrators for mandatory statewide training attendance, to publish a handbook for candidates running for public office, and to publish educational and training materials to aid county election authorities in administering elections in compliance with federal and state election laws, pursuant to Arkansas Code Annotated §§ 7-4-101, 7-4-107, and 7-4-109.

The Executive Recommendation provides for Base Level funding and additional appropriation of \$1,200,000 for statewide special elections. The Executive also adds Special Language to fund the \$1,200,000 for statewide special elections by a transfer from the Budget Stabilization Trust Fund to the Agency's Miscellaneous Agencies Fund if any Special Elections are required.

Appropriation Summary

Appropriation: 581 - Election Expenses

Funding Sources: HUA - Miscellaneous Agencies Fund

Historical Data

Agency Request and Executive Recommendation

Commitment Item	Historical Data			2009-2010			2010-2011		
	2007-2008 Actual	2008-2009 Budget	2008-2009 Authorized	Base Level	Agency	Executive	Base Level	Agency	Executive
Election Expenses 5900046	146,664	3,640,336	0	3,787,000	5,037,000	4,987,000	0	0	0
Total	146,664	3,640,336	0	3,787,000	5,037,000	4,987,000	0	0	0
Funding Sources									
Fund Balance 4000005	0	3,640,336		0	0	0	0	0	0
General Revenue 4000010	3,787,000	0		3,787,000	5,037,000	3,787,000	0	0	0
Total Funding	3,787,000	3,640,336		3,787,000	5,037,000	3,787,000	0	0	0
Excess Appropriation/(Funding)	(3,640,336)	0		0	0	1,200,000	0	0	0
Grand Total	146,664	3,640,336		3,787,000	5,037,000	4,987,000	0	0	0

This is a biennial appropriation. Special Language authorizes carry forward of funding and appropriation. FY09 Budget amount has been adjusted to reflect the carry forward balance of appropriation between fiscal years of \$3,640,336.

Base Level has been restored to the FY08 Authorized amount of \$3,787,000.

Executive Recommendation adds Special Language to fund the \$1,200,000 for Statewide Special Elections by a transfer from the Budget Stabilization Trust Fund to Miscellaneous Agencies Fund if any Special Elections are required.

Change Level by Appropriation

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

Agency Request

Change Level		2009-2010	Pos	Cumulative	% of BL	2010-2011	Pos	Cumulative	% of BL
BL	Base Level	3,787,000	0	3,787,000	100.0	0	0	0	0.0
C01	Existing Program	1,250,000	0	5,037,000	133.0	0	0	0	

Executive Recommendation

Change Level		2009-2010	Pos	Cumulative	% of BL	2010-2011	Pos	Cumulative	% of BL
BL	Base Level	3,787,000	0	3,787,000	100.0	0	0	0	0.0
C01	Existing Program	1,200,000	0	4,987,000	131.7	0	0	0	

Justification

C01	The State Board requests a Change Level in Election Expenses of \$1,250,000 in appropriation and general revenue funding in FY2010 for increased expenses of the Board and county boards of election commissioners to conduct state supported political party primary elections, nonpartisan judicial general elections, special primary elections, and statewide special elections, to compensate local election administrators for mandatory statewide training attendance, and to publish a candidates' handbook and educational and training materials.
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CARRY FORWARD OF ANY UNEXPENDED BALANCE OF APPROPRIATION AND/OR FUNDING FROM FISCAL YEAR 2008 TO FISCAL YEAR 2009

Agency: Election Commissioners Board

Program: Election Expenses

Act #: 320 of 2007 Section(s) #: 3, 5 & 6

Estimated Carry Forward Amount \$ 3,626,000.00 Appropriation Funds

Funding Source: Miscellaneous Agencies

Accounting Information:

Business Area: 0232 Funds Center: 581 Fund: HUA Functional Area: PROF

Line Item	Commitment Item	Estimated Carry Forward Amount	Actual Carry Forward Amount
Election Expenses	5900046	3,626,000.00	3,640,335.81
Total		\$ 3,626,000.00	\$ 3,640,335.81

Current law requires a written statement be submitted to the DFA Office of Budget stating the reason(s) to carry forward appropriation and/or funding for a program or a specific line item within a program from the first fiscal year of the biennium to the second fiscal year of the biennium.

Justification for carry forward of unexpended balance of appropriation and/or funding:

To enable the State Board of Election Commissioners to reimburse counties for eligible state-funded election expenses associated with conducting the May Preferential Primary and Nonpartisan Judicial General Elections and the June Primary Runoff Election.

Actual Funding Carry Forward Amount \$ 3,640,335.81

Current status of carry forward appropriation/funding:

To enable the State Board of Election Commissioners to reimburse counties for eligible state-funded election expenses associated with conducting the May Preferential Primary and Nonpartisan Judicial General Elections and the June Primary Runoff Election.

Susie Stormes
Director

08-25-2008
Date