

# STATE BOARD OF ELECTION COMMISSIONERS

## Enabling Laws

Act 82 of 2010

A.C.A. §7-4-101, 7-4-103, 7-4-107, 7-4-109, 7-4-118

A.C.A. §7-5-311, 7-5-415, 7-5-503, 7-5-510, 7-5-606, 7-5-707

A.C.A. §7-7-201

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 seven 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.

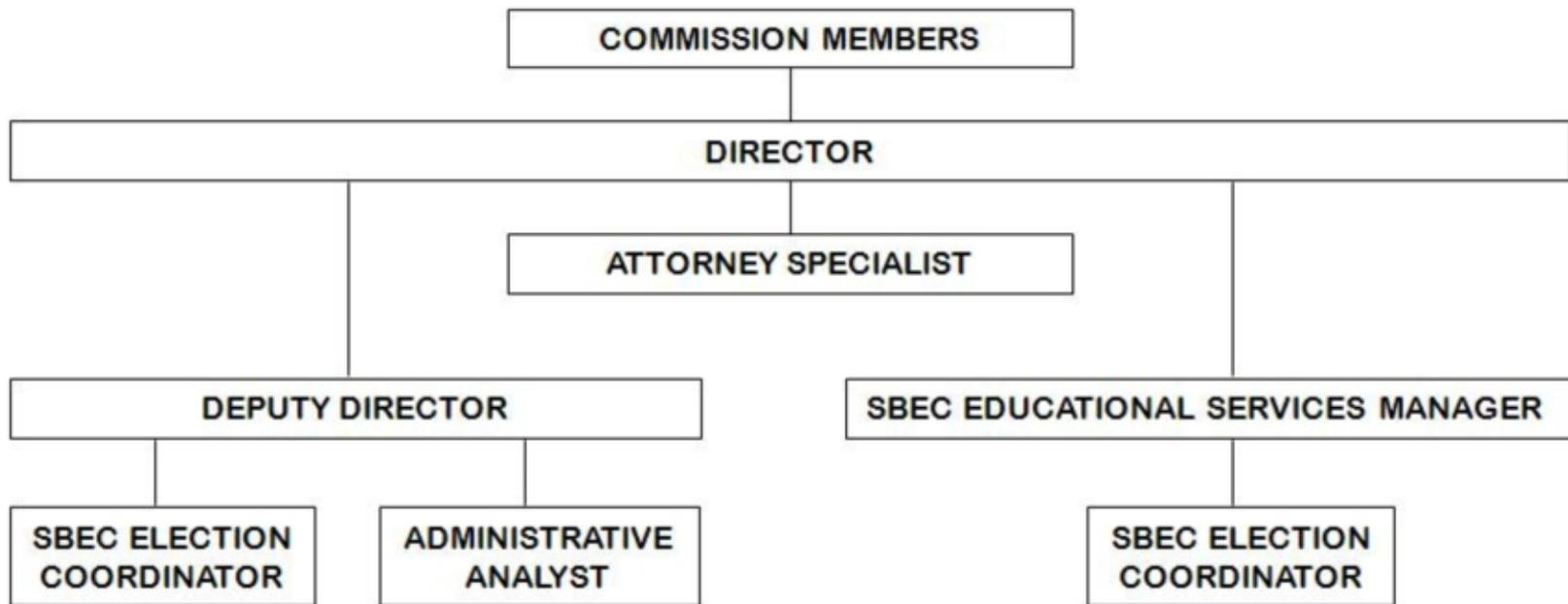
The Board publishes a handbook for candidates running for public office that outlines in a readable and understandable format the legal obligations of candidates in complying with state election laws.

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 poll workers 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, training attendance and compensation, and 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 Base Level in Operations of \$559,223 for FY2012 and FY2013.

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.

The State Board requests a Change Level in Election Expenses of \$1,353,000 in appropriation, \$1,153,000 in general revenue funding for increased expenses of the Board and county boards of election commissioners to conduct state supported political party primary elections and nonpartisan judicial general elections held at the primary elections, and \$200,000 in Budget Stabilization Trust Funds for increased expenses of the Board and county boards of election commissioners to conduct any statewide special or special primary elections for the biennial period ending June 30, 2013.

The Change Level request covers the expenses of the State Board incurred in the first year of each biennium 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.

**Audit Findings**

DIVISION OF LEGISLATIVE AUDIT  
 AUDIT OF :  
 STATE BOARD OF ELECTION COMMISSIONERS

Findings

A separate report for this Agency was not issued. However, financial activity for the Agency was included in the audit of the State’s CAFR for the year ended June 30, 2009.

Recommendations

**Employment Summary**

	Male	Female	Total	%
White Employees	0	5	5	71 %
Black Employees	0	2	2	29 %
Other Racial Minorities	0	0	0	0 %
Total Minorities			2	29 %
Total Employees			7	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 Board 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	500	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	6,000	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	2009-2010		2010-2011		2010-2011		2011-2012						2012-2013					
	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	0	0	933,922	0	1,600,000	0	1,600,000	0	1,600,000	0	1,600,000	0	1,600,000	0	1,600,000	0	1,600,000	0
580 Election Commissioners - Operations	519,523	7	562,021	7	594,071	7	559,223	7	559,223	7	559,223	7	559,223	7	559,223	7	559,223	7
581 Election Expenses	211,389	0	3,575,611	0	4,987,000	0	4,987,000	0	6,340,000	0	6,340,000	0	4,987,000	0	6,340,000	0	6,340,000	0
<b>Total</b>	<b>730,912</b>	<b>7</b>	<b>5,071,554</b>	<b>7</b>	<b>7,181,071</b>	<b>7</b>	<b>7,146,223</b>	<b>7</b>	<b>8,499,223</b>	<b>7</b>	<b>8,499,223</b>	<b>7</b>	<b>7,146,223</b>	<b>7</b>	<b>8,499,223</b>	<b>7</b>	<b>8,499,223</b>	<b>7</b>

Funding Sources		%		%		%		%		%		%		%		%
Fund Balance 4000005	789,176	15.1	4,509,533	88.9	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
General Revenue 4000010	4,306,523	82.2	562,021	11.1	4,346,223	60.8	5,499,223	64.7	4,696,223	55.3	559,223	100.0	559,223	100.0	559,223	100.0
Budget Stabilization Trust 4000130	0	0.0	0	0.0	1,200,000	16.8	1,400,000	16.5	2,203,000	25.9	0	0.0	0	0.0	0	0.0
Judicial Filing Fees 4000320	144,746	2.8	0	0.0	1,600,000	22.4	1,600,000	18.8	1,600,000	18.8	0	0.0	0	0.0	0	0.0
<b>Total Funds</b>	<b>5,240,445</b>	<b>100.0</b>	<b>5,071,554</b>	<b>100.0</b>	<b>7,146,223</b>	<b>100.0</b>	<b>8,499,223</b>	<b>100.0</b>	<b>8,499,223</b>	<b>100.0</b>	<b>559,223</b>	<b>100.0</b>	<b>559,223</b>	<b>100.0</b>	<b>559,223</b>	<b>100.0</b>
Excess Appropriation/(Funding)	(4,509,533)		0		0		0		0		6,587,000		7,940,000		7,940,000	
<b>Grand Total</b>	<b>730,912</b>		<b>5,071,554</b>		<b>7,146,223</b>		<b>8,499,223</b>		<b>8,499,223</b>		<b>7,146,223</b>		<b>8,499,223</b>		<b>8,499,223</b>	

Election Expenses (581): Special Language authorizes the carryforward of General Revenue funding from FY2012 to FY2013.

Election Expenses (581) and Nonpartisan Judicial General Elections (436): Expenditure of appropriation in FY2013 is contingent upon the carryforward of available funding from FY2012.

## Agency Position Usage Report

FY2008 - 2009						FY2009 - 2010						FY2010 - 2011					
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	5	1	6	0	16.67 %	7	7	0	7	0	0.00 %	7	7	0	7	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 2011-2013 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			2011-2012			2012-2013		
	2009-2010 Actual	2010-2011 Budget	2010-2011 Authorized	Base Level	Agency	Executive	Base Level	Agency	Executive
Grants and Aid 5100004	0	933,922	1,600,000	1,600,000	1,600,000	1,600,000	1,600,000	1,600,000	1,600,000
<b>Total</b>	<b>0</b>	<b>933,922</b>	<b>1,600,000</b>	<b>1,600,000</b>	<b>1,600,000</b>	<b>1,600,000</b>	<b>1,600,000</b>	<b>1,600,000</b>	<b>1,600,000</b>
<b>Funding Sources</b>									
Fund Balance 4000005	789,176	933,922		0	0	0	0	0	0
Judicial Filing Fees 4000320	144,746	0		1,600,000	1,600,000	1,600,000	0	0	0
<b>Total Funding</b>	<b>933,922</b>	<b>933,922</b>		<b>1,600,000</b>	<b>1,600,000</b>	<b>1,600,000</b>	<b>0</b>	<b>0</b>	<b>0</b>
Excess Appropriation/(Funding)	(933,922)	0		0	0	0	1,600,000	1,600,000	1,600,000
<b>Grand Total</b>	<b>0</b>	<b>933,922</b>		<b>1,600,000</b>	<b>1,600,000</b>	<b>1,600,000</b>	<b>1,600,000</b>	<b>1,600,000</b>	<b>1,600,000</b>

Base Level has been restored to the FY2011 authorized amount of \$1,600,000.

Expenditure of appropriation in FY2013 is contingent upon the carryforward of available funding from FY2012.

## **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 and matching do not include appropriation for a Cost of Living Adjustment or Career Service Payments. The Base Level request for Regular Salaries includes board member stipend payments.

The Board's Base Level Request includes appropriation and general revenue funding of \$559,223 each year with seven (7) regular positions.

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	2009-2010 Actual	2010-2011 Budget	2010-2011 Authorized	2011-2012			2012-2013		
				Base Level	Agency	Executive	Base Level	Agency	Executive
Regular Salaries 5010000	328,142	344,237	372,763	341,737	341,737	341,737	341,737	341,737	341,737
<b>#Positions</b>	<b>7</b>	<b>7</b>	<b>7</b>	<b>7</b>	<b>7</b>	<b>7</b>	<b>7</b>	<b>7</b>	<b>7</b>
Personal Services Matching 5010003	93,887	101,724	105,248	101,426	101,426	101,426	101,426	101,426	101,426
Operating Expenses 5020002	96,927	108,060	108,060	108,060	108,060	108,060	108,060	108,060	108,060
Conference & Travel Expenses 5050009	567	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
<b>Total</b>	<b>519,523</b>	<b>562,021</b>	<b>594,071</b>	<b>559,223</b>	<b>559,223</b>	<b>559,223</b>	<b>559,223</b>	<b>559,223</b>	<b>559,223</b>
<b>Funding Sources</b>									
General Revenue 4000010	519,523	562,021		559,223	559,223	559,223	559,223	559,223	559,223
Total Funding	519,523	562,021		559,223	559,223	559,223	559,223	559,223	559,223
Excess Appropriation/(Funding)	0	0		0	0	0	0	0	0
<b>Grand Total</b>	<b>519,523</b>	<b>562,021</b>		<b>559,223</b>	<b>559,223</b>	<b>559,223</b>	<b>559,223</b>	<b>559,223</b>	<b>559,223</b>

## 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. Prior to the passage of Amendment 86 requiring annual sessions, this was a biennial appropriation.

The State Board of Election Commissioners' Base Level Request includes appropriation of \$4,987,000 each year with General Revenue funding of \$3,787,000 in the first year only with Special Language authorizing the carry forward of remaining funds between fiscal years. Special Language also authorizes the Chief Financial Officer of the State to transfer funds from the Budget Stabilization Trust Fund to the Board's Miscellaneous Agencies Fund to provide for expenses for any statewide special election or special primary election if any Special Elections are required.

The State Board of Election Commissioners' Change Level Request includes additional appropriation of \$1,353,000 each year with General Revenue funding of \$1,153,000 in the first year only.

The Total Request includes the following:

	<u>BASE LEVEL</u>	<u>CHANGE LEVEL</u>	<u>TOTAL REQUEST</u>	<u>Fund Source</u>
Preferential Primary (May)	2,204,000	796,000	3,000,000	General Revenue
Primary Runoff (June)	1,454,000	346,000	1,800,000	General Revenue
County Election Commission Training	30,000	0	30,000	General Revenue
Certified Trainer's Pay	24,000	11,000	35,000	General Revenue
Training Publications	75,000	0	75,000	General Revenue
Statewide Special Elections	<u>1,200,000</u>	<u>200,000</u>	<u>1,400,000</u>	Budget Stab Trust
	<u>4,987,000</u>	<u>1,353,000</u>	<u>6,340,000</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 the Agency Request for additional appropriation of \$1,353,000 each year along with additional General Revenue funding of \$350,000 in the first year only. The Executive also amends Special Language to authorize a transfer from the Budget Stabilization Trust Fund to the Agency's Miscellaneous Agencies Fund to pay the expenses for not only any statewide special election or special primary election, but also for any state supported preferential primary election, general primary election or nonpartisan judicial general election if funds are not available to pay for such elections.

## Appropriation Summary

**Appropriation:** 581 - Election Expenses

**Funding Sources:** HUA - Miscellaneous Agencies Fund

### Historical Data

### Agency Request and Executive Recommendation

Commitment Item	2009-2010 Actual	2010-2011 Budget	2010-2011 Authorized	2011-2012			2012-2013		
				Base Level	Agency	Executive	Base Level	Agency	Executive
Election Expenses 5900046	211,389	3,575,611	4,987,000	4,987,000	6,340,000	6,340,000	4,987,000	6,340,000	6,340,000
<b>Total</b>	<b>211,389</b>	<b>3,575,611</b>	<b>4,987,000</b>	<b>4,987,000</b>	<b>6,340,000</b>	<b>6,340,000</b>	<b>4,987,000</b>	<b>6,340,000</b>	<b>6,340,000</b>
<b>Funding Sources</b>									
Fund Balance 4000005	0	3,575,611		0	0	0	0	0	0
General Revenue 4000010	3,787,000	0		3,787,000	4,940,000	4,137,000	0	0	0
Budget Stabilization Trust 4000130	0	0		1,200,000	1,400,000	2,203,000	0	0	0
<b>Total Funding</b>	<b>3,787,000</b>	<b>3,575,611</b>		<b>4,987,000</b>	<b>6,340,000</b>	<b>6,340,000</b>	<b>0</b>	<b>0</b>	<b>0</b>
Excess Appropriation/(Funding)	(3,575,611)	0		0	0	0	4,987,000	6,340,000	6,340,000
<b>Grand Total</b>	<b>211,389</b>	<b>3,575,611</b>		<b>4,987,000</b>	<b>6,340,000</b>	<b>6,340,000</b>	<b>4,987,000</b>	<b>6,340,000</b>	<b>6,340,000</b>

Special Language authorizes carry forward of General Revenue funding. Expenditure of appropriation in FY2013 is contingent upon the carryforward of available funding from FY2012. The FY2011 Budget amount has been adjusted to reflect the actual amount of funding that carried forward from FY2010 to FY2011. Base Level appropriation has been restored to the FY2011 authorized amount of \$4,987,000.

## Change Level by Appropriation

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

### Agency Request

Change Level		2011-2012	Pos	Cumulative	% of BL	2012-2013	Pos	Cumulative	% of BL
<b>BL</b>	<b>Base Level</b>	<b>4,987,000</b>	<b>0</b>	<b>4,987,000</b>	<b>100.0</b>	<b>4,987,000</b>	<b>0</b>	<b>4,987,000</b>	<b>100.0</b>
C01	Existing Program	1,353,000	0	6,340,000	127.1	1,353,000	0	6,340,000	127.1

### Executive Recommendation

Change Level		2011-2012	Pos	Cumulative	% of BL	2012-2013	Pos	Cumulative	% of BL
<b>BL</b>	<b>Base Level</b>	<b>4,987,000</b>	<b>0</b>	<b>4,987,000</b>	<b>100.0</b>	<b>4,987,000</b>	<b>0</b>	<b>4,987,000</b>	<b>100.0</b>
C01	Existing Program	1,353,000	0	6,340,000	127.1	1,353,000	0	6,340,000	127.1

### Justification

C01	The requested increase is based upon the projected cost of election expenses for the 2011 - 2013 biennium in the amount of \$6,340,000, including \$75,000 for training publications, \$30,000 for legally required commissioners' training, \$35,000 for legally required trainers' training, \$3,000,000 for the primary election, and \$1,800,000 for the runoff election totaling \$4,940,000 from General Revenue funds, plus an additional \$1,400,000 for any statewide or special primary elections from the Budget Stabilization Trust Fund. Election expense costs for the 2009 - 2011 biennium are estimated at \$4,127,384.54 and includes the actual cost of training publications in the amount of \$72,187.34, the actual cost of commissioners' training in the amount of \$30,890.49, the estimated cost of trainers' training in the amount of \$34,752.67 (\$31,082.42 of which is actual costs with an estimated additional \$3,670.25 outstanding), the estimated cost of the May primary election in the amount of \$2,488,015.51 (requests from 5 counties including Pulaski are outstanding), the estimated cost of the June runoff election in the amount of \$1,493,936.07 (requests from 12 counties including Pulaski are outstanding), the actual cost of a special primary election held on October 13, 2009 to fill the vacancy in the Office of Senator for District 4 in the amount of \$3,602.46, and the estimated cost of a special primary election to be held in Stone County on August 2, 2010 at an estimated \$4,000. The projected cost of conducting the 2012 primary and runoff elections and any statewide special election is based upon a 17% increase to the estimated costs for 2010, a historical trend established since implementation of the Help American Vote Act in 2006.
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**CARRY FORWARD OF ANY REMAINING FUND BALANCES  
FROM FISCAL YEAR 2010 TO FISCAL YEAR 2011**

Agency: Election Commissioners Board

Program: Election Expenses

Act #: 82 Section(s) #: 3 & 5

Estimated Carry Forward Amount \$ 3,687,000.00 Funding Source: Miscellaneous Agencies

**Accounting Information:**

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

Current law requires a written statement be submitted to the DFA Office of Budget stating the reason(s) to carry forward funding for a program or a specific line item within a program remaining on June 30th of a fiscal year.

**Justification for carry forward of fund balance:**

To enable the State Board of Election Commissioners to reimburse counties for eligible state-funded election expenses associated with conducting the 2010 Preferential Primary Election, General Primary Election, and Nonpartisan Judicial General Election.

**Actual Funding Carry Forward Amount** \$ 3,575,611.00

**Current status of carry forward funding:**

Funds carried forward will enable the State Board of Election Commissioners to reimburse counties for eligible state-funded election expenses associated with conducting the 2010 Preferential Primary Election, General Primary Election, and Nonpartisan Judicial General Election.

**Note from DFA – Office of Budget: The portion of Special Language that requires this report is no longer necessary.**

Susie Stormes

Director

08-26-2010

Date