

STATE BOARD OF ELECTION COMMISSIONERS

Enabling Laws

Act 54 of 2012

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

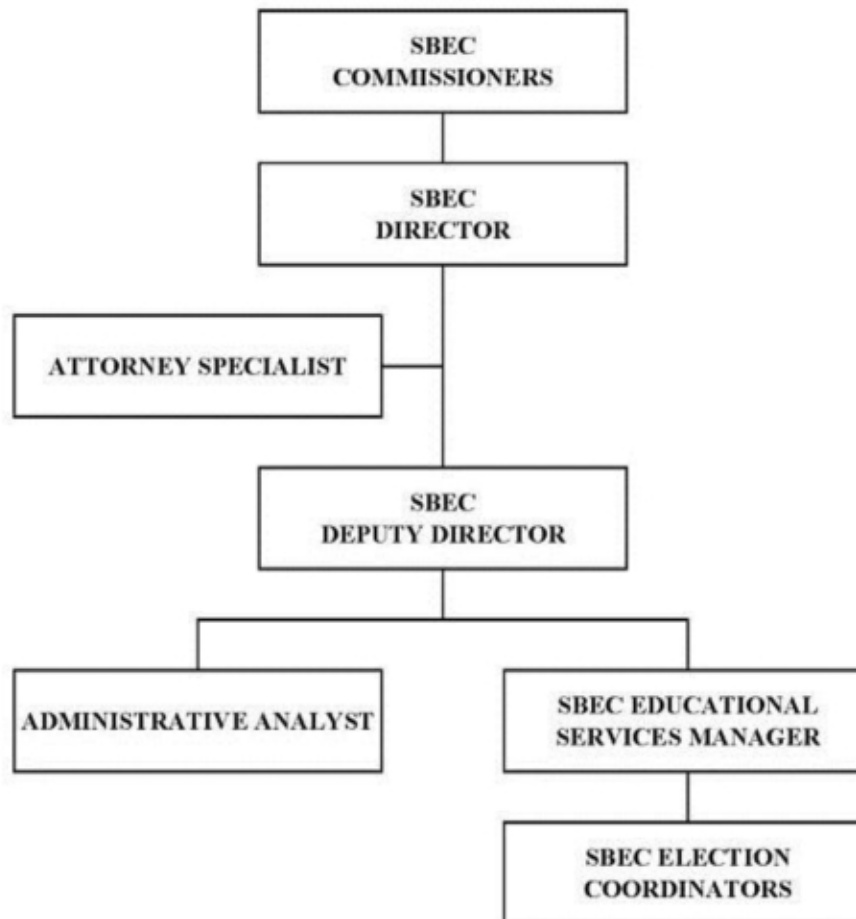
History and Organization

The State Board of Election Commissioners has existed in excess of 100 years. Legislation passed by the General Assembly during the 1995 session 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 staff of seven serving a seven member board that 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.

The mission of the Board is to improve the 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, develops specialized training programs, conducts and coordinates statewide training of county election commissioners and election officials, monitors compliance by local election administrators 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 Board's cost effective system of reimbursement to the counties ensures statewide uniformity and consistency in distributing funds from the State to the counties for state-supported elections. The Board provides each county with comprehensive reporting forms for requesting reimbursement, distributes funds statewide following extensive auditing and reconciliation of each individual county reimbursement request, and maintains election expense databases for fiscal accountability.



Agency Commentary

The State Board of Election Commissioners requests Base Level for Operations in the amount of \$640,552 for FY2014 and \$641,418 for FY2015. The Base Level request for Regular Salaries and Matching includes appropriation for Career Service Payments and board member stipend payments. Base Level Salaries and Matching do not include appropriation for a Cost of Living Adjustment or merit pay increases.

The Board requests continuation of Base Level for Election Expenses (581) in the amount of \$6,340,000 for the 2013-2015 Biennium to cover the expenses of the Board and local county boards of election commissioners to conduct state-supported political party primary elections, nonpartisan judicial general elections, special primary elections, and statewide special elections. This request also covers 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 administrators in conducting elections in compliance with federal and state election laws, pursuant to A.C.A. § 7-4-101, 7-4-107, and 7-4-109. Special Language authorizes the carryforward of General Revenue funding from the first fiscal year of the biennium to the second fiscal year of the biennium. Expenditure of appropriation in the second fiscal year of the biennium is contingent upon the carryforward of available funding from the first fiscal year of the biennium. 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 Account to pay the expenses of state-supported elections, if funds are not available to pay for these elections. The Agency's Base Level Request for Election Expenses (581) includes the following:

	GENERAL REVENUE	BUDGET STABILIZATION TRUST FUND	TOTAL
Training Publications	75,000	0	75,000
Commissioners Training Compensation	30,000	0	30,000
Trainers' Training Compensation	35,000	0	35,000
Preferential Primary (May):	2,500,000	500,000	3,000,000
Primary Runoff (June):	1,497,000	303,000	1,800,000
Statewide Specials/Special Primaries	<u>0</u>	<u>1,400,000</u>	<u>1,400,000</u>
Total	4,137,000	2,203,000	6,340,000

The Board requests continuation of Base Level in the amount of \$1,600,000 for Nonpartisan Judicial General Elections (436) for the 2013-2015 Biennium to cover the expenses of the Board and local county boards of election commissioners to conduct state-supported elections. Expenditure of appropriation in the second fiscal year of the biennium is contingent upon the carryforward of available funding from the first fiscal year of the biennium.

Audit Findings

DIVISION OF LEGISLATIVE AUDIT
AUDIT OF :
STATE BOARD OF ELECTION COMMISSIONERS
FOR THE YEAR ENDED JUNE 30, 2011

Findings	Recommendations
None	None

State Contracts Over \$25,000 Awarded To Minority Owned Businesses Fiscal Year 2012

None

Employment Summary

	Male	Female	Total	%
White Employees	2	3	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
"Poll Workers Training Guide and Checklist for Poll Workers"	7-4-101(f)(2); 7-4-107(b)(2); 7-4-109(e)(1)	N	N	11,500	Statewide training, testing, and Board certification of trainers to train poll workers locally - Statewide training of local 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	2011-2012		2012-2013		2012-2013		2013-2014					2014-2015						
	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	676,521	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	602,411	7	638,754	7	588,509	7	640,552	7	640,552	7	640,552	7	641,418	7	641,418	7	641,418	7
581 Election Expenses	1,499,615	0	2,410,187	0	6,340,000	0	6,340,000	0	6,340,000	0	6,340,000	0	6,340,000	0	6,340,000	0	6,340,000	0
Total	2,102,026	7	3,725,462	7	8,528,509	7	8,580,552	7	8,580,552	7	8,580,552	7	8,581,418	7	8,581,418	7	8,581,418	7

Funding Sources		%		%		%		%		%		%		%		%		%	
Fund Balance 4000005	517,579	10.0	3,086,708	82.9		0	0.0		0	0.0		0	0.0		0	0.0		0	0.0
General Revenue 4000010	4,512,213	87.0	638,754	17.1		4,777,552	55.7		4,777,552	55.7		4,777,552	55.7		641,418	100.0		641,418	100.0
Budget Stabilization Trust 4000130	0	0.0	0	0.0		2,203,000	25.7		2,203,000	25.7		2,203,000	25.7		0	0.0		0	0.0
Judicial Filing Fees 4000320	158,942	3.1	0	0.0		1,600,000	18.6		1,600,000	18.6		1,600,000	18.6		0	0.0		0	0.0
Total Funds	5,188,734	100.0	3,725,462	100.0		8,580,552	100.0		8,580,552	100.0		8,580,552	100.0		641,418	100.0		641,418	100.0
Excess Appropriation/(Funding)	(3,086,708)		0			0			0			0			7,940,000			7,940,000	
Grand Total	2,102,026		3,725,462			8,580,552			8,580,552			8,580,552			8,581,418			8,581,418	

Agency Position Usage Report

FY2010 - 2011						FY2011 - 2012						FY2012 - 2013					
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	
7	6	0	6	1	14.29 %	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 Agency Base Level Request includes appropriation of \$1,600,000 each year of the 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			2013-2014			2014-2015		
	2011-2012 Actual	2012-2013 Budget	2012-2013 Authorized	Base Level	Agency	Executive	Base Level	Agency	Executive
Grants and Aid 5100004	0	676,521	1,600,000	1,600,000	1,600,000	1,600,000	1,600,000	1,600,000	1,600,000
Total	0	676,521	1,600,000	1,600,000	1,600,000	1,600,000	1,600,000	1,600,000	1,600,000
Funding Sources									
Fund Balance 4000005	517,579	676,521		0	0	0	0	0	0
Judicial Filing Fees 4000320	158,942	0		1,600,000	1,600,000	1,600,000	0	0	0
Total Funding	676,521	676,521		1,600,000	1,600,000	1,600,000	0	0	0
Excess Appropriation/(Funding)	(676,521)	0		0	0	0	1,600,000	1,600,000	1,600,000
Grand Total	0	676,521		1,600,000	1,600,000	1,600,000	1,600,000	1,600,000	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 Regular Salaries and Personal Services Matching includes Career Service payments for eligible employees. Personal Services Matching also includes a \$20 increase in the monthly contribution for State employee's health insurance for a total State match per budgeted employee of \$410 per month. Base Level salaries and matching do not include appropriation for a Cost of Living Adjustment or Merit Pay Increases.

The Board's Base Level Request includes appropriation and general revenue funding of \$640,552 in FY14 and \$641,418 in FY15 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	2011-2012 Actual	2012-2013 Budget	2012-2013 Authorized	2013-2014			2014-2015		
				Base Level	Agency	Executive	Base Level	Agency	Executive
Regular Salaries 5010000	410,653	396,217	366,663	396,217	396,217	396,217	396,917	396,917	396,917
#Positions	7	7	7	7	7	7	7	7	7
Personal Services Matching 5010003	107,186	126,477	105,786	128,275	128,275	128,275	128,441	128,441	128,441
Operating Expenses 5020002	83,348	108,060	108,060	108,060	108,060	108,060	108,060	108,060	108,060
Conference & Travel Expenses 5050009	1,224	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	602,411	638,754	588,509	640,552	640,552	640,552	641,418	641,418	641,418
Funding Sources									
General Revenue 4000010	602,411	638,754		640,552	640,552	640,552	641,418	641,418	641,418
Total Funding	602,411	638,754		640,552	640,552	640,552	641,418	641,418	641,418
Excess Appropriation/(Funding)	0	0		0	0	0	0	0	0
Grand Total	602,411	638,754		640,552	640,552	640,552	641,418	641,418	641,418

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 covers 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 administrators in conducting elections in compliance with federal and state election laws, pursuant to § 7-4-101, 7-4-107, and 7-4-109.

Base Level includes appropriation of \$6,340,000 each year with general revenue funding of \$4,137,000 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 Total Request includes the following:

	<u>GENERAL REVENUE</u>	<u>BUDGET STABILIZATION TRUST FUND</u>	<u>TOTAL</u>
Training Publications	75,000	0	75,000
Commissioners Training Compensation	30,000	0	30,000
Trainers' Training Compensation	35,000	0	35,000
Preferential Primary (May)	2,500,000	500,000	3,000,000
Primary Runoff (June)	1,497,000	303,000	1,800,000
Statewide Specials/Special Primaries	<u>0</u>	<u>1,400,000</u>	<u>1,400,000</u>
Total	4,137,000	2,203,000	6,340,000

The Executive Recommendation provides for the Agency Request.

Appropriation Summary

Appropriation: 581 - Election Expenses

Funding Sources: HUA - Miscellaneous Agencies Fund

Historical Data

Agency Request and Executive Recommendation

Commitment Item		Historical Data			2013-2014			2014-2015		
		2011-2012 Actual	2012-2013 Budget	2012-2013 Authorized	Base Level	Agency	Executive	Base Level	Agency	Executive
Operating Expenses	5020002	69,041	0	0	0	0	0	0	0	0
Grants and Aid	5100004	1,430,574	0	0	0	0	0	0	0	0
Election Expenses	5900046	0	2,410,187	6,340,000	6,340,000	6,340,000	6,340,000	6,340,000	6,340,000	6,340,000
Total		1,499,615	2,410,187	6,340,000	6,340,000	6,340,000	6,340,000	6,340,000	6,340,000	6,340,000
Funding Sources										
Fund Balance	4000005	0	2,410,187		0	0	0	0	0	0
General Revenue	4000010	3,909,802	0		4,137,000	4,137,000	4,137,000	0	0	0
Budget Stabilization Trust	4000130	0	0		2,203,000	2,203,000	2,203,000	0	0	0
Total Funding		3,909,802	2,410,187		6,340,000	6,340,000	6,340,000	0	0	0
Excess Appropriation/(Funding)		(2,410,187)	0		0	0	0	6,340,000	6,340,000	6,340,000
Grand Total		1,499,615	2,410,187		6,340,000	6,340,000	6,340,000	6,340,000	6,340,000	6,340,000

**CARRY FORWARD OF ANY REMAINING FUND BALANCES
FROM FISCAL YEAR 2012 TO FISCAL YEAR 2013**

Agency: Election Commissioners Board

Program: Election Expenses

Act #: 578 Section(s) #: 3 & 5

Estimated Carry Forward Amount \$ 2,238,315.00 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 2011 Statewide Special Election, the 2012 Preferential Primary Election, General Primary Election, and Nonpartisan Judicial General Election, and any special primary elections through the fiscal year ending June 30, 2013.

Actual Funding Carry Forward Amount \$ 2,410,186.96

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 2011 Statewide Special Election, the 2012 Preferential Primary Election, General Primary Election, Nonpartisan Judicial General Election, and any special primary elections through the fiscal year ending June 30, 2013.

Susie Stormes

Director

08-23-2012

Date