

1 State of Arkansas
2 94th General Assembly
3 Regular Session, 2023
4

As Engrossed: H3/28/23

A Bill

HOUSE BILL 1105

5 By: Joint Budget Committee
6

For An Act To Be Entitled

8 AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL SERVICES
9 AND OPERATING EXPENSES FOR THE STATE BOARD OF
10 ELECTION COMMISSIONERS FOR THE FISCAL YEAR ENDING
11 JUNE 30, 2024; AND FOR OTHER PURPOSES.
12
13

Subtitle

14 AN ACT FOR THE STATE BOARD OF ELECTION
15 COMMISSIONERS APPROPRIATION FOR THE 2023-
16 2024 FISCAL YEAR.
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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22 SECTION 1. REGULAR SALARIES - OPERATIONS. There is hereby established
23 for the State Board of Election Commissioners for the 2023-2024 fiscal year,
24 the following maximum number of regular employees.
25

| Item No. | Class Code | Title | Maximum No. of Employees | Maximum Annual Salary Rate Fiscal Year 2023-2024 |
|----------|------------|---|--------------------------|--|
| 30 | (1) | N131N SBEC DIRECTOR | 1 | GRADE GS12 |
| 31 | (2) | G047C ATTORNEY SPECIALIST | 1 | GRADE GS11 |
| 32 | (3) | G314C ELECTION ADMIN SUPERVISOR | 1 | GRADE GS11 |
| 33 | (4) | G315C ELECTION ADMIN SPECIALIST | 2 | GRADE GS09 |
| 34 | (5) | A116C BUSINESS OPERATIONS MANAGER | 1 | GRADE GS08 |
| 35 | (6) | G119C SBEC EDUCATIONAL SERVICES MANAGER | 1 | GRADE GS08 |
| 36 | (7) | C037C ADMINISTRATIVE ANALYST | 1 | GRADE GS06 |



| | | | |
|---|-------------------------------------|----------|------------|
| 1 | (8) G162C SBEC ELECTION COORDINATOR | <u>2</u> | GRADE GS06 |
| 2 | MAX. NO. OF EMPLOYEES | 10 | |

3

4 SECTION 2. EXTRA HELP. There is hereby authorized, for the State Board
 5 of Election Commissioners for the 2023-2024 fiscal year, the following
 6 maximum number of part-time or temporary employees, to be known as "Extra
 7 Help", payable from funds appropriated herein for such purposes: twenty (20)
 8 temporary or part-time employees, when needed, at rates of pay not to exceed
 9 those provided in the Uniform Classification and Compensation Act, or its
 10 successor, or this act for the appropriate classification.

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12 SECTION 3. APPROPRIATION - OPERATIONS. There is hereby appropriated,
 13 to the State Board of Election Commissioners, to be payable from the
 14 Miscellaneous Agencies Fund Account, for personal services and operating
 15 expenses of the State Board of Election Commissioners for the fiscal year
 16 ending June 30, 2024, the following:

17

| 18 ITEM | FISCAL YEAR |
|------------------------------------|---------------------------|
| 19 <u>NO.</u> | <u>2023-2024</u> |
| 20 (01) REGULAR SALARIES | \$602,867 |
| 21 (02) EXTRA HELP | 100,000 |
| 22 (03) PERSONAL SERVICES MATCHING | 214,987 |
| 23 (04) MAINT. & GEN. OPERATION | |
| 24 (A) OPER. EXPENSE | 162,810 |
| 25 (B) CONF. & TRAVEL | 5,000 |
| 26 (C) PROF. FEES | 5,000 |
| 27 (D) CAP. OUTLAY | 0 |
| 28 (E) DATA PROC. | <u>0</u> |
| 29 TOTAL AMOUNT APPROPRIATED | <u><u>\$1,090,664</u></u> |

30

31 SECTION 4. APPROPRIATION - ELECTION EXPENSES. There is hereby
 32 appropriated, to the State Board of Election Commissioners, to be payable
 33 from the Miscellaneous Agencies Fund Account, for covering the costs of
 34 election expenses of the State Board of Election Commissioners for the fiscal
 35 year ending June 30, 2024, the sum of.....\$6,340,000.

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1 SECTION 5. APPROPRIATION - NONPARTISAN GENERAL ELECTION. There is
 2 hereby appropriated, to the State Board of Election Commissioners, to be
 3 payable from the Nonpartisan Filing Fee Fund, for covering the costs of
 4 election expenses by the State Board of Election Commissioners for the fiscal
 5 year ending June 30, 2024, the sum of.....\$1,600,000.
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7 SECTION 6. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 8 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.

9 CARRY FORWARD – ELECTION EXPENSES. At the close of the fiscal year ending
 10 June 30, ~~2023~~ 2024, any unexpended balance of monies provided for Election
 11 Expenses, shall be transferred forward and made available for the same
 12 purpose for the fiscal year ending June 30, ~~2024~~ 2025.

13 Any carry forward of unexpended balance of funding as authorized herein, may
 14 be carried forward under the following conditions:

15 (1) Prior to June 30, ~~2023~~ 2024 the Agency shall by written statement set
 16 forth its reason(s) for the need to carry forward said funding to the
 17 Department of Finance and Administration Office of Budget;

18 (2) The Department of Finance and Administration Office of Budget shall
 19 report to the Arkansas Legislative Council all amounts carried forward by the
 20 September Arkansas Legislative Council or Joint Budget Committee meeting
 21 which report shall include the name of the Agency, Board, Commission or
 22 Institution and the amount of the funding carried forward, the program name
 23 or line item, the funding source of that appropriation and a copy of the
 24 written request set forth in (1) above;

25 (3) Each Agency, Board, Commission or Institution shall provide a written
 26 report to the Arkansas Legislative Council or Joint Budget Committee
 27 containing all information set forth in item (2) above, along with a written
 28 statement as to the current status of the project, contract, purpose etc. for
 29 which the carry forward was originally requested no later than thirty (30)
 30 days prior to the time the Agency, Board, Commission or Institution presents
 31 its budget request to the Arkansas Legislative Council/Joint Budget
 32 Committee; and

33 (4) Thereupon, the Department of Finance and Administration shall include
 34 all information obtained in item (3) above in the biennial budget manuals
 35 and/or a statement of non-compliance by the Agency, Board, Commission or
 36 Institution.

1 The provisions of this section shall be in effect only from July 1, 2022
2 2023 through June 30, ~~2023~~ 2024.

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4 SECTION 7. SPECIAL LANGUAGE – CODE AMENDMENT. Arkansas Code Title 7,
5 Chapter 4, Subchapter 1, is amended to add an additional section to codify
6 special language in appropriation acts to read as follows:

7 7-4-123. Use of election expenses appropriation – Transfer of funds.

8 (a) Funds appropriated for election expenses may be used to cover the
9 expenses of the State Board of Election Commissioners and any county board of
10 election commissioners to conduct:

11 (1) Preferential primary elections;

12 (2) General primary elections;

13 (3) Special primary elections;

14 (4) Nonpartisan general elections; and

15 (5) Statewide special elections.

16 (6) All training which the State Board of Election Commissioners
17 is required by law to provide; and

18 (7) The development, publication, hosting of training material
19 online, or dissemination of materials related to a training which the State
20 Board of Election Commissioners is required by law to provide.

21 (b) The Director of the State Board of Election Commissioners shall
22 certify to the Chief Fiscal Officer of the State the amount needed to pay the
23 expenses of the election if:

24 (1) The State Board of Election Commissioners is required to pay
25 the expenses for any state-supported election in subsection (a) of this
26 section; and

27 (2) Funds are not available to pay for such elections.

28 (c)(1) Upon the approval of the Chief Fiscal Officer of the State, the
29 amount certified by the director under subsection (a) of this section shall
30 be transferred from the Budget Stabilization Trust Fund to the Miscellaneous
31 Agencies Fund Account for the benefit of the State Board of Election
32 Commissioners.

33 (2) All unused funds transferred under subdivision (c)(1) of
34 this section shall be transferred back to the Budget Stabilization Trust Fund
35 at the end of each fiscal year.

36 (3) The Chief Fiscal Officer of the State shall initiate the

1 necessary transfer documents to reflect all such transfers in the fiscal
2 records of the:

- 3 (A) Auditor of State;
4 (B) Treasurer of State; and
5 (C) Chief Fiscal Officer of the State.
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7 SECTION 8. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
8 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
9 TRANSFER. If funds are not available for the State Board of Election
10 Commissioners to perform their duties, the Director of the State Board of
11 Election Commissioners may from time to time certify to the Chief Fiscal
12 Officer of the State the amount of funds needed and the Chief Fiscal Officer
13 of the State shall transfer the certified amount from the Nonpartisan Filing
14 Fee Fund to the Miscellaneous Agencies Fund for use by the State Board of
15 Election Commissioners.

16 The provisions of this section shall be in effect only from July 1,
17 ~~2022~~ 2023 through June 30, ~~2023~~ 2024.
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19 SECTION 9. COMPLIANCE WITH OTHER LAWS. Disbursement of funds
20 authorized by this act shall be limited to the appropriation for such agency
21 and funds made available by law for the support of such appropriations; and
22 the restrictions of the State Procurement Law, the General Accounting and
23 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary
24 Procedures and Restrictions Act, or their successors, and other fiscal
25 control laws of this State, where applicable, and regulations promulgated by
26 the Department of Finance and Administration, as authorized by law, shall be
27 strictly complied with in disbursement of said funds.
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29 SECTION 10. LEGISLATIVE INTENT. It is the intent of the General
30 Assembly that any funds disbursed under the authority of the appropriations
31 contained in this act shall be in compliance with the stated reasons for
32 which this act was adopted, as evidenced by the Agency Requests, Executive
33 Recommendations and Legislative Recommendations contained in the budget
34 manuals prepared by the Department of Finance and Administration, letters, or
35 summarized oral testimony in the official minutes of the Arkansas Legislative
36 Council or Joint Budget Committee which relate to its passage and adoption.

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2 SECTION 11. EMERGENCY CLAUSE. It is found and determined by the
3 General Assembly, that the Constitution of the State of Arkansas prohibits
4 the appropriation of funds for more than a one (1) year period; that the
5 effectiveness of this Act on July 1, 2023 is essential to the operation of
6 the agency for which the appropriations in this Act are provided, and that in
7 the event of an extension of the legislative session, the delay in the
8 effective date of this Act beyond July 1, 2023 could work irreparable harm
9 upon the proper administration and provision of essential governmental
10 programs. Therefore, an emergency is hereby declared to exist and this Act
11 being necessary for the immediate preservation of the public peace, health
12 and safety shall be in full force and effect from and after July 1, 2023.

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15 */s/ Joint Budget Committee*

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18 **APPROVED: 4/10/23**