

# STATE BOARD OF ELECTION COMMISSIONERS

## Enabling Laws

Act 2013 of 2005

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 requests a Change Level of \$4,500,000 in FY2008 in Election Expenses for increased expenses of the State Board and the county boards of election commissioners to implement the 2002 Federal Help America Vote Act and to conduct a newly separate presidential preferential primary election to be held in February 2008, the May 2008 preferential primary and nonpartisan judicial general elections, the June 2008 primary runoff election, statewide special elections and special primary elections for the biennial period ending June 30, 2009.

Act 1827 of 2005 amended A.C.A. § 7-4-109 to require each member of the county board of election commissioners for each county to attend mandatory election training coordinated by the State Board, and for the State Board to determine the method and amount of compensation for attending. The Change Level request covers the expenses of the State Board that are incurred in the first year of each biennium as a result of legislative election law changes to conduct mandatory statewide training of election officials and county election commissioners, including compensation for attendance, and publication of a county commissioners' procedures manual, poll worker training materials, and a candidate handbook pursuant to A.C.A. §§ 7-4-101, 7-4-107, and 7-4-109.

The State Board requests continuation of Base Level in Operations of \$478,034 for each year of the biennium pending the outcome of the Classification and Compensation Study.

The State Board requests a Change Level of \$800,000 in FY2008 in the Judicial Filing Fee Fund for anticipated receipts in FY2008 in excess of the authorized appropriation 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, 2005

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	500	Statewide training of county election commissioners to assure fair and orderly elections
"Election Officials Training Guide (For Poll Workers)"	7-4-101(f)(2) 7-4-107(b)(1)(B)	N	N	12,000	Statewide training of poll workers to assist them in executing election day duties and responsibilities
"Election Officials Training Guide (For Trainers)"	7-4-101(f)(2) 7-4-109(e)(1)	N	N	300	Statewide training of trainers for certification to train local poll workers
"Running for Public Office: A 'Plain English' Handbook for Candidates"	7-4-101(f)(1)	N	N	6,950	Statutory Requirement - to outline in a readable and understandable format the legal obligations of candidates running for public office

## Department Appropriation Summary

Appropriation	Historical Data						Agency Request and Executive Recommendation							
	2005-2006		2006-2007		2006-2007		2007-2008				2008-2009			
	Actual	Pos	Budget	Pos	Authorized	Pos	Agency	Pos	Executive	Pos	Agency	Pos	Executive	Pos
436 Nonpartisan Judicial General Elections	0	0	0	0	0	0	1,600,000	0	1,600,000	0	0	0	0	0
580 Election Commissioner-Operation	469,648	6	476,092	6	492,647	6	478,034	6	478,034	6	478,034	6	478,034	6
581 Election Expenses	914,986	0	1,855,014	0	0	0	7,270,000	0	3,787,000	0	0	0	0	0
<b>Total</b>	<b>1,384,634</b>	<b>6</b>	<b>2,331,106</b>	<b>6</b>	<b>492,647</b>	<b>6</b>	<b>9,348,034</b>	<b>6</b>	<b>5,865,034</b>	<b>6</b>	<b>478,034</b>	<b>6</b>	<b>478,034</b>	<b>6</b>

  

Funding Sources		%		%		%		%		%		%	
Fund Balance	4000005	665,264	30.6	790,140	25.3	790,140	8.5	790,140	13.5	0	0.0	0	0.0
General Revenue	4000010	1,384,634	63.7	2,331,106	74.7	7,748,034	82.9	4,265,034	72.7	478,034	100.0	478,034	100.0
Judicial Filing Fees	4000320	124,876	5.7	0	0.0	809,860	8.6	809,860	13.8	0	0.0	0	0.0
<b>Total Funds</b>		<b>2,174,774</b>	<b>100.0</b>	<b>3,121,246</b>	<b>100.0</b>	<b>9,348,034</b>	<b>100.0</b>	<b>5,865,034</b>	<b>100.0</b>	<b>478,034</b>	<b>100.0</b>	<b>478,034</b>	<b>100.0</b>
Excess Appropriation/(Funding)		(790,140)		(790,140)		0		0		0		0	
<b>Grand Total</b>		<b>1,384,634</b>		<b>2,331,106</b>		<b>9,348,034</b>		<b>5,865,034</b>		<b>478,034</b>		<b>478,034</b>	

Nonpartisan Judicial General Elections (436) is a biennial appropriation. FY06 Authorized amount is \$800,000.

Election Expenses (581) is a biennial appropriation. Special Language authorizes carry forward of funding and appropriation. FY07 Budgeted amount has been adjusted to reflect the carry forward balance of appropriation between fiscal years of \$1,855,014.

**Agency Position Usage Report**

FY2004-2005						FY2005-2006						FY2006-2007					
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	6	0	6	0	0.00%	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.

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 requested and was granted an additional \$200,000 in the 2005-2007 biennium for a total authorized level of \$800,000.

The Board is requesting a Change Level of \$800,000 for FY08 to cover the anticipated receipts for FY08.

The Executive Recommendation provides for the Agency Request.

## Appropriation Summary

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

Commitment Item	Historical Data			Agency Request and Executive Recommendation					
	2005-2006 Actual	2006-2007 Budget	2006-2007 Authorized	2007-2008			2008-2009		
				Base Level	Agency	Executive	Base Level	Agency	Executive
Grants and Aid 5100004	0	0	0	800,000	1,600,000	1,600,000	0	0	0
<b>Total</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>800,000</b>	<b>1,600,000</b>	<b>1,600,000</b>	<b>0</b>	<b>0</b>	<b>0</b>
Funding Sources									
Fund Balance 4000005	665,264	790,140		790,140	790,140	790,140	0	0	0
Judicial Filing Fees 4000320	124,876	0		9,860	809,860	809,860	0	0	0
<b>Total Funding</b>	<b>790,140</b>	<b>790,140</b>		<b>800,000</b>	<b>1,600,000</b>	<b>1,600,000</b>	<b>0</b>	<b>0</b>	<b>0</b>
Excess Appropriation/(Funding)	(790,140)	(790,140)		0	0	0	0	0	0
<b>Grand Total</b>	<b>0</b>	<b>0</b>		<b>800,000</b>	<b>1,600,000</b>	<b>1,600,000</b>	<b>0</b>	<b>0</b>	<b>0</b>

This is a biennial appropriation. Base level has been restored to the FY06 Authorized amount of \$800,000.

## **Change Level by Appropriation**

**Appropriation:** 436-Nonpartisan Judicial General Elections

**Funding Sources:** MFF - Judicial Filing Fee Fund

### **Agency Request**

Change Level		2007-2008	Pos	Cumulative	% of BL	2008-2009	Pos	Cumulative	% of BL
<b>BL</b>	<b>Base Level</b>	800,000	0	800,000	100.0	0	0	0	x
C01	Existing Program	800,000	0	1,600,000	200.0	0	0	0	x

### **Executive Recommendation**

Change Level		2007-2008	Pos	Cumulative	% of BL	2008-2009	Pos	Cumulative	% of BL
<b>BL</b>	<b>Base Level</b>	800,000	0	800,000	100.0	0	0	0	100.0
C01	Existing Program	800,000	0	1,600,000	200.0	0	0	0	100.0

### **Justification**

C01	The State Board requests a change level of \$800,000 in FY2008 for Nonpartisan Judicial General Elections for anticipated receipts in FY2008 in the Judicial Filing Fee Fund in excess of the authorized appropriation for covering the cost of election expenses of the State Board.
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## **Analysis of Budget Request**

**Appropriation:** 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 regular 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. Legislation passed during the 2005 regular session added the presidential preferential primary to the list of elections to be funded by the Board.

A cost of living increase is not incorporated in Base Level pending the outcome of the Classification and Compensation Study. The Base Level request of \$280,282 for FY08 and FY09 for Regular Salaries does include board member Stipend payments. FY07 salary levels have been held flat each year for all incumbents. Personal Services Matching may reflect increases in the Base Level due to the Social Security Tax maximum income limit and certain increases in Worker's Compensation and Unemployment Tax rates. Personal Services Matching also includes a \$30 increase in the monthly contribution for State employee's health insurance for a total State match per budgeted employee of \$350 per month.

The Agency is requesting Base Level of \$478,034 for each year of the biennium.

The Executive Recommendation provides for the Agency Request.

## Appropriation Summary

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

### Historical Data

### Agency Request and Executive Recommendation

Commitment Item	2005-2006	2006-2007	2006-2007	2007-2008			2008-2009		
	Actual	Budget	Authorized	Base Level	Agency	Executive	Base Level	Agency	Executive
Regular Salaries 5010000	276,080	280,282	296,837	280,282	280,282	280,282	280,282	280,282	280,282
<b>#Positions</b>	<b>6</b>	<b>6</b>	<b>6</b>	<b>6</b>	<b>6</b>	<b>6</b>	<b>6</b>	<b>6</b>	<b>6</b>
Personal Services Matching 5010003	78,053	79,750	79,750	81,692	81,692	81,692	81,692	81,692	81,692
Operating Expenses 5020002	114,990	108,060	108,060	108,060	108,060	108,060	108,060	108,060	108,060
Conference & Travel Expenses 5050009	525	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>469,648</b>	<b>476,092</b>	<b>492,647</b>	<b>478,034</b>	<b>478,034</b>	<b>478,034</b>	<b>478,034</b>	<b>478,034</b>	<b>478,034</b>
<b>Funding Sources</b>									
General Revenue 4000010	469,648	476,092		478,034	478,034	478,034	478,034	478,034	478,034
<b>Total Funding</b>	<b>469,648</b>	<b>476,092</b>		<b>478,034</b>	<b>478,034</b>	<b>478,034</b>	<b>478,034</b>	<b>478,034</b>	<b>478,034</b>
Excess Appropriation/(Funding)	0	0		0	0	0	0	0	0
<b>Grand Total</b>	<b>469,648</b>	<b>476,092</b>		<b>478,034</b>	<b>478,034</b>	<b>478,034</b>	<b>478,034</b>	<b>478,034</b>	<b>478,034</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. 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 \$2,770,000 for the biennium. The Board is also requesting a Change Level of \$4,500,000 in appropriation and general revenue funding for increased expenses of the State Board and county boards of election commissioners to implement the 2002 Federal Help America Vote Act (HAVA), to conduct state-funded elections, including a newly separate presidential preferential primary election, to cover the expenses of the State Board to conduct mandatory statewide training of election officials and county election commissioners and to publish educational materials.

The Executive Recommendation provides for \$1,017,000 in appropriation and new general revenue funding to cover the cost of conducting elections. The Executive further recommends that \$2,204,000 for the February 2008 Presidential Preferential Primary and \$1,279,000 for Special Elections be funded from the General Improvement Fund.

In summary, the Executive Recommendation for new general revenue above Base Level is:

- \$1,017,000 for FY08 to cover the cost of conducting elections

**Appropriation Summary**

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

**Historical Data**

**Agency Request and Executive Recommendation**

Commitment Item	2005-2006	2006-2007	2006-2007	2007-2008			2008-2009		
	Actual	Budget	Authorized	Base Level	Agency	Executive	Base Level	Agency	Executive
Election Expense 5900046	914,986	1,855,014	0	2,770,000	7,270,000	3,787,000	0	0	0
<b>Total</b>	<b>914,986</b>	<b>1,855,014</b>	<b>0</b>	<b>2,770,000</b>	<b>7,270,000</b>	<b>3,787,000</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Funding Sources</b>									
General Revenue 4000010	914,986	1,855,014		2,770,000	7,270,000	3,787,000	0	0	0
<b>Total Funding</b>	<b>914,986</b>	<b>1,855,014</b>		<b>2,770,000</b>	<b>7,270,000</b>	<b>3,787,000</b>	<b>0</b>	<b>0</b>	<b>0</b>
Excess Appropriation/(Funding)	0	0		0	0	0	0	0	0
<b>Grand Total</b>	<b>914,986</b>	<b>1,855,014</b>		<b>2,770,000</b>	<b>7,270,000</b>	<b>3,787,000</b>	<b>0</b>	<b>0</b>	<b>0</b>

This is a biennial appropriation. Special Language authorizes carry forward of funding and appropriation. FY07 Budgeted amount has been adjusted to reflect the carry forward balance of appropriation between fiscal years of \$1,855,014.

## Change Level by Appropriation

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

### Agency Request

Change Level		2007-2008	Pos	Cumulative	% of BL	2008-2009	Pos	Cumulative	% of BL
<b>BL</b>	<b>Base Level</b>	2,770,000	0	2,770,000	100.0	0	0	0	x
C01	Existing Program	4,500,000	0	7,270,000	262.4	0	0	0	x

### Executive Recommendation

Change Level		2007-2008	Pos	Cumulative	% of BL	2008-2009	Pos	Cumulative	% of BL
<b>BL</b>	<b>Base Level</b>	2,770,000	0	2,770,000	100.0	0	0	0	100.0
C01	Existing Program	1,017,000	0	3,787,000	136.7	0	0	0	100.0

### Justification

C01	The State Board requests a change level of \$4,500,000 in appropriation and general revenue funding for FY2008 in Election Expenses for increased expenses of the State Board and county boards of election commissioners to implement the 2002 Federal Help America Vote Act (HAVA), to conduct state-funded elections, including a newly separate presidential preferential primary election, to cover the expenses of the State Board to conduct mandatory statewide training of election officials and county election commissioners and to publish educational materials.
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