

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

# 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.  
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## 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.  
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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 2 GRADE GS06  
 2 MAX. NO. OF EMPLOYEES 10  
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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:  
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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>

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

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

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

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

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

31 (3) The Chief Fiscal Officer of the State shall initiate the  
32 necessary transfer documents to reflect all such transfers in the fiscal  
33 records of the:

34 (A) Auditor of State;

35 (B) Treasurer of State; and

36 (C) Chief Fiscal Officer of the State.

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2 SECTION 8. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
3 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.

4 TRANSFER. If funds are not available for the State Board of Election  
5 Commissioners to perform their duties, the Director of the State Board of  
6 Election Commissioners may from time to time certify to the Chief Fiscal  
7 Officer of the State the amount of funds needed and the Chief Fiscal Officer  
8 of the State shall transfer the certified amount from the Nonpartisan Filing  
9 Fee Fund to the Miscellaneous Agencies Fund for use by the State Board of  
10 Election Commissioners.

11 The provisions of this section shall be in effect only from July 1,  
12 ~~2022~~ 2023 through June 30, ~~2023~~ 2024.

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14 SECTION 9. COMPLIANCE WITH OTHER LAWS. Disbursement of funds  
15 authorized by this act shall be limited to the appropriation for such agency  
16 and funds made available by law for the support of such appropriations; and  
17 the restrictions of the State Procurement Law, the General Accounting and  
18 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary  
19 Procedures and Restrictions Act, or their successors, and other fiscal  
20 control laws of this State, where applicable, and regulations promulgated by  
21 the Department of Finance and Administration, as authorized by law, shall be  
22 strictly complied with in disbursement of said funds.

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24 SECTION 10. LEGISLATIVE INTENT. It is the intent of the General  
25 Assembly that any funds disbursed under the authority of the appropriations  
26 contained in this act shall be in compliance with the stated reasons for  
27 which this act was adopted, as evidenced by the Agency Requests, Executive  
28 Recommendations and Legislative Recommendations contained in the budget  
29 manuals prepared by the Department of Finance and Administration, letters, or  
30 summarized oral testimony in the official minutes of the Arkansas Legislative  
31 Council or Joint Budget Committee which relate to its passage and adoption.

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33 SECTION 11. EMERGENCY CLAUSE. It is found and determined by the  
34 General Assembly, that the Constitution of the State of Arkansas prohibits  
35 the appropriation of funds for more than a one (1) year period; that the  
36 effectiveness of this Act on July 1, 2023 is essential to the operation of

1 the agency for which the appropriations in this Act are provided, and that in  
2 the event of an extension of the legislative session, the delay in the  
3 effective date of this Act beyond July 1, 2023 could work irreparable harm  
4 upon the proper administration and provision of essential governmental  
5 programs. Therefore, an emergency is hereby declared to exist and this Act  
6 being necessary for the immediate preservation of the public peace, health  
7 and safety shall be in full force and effect from and after July 1, 2023.

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