

State of Arkansas  
94th General Assembly  
Regular Session, 2023

As Engrossed: H3/28/23

# A Bill

HOUSE BILL 1105

By: Joint Budget Committee

## For An Act To Be Entitled

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

## Subtitle

AN ACT FOR THE STATE BOARD OF ELECTION  
COMMISSIONERS APPROPRIATION FOR THE 2023-  
2024 FISCAL YEAR.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. REGULAR SALARIES - OPERATIONS. There is hereby established for the State Board of Election Commissioners for the 2023-2024 fiscal year, the following maximum number of regular employees.

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



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

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

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

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

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

SECTION 5. APPROPRIATION - NONPARTISAN GENERAL ELECTION. There is hereby appropriated, to the State Board of Election Commissioners, to be payable from the Nonpartisan Filing Fee Fund, for covering the costs of election expenses by the State Board of Election Commissioners for the fiscal year ending June 30, 2024, the sum of.....\$1,600,000.

SECTION 6. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.

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

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

- (1) Prior to June 30, ~~2023~~ 2024 the Agency shall by written statement set forth its reason(s) for the need to carry forward said funding to the Department of Finance and Administration Office of Budget;
- (2) The Department of Finance and Administration Office of Budget shall report to the Arkansas Legislative Council all amounts carried forward by the September Arkansas Legislative Council or Joint Budget Committee meeting which report shall include the name of the Agency, Board, Commission or Institution and the amount of the funding carried forward, the program name or line item, the funding source of that appropriation and a copy of the written request set forth in (1) above;
- (3) Each Agency, Board, Commission or Institution shall provide a written report to the Arkansas Legislative Council or Joint Budget Committee containing all information set forth in item (2) above, along with a written statement as to the current status of the project, contract, purpose etc. for which the carry forward was originally requested no later than thirty (30) days prior to the time the Agency, Board, Commission or Institution presents its budget request to the Arkansas Legislative Council/Joint Budget Committee; and
- (4) Thereupon, the Department of Finance and Administration shall include all information obtained in item (3) above in the biennial budget manuals and/or a statement of non-compliance by the Agency, Board, Commission or Institution.

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

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

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

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

(1) Preferential primary elections;

(2) General primary elections;

(3) Special primary elections;

(4) Nonpartisan general elections; and

(5) Statewide special elections.

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

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

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

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

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

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

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

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

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

(A) Auditor of State;

(B) Treasurer of State; and

(C) Chief Fiscal Officer of the State.

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

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

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

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

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

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

*/s/Joint Budget Committee*

**APPROVED: 4/10/23**