

STATE BOARD OF ELECTION COMMISSIONERS

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RULES FOR REIMBURSEMENT OF EXPENSES FOR STATE-FUNDED ELECTIONS

The State Board of Election Commissioners held a public hearing on July 6, 2011 following a thirty-day public comment period to adopt revisions to the “Rules for Reimbursement of Expenses for State-Funded Elections” that set forth general procedures for distributing funds from the State to the counties for state-funded election expenses. Below is a summary of the initial revisions that were approved by the Board on May 25, 2011 for the public comment period, followed by a list of persons commenting on the rule, a summary of the comments, the agency’s response to the comments, and the changes to the rules as a result of the public comments.

Initial changes included: 1) addressing a legislative change in the definition of “County Board of Election Commissioners”; 2) adding a definition of “Extra Help” as part of a change in subsequent rules regarding reimbursement of pay for temporary employees; 3) adding a definition of “Permanent County Employee” and clarifying that state funding cannot be used to supplement wages or salaries of such employees; 4) adding a definition of “Poll Worker” for clarity and consistency and to distinguish them from other election officials; 5) refining the definition of “primary election” for clarity; 6) addressing a legislative change eliminating the requirement that the “Statement of Compliance” be executed and delivered to the State Board and that ballot accounting forms be delivered to the State Board, and acknowledging the legislative change allowing the Secretary of State to require certain ballot accounting information be reported to the Secretary of State; 7) providing additional eligible reimbursement categories; 8) substituting the term “extra help” for “part-time” help to clarify the type of labor eligible to be reimbursed and moving the reference to the “extra deputy county clerk” to its own section C; 9) clarifying the range of reimbursable pay for county election commissioners; 10) clarifying that counties may be reimbursed for publication of the ballot draw notice and notice of state-funded special elections; 11) clarifying that counties must submit the proof of publication provided by the publisher for reimbursement for publications; 12) striking references to “coordinators, secretaries, and assistants” and clarifying that it is an employee’s actual status with the county rather than a title the county gives the employee that determines whether the employee’s hours are reimbursable; 13) providing for contingencies in the event state funding is insufficient to cover reimbursable expenses and providing that new funding categories would not be paid if funds are insufficient to cover expenses under the current rules; and 14) changes in language for clarity.

PERSONS COMMENTING ON THE RULE

Pope County Election Commissioners (email: Friday, June 17, 2011)

Pulaski County Director of Elections, Melinda Allen (email: Wednesday, June 15, 2011)

Washington County Election Coordinator Jennifer Price (email: Thursday, June 23, 2011)

SUMMARY OF COMMENTS

Rule 500(f) regarding the definition of Extra Help: A comment was made that use of the term “state-funded” might exclude some workers who are retained by the county on a part-time basis from being eligible for reimbursement because their services are utilized for other elections in addition to those elections funded by the state. (See Rule Changes below)

Rule 501 regarding State Funding of Elections: A comment was made concerning the reference to both the State Board and the county boards in the rule and the possible inference that the State Board, rather than the county boards, conducts elections. (See Agency’s Response below)

Rule 504 regarding Funding of Eligible Expenses: A comment was made concerning the implications of striking the word “board”. The concern was that the county rather than the county board would be responsible for applying for reimbursement. (See Rule Changes below)

Rule 506A regarding Poll Workers Pay: A recommendation was made asking that the rule stay the same or allow the county to determine what’s sufficient without penalty of reimbursement. (See Rule Changes below)

AGENCY’S RESPONSE TO COMMENTS

Rule 501 pertains to funding of elections by the State. The language of this rule comes from the State Board’s appropriation act. Funds are appropriated to the State Board for the agency’s operations and for election expenses of the State Board and the county commissions to conduct state-funded elections. Election expenses of the State Board directly related to conducting state-funded elections include costs of publishing commissions’ procedures manuals and poll worker training materials, compensation for election official training attendance, and reimbursement to the counties for eligible state-funded election expenses as defined by State Board rule. This language does not grant any additional authority over elections to the State Board nor remove any statutory authority from the county election commissions with regard to conducting elections locally.

RULE CHANGES AS A RESULT OF PUBLIC COMMENTS

Page 3, Rule 500(f) regarding the definition of Extra Help: Strike the word “state-funded” to eliminate the unintended consequence of disqualifying workers who assist with other elections in addition to those that are state-funded.

Page 6, Rule 504: Un-strike the word “board” in the 1st, 2nd, and 3rd paragraphs and clarify the intent of the rule change by adding, as the 2nd sentence to the 3rd paragraph, language that reads, “The county board may designate one or more persons to submit its county’s request for reimbursement to the State Board.” It was not the intention of the staff, when it initially proposed eliminating the word “board”, to remove the authority of county boards to apply for reimbursement or to designate the person to fill out the forms.

Page 7, Rule 506A: Change the 1st sentence of the last paragraph to read, “A county is eligible to receive funding for an average of six (6) eligible poll workers per precinct per state-funded election.” Move the 2nd sentence that reads, “For those counties that combine multiple polling sites within a single facility such as an auditorium, each separate location within the single facility where voters identify themselves to poll workers for the purpose of casting a ballot would constitute a polling site” to Rule 506J on page 11 as the 2nd sentence of the 2nd paragraph.