

STATE BOARD OF ELECTION COMMISSIONERS

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Summary of Revisions to the

RULES FOR REIMBURSEMENT OF EXPENSES FOR STATE-FUNDED ELECTIONS

The State Board of Election Commissioners met on June 23, 2015 and approved for public comment revisions to the “Rules for Reimbursement of Expenses for State-Funded Elections”. The public comment period ended on August 10, 2015. The State Board of Election Commissioners met again on October 30, 2015 to approve revisions to the “Rules for Reimbursement of Expenses for State-Funded Elections”.

Below is a summary of the rules that were approved by the Board on June 23, 2015 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 include:

- 1) Section 500: amending the definition of “Election Official” as a result of Act 1042 of 2015; 2) amending the definition of “Voting Machine” as a result of Act 1218 of 2015;
- 3) Section 506: amending the allowable poll worker pay from a flat \$100 payment to an hourly rate (up to a maximum of 14 hours) in line with minimum wage increases and allowing a \$25 payment for one election judge per poll*; and
- 4) Section 507: clarifying that payment for re-programming due to county or vendor error is not a reimbursable expense.

*It is the consensus of the State Board to allow reimbursement for one Election Judge per poll at a higher rate of pay by either increasing the maximum allowable hours worked or by allowing an additional flat payment. This concept is to be reviewed by the State Board after input during the 30 day public comment period and a study of the impact on the board’s current funding allotments.

PERSONS COMMENTING ON THE RULE

Dennis Bosch – Garland County Election Commissioner (via email on August 7, 2015)

K.K. Priest – Little River County Election Commissioner (via letter received on July 27, 2015)

SUMMARY OF COMMENTS

§501: Commenter asks “does this section (last sentence) allow for state funding of a nonpartisan general election independent of any other concurrent elections?”

§506: Commenter asks “what information is needed to support the poll worker hours? We are not in favor of time sheets but do collect payroll forms signed by the poll worker.”

§506: Commenter states that “the addition of a “special runoff ballot” is silent on providing such a ballot for a voter NOT in the uniformed services who is absent and has requested an absentee ballot.”

§506: Commenter questions the following:

1. The allowance of up to \$25 extra pay for a poll worker who is designated as the poll judge in § 506 A.; and
2. Existing and unchanged § 506 G. regarding the limit of \$25 per hour for L&A testing; as to how the election commission can be paid.

AGENCY’S RESPONSE TO COMMENTS

§ 501: The rule states:

The State Board of Election Commissioners, hereinafter referred to as the “State Board,” is statutorily charged with funding political party primary elections from funds appropriated to the State Board for election expenses of the State Board and the county boards of election commissioners, hereinafter referred to as the “county boards,” for conducting preferential primary elections, general primary elections, special primary elections, nonpartisan general elections, and statewide special elections.

This is not a germane comment, but it is taken as a request for information. Funding for the nonpartisan general election, which is held with the preferential primary, is included with funding for the primary. If there are any other concurrent elections held with the primary/nonpartisan general election, for instance a local special election, any discreet costs of those elections can be charged back to the entity calling the special election under A.C.A. § 7-5-104.

§ 506: The proposed rule states in relevant part:

A county is eligible to receive funding from the State Board for eligible expenses incurred up to maximum amounts as detailed below.

- A. *Poll Workers Pay Eligible Poll Workers Pay includes funding for poll workers working polling sites on a state funded election day, funding for poll workers working off-site early voting polling sites, and funding for poll workers who attend training as specified under separate rule. A county is eligible to receive funding at the current federal or state minimum wage, whichever is greater at the time of the state-funded election, for the actual number of hours worked up to a maximum of fourteen (14) hours by a poll worker at an election day polling location.*

In addition to the poll worker pay mentioned above, a county is eligible to receive a maximum \$25 payment for one election judge per poll on election day.

A county is eligible to receive the current federal or state minimum wage, whichever is greater at the time of the state-funded election, and applicable overtime wages if required by law, for the actual number of hours worked by a poll worker at an off-site early voting polling site outside of the county clerks’ office and under the direction and supervision of the county board.

This comment is considered as a request for information. If the rule is adopted in its current form the State Board’s reimbursement guidelines will be updated accordingly. The sections associated with poll

worker pay will continue to require the names of all poll workers who received payment. The person preparing the reimbursement form for the county will now be asked to provide the number of hours worked for each poll worker rather than filling out the flat rate of pay that each poll worker received. The matter in which these records are captured internally will be a decision for each county. While staff does not intend to require these records in order for a county to be reimbursed, the preparer of each county's reimbursement is required to sign and attest that the reimbursement information submitted to the State Board has been reviewed by the county election commission and is accurate to the best of his/her knowledge.

§ 506: The relevant paragraph of the rule states:

*For each preferential primary election, a county board must provide a special absentee ballot marked "special runoff ballot" to be sent by the county clerk along with the absentee ballot for the preferential primary election to members of the uniformed services of the United States and members of the Merchant Marine while in active duty or service, and their spouses and dependents who, by reason of the active duty or service of the member, are absent from the place of residence where the spouse or dependent is otherwise qualified to vote **and to citizens of the United States residing or temporarily outside the territorial limits of the United States and the District of Columbia.***

This comment is considered as a request for information. The bolded phrase in the rule above addresses commenter's concerns.

§ 506: Regarding the election judge bonus, the relevant portion of proposed rule § 506 A. states:

A county is eligible to receive funding from the State Board for eligible expenses incurred up to maximum amounts as detailed below.

A. Poll Workers Pay

Eligible Poll Workers Pay includes funding for poll workers working polling sites on a state-funded election day, funding for poll workers working off-site early voting polling sites, and funding for poll workers who attend training as specified under separate rule.

A county is eligible to receive funding at the current federal or state minimum wage, whichever is greater at the time of the state-funded election, for the actual number of hours worked up to a maximum of fourteen (14) hours by a poll worker at an election day polling location. a maximum \$100 per poll worker who works at a polling site from opening until closing on election day of a state-funded election.

In addition to the poll worker pay mentioned above, a county is eligible to receive a maximum \$25 payment for one election judge per poll on election day.

The bonus for election judges is not mandatory under the rule – a county may or may not choose to pay the bonus, but the state will reimburse for the bonus in a county that chooses to pay it.

Regarding the concern about reimbursement for testing voting machines, the relevant part of proposed rule § 506 G. states:

G. Programming Costs

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A county is eligible to receive a maximum \$25 per hour for testing voting machines and electronic vote tabulating devices.

This is an existing rule and no change has been proposed in this rulemaking. Commenter is apparently concerned about whether the three commissioners in the county can split the \$25 per hour for what they say is 22-25 hours of work in testing the machines.

The state does not reimburse county election commissioners for their work at an hourly rate. The State Board only reimburses on a per meeting basis. See A.C.A. § 7-4-111. The rule contemplates that the \$25 per hour rate is being paid to a contractor for these services.

RULE CHANGES AS A RESULT OF PUBLIC COMMENTS

None