

Agency # 108.00

**RULES
FOR
REIMBURSEMENT OF EXPENSES
FOR
STATE-FUNDED ELECTIONS**

(Effective February 6, 2004; Revised October 5, 2007)



STATE BOARD OF ELECTION COMMISSIONERS

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Scope of Rules

These rules set forth general procedures for distribution of funds from the State to the counties for election expenses related to state-funded elections. These rules are in addition to and not a substitute for the laws of the State of Arkansas.

§ 500 Definitions

- (a) Candidate – any individual who has knowingly and willingly taken affirmative action, including solicitation of funds, for the purpose of seeking nomination for or election to any public office.¹
- (b) Canvassing - examining and counting the returns of votes cast at a public election to determine authenticity.²
- (c) Constitutional Officers of this State - the offices of the Governor, Lieutenant Governor, Secretary of State, Attorney General, Auditor of State, Treasurer of State, and Commissioner of State Lands.³
- (d) County Board of Election Commissioners - the three-member board in each of the 75 counties in this State responsible for conducting elections within its respective county and comprised of the county chair of the county committee of the majority party or the person selected by the county committee to serve in his or her place, the county chair of the county committee of the minority party or the person selected by the county committee to serve in his or her place, and a third member selected by the county committee of the majority party.⁴
- (e) Election Expenses - costs incurred by a county for conducting a state-funded election including election officials pay, part-time help pay, mileage expenses, election commissioners pay, polling place supply costs, set up and programming costs, ballot printing costs, legal advertising costs, cleaning expenses, and certified trainer pay as specified in the reimbursement rules and guidelines established by the State Board of Election Commissioners.
- (f) Election Official - a person who is a member of the county board of election commissioners or a person who is a poll worker designated by a county board of election commissioners to be an election clerk, election judge, or election sheriff.⁵
- (g) Electronic Vote Tabulating Device – device used to electronically scan a marked paper ballot for the purposes of tabulation.⁶

¹ A.C.A. § 7-6-201(2)

² A.C.A. § 7-1-101(4)

³ A.C.A. § 7-1-101(5)

⁴ A.C.A. § 7-4-102(a)/Act 559 of 2007

⁵ A.C.A. § 7-1-101(8)

⁶ A.C.A. § 7-1-101(9)

- (h) Majority Party - the political party in the State of Arkansas whose candidates were elected to a majority of the constitutional offices of the state in the last preceding general election.⁷
- (i) Minority Party - the political party whose candidates were elected to less than a majority of the constitutional offices of this state in the last preceding general election or the political party which polled the second greatest number of votes for the office of Governor in the last preceding general election, if all of the elected constitutional officers of this state are from a single political party.⁸
- (j) Nonpartisan Judicial General Election - the regular biennial election for election of Justice of the Supreme Court, Judge of the Court of Appeals, circuit judge, and district judge.
- (k) Off-site Early Voting - additional early voting polling sites outside the county clerk's office.
- (l) Political Party - any group of voters which at the last preceding general election polled for its candidate for Governor in the state or nominees for presidential electors at least three (3%) of the entire vote cast for the office.⁹
- (m) Polling Site - a location selected by the county board of election commissioners where votes are cast.¹⁰
- (n) Primary Election - any election held by a political party in the manner provided by law for the purpose of selecting nominees of the political party for certification as candidates for election at any general or special election in this state.¹¹
- (o) Public meeting - any gathering consistent with the definition established under the Arkansas Freedom of Information Act.
- (p) Special election – any specially scheduled election to fill vacancies or to approve any measure.
- (q) State-funded elections – presidential preferential primary elections, preferential primary elections, general primary elections, special primary elections, nonpartisan judicial general elections, and statewide special elections.
- (r) Voting machine – a direct recording electronic voting machine that records votes by means of a ballot display provided with mechanical or electro-optical components that may be actuated by the voter, processes the data by means of a computer program, records voting data and ballot images in internal and external memory components, and produces a tabulation of the voting data stored in a removable memory component and in a printed copy. “Voting machine” also includes any electronic device for marking a paper ballot to be electronically

⁷ A.C.A. § 7-1-101(13)

⁸ A.C.A. § 7-1-101(15)

⁹ A.C.A. § 7-1-101(17)

¹⁰ A.C.A. § 7-1-101(18)

¹¹ A.C.A. § 7-1-101(20)

scanned.¹²

- (s) Voting system – the total combination of mechanical, electromechanical, or electronic equipment, including the software, firmware, and documentation required to program, control, and support the equipment that is used to define ballots, to cast and count votes, to report or display election results, and to maintain and produce any audit trail information. “Voting system” also includes the practices and documentation used to identify system components and versions of components; test the system during its development and maintenance; maintain records of system errors and defects; determine specific system changes to be made to a system after the initial qualification of the system; and make available any materials to the voter, including, but not limited to, notices, instructions, forms, or paper ballots.¹³

§ 501 Funds

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 presidential preferential primary elections, preferential primary elections, general primary elections, special primary elections, nonpartisan judicial general elections, and statewide special elections.¹⁴

§ 502 Withholding of Funds

If a county fails to comply with the rules developed by the State Board for the administration of primary elections or fails to comply with applicable state election laws, the State Board may withhold funding to the counties for eligible state-funded election expenses until all requirements are met to the satisfaction of the State Board.¹⁵

Failure to comply with the rules and guidelines for reimbursement of state-funded election expenses established by the State Board, failure to file an “Affidavit of Compliance” with the State Board, or failure to deliver certified results of the election to the Secretary of State will result in withholding of reimbursement of funds to the county until all requirements are met to the satisfaction of the State Board.¹⁶

¹² A.C.A. § 7-1-101(28)/Acts 224 and 1020 of 2007

¹³ A.C.A. § 7-1-101(29)/Acts 224 and 1020 of 2007

¹⁴ A.C.A. §§ 7-4-101(f)(11); 7-7-201(a)

¹⁵ A.C.A. § 7-7-201(b)(3)/Act 987 of 2007

¹⁶ A.C.A. §§ 7-5-707(e)/Act 559 of 2007; 7-5-701(c)(1)(B)

§ 503 System of Reimbursement

A. Pre-election Expense Disbursement for Statewide Special Elections and Preferential Primary Elections

Following each legislative session, the State Board will establish an estimated average cost per registered voter by county for conducting statewide special elections and for conducting preferential primary elections based upon databases of comparative state-funded election costs maintained by the State Board.

Prior to every state-funded statewide special election and preferential primary election, county boards may request a pre-election expense disbursement from the State Board.

The request must be in writing under the signature of all three (3) commissioners and received by the State Board at least thirty (30) days prior to the statewide special election or preferential primary election.

Upon staff review and approval, the county treasurer will receive an amount equivalent to one half (1/2) of the county's estimated cost per registered voter for conducting the election, or a minimum of two thousand five hundred dollars (\$2,500) for a statewide special election or five thousand dollars (\$5,000) for a preferential primary election, whichever is greater.

The county treasurer of the respective county will disburse the funds allocated for election expenses and will establish a separate expense code to track and monitor payments made from this appropriation.

B. Actual Expenses

Preceding every state-funded election, the State Board will furnish the county boards with comprehensive guidelines, instructions and worksheets for requesting reimbursement of eligible state-funded election expenses.

Following every state-funded election, each county board must submit to the State Board actual invoices, receipts, and all other required documentation in support of actual election expenses incurred. The request must be in accordance with the State Board's rules and guidelines to be eligible for reimbursement of state-funded election expenses.

Upon approval by the State Board, each county treasurer will receive reimbursement from the state for approved eligible state-funded election expenses. The county will disburse the funds allocated for election expenses and establish a separate expense code to track and monitor payments made from this appropriation.

C. Uniform and Consistent Distribution of Funds

This system of reimbursement by the State Board has resulted in uniform and consistent distribution of funds from the State to the counties and provided information needed for the

development of databases of comparative election costs, thus allowing the State to maintain a high level of fiscal accountability.¹⁷

§ 504 Allowable Expenses

A. Election Officials Pay

Election Officials pay includes payment for election officials working polling sites on Election Day, payment for election officials working off-site early voting polling sites, and payment to election officials for attending training as specified under separate State Board Rules.

Election officials working a full day at polling sites on election day in state-funded elections will be paid a flat rate of \$90.00. Election officials working a split shift (1/2 day) at polling sites on election day in state-funded elections will be paid a flat rate of \$45.00.¹⁸

Election officials working off-site early voting polling sites outside the county clerks' offices will be paid at the current federal or state minimum wage per hour, whichever is greater at the time of the election, for the number of hours worked in state-funded elections.¹⁹

Election officials who attended training conducted by a State Board-certified trainer immediately prior to the preferential primary election in which they worked will also be paid a maximum one-time additional \$25 payment for their time in having attended training, regardless of whether working both off-site early voting polling sites and the polls on election day. County Boards must attest to those trained election officials eligible for the additional \$25 reimbursement.

Please refer to the "Rules for Election Officials (Poll Workers) Training" (Effective March 17, 2002, Revised October 5, 2007).

The State Board will reimburse for a maximum of six (6) eligible election officials per polling site in order to assure against an excessive number of election officials per poll. For those counties that combine multiple polling sites within a single facility, i.e., an auditorium, etc., each separate location within the single facility where voters identify themselves to election officials for the purpose of casting a ballot would constitute a polling site.

B. Part-time Help Pay

Part-time help includes one (1) extra deputy to the county clerk for the purpose of carrying out the requirements of absentee and early voting, personnel designated by county boards to deliver ballots and election supplies to each set of election officials in each precinct, election officials designated to return ballots, election materials, and returns to county boards

¹⁷ A.C.A. § 7-4-101(f)(5)

¹⁸ A.C.A. § 7-4-112(a)

¹⁹ A.C.A. § 7-4-112(a)

following the closing of the polls, election officials processing absentee ballots on election day, and election officials designated to tabulate the vote.

Part-time help will be paid at the current federal or state minimum wage per hour, whichever is greater at the time of the election, for the number of hours worked during state-funded elections.

The extra deputy to the county clerk will be paid at the current federal or state minimum wage per hour, whichever is greater at the time of the election, for the number of hours worked per day for a period not to exceed thirty-five (35) days during state-funded elections.²⁰

C. Mileage Expenses

For state-funded elections, the State Board will reimburse personnel designated by county boards to deliver ballots and election supplies to each set of election officials in each precinct and election officials designated to return ballots, election materials, and returns to county boards following the closing of the polls for mileage expenses at the rate prescribed for state employees in state travel regulations.²¹

D. Election Commissioners Pay

The chairs of the county s boards will be reimbursed \$100 per public meeting and the remaining two (2) members will be reimbursed \$75 per public meeting when official business is conducted, up to a maximum of ten (10) public meetings per state-funded election.²² Public meetings as defined under the Arkansas Freedom of Information Act include drawing of ballot position, certification of ballots, selection or alteration of location or boundaries of precincts or polling sites, designation of election officials, correction of errors or omissions of ballots, canvassing and certification of election results, canvassing and certification of election results due to a recount petition, and election day.

E. Polling Place Supply Costs

The State Board will reimburse for disposable supply costs directly related to the cost of conducting the state-funded election, including items such as pens, pencils, pads, tape, magnifying sheets/glasses, spools of string for marking electioneering areas, ballot marking instruments, envelopes, ballot boxes, ballot box seals, stub boxes, election kits, paper, and postage for mailing absentee application requests and ballots and for official notice to election officials and polling sites. The State Board will also reimburse for RTAL paper for voting machines and thermal printer paper for communication packs and scanners.

²⁰ A.C.A. §§ 7-4-112(a); 7-5-415/Act 556 of 2007

²¹ A.C.A. § 7-4-112(b)

²² A.C.A. § 7-4-111(b)

F. Programming Costs

The State Board will pay for programming and testing of voting machines and electronic vote tabulating devices for state-funded elections, including labor for preparation of machines; and labor, mileage, and truck rental, if necessary, for transportation of voting machines and precinct tabulating devices to and from polling sites.²³

G. Ballot Printing Costs

For state-funded elections, the State Board will reimburse for the cost of ballot stock and printing of ballots up to the maximum allowed by law.

For counties using paper ballots counted by hand or by electronic vote tabulating devices (whether centrally located or at each polling site) in combination with one (1) voting machine per poll accessible to voters with disabilities, the State Board will reimburse for a number of ballots equivalent to one and one half (1.5) times the number of electors voting at the last preceding comparable election, up to a maximum of one hundred five percent (105%) of the total number of registered voters.²⁴

For counties using all voting machines, the State Board will reimburse ballot printing costs up to a maximum of twenty percent (20%) of registered voters.

Regardless of the type of voting system in use, the State Board will reimburse ballot printing costs, up to a maximum of ten percent (10%) of registered voters for the printing of separate "judicial only" ballots for the nonpartisan judicial general election held on the same dates, times, and places as the preferential primary election.²⁵

If a special election is also held on the date of the preferential primary election, the State Board will reimburse ballot printing costs up to a maximum of ten percent (10%) of registered voters for the printing of "judicial/special" ballots.²⁶

When a special election is held on the date of the presidential preferential primary election or general primary election, separate ballots containing the names of the candidates to be voted upon at the special election and any other measures or questions that may be presented for a vote shall be prepared and provided to voters requesting a separate ballot.²⁷ Regardless of the type of voting system used in these elections, the State Board will reimburse ballot printing costs for the printing of separate "special election only" ballots up to a maximum of ten percent (10%) of registered voters.

No voter is required to vote in a political party's primary to be able to vote in a special election.²⁸

²³ A.C.A. §§ 7-5-301(g), (m)(2); 7-5-515(a), (b); 7-5-611(a)(1)

²⁴ A.C.A. § 7-5-210(a)/Act 1020 of 2007

²⁵ A.C.A. § 7-10-102(b)(2)/Act 1020 of 2007

²⁶ A.C.A. § 7-5-103(a)(3)(B)(iii)/Act 1049 of 2007

²⁷ A.C.A. § 7-5-103(a)(3)(B)/Act 1049 of 2007

²⁸ A.C.A. § 7-5-103(a)(3)(B)(iv)/Act 1049 of 2007

For each preferential primary election, the county boards must provide a special absentee ballot marked “special runoff ballot” for active duty military personnel and citizens temporarily residing outside the territorial limits of the United States to be sent by the county clerk along with the absentee ballot for the preferential primary election.²⁹ The State Board will reimburse ballot printing costs for the printing of “special runoff ballots” based upon the total number of overseas absentee ballot requests at the last preceding comparable election, up to a maximum of ten percent (10%) of one and one half (1.5) times the total number of absentee voters voting at the last preceding comparable election.

H. Legal Advertising Costs

The State Board will reimburse for the cost of two (2) publications of the date of the election, the hours of voting on election day, the places and times for early voting, polling sites for holding the elections, the candidates and offices to be elected, and the time and location of the opening, processing, canvassing, and counting of ballots; one publication of the time and place of testing of voting machines and electronic vote tabulating devices; and one publication of the time and place of the public meeting to determine the order in which presidential candidates will appear on the ballot in the presidential preferential primary.³⁰

I. Facility Fees

The State Board will reimburse \$40.00 per facility to offset the cost of using the facility as a polling site in a state-funded election.

§ 505 Unallowable and Disallowed Expenses

A. Election Officials Pay

The State Board will not reimburse volunteer election pages,³¹ county election commissioners, county election coordinators, and secretaries/assistants to county boards for serving as election officials at the polling sites on election day for state-funded elections.

B. Part-time Help Pay

The State Board will not pay the cost of a full-time or part-time election coordinator or the cost of full-time or part-time secretaries/assistants to county boards.

Additional deputies for absentee and early voting beyond the one (1) extra deputy,³² county election coordinators, secretaries to county boards, and personnel on the county payroll are ineligible for reimbursement by the State as part-time help.

²⁹ A.C.A. § 7-5-406(a),(c)/Acts 261 and 556 of 2007

³⁰ A.C.A. §§ 7-5-202(a), (b)/Acts 222 and 556 of 2007; 7-5-515(c)(2); 7-5-611(a)(3); 7-8-201(a)(3)(D)/Act 987 of 2007

³¹ A.C.A. § 7-4-116(c)(3)

³² A.C.A. § 7-5-415

C. Mileage Expenses

The State Board will not pay county election commissioners' mileage to attend public meetings.

D. Election Commissioners Pay

The county board shall not receive compensation for election duties after a state-funded election until election results have been certified and delivered to the Secretary of State.³³

E. Polling Place Supply Costs

The State Board will not pay for capital or leasehold improvements to polling sites.

The State Board will not pay for administrative expenses associated with conducting a state-funded election, including non-expendable equipment and supplies such as voting booths, electric pencil sharpeners, thermal binding machines, pagers, outlet strips, extension cords, adapters, phone cords, and expensive metal signage.

The State Board will not pay for expendable supplies such as copier toner, printer toner cartridges, printer ribbons, diskettes, hanging file folders, manila file folders, binders, and flags.

The State Board will not pay for the cost of binding voter books, for reproduction of election official training material, for phone lines, phone services or internet services, for portable toilet rental, for return postage, or for food.

F. Programming Costs

The State Board will not reimburse for costs associated with the purchase of new or used voting systems or for leasing, rental, maintenance, or depreciation of voting systems.

G. Ballot Printing Costs

The State Board will not reimburse for the cost of printing reruns due to county or vendor error.

The county and/or vendor will be financially responsible for any overages in ordering and printing ballots. All exceptions must be by prior written request to the State Board with prior written approval by the State Board.

³³ A.C.A. § 7-5-701(c)(1)(B)

H. Legal Advertising Costs

The State Board will not reimburse for advertising the list of appointed election officials, for advertising for the purpose of notifying candidates of preparation of machines, advertising for election officials training, advertising in excess of that required by law as defined previously, re-advertising due to county error, or for any costs related to radio or television broadcasting or colored advertising.³⁴

I. Facility Fees

The State Board will not reimburse individuals for cleaning facilities used as polling sites.

J. Other

The State Board will not consider pre-election disbursement requests for state-funded presidential preferential primary elections, general primary (run-off) elections, or special primary elections.

Unallowable expenses incurred by the county, as determined by the State Board, must be paid from county funds. Political parties may not pay for additional election expenses.

If the county chooses to pay above the rates of pay prescribed by the State Board, then county funds must be used to pay the difference.

Allowable expenses that were disqualified by the State Board for exceeding the State Board's rules and guidelines, as determined by the State Board, may be appealed to the State Board for reconsideration.

In cases where a court determines that an election must be conducted again, the State Board shall consider, on a case-by-case basis, the criteria for paying the expenses of the new election.

³⁴ A.C.A. §§ 7-5-202(b)(2)/Act 222 of 2007; 7-5-516(a)