

Agency # 108.00

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

(Effective February 6, 2004; Revised ~~September 16, 2011~~)



**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) Canvassing - examining and counting the returns of votes cast at a public election to determine authenticity.<sup>1</sup>
- (b) County Board of Election Commissioners - the three-member board in each of the 75 counties in this State responsible for conducting all elections within their respective county, including two members elected by the county committee of the majority party and one member elected by the county committee of the minority party or persons appointed by the state chair of either the majority or minority party to fill a vacancy in that party's position.<sup>2</sup>
- (c) Election Expenses - for the purpose of these rules, costs incurred by a county for conducting a state-funded election, including poll workers pay, extra help pay, mileage expenses, election commissioners pay, supply costs, programming costs, ballot printing costs, legal advertising costs, and facility fees, as specified in the reimbursement rules and guidelines established by the State Board of Election Commissioners.
- (d) 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.<sup>3</sup>
- (e) Electronic Vote Tabulating Device - a device, commonly referenced as an optical scanner, used to electronically scan a marked paper ballot for the purpose of tabulation.<sup>4</sup>
- (f) Extra Help - temporary full-time, temporary part-time or contract labor employed by a county to assist the county board of election commissioners. For the purpose of these rules, a temporary county employee is defined as any person employed only during limited parts of the year to assist county election commissions in conducting elections.
- (g) Nonpartisan ~~Judicial~~ General Election - the regular biennial election held on the same date and at the same time and places as for a preferential primary election for election of Justice of the Supreme Court, Judge of the Court of Appeals, circuit judge, and district judge.<sup>5</sup>

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<sup>1</sup> A.C.A. § 7-1-101

<sup>2</sup> A.C.A. § 7-4-102(a), as amended by Act 1056 of 2011

<sup>3</sup> A.C.A. § 7-1-101

<sup>4</sup> A.C.A. § 7-1-101

<sup>5</sup> A.C.A. § 7-10-102

- (h) Off-site Early Voting - additional polling sites for early voting that are located outside the office of the county clerk and under the direction and supervision of the county board of election commissioners.<sup>6</sup>
- (i) Permanent County Employee - any person, who is not “Extra Help” as defined by these rules, who is employed by the county on a permanent full-time or permanent part-time basis.
- (j) Polling Site - a location selected by the county board of election commissioners where votes are cast.<sup>7</sup>
- (k) Poll Worker - an election official designated by the county board of election commissioners to be an election clerk, election judge or election sheriff at a polling site.
- (l) Primary Election - any election held to select the nominees of a political party for election at any general or special election in this state.<sup>8</sup>
- (m) Public meeting - any gathering consistent with the definition established under the Arkansas Freedom of Information Act of 1967, A.C.A. § 25-19-101, et. seq.
- (n) Special election - any specially scheduled election to fill vacancies or to approve any measure.<sup>9</sup>
- (o) State-funded elections - preferential primary elections, general primary elections, special primary elections, nonpartisan ~~judicial~~ general elections, and statewide special elections.
- (p) 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.<sup>10</sup>
- (q) 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 without limitation notices, instructions, forms, or paper ballots.<sup>11</sup>

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<sup>6</sup> A.C.A. § 7-5-418(b)

<sup>7</sup> A.C.A. § 7-1-101

<sup>8</sup> A.C.A. § 7-1-101

<sup>9</sup> A.C.A. § 7-1-101

<sup>10</sup> A.C.A. § 7-1-101

<sup>11</sup> A.C.A. § 7-1-101

## **§ 501 State Funding of Elections**

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 ~~judicial~~ general elections, and statewide special elections.<sup>12</sup>

## **§ 502 Withholding of State Funding**

The State Board may withhold funding for eligible state-funded election expenses from any county that 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, until all requirements are met to the satisfaction of the State Board.<sup>13</sup>

Failure to comply with the rules and guidelines for reimbursement of expenses for state-funded elections established by the State Board, or failure to deliver to the Secretary of State certified results of the election and any additional election information designated by the Secretary of State will result in withholding of funding for eligible state-funded election expenses to the county, until all requirements are met to the satisfaction of the State Board.<sup>14</sup>

## **§ 503 Advance Funding**

Following each regular 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.

A county is eligible to receive funding from the State Board before any statewide special election or preferential primary election upon proper request made to the State Board by the county 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 before the statewide special election or preferential primary election.

Upon review and approval by staff, the county treasurer will receive funding from the State Board based upon one half (1/2) of the county’s previously estimated cost per registered voter for conducting the election, or a minimum of two thousand five hundred dollars (\$2,500) for a

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<sup>12</sup> A.C.A. §§ 7-4-101(f)(11); 7-7-201(a); Act 578 of 2011

<sup>13</sup> A.C.A. § 7-7-201(b)(3)

<sup>14</sup> A.C.A. §§ 7-5-701(c)(2); 7-5-707, as amended by Act 1238 of 2011

statewide special election or five thousand dollars (\$5,000) for a preferential primary election, whichever is greater.

The respective county will disburse the funds allocated for election expenses and will establish a separate expense code to track and monitor payments made with State funds.

#### **§ 504 Funding of Eligible Expenses**

Before each state-funded election, the State Board will furnish each county board with comprehensive guidelines, instructions and worksheets for requesting payment from the State Board for eligible state-funded election expenses.

After each state-funded election, the county board must submit to the State Board copies of invoices, receipts, and all other required documentation in support of eligible election expenses incurred in conducting the state-funded election.

A county is eligible to receive funding from the State Board after the state-funded election upon proper request made to the State Board by the county board. The county board may designate one or more persons to submit its county's request for reimbursement to the State Board.

A county must carefully follow all instructions and submit its request according to the State Board's rules and guidelines to maximize receipt of funding for eligible state-funded election expenses from the State Board.

Upon review by staff and approval by the State Board, each county treasurer will receive funding from the State Board for eligible state-funded election expenses as defined by rule. The respective county will disburse the funds allocated for election expenses and will establish a separate expense code to track and monitor payments made with State funds.

#### **§ 505 Uniform and Consistent Funding**

This system of funding 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.<sup>15</sup>

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<sup>15</sup> A.C.A. § 7-7-201

## **§ 506 Eligible State-Funded Election Expenses**

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 a maximum \$100 per poll worker who works at a polling site from opening until closing on election day of a state-funded election.<sup>16</sup>

A county is eligible to receive a maximum \$50 per poll worker who works a split shift (half day) at a polling site on election day of a state-funded election.

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.<sup>17</sup>

A county is eligible to receive a maximum \$25 additional one-time payment per poll worker who attends training conducted by a State Board-certified trainer and who works the preferential primary election immediately following the training (see the State Board's "Rules for Poll Worker Training").<sup>18</sup>

A county is eligible to receive funding for an average of six (6) eligible poll workers per precinct per state-funded election.

### **B. Extra Help Pay**

Eligible Extra Help Pay includes funding for workers designated by the county board to prepare, package and deliver election materials to poll workers for each polling site, funding for poll workers designated to return election materials to the county board after the closing of the poll, funding for workers to unpack and store election materials after the election, funding for election clerks processing absentee ballots on election day, and funding for election officials designated to tabulate the vote.

A county is eligible to receive funding for eligible extra help 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.

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<sup>16</sup> A.C.A. § 7-4-112(a)

<sup>17</sup> A.C.A. § 7-4-112(a)

<sup>18</sup> A.C.A. § 7-4-109(e)

#### C. Extra Deputy Pay

A county is eligible to receive funding for one (1) extra deputy to the county clerk, for the purpose of carrying out the requirements of absentee and early voting, at 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 per day up to the maximum number of hours per day allowable by law, for a period not to exceed thirty-five (35) days per state-funded election.<sup>19</sup>

#### D. Mileage Expenses

Eligible Mileage Expenses include funding for the mileage of personnel designated by the county board to deliver election materials to poll workers for each polling site and funding for poll workers designated by the county board to return election materials to the county board after the closing of the poll at the same mileage rate prescribed for state employees in state travel regulations.<sup>20</sup>

#### E. Election Commissioners Pay

A county is eligible to receive funding for election commissioners pay of not less than \$25 nor more than \$100 per public meeting attended when official business is conducted, up to a maximum of ten (10) public meetings per commissioner per state-funded election.<sup>21</sup>

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 a recount, and election day.

#### F. Supply Costs

Eligible Supply Costs include funding for disposable supplies such as pens, pencils, pads, tape, magnifying sheets/glasses, spools of string for marking electioneering areas, ballot marking instruments/devices, envelopes, ballot boxes, seals, stub boxes, election kits, paper, postage for mailing absentee application requests and ballots and for official notice to poll workers and polling sites, RTAL paper for voting machines, and thermal printer paper for communication packs and scanners.

A county may only receive funding for quantities applicable to the specific state-funded election for which it seeks funding.

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<sup>19</sup> A.C.A. § 7-5-415

<sup>20</sup> A.C.A. § 7-4-112(b)

<sup>21</sup> A.C.A. § 7-4-111(b)



#### G. Programming Costs

Eligible Programming Costs include funding for programming and testing of voting machines and electronic vote tabulating devices for state-funded elections, funding for technical support and funding for labor, mileage, and truck rental, if necessary, for transportation of voting machines and precinct tabulating devices to and from polling sites.<sup>22</sup>

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

A county is eligible to receive a maximum \$1,080 per state-funded election for contracted technical support.<sup>23</sup>

A county is eligible to receive 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 by extra help designated by the county board to transport voting machines and electronic vote tabulating devices to and from the polling sites, plus truck rental fees or mileage expenses at the same mileage rate prescribed for state employees in state travel regulations.

#### H. Ballot Printing Costs

Eligible Ballot Printing Costs include funding for the cost of ballot stock and printing of ballots up to the maximum allowed by law and State Board rule.

A county 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 is eligible to receive funding for printing a number of ballots equivalent to one and one half (1.5) times the number of electors voting on paper ballots at the last preceding comparable election, up to a maximum of one hundred five percent (105%) of the total number of registered voters.<sup>24</sup>

A county using all voting machines is eligible to receive funding for printing a number of ballots equivalent to one and one half (1.5) times the number of electors voting on paper ballots at the last preceding comparable election, up to a maximum of one half of the total number of electors voting at the last preceding comparable election.

Regardless of the type of voting system in use, a county is eligible to receive funding for printing a number of separate ~~judicial~~nonpartisan/special election ballots for the nonpartisan ~~judicial~~-general election and any special election that is held on the same dates, times, and places as the preferential primary election equivalent to one and one half (1.5) times the number of electors voting a separate ~~judicial~~nonpartisan/special election paper ballot at the last preceding comparable election.<sup>25</sup>

<sup>22</sup> A.C.A. §§ 7-5-301(m)(2); 7-5-515(a), (b); 7-5-611(a)(1)

<sup>23</sup> A.C.A. § 7-5-301(g)

<sup>24</sup> A.C.A. § 7-5-602(a)

<sup>25</sup> A.C.A. §§ 7-10-102(b)(2); 7-11-105(d)(3); 7-11-106(b); 7-11-205(a)(3)

No voter is required to vote in a political party's primary to be able to vote in a nonpartisan ~~judicial~~ or special election.<sup>26</sup>

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.<sup>27</sup>

A county is eligible to receive funding for printing a number of "special runoff ballots" equivalent to a maximum of one and one half (1.5) times the total number of overseas absentee ballot requests received at the last preceding comparable election or one and one half (1.5) times the total number of overseas absentee voters voting on paper ballots at the last preceding comparable election, whichever is greater.

#### I. Legal Advertising Costs

Eligible Legal Advertising Costs include funding for two (2) publications of the public notice 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, funding for one (1) publication of the notice of the time and place the voting machines will be prepared, funding for one (1) publication of the time and place of testing of voting machines and electronic vote tabulating devices, funding for one (1) publication of the public notice of ballot position drawing for the May preferential primary or special primary elections, and funding for one (1) publication of the calling document for statewide special elections and special primary elections.<sup>28</sup>

A county must provide a copy of the proof of publication provided by the publisher to be eligible to receive payment for eligible advertising costs.

#### J. Facility Fees

Eligible Facility Fees include fees charged to a county by a facility to offset the cost of using the facility as an election day or off-site early voting polling site for a state-funded election.

A county is eligible to receive a maximum of \$40 per each facility that requests payment from the county for its use as an election day polling site. For those counties that combine multiple polling sites within a single facility such as an auditorium, each separate location

<sup>26</sup> A.C.A. §§ 7-11-105(d)(4)(A); 7-11-205(a)(4)

<sup>27</sup> A.C.A. § 7-5-406(a),(c), as amended by Act 1188 of 2011

<sup>28</sup> A.C.A. §§ 7-5-202(a), (b); 7-5-207(c)(2); 7-5-416(a); 7-5-515(c)(2); 7-5-516; 7-5-611(a)(3); 7-11-103(b); 7-11-104(b); 7-11-202(b); 7-11-203(b)

within the single facility where voters identify themselves to poll workers for the purpose of casting a ballot would constitute a polling site.

A county is eligible to receive \$40 per day per each facility that requests payment from the county for its use as an off-site early voting polling site, up to a maximum of \$4,000 per county per state-funded election.

A county must provide the State Board with a copy of an invoice from each facility to be eligible to receive funding from the State Board.

### **§ 507 Ineligible State-Funded Election Expenses**

#### **A. Poll Workers Pay**

The State Board will not provide funding for a volunteer election page for serving as a poll worker on election day.<sup>29</sup>

#### **B. County Employee Pay**

The State Board will not provide funding to reimburse wages or salary of a permanent full-time or permanent part-time county employee.

#### **C. Mileage Expenses**

The State Board will not provide funding for mileage expenses incurred by a county election commissioner for travel to and from public meetings or for a poll worker's travel to and from the polling site, except as provided by law for delivery of election materials and voting equipment.

#### **D. Election Commissioners Pay**

The State Board will not compensate a county election commissioner for election-related duties, except as provided by law for public meetings.

#### **E. Supply Costs**

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

The State Board will not provide funding for 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.

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<sup>29</sup> A.C.A. § 7-4-116(c)(3)

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

The State Board will not provide funding for the cost of binding voter books, for reproduction of poll worker training material, for phone lines, phone services or internet services, for portable toilet rental, for furniture rentals, for return postage, or for food.

#### F. Voting System Costs

The State Board will not provide funding for 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 provide funding for ballot printing reruns due to county or vendor error.

The State Board will not provide funding for overages in ordering and printing ballots, except by prior written request to the State Board with prior written approval by the State Board.

The county and/or the vendor will be financially responsible for excessive printing of paper ballots.

#### H. Legal Advertising Costs

The State Board will not provide funding for advertising the list of appointed election officials,<sup>30</sup> advertising for poll worker 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.

#### I. Facility Fees

The State Board will not provide funding for reimbursing individuals hired to clean facilities used as polling sites.

#### J. Other

The State Board will not provide funding for any penalties assessed to a county by any vendor, such as a surcharge assessed to a county by a vendor for missing deadlines established by the vendor.

The State Board will not consider requests for advance funding for state-funded general primary (run-off) elections or special primary elections.

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<sup>30</sup> A.C.A. § 7-5-202(b)(2)

The State Board will review all shipping and handling fees in excess of \$500 for consideration of payment on a case-by-case basis.

County funds must be used for funding any election-related expenses incurred by the county in conducting a state-funded election that fall outside the scope of funding by the State Board as defined by rule.

A county may appeal to the State Board for reconsideration of any otherwise eligible expense that is disqualified by the State Board for exceeding maximums established by State Board rules and guidelines.

If a court orders a new election as a result of a contested election, the State Board will consider the criteria for funding the expenses of the new court-ordered election, on a case-by-case basis.

#### **~~§ 508 Funding Shortage~~**

##### **~~A. Priority Expenses~~**

~~Priority Expenses include all eligible election expenses as defined by Board rule, except for auxiliary expenses.~~

##### **~~B. Auxiliary Expenses~~**

~~Auxiliary Expenses include overtime pay for off site early voting poll workers, overtime pay for the extra deputy to the county clerk, funding for workers designated by the county board to prepare and package election materials, and funding for workers to unpack and store election materials after the election.~~

##### **~~C. Funding Priority Expenses~~**

~~If after determining the total amount of priority expenses eligible for reimbursement, the amount exceeds the amount of state funds available to the State Board for reimbursement of state-funded election expenses, reimbursement shall not be made for any auxiliary expenses.~~

~~Available funds shall be distributed to each county based upon each county's proportionate share of eligible priority expenses.~~

##### **~~D. Funding Auxiliary Expenses~~**

~~If after funding all eligible priority expenses, state funds are available for reimbursement of eligible auxiliary expenses, available funds shall be distributed to each county based upon each county's proportionate share of eligible auxiliary expenses.~~