

SHORT TITLE: Elections; modifying certain duties and salary in county election boards; effective date.

STATE OF OKLAHOMA

1st Session of the 44th Legislature (1993)

SENATE BILL NO. 151

By: Shurden

AS INTRODUCED

An Act relating to county elections; amending 26 O.S. Sections 2-117, 2-118, as amended by Section 4, Chapter 332, O.S.L. 1992, 2-119, 2-121, 2-129, 3-104, 3-105.1, 3-111 and 4-106 (26 O.S. Supp. 1992, Section 2-118), which relate to secretary's duties, compensation of secretaries, appropriations to county election boards, officers of the county election board, compensation of certain county election board officials and cost paid by county and compensation of registrars; modifying salaries of certain election board employees; modifying method of determining certain salary levels; requiring Legislature to appropriate funds to pay salaries and fringe benefits of county election board secretary and employees; requiring Legislature to appropriate funds for operating expenses of county election boards; requiring state to provide certain office space and equipment; deleting certain requirement; increasing certain salaries of certain election board officials; requiring the state to pay mileage reimbursement under certain circumstances; requiring state to pay voter registrar compensation; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 26 O.S. 1991, Section 2-117, is amended to read as follows:

Section 2-117. The secretary of the county election board shall be the administrative officer of the county election board and shall have general supervisory authority over the several precinct election boards within the county. In counties having seventeen thousand five hundred or more registered voters, the secretary shall have the authority to employ and/or terminate an assistant secretary and such other employees as are necessary to perform the duties of the county election board. In counties having fewer than seventeen thousand five hundred registered voters, the secretary shall employ a chief clerk and such other employees as are necessary to perform the duties of the county election board. The secretary shall be charged with the operational responsibilities of the board, including, but not limited to, supervision, defining job positions and responsibilities of the employees, preparation of the annual budget, preparation and filing of all reports, and the implementation of policy, findings and actions lawfully prescribed or determined by the county election board. The minimum salary of the assistant secretary ~~shall be equal to the salary of the highest salaried first or chief deputy or assistant to any county officer in the same county,~~ or shall be equal to ninety percent (90%) of the scheduled salary of a full-time secretary in the same county, whichever is lower. The minimum salary of the chief clerk shall be equal to ~~one-half (1/2) of the salary of the highest salaried first or chief deputy or assistant to any county officer in the same county,~~ or ninety percent (90%) of the scheduled salary of a full-time secretary in the same county, ~~whichever is lower.~~ Salaries of additional personnel, including personnel employed temporarily, shall not exceed the salary of the assistant secretary

~~or chief clerk and shall be comparable to salaries paid for the same positions in other offices within the county. The salaries of the assistant secretary, chief clerk and other personnel shall be paid from county funds on a monthly basis.~~

SECTION 2. AMENDATORY 26 O.S. 1991, Section 2-118, as amended by Section 4, Chapter 332, O.S.L. 1992 (26 O.S. Supp. 1992, Section 2-118), is amended to read as follows:

Section 2-118. The secretary of each county election board shall be paid an annual salary according to the following schedule; provided, however, that the salary of a county election board secretary shall not fall below the level of the June 30, 1991 salary, regardless of the number of registered voters, excluding inactive, in the county and provided that no salary shall be increased to the secretary of any county election board while that county is under the administrative supervision of the Secretary of the State Election Board:

| Registered Voters | Salary |
|-------------------|-------------|
| 0 to 5,000 | \$ 7,704.00 |
| 5,001 to 10,000 | 10,804.00 |
| 10,001 to 15,000 | 13,891.00 |
| 15,001 to 17,500 | 16,978.00 |
| 17,501 to 25,000 | 20,077.00 |
| 25,001 to 50,000 | 25,647.00 |
| 50,001 to 75,000 | 34,303.00 |
| 75,001 to 150,000 | 39,303.00 |
| 150,001 or more | 44,303.00 |

The salary and fringe benefits paid to each secretary and other county election board employees shall be paid ~~from county funds on a monthly basis and shall be reimbursed~~ from funds appropriated by the Legislature for that purpose ~~at a rate of not to exceed one hundred twenty-five percent (125%) of the above-specified salaries.~~ Claims for said reimbursement shall be filed according to procedures

~~prescribed by the Secretary of the State Election Board and approved by the Director of State Finance. Said claims for reimbursement shall only be paid for actual expenditures made by the county.~~ The number of registered voters, for the purposes of this section, shall be determined by the number of registered voters, excluding inactive voters, in the county on January 1, 1979, and every two (2) years thereafter.

SECTION 3. AMENDATORY 26 O.S. 1991, Section 2-119, is amended to read as follows:

Section 2-119. ~~In addition to the salary paid the secretary and assistant secretary of chief clerk, it shall be the mandatory duty of the county excise board to~~ The Legislature shall appropriate annually adequate funds for operating expenses of the county election board in the discharge of ~~its~~ duties and responsibilities.

SECTION 4. AMENDATORY 26 O.S. 1991, Section 2-121, is amended to read as follows:

Section 2-121. ~~It shall be the mandatory duty of the county commissioners of each county to furnish, at county expense,~~ The state shall provide in each county seat a suitable office for the county election board. Said office shall provide adequate space for storage of election records and supplies, voting devices, ballot boxes and adequate space for the exercise of other functions required by law of the county election board and shall be equipped with suitable furniture and office equipment and a telephone. Said office shall be convenient to the public, shall have furniture, furnishings and fixtures and other equipment ~~comparable to other county offices within the county,~~ and necessary to the operation of said office.

SECTION 5. AMENDATORY 26 O.S. 1991, Section 2-129, is amended to read as follows:

Section 2-129. The inspector shall be paid ~~Fifty Dollars~~ ~~(\$50.00)~~ Fifty-two Dollars (\$52.00) for each election and shall be

allowed mileage reimbursement at the rate provided by the State Travel Reimbursement Act, Section 500.1 et seq. of Title 74 of the Oklahoma Statutes, for mileage incurred to receive or return ballots and materials for the election. Judges, clerks and counters shall be paid ~~Thirty-seven Dollars (\$37.00)~~ Thirty-nine Dollars (\$39.00) for each election. ~~An additional Two Dollars (\$2.00) per election shall be paid to each inspector, judge, clerk and counter of a precinct from the funds of the county.~~ Compensation provided herein shall be paid for any state, county, municipal or school district election; provided, however, that compensation for elections conducted concurrently shall not exceed in total the amount herein prescribed. Said compensation shall be paid by the State Election Board for all regular Primary, Runoff Primary and General Elections, all statewide special elections and all special elections for United States Representatives or United States Senators and State Senators or State Representatives.

SECTION 6. AMENDATORY 26 O.S. 1991, Section 3-104, is amended to read as follows:

Section 3-104. ~~The cost of rent for polling places, absentee ballot boxes, locks and keys, voting booths and United States flags shall be paid from county funds. The cost of central registries, maps and other materials required to be maintained by the county election board shall be paid from county funds. The cost of other supplies~~ necessary for the conduct of state elections shall be paid from state funds. The purchase and maintenance of computer hardware, software, voting devices and related supplies used in the Oklahoma Election Management System shall be paid from state funds.

SECTION 7. AMENDATORY 26 O.S. 1991, Section 3-105.1, is amended to read as follows:

Section 3-105.1 A. When any county, municipality, school district or other governmental entity authorizes an election to be conducted by the county election board, the secretary of the county

election board shall, not less than thirty-five (35) days prior to the election, submit to the governmental entity for whom the election is authorized:

1. An itemized estimate of the number of precinct inspectors, judges, clerks and counters necessary for the election; and

2. An estimate of the compensation and employer's share of any benefits to be provided to each precinct inspector, judge, clerk and counter.

B. Not less than fifteen (15) days prior to the election, the county, municipality, school district or other governmental entity authorizing the election shall submit to the secretary of the county election board an amount of funds equal to the estimate of compensation and benefits for precinct inspectors, judges, clerks and counters as provided in subsection A of this section. If such amount is not submitted ten (10) days prior to the election, the secretary of the county election board shall not be required to hold the election. Upon receipt of the funds, the secretary of the county election board shall deposit the funds in the County Election Board Special Depository Account.

C. The secretary of the county election board shall issue vouchers for the compensation and benefits of precinct inspectors, judges, clerks and counters from the County Election Board Special Depository Account, pursuant to Section 681 et seq. of Title 19 of the Oklahoma Statutes. The secretary of the county election board shall provide the vouchers to the precinct inspector, except the voucher for the inspector, at the time the inspector receives supplies and ballots for the election. The vouchers shall be distributed to the appropriate precinct judges, clerks and counters upon closing of the polls on the day of the election, according to procedures to be prescribed by the Secretary of the State Election Board. Each precinct inspector, judge, clerk or counter shall sign a form prescribed by the Secretary of the State Election Board

acknowledging receipt of compensation and benefits. The inspector shall return the form, together with any unclaimed vouchers, to the county election board, together with the results of the election and other supplies and materials. At such time, the secretary of the county election board shall provide a voucher for payment to the inspector. The secretary of the county election board shall return any unclaimed vouchers to the county treasurer within seven (7) days after the election. If any additional vouchers for compensation and benefits are required, the secretary of the county election board shall issue such vouchers not less than seven (7) days after the election. In no event shall compensation be made until after services have been rendered.

D. As soon as practicable after conducting an election for a municipality, school district, or other governmental entity, except the state or county, the secretary of the county election board shall submit a claim to the governing body of the entity for whom the election was conducted. The claim shall itemize all expenses associated with the election, and shall deduct any amount paid by the municipality, school district or other governmental entity for the compensation and employer's share of any benefits provided to precinct inspectors, judges, clerks and counters pursuant to the provisions of subsection B of this section. Upon receipt of such itemized claim, the governing body shall make payment to the county election board within thirty (30) days. Upon receipt of the payment, the secretary of the county election board shall deposit the payment in the County Election Board Special Depository Account. The secretary shall disburse payments for the expenses incurred in the election, pursuant to Section 681 et seq. of Title 19 of the Oklahoma Statutes.

E. The State Election Board shall provide the compensation and employer's share of benefits for precinct inspectors, judges, clerks and counters in the payment made to the respective counties for

elections for which said precinct inspectors, judges, clerks and counters are paid by the State Election Board, in the same manner as provided in subsections A and B of this section. ~~For the foregoing elections, the county shall place in the County Election Board Special Depository Account an amount of funds equal to Two Dollars (\$2.00) for each inspector, judge, clerk and counter at each election in the same manner as provided in subsections A and B of this section.~~ The Secretary of the State Election Board shall prescribe a procedure by which the State Election Board ~~or the county~~ shall be reimbursed for any overpayment made to a county election board for compensation and employer's share of benefits paid to precinct inspectors, judges, clerks and counters.

SECTION 8. AMENDATORY 26 O.S. 1991, Section 3-111, is amended to read as follows:

Section 3-111. Prior to the General Election in 1976, and every (2) years thereafter, the Secretary of the State Election Board shall cause to be conducted a training program in each county for voter registrars, precinct inspectors, judges, clerks and counters. Persons attending such training programs shall be allowed mileage reimbursement at the rate provided by the State Travel Reimbursement Act, Section 500.1 et seq. of Title 74 of the Oklahoma Statutes to be paid from county state funds.

SECTION 9. AMENDATORY 26 O.S. 1991, Section 4-106, is amended to read as follows:

Section 4-106. Each voter registrar shall receive as sole compensation for his services seventy-five cents (\$0.75) per registration, transfer or change of political affiliation transacted by said voter registrar, payable from county state funds. Said compensation may be waived if the voter registrar is a regular employee of a municipality, school district or other governmental subdivision who conducts registration transactions during the hours of his regular employment. A waiver may be granted only upon

execution of a written request for same from the voter registrar to the secretary of the county election board.

SECTION 10. This act shall become effective September 1, 1993.

44-1-0274

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