

# **Chapter 19**

## **Amended Rules & Electronic Application Demo**

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Presented by: Dan Glotzer,  
Election Funds Manager  
and Jennifer Templeton,  
Program Specialist

## §81.12 – Applicable Sections of the Election Code

- Commissioners court may not consider availability of Chapter 19 (CH19) funds when adopting the county budget.
  - Amend rule to clarify that CH19 is not intended to supplant county funds.
- CH19 may only be used to defray expenses of the office of voter registrar.

## §81.13 – Allowable Uses of Chapter 19 Funds

- The following must be identified and certified to when requesting CH19 funds:
  - Increase the number of registered voters;
  - Maintain and report an accurate list of registered voters; or,
  - Increase VR efficiency through technological improvements.
  - CH19 cannot be considered by the commissioners court in adopting the county budget.

## §81.13 – Allowable Uses of Chapter 19 Funds (cont.)

- The following must be identified and certified to when requesting CH19 funds:
  - CH19 may not be used for products or services already funded through state or federal programs that have been made available to the counties
    - Exception: Annual maintenance and licensing fees and other operating costs for existing county-owned equipment and software.
  - Upon request, SOS will provide prior approval for eligible expenses.

## §81.14 – Normal Day-to-Day Operation-- Defined

- Normal day-to-day operating costs must be funded through the commissioners court (county budget).
  - Statutory Duties
  - General Office Operating Expenses

## §81.14 (cont.) – Statutory Duties

- Costs associated with the following provisions of the Texas Election Code cannot be charged to CH19:
  - The physical acceptance and processing of voter registration certificates and renewals under Chapter 13.
  - Notices and corrections made under Chapter 15 and Chapter 16.
  - The processing and cost of supplying voter lists under §18.001.

## §81.14 (cont.) – General Office Operating Expenses

- The following costs are considered general office equipment or supplies and cannot be charged to CH19:
  - Office furniture, including file cabinets.
  - Office supplies.
  - Any phone line not dedicated to a computer modem.
  - Printing of voter registration cards.
  - Normal postage costs.
- The following will be proposed as reimbursable under CH19:
  - Equipment leases.
  - The repair and warranty of office equipment.
  - Annual License and Maintenance Fees.

## §81.15 – Funding Period

- Funding becomes available on June 1 of the fiscal year in which it is appropriated and remains available for 27 months, expiring on August 31.
  - e.g., FY 2010 funding period =  
June 1, 2010 thru August 31, 2012
- The time period in which CH19 funding requests must be received from the time of payment will be increased from 30 days to six months.
- Travel reimbursement submissions will remain 30 days from the completion of travel.
- It is proposed that the four consecutive week limitation on temporary employee submissions be eliminated.

## Electronic Submission of Chapter 19 Purchase Request Required for Payment

- A web-based application is currently being tested.
- Effective January 1, 2010, all CH19 requests must be submitted through the web-based application.

## §81.17 – Competitive Bidding

- Threshold for competitive bids will be increased from \$2,000 to \$5,000.
- Competitive bidding requires three bids from three separate vendors.
- Purchases made through state negotiated contracts as part of a state cooperative purchasing program satisfy competitive bidding requirements.
- Sole source or purchases where the lowest bidder was not selected require justification signed by the county purchasing authority.

## §81.18 – Approval Requirements

- CH19 requests will not be processed for payment without written or electronic approval of the Election Funds Manager and the Elections Director.

## §81.19 – Method of Payment

- All payments will be made on a reimbursement basis.
- Payments will be made payable to the county via direct deposit.
- Payments must be deposited in a fund designated exclusively for CH19 by the Voter Registrar.
  - The “CH19 Fund” may be its own account or reside within a pre-existing account in the county treasury.
  - Regardless, CH19 funds may not be comingled with other county funds and must be tracked
  - CH19 funds cannot be used for setup costs associated with new accounts.

## §81.20 – Ownership of Equipment

- Items and equipment purchased with Chapter 19 funds are the property of the county.
- The county is responsible for the maintenance and repair of such items and equipment (i.e., property management practices that safeguard the equipment).
- If items or equipment that were originally purchased with CH19 funds are no longer needed, the items or equipment may be transferred, with the voter registrar's approval, to other county uses.

## §81.20 – Ownership of Equipment (cont.)

- If the items or equipment are no longer needed by the county, they may be disposed of in the manner set by county guidelines.
- Proceeds received from the sale of items or equipment purchased with Chapter 19 funds may be used only for voter registration purposes in a manner consistent with the CH19 rules.

## §81.21 – Records Maintenance and Payment Reviews

- CH19 supporting documentation must be maintained for three state fiscal years (Sept – Aug) after the after the fiscal year in which the funding lapses.
- The following documents must be maintained:
  - Invoices from the vendor and a copy of the county paid voucher, ledger or bank statement substantiating the payment. The signed timesheet required by §81.22 of this title (relating to Use of Chapter 19 Funds for Temporary Employees) will be considered a "vendor's invoice" for purposes of this rule.
  - All procurement documentation including the solicitation, bids, scoring documents, selection criteria, sole source or best value justification, if applicable.
  - Any documents containing Chapter 19 records.

## §81.21 – Records Maintenance and Payment Reviews (cont.)

- The SOS will develop a review schedule (e.g., quarterly, semiannually, annually) of supporting documentation.
- Reviews may cover 100% of payments or a sampling based on a risk assessment.
- Corrections resulting from reviews will be applied to subsequent CH19 reimbursement(s).

## §81.22 – Temporary Employees

- Temporary employees may be employed to alleviate workloads beyond county-budgeted resources.
- Permanent full or part-time county employees may not be funded with CH19 funds.
- Temporary employees may be utilized 39 during the state fiscal year (Sep – Aug)
  - The number of hours and temps that work in a given week does not matter – it will count as one week.

## §81.23 – Travel

- Chapter 19 funds may be used to pay travel expenses permanent full-time and part-time voter registration staffers to attend voter registration seminars and demonstrations.
- The following limitations apply to Chapter 19 travel:
  - Reimbursements will be made based on actual costs.
  - Lodging, per diem, and mileage rates may not exceed those set by the Texas Comptroller of Public Accounts.
  - Travel by personal car is reimbursable at the rate set by the Texas Comptroller of Public Accounts per mile with mileage computed using the originating county seat as the departure point and computing final mileage using the mapping tool on the Chapter 19 web-based application.

## §81.23 – Travel (cont.)

- The following limitations apply to Chapter 19 travel:
  - If more than one person is traveling from the same headquarters to the same destination, the travelers are to ride together in a single automobile if practicable.
  - The rental of luxury cars will be disallowed, except in special circumstances requiring the use of large cars, i.e., several employees traveling together or large volumes of equipment or supplies are being transported.
  - Chapter 19 funds will not cover expenses for first class accommodations, tips, gratuities, valet parking or alcoholic beverages.

## §81.23 – Travel (cont.)

- The following limitations apply to Chapter 19 travel:
  - Travel to seminars and demonstrations where voter registration is not the only topic covered will be reimbursed at 50%
    - The SOS may consider a higher percentage if the organization conducting the event supplies evidence that more than 50% of the event covers voter registration topics.
  - Travel advances will no longer be issued.

## §81.24 – Membership Dues

- Membership dues to groups or associations are payable with Chapter 19 funds only if voter registration and/or election administration is the purpose of the group or association.

## §81.25 – Voter Registration Drives Encouraged

- Efforts to increase the number of registered voters is an allowable CH19 expense.
- Examples include mail-outs of applications to households, insertion of applications into newspapers, distributing applications at public locations, and other forms of advertising.
- Voter Registration expenses that are not CH19-eligible include but are not limited to the following:
  - “Promotional items” (e.g., memorabilia, models, gifts, other souvenirs, and other such novelties or items of nominal value).
  - Materials with names of specific individuals or that promote a political party, candidate, or issue.
  - Food and beverages.

## §81.26 – Technology Purchases Encouraged

- Technology-related costs that are eligible include but are not limited to:
  - Installation of equipment and software.
  - Computer hardware, software, printers, and computer training.
  - Costs associated with providing information pursuant to §18.061 of the Election Code.
- County employed technical staff (e.g., programmers) cannot be reimbursed with CH19 funds.
- Property management (upkeep and maintenance) is the responsibility of the county.
- If the technology acquisition is not used exclusively for Chapter 19, the cost must be prorated.

## §81.27 – Electronic Office Equipment Purchases Encouraged

- Electronic office equipment costs that are eligible include but are not limited to:
  - Copiers, fax machines, optical imaging systems, electronic retriever file systems and typewriters.
- Reminder: office furniture such as desks, chairs and file cabinets are not eligible.
- Property management (upkeep and maintenance) is the responsibility of the county.
- If the equipment is not used exclusively for Chapter 19, the cost must be prorated.

## §81.28 – NVRA Expenses--Payable

- NVRA expenses are allowable.
  - Expenses include but are not limited to computer programming changes required by §15.081 of the Election Code and the printing and mailing of confirmation notices required by §§13.146, 14.023, 16.0921 of the Election Code.

## **§81.29 – Adherence to Rules Required**

- Failure to adhere to the Chapter 19 rules may result in the denial of reimbursement.