

# Office of the Secretary of State Funds Statutory Authorities



The Honorable John H. Merrill

*August 5, 2015; February 20, 2016; March 10, 2016; May 20, 2016; April 18, 2016*

## **Introduction**

There are fifteen funds utilized by the Alabama Secretary of State. The information contained in this document provides general information about the funds, excepting the Alabama Athlete Agents Fund<sup>1</sup>. The Alabama Secretary of State's Office no longer receives a general fund appropriation for administrative support.

## **Staff Contributing**

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<sup>1</sup> Code of Ala. 1975 § 8-26A-31

## **Office of the Secretary of State Non-General Funds**

### **Uniform Commercial Code Fund Code of Ala. 1975, § 7-9A-525<sup>2</sup> [Fund 0344-046-0596]**

All funds deposited in the State Treasury to the credit of the Uniform Commercial Code Fund shall be expended for the purpose of carrying out the provisions of the law authorizing the collection of such funds and shall be payable from said fund on the requisition of the Secretary of State; provided, however, commencing in the fiscal year beginning October 1, 2003, and in subsequent fiscal years, no funds shall be withdrawn nor expended for any purpose whatsoever unless the same shall have been allotted and budgeted in accordance with the provisions of Article 4 of Chapter 4 of Title 41, and only in the amounts and for the purposes provided by the Legislature in the general appropriation bill.

### **State Entity Fund (Corporations) Code of Ala. 1975, § 10A-1-4.31 (c) – (e) [Fund 0345-046-0596]**

All funds deposited in the State Treasury to the credit of the Secretary of State Entity Fund shall not be expended for any purpose whatsoever unless the same shall have been allotted and budgeted in accordance with the provisions of Article 4 of Chapter 4 of Title 41, and only in the amounts and for the purposes provided by the Legislature in the general appropriation bill or this section.

Seventy percent of funds collected by the Secretary of State in relation to entities during the fiscal year shall be deposited to the credit of the State General Fund.

### **Electronic Voting Fund Code of Ala. 1975, § 17-7-23 [Fund 0577-046-0573]**

The vendor submitting a system for certification shall pay to the State of Alabama by depositing with the State Treasury for distribution to reimburse the committee in an amount equal to the actual costs, if any, incurred in examining the system. Such reimbursement shall be made whether or not the system is certified.

### **Voter Registration Fund Code of Ala. 1975, § 17-4-62 [Fund 0773-046-9186]**

The receipts shall be disbursed only by warrant of the State Comptroller drawn upon the State Treasury supported by itemized vouchers approved by the Secretary of State. No funds shall be withdrawn or expended except as budgeted and allotted according to Sections 41-4-80 to 41-4-96, inclusive, and 41-19-1 to 41-19-12, inclusive, and only in amounts as stipulated in the general appropriations act, or other appropriations acts.

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<sup>2</sup> See also Ala Admin. Code r. 820-4-3-.01 (13) (c).

**Help America Vote Act (HAVA) Fund Code of Ala. 1975, § 17-2-1<sup>3</sup>**  
**[Fund 1133-046-9185]**

The receipts shall be disbursed only by warrant of the State Comptroller drawn upon the State Treasury supported by itemized vouchers approved by the Secretary of State. No funds shall be withdrawn or expended except as budgeted and allotted according to Sections 41-4-80 to 41-4-96, inclusive, and 41-19-1 to 41-19-12, inclusive, and only in amounts as stipulated in the general appropriations act or other appropriation acts.

**Pew Charitable Trust Grant Fund**  
**[Fund 1147-046-9187]**

Pursuant the authority contained in Act No. 2015-459, the Secretary of State entered into an Agreement with the Electronic Registration Information Center, Inc. (ERIC) on October 6, 2015, related to strengthening Alabama's statewide voter list. Related to implementing ERIC, the Secretary of State entered into a grant agreement with The Pew Charitable Trusts (Pew) on January 11, 2016 to be provided certain grant funding to implement ERIC. This fund contains the Pew grant funds.

**Farmers Credit Protection Fund Code of Ala. 1975, § 7-9A-320<sup>4 5</sup>**  
**[Fund 1178-046-0596]**

All funds deposited in the State Treasury to the credit of the Alabama Farmers Credit Protection Fund shall be expended for the purpose of administering the provisions of law authorizing the collection of such funds and shall be payable from the fund on the requisition of the Secretary of State. Such funds shall be exempt from the provisions of subsection (g) of Section 7-9A-525. Commencing October 1, 2003, no funds shall be withdrawn nor expended for any purpose whatsoever unless the same shall have been allotted and budgeted in accordance with Article 4 of Chapter 4 of Title 41, and only in the amounts and for the purposes provided by the Legislature in the general appropriations act.

**Information Bulk Sales Fund Code of Ala. 1975, § 7-9A-523 (f)<sup>6</sup>**  
**[Fund 1187-046-0596]**

Section 7-9A-525 or any other law to the contrary notwithstanding, all funds, fees, charges, costs and collections accruing to or collected by the office of the Secretary of State under the provisions of this section shall not be expended for any purpose whatsoever unless the same shall have been allotted and budgeted in accordance with the provisions of Article 4 of Chapter 4 of Title 41, and only in the amounts and for the purposes provided by the Legislature in the general appropriation bill or this section.

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<sup>3</sup> For more information please visit

<https://www.cfda.gov/index?s=program&mode=form&tab=core&id=42cf025de4dfe3ac626672ed0744542c>

<sup>4</sup> See also Ala Admin. Code r. 820-4-3-.01 (13) (c).

<sup>5</sup> See also Ala. Admin. Code r. 820-4-2-.07 (Not finalized and pending).

<sup>6</sup> See also Ala Admin. Code r. 820-4-3-.01 (13) (c).

**Homeowner's Association Act Supplement Filing Fee<sup>7</sup>**  
**[Fund 1686-046-0596]**

Pursuant to the authority contained in Act No. 2015-292 and codified at Code of Ala. 1975, § 35-20-1, et seq., the Secretary of State is required to accomplish certain duties related to Alabama Homeowner Associations and, further, may adopt rules necessary for the implantation of this law, including the adoption of reasonable fees for the filing of documents related thereto. There is a \$50.00 supplemental filing fee related to the aforesaid law as prescribed by new Administrative rule. The administrative rule became effective April 18, 2016.

Due to the fact that this supplemental fee is associated to the fees prescribed at Code of Ala. 1975, § 10A-1-4.31, seventy percent of funds collected by the Secretary of State shall be deposited to the credit of the State General Fund.

**Office of Secretary of State General Funds**

**Training of Election Officials**  
**[Fund 0119-046-9161]**

The Alabama Legislature appropriates funds for the training of election officials pursuant to the court order entered by the U.S. District Court, Middle District of Alabama, in *Harris v. Siegelman*.<sup>8</sup>

**Distribution of Public Documents**  
**[Fund 0119-046-9182]**

Code of Ala. 1975, § 36-14-1 It is the duty of the Secretary of State to keep the original statutes and public records of the state, and the records and papers belonging to the Legislature, keeping the papers of each house separate.

Code of Ala. 1975, § 36-14-11 The Secretary of State shall retain for the use of the executive offices and the two houses of the Legislature the number of copies of all volumes of the acts and resolutions of each session necessary to provide for distribution pursuant to law.

Code of Ala. 1975, § 17-5-11 The expenses incurred by the Secretary of State in furnishing forms, accepting statements and reports, filing statements and reports, and making such statements and reports available to the public shall be paid from moneys designated to the distribution of public documents.

Code of Ala. 1975, § 41-21-8 Out of the moneys in the State Treasury not otherwise appropriated, such amounts of money as are, or may be, necessary to distribute the sets of code to the several state and county officers, agents and employees.

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<sup>7</sup> See also Ala Admin. Code r. 820-5-1-.01 through 820-5-1-.06.

<sup>8</sup> 700 F.Supp. 1083 (M.D. Ala. 1988).

**Printing of Code (of Alabama) & Supplements**  
**[Fund 0119-046-9183]**

Code of Ala. 1975, §§ 41-21-1 through 41-21-8 Out of the moneys in the State Treasury not otherwise appropriated, such amounts of money as are, or may be, necessary to distribute the sets of code to the several state and county officers, agents and employees.

**Printing of Acts & Journals**  
**[Fund 0119-046-9184]**

Code of Ala. 1975, § 36-14-11 The Secretary of State shall retain for the use of the executive offices and the two houses of the Legislature the number of copies of all volumes of the acts and resolutions of each session necessary to provide for distribution pursuant to law.

**Registration of Voters Fund**  
**[Fund 0101-053-0070]**

Code of Ala. 1975, § 17-3-5 Each registrar shall receive a salary in the amount of sixty dollars (\$60) per day for each day's attendance upon business of the board, to be paid by the state and disbursed to the county commissions and disbursed by the county commissions to each registrar on order of a quorum of the board of registrars of the county. The state Comptroller shall issue to each county commission on a monthly basis an amount sufficient to fund these payments plus the employer share of the Social Security or Federal Insurance Corporation Act tax. Travel and other expenses shall be paid by the county commissions to the boards of registrars and the state shall reimburse the county commissions based on a written request submitted by the county commissions to the state Comptroller.

Code of Ala. 1975, § 17-3-57 The Secretary of State shall furnish to each board of registrars the necessary forms and supplies for effectuating the purposes of this chapter, and the expense incurred thereby shall be paid by the state. The cost of the publication of the notices required to be given by the registrars shall be paid by the state.

Code of Ala. 1975, § 17-9-30 The expenses for the production of the Alabama photo voter identification card shall be paid from funds appropriated in the state General Fund for Registration of Voters.