

ARKANSAS REGISTER

Transmittal Sheet

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For Office Use Only:

Effective Date _____ Code Number _____

Name of Agency Secretary of State

Department Elections

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Statutory Authority for Promulgating Rules 7-5-324

Rule Title: Emergency Rules on Verification Voter Registration Cards

Intended Effective Date
(Check One)

Date

<input checked="" type="checkbox"/> Emergency (ACA 25-15-204)	Legal Notice Published	<u>NA</u>
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Electronic Copy of Rule e-mailed from: (Required under ACA 25-15-218)

Peyton Murphy peyton.murphy@sos.arkansas.gov 08/25/17

Contact Person E-mail Address Date

CERTIFICATION OF AUTHORIZED OFFICER

I Hereby Certify That The Attached Rules Were Adopted
In Compliance with the Arkansas Administrative Act. (ACA 25-15-201 et. seq.)

Signature

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Phone Number E-mail Address

Emergency Rules on Verification Voter Registration Cards

Title

08/25/17

Date

ARKANSAS SECRETARY OF STATE



Emergency Rules on Verification Voter Registration Cards

August 4, 2017

1.0 TITLE

1.01 These rules shall be known as the Rules on Verification of Voter Registration Cards.

2.0 AUTHORITY AND PURPOSE

2.01 These rules are promulgated pursuant to Act 633 of 2017.

2.02 The purpose of these rules is to provide procedures for the issuance of a Verification of Voter Registration Card and implementation of a program facilitating Verification of Voter Registration by voters.

3.0 DEFINITIONS

3.01 Application – As used in these rules, Application means an Application for a Verification of Voter Registration Card.

3.02 County Clerk – As used in these rules, the County Clerk is the official elected by the voters of a county to serve as County Clerk or a member of his or her staff.

3.03 Verification of Voter Registration:

(1) A document or identification card that meets all of the following conditions:

- (a) Shows the name of the person to whom the document or identification card was issued;
- (b) Shows a photograph of the person to whom the document or identification card was issued; and
- (c) Is issued by the United States, the State of Arkansas, or an accredited postsecondary educational institution in the State of Arkansas; and
- (d) If displaying an expiration date, the document or card is not expired or expired no more than four (4) years before the date of the election in which the person seeks to vote.

(2) Documents or identification cards that comply with the above requirements in 3.03 (1) for verification of voter registration, may include, without limitation, the following:

- (a) A driver's license;
- (b) A photo identification card;

- (c) A concealed handgun carry license;
- (d) A United States passport;
- (e) An employee badge or identification document issued by an accredited postsecondary educational institution in the State of Arkansas;
- (f) A United States military identification document;
- (g) A public assistance identification card if the card shows a photograph of the person to whom the document or identification card was issued; and
- (h) A Verification of Voter Registration Card as provided under Ark. Code § 7-5-324.

3.04 Verification of Voter Registration Card – Card issued by a County Clerk in Arkansas in compliance with the requirements of Act 633 of 2017 and these Rules.

4.0 EQUIPMENT AND TRAINING

4.01 The Secretary of State will provide to the County Clerk the equipment, software and training needed for producing Verification of Voter Registration Cards.

4.02 The equipment, software, and training may be provided prior to the effective date of these Rules to allow a County Clerk to begin issuing Verification of Voter Registration Cards on August 1, 2017.

5.0 ELIGIBILITY

5.01 A Verification of Voter Registration Card shall be issued by the County Clerk to an applicant who meets the following requirements:

1. Does not have another valid form of Verification of Voter Registration; and
2. a. Is registered to vote in the county where he or she is submitting the Application; or
b. Will be at least eighteen (18) years of age at the next election and has submitted a voter registration application that has been received and processed by the County Clerk to whom he or she is submitting the Application.

5.02 The applicant shall sign an affidavit that he or she does not possess a valid form of identification meeting the criteria set forth in Arkansas Constitution, Amendment 51, § 13.

6.0 APPLICATION

6.01 Applicant shall use the form designed and published by the Secretary of State to request a Verification of Voter Registration Card.

6.02 The Secretary of State shall post a copy of the Application on its website and shall make a copy of the Application available upon request. The Secretary of State shall also provide a copy of the Application form to each of the seventy-five (75) County Clerks in the State of Arkansas.

6.03 The Application for a Verification of Voter Registration Card may request the following information from an applicant:

- (a) Full legal name
- (b) Residential street address where the applicant is registered to vote
- (c) Date of Birth
- (d) Gender
- (e) Height
- (f) Eye Color

6.04 The Application shall include an Affidavit that he or she does not possess a card or document that would qualify as Verification of Voter Registration as defined in the Arkansas Constitution, Amendment 51, § 13. The Affidavit shall specifically include the definition of Verification of Voter Registration.

6.05 The Application shall include sufficient space for the County Clerk to record what type of document(s) were presented by the applicant to demonstrate his or her identity.

7.0 VERIFICATION BY COUNTY CLERK

7.01 The County Clerk shall require the following before issuing a Verification of Voter Registration Card:

- (a) Completed Application; and

(b) Signature of the applicant on the Affidavit affirming that the applicant does not possess any document or card that could be considered Verification of Voter Registration under Arkansas Constitution, Amendment 51, § 13.

7.02 The County Clerk shall require the presentation and verification of the following information before issuing a Verification of Voter Registration Card:

- (a) A photo or non-photo identity document which includes both the applicant's full legal name and date of birth;
- (b) Documentation showing the applicant's name and residential address; and
- (c) Evidence that the applicant is registered to vote in the county where he or she is submitting the Application, or will be at least eighteen (18) years of age at the next election and has submitted a voter registration application that has been received by the County Clerk to whom he or she is submitting the Application for a Verification of Voter Registration Card.

7.03 Identity documents, as required in Section 7.02 (a) above, must include both the applicant's full legal name and date of birth. Documents satisfying the requirement of an identity document may include, but are not limited to, any of the following:

- (a) Original birth certificate or certified copy of a birth certificate;
- (b) Copy of Marriage License Application;
- (c) Copy of Applicant's State or Federal Tax Return filed for the previous calendar year, with Affidavit of authenticity from taxpayer;
- (d) Paycheck or paycheck stub bearing the imprinted names of the applicant and the applicant's employer;
- (e) An original Medicare or Medicaid statement received by the applicant;
- (f) An original annual social security statement received by the applicant for any of the current or preceding four calendar years;
- (g) Certified school record or transcript for the current or preceding calendar year;
- (h) Naturalization documentation; or
- (i) DD-214 form issued by the federal government to members of the military.

7.04 Documentation showing the applicant's name and residential address, as required in Section 7.02 (b) above may include, but are not limited to, any of the following:

- (a) Utility, cable, internet, or satellite television bill issued within the last sixty (60) days;
- (b) Bank statement issued within the last sixty (60) days;
- (c) Copy of Applicant's State or Federal Tax Return filed for the previous calendar year with Affidavit of authenticity from taxpayer;
- (d) Currently valid residential rental contract or receipt for payment made within the last sixty (60) days for residential rent payments, which includes name of landlord;
- (e) Homeowners' insurance policy or bill for the current or preceding calendar year;
- (f) Mortgage, payment coupon, deed, or property tax bill for the current or preceding calendar year;
- (g) Personal property tax bill for the current or preceding calendar year;
- (h) Current automobile registration receipt; or
- (i) W-2 issued by applicant's employer for the preceding calendar year.

7.05 The County Clerk shall verify that the legal name, date of birth, and residential address on the documents provided as described in Sections 7.02, 7.03 and 7.04 above, match the name, date of birth and address on the voter registration record.

7.06 The County Clerk shall record on the Application submitted by the voter the type of document(s) that were presented by the applicant to demonstrate his or her identity.

7.07 If the applicant submits a voter registration application on the same day that he or she requests a Verification of Voter Registration Card, the County Clerk shall process the voter registration application in their routine manner to allow for validation of the voter registration information. The Verification of Voter Registration Card shall not be prepared until the Clerk has processed the voter registration application. The Verification of Voter Registration Card may be provided in person or mailed to the mailing address contained on the voter registration application.

8.0 FEE

8.01 No fee or charge shall be requested or collected for the Application for, or issuance of, a Verification of Voter Registration Card, nor for any required Affidavit. The County Clerk shall not require or accept payment for a Verification of Voter Registration Card.

9.0 INFORMATION ON CARD

9.01 A Verification of Voter Registration Card shall contain the following information for the voter applying for the card:

- (a) Applicant's full legal name; and
- (b) Registrant ID number from the electronic voter registration system maintained by the County Clerk.

9.02 A Verification of Voter Registration Card shall also contain the following:

- (a) The name of the County issuing the card;
- (b) The date of issuance;
- (c) Color photograph of the voter applying for the card; and
- (d) A statement establishing that the card is valid only for voting purposes.

9.03 If permitted by the software provided by the Secretary of the State, the Verification of Voter Registration Card shall contain the following:

- (a) A silhouette or outline of the County issuing the card;
- (b) A copy of the signature of the County Clerk;

9.04 The back of the card shall include information on where to return the card if it is found after being stolen, lost, or misplaced.

10.0 EXPIRATION

10.01 The Verification of Voter Registration Card shall remain valid as long as the person resides in the same county in which the Verification of Voter Registration Card was issued and remains registered to vote. If the voter moves to a different county, the voter must either:

- (a) Return the Verification of Voter Registration Card to the County Clerk in which the card was issued upon the submission of a change in registration form; or
- (b) Turn the Verification of Voter Registration Card into the County Clerk of his or her new residence, upon submission of change of registration form.

10.02 The Clerk shall return the “old” Verification of Voter Registration Card to the County Clerk’s Office that issued the card.

10.03 If the voter moves out of the State of Arkansas, the voter shall return the Verification of Voter Registration Card to the County Clerk from which the card was issued.

11.0 PHOTOGRAPHS

11.01 Each Verification of Voter Registration Card shall include a color photograph of the voter applying for the card. Absent the application of subsections 11.02, 11.03, and 11.04, below, the photograph shall be taken without sunglasses, hat, headgear or other device that disguises or otherwise conceals the face or head of the applicant.

11.02 A waiver may be granted by the County Clerk allowing the applicant to wear headgear or a head covering for medical or religious purposes so long as the face is not disguised or otherwise concealed.

11.03 Any waiver granted pursuant to Section 11.02 above, must be in writing, and signed by the County Clerk. The waiver must be attached to the Application and remain in the County Clerk’s files with the voter’s Application for a Verification of Voter Registration Card. Any such waiver is not transferable, but the Clerk may forward a copy of a waiver to the Clerk of a new county of registration upon request.

11.04 The County Clerk shall maintain a copy of the photograph and attach it to the Application submitted by the voter.

12.0 DUPLICATES OR REPLACEMENT

12.01 If a voter misplaces or loses their Verification of Voter Registration Card and requests that a duplicate or replacement be issued, the voter shall submit an affidavit to the County Clerk, swearing or affirming that card previously issued has been misplaced or lost. The voter shall also include in the affidavit a statement that or she did not give, transfer or otherwise transmit the previous Verification of Voter Registration Card to another person. The voter shall complete a new Application, and provide all of the information required under these Rules for issuance of a Verification of Voter Registration Card.

12.02 If a voter changes their address within the county or damages their Verification of Voter Registration Card and returns it to the County Clerk’s Office that issued the card, the Clerk may provide a replacement Verification of Voter Registration Card as long as

the applicant is still a registered voter within the county. The County Clerk shall follow all of the procedures described in these rules for destruction of the damaged card.

12.03 If a duplicate or replacement card is issued, the County Clerk shall make a notation in the voter's record in the electronic voter registration system that a duplicate or replacement card was issued to the voter. The date that the duplicate or replacement card was issued shall be included in the notation in the voter's record in the electronic voter registration system. The replacement card shall have the new date of issuance.

13.0 CHANGE OF COUNTY

13.01 If a voter changes his residential address to a different county and needs a Verification of Voter Registration Card, the voter shall submit a new Application to the new County Clerk's Office where he or she is now registered to vote. The applicant shall provide all of the information under these Rules for issuance of a Verification of Voter Registration Card.

13.02 A voter who changes his residential address to a different county may use a Verification of Voter Registration Card issued by the Clerk in County where he or she previously resided as a form of identification for obtaining a new Verification of Voter Registration Card as long as he or she was still registered at the time of the change of registration, and was otherwise eligible to vote in the County where he or she previously resided.

14.0 ADDITIONAL COUNTY CLERK RESPONSIBILITIES

14.01 The County Clerk must maintain the following:

- (a) A copy of every Application for a Verification of Voter Registration Card;
- (b) A copy of the photograph taken of the applicant, with the date taken if different from the date of issuance of the Card; and
- (c) A copy of any written waiver provided to the applicant.

14.02 The photograph shall be scanned and attached to the applicant's voter registration record in the electronic voter registration system.

14.03 The County Clerk shall make a notation in the voter's record in the electronic voter registration system that a Verification of Voter Registration Card was issued to the voter. The date that the card was issued should be included in the notation in the voter's record in the electronic voter registration system.

14.04 By the fifth day of each new calendar quarter, the County Clerk shall submit to the Secretary of State a report identifying the number of Verification of Voter Registration Cards he or she has issued in the prior calendar quarter. The method for reporting the number of Verification of Voter Registration Cards issued, shall be determined by the Secretary of State and may be electronic or paper, at the Secretary's discretion.

14.05 The County Clerk shall destroy any Verification of Voter Registration Card that is returned to the Clerk's office if the card was issued by that County Clerk's Office. If any person returns or submits a Verification of Voter Registration Card issued by another County Clerk's Office, the County Clerk shall transmit or return the Card to the County of origin, before sending any report to the Secretary of State's Office as required in 14.04, above.

14.06 Prior to destroying a Verification of Voter Registration Card, the County Clerk shall ensure that a notation has been entered in the electronic voter registration system that the Card was returned. A notation shall also be made on the Application that the Verification of Voter Registration Card was returned, and from which County the card was returned, if not returned by the voter.

14.07 If a duplicate or replacement card is issued, the County Clerk shall make a notation in the voter's record in the electronic voter registration system that a duplicate or replacement card was issued to the voter. The date that the duplicate or replacement card was issued shall be included in the notation in the voter's record in the electronic voter registration system.

14.08 The County Clerk is responsible for inventory, security and integrity of the equipment and the system used to create the identification cards.

15.0 USE OF CARD

15.01 A Verification of Voter Registration Card is valid for the sole purpose of providing verification of voter registration for voting purposes in the county in which it was issued. Each Verification of Voter Registration Card issued by a County Clerk shall contain a statement establishing that the card is valid only for voting purposes.

16.0 RESIDENTS OF LONG-TERM CARE FACILITIES EXEMPT

16.01 A resident of a long-term care or residential care facility licensed by the State of Arkansas is not required to verify his or her voter registration before voting. In lieu of providing Verification of Voter Registration, a resident is required to provide

documentation from the administrator of the facility attesting that the person is a resident of the facility.

16.02 A letter, on facility letterhead, dated and signed by the administrator which specifically identifies the full name of the resident in the body of the letter is sufficient to meet the documentation requirement. The letter is valid for one (1) year after the date it is signed and issued.

16.03 The letter issued by the administrator can be used by a resident of a long-term care facility during early voting, on election day at a polling location, and when voting by absentee ballot.

16.04 Residents of long-term care or residential care facilities voting on election day or during early voting may also utilize the Documentation of Residency for Voting In Person form provided by the Secretary of State.

17.0 VERIFICATION OF VOTER REGISTRATION REQUIRED WITH ABSENTEE BALLOTS

17.01 When voting by absentee ballot, a voter must submit with the voter statement a copy of a Verification of Voter Registration, as defined by Rule 3.03 of these rules, unless the voter is:

- (i) An active duty member of the uniformed services of the United States or United States Merchant Marine who is absent from the country on election day because of his or her service;
- (ii) The spouse or dependent of an active duty member of the uniformed services of the United States or United States Merchant Marine who is absent from the country on election day because of the service of the member; or
- (iii) A resident of a long-term care or residential care facility licensed by the state of Arkansas.

17.02 A copy of a Verification of Registration Card issued pursuant to Act 633 of 2017 and these Rules can be submitted by an absentee voter to meet the verification of registration requirement.

18.0 TRAINING

18.01 Any training provided by the Secretary of State, prior to August 1, 2017 shall be sufficient to meet the requirements for training herein.

19.0 ELECTIONS COVERED

19.01 These rules apply to all elections held in the State of Arkansas which occur on or after August 1, 2017.

20.0 EFFECTIVE DATE

20.01 These emergency rules are effective upon approval by the Arkansas Legislative Counsel and filing with the Secretary of State.