

QUESTIONNAIRE FOR FILING PROPOSED RULES AND REGULATIONS  
WITH THE ARKANSAS LEGISLATIVE COUNCIL

DEPARTMENT/AGENCY State Board of Election Commissioners

DIVISION \_\_\_\_\_

DIVISION DIRECTOR Keith Rutledge, Director

CONTACT PERSON Daniel Shults, Attorney

ADDRESS 501 Woodlane Street, Suite 401N, Little Rock, Arkansas, 72201

PHONE NO. (501) 682-1447 FAX NO. (501) 682-1782 E-MAIL daniel.shults@arkansas.gov

NAME OF PRESENTER AT COMMITTEE MEETING Daniel Shults

PRESENTER E-MAIL daniel.shults@arkansas.gov

INSTRUCTIONS

- A. Please make copies of this form for future use.
- B. Please answer each question completely using layman terms. You may use additional sheets, if necessary.
- C. If you have a method of indexing your rules, please give the proposed citation after "Short Title of this Rule" below.
- D. Submit two (2) copies of this questionnaire and financial impact statement attached to the front of two (2) copies of the proposed rule and required documents. Mail or deliver to:

Donna K. Davis  
 Administrative Rules Review Section  
 Arkansas Legislative Council  
 Bureau of Legislative Research  
 One Capitol Mall, 5<sup>th</sup> Floor  
 Little Rock, AR 72201

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1. What is the short title of this rule? Emergency Rules for the Verification of Voter Registration
2. What is the subject of the proposed rule? This rule governs voting and sets out various rules and procedures regarding the process of verifying a voter's registration, whether that registration must be verified, and the consequences if a voter fails to meet the relevant legal requirements in order to cast a regular ballot. This rule is designed to implement and clarify the changes in constitutional and statutory law made by Act 633 of 2017.
3. Is this rule required to comply with a federal statute, rule, or regulation? Yes \_\_\_\_\_ No X  
 If yes, please provide the federal rule, regulation, and/or statute citation. \_\_\_\_\_
4. Was this rule filed under the emergency provisions of the Administrative Procedure Act?  
 Yes X No \_\_\_\_\_  
 If yes, what is the effective date of the emergency rule? Effective upon legislative approval and filing (estimated date August 15, 2017)  
 When does the emergency rule expire? (estimated date December 23, 2017)  
 Will this emergency rule be promulgated under the permanent provisions of the Administrative Procedure Act? Yes X No \_\_\_\_\_

5. Is this a new rule? Yes  No  If yes, please provide a brief summary explaining the regulation.

This Rule sets out the procedures and requirements for the process of verifying a voter's registration under Act 633. This Act requires most voters to verify their voter registration before they cast a ballot in Arkansas. The rule sets out how the verification process will operate and summarizes when it must be applied.

Does this repeal an existing rule? Yes  No  If yes, a copy of the repealed rule is to be included with your completed questionnaire. If it is being replaced with a new rule, please provide a summary of the rule giving an explanation of what the rule does.

Is this an amendment to an existing rule? Yes  No  If yes, please attach a mark-up showing the changes in the existing rule and a summary of the substantive changes. **Note: The summary should explain what the amendment does, and the mark-up copy should be clearly labeled "mark-up."**

6. Cite the state law that grants the authority for this proposed rule? If codified, please give the Arkansas Code citation. Act 633 of 2017 codified as Ark. Const. amend. 51, §13(b)(7) and Ark Code Ann. §7-4-101(f)(5)
7. What is the purpose of this proposed rule? Why is it necessary? This rule is necessary to ensure local election officials understand the changes in law implemented by Act 633. It is also essential to establish a uniform procedure for the application of these changes so that all voters in Arkansas are treated the same when casting their ballots.
8. Please provide the address where this rule is publicly accessible in electronic form via the Internet as required by Arkansas Code § 25-19-108(b). (Will be posted on) <http://www.arkansas.gov/sbec/>
9. Will a public hearing be held on this proposed rule? Yes  No   
If yes, please complete the following:  
Date: \_\_\_\_\_  
Time: \_\_\_\_\_  
Place: \_\_\_\_\_
10. When does the public comment period expire for permanent promulgation? (Must provide a date.)  
\_\_\_\_\_
11. What is the proposed effective date of this proposed rule? (Must provide a date.)  
\_\_\_\_\_
12. Please provide a copy of the notice required under Ark. Code Ann. § 25-15-204(a), and proof of the publication of said notice.
13. Please provide proof of filing the rule with the Secretary of State and the Arkansas State Library as required pursuant to Ark. Code Ann. § 25-15-204(e).
14. Please give the names of persons, groups, or organizations that you expect to comment on these rules? Please provide their position (for or against) if known.

**FINANCIAL IMPACT STATEMENT**

**PLEASE ANSWER ALL QUESTIONS COMPLETELY**

**DEPARTMENT** State Board of Election Commissioners

**DIVISION** \_\_\_\_\_

**PERSON COMPLETING THIS STATEMENT** Daniel Shults, Attorney

**TELEPHONE NO.** (501) 682-1447 **FAX NO.** (501) 682-1782 **EMAIL:** daniel.shults@arkansas.gov

To comply with Ark. Code Ann. § 25-15-204(e), please complete the following Financial Impact Statement and file two copies with the questionnaire and proposed rules.

**SHORT TITLE OF THIS RULE** Emergency Rules for the Verification of Voter Registration

1. Does this proposed, amended, or repealed rule have a financial impact?  
Yes \_\_\_\_\_ No   X
  
2. Is the rule based on the best reasonably obtainable scientific, technical, economic, or other evidence and information available concerning the need for, consequences of, and alternatives to the rule?  
Yes   X   No \_\_\_\_\_
  
3. In consideration of the alternatives to this rule, was this rule determined by the agency to be the least costly rule considered? Yes   X   No \_\_\_\_\_

If an agency is proposing a more costly rule, please state the following:

- (a) How the additional benefits of the more costly rule justify its additional cost;
  
  - (b) The reason for adoption of the more costly rule;
  
  - (c) Whether the more costly rule is based on the interests of public health, safety, or welfare, and if so, please explain; and
  
  - (d) Whether the reason is within the scope of the agency's statutory authority, and if so, please explain.
4. If the purpose of this rule is to implement a federal rule or regulation, please state the following:
- (a) What is the cost to implement the federal rule or regulation?

**Current Fiscal Year**

General Revenue \_\_\_\_\_  
Federal Funds \_\_\_\_\_  
Cash Funds \_\_\_\_\_  
Special Revenue \_\_\_\_\_  
Other (Identify) \_\_\_\_\_

**Next Fiscal Year**

General Revenue \_\_\_\_\_  
Federal Funds \_\_\_\_\_  
Cash Funds \_\_\_\_\_  
Special Revenue \_\_\_\_\_  
Other (Identify) \_\_\_\_\_

Total 0

Total 0

(b) What is the additional cost of the state rule?

**Current Fiscal Year**

**Next Fiscal Year**

General Revenue \_\_\_\_\_

General Revenue \_\_\_\_\_

Federal Funds \_\_\_\_\_

Federal Funds \_\_\_\_\_

Cash Funds \_\_\_\_\_

Cash Funds \_\_\_\_\_

Special Revenue \_\_\_\_\_

Special Revenue \_\_\_\_\_

Other (Identify) \_\_\_\_\_

Other (Identify) \_\_\_\_\_

Total 0

Total 0

- 5. What is the total estimated cost by fiscal year to any private individual, entity and business subject to the proposed, amended, or repealed rule? Identify the entity(ies) subject to the proposed rule and explain how they are affected.

**Current Fiscal Year**

**Next Fiscal Year**

\$ 0

\$ 0

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- 6. What is the total estimated cost by fiscal year to state, county, and municipal government to implement this rule? Is this the cost of the program or grant? Please explain how the government is affected.

**Current Fiscal Year**

**Next Fiscal Year**

\$ 0

\$ 0

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- 7. With respect to the agency's answers to Questions #5 and #6 above, is there a new or increased cost or obligation of at least one hundred thousand dollars (\$100,000) per year to a private individual, private entity, private business, state government, county government, municipal government, or to two (2) or more of those entities combined?

Yes \_\_\_\_\_ No X

If YES, the agency is required by Ark. Code Ann. § 25-15-204(e)(4) to file written findings at the time of filing the financial impact statement. The written findings shall be filed simultaneously with the financial impact statement and shall include, without limitation, the following:

- (1) a statement of the rule's basis and purpose;
- (2) the problem the agency seeks to address with the proposed rule, including a statement of whether a rule is required by statute;
- (3) a description of the factual evidence that:
  - (a) justifies the agency's need for the proposed rule; and
  - (b) describes how the benefits of the rule meet the relevant statutory objectives and justify the rule's costs;
- (4) a list of less costly alternatives to the proposed rule and the reasons why the alternatives do not adequately address the problem to be solved by the proposed rule;
- (5) a list of alternatives to the proposed rule that were suggested as a result of public comment and the reasons why the alternatives do not adequately address the problem to be solved by the proposed rule;
- (6) a statement of whether existing rules have created or contributed to the problem the agency seeks to address with the proposed rule and, if existing rules have created or contributed to the problem, an explanation of why amendment or repeal of the rule creating or contributing to the problem is not a sufficient response; and
- (7) an agency plan for review of the rule no less than every ten (10) years to determine whether, based upon the evidence, there remains a need for the rule including, without limitation, whether:
  - (a) the rule is achieving the statutory objectives;
  - (b) the benefits of the rule continue to justify its costs; and
  - (c) the rule can be amended or repealed to reduce costs while continuing to achieve the statutory objectives.



# STATE BOARD OF ELECTION COMMISSIONERS

501 Woodlane Street, Suite 401N  
Little Rock, Arkansas 72201  
(501) 682-1834 or (800) 411-6996

Secretary of State  
Mark Martin  
Chairman

Rhonda Cole  
Chad W. Pekron  
Charles Roberts  
J. Harmon Smith  
Stuart Soffer  
James Sharp  
Commissioners



Keith Rutledge  
Director

Heather McKim  
Deputy Director

Daniel Shults  
Legal Counsel

Jon Davidson  
Educational Services Manager

July 11, 2017

Ms. Marty Garrity, Director  
Bureau of Legislative Research  
Room 315, State Capitol Building  
Little Rock, Arkansas 72201

## RE: Emergency Rule Statement

Ms. Garrity:

The State Board of Election Commissioners finds that it is necessary for the emergency Rules for the Verification of Voter Registration and the emergency Rules for Poll Watchers, Vote Challenges, and Provisional Voting to be effective immediately upon filing because of imminent peril to the public welfare. The votes of certain legal absentee voters may not be counted unless the procedures established in these rules are implemented. Furthermore, it is essential that uniform procedures be established to ensure Act 633 of 2017 is implemented in such a way that voters in one portion of the state are subject to the same requirements and processes as a voter in another portion of the state.

Please let me know if any additional information is required.

Sincerely,

A handwritten signature in black ink, appearing to read "Keith Rutledge".

Keith Rutledge  
Director





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## Summary of the *EMERGENCY* RULES FOR THE VERIFICATION OF VOTER REGISTRATION

The State Board of Election Commissioners met on June 21, 2017 and approved these emergency “Rules for Verification of Voter Registration.”

These emergency rules approved by the SBEC are designed to operate together with the emergency rules dealing with provisional voting to implement Act 633 of 2017. The purpose of this rule is to provide a concise statement of the relevant legal provisions set out in Act 633 and to provide additional rules where necessary in order to ensure and fair orderly election procedures.

The first section of the rule establishes definitions for words or phrases used in the rule. The second section states when voters are required to verify their voter registration before voting at the poll. The third section establishes a procedure for elections officials to use when verifying the registration of a voter. This section is one of the key portions of the rule that ensures uniform application of Act 633 and establishes rules that explain how poll workers are to determine whether a voter has successfully verified his or her voter registration and is therefore permitted to cast a regular ballot. The fourth section addresses certain first-time voters who registered by mail and did not satisfy the statutory requirements for identification when registering to vote and explains Act 633 requires that these voters follow existing law rather than the new voter verification rules. The fifth section addresses the result of a voter’s failure to satisfy the legal requirement applicable to that voter when casting a ballot in person at the poll. The sixth section addresses absentee voting. The rule adds to existing law by stating that an absentee voter can satisfy his verification requirement by submitting a photo copy of any qualifying document. The seventh section addresses how a provisional ballot cast due to the failure to verify a voter’s registration can be counted. The eighth section addresses post-election verification of a voter’s registration by the county clerk or county board of election commissioners. The ninth section directs the county clerks to notify the county board of election commissioners if any voter has verified his or her registration to the clerk after the election. The tenth section states that the emergency rules are effective upon filing.



Agency # 108.00

**EMERGENCY RULES  
FOR  
THE VERIFICATION OF VOTER  
REGISTRATION  
(Effective August \_\_, 2017)**



State Board of Election Commissioners  
501 Woodlane, Suite 401N  
Little Rock, AR 72201  
(501) 682-1834 or (800) 411-6996  
[www.arkansas.gov/sbec](http://www.arkansas.gov/sbec)

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## Scope of Rules

These rules will set forth the procedures for processing and administering the requirement that voters verify their voter registration before they are permitted to vote. These rules are in addition to, and not a substitute for, the laws of the State of Arkansas and rules promulgated by the Secretary of State.

## §800 Definitions

- (a) Additional Identification Requirement – documentary identification separate from that which is required to verify voter registration that certain first-time voters who register by mail must show to cast a regular ballot during early voting or at the polls on election day. Acceptable identification documents include a copy of current and valid photo identification, or a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter.<sup>1</sup>
- (b) Administrator – the administrative head of a long-term care or residential care facility licensed by the state.
- (c) Documentation of Residency – a statement by the administrator of a residential care facility or long-term care facility which specifically identifies the full name of the resident in the body of the letter and is valid for one year after the date it is signed and issued. This documentation shall only be accepted if it is on the form provided by the Secretary of State<sup>2</sup>
- (d) Long-Term Care or Residential Care Facility – a nursing home, residential care facility, assisted living facility, post-acute head injury retraining and residential care facility, or any other facility which provides long-term medical or personal care and which is licensed by the State of Arkansas.
- (e) Photo Identification:
  - (1) A document or identification card that satisfies all of the following conditions:
    - (a) Shows the name of the person to whom the document was issued;
    - (b) Shows a photograph of the person to whom the document was issued;
    - (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.

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<sup>1</sup> A.C.A. § 7-5-201(e)

<sup>2</sup> A.C.A. § 7-5-905

- (2) Documents or Identification cards that comply with the above requirements for photo identification 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 to any person 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 voter identification card as provided under Act 633 of 2016 and rules propounded by the Secretary of State<sup>3</sup>
- (f) Verification of Voter Registration - The process by which an individual seeking to vote presents a photo identification to an election official for the purpose of confirming that the individual physically present at the poll is the same individual to whose voter registration the vote cast will be credited.

### **§ 801 Verification of Voter Registration Required When Voting at the Polls**

All voters, except those who reside in a long-term care or residential care facility, must verify their voter registration in order to cast a regular ballot at the polls during early voting and on election day.<sup>4</sup>

A person who resides in a long-term care or residential care facility licensed by the state may instead provide documentation from the administrator of the facility attesting that the person is a resident of the facility<sup>5</sup>. This documentation shall be provided on a standardized form adopted by the Secretary of State.<sup>6</sup>

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<sup>3</sup> Ark. Const. amend. 51, §13(b); A.C.A. §7-1-101(38)

<sup>4</sup> Ark. Const. amend. 51, §13(b)(2)(B)

<sup>5</sup> Ark. Const. amend. 51, §13

<sup>6</sup> A.C.A. § 7-5-905

## § 802 Verification of Voter Registration by Election Officials

The photo identification shall be used to verify the name and appearance of the voter. The Precinct Voter Registration List shall be used to verify the address of the voter by comparing the voter's address on the list to the address stated by the voter.

The election official verifying the voter registration of a voter shall:

- (1) Verify that the name on the photo identification is consistent with the name in the Precinct Voter Registration List, allowing for abbreviations and nicknames;
- (2) If the name is consistent, compare the photograph to the voter to determine whether the voter is the person depicted in the photograph, given reasonable allowances for changes in hair color, glasses, facial hair, cosmetics, weight, age, injury and other physical characteristics;
- (3) If the election official is satisfied that the voter is the person depicted in the photograph and the name is consistent with the name in the Precinct Voter Registration List, then issue the voter a regular ballot;
- (4) If the name appearing on the voter's photo identification varies in part from the name in the Precinct Voter Registration List or the name as stated by the voter, an election official should issue a regular ballot only if the variation can be explained as an abbreviation of a given name, the inclusion of a nick name on the photo identification where the name still bears substantial similarity to the voter's name on the Precinct Voter Registration List, a lawful change in the voter's name due to marriage or divorce, or other similar circumstances which satisfy the election official that the voter is the person depicted in the photograph so long as the name still bears substantial similarity to the voter's name on the Precinct Voter Registration List and all variations are explained;
- (5) If the variation is due to a change in the voter's name and the name reflected in the Precinct Voter Registration List is the voter's old name, the voter should only be issued a ballot after the voter completes a voter registration application form for the purpose of updating the voter's information;
- (6) If the election official determines that the photo identification presented does not depict the voter or the name of the voter in the Present Voter Registration List is insufficiently similar to the name appearing on the photo identification, the question of whether the voter is permitted to cast a regular ballot shall be referred to the election judge of that polling site who shall resolve any marginal cases of identity in favor of the voter; and
- (7) If the election judge agrees that the photo identification does not depict the voter or that the name that appears on the photo identification is insufficiently similar to the name on the Precinct Voter Registration List, the voter will have failed to verify his or her voter registration and the poll worker shall offer the voter a provisional ballot.

The election judge at any polling site is the election official who is in charge of that polling site regardless of the title used locally to reference this election official.

### **§ 803 Additional Identification Requirement for Certain First-Time Voters**

Certain first-time voters who register by mail and who, when registering to vote do not provide the required identification documentation, will be flagged on the Precinct Voter Registration List for additional identification documentation when voting at the polls during early voting, on election day, or by voting using an absentee ballot. A flagged voter who presents a valid photo identification that is also current (i.e., not expired) may vote without presenting an additional identification document. However, if a flagged voter presents a valid photo identification that is not current (i.e., is expired) and valid for the purpose for which it was issued, the flagged voter must also show a current and valid photo identification or a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter.<sup>7</sup>

### **§ 804 Failure to Verify Voter Registration or Present other Required Documentation at the Polls**

A person voting at the polls during early voting or on election day who did not verify their voter registration or, if a resident of a long-term care or residential care facility licensed by the state, who did not provide documentation of residency from the administrator of the facility attesting that the person is a resident of the facility, shall be offered a provisional ballot.<sup>8</sup>

A first-time voter who registered by mail who did not present the additional identification, if required under §803, shall be offered a provisional ballot.<sup>9</sup>

### **§ 805 Identification Required When Voting Absentee**

The absentee voter must submit verification of their voter registration when they return their absentee ballot to the clerk's office.<sup>10</sup> A photocopy of any document that qualifies as photo identification under these rules shall be sufficient to satisfy the photo identification requirement when verifying the voter's registration.

If a resident of a long-term or residential care facility licensed by the State of Arkansas does not submit photo identification in order to verify their voter registration, that resident's ballot will still be counted as a regular ballot if the voter submits documentation of residency from the administrator of the facility attesting that the person is a resident of the facility.<sup>11</sup>

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<sup>7</sup> A.C.A. § 7-5-201(e)

<sup>8</sup> Ark. Const. amend. 51, §13(b)(2); A.C.A. § 7-5-305(a)(8)(B)

<sup>9</sup> Ark. Const. amend. 51, §13(b)(6); A.C.A. § 7-5-201(e)

<sup>10</sup> Ark. Const. amend. 51, §13(b)(3); A.C.A. § 7-5-323

<sup>11</sup> Ark. Const. amend. 51, §13(b)(3)(B)(iii)



Active duty members of the uniformed services and merchant marine voters and their spouses and dependents who are away from the county because of the active duty status of a uniformed service or merchant marine member are exempt from the identification requirement for absentee ballots.<sup>12</sup>

The ballot of a voter who failed to verify their voter registration and who is not otherwise entitled to have his or her absentee ballot counted without verification under this section shall be considered a provisional ballot.<sup>13</sup>

## **§ 806 Curing Provisional Ballots Created by the Failure to Verify the Voter's Registration**

### **A. Voters at the Polls**

A provisional ballot cast because a voter failed to verify their voter registration when voting at the polls during early voting or on election day shall be counted and included in the certified results of the election if:

- (1) The voter's ballot is not successfully challenged for any other reason; and
- (2) One of the two following steps are taken by the voter:
  - a. The voter submits a sworn statement with his or her provisional ballot that states he or she is registered to vote in the State of Arkansas and that he or she is the person who registered to vote; or
  - b. The voter subsequently verifies their voter registration to either the county clerk or the county board of election commissioners by noon on the Monday following the election.

The voter may verify his or her voter registration to the county board by presenting photo identification at any meeting of the county board held before noon on the Monday following the election.

The voter may verify his voter registration to the county clerk by presenting the photo identification to the county clerk before noon on the Monday following the election.

### **B. Absentee Voters**

The ballot of an absentee voter that was made provisional for failure to verify that person's voter registration when returning his or her absentee ballot shall be counted and included in the certified results of the election if:

- (1) The absentee voter's ballot is not found deficient for any other reason; and
- (2) One of the two following steps are taken by the voter:

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<sup>12</sup> Ark. Const. amend. 51, §13(b)(3)(B)

<sup>13</sup> Ark. Const. amend. 51, §13(b)(3)(A)

- a. The absentee voter verifies his or her voter registration in person to either the county clerk or the county board of election commissioners by noon on the Monday following the election the voter's required identification; or
- b. The voter signs the sworn statement stating that the voter is registered to vote in the State of Arkansas and that he or she is the person registered to vote.

The absentee voter may verify his or her voter registration to the county board by presenting photo identification to the county board at any meeting of the county board held before noon on the Monday following the election.

The absentee voter may alternatively verify his voter registration to the county clerk by presenting the photo identification to the county clerk before noon on the Monday following the election.

#### **§ 807 Assessment of Validity of Photo Identification Submitted Postelection**

When verifying the voter registration of a voter who cast a provisional ballot at the poll or whose absentee ballot was deemed provisional based on the voter's failure to verify his or her voter registration, the county clerk or county board shall compare the photograph to the voter to determine whether the voter is the person depicted in the photograph, given reasonable allowances for changes in hair color, glasses, facial hair, cosmetics, weight, age, injury and other physical characteristics.

The county clerk or the county board verifying the voter's registration shall make a photocopy of the photo identification and retain the copy with the voter's provisional ballot envelope.

#### **§808 County Clerk to Provide Verification of Voter Registration to Election Commission**

If a voter verifies his or her voter registration to the county clerk after the election, the county clerk who conducts the verification shall provide the copy of the voter's photo identification to the county board before the county board certifies the election.

#### **§ 809 Effective Date**

These emergency rules are effective upon filing.



**State of Arkansas**  
**Bureau of**  
**Legislative Research**

Marty Garity, Director  
Kevin Anderson, Assistant Director  
for Fiscal Services  
Tim Carleek, Assistant Director  
for Information Technology  
Matthew Miller, Assistant Director  
for Legal Services  
Richard Wilson, Assistant Director  
for Research Services

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**Memorandum**

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**TO:** Members, ALC – Executive Subcommittee

**FROM:** Jessica Sutton, Administrator, Administrative Rules Review  
Section, Legal Services Division

**CC:** Marty Garity, Director, Bureau of Legislative Research

**DATE:** July 14, 2017

**SUBJECT:** Legal Authorization for the Emergency Rules for the Verification of  
Voter Registration

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The State Board of Election Commissioners is authorized to “[f]ormulate, adopt, and promulgate all necessary rules to assure even and consistent application of voter registration laws and fair and orderly election procedures.” Ark. Code Ann. § 7-4-101(f)(5). These rules implement Act 633 of 2017, which amends Amendment 51 of the Arkansas Constitution concerning verification of voter registration. Under Act 633, a provisional ballot cast by a voter who did not present a required document or identification card shall be counted if the voter’s ballot is not invalid for any other reason and the voter completes one of the two steps: (1) the voter submits a sworn statement that states that he or she is registered to vote in the State of Arkansas and that he or she is the person who registered to vote or (2) the voter verifies his or her voter registration in person to either the county clerk or the county board of election commissioners by noon on the Monday following the election. *See* Ark. Const. Amend. 51, § 13; *see also* Ark. Code Ann. § 7-5-308 (as amended by Act 633 of 2017). The board is required to promulgate rules necessary to implement the requirements for verification of voter registration in accordance with Act 633.

Act 633 becomes effective on August 1, 2017. The State Board of Election Commissioners requests emergency promulgation of these rules with a proposed date of August 15, 2017, so that these rules may operate together to ensure fair and orderly election procedures.

