



STATE OF ARKANSAS
SARAH HUCKABEE SANDERS GOVERNOR

Request for Governor's Approval of Proposed Rule or Regulation

Department /Agency: State Board of Election Commissioners

Short Title of Rule: Rule Regarding Voter Registration

New Rule: X Yes

Amendment to Existing Rule: No

State Mandate: X Yes

Federal Mandate: X No

If yes, please provide the legal citation of the mandate: Ark. Const. Amend. 51 § 5(e).

Legal Authority for Rule: Arkansas Constitution Amendment 51 § 5(e).

Proposed Effective Date: May ???, 2024 (As soon as approved by Legislature)

Emergency Rule: X Yes Expedited Rule Requested: X Yes

Summary of Proposed New Rule or Proposed Amendment to Existing Rule:

Current confusion between County Clerks. Some clerks are accepting electronically signed voter registration applications that are submitted by third-party registration organizations. There are other county clerks, however, that are not accepting electronically signed voter registration applications. Historically, electronically signed applications were only permitted through DMV processes as a Registration Agency. The State Board, recognizing this differential treatment of voters exercised its authority under Amendment 51 § 5(e) to propose a Rule to create uniformity for all county clerks. That rule is the proposal. It permits electronically signed applications only from those entities identified in Amendment 51 § 5(b)(2)-(4).

Financial Impact: Yes X No Unknown; If yes or unknown, please explain:

Public Hearing Occurred on Rule: Yes X No

This is an emergency rule request. A permanent rule will be promulgated which will include public comment and public hearing.

Controversial: X Yes

If yes, please explain and provide detail of expected opposition.

Third-party voter registration organizations have alleged that the action of the State Board is a form of voter suppression. They have held press conferences and public rallies on the Capital Steps expressing opposition to the State Board's proposed emergency rule. State Board expects comment and testimony during the permanent rule promulgation process. In the short term, however, the Board is seeking to provide uniform processes for all county clerks, pending the adoption of a permanent rule regarding voter registration application processes and electronic signatures submitted by third-party registration organizations.

Two Rules Repealed: No Exception from the Governor: Yes

First Rule Repealed:

Brief explanation of why repeal is appropriate:

Second Rule Repealed:

Brief explanation of why repeal is appropriate:

Documents Required for Approval Process

Please note that the Governor's office will not begin the approval process if any of the following applicable documents are not enclosed with the approval request.

- X BLR Questionnaire
- X BLR Financial Impact Statement
- X Proposed Rule - clean version
- X Mark-Up of Rule, if amended from previous version
- X Copy of Act or Regulation, if Rule is pursuant to State or Federal mandate

Contact Information

Department POC for Rules Process: Chris Madison - Director
Chris.Madison@Arkansas.gov

Department POC for this Rule: Chris Madison - Director
Chris.Madison@Arkansas.gov

NOTE: All documents must be returned to the Governor's Counsel as a single PDF file.

**QUESTIONNAIRE FOR FILING PROPOSED RULES
WITH THE ARKANSAS LEGISLATIVE COUNCIL**

DEPARTMENT: Independent Agency

BOARD/COMMISSION: State Board of Election Commissioners

BOARD/COMMISSION DIRECTOR: Chris Madison

CONTACT PERSON: Chris Madison

ADDRESS: 501 Woodlane Street, Ste. 122S, Little Rock, Arkansas, 72201

PHONE NO.: 501-682-1447 **EMAIL:** Chris.Madison@Arkansas.gov

NAME OF PRESENTER(S) AT SUBCOMMITTEE MEETING: Director Chris Madison

PRESENTER EMAIL(S): Chris.Madison@Arkansas.gov

INSTRUCTIONS

In order to file a proposed rule for legislative review and approval, please submit this Legislative Questionnaire and Financial Impact Statement, and attach:

- X (1) a summary of the rule, describing what the rule does, the rule changes being proposed, and the reason for those changes;
- X (2) both a markup and clean copy of the rule; and
- X (3) all documents required by the Questionnaire.

If the rule is being filed for permanent promulgation, please email these items to the attention of Rebecca Miller-Rice, miller-ricer@blr.arkansas.gov, for submission to the Administrative Rules Subcommittee.

If the rule is being filed for **emergency promulgation**, please email these items to the attention of Director Marty Garrity, garritym@blr.arkansas.gov, for submission to the Executive Subcommittee.

Please answer each question completely using layman terms.

- * 1. What is the official title of this rule?
Rule Regarding Voter Registration
- 2. What is the subject of the proposed rule? **The Rule provides clarity regarding the acceptance of voter registration applications, specifically, that electronic signatures are only permitted by those agencies identified in Ark. Const. Amend. 51 § 5(b)(2)-(4), and that other submissions must have a wet signature or wet mark on the paper form to be a complete application.**
- 3. Is this rule being filed under the emergency provisions of the Arkansas Administrative Procedure Act? **YES**

If yes, please attach the statement required by Ark. Code Ann. § 25-15-204(c)(1).

See attached document – Justification of Emergency Rule

If yes, will this emergency rule be promulgated under the permanent provisions of the Arkansas Administrative Procedure Act? **YES.**

4. Is this rule being filed for permanent promulgation? **Yes. A permanent Rule will be proposed to replace the emergency rule. The permanent rule will have public comment and public hearing before completion and adoption.**

If yes, was this rule previously reviewed and approved under the emergency provisions of the Arkansas Administrative Procedure Act? **No**

If yes, what was the effective date of the emergency rule? **As soon as approved by the Legislature per § 10-3-309 procedures.**

On what date does the emergency rule expire? **120 days after enactment, or upon completion, approval, and adoption of a permanent replacement rule.**

5. Is this rule required to comply with a *federal* statute, rule, or regulation? **No.**

If yes, please provide the federal statute, rule, and/or regulation citation.

6. Is this rule required to comply with a *state* statute or rule? **Yes. Arkansas Constitutional Amendment 51.**

If yes, please provide the state statute and/or rule citation. **This Rule is necessary to clarify the procedures for accepting voter registration applications. The State Board is authorized under Ark. Const. amend 51 § 5(e) to prepare and publish rules governing the administration of Amendment 51 for uniformity across the state. The Board is aware that some county clerks are accepting voter registration applications that are electronically signed, whereas other county clerks are not accepting electronically signed voter registration applications. This difference in treatment has caused a difference in treatment for voter applicants, depending on which county they reside. As such, under Amendment 51, the Board is adopting the proposed emergency rule to provide clarity, and will seek to promulgate a permanent rule, with public comment and public hearing, to resolve this issue for applicants, clerks, and voters going forward.**

7. Are two (2) rules being repealed in accord with Executive Order 23-02? **No.**

If yes, please list the rules being repealed.

If no, please explain.

This is a new rule to resolve a conflict among county clerks. Some of which are accepting voter registration applications from third-party registration organizations that are signed by

the applicant electronically and other county clerks that are not accepting electronically signed applications. The rule is provided to require only wet signatures or wet marks from applicants pending promulgation of a permanent rule.

8. Is this a new rule? **Yes.**

Does this repeal an existing rule? **No.**

If yes, the proposed repeal should be designated by strikethrough. If it is being replaced with a new rule, please attach both the proposed rule to be repealed and the replacement rule.

Is this an amendment to an existing rule? **No.**

If yes, all changes should be indicated by strikethrough and underline. In addition, please be sure to label the markup copy clearly as the markup. **See attached Proposed Rule – Rule Regarding Voter Registration.**

9. What is the state law that grants the agency its rulemaking authority for the proposed rule, outside of the Arkansas Administrative Procedure Act? Please provide the specific Arkansas Code citation(s), including subsection(s). **Ark. Const. amend. 51 § 5(e) (“The State Board of Election Commissioners is authorized, and as soon as possible after the effective date of this amendment, directed to prescribe, adopt, publish and distribute: (1) such Rules and Regulations supplementary to this amendment and consistent with this amendment and other laws of Arkansas as are necessary to secure uniform and efficient procedures in the administration of this amendment throughout the State....”).**

10. Is the proposed rule the result of any recent legislation by the Arkansas General Assembly?
No.

If yes, please provide the year of the act(s) and act number(s).

11. What is the reason for this proposed rule? Why is it necessary? **This Rule is necessary to clarify the procedures for accepting voter registration applications. The State Board is authorized under Ark. Const. amend 51 § 5(e) to prepare and publish rules governing the administration of Amendment 51 for uniformity across the state. The Board is aware that some county clerks are accepting voter registration applications that are electronically signed, whereas other county clerks are not accepting electronically signed voter registration applications. This difference in treatment has caused a difference in treatment for voter applicants, depending on which county they reside. As such, under Amendment 51, the Board is adopting the proposed emergency rule to provide clarity, and will seek to promulgate a permanent rule, with public comment and public hearing, to resolve this issue for applicants, clerks, and voters going forward.**

12. Please provide the web address by which the proposed rule can be accessed by the public as provided in Ark. Code Ann. § 25-19-108(b)(1). **<https://www.arkansas.gov/sbec/rules/>**

13. Will a public hearing be held on this proposed rule? **No for the Emergency Rule. For permanent rule, yes along with public comment. The timing of those are not identified at this point. The public comment period and public hearing will be determined as part of the permanent rule process.**

If yes, please complete the following:

Date: _____

Time: _____

Place: _____

Please be sure to advise Bureau Staff if this information changes for any reason.

14. On what date does the public comment period expire for the permanent promulgation of the rule? Please provide the specific date. This is a request for an emergency rule. **No public comment period is proposed as part of the emergency rule process. The emergency rule is to provide immediate guidance to County Clerks, voter registration applicants, and third-party voter registration organizations while a permanent rule is processed and promulgated.**

15. What is the proposed effective date for this rule? **As soon as possible following the requirements of Ark. Code Ann. § 10-3-309.**

16. Please attach (1) a copy of the notice required under Ark. Code Ann. § 25-15-204(a)(1) and (2) proof of the publication of that notice. See Attached.

Copy of the Notice.

Proof of Publication will be added following publication on April 28th, 29th and 30th, 2024.

Please attach proof of filing the rule with the Secretary of State, as required by Ark. Code Ann. § 25-15-204(e)(1)(A). **See Attached “Arkansas Register – Proposed Rule Cover Sheet”**

17. Please give the names of persons, groups, or organizations that you anticipate will comment on these rules. Please also provide their position (for or against), if known. **Get Loud Arkansas, has commented through press conferences and public rallies regarding this action. State Board would anticipate representatives of that group will comment on the permanent rule. Similarly, the ACLU has inquired about the emergency rule and the State Board anticipates representatives of that organization commenting on the permanent rule proposal.**

18. Is the rule expected to be controversial? **Yes.**

If yes, please explain. **Get Loud Arkansas representatives have held press conferences and public rallies alleging that the emergency rule is a form of voter suppression by denying the ability of third-party registration organizations, such as them, from utilizing electronic signatures for voter registration applications. State Board understands these organizations view the State Board’s action as targeted towards their vote registration efforts. State Board’s action, with the emergency rule and future permanent rule is to provide uniformity in the**

Revised May 2023

administration of Amendment 51 across the State as required by Amendment 51 § (5)(e). By adopting the emergency rule, the Board seeks to prevent ongoing improper registration and allow curing of improperly submitted registrations before the November election process.

FINANCIAL IMPACT STATEMENT

PLEASE ANSWER ALL QUESTIONS COMPLETELY.

DEPARTMENT: Independent Agency

BOARD/COMMISSION: State Board of Election Commissioners

PERSON COMPLETING THIS STATEMENT: Chris Madison - Director

TELEPHONE NO.: 501-682-1447

EMAIL: Chris.Madison@Arkansas.gov

To comply with Ark. Code Ann. § 25-15-204(e), please complete the Financial Impact Statement and email it with the questionnaire, summary, markup and clean copy of the rule, and other documents. Please attach additional pages, if necessary.

TITLE OF THIS RULE: Rule Regarding Voter Registration

1. Does this proposed, amended, or repealed rule have a financial impact?

No.

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.

3. In consideration of the alternatives to this rule, was this rule determined by the agency to be the least costly rule considered? Yes.

If no, please explain:

(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 reason for adoption of the more costly rule is based on the interests of public health, safety, or welfare, and if so, how; and

(d) whether the reason for adoption of the more costly rule is within the scope of the agency's statutory authority, and if so, how.

4. If the purpose of this rule is to implement a *federal* rule or regulation, please state the following:

N/A.

(a) What is the cost to implement the federal rule or regulation?

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**

(b) What is the additional cost of the state rule? **None**

Current Fiscal Year

Next Fiscal Year

General Revenue: **\$0**
Federal Funds _____
Cash Funds _____
Special Revenue _____
Other (Identify) _____

General Revenue: **\$0**
Federal Funds _____
Cash Funds _____
Special Revenue _____
Other (Identify) _____

Total: **\$0**

Total: **\$0**

5. What is the total estimated cost by fiscal year to any private individual, private entity, or private business subject to the proposed, amended, or repealed rule? Please identify those subject to the rule, and explain how they are affected.

Current Fiscal Year

Next Fiscal Year

\$0

\$0

6. What is the total estimated cost by fiscal year to a state, county, or 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

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?

No.

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.

RULE REGARDING VOTER REGISTRATION

(Effective _____)



STATE BOARD OF ELECTION COMMISSIONERS
501 Woodlane, Suite 122 South
Little Rock, Arkansas 72201
(501) 682-1834 or (800) 411-6996

Scope of Rules

These rules are to supplement and provide consistency with Arkansas Constitution Amendment 51 and other laws of Arkansas to secure uniform and efficient procedures in the administration of Amendment 51 throughout the State. Ark. Const. Amend. 51 § 5(e).

§ 1400 Definitions

- (1) “Authorized Computer Voter Registration Agency” – means those Voter Registration Agencies identified in Arkansas Constitution Amendment 51 §§ 5(b)(2)-(4) that are specifically authorized to utilize computer processes as part of the agency’s interaction with its customers, program recipients, or participants of disability programs. These Voter Registration Agencies are:
 - a. The Office of Driver Services of the Revenue Division of the Department of Finance and Administration;
 - b. State Revenue Offices;
 - c. Public assistance agencies that provide services under:
 - i. Food Stamps,
 - ii. Medicaid,
 - iii. Aid to Families with Dependent Children (AFDC),
 - iv. Special Supplement Food Program for Women, Infants and Children (WIC);
 - d. Disability agencies that offer state-funded programs that primarily provide services to persons with disabilities.
- (2) “Federal Mail Voter Registration Application Form” – means the Voter Registration Application form prepared and made available by the Election Assistance Commission.
- (3) “Mail Voter Registration Application Form” – means a document approved by the State Board of Election Commissioners for voter registration applicants to apply for voter registration.
- (4) “Registration Application Form” – means a Mail Voter Registration Form or a Federal Mail Voter Registration Form.
- (5) “Third-Party Registration Organization” – means a person or group of people who collect, gather, or submit Registration Application Forms to the Secretary of State or the permanent registrar of a county.
- (6) “Voter Registration Agency” – means those agencies identified in Amendment 51 § 5(a)(1)-(5) and include:

- a. Office of Driver Services of the Revenue Division of the Department of Finance and Administration;
- b. State Revenue Offices;
- c. Public assistance agencies that provide services under:
 - i. Food Stamps,
 - ii. Medicaid,
 - iii. Aid to Families with Dependent Children (AFDC),
 - iv. Special Supplement Food Program for Women, Infants and Children (WIC);
- d. Disability agencies that offer state-funded programs that primarily provide services to persons with disabilities;
- e. Public library; and
- f. Arkansas National Guard.

(7) “Signature or Mark” – means a handwritten wet signature or handwritten wet mark made on a Registration Application Form with a pen or other writing device that is physically moved across the form and that forms the applicant’s signature or mark on the paper form. A Signature or Mark that utilizes a computer to generate or recreate the applicant’s signature or mark is not an acceptable signature or mark of the applicant for purposes of Amendment 51 §§ 6(a)(1) & (a)(3)(F) Registration Application Form.

§ 1401 Requirements to accept Registration Application Forms and Applications from Authorized Computer Voter Registration Agencies.

- (1) A permanent registrar shall accept a Registration Application Form that is:
 - a. complete and legible;
 - b. is executed with a Signature or Mark made by the voter registration applicant; and
 - c. is submitted to the permanent registrar by mail, delivered in-person by the voter, or is delivered by a Third-Party Registration Organization.
- (2) A permanent registrar shall accept legible and properly completed applications submitted by Authorized Computer Voter Registration Agencies as set forth in Amendment 51, § 5(b)(2)-(4) of the Arkansas Constitution.

STATE BOARD OF ELECTION COMMISSIONERS

Secretary of State
John Thurston
Chairman

501 Woodlane Street - Suite 122 South
Little Rock, Arkansas 72201
(501)682-1834 or (800)411-6996

Chris Madison
Director

Waylan Cooper
Legal Counsel

Charlie Morris
Election Administration Supervisor

Jon Davidson
Educational Services Manager

Sharon Brooks
Jamie Clemmer
Bilenda Harris-Ritter
William Luther
J. Harmon Smith
Johnathan Williams
Commissioners



April 24, 2024

Bureau of Legislative Research
Attn: Director Marty Garrity
1 Capital Mall, Fifth Floor
Little Rock, Arkansas, 72201

Re: Justification of Emergency Rule – Rule Regarding Voter Registration

Director Garrity:

Per Question 3 of the BLR Questionnaire, the Board provides the following:

The State Board of Election Commissioners finds that an emergency rule is necessary to resolve conflicting procedures for the acceptance of voter registration applications. The State Board finds that the emergency rule is necessary because electronically signed voter registration applications are being accepted by some county clerks, whereas electronically signed voter registration applications are not being accepted by other county clerks.

Voter registration is an ongoing and continuous process. The State Board, when posed the question of whether electronically signed applications are permissible under Ark. Const. Amend 51, found that electronically signed applications are only permitted when submitted by an identified and authorized voter registration agency, such as the Department of Motor Vehicles as specifically stated in Ark. Const. Amend. 51 § 5(b)(2). Other identified agencies may incorporate computer processes as part of the voter registration process if their system is capable. See Ark. Const. Amend. 51 § 5(b)(3)-(4). Applications submitted by the voter himself or herself or submitted by a third-party voter registration agency are not eligible to utilize electronic signatures.

The Board found that computer processes to capture a voter applicant's signature is specifically authorized under Amendment 51 § 5(b)(2)-(4), but not authorized for other means of submission. The Emergency rule is to provide immediate clarity to

county clerks, applicants, and third-party registration organizations pending the promulgation of a permanent rule. The Board will proceed with a permanent rule that will permit public comments and a public hearing to receive and take into consideration concerns of county clerks, election officials, voters, applicants, and third-party voter registration organizations and other organizations or interested parties.

Respectfully yours,

Richard Chris Madison
Director – State Board of Election Commissioners

ARKANSAS REGISTER

Proposed Rule Cover Sheet



Secretary of State

John Thurston

500 Woodlane Street, Suite 026

Little Rock, Arkansas 72201 -1094

(501) 682 -5070

www.sos.arkansas.gov



Name of Department State Board of Election Commissioners

Agency or Division Name N/A/

Other Subdivision or Department, If Applicable N/A

Previous Agency Name, If Applicable N/A

Contact Person Chris Madison - Director

Contact E-mail Chris.Madison@Arkansas.gov

Contact Phone 501-682-1447

Name of Rule Rule Regarding Voter Registration

Newspaper Name Arkansas Democrat Gazette

Date of Publishing April 28, 29, and 30th of 2024.

Final Date for Public Comment Emergency Rule- No public Comment

Location and Time of Public Meeting: N/A

AMEND. 49. [REPEALED.]

Publisher's Notes. This amendment, concerning industrial development bonds authority, was repealed by Const. Amend. 62, § 11.

AMEND. 50. ELECTIONS CONDUCTED BY BALLOT OR VOTING MACHINE (CONST., ART. 3, § 3, REPEALED AND NEW SECTIONS ADDED).

Publisher's Notes. This amendment was proposed by initiative petition and adopted at the general election on Nov. 6, 1962, by a vote of 134,782 for and 132,123 against.

Effective Dates.
Const. Amend. 50, § 5: Jan. 15, 1963.

§ 1. Repeal of Article III, Section 3.

Article III, Section 3, of the Constitution of the State of Arkansas is hereby repealed and the following section is substituted therefor.

§ 2. Elections by ballot or voting machines authorized.

All elections by the people shall be by ballot or by voting machines which insure the secrecy of individual votes.

§ 3. [Repealed.]

Publisher's Notes. This section was repealed by Ark. Const. Amend. 81, which was proposed by H.J.R. 1004 during the 2001 Regular Session and adopted at the November 2002 general election. The former section provided: "In elections by ballot every ballot shall be numbered in the order in which it is received, the number shall

be recorded by the election officers on the list of voters opposite the name of the elector who presents the ballot, and the election officers shall be sworn or affirmed not to disclose how any elector voted unless required to do so as witnesses in a judicial proceeding or a proceeding to contest an election."

§ 4. Voting machines.

Voting machines may be used to such extent and under such rules as may be prescribed by the General Assembly.

AMEND. 51. VOTER REGISTRATION

Publisher's Notes. This amendment was proposed by initiative petition and approved at the general election on Nov. 3, 1964, by a vote of 277,087 for and 218,681 against.

Effective Dates.
Const. Amend. 51, § 21: Jan. 1, 1965.

Acts 1987, No. 800, § 3: Apr. 8, 1987. Emergency clause provided: "It is hereby found and determined by the General Assembly that Section 11 of Amendment 51 to the Arkansas Constitution requires the Permanent Registrar to cancel without prior notice, the voter registration of persons who have failed to vote within four (4) consecutive years; that it is preferable that voters be notified prior to cancellation so that they may avoid the cancellation of their voter registration; that this Act amends Amendment 51 to provide such prior notice and that unless it is given immediate effect, some voter registration affidavits may be cancelled without prior notice. Therefore, an emergency is hereby declared to exist and this Act being necessary for

the preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval."

Identical Acts 1995, Nos. 947 and 964, § 13: Jan. 1, 1996.
Acts 2003 (2nd Ex. Sess.), No. 8, § 4: Dec. 22, 2003. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that the federal Help America Vote Act establishes deadlines for the state's compliance with the act's voter registration requirements; and that the immediate passage of this act is necessary to ensure the state meets its deadlines. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on: (1) The date of its approval by the Governor; (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto."

§ 1. Statement of policy.

The purpose of this amendment is to establish a system of permanent personal registration as a means of determining that all who cast ballots in general, special and primary elections in this State are legally qualified to vote in such elections, in accordance with the Constitution of Arkansas and the Constitution of the United States.

§ 2. Definitions.

As used in this amendment, the terms:

(a) "County Board of Registration" means the County Board of Election Commissioners in each of the several counties of this State.

(b) "Permanent Registrar" means the County Clerk in each of the several counties of this State.

(c) "Deputy Registrar" means the Deputy County Clerk or clerical assistants appointed by the County Clerk.

(d) "Election" means any general, special or primary election held pursuant to any provisions of the Constitution or statutes of the State of Arkansas; provided, that this amendment shall not apply to selection of delegates to party conventions by party committees or to selection of party committeemen by party conventions.

§ 3. Application.

No person shall vote or be permitted to vote in any election unless registered in a manner provided for by this amendment.

§ 4. Permanent registration.

When a voter is once registered under the provisions of this amendment, it is unnecessary for such voter again to register unless such registration is cancelled or subject to cancellation in a manner provided for by this amendment.

§ 5. Duties of registration officials.

(a) Voter registration agencies shall distribute mail voter registration applications, provide assistance to applicants in completing voter registration application forms, unless the applicant refuses assistance, and accept completed voter registration application forms for transmittal to the appropriate permanent registrar via the Secretary of State. Voter registration agencies include the following:

(1) The Office of Driver Services of the Revenue Division of the Department of Finance and Administration and all State Revenue Offices;

(2) Public assistance agencies, which shall mean those agencies that provide services under the Food Stamps, Medicaid, Aid to Families with Dependent Children (AFDC), and the Special Supplemental Food Program for Women, Infants and Children (WIC) programs;

(3) Disabilities agencies, which shall mean agencies that offer state-funded programs primarily engaged in providing services to persons with disabilities;

(4) Public libraries; and

(5) The Arkansas National Guard.

(b)(1) The Secretary of State is designated as the chief election official. The Secretary shall prepare and distribute the pre-addressed postcard mail voter registration application forms described in 51-6 [section 6] of this amendment. Mail registration application forms shall serve for purposes of initial applications to register and shall also serve for changes of name, address, or party affiliation. Bilingual (Spanish/English) forms, braille forms, and large print forms shall be available upon request. The Secretary of State shall make the state mail voter registration application form available for distribution through governmental and private entities with

particular emphasis on making them available for organized voter registration programs. Any person may distribute state registration cards. All registration cards shall be distributed to the public without charge.

(2) The Office of Driver Services and State Revenue Offices shall provide voter registration opportunities to those obtaining or renewing drivers licenses, personal identification cards, duplicate or corrected licenses or cards, or changing address or name whether in person or by mail. The Office of Driver Services and State Revenue Offices shall use a computer process, which combines the drivers license and voter registration applications, minimizing duplicative information, and shall have available the federal or state mail voter registration application form, which may be used upon request or when the computer process is not available. If a person declines to apply to register to vote, the Office of Driver Services or State Revenue Office shall retain the record of declination for two (2) years.

(3) All public assistance agencies shall provide a federal or state mail voter registration application form with each application for assistance, and with each recertification, renewal or change of address or name relating to such assistance. Public assistance agencies shall provide voter registration application forms as part of the intake process, or as a combined computer process when a computer process is available. Public assistance agencies shall use a process or form that combines the application for assistance with the voter registration application when available. Public assistance agencies shall also provide declination forms as described in 51-6 [section 6] of this amendment, which shall be retained for two (2) years if an applicant declines to apply to register to vote.

(4) All disabilities agencies shall provide a federal or state mail voter registration application form with each application for services and with each recertification, renewal or change of address or name relating to such services. Disabilities agencies shall provide voter registration application forms as part of the intake process, or as a combined computer process when a computer process is available. Disabilities agencies may use a form that combines the application for services or assistance with the voter registration application when available. If the disabilities agency provides services in a person's home, then the agency shall also provide voter registration services at the person's home. Disabilities agencies shall also provide declination forms as described in 51-6 [section 6] of this amendment, which shall be retained for two (2) years if an applicant declines to apply to register to vote.

(c)(1) Employees of the Office of Driver Services and State Revenue Offices shall provide appropriate nonpartisan voter registration assistance and provide all applicants with a receipt containing the applicant's name and the date of the submission.

(2) Public assistance agencies and disabilities agencies shall train agency employees to provide the same degree of assistance in completing voter registration forms as is provided with regard to the completion of agency forms, unless the applicant refuses such assistance.

(3) Each revenue office, public assistance agency and disabilities agency shall provide ongoing training for employees who will be assisting persons with voter registration applications and shall include information regarding training procedures in the report filed with the Secretary of State pursuant to § 51-8(d) [section 8(d)] of this amendment.

(4) A person who provides voter registration assistance through any voter registration agency shall not:

(A) Seek to influence an applicant's political preference or party registration;

(B) Display any such political preference or party allegiance;

(C) Make any statement to an applicant or take any action to the purpose or effect of discouraging the applicant from registering to vote;

(D) Make any statement to an applicant or take any action to the purpose or effect of leading the applicant to believe that a decision to register or not to register has any bearing on the availability of services or benefits; or

(E) Disclose any applicant's voter registration information, except as necessary for the administration of voter registration.

(d) The Permanent Registrar shall provide office and clerical facilities and may employ such clerical assistants which he may deem necessary to fulfill the duties imposed by this amendment;

provided, that all clerical assistants so employed shall have the qualifications required by law of eligible voters and shall be selected on the basis of competence and without reference to political affiliation.

(e) The State Board of Election Commissioners is authorized and, as soon as is possible after the effective date of this amendment, directed to prescribe, adopt, publish and distribute:

(1) such Rules and Regulations supplementary to this amendment and consistent with this amendment and other laws of Arkansas as are necessary to secure uniform and efficient procedures in the administration of this amendment throughout the State;

(2) a Manual of instruction for the information, guidance and direction of election officials within the state; and

(3) detailed specifications of the registration record files, the voter registration application forms and other registration forms, including voter registration list maintenance forms, all of which shall be consistent with this amendment and uniform throughout the State. [As amended by Acts 1995, No. 599, § 1; 1995, No. 947, § 1; 1995, No. 964, § 1.]

§ 6. Voter registration application forms.

(a)(1) The mail voter registration application form may only require identifying information, including signature or mark, and other information, including data relating to previous registration by the applicant, as is necessary to assess the applicant's eligibility and to administer voter registration and other parts of the election process.

(2) Such forms shall include, in identical print, statements that:

(A) Specify voter eligibility requirements;

(B) Contain an attestation that the applicant meets all voter eligibility requirements and that the applicant does not claim the right to vote in another county or state;

(C) Specify the penalties provided by law for submission of a false voter registration application;

(D) Inform applicants that where they register to vote will be kept confidential;

(E) Inform applicants that declining to register will also be kept confidential; and

(F) Inform applicants that they will be required to verify their registration when voting in person or by absentee ballot by providing a required document or identification card as provided in Arkansas Constitution, Amendment 51, § 13.

(G) Inform the applicant that if the voter registration application is being collected by a third-party voter registration organization, the third-party voter registration organization may be unable to deliver the application to the permanent registrar in the county in which the applicant resides before the thirty-day voter registration deadline to vote in the next election and that the applicant may elect to deliver the application in person or by mail; and

(H) Inform the applicant of the process to determine if the application has been received by the Secretary of State.

(3) The following information will be required of the applicant:

(A) Full name;

(B) Mailing address;

(C) Residence address and any other information necessary to identify the residence of the applicant;

(D) If previously registered, the name then supplied by the applicant, and the previous address, county, and state;

(E) Date of birth;

(F) A signature or mark made under penalty of perjury that the applicant meets each requirement for voter registration;

(G) If the applicant is unable to sign his or her name, the name, address, and telephone number of the person providing assistance;

(H) If the applicant has a current and valid driver's license, the applicant's driver's license number;

- (I) If the applicant does not have a current and valid driver's license, the last four (4) digits of the applicant's social security number; and
- (J) If the applicant does not have a current and valid driver's license number or social security number, the Secretary of State will assign the applicant a number which will serve to identify the applicant for voter registration purposes, and this number shall be placed on the application.
- (4) The following information may be requested on the registration card, but it shall not be required:
- (A) Telephone number where the applicant may be contacted; and
 - (B) Political party with which the applicant wishes to be affiliated, if any.
- (5) The mail voter registration application shall not include any requirement for notarization or other formal authentication.
- (6) The mail voter registration application form shall include the following questions along with boxes for the applicant to check "yes" or "no" in response:
- (A) "Are you a citizen of the United States of America and an Arkansas resident?";
 - (B) "Will you be eighteen (18) years of age on or before election day?";
 - (C) "Are you presently adjudged mentally incompetent by a court of competent jurisdiction?"; and
 - (D) "Have you ever been convicted of a felony without your sentence having been discharged or pardoned?"
- (7) The mail voter registration application form shall include the following statements immediately following the questions asked in subdivision (a)(6) of this section:
- (A) "If you checked 'No' in response to either questions A or B, do not complete this form.";
 - (B) "If you checked 'Yes' in response to either questions C or D, do not complete this form.";
- and
- (C) The mail-in voter registration application form shall include the following statement: "If your voter registration application form is submitted by mail and you are registering for the first time, and you do not have a valid driver's license number or Social Security number, in order to avoid the additional identification requirements upon voting for the first time you must submit with the mailed registration form: (a) a current and valid photo identification; or (b) a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows your name and address."
- (8) If an applicant for voter registration fails to provide any of the information required by this section, the permanent registrar shall notify the applicant of the failure and provide the applicant with an opportunity to complete the form in a timely manner to allow for its completion before the next election for federal office.
- (9) The mail voter registration application shall be pre-addressed to the Secretary of State.
- (b)(1) The voter registration application portion of the process used by the Office of Driver Services and state revenue offices shall include:
- (A) The question: "If you are not registered to vote where you live now, would you like to apply to register to vote here today?";
 - (B) A statement that if an applicant declines to register to vote, the fact that the applicant has declined to register will remain confidential and will be used only for voter registration purposes;
 - (C) A statement that if an applicant does register to vote, the office at which the applicant submits a voter registration application will remain confidential and will be used only for voter registration purposes;
 - (D) Voter registration eligibility requirements;
 - (E) Penalties provided by law for providing false information;
 - (F) An attestation that the applicant meets each eligibility requirement and that the applicant does not claim the right to vote in another county or state; and
 - (G) A space for the applicant's signature or mark.
- (2) The voter registration application portion shall require the signature of the applicant under penalty of perjury, but shall not require notarization or other formal authentication.

(c) Public assistance agencies and disabilities agencies shall provide, in addition to the federal or state mail voter registration application form, a declination form, to be approved by the State Board of Election Commissioners, which includes the following question and statements:

(1) The question in prominent type, “IF YOU ARE NOT REGISTERED TO VOTE WHERE YOU LIVE NOW, WOULD YOU LIKE TO APPLY TO REGISTER TO VOTE HERE TODAY? YES NO”;

(2) The statement in close proximity to the question above and in equally prominent type, “IF YOU DO NOT CHECK EITHER BOX, YOU WILL BE CONSIDERED TO HAVE DECIDED NOT TO REGISTER TO VOTE AT THIS TIME.”;

(3) The statement, “APPLYING TO REGISTER OR DECLINING TO REGISTER TO VOTE WILL NOT AFFECT THE AMOUNT OF ASSISTANCE THAT YOU WILL BE PROVIDED BY THIS AGENCY.”;

(4) The statement, “IF YOU WOULD LIKE HELP IN FILLING OUT THE VOTER REGISTRATION APPLICATION FORM, WE WILL HELP YOU. THE DECISION WHETHER TO SEEK OR ACCEPT HELP IS YOURS. YOU MAY FILL OUT THE APPLICATION FORM IN PRIVATE.”;

(5) The statement, “IF YOU BELIEVE THAT SOMEONE HAS INTERFERED WITH YOUR RIGHT TO REGISTER OR TO DECLINE TO REGISTER TO VOTE, YOUR RIGHT TO PRIVACY IN DECIDING WHETHER TO REGISTER OR IN APPLYING TO REGISTER TO VOTE, OR YOUR RIGHT TO CHOOSE YOUR OWN POLITICAL PARTY OR OTHER POLITICAL PREFERENCE, YOU MAY FILE A COMPLAINT WITH THE SECRETARY OF STATE AT” (filled in with the address and telephone number of the Secretary of State’s office);

(6) The statement, “IF YOU DECLINE TO REGISTER TO VOTE, THE FACT THAT YOU HAVE DECLINED TO REGISTER WILL REMAIN CONFIDENTIAL AND WILL BE USED ONLY FOR VOTER REGISTRATION PURPOSES.”; and

(7) The statement, “IF YOU DO REGISTER TO VOTE, THE OFFICE AT WHICH YOU SUBMIT A VOTER REGISTRATION APPLICATION WILL REMAIN CONFIDENTIAL AND WILL BE USED ONLY FOR VOTER REGISTRATION PURPOSES.”.

[As amended by Acts 1971, No. 828, § 1; 1995, No. 947, § 2; 1995, No. 964, § 2; 2003, No. 995, § 1; 2003 (2nd Ex. Sess.), No. 8, § 1; 2009, No. 659, § 1; 2017, No. 633, § 1; 2023, No. 441, § 2.]

Publisher’s Notes. Before amendment by Acts 1971, No. 828, subdivision (8) read: “number or name of the voter’s school district and number or name of the voter’s precinct.”

The proviso to subdivision (a)(8)(b) read exactly as it appeared in the 1971 amendment prior to further amendment in 1995.

Acts 1971, No. 828, § 2 read: “The amendment of Sub-

section (8) of Section 6 of Amendment 51 of the Constitution of the State of Arkansas, as provided in Section 1 hereof, is hereby made in conformance with the provisions of Section 19 of said Amendment 51 to the Constitution of the State of Arkansas, it being the determination of the General Assembly that said Amendment is germane to Amendment 51 and is consistent with its policy and purposes.”

§ 7. Registration record files.

(a) By the deadline to establish a computerized statewide voter registration database under the federal Help America Vote Act of 2002, including any waivers or extensions of that deadline, the Secretary of State shall define, maintain, and administer the official, centralized, and interactive computerized voter registration list for all voters legally residing within the State. The list shall include:

(1) The name, address, county, precinct, assigned unique identifier and registration information of every legally registered voter in the state;

(2) The inactive registration records of persons who have failed to respond to address confirmation mailings described in § 10 of this amendment;

(3) List maintenance information for each person receiving address confirmation notices or final address confirmation notices, or both, and the person’s response; and

(4) Cancelled voter registration records and documentation noting the reason for cancellation.

(b) The computerized list shall serve as the single system for storing and managing the official list of registered voters throughout the state.

(c) The computerized list shall serve as the official voter registration list for the conduct of all elections for federal, state, county, municipal, school, or other office in the state.

(d) The permanent registrar of each county shall maintain copies of that county's precinct voter registration list from the statewide computerized list as necessary for holding elections.

(e) The computerized list shall be coordinated with other state agency records on felony status as maintained by the Arkansas Crime Information Center, records on death as maintained by the State Department of Health, and driver's license records maintained by the Office of Driver Services, according to § 9 of Amendment 51 to the Arkansas Constitution.

(f) A person with an inactive voter registration status may activate his or her voting status by appearing to vote at the precinct in which he or she currently resides or by updating his or her voter registration records with the permanent registrar of the county in which he or she resides.

(g) The county board of election commissioners or other lawfully designated election officials shall cause the appropriate precinct voter registration lists to be at the polling places on the date of elections, and shall return them at the close of the election to the office of the permanent registrar with the ballot boxes.

(h) If the legal residence of a voter is renamed, renumbered, or annexed, the permanent registrar or any local election official may change the name or number of the legal residence on the voter's registration record and any other voting records. Within fifteen (15) days after the records are changed to reflect the new name or number of the residence, the permanent registrar shall notify the voter by mail that the change has been made.

(i)(1) The Secretary of State and any permanent registrar in the state, may obtain immediate electronic access to the information contained in the computerized list.

(2) All voter registration information obtained by any local election official in the state shall be electronically entered into the computerized list on an expedited basis at the time the information is provided to the local official.

(3) The Secretary of State shall provide the support as may be required so that local election officials are able to enter the information.

(j)(1) The Secretary of State shall ensure the security and accuracy of the statewide voter registration list.

(2) To ensure the security and accuracy of the statewide voter registration list maintained by the Secretary of State, the Secretary of State shall:

(A) Cooperate with other states and jurisdictions to compare registered voters, voter history, and voter registration lists to:

- (i) Ensure the accuracy of the voter registration rolls;
- (ii) Identify voters whose addresses have changed;
- (iii) Prevent registration in more than one (1) state; and
- (iv) Determine eligibility of individuals to vote in Arkansas;

(B) Have the authority to utilize any services available to establish and implement a system for the verification of citizenship status for a person registering to vote;

(C) Regularly and before each election identify registered voters who are deceased by comparing the information received from the Social Security Administration, including without limitation a master death file or index compiled by the Social Security Administration;

(D) Establish and implement a process for the verification of address information:

- (i) Submitted by a person registering to vote;
- (ii) Submitted by a registered voter updating his or her address; and
- (iii) Provided through undeliverable mail by the United States Postal Service concerning a person registering to vote or a registered voter;

(E) Ensure all confidential voter registration information and data remains confidential and protected under state and federal law;

(F) Allow view-only access to the voter registration record files and data to all county boards of election commissioners to carry out the county board of election commissioners' election administration responsibilities; and

(G) Provide annual reports to the Joint Performance Review Committee of the General Assembly concerning the accuracy of the voter registration record files.

(3) The Secretary of State shall promulgate rules under the Arkansas Administrative Procedure Act, § 25-15-201 et seq., necessary to:

- (A) Implement the requirements of this section; and
- (B) Ensure the security, accuracy, and integrity of the:
 - (i) Statewide voter registration system;
 - (ii) Supporting technologies utilized by the counties to maintain and record voter registration information;
 - (iii) Secure user access requirements established by the Secretary of State; and
 - (iv) Election audit logs.

[As amended by Acts 1971, No. 299, § 1; 1973, No. 149, §§ 1-4; 1977, No. 563, § 1; 1991, No. 410, § 1; 1995, No. 947, § 3; 1995, No. 964, § 3; 2003, No. 995, § 2; 2003 (2nd Ex. Sess.), No. 8, §§ 2, 3; 2023, No. 441, § 3.]

§ 8. Voter registration application records and reports.

(a)(1) The Office of Driver Services, State Revenue Offices, public assistance agencies, disabilities agencies, and other voter registration agencies shall transmit all completed voter registration applications to the Secretary of State in sufficient time to allow the Secretary of State to transmit the applications to the appropriate permanent registrar no later than ten (10) days after the date of acceptance by the assisting agency. When applications are accepted within five (5) days before the last day of registration for an election, they must be transmitted no later than five (5) days after the date of acceptance at the assisting agency.

(2) The Secretary of State shall transmit all mail voter registration applications to the appropriate permanent registrar no later than ten (10) days after the date of receipt. When applications are received within five (5) days before the last day of registration for an election, they must be transmitted no later than five (5) days after date of receipt. If forms are received by the wrong election office, they shall be forwarded to the appropriate permanent registrar not later than the fifth day after receipt.

(b) The Office of Driver Services, State Revenue Offices, public assistance agencies, disabilities and other voter registration agencies shall collect data on the number of voter registration applications completed or declined at each agency, and any additional statistical evidence that the Secretary of State or the State Board of Election Commissioners deems necessary for program evaluation and shall retain such voter registration data for a period of two (2) years.

(c)(1) The Secretary of State shall collect, maintain, and publish monthly statistical data reflecting the number of new voter registration applications, changes of address, name, and party affiliation, and declinations received by mail and in:

- (A) state revenue offices;
- (B) public assistance agencies;
- (C) disabilities agencies;
- (D) recruitment offices of the Armed Forces of the United States;
- (E) public libraries; and
- (F) offices of the Arkansas National Guard.

(2) Every six (6) months the Secretary of State shall compile a statewide report available to the public reflecting the statistical data collected pursuant to subsection (a) of this section. This report shall be submitted to the United States Election Assistance Commission for the national report pursuant to the National Voter Registration Act of 1993, United States Code 52 USC § 20508. The state report shall also include:

- (A) Numbers of and descriptions of the agencies, and the method of integrating voter registration in the agencies, disaggregated by agency;
- (B) Numbers and descriptions of the public assistance programs and the method of integrating voter registration, disaggregated by program;
- (C) An assessment of the impact of the National Voter Registration Act of 1993, United States Code 52 USC § 20508, on the administration of elections; and

(D) Recommendations for improvements in procedures, forms, and other matters affected by the National Voter Registration Act of 1993, United States Code 52 USC § 20508.

(d) Every six (6) months the state-level administration of each voter registration agency shall issue a report to the Legislative Council and the Secretary of State containing:

(1) The statistical and other information collected in each voter registration agency office, including the:

(A) Number of and description of each voter registration agency;

(B) Method of integrating voter registration in the voter registration agency; and

(C) Total number of registration application forms transmitted to the Secretary of State, disaggregated by month by the voter registration agency;

(2) The statistical and other information collected in each public assistance agency, including the:

(A) Number of and description of each voter registration agency;

(B) Method of integrating voter registration in the voter registration agency; and

(C) Number of registration application forms transmitted to the Secretary of State, disaggregated by month by the voter registration agency; and

(3) Recommendations for improvements in procedures, forms, and other matters, including training.

(e) Information relating to the place where a person registered to vote, submitted a voter registration application, or updated voter registration records, and information relating to declination forms is confidential and exempt from the Freedom of Information Act, § 25-19-101, et seq. [As amended by Acts 1989, No. 540, § 1; 1995, No. 947, § 4; 1995, No. 964, § 4; 2023, No. 441, §§ 4, 5.]

§ 9. Application to register.

(a) All persons may register who:

(1) Have not been convicted of a felony unless the person's sentence has been discharged or the person has been pardoned;

(2) Have not been adjudged mentally incompetent by a court of competent jurisdiction; and

(3) Meet one (1) of the following requirements:

(A) Are qualified electors who have not previously registered;

(B) Will become qualified electors during the thirty-day period immediately prior to the next election scheduled within the county; or

(C) Are otherwise qualified electors but whose registration has been cancelled in a manner provided for by this amendment.

(4) Are citizens of the United States.

(b) Registration shall be in progress at all times except during the thirty-day period immediately prior to any election scheduled within the county, during which period registration of voters shall cease for that election, but registration during such period shall be effective for subsequent elections.

(c)(1) The permanent registrar shall register qualified applicants when a legible and complete voter registration application is received and acknowledged by the permanent registrar.

(2) Any person who assists applicants with a voter registration application as part of a voter registration drive or who, in furtherance of a voter registration drive, gathers or possesses completed applications for submission to the permanent registrar or Secretary of State shall deliver all applications in his or her possession to the permanent registrar or Secretary of State within twenty-one (21) days of the date on the voter registration application and, in any event, no later than the deadline for voter registration for the next election.

(3) The permanent registrar shall register qualified applicants who apply to register to vote by mail using the state or federal mail voter registration application form if:

(A) A legible and complete voter registration application form is postmarked not later than thirty (30) days before the date of the election, or, if the form is received by mail without a postmark, not later than twenty-five (25) days before the date of an election; and

(B)(i) The applicant provides a current valid driver's license number or the last four (4) digits of the applicant's social security number; or

(ii) If an applicant for voter registration does not have a valid driver's license or a social security number, the Secretary of State shall assign the applicant a number that will serve as a unique identifier of the applicant for voter registration purposes.

(d) The permanent registrar shall notify applicants whether their applications are accepted or rejected or are incomplete. If information required by the permanent registrar is missing from the voter registration application, the permanent registrar shall contact the applicant to obtain the missing information.

(e) The Secretary of State and the Director of the Office of Driver Services shall enter into an agreement to match information in the database of the statewide voter registration system with information in the database of the Office of Driver Services to the extent required to enable each official to verify the accuracy of the information provided on applications for voter registration. The Director of the Office of Driver Services shall enter into an agreement with the Commissioner of Social Security to verify driver's license information according to § 303 of the Federal Help America Vote Act of 2002.

(f) Registration records shall be entered promptly in the computerized statewide registration record files. If the applicant lacks one (1) or more of the qualifications required by law of voters in this state, the permanent registrar shall not register the applicant, but shall document the reason for denying the applicant's registration and promptly file or enter the application and the documented reason for denying registration in the statewide registration record files.

(g) If the permanent registrar has any reason to doubt the qualifications of an applicant for registration, he or she shall submit such application to the county board of election commissioners, and such board shall make a determination with respect to such qualifications and shall instruct the permanent registrar regarding the same.

(h) If any person eligible to register as a voter is unable to register in person at the permanent registrar's office by reason of sickness or physical disability, the permanent registrar shall register the applicant at his or her place of abode within such county, if practicable, in the same manner as if he or she had appeared at the permanent registrar's office.

(i) Notwithstanding other provisions of this amendment, every person in any of the following categories who is absent from the place of his or her voting residence may vote without prior registration by absentee ballot by submission of a federal postal card application as provided for in the Uniformed and Overseas Citizens Absentee Voting Act in any primary, special, school, or general election held in his or her election precinct if he or she is otherwise eligible to vote in that election:

(1) Members of the uniformed services of the United States while in active duty or service, and their spouses and dependents who, by reason of the active duty or service of the member, are absent from the place of residence where the spouse or dependent is otherwise qualified to vote;

(2) Members of the Merchant Marine while in active duty or service, and their spouses and dependents who, by reason of the active duty or service of the member, are absent from the place of residence where the spouse or dependent is otherwise qualified to vote; and

(3) Citizens of the United States residing or temporarily outside the territorial limits of the United States and the District of Columbia.

(j)(1) The Secretary of State shall be responsible for providing to all absent uniformed services voters and overseas voters who wish to register to vote or vote in any jurisdiction in the state, information regarding voter registration procedures and absentee ballot procedures.

(2) No later than ninety (90) days after the date of each regularly scheduled general election for federal office, the Secretary of State shall submit a report, based on information submitted to him or her by the permanent registrars of each county, to the Election Assistance Commission on the combined number of absentee ballots transmitted to absent uniformed services voters and overseas voters for the election and the combined number of the ballots which were returned by the voters and cast in the election.

(3) The Secretary of State shall make the report available to the general public.

(k) Any person whose registration status or voting eligibility is affected adversely by an administrative determination under this amendment may appeal such adverse determination within five (5) days of receipt of notice thereof to the county board of election commissioners. The county board of election commissioners shall act on such appeal and render its decision within ten (10) days of its receipt. Within thirty (30) days after receipt of such decision, any aggrieved party may appeal further to the circuit court of the county.

(l) If an election law deadline occurs on a Saturday, Sunday, or legal holiday, the deadline shall be the next day which is not a Saturday, Sunday, or legal holiday. [As amended by Acts 1971, No. 184, § 1; 1993, No. 561, § 1; 1995, No. 947, § 5; 1995, No. 964, § 5; 1999, No. 654, § 1; 2003, No. 995, § 3; 2005, No. 1952, § 1; 2009, No. 659, § 2; 2023, No. 441, § 6.]

Publisher's Notes. The Election Assistance Commission, referred to in subdivision (j)(2), is a federal commission.

Before the 1971 amendment, subsection (f) read: "Notwithstanding other provisions of this amendment, all members of the armed forces of the United States and their

spouses when residing with or accompanying them, who are otherwise eligible, may vote without registration by absentee ballot in accordance with the laws of this State".

Section 9 of Amendment 51 to the Arkansas Constitution was amended by the General Assembly pursuant to the authority granted in Section 19 of that Amendment.

§ 10. Transfer and change of status.

(a) Upon a change of legal residence within the county, or a change of name, any registered voter may cause his or her registration to be transferred to his or her new address or new name by completing and mailing a federal or state mail voter registration application form, by updating his or her address at the Office of Driver Services, any state revenue office, public assistance agency, disabilities agency, or other voter registration agency, by signing a mailed request to the permanent registrar, giving his or her present address and the address at which he or she was last registered or his or her present name and the name under which he or she was last registered, or by applying in person at the office of the permanent registrar.

(b)(1) Upon a change of legal residence from one (1) county within the state to another county within the state, any registered voter may cause his or her registration to be transferred to the new county at his or her new address by:

(A) Completing and mailing a federal or state mail voter registration application form;

(B) Updating his or her new address at a voter registration agency, including without limitation the Office of Driver Services or a state revenue office, public assistance agency, or disabilities agency;

(C) Signing a mailed request to the permanent registrar giving the voter's present address and the address at which the voter was last registered; or

(D) Applying in person for the transfer at the office of the permanent registrar.

(2)(A) If the updated registration information is actually received in the office of the county clerk of the voter's new county not later than four (4) days before a scheduled election, the voter shall have the right to vote in the scheduled election in the precinct into which the voter just moved in the new county.

(B) If the updated registration information is not actually received by the fourth day before a scheduled election, the voter shall not be eligible to vote in the scheduled election.

(c) If the change of legal residence is made pursuant to subsection (a) or subdivision (d)(1) of this section during the thirty-day administrative cut-off period immediately prior to any election scheduled within the county, the registered voter shall retain his or her right to vote in the scheduled election in the precinct to which he or she just moved.

(d) The permanent registrar shall conduct a uniform, nondiscriminatory address confirmation program during each odd-numbered year to ensure that voter registration lists are accurate and current. The address confirmation program shall be completed not later than ninety (90) days prior to a primary or general election for federal office. Based on change of address data received from the United States Postal Service or its licensees, or other unconfirmed data indicating that a registered voter no longer resides at his or her registered address, the permanent registrar shall send a forwardable address confirmation notice, including a postage-paid and preaddressed return card, to enable the voter to verify or correct the address information.

(1) If change of address data indicate that the voter has moved to a new residence address in the same county and, if the county is divided into more than one (1) congressional district, the same congressional district, the address confirmation notice shall contain the following statement:

“We have received notification that you have moved to a new address in _____ County (or in the _____ Congressional District). We will reregister you at your new address unless, within ten (10) days, you notify us that your change of address is not a change of your permanent residence. You may notify us by returning the attached postage-paid postcard or by calling (_____) _____-_____. If this is not a permanent change of residence and if you do not notify us within ten (10) days you may be required to update your residence address in order to vote at future elections.”

(2) If the change of address data indicates that the voter has moved to a new address in another county or, if a county is divided into more than one (1) congressional district, to a new address in the same county but in a new congressional district, the notice shall include the following statement:

“We have received notification that you have moved to a new address not in _____ County (or not in the _____ Congressional District). If you no longer live in _____ County (or in the _____ Congressional District), you must transfer your registration to your new residence address in order to vote in the next election. If you are still an Arkansas resident, you may obtain a form to transfer your registration by calling your county clerk’s office or the Secretary of State. If your change of address is not a change of your permanent residence, you must return the attached postage-paid postcard. If you do not return this card and continue to reside in _____ County (and in the _____ Congressional District), you may be required to provide identification and update your residence address in order to vote at future elections, and if you do not vote at any election in the period between the date of this notice and the second federal general election after the date of this notice, your voter registration will be cancelled and you will have to reregister in order to vote. If the change of address is permanent, please return the attached postage-paid postcard which will assist us in keeping our voter registration records accurate.”

(e) The county clerk may send out an address confirmation to any voter when he or she receives unconfirmed information that the voter no longer resides at the address on the voter registration records. The county clerk shall follow the same confirmation procedure as set forth in subsection (d) of this section.

(f) Based on change of address information received pursuant to subsections (a) and (d) of this section, the permanent registrar shall:

(1) Update and correct the voter’s registration if the information indicates that the voter has moved to a new address within the same county and the same congressional district;

(2) Designate the voter as inactive if the information indicates the voter has moved to a new address in another county or to a new address in another congressional district in the same county or if the address confirmation notices have been returned as undeliverable; or

(3) Cancel the voter registration in the county from which the voter has moved if the voter verifies in writing that he or she has moved to a residence address in another county. [As amended by Acts 1977, No. 882, § 1; 1991, No. 581, § 1; 1995, No. 947, § 6; 1995, No. 964, § 6; 1999, No. 1108, § 1; 2007, No. 560, § 1; 2009, No. 659, § 3.]

§ 11. Cancellation of registration.

(a) It shall be the duty of the permanent registrar to cancel the registration of voters:

(1) Who have failed to respond to address confirmation mailings described in section 10 of this amendment and have not voted or appeared to vote in an election during the period beginning on the date of the notice and ending on the day after the date of the second general election for federal office that occurs after the date of the address confirmation notice;

(2) Who have changed their residence to an address outside the county;

- (3) Who have died;
 - (4) Who have been convicted of a felony and have not discharged their sentence or been pardoned;
 - (5) Who are not lawfully qualified or registered electors of this state or of the county; or
 - (6) Who have been adjudged mentally incompetent by a court of competent jurisdiction.
 - (7) Who are not citizens of the United States.
- (b) It shall be the duty of the permanent registrar of each county upon the registration of a person who has been registered previously in another county or state to notify promptly the permanent registrar of such other county or state of the new registration.
- (c)(1) It shall be the duty of the State Registrar of Vital Records to notify promptly the Secretary of State of the death of all residents of this state.
- (2)(A) The Secretary of State shall compile a listing of the deceased residents of this state and shall promptly provide this listing to the permanent registrar of each county.
- (B) The deceased voter registration shall be cancelled by the permanent registrar.
- (d)(1) It shall be the duty of the circuit clerk of each county upon the conviction of any person of a felony to notify promptly the permanent registrar of the county of residence of such convicted felon.
- (2)(A) It is the duty of any convicted felon who desires to register to vote to provide the county clerk with proof from the appropriate state or local agency, or office that the felon has been discharged from probation or parole, has paid all probation or parole fees, or has satisfied all terms of imprisonment, and paid all applicable court costs, fines, or restitution.
- (B) Proof that the felon has been discharged from probation or parole, paid all probation or parole fees, or satisfied all terms of imprisonment, and paid all applicable court costs, fines, or restitution shall be provided to the felon after completion of the probation, parole, or sentence by the Department of Correction, the Department of Community Correction, the appropriate probation office or the circuit clerk as applicable.
- (C) The circuit clerk or any other entity responsible for collection shall provide proof to the Department of Correction, the Department of Community Correction, or the appropriate probation office that the felon has paid all applicable court costs, fines, or restitution.
- (D) Upon compliance with subdivision (d)(2)(A) of this section, the felon shall be deemed eligible to vote.
- (e)(1)(A) If upon inquiry an individual is found by a court to be unfit and disqualified to act as a grand or petit juror because the person is not a citizen of the United States:
- (i) The name of the individual shall be put aside and not used; and
 - (ii) A notation of the dismissal of the name and reason for dismissal of the name shall be made in the jury book.
- (B) The circuit clerk shall promptly notify the permanent registrar of the county of residence of an individual who is disqualified from serving as a juror under subdivision (e)(1)(A) of this section.
- (C) After receiving the notice from the circuit clerk, the permanent registrar shall promptly cancel the dismissed juror's voter registration, update the voter registry, and send the dismissed juror notice under subsection (f) of this section.
- (2)(A) It is the duty of any person whose registration has been cancelled under subsection (e) of this section to provide the permanent registrar with proof from the appropriate federal, state, or local agency that he or she is a citizen of the United States.
- (B) Upon complying with subdivision (e)(2)(A) of this section the person shall be deemed eligible to vote and the permanent registrar shall add the citizen to the voter registry upon the citizen's application for voter registration.
- (f) Within ten (10) days following the receipt or possession of information requiring any cancellation of registration, the permanent registrar shall cancel the registration and note the date of the cancellation, the reason for the cancellation, and the person cancelling the registration in the voter registration system.
- (g)(1) The permanent registrar shall, thirty (30) days before cancellation, notify all persons whose registration records are to be cancelled in accordance with section 11(a)(1) of this

amendment. The notice may be either by publication or by first class mail. The notice by mail shall be as follows:

“NOTICE OF IMPENDING CANCELLATION OF VOTER REGISTRATION.

According to our records you have not responded to our address confirmation notice and you have not voted in any election during the period beginning on the date of the notice and ending on the day after the date of the second general election for federal office after the date of the first notice. This may indicate that you no longer live at the residence address printed on the postcard. If your permanent residence address is still the same as the printed address on this postcard **YOU MUST CONFIRM YOUR RESIDENCE ADDRESS** in order to remain on the voter registration list. If you do not return the attached postcard within thirty (30) days after the date postmarked on this card **YOUR REGISTRATION WILL BE CANCELLED** and you will have to re-register to vote.”

(2) When, in response to the notice, a qualified voter requests the permanent registrar not to cancel the voter registration, the voter registration shall not be cancelled under section 11(a)(1) of this amendment.

(h) The permanent registrar is authorized, and may be directed by the county board of registration, to determine by mail check, house to house canvass, or any other reasonable means at any time within the whole or any part of the county whether active record registration files contain the names of any persons not qualified by law to vote. Further, upon application based upon affidavits of one (1) or more qualified voters by the prosecuting attorney for the county, the circuit judge of the county, for good cause shown, may order the permanent registrar to make sure determination or to cancel the registration of such unqualified persons. [As amended by Acts 1977, No. 744, § 1; 1983, No. 11, § 1; 1987, No. 800, § 1; 1991, No. 581, § 2; 1995, No. 947, § 7; 1995, No. 964, § 7; 2001, No. 560, § 1; 2003, No. 271, § 1; 2003, No. 375, § 1; 2003, No. 1451, § 1; 2009, No. 659, § 4; 2019, No. 290, § 1; 2023, No. 441, §§ 7, 8.]

Publisher’s Notes. This section was amended by two 1987 acts which conflict and cannot be codified together. Acts 1987, No. 800, was the last-enacted amendment and is set out above. Acts 1987, No. 597, § 1, would have amended subsections (a) and (f) to read as follows:

“(a) It shall be the duty of the Permanent Registrar to cancel the registration of voters:

“(1) Who have failed to vote in any election during four (4) successive calendar years immediately preceding the first of January of any year. Provided, the registration of a person who is in the active military service of the United States shall be cancelled for failure to vote only if such person has failed to vote in any election during six (6) successive calendar years immediately preceding the first of January of any year;

“(2) Who have changed their residence to an address outside the county;

“(3) Who have died or changed their name;

“(4) Who have been convicted of felonies and have not discharged their sentence or been pardoned; or

“(5) Who are not lawfully qualified or registered electors of this State, or of the county.

“(f) The Permanent Registrar may send all persons whose Affidavits of Registration are cancelled in accordance with Section 11(a)(1) of this amendment the follow-

ing notice by first-class mail within ten (10) days after such cancellation: ‘NOTICE OF CANCELLATION OF VOTER REGISTRATION. Notice is hereby given that due to your failure to vote in any election in this county during the preceding four (4) calendar years, (six (6) calendar years in the case of persons in active military service of the United States) under the laws of this State your voter registration has been cancelled. If you are still a qualified voter, you may register again at any time.’ Alternatively, the Permanent Registrar may publish a list of the names of all persons whose Affidavits of Registration are cancelled in the previous calendar year in accordance with Section 11(a)(1) of this amendment on or before the 31st day of January of each year in a legal newspaper. To assure proper identification, the name of the person’s street or route and the name of the city, town, or community in which the person lives shall be included. The following notice shall be given and shall be followed by the list of names: ‘NOTICE OF CANCELLATION OF VOTER REGISTRATION. Notice is hereby given that due to your failure to vote in any election in this county during the preceding four (4) calendar years, (six (6) calendar years in case of persons in active military service of the United States) under the laws of this State your voter registration has been cancelled. If you are still a qualified voter, you may register again at any time.’”

§ 12. Loss or destruction of voter registration records.

In the event any Registration Record or File shall become lost or destroyed, the Permanent Registrar shall prepare, from the remaining Files, temporary copies of the registration records if necessary for the conduct of any election. The Permanent Registrar shall send notice of such fact by first-class mail to any voter whose registration record has been lost, destroyed or mutilated in order that such voter may register again. The previous registration shall be cancelled at the time

of the new registration, and in any event within sixty (60) days after mailing of such notice. [As amended by Acts 1995, No. 947, § 9; 1995, No. 964, § 9.]

§ 13. Fail-safe voting — Verification of voter registration.

(a) If a voter presents himself or herself at a polling place on the date of an election but no record of his or her voter registration can be located by the judges of the election on the precinct voter registration list, the voter shall be permitted to vote only under the conditions set forth in § 7-5-306 or § 7-7-308.

(b)(1)(A) In order to determine that all who cast a ballot in an election, a runoff election, or a school election in this state are legally qualified to vote in that election, each voter shall verify his or her registration by:

(i) Presenting to the election official when appearing to vote in person either early or at the polls on election day in an election, a runoff election, or a school election verification of registration in the form of a document or identification card that:

(a) Shows the legal 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;

(c) Is issued by the United States, the State of Arkansas, an accredited postsecondary educational institution in the State of Arkansas, or a trade school in the State of Arkansas; and

(d) If displaying an expiration date, is not expired or expired no more than four (4) years before the date of the election in which the voter seeks to vote; or

(ii) Submitting with an absentee ballot in an election, a runoff election, or a school election a copy of a document or identification card that complies with the requirements of subdivision (b)(1)(A)(i) of this section.

(B) A document or identification card may be presented in a digital format on an electronic device if the document or identification card:

(1) Complies with the requirements of subdivision (b)(1)(A) of this section; and

(2) The digital format has been approved or issued by the United States, the State of Arkansas, or an accredited postsecondary educational institution in the State of Arkansas.

(C) Documents and identification cards that comply with the requirements of subdivision (b)(1)(A) of this section include without limitation:

(i) A driver's license;

(ii) A photo identification card;

(iii) A concealed handgun carry license;

(iv) A United States passport;

(v) An employee badge or identification document issued by an accredited postsecondary educational institution in the State of Arkansas;

(vi) A United States military identification document;

(vii) A public assistance identification card if the card shows a photograph of the person to whom the document or identification card was issued; and

(viii) A voter verification card under Arkansas Code § 7-5-324.

(2)(A) Except as provided in subdivision (b)(2)(B) of this section, if a voter is unable to verify his or her registration when voting in person by presenting a document or identification card that complies with subdivision (b)(1)(A)(i) of this section, the election official shall:

(i) Indicate on the precinct voter registration list that the voter did not present a required document or identification card; and

(ii) Permit the voter to cast a provisional ballot and inform the voter of the requirements under subdivision (b)(4) of this section.

(B)(i) A person who is 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 registration by presenting a document or identification card that complies with subdivision (b)(1)(A)(i) of this section when voting in person.

(ii) A person not required to present a document or identification card under subdivision (b)(2)(B)(i) of this section shall provide documentation from the administrator of the facility attesting that the person is a resident of the facility.

(3)(A) Except as provided in subdivision (b)(3)(B) of this section, if a voter voting by absentee ballot fails to submit with the ballot documentation that complies with subdivision (b)(1)(A)(ii) of this section, the absentee ballot shall be considered a provisional ballot.

(B) The following persons shall not be required to submit with his or her absentee ballot documentation that complies with subdivision (b)(1)(A)(ii) of this section:

(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 dependant of an active duty member of the uniformed services of the United States or United States Merchant Marine under subdivision (b)(3)(B)(i) of this section who is absent from the country on election day because of the service of the member; or

(iii)(a) A resident of a long-term care or residential care facility licensed by the state of Arkansas.

(b) A person not required to submit a document or identification card under subdivision (b)(3)(B)(iii)(a) of this section shall provide documentation from the administrator of the facility attesting that the person is a resident of the facility.

(4) A provisional ballot cast by a voter who did not present a required document or identification card shall be counted if:

(A) The voter returns to the county board of election commissioners or the county clerk by 12:00 noon on the Monday following the election and presents a document or identification card that complies with the requirements of subdivision (b)(1)(A)(i) of this section; and

(B) The county board of election commissioners does not determine that the provisional ballot is invalid and should not be counted based on other grounds.

(5) A provisional ballot cast by an absentee voter who failed to submit with an absentee ballot documentation that complies with subdivision (b)(1)(A)(ii) of this section shall be counted if:

(A) The voter returns to the county board of election commissioners or the county clerk by 12:00 noon on the Monday following the election and presents a copy of a document or identification card that complies with the requirements of subdivision (b)(1)(A)(i) of this section; and

(B) The county board of election commissioners does not determine that the provisional ballot is invalid and should not be counted based on other grounds.

(6) A person registering to vote by mail and who has not previously voted in a federal election in this state shall only be required to comply with § 7-5-201(e).

(7) The State Board of Election Commissioners shall promulgate rules necessary to implement subsection (b) of this section.

(8)(A) Following each election, the county board of election commissioners may review the precinct voter registration lists and may provide the information of each voter not presenting a document or identification card necessary to verify his or her voter registration when voting in person or by absentee ballot to the prosecuting attorney.

(B) The county board of election commissioners shall refer suspected instances of voter fraud to the prosecuting attorney.

(C) The prosecuting attorney or a state entity authorized by the General Assembly may investigate possible voter fraud.

(D) Upon application based upon affidavits of one (1) or more qualified voters by the appropriate prosecuting attorney alleging possible voter fraud, the appropriate circuit judge, for good cause shown, may order the permanent registrar to cancel the registration of the voter failing to verify his or her registration as provided by this subsection. [As amended by Acts 1973, No. 149, §§ 5, 6; 1995, No. 947, § 10; 1995, No. 964, § 10; 2017, No. 633, § 2; 2019, No. 684, § 1; 2021, No. 249, §§ 1, 2; 2023, No. 441, §§ 9-11.]

§ 14. Voter registration lists.

(a) By the first day of June of each year, and at such other times as may be practicable, all Permanent Registrars shall, and at their discretion at other times may, print or otherwise duplicate and publish lists of registered voters by precincts, and may distribute such lists pursuant to §§ 7-5-105 and 7-5-109. A copy of the most current such list in each precinct shall be furnished the election officials at each precinct at the time the ballot boxes are delivered and such election officials shall post said list at a conspicuous place in the polling area.

(b) By the first day of June of each year, the Permanent Registrar shall certify to the Secretary of State the total number of registered voters in the county. The Secretary of State shall tabulate the total number of registered voters in the state and shall make such information available to interested persons upon request. [As amended by Acts 1995, No. 947, § 11; 1995, No. 964, § 11.]

§ 15. Penalties.

(a) Any person who shall maliciously and intentionally destroy, steal, mutilate or unlawfully detain or obtain any voter registration form or any Registration Record Files shall be guilty of a felony, and upon conviction thereof shall be fined in the sum of not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1,000.00), or be imprisoned in the State Penitentiary for a period of not less than one (1) year nor more than five (5) years, or both.

(b) Any public official, election official, or public employee who wilfully violates any provision of this amendment shall be guilty of a misdemeanor, and upon conviction thereof shall also be removed from such office or position.

(c) Any other person who wilfully violates any provision of this amendment shall be guilty of a misdemeanor. [As amended by Acts 1995, No. 947, § 12; 1995, No. 964, § 12; 2023, No. 441, § 12.]

§ 16. Severability.

If any provision of this amendment or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the amendment which can be given effect without the invalid provision or application, and to this end the provisions of this amendment are declared to be severable.

§ 17. Effect on other laws.

This amendment supersedes and repeals the requirement of Amendment No. 8 that a poll tax receipt be presented prior to registration or voting, and further supersedes and repeals Act 19 of 1964 and all other laws or parts of laws in conflict herewith.

§ 18. Appropriations.

The General Assembly shall make such appropriations as may be required for the effectuation of this amendment.

§ 19. Amendment.

The General Assembly may, in the same manner as required for amendment of laws initiated by the people, amend Sections 5 through 15 of this amendment, so long as such amendments are germane to this amendment, and consistent with its policy and purposes.

§ 20. Short title.

This amendment shall be known as the "Arkansas Amendment for Voter Registration without Poll Tax Payment."

AMEND. 52. COMMUNITY COLLEGES.



STATE OF ARKANSAS
BUREAU OF
LEGISLATIVE RESEARCH

Marty Garrity, Director
Kevin Anderson, Assistant Director
for Fiscal Services
Matthew Miller, Assistant Director
for Legal Services
Jessica Whittaker, Assistant Director
for Research Services
Eric Sanders, Assistant Director
for Information Technology Services

Memorandum

TO: Members, ALC – Executive Subcommittee

CC: Marty Garrity, Director, Bureau of Legislative Research;
Rebecca Miller-Rice, Administrator, Administrative Rules Review Section,
Legal Services Division

FROM: Suba Desikan, Legislative Attorney, Administrative Rules Review Section,
Legal Services Division

DATE: April 25, 2024

SUBJECT: Legal Authorization for the Emergency Promulgation of the Proposed State
Board of Election Commissioners' Rule Regarding Voter Registration

The State Board of Election Commissioners seeks legislative review and approval of the emergency promulgation of its proposed rule regarding voter registration. Pursuant to Arkansas Constitution Amendment 51, § 5(e), the State Board of Election Commissioners is authorized and, as soon as is possible after the effective date of this amendment, directed to prescribe, adopt, publish and distribute:

- (1) such Rules and Regulations supplementary to this amendment and consistent with this amendment and other laws of Arkansas as are necessary to secure uniform and efficient procedures in the administration of this amendment throughout the State;
 - (2) a Manual of instruction for the information, guidance and direction of election officials within the state; and
 - (3) detailed specifications of the registration record files, the voter registration application forms and other registration forms, including voter registration list maintenance forms, all of which shall be consistent with this amendment and uniform throughout the State.
- See Ark. Const. Amendment 51, §5(e).*

In addition, the State Board of Election Commissioners shall have the authority to formulate, adopt, and promulgate all necessary rules to assure even and consistent application of voter registration laws and fair and orderly election procedures. *See Ark. Code Ann. § 7-4-101(f)(5).*