

**SUMMARY OF PUBLIC COMMENTS RECEIVED BY  
THE ARKANSAS SECRETARY OF STATE  
PROPOSED RULES ON VOTER IDENTIFICATION  
ACT 595 OF 2013**

SUBMITTED TO BUREAU OF LEGISLATIVE RESEARCH ON JULY 15, 2013

**TOTALS:** The Secretary of State's Office received a total of 18 requests for a copy of the proposed rules. A total of 55 comments were submitted. Eight comments were received at the public hearing held on June 19, 2013 and the remaining comments were submitted in writing either by email or letter. Of the 55 comments submitted, one (1) individual (Ginna Watson - Garland County Election Commissioner) and one (1) organization (League of Women Voters) provided oral comments at the public hearing and later in written form.

**SUPPORT ONLY:** Of the 55 comments submitted, 20 voiced support for the voter ID requirement and offered no suggestion for changing the proposed rules. (See: Gary & Julie Hearn, Nita Taylor, Glenn Alford, Jerry Roberts, Dave King, Lynn Thomas, Larry Holeman, Jill Botkin, Thomas King, Ralph Patterson, Lynda Boguslawski, Jeff Moser, Nel Janzen, Anonymous (1), Lavonne Fielding, Vira Byrd, Tom Miller, Anna Williams, Paul & Mary Sidler, & Carl Goss). Three (3) additional persons stated their support for the voter ID requirement, and offered specific suggestions which are incorporated herein.

**OPPOSITION ONLY:** Of the 55 comments submitted, six (6) voiced opposition to the voter ID requirement, but offered no suggestion for changing the proposed rules. (See: John Wells, Marilyn Wells, Rhonnie Goyne, D. Meeks, Marc Bunn, & Stephanie Johnson - President of the League of Women Voters of Arkansas). Five (5) additional persons stated their opposition to the voter ID requirement, and offered specific suggestions which are incorporated herein.

**CHANGES MADE:**

**FIRST:** Multiple comments were made concerning notarization of the application. (See: Kathi Purnell, Julie Atherton - representing Washington County Democrats, League of Women Voters Pulaski County, Larry Crane- Pulaski County Clerk, Hazel Fielder, Michael Reese, & Gregory Gauthier). After reviewing the comments and the requirement in Act 595 of 2013 that the applicant must "sign an oath," a change was made to Section 6.04 of the Proposed Rules, by removing the last sentence in the section requiring that the applicant's signature be notarized. A change was also made in Section 7.01(b) to eliminate the notary requirement.

**SECOND:** A voter registration application can be submitted to the Secretary of State or other state agencies specifically designated by law to accept voter registration applications.

The forms are ultimately transferred to the county clerk of the county where the applicant resides. A technical change was made in Section 5.01(2)(b) and 7.02 (c) to clarify that the voter registration application has to be received by the county clerk from whom the applicant is requesting a Voter Identification Card. A typographical error was also corrected in Section 13.02.

**THIRD:** Changes were made in Section 16.0 concerning the exemption provided to residents of long-term care facilities. Section 16.02 was revised to require that the letter provided by the Administrator of a long-term care facility, must be dated and states that the letter is valid for no longer than a one-year period. A new section 16.02 was added to clarify that a resident of a long-term care facility can use the letter provided by the Administrator when voting in-person at the polls on election-day or early voting or when voting by absentee ballot.

**FOURTH:** A change was made in Section 7.03 to allow a DD-214 issued by the federal government to a member of the military, to be used as a document to verify identity by a voter requesting a Voter ID card.

**ADDITIONAL COMMENTS:** The remaining comments offered one or more suggestions for changing the proposed rules. The questions and suggestions have been combined by topic and are described in the following paragraphs.

**DFA/DMV IDENTIFICATION CARDS:** Several suggested using the DFA/DMV infrastructure already in place to produce the ID cards. (See: John & Sandy Marshall, David Weaver, Annee Littell, Ginna Watson - Garland County Election Commissioner & Doug Curtis - Saline County Clerk).

**STATE-WIDE IDENTIFICATION CARDS:** A similar comment was received concerning the use of county-wide versus state-wide identification cards. Several requested state-wide identification cards so that the voter would not have to obtain a new ID when he or she moved to a different county. (Larry Crane - Pulaski County Clerk, Annee Littell, Gregory Gauthier, League of Women Voters Pulaski County, Susan Inman & Doug Curtis - Saline County Clerk). One suggested that the State give the counties the authority to issue state IDs with a four-year expiration date. (Mary Jo Barnes). Others offered support for county-issued cards to ensure that the county is aware of who is issued an ID card and to reduce the possibility of counterfeit cards. (Republican Party)

**RESPONSE:** No change was made in the Proposed Rules because Act 595 did not authorize DFA/DMV involvement or provide for the issuance of state-wide IDs or provide the authority for the county to issue state IDs.

**EDUCATION:** Comments were received questioning why a plan for education of the public was not included in the Proposed Rules. (See: Kevin Thornton, Larry Crane - Pulaski County Clerk, Susan Inman, Stuart Soffer - Jefferson County Election Commissioner & J.A. Bankhead). Recommendation was made to focus on those most impacted by the new requirements (Kevin Thornton) and specific suggestions were made to conduct mobile outreach to the elderly living in nursing homes, those living in rural areas or those unable to travel. (See: Brian Cato, John & Sandy Marshall, & Hazel Fielder). One group commented that they had developed a voter education plan. (Republican Party of Arkansas).

**RESPONSE:** Public education and outreach is important, and the Secretary of State has developed an education and outreach strategy that will be implemented after the Rules are approved and the effective date of January 1, 2014 approaches. However, Act 595 does not address or require such a plan and none was included in the Proposed Rules.

**ITEMS PROVIDED TO DEMONSTRATE IDENTITY:** A number of comments questioned the effectiveness of one or more of the documents that can be provided by an applicant to demonstrate his or her identity. (See: Kay Shapiro). Some wanted stricter requirements such as requiring proof of legal residency in the United States (John Allbright) or proof of United States citizenship (Steven Blevins). One person thought two of the items were not sufficient to use for identity: a marriage license and a rental agreement. (Doug Curtis - Saline County Clerk). Another thought that the use of a tax return would be problematic and recommended using what was required by the DMV (Gregory Gauthier). One individual recommended removing the requirement that one of the documents contain both the full legal name and date of birth (Larry Crane - Pulaski County Clerk). One person suggested using an individual Arkansas Tax Return from the previous year and some evidence of residency. (Craig Smith). One group suggested adding a DD-214 form issued by the federal government to members of the military, because it contains full name and birth date. (Republican Party of Arkansas).

**RESPONSE:** The last change concerning the DD-214 was accepted, but no additional changes were made. The list of documents that can be provided to demonstrate identity is intended to be broad so that voters have numerous options. The list is similar to lists used by other states that have implemented a photo ID program. The situation can be

monitored and if after implementation, it is found that the list is either too restrictive or too lax the Rules can be modified.

**POST-SECONDARY INSTITUTIONS:** Three anticipated that it will be difficult for election officials to determine which post-secondary institutions are accredited by the State of Arkansas. (Larry Crane - Pulaski County Clerk, Ginna Watson - Garland County Election Commissioner – Garland County Election Commissioner & Doug Curtis - Saline County Clerk).

**RESPONSE:** No change was made. Photo-IDs from an accredited institution of higher education are specifically included in Act 595 of 2013. Also, since it is the poll-workers who must make that determination, the State Board of Election Commissioners has proposed rules concerning this area. Also, one comment offered the solution that the clarification be requested by the General Assembly in the next legislative session. (Larry Crane - Pulaski County Clerk).

**RELIGIOUS EXEMPTION:** One comment questioned whether there was an exemption for individuals who do not allow photographs to be taken due to their religious belief. (Cari King).

**RESPONSE:** No change was made. There is a specific exemption allowed in Act 595.

**INCONSISTENT WITH PROVISIONS OF ACT 595:** Several offered other suggestions that were inconsistent with or not included in the provisions of Act 595 of 2013.

Requiring a \$2 replacement fee for an ID (Ginna Watson - Garland County Election Commissioner)

Requesting county clerks to provide copies of any identification documents that citizens present free of charge to the citizen. (League of Women Voters Pulaski County)

Allowing expired photo IDs to be used as proof of identity only if the expiration occurred within 1 year (instead of the 4 years allowed by Act 595) (Elizabeth Anliker)

Totally delete the requirement concerning expiration (Larry Crane - Pulaski County Clerk)

Requested that the rules/procedures for in-person voters, be the same as the rules/procedures for absentee voters (Larry Crane - Pulaski County Clerk). Another argued that the ones seeking absentee ballots should be the most accountable. (Kay Shapiro). Another questioned why absentee voters were not required to show photo ID (Ginna Watson - Garland County Election Commissioner)

Allowing a voter registration card to be used as proof of identity when voting and questioning whether DMV photographs could be downloaded and added to a voter registration card so that they contain a photo. (Ginna Watson - Garland County Election Commissioner and Doug Curtis - Saline County Clerk)

Allowing a county employee's ID to be used as proof of identity (Doug Curtis - Saline County Clerk)

Requiring the oath on the application to include a statement that the voter would not vote in another county or state (John Allbright)

**RESPONSE:** No changes were made in the Proposed Rules because the above items were not required by or were inconsistent with the language in Act 595 of 2013.

**VARIOUS COMMENTS:** One person commented that Act 595 of 2013 was unconstitutional. (Larry Crane - Pulaski County Clerk). Others commented that they wanted the process of obtaining a Voter ID to be as easy as possible (Mary Jo Barnes, Deborah Malatesta, & Hazel Fielder) and their hope was that no one would choose not to vote because of the requirement (Ken Good). One commented that a concealed carry permit may not always have a photograph. (Ginna Watson - Garland County Election Commissioner).

**RESPONSE:** No changes were made based on the above comments. Rules are not the venue for addressing constitutional questions, there were no specific changes requested by those wanting to make the process easy, and if a proposed ID does not contain a photo it will not qualify under the terms of Act 595 of 2013.