



Notice of Intent to Adopt Rules

A copy of the proposed rules may be obtained at <https://rules.wyo.gov>

Revised June 2020

<u>1. General Information</u>			
a. Agency/Board Name*			
b. Agency/Board Address		c. City	d. Zip Code
e. Name of Agency Liaison		f. Agency Liaison Telephone Number	
g. Agency Liaison Email Address			
h. Date of Public Notice		i. Comment Period End Date	
j. Public Comment URL or Email Address:			
k. Program			
Amended Program Name (if applicable):			
* <input type="checkbox"/> By checking this box, the agency is indicating it is exempt from certain sections of the Administrative Procedure Act including public comment period requirements. Please contact the agency for details regarding these rules.			
<u>2. Legislative Enactment</u> For purposes of this Section 2, "new" only applies to regular non-emergency rules promulgated in response to a Wyoming legislative enactment not previously addressed in whole or in part by prior rulemaking and does not include rules adopted in response to a federal mandate.			
a. Are these non-emergency regular rules new as per the above description and the definition of "new" in Chapter 1 of the Rules on Rules?			
<input type="checkbox"/> No. <input type="checkbox"/> Yes. If the rules are new, please provide the Legislative Chapter Numbers and Years Enacted (e.g. 2015 Session Laws Chapter 154):			
<u>3. Rule Type and Information</u> For purposes of this Section 3, "New" means an emergency or regular rule that has never been previously created.			
a. Provide the Chapter Number, Title and Proposed Action for Each Chapter. Please use the "Additional Rule Information" form to identify additional rule chapters.			
Chapter Number:	Chapter Name:	<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed	
Amended Chapter Name (if applicable):			
Chapter Number:	Chapter Name:	<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed	
Amended Chapter Name (if applicable):			
Chapter Number:	Chapter Name:	<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed	
Amended Chapter Name (if applicable):			
Chapter Number:	Chapter Name:	<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed	
Amended Chapter Name (if applicable):			
Chapter Number:	Chapter Name:	<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed	
Amended Chapter Name (if applicable):			

4. Public Comments and Hearing Information

a. A public hearing on the proposed rules has been scheduled. No. Yes. Please complete the boxes below.

Date:	Time:	City:	Location:
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b. What is the manner in which interested persons may present their views on the rulemaking action?

By submitting written comments to the Agency at the physical and/or email address listed in Section 1 above.

At the following URL: _____

A public hearing will be held if requested by 25 persons, a government subdivision, or by an association having not less than 25 members. Requests for a public hearing may be submitted:

To the Agency at the physical and/or email address listed in Section 1 above.

At the following URL: _____

c. Any person may urge the Agency not to adopt the rules and request the Agency to state its reasons for overruling the consideration urged against adoption. Requests for an agency response must be made prior to, or within thirty (30) days after adoption, of the rule, addressed to the Agency and Agency Liaison listed in Section 1 above.

5. Federal Law Requirements

a. These rules are created/amended/revoked to comply with federal law or regulatory requirements. No. Yes. Please complete the boxes below.

Applicable Federal Law or Regulation Citation:
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Indicate one (1):

The proposed rules meet, but do not exceed, minimum federal requirements.

The proposed rules exceed minimum federal requirements.

Any person wishing to object to the accuracy of any information provided by the Agency under this item should submit their objections prior to final adoption to:

To the Agency at the physical and/or email address listed in Section 1 above.

At the following URL: _____

6. State Statutory Requirements

a. Indicate one (1):

The proposed rule change *MEETS* minimum substantive statutory requirements.

The proposed rule change *EXCEEDS* minimum substantive statutory requirements. Please attach a statement explaining the reason that the rules exceed the requirements.

b. The Agency has completed a takings assessment as required by W.S. 9-5-304. A copy of the assessment used to evaluate the proposed rules may be obtained:

By contacting the Agency at the physical and/or email address listed in Section 1 above.

At the following URL: _____

7. Additional APA Provisions

a. Complete all that apply in regards to uniform rules:

These rules are not impacted by the uniform rules identified in the Administrative Procedure Act, W.S. 16-3-103(j).

The following chapters do not differ from the uniform rules identified in the Administrative Procedure Act, W.S. 16-3-103(j):

_____ (Provide chapter numbers)

These chapters differ from the uniform rules identified in the Administrative Procedure Act, W.S. 16-3-103(j) (see Statement of Principal Reasons).

_____ (Provide chapter numbers)

b. Checklist

The Statement of Principal Reasons is attached to this Notice and, in compliance with *Tri-State Generation and Transmission Association, Inc. v. Environmental Quality Council*, 590 P.2d 1324 (Wyo. 1979), includes a brief statement of the substance or terms of the rule and the basis and purpose of the rule.

If applicable: In consultation with the Attorney General's Office, the Agency's Attorney General representative concurs that strike and underscore is not required as the proposed amendments are pervasive (Chapter 3, *Types of Rules Filings*, Section 1, Proposed Rules, of the Rules on Rules).

8. Authorization

a. I certify that the foregoing information is correct.

<i>Printed Name of Authorized Individual</i>	
<i>Title of Authorized Individual</i>	
<i>Date of Authorization</i>	



Wyoming Secretary of State

Chuck Gray
Secretary of State

Jesse Naiman
Deputy Secretary of State

Statement of Principal Reasons

Pursuant to W.S. 22-1-102(a)(xxxix)(A) and 22-2-121, the Secretary of State, as the chief election officer of the State of Wyoming, is promulgating rules to amend Chapter 2 of its election procedures to require acceptable identification for proof of identity and proof of residency when registering to vote in Wyoming.

Wyoming law requires that a person registering to vote in Wyoming be a “bona fide resident” of Wyoming. Wyoming law also charges the Secretary of State with specifying by rule adequate proof of identity of a voter. While Chapter 2 of the Wyoming Secretary of State’s rules governing election procedures currently provides a process for providing proof of identity for purposes of identification, there is no mechanism, absent a challenge, for a person registering to vote to provide proof of identity for purposes of proving he or she is a bona fide resident of Wyoming, as required by Wyoming law. As such, the proposed rules amend Chapter 2 to provide a uniform process whereby persons registering to vote may present proof of identification for purposes of proving identity and residency. Specifically, the proposed rules amend Chapter 2, Section 5 to provide further clarity and uniformity for proof of identification for purposes of a voter’s identity, and Chapter 2, Section 6 to provide further clarity and uniformity for proof of identification for purposes of proving a voter’s residency. Finally, the rules amend Chapter 2, Section 7, to provide uniformity and clarity concerning providing evidence of citizenship when registering to vote.

The proposed rules are being promulgated in response to calls from many of Wyoming’s 23 county clerks to add clarity to Wyoming’s voter registration procedures as they relate to verification of identity for purposes of proof of residency, and the proposed revisions were made after careful consideration and consultation with the Wyoming County Clerks Association and the Wyoming Department of Transportation, Driver Services.

Chapter 2 Identification for Voter Registration

Section 1. Authority. These rules are authorized by W.S. 22-1-102(a)(xxxix)(A) and 22-2-121(b) and (d).

Section 2. Voter Registration Application and Oath Form.

(a) The County Clerks shall use the statewide voter registration application form prescribed by the Secretary of State made accessible electronically on the Secretary of State's Office website.

(b) An absent uniformed service or an overseas citizen voter may register by mail or email annually using the Federal Postcard Application in accordance with federal and state law and as prescribed in Chapter 3, Uniformed and Overseas Citizens' Absentee Voting.

Section 3. Verification of Voter Information. The County Clerk shall verify the voter information using the statewide voter registration system.

(a) For persons registering to vote at the polls, they shall be considered registered. If after the election, the voter's information cannot be verified in the statewide voter registration system, their registration shall be pended and investigated by the County Clerk.

(b) If the individual is registering on any day other than election day, they shall be registered if the required information is found to be valid.

Section 4. Documents for Voter Registration. The required documentation for registering to vote in accordance with W.S. 22-3-103 are:

(a) Voter Registration Application Form as prescribed by the Secretary of State; and

(b) Acceptable Identification for proof of identity and residency in accordance with Sections 5 and 6 of this chapter.

Section 5. Definition of "Acceptable Identification" for Proof of Identity for Purposes of Voter Registration.

(a) Any one of the following forms of acceptable identification shall accompany the Voter Registration Application Form and shall meet the registration requirements of federal and state law without providing any other form of identification, provided the identification lists the voter's current residence address and matches the address listed on the Voter Registration Application Form. If the provided documentation does not list the voter's current residence address, the voter shall also supply documentation from Sections 5(b), 5(c), or 6 of this chapter to establish proof of residency:

- (i) A current, valid Wyoming driver's license;
- (ii) A current, valid Wyoming digital driver's license as defined in W.S. 31-7-102(a)(xlix); or
- (iii) A tribal identification card issued by the governing body of the Eastern Shoshone tribe of Wyoming, the Northern Arapaho tribe of Wyoming or other federally recognized Indian tribe that contains the applicant's Wyoming driver's license number and/or the last four (4) digits of the applicant's social security number (SSN).

(b) If the applicant does not have the forms of identification, as listed in Section 5(a) of this chapter present at the time of registration, they shall provide on the Voter Registration Application Form their Wyoming driver's license number and any one of the documents listed below. If the applicant does not have a valid Wyoming driver's license, the applicant shall provide on the Voter Registration Application Form the last four numbers of their SSN and any one of the documents listed below. If the applicant does not have a valid Wyoming driver's license or a SSN, the voter shall check the box on the Voter Registration Application Form indicating the same, and provide any one of the following forms of identification. If any of these documents lists the voter's current residence address and that residence address matches the address listed on the Voter Registration Application Form, said documentation shall also constitute proof of residency:

- (i) Valid United States Passport;
- (ii) Driver's license or Identification Card issued by the Federal Government, any State, or Outlying Possession of the United States;
- (iii) Photo identification card issued by the University of Wyoming, a Wyoming Community College, or a Wyoming public school;
- (iv) United States military card;
- (v) Identification card issued to a dependent of a member of the United States Armed Forces; or
- (vi) A tribal identification card issued by the governing body of the Eastern Shoshone tribe of Wyoming, the Northern Arapaho tribe of Wyoming or other federally recognized Indian tribe.

(c) If the applicant does not have the forms of identification, as listed in Section 5(a) or 5(b) of this chapter present at the time of registration, they shall provide on the Voter Registration Application Form their Wyoming driver's license number and any two of the documents listed below. If the applicant does not have a valid Wyoming driver's license, the

applicant shall provide on the Voter Registration Application Form the last four numbers of their SSN and any two of the documents listed below. If the applicant does not have a valid Wyoming driver's license or a SSN, the voter shall check the box on the Voter Registration Application Form indicating the same, and provide any two of the following forms of identification. If any of these documents lists the voter's current residence address and that residence address matches the address listed on the Voter Registration Application Form, said documentation shall also constitute proof of residency:

- (i) Certificate of United States Citizenship;
- (ii) Certificate of Naturalization;
- (iii) United States Military Draft Record or Selective Service Card or Record;
- (iv) Voter Registration Card from another State or County;
- (v) United States Social Security Card;
- (vi) Certificate of Birth Abroad issued by the Department of State;
- (vii) Original or certified copy of birth certificate bearing an official seal;~~or~~
- (viii) Any other form of identification issued by an official agency of the United States or a State;
- (ix) Void Wyoming driver's license or identification card issued by the State of Wyoming; or
- (x) Temporary driver's license or identification card issued by the State of Wyoming.

Section 6. Definition of "Acceptable Identification" for Proof of Residency for Purposes of Voter Registration.

(a) If a registrant's identification in Section 5 does not have their current residence address, or in the event of a challenge, then the following documents showing the individual's name and address are acceptable proof of residency, provided the address matches the address listed on the Voter Registration Application Form:

- (i) The following items must be current and be dated within ninety (90) days from the date of registration:
 - (A) Utility bill;

- (B) Bank statement;
- (C) Government check or pay stub;
- (D) Paycheck or pay stub;
- (E) Mortgage statement;
- (F) Housing verification form provided by the University of Wyoming, a Wyoming Community College, or a Wyoming public school; or
- (G) Any other government document showing their name and address.

(ii) The following items must be dated within one year from the date of registration:

- (A) Residential lease;
- (B) Contract or intake document from a residential care facility, such as a nursing home, assisted living facility, adult family home, or community-based residential facility;
- (C) Property tax bill or receipt;
- (D) Wyoming hunting or fishing license;
- (E) Wyoming vehicle registration; or
- (F) Communication on letterhead from a public or private social service agency verifying the applicant is homeless and attesting to the applicant's residence for registration purposes.

Section 7. Prohibition of Using Documents Indicating Voter is not a United States Citizen. No person shall be allowed to register to vote if their presented identification contains any indication that they are not a citizen of the United States. This includes any identification that contains the phrase "NR," "Non-Resident," "Driver's Privilege," "Limited Term," or any other term or symbol indicating that the prospective voter is not a citizen of the United States. In the event that a person presents identification indicating they are not a citizen of the United States, they may register to vote if they present proof of citizenship. Any one of the following documents shall constitute evidence of the individual's citizenship, if necessary:

- (a) United States Passport;

- (b) Certificate of United States Citizenship;
- (c) Certificate of Naturalization;
- (d) Certificate of Birth Abroad issued by the Department of State; or
- (e) Original or certified copy of birth certificate bearing an official seal.

Chapter 2 Identification for Voter Registration

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(b) An absent uniformed service or an overseas citizen voter may register by mail or email annually using the Federal Postcard Application in accordance with federal and state law and as prescribed in Chapter 3, Uniformed and Overseas Citizens' Absentee Voting.

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(b) If the individual is registering on any day other than election day, they shall be registered if the required information is found to be valid.

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(b) Acceptable Identification for proof of identity and residency in accordance with Sections 5 and 6 of this chapter.

Section 5. Definition of "Acceptable Identification" for Proof of Identity for Purposes of Voter Registration.

(a) Any one of the following forms of acceptable identification shall accompany the Voter Registration Application Form and shall meet the registration requirements of federal and state law without providing any other form of identification, provided the identification lists the voter's current residence address and matches the address listed on the Voter Registration Application Form. If the provided documentation does not list the voter's current residence address, the voter shall also supply documentation from Sections 5(b), 5(c), or 6 of this chapter to establish proof of residency:

- (i) A current, valid Wyoming driver's license;
- (ii) A current, valid Wyoming digital driver's license as defined in W.S. 31-7-102(a)(xlix); or
- (iii) A tribal identification card issued by the governing body of the Eastern Shoshone tribe of Wyoming, the Northern Arapaho tribe of Wyoming or other federally recognized Indian tribe that contains the applicant's Wyoming driver's license number and/or the last four (4) digits of the applicant's social security number (SSN).

(b) If the applicant does not have the forms of identification, as listed in Section 5(a) of this chapter present at the time of registration, they shall provide on the Voter Registration Application Form their Wyoming driver's license number and any one of the documents listed below. If the applicant does not have a valid Wyoming driver's license, the applicant shall provide on the Voter Registration Application Form the last four numbers of their SSN and any one of the documents listed below. If the applicant does not have a valid Wyoming driver's license or a SSN, the voter shall check the box on the Voter Registration Application Form indicating the same, and provide any one of the following forms of identification. If any of these documents lists the voter's current residence address and that residence address matches the address listed on the Voter Registration Application Form, said documentation shall also constitute proof of residency:

- (i) Valid United States Passport;
- (ii) Driver's license or Identification Card issued by the Federal Government, any State, or Outlying Possession of the United States;
- ~~(iii) Identification card issued by the Federal Government, any State or Local Government, or an Agency thereof;~~
- ~~iv~~(iii) Photo identification card issued by the University of Wyoming, a Wyoming Community College, or a Wyoming public school;
- ~~v~~(iv) United States military card;
- ~~vi~~(v) Identification card issued to a dependent of a member of the United States Armed Forces; or
- ~~vii~~(vi) A tribal identification card issued by the governing body of the Eastern Shoshone tribe of Wyoming, the Northern Arapaho tribe of Wyoming or other federally recognized Indian tribe; ~~or~~
- ~~(viii) Any two or more of the following documents:~~

(c) If the applicant does not have the forms of identification, as listed in Section 5(a) or 5(b) of this chapter present at the time of registration, they shall provide on the Voter Registration Application Form their Wyoming driver's license number and any two of the documents listed below. If the applicant does not have a valid Wyoming driver's license, the applicant shall provide on the Voter Registration Application Form the last four numbers of their SSN and any two of the documents listed below. If the applicant does not have a valid Wyoming driver's license or a SSN, the voter shall check the box on the Voter Registration Application Form indicating the same, and provide any two of the following forms of identification. If any of these documents lists the voter's current residence address and that residence address matches the address listed on the Voter Registration Application Form, said documentation shall also constitute proof of residency:

~~(A)(i)~~ Certificate of United States Citizenship;

~~(B)(ii)~~ Certificate of Naturalization;

~~(C)(iii)~~ United States Military Draft Record or Selective Service Card or Record;

~~(D)(iv)~~ Voter Registration Card from another State or County;

~~(E)(v)~~ United States Social Security Card;

~~(F)(vi)~~ Certificate of Birth Abroad issued by the Department of State;

~~(G)(vii)~~ Original or certified copy of birth certificate bearing an official seal; ~~or~~

~~(H)(viii)~~ Any other form of identification issued by an official agency of the United States or a State;

(ix) Void Wyoming driver's license or identification card issued by the State of Wyoming; or

(x) Temporary driver's license or identification card issued by the State of Wyoming.

Section 6. Wyoming Residency Documentation. Definition of "Acceptable Identification" for Proof of Residency for Purposes of Voter Registration.

(a) In the event of a challenge, the following documents showing the individual's name and address are acceptable proof of identification and residency; if a registrant's identification in Section 5 does not have their current residence address, or in the event of a challenge, then the following documents showing the individual's name and address are

acceptable proof of residency, provided the address matches the address listed on the Voter Registration Application Form:

(i) The following items must be current and be dated within ~~forty five (45)~~ ninety (90) days from the date of registration:

- (A) Utility bill;
- (B) Bank statement;
- (C) Government check or pay ~~advice~~stub;
- (D) Paycheck or pay ~~advice~~stub;
- (E) Mortgage statement;

(F) Housing verification form provided by the University of Wyoming, a Wyoming Community College, or a Wyoming public school; or

(G) Any other government document showing their name and address.

(ii) The following items must be dated within one year from the date of registration:

- (A) Residential lease;
- (B) ~~Residential care facility contract or intake document~~Contract or intake document from a residential care facility, such as a nursing home, assisted living facility, adult family home, or community-based residential facility; or
- (C) Property tax bill or receipt;
- (D) Wyoming hunting or fishing license;
- (E) Wyoming vehicle registration; or

(F) Communication on letterhead from a public or private social service agency verifying the applicant is homeless and attesting to the applicant's residence for registration purposes.

Section 7. ~~United States Citizenship Documentation.~~ Prohibition of Using Documents Indicating Voter is not a United States Citizen. No person shall be allowed to register to vote if their presented identification contains any indication that they are not a

citizen of the United States. This includes any identification that contains the phrase "NR," "Non-Resident," "Driver's Privilege," "Limited Term," or any other term or symbol indicating that the prospective voter is not a citizen of the United States. In the event that a person presents identification indicating they are not a citizen of the United States, they may register to vote if they present proof of citizenship. Any one of the following documents shall constitute evidence of the individual's citizenship, if necessary:

- (a) United States Passport;
- (b) Certificate of United States Citizenship;
- (c) Certificate of Naturalization;
- ~~(d) United States Military Draft Record or Selective Service Registration Acknowledgement card;~~
- ~~(e)~~(d) Certificate of Birth Abroad issued by the Department of State; or
- ~~(f)~~(e) Original or certified copy of birth certificate bearing an official seal.