

ARKANSAS REGISTER

Transmittal Sheet

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Secretary of State
John Thurston
500 Woodlane, Suite 026
Little Rock, Arkansas 72201-1094
(501) 682-5070
www.sos.arkansas.gov



For Office Use Only:

Effective Date _____ Code Number _____

Name of Agency Secretary of State

Department Legislative Affairs

Contact Michael Harry E-mail michael.harry@sos.arkansas.gov Phone 501-683-0770

Statutory Authority for Promulgating Rules Act 980 of 2021

Rule Title: Rules to Create the Process for Becoming a Secure Voter

Intended Effective Date
(Check One)

Date

Emergency (ACA 25-15-204)

Legal Notice Published

9/12/21

10 Days After Filing (ACA 25-15-204)

Final Date for Public Comment

10/5/21

Other Jan 1, 2022
(Must be more than 10 days after filing date.)

Reviewed by Legislative Council

11/19/21

Adopted by State Agency

1/1/22

Electronic Copy of Rule e-mailed from: (Required under ACA 25-15-218)

Michael Harry

michael.harry@sos.arkansas.gov

11/19/21

Contact Person

E-mail Address

Date

CERTIFICATION OF AUTHORIZED OFFICER

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

Signature

501-683-0770

michael.harry@sos.arkansas.gov

Phone Number

E-mail Address

Attorney

Title

11-29-21

Date

Rules to Create the Process for Becoming a Secure Voter

- I. Authority and Purpose
 - a. These rules are promulgated pursuant to Act 980 of 2021.
 - b. The purpose of these rules is to create the process by which registered voters who are victims of domestic violence may shield their address or addresses from public view by becoming secure voters.
- II. Definitions
 - a. A secure voter is a registered voter who requests to have his or her address or addresses protected from public release and is a victim of domestic violence according to the documentation required by Rule III(d) below
 - b. Poll watcher means any:
 - i. Candidate in person, but only during the counting and tabulation of ballots and the processing of absentee ballots;
 - ii. Authorized representative of a candidate;
 - iii. Authorized representative of a group seeking the passage or defeat of a measure on the ballot; and
 - iv. Authorized representative of a political party with a candidate on the ballot.
- III. Secure Voter Registration
 - a. Unless otherwise stated in these rules, a registered voter designated as a secure voter is required to comply with all voter identification requirements when casting a ballot.
 - b. A registered voter may apply to be a secure voter, no later than 30 days before Election Day, at the office of the county clerk of the county in which they are registered to vote.
 - i. A registered voter may request to be a secure voter after the 30-day cutoff but no later than 15 days before Election Day only if an approved court order has been issued after the 30-day cutoff period.
 - c. The county clerk shall verify a voter's eligibility for secure voter status by comparing the applicant's name and address as listed on the applicant's voter registration to the applicant's name and address as listed on the applicant's documentation required for approval for secure voter status, as listed in Rule III(d) below.
 - d. The county clerk shall not grant secure voter status to a registered voter unless the registered voter has provided documentation proving one of the following:
 - i. He or she is the victim of any offense under § 5-26-301 *et seq.* as adjudicated by a court;
 - ii. He or she has been granted an order of protection under the Domestic Abuse Act of 1991, § 9-15-101 *et seq.*; or
 - iii. He or she is recognized as a victim of domestic violence in any court order or ruling.
 - e. Any and all address information of the secure voter shall not be included in the precinct voter registration list.
 - f. The county clerk shall not reproduce any address or addresses of a secure voter in any format unless otherwise authorized by law.

- g. Any and all address information for a secure voter is confidential and is not a public record under the Freedom of Information Act of 1967, § 25-19-101 *et seq.*
- h. Any documentation required by these rules provided to the county clerk shall be scanned electronically and saved with the secure voter's registration.

IV. Challenges

- a. Upon a challenge from an authorized poll watcher, the secure voter shall be permitted to present proof to the poll worker and poll watcher in a separate room or, if a separate room is not available, a private area located at the polling site or vote center.
- b. If a provisional ballot is required, any and all address information of the secure voter shall be redacted prior to any public release of the ballot itself.