

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 Arkansas Secretary of State

Agency or Division Name Legislative Affairs

Other Subdivision or Department, If Applicable _____

Previous Agency Name, If Applicable _____

Contact Person Michael Harry

Contact E-mail michael.harry@sos.arkansas.gov

Contact Phone 501-683-0770

Name of Rule Rules to Create the Process for Becoming a Secure Voter

Newspaper Name Arkansas Democrat Gazette

Date of Publishing September 5, 2021

Final Date for Public Comment October 5, 2021

Location and Time of Public Meeting Arkansas State Capitol, Room 309, Little Rock, Arkansas 72201

Notice of Rule Making and Public Hearing

The Arkansas Secretary of State is promulgating new rules in accordance with the Arkansas Administrative Procedure Act, § 25-15-201 et seq., and as authorized by Act 980 of 2021, to implement the process by which a registered voter who is the victim of domestic violence may request secure voter status from the county clerks, including without limitation the:

- (1) Administrative process a county clerk shall use to verify eligibility for secure voter status;
- (2) Documentation required for domestic violence victims to be approved for secure voter status;
- (3) Format in which the county clerk shall maintain any address of all registered voters listed on the voter registration roll when the registered voter has a secure voter status; and
- (4) Process for complying with a post-election challenge involving a secure voter.

The Arkansas Secretary of State is soliciting comments on the proposed new rules filed with the Secretary of State on September 1, 2021. A public hearing for the proposed new rules will be held at 9 am on October 6, 2021, at the Arkansas State Capitol, Room 309, Little Rock, Arkansas 72201.

Proposed rules are on the department's website

<https://www.sos.arkansas.gov/news/> or may be obtained by calling (501) 683-0770.

Written comments may be submitted through October 5, 2021, by mailing them to the Arkansas Secretary of State, State Capitol, Suite 04, 500 Woodlane Street, Little Rock, Arkansas 72201 or by email at michael.harry@sos.arkansas.gov

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 a secure voter.
- II. Definitions
 - a. A secure voter is a registered voter who is a documented victim of domestic violence and requests to have his or her address or addresses protected from public release.
 - 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 not register a registered voter as a secure 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.
 - d. Any and all address information of the secure voter shall not be located in the precinct voter registration list.
 - e. The county clerk shall not reproduce any address or addresses of a secure voter in any format unless otherwise authorized by law.
 - f. 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.
 - g. 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.