

## 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.

1 State of Arkansas *As Engrossed: H3/30/21 S4/7/21*  
2 93rd General Assembly **A Bill**  
3 Regular Session, 2021

HOUSE BILL 1777

4  
5 By: Representatives Clowney, Eaves, M. Gray, Vaught, Wardlaw, *Dotson*  
6 By: Senators B. Davis, Hester

7  
8 **For An Act To Be Entitled**

9 AN ACT TO PROTECT DOMESTIC VIOLENCE VICTIMS' VOTER  
10 REGISTRATION INFORMATION; TO AMEND THE DUTIES OF THE  
11 SECRETARY OF STATE; TO AMEND ARKANSAS ELECTION  
12 PROCEDURE; AND FOR OTHER PURPOSES.

13  
14  
15 **Subtitle**

16 *TO PROTECT DOMESTIC VIOLENCE VICTIMS'*  
17 *VOTER REGISTRATION INFORMATION; TO AMEND*  
18 *THE DUTIES OF THE SECRETARY OF STATE; AND*  
19 *TO AMEND ARKANSAS ELECTION PROCEDURE.*

20  
21  
22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

23  
24 SECTION 1. Arkansas Code § 7-5-109(a), concerning computerized voter  
25 registration lists, is amended to read as follows:

26 (a)(1) The county clerks of the several counties of the state may  
27 reproduce the registered voter list maintained by the county clerk in any  
28 format that the office of the county clerk is capable of providing.

29 (2) The county clerks of the several counties of the state shall  
30 not reproduce any address of a secure voter in any format unless otherwise  
31 authorized by law.

32  
33 SECTION 2. Arkansas Code § 7-5-109(c), concerning computerized voter  
34 registration lists, is amended to read as follows:

35 (c)(1)(A) Upon request every county clerk who maintains on computer  
36 the list of registered voters within the county shall provide the list on



1 compact disc or other electronic medium, except the address of registered  
2 voters whose information is contained as a secure voter.

3 (B) The list of registered voters, excluding the address  
4 of registered voters listed as secure voters, shall include at least the  
5 names, addresses, and precinct numbers of the voters.

6 (2)(A) The fee for a list of registered voters, excluding the  
7 address of registered voters listed as secure voters, on compact disc or  
8 other electronic medium, of one (1) to five thousand (5,000) registered  
9 voters may be up to ten dollars (\$10.00).

10 (B) The fee for a list of registered voters, excluding the  
11 address of registered voters listed as secure voters, on compact disc or  
12 other electronic medium, of five thousand one (5,001) to twenty-five thousand  
13 (25,000) registered voters may be up to twenty-five dollars (\$25.00).

14 (C) The fee for a list of registered voters, excluding the  
15 address of registered voters listed as secure voters, on compact disc or  
16 other electronic medium, of more than twenty-five thousand (25,000)  
17 registered voters may be up to fifty dollars (\$50.00).

18 (3) If a printed list of registered voters, excluding the  
19 address of registered voters listed as secure voters, is requested, the cost  
20 of the list may be no more than two cents (2¢) per name and address.

21  
22 SECTION 3. Arkansas Code § 7-5-110 is amended to read as follows:

23 7-5-110. Registration lists for each ballot combination.

24 In any precinct with more than one (1) ballot combination, the county  
25 clerk shall prepare precinct voter registration lists of registered voters,  
26 excluding the address of registered voters listed as secure voters, that  
27 identify the district, subdistrict, county, municipality, ward, and school  
28 zone in which each voter is qualified to vote.

29  
30 SECTION 4. Arkansas Code Title 7, Chapter 5, Subchapter 1, is amended  
31 to add an additional section to read as follows:

32 7-5-112. Secure voter registration for domestic violence victims.

33 (a) A registered voter who is a victim of domestic violence may  
34 request secure voter status for his or her voter registration information.

35 (b) A registered voter designated as a secure voter is required to  
36 comply with all voter identification requirements when casting a ballot.

1 (c) Any address information for a secure voter is confidential and is  
2 not a public record under the Freedom of Information Act of 1967, § 25-19-101  
3 et seq.

4 (d) The Secretary of State shall promulgate rules in accordance with  
5 the Arkansas Administrative Procedure Act, § 25-15-201 et seq., to implement  
6 the process by which a registered voter who is the victim of domestic  
7 violence may request secure voter status from the county clerks, including  
8 without limitation the:

9 (1) Administrative process a county clerk shall use to verify  
10 eligibility for secure voter status;

11 (2) Documentation required for domestic violence victims to be  
12 approved for secure voter status;

13 (3) Format in which the county clerk shall maintain any address  
14 of all registered voters listed on the voter registration roll when the  
15 registered voter has a secure voter status; and

16 (4) Process for complying with a post-election challenge  
17 involving a secure voter.

18 (e) As used in §§ 7-5-109 and 7-5-110 and this section, "secure voter"  
19 means a registered voter who requests to have his or her address or addresses  
20 protected from public release and is a domestic violence victim who:

21 (1) Is the victim of any offense under § 5-26-301 et seq. as  
22 adjudicated by a court;

23 (2) Has been granted an order of protection under the Domestic  
24 Abuse Act of 1991, § 9-15-101 et seq.; or

25 (3) Is recognized as a victim of domestic violence in any court  
26 order or ruling.

27  
28 SECTION 5. TEMPORARY LANGUAGE. DO NOT CODIFY. Promulgation of rules.

29 (a) When adopting the initial rules to implement this act, the final  
30 rules shall be filed with the Secretary of State for adoption under § 25-15-  
31 204(f):

32 (1) On or before January 1, 2022; or

33 (2) If approval under § 10-3-309 has not occurred by January 1,  
34 2022, as soon as practicable after approval under § 10-3-309.

35 (b) The Secretary of State shall file the proposed rule with the  
36 Legislative Council under § 10-3-309(c) sufficiently in advance of January 1,

1 2022, so that the Legislative Council may consider the rule for approval  
2 before January 1, 2022.

3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36

*/s/Clowney*

**APPROVED: 4/28/21**