

## **Title 7. Elections**

### **Chapter II. Secretary of State**

#### **Subchapter A. Generally**

#### **Part 23. Rules to Create the Process for Becoming a Secure Voter**

**Codification Notes.** This part as promulgated prior to codification into the Code of Arkansas Rules provided as follows:

"a. These rules are promulgated pursuant to Act 980 of 2021."

#### **Subpart 1. Generally**

##### **7 CAR § 23-101. Purpose.**

The purpose of this part 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.

**Authority.** Arkansas Code § 7-5-112.

##### **7 CAR § 23-102. Definitions.**

As used in this part:

(1) "Poll watcher" means any:

(A) Candidate in person, but only during the counting and tabulation of ballots and the processing of absentee ballots;

(B) Authorized representative of a candidate;

(C) Authorized representative of a group seeking the passage or defeat of a measure on the ballot; and

(D) Authorized representative of a political party with a candidate on the ballot; and

(2) "Secure voter" means 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 7 CAR § 23-103(d).

**Authority.** Arkansas Code § 7-5-112.

**7 CAR § 23-103. Secure voter registration.**

(a) Unless otherwise stated in this part, a registered voter designated as a secure voter is required to comply with all voter identification requirements when casting a ballot.

(b)(1) A registered voter may apply to be a secure voter no later than thirty (30) days before election day at the office of the county clerk of the county in which they are registered to vote.

(2) A registered voter may request to be a secure voter after the thirty-day cutoff but no later than fifteen (15) days before election day only if an approved court order has been issued after the thirty-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 subsection (d) of this section.

(d) The county clerk shall not grant secure voter status to a registered voter unless the registered voter has provided documentation proving one (1) of the following:

(1) He or she is the victim of any offense under Arkansas Code § 5-26-301 et seq. as adjudicated by a court;

(2) He or she has been granted an order of protection under the Domestic Abuse Act of 1991, Arkansas Code § 9-15-101 et seq.; or

(3) 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, Arkansas Code § 25-19-101 et seq.

(h) Any documentation required by this part provided to the county clerk shall be scanned electronically and saved with the secure voter's registration.

**Authority.** Arkansas Code § 7-5-112.

**7 CAR § 23-104. 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.

**Authority.** Arkansas Code § 7-5-112.