

MEMORANDUM OF UNDERSTANDING
For State to State Voter Registration Data Comparison –
State of Alabama and Arkansas

This Memorandum of Understanding is made between state election officials respectively of the States of Alabama and Arkansas.

WHEREAS, the States recognize the importance of preventing voting fraud and of preserving the integrity of the electoral process;

WHEREAS, the States acknowledge that the sharing of voter registration data is a critical tool in detecting and preventing voter fraud;

WHEREAS, the existence of centralized, interactive, computerized statewide voter registration lists facilitates the interoperability of voters lists for the purpose of comparison and cross checking of voter registration records;

WHEREAS, the state election officials of the respective States desire to enter into this Memorandum of Understanding to set forth the terms of an agreement between the respective officers, on behalf of their respective States, to establish between them and between the States a process for each State to improve the accuracy of each State's voter registration list by identifying duplicate voter registrations;

WHEREAS, the Secretary of State for Arkansas is authorized by Amendment 51 §7 of the Arkansas Constitution to cooperate with other states to compare registered voters, voter history, and voter history lists to ensure the security and accuracy of the statewide voter registration list.

WHEREAS, the Secretary of State for Alabama is authorized by Alabama Code Section 17-4-38.1 to enter into agreements to share information or data with other states to maintain the statewide voter registration database.

NOW, THEREFORE, the undersigned state election officials, in exchange for the mutual promises and commitments contained in this Memorandum of Understanding, do hereby agree as follows:

1. The States agree to share voter registration data for the purposes of cross checking and identifying duplicate registrations and instances of voting more than once in the same or similar election.
2. The process of cross checking will be as follows:
 - a. Each State will securely share an electronic file containing statewide voter registration data, excluding protected Alabama voters under Alabama Code Section 17-4-33(b)(1) and Arkansas voters under Arkansas Code Annotated §7-5-112, to the other participating Secretary of State's office in a format and on a schedule to be determined by mutual agreement, with the intention of conducting a cross check at a minimum of once per year.

- b. Each participating State's data will be compared to the data from the other participating State.
 - c. Each State will share the results of the data cross check with the other participating State.
 - d. All data will be transferred to and from the participating States using agreed upon industry standard encryption technology and with password protection.
3. Each participating State shall maintain procedures and controls acceptable to the other participating State for the purpose of assuring that information in its possession is not mishandled, misused, released, disclosed, or used in an inappropriate manner by it, its agents, officers, or employees. All parties to this Agreement shall take all reasonable steps and precautions to safeguard this information and shall, to the extent provided by applicable state law, not divulge the information to parties other than those needed for the performance of duties under the Agreement. To the extent allowed under applicable law, information transferred under this Agreement shall be used only for the purposes identified in the Agreement.
4. Because the purpose of this Agreement is primarily investigatory in nature, shared data and information are subject to each State's applicable laws governing the protection of investigatory material. Information or data evidencing voter fraud, such as the same voter participating in elections in more than one state, may be shared with prosecuting authorities and each participating State agrees to cooperate with the other participating State's prosecuting authorities as needed.
5. If a participating State becomes aware of a Cyber Security Incident that affects or is likely to affect either party's Cyber Security or voter data, it shall promptly notify the other participating State. In such event, the participating State shall share with the other participating State any information that subsequently becomes available that may assist the other participating State in mitigating and/or preventing any negative effects of the Cyber Security Incident.
6. To the extent allowed under applicable state law, each participating State shall keep confidential all information concerning individual registrants. Each State further agrees that sensitive personally identifiable information, including, but not limited to the bank account numbers or statements, the months and days of birth of registrants, the social security numbers, and driver license numbers of electors, shall remain confidential and shall be used only for the purpose of voter registration or criminal prosecution. To the extent allowed under applicable state law, the States shall not, under any conditions, resell, transfer, or convey information about the other State's registrants to any third party, except for prosecuting authorities pursuing allegations of voter fraud or to county election officials in furtherance of voter list maintenance activities.
7. Each state election official shall designate such staff from his or her respective office as may be deemed necessary to carry out the terms of this Memorandum of Understanding.
8. If a State receives a public records request, subpoena, or other demand for State Data or Match Results ("The Responding State"), and it reasonably appears that such request may capture State Data obtained from a different State ("The Subject State"), the Receiving

State shall promptly notify the Subject State in writing of the request, subpoena, or demand and the data sought. The States recognize that all public records requests, subpoenas, or demands are likely to be governed by the Responding State's laws in addition to any applicable federal law. To the extent allowed under applicable state law, the Responding State shall provide written notice to the Subject State regarding any legal determination and response before responding to any such request, subpoena, or demand.

9. To the extent allowed under applicable state law, no State shall use, transmit, sell, or disclose Match Results from another State or any State Data from another State for any purpose other than supporting the function of this Agreement and responding to lawful public records requests, subpoena or other demand.
10. Each State shall follow all applicable document retention requirements and any applicable records disposition authorization concerning voter data received from the other participating State after the required retention period following the conclusion of the comparison and cross-checking of registration records.
11. This Agreement is effective upon signature of both States and shall remain in effect, unless it is amended or rescinded, until January 1, 2027.
12. Either State may terminate this Agreement upon providing written notice of intent to terminate at least thirty (30) days prior to the desired termination date. Upon such termination, the State shall be relieved of all further obligations and liabilities under this Agreement.
13. No amendments or additions to this Agreement will be binding unless in writing, signed by election officials of each participating State.
14. The provisions of this Agreement are separate and severable and the invalidity of any of them shall not affect or impair the validity or enforcement of the remaining provisions.

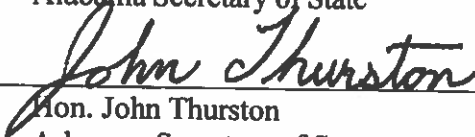
By signing my name below, I affirm that I am authorized to obligate my State in a Memorandum of Understanding with another State for the purposes herein above stated.



Hon. Wes Allen
Alabama Secretary of State



Date



Hon. John Thurston
Arkansas Secretary of State



Date