

Prepare For The Post Roe v. Wade Era: Update The Address Confidentiality Program

As Arizona Secretary of State, Adrian Fontes will do everything possible within the realm of his office to protect a woman's fundamental right to privacy and to make decisions about her healthcare.

The Arizona Address Confidentiality Program (ACP) is a system that helps victims of domestic violence, sexual offenses, and/or stalking from being located by the perpetrator through public records. The program provides a substitute address and confidential mail forwarding services to individuals and families across Arizona. Participants enrolled in the program use the substitute address instead of their real address. This allows those individuals to still receive ballots, without being discoverable by bad actors. State and local government agencies are mandated to accept the substitute address issued by the ACP per the Secretary of State's office. The substitute address is to be used instead of a person's home, work, or school address.

The Fontes administration would pursue timely updates to the criteria that allow individuals to apply for the ACP program and would require changes to the training undergone by ACP assistants who help ACP applicants. This applicant criteria update would mean a broadening of eligibility requirements to specifically include:

- Women who have an abortion and are being harassed;
- Women who have miscarriages or other pregnancy complications but are incorrectly identified as having an abortion procedure;
- Women suspected of having an abortion and pro-choice advocates who are actively being harassed, including medical personnel and employees or agents of advocacy organizations.

The Arizona legislature established the Address Confidentiality Program (ACP) within the Office of the Secretary of State. Arizona was the 27th state to create a confidential address program. On June 4, 2012, the program began assisting individuals and families impacted by domestic violence, sexual offenses, and stalking. The program was enacted into law under Chapter 3 of Title 41 of the Arizona Revised Statutes (A.R.S.) at A.R.S. § 41-161 et seq.

In our exploratory view, the Secretary of State may have the authority to broaden the criteria for gaining the privileges of the ACP, this action is almost certainly subject to the State Legislature codifying the changes into state law. Currently, Chapter 3 of Title 41 of the Arizona Revised Statutes (A.R.S.) § 41-161 does not explicitly prohibit the Secretary of State from taking such action. If the Arizona Attorney General and the various County Attorneys opt to ignore the state

constitution and enforce the anti-Roe policy, the ACP will serve as a bulwark to those unconstitutional efforts and protection consistent with the Arizona Constitution.

Privacy and HIPAA Loopholes:

The leaked Supreme Court draft opinion regarding Roe v. Wade's demise specifically threatens the privacy of women. In addition to non-medical information such as shopping and search data, medical records could be targeted by nefarious actors and potentially law enforcement if tipped off. While HIPAA restricts how providers share medical information, it does not prevent them from sharing it with law enforcement. Therefore, it isn't just women who have abortions who may find themselves the subject of investigations and persecution by vigilante pro-lifers. Anyone who is pregnant and has a miscarriage, might find prosecutors or pro-life crusaders seeking their internet search or other data to determine whether a provider delivered illegal services.

Protections:

The ACP currently protects victims of domestic violence, sexual assault, and stalking. Pro-choice advocates or abortion procedure recipients will undoubtedly begin to fall prey to these forms of harassment in a post Roe era. This essential program must be updated accordingly to ensure these individuals are protected.

Conclusion:

This is an evolving policy and is subject to change. However, given the historic nature of an impending overturning of Roe v. Wade, it is incumbent upon all elected leaders of conscience to identify ways to lawfully protect women's healthcare autonomy, their privacy, and their safety.

*THIS POLICY IS SUBJECT TO CHANGE BASED ON EVOLVING SECURITY, LEGAL, AND TECHNICAL CIRCUMSTANCES THAT MAY OF COURSE REQUIRE ADJUSTMENTS TO THESE POLICIES IN THE FUTURE. FLEXIBILITY MUST ALWAYS BE PART OF ANY PLAN.