

HOUSE BILL REPORT

HB 3057

As Passed House:
February 11, 2006

Title: An act relating to modifying the provisions of the address confidentiality program.

Brief Description: Modifying address confidentiality program provisions.

Sponsors: By Representatives Green, Nixon, Hunt, Sump, Miloscia, Haigh, Schual-Berke and Morrell; by request of Secretary of State.

Brief History:

Committee Activity:

State Government Operations & Accountability: 1/24/06, 2/1/06 [DP].

Floor Activity:

Passed House: 2/11/06, 96-0.

Brief Summary of Bill

- Adds a definition for "stalking" to the law establishing the Address Confidentiality Program (ACP).
- Changes the requirement that an ACP participant provide the Secretary of State (Secretary) with a mailing address to require that an ACP participant provide only an address.
- Provides that in order to prevent cancellation of participation in the ACP based on a change of residential address, participants must provide notice of this change to the Secretary in writing and within two days of the address change.
- Establishes that a participant in the ACP loses certification as a participant if he or she obtains a legal change of identity.
- Establishes that, except for release of the alternate address designated by the Secretary, an ACP participant's records may only be released by the Secretary and pursuant to court order.
- Replaces obsolete references to "service voter" with "absentee voter."

HOUSE COMMITTEE ON STATE GOVERNMENT OPERATIONS &
ACCOUNTABILITY

Majority Report: Do pass. Signed by 9 members: Representatives Haigh, Chair; Green, Vice Chair; Nixon, Ranking Minority Member; Clements, Assistant Ranking Minority Member; Hunt, McDermott, Miloscia, Schindler and Sump.

Staff: Kathryn Leathers (786-7114).

Background:

The Address Confidentiality Program (ACP) allows victims of domestic violence, sexual assault, or stalking to have an alternative address designated as his or her substitute mailing address. The ACP also allows state and local agencies to comply with requests for public records without disclosing the confidential location of a victim.

In order to become a participant in the ACP, a person must submit an application to the Secretary of State (Secretary). The Secretary must approve any application that includes: (1) a sworn statement from the applicant that he or she is a victim of domestic violence, sexual assault, or stalking, and fears for his or her safety or the person's children's safety; (2) a designation of the Secretary as the applicant's agent for purposes of service of process and receipt of mail; (3) the mailing address and phone number where the applicant can be contacted by the Secretary; (4) the address that the applicant requests be kept confidential; and (5) the applicant's signature. Applicants are certified as program participants for four years, subject to renewal, withdrawal, or invalidation.

A program participant who is qualified to vote may apply to receive ongoing absentee ballots for all elections in the jurisdiction for which that participant resides. The county auditor (auditor) is required to send absentee ballots to the participant at the address designated by the participant in his or her absentee ballot application. The auditor may not release the participant's address pursuant to a public records request except when the request is by a law enforcement agency or pursuant to court order. The name and address of a program participant is excluded from any list of registered voters available to the public. Other than the alternate address designated by the Secretary, information in the participant's file is not subject to disclosure except in the following circumstances: the request is made by a law enforcement agency or directed by court order, or for purposes of verifying that a person is a participant in the ACP.

The Secretary may cancel a person's participation in the ACP if the participant's residential address changes and he or she fails to give the Secretary at least seven days notice of the address change, or if mail forwarded by the Secretary to the participant is returned as non-deliverable. The Secretary must cancel a person's participation in the ACP if the participant changes his or her name or if the participant provides false information in the application.

Summary of Bill:

A definition for "stalking" is added to the Address Confidentiality Program (ACP) statute. "Stalking" is defined to have the same meaning as used in the criminal statutes on harassment,

and also includes the threat of being stalked, regardless of whether the acts or threats of stalking have been reported to law enforcement officers.

A person who applies to participate in the ACP must include an address, instead of a mailing address, where the applicant can be contacted by the Secretary.

The Secretary may cancel a person's participation in the ACP if there is a change in the person's residential address but he or she fails to notify the Secretary, in writing, within at least two days of the address change. A participant in the ACP loses certification as a participant if he or she obtains a legal change of identity.

Except for the address designated by the Secretary, a participant's records may only be released by the Secretary and pursuant to court order.

Obsolete references to "service voter" are replaced with current "absentee voter" designations.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.

Testimony For: (In support) The changes in this bill will be very helpful to the Address Confidentiality Program (Program) participants. There are approximately 2,707 participants currently in the Program, and about 65 percent of them are children. If a person in the Program gets married or divorced, that person can remain in the Program; but if a person changes his or her Social Security number and obtains a confidential identity change, that person is no longer in need of the Program's services. The reason for the notice change from seven to two days is to put participants in compliance with current law. The voter section removes obsolete terms. There is no specific policy reason for referencing the criminal statutes in the section defining "stalking." Although there have been allegations that people have falsely claimed to be a domestic violence or stalking victim in order to get into the Program, there has been no proof of that. A participant cannot hide from legal process because the Program is their legal agent. The Program is able to verify whether a person is in the Program, and any documents served on the Program would be forwarded to the participant.

(With concerns) There is a concern about voter registration lists and ballots sent in via the Program. Inserting a "marker" in the statewide voter registration database that shows there is someone in the Program would address this concern. The name of the participant would not be released to the public. The purpose of this is to allow persons conducting vote tallies to be able to rectify the number of ballots cast with the number of votes cast. It is important to account for every vote.

Testimony Against: None.

Persons Testifying: (In support) Representative Green, prime sponsor; and Shane Hamlin and Missy Deinlien, Office of the Secretary of State.

(With concerns) Rowland Thompson, Allied Daily Newspapers.

Persons Signed In To Testify But Not Testifying: None.