

HOUSE BILL REPORT

HB 1421

As Passed House:

February 12, 2007

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

Brief Description: Modifying address confidentiality program provisions.

Sponsors: By Representatives Green, Miloscia, Kretz, Armstrong, Appleton, Kessler, Ormsby, Warnick and Moeller; by request of Secretary of State.

Brief History:

Committee Activity:

State Government & Tribal Affairs: 1/26/07, 1/30/07 [DP].

Floor Activity:

Passed House: 2/12/07, 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 must provide the Secretary of State (Secretary) with a mailing address to requiring that an ACP participant must 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.
- Provides that a participant in the ACP loses certification as a participant if he or she obtains a legal change of identity.
- Provides 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."

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

HOUSE COMMITTEE ON STATE GOVERNMENT & TRIBAL AFFAIRS

Majority Report: Do pass. Signed by 9 members: Representatives Hunt, Chair; Appleton, Vice Chair; Chandler, Ranking Minority Member; Armstrong, Assistant Ranking Minority Member; Green, Kretz, McDermott, Miloscia and Ormsby.

Staff: Colleen Kerr (786-7168).

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:

- 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;
- a designation of the Secretary as the applicant's agent for purposes of service of process and receipt of mail;
- the mailing address and phone number where the applicant can be contacted by the Secretary;
- the address that the applicant requests be kept confidential; and
- 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 of stalking or threats of stalking have been reported to law enforcement officers.

A person who applies to participate in the ACP must include an 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.

Staff Summary of Public Testimony:

Through the Address Confidentiality Program, vulnerable individuals are able to receive increased security. These changes increase that protection in several ways. Adding stalking increases the number of people who are eligible for the program. Replacing obsolete references to service voter with absentee voter increases the statute's relevance. Requiring a telephone number and a residential address increases the accuracy of record keeping and facilitates any contact required with the Secretary of State. Applicants are no longer required to give one weeks notice before an address change; requiring only two days notice allows applicants to move at short notice without losing their eligibility for the program. Similarly, now an individual must only inform the Secretary of State of a legal name change.

Persons Testifying: Representative Green, prime sponsor; and Megan Ridout, Office of the Secretary of State.

Persons Signed In To Testify But Not Testifying: None.