

1 1511 HCA SG SCG

2 **HB 1511** - H COMM AMD **LOST 2-22-91**
3 By Committee on State Government

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5 On page 1, after line 6, strike all material through page 10, line
6 27, and insert the following:

7 "NEW SECTION. **Sec. 1.** INTENT. The legislature finds that persons
8 attempting to escape from actual or threatened domestic violence
9 frequently establish new addresses in order to prevent their assailants
10 or probable assailants from finding them. The purpose of this chapter
11 is to aid such persons by enabling them to participate in a state
12 program under which they may use the office of the secretary of state
13 as their address."

14 "NEW SECTION. **Sec. 2.** DEFINITIONS. "Domestic violence" has the
15 definition provided under RCW 10.99.020, except that for purposes of
16 this chapter, a minor shall also be considered as a family or household
17 member. "Protected address" includes the residential, work, or school
18 addresses that are included in an approved application under this
19 chapter and for which the applicant requests confidentiality."

20 "NEW SECTION. **Sec. 3.** APPLICATION. An adult person, a parent or
21 guardian acting on behalf of a minor, or a guardian acting on behalf of
22 an incapacitated person, as defined in RCW 11.88.010, may apply to the
23 secretary of state to have the office of the secretary of state serve
24 as the person's address or the address of the minor or incapacitated
25 person. The secretary of state shall approve an application if it is
26 filed in the manner and on the form prescribed by the secretary of
27 state and if it contains:

1 (1) A sworn statement by the applicant that the applicant has good
2 reason to believe (a) that the applicant, or the minor or incapacitated
3 person on whose behalf the application is made, is under serious threat
4 of becoming a victim of domestic violence; (b) that the use of the
5 secretary of state's office as an address and the restrictions on
6 disclosure provided under this chapter would reduce the risk of such
7 victimization; and (c) that the address or addresses designated in
8 subsection (4) of this section have been established, or will be
9 established, at least in part to avoid detection and victimization;

10 (2) A designation of the secretary of state as agent for purposes
11 of service of process and for the purpose of receipt of all mail,
12 notices, and other written communications;

13 (3) The mailing address where the applicant can be contacted by the
14 secretary of state, and the phone number or numbers where the applicant
15 can be called by the secretary of state;

16 (4) The residential, work, or school address or addresses that the
17 applicant requests not be disclosed for the reason that disclosure will
18 increase the risk of domestic violence;

19 (5) The signature of the applicant and of any individual or
20 representative of any office designated in writing under section 7 of
21 this act who assisted in the preparation of the application."

22 "NEW SECTION. **Sec. 4.** APPROVAL OF APPLICATION BY SECRETARY OF
23 STATE--ISSUANCE OF CERTIFICATE--DURATION. (1) Upon approval of an
24 application filed under section 3 of this act, the secretary of state
25 shall issue a certificate to the applicant recognizing the applicant's
26 permission to use the office of the secretary of state as the
27 applicant's address, or as the address of any other person for whom the
28 application was filed. The certificate shall contain the name of the
29 person issued the certificate; the name of the person with the
30 protected address; a statement that the office of the secretary of

1 state is the official address of the person with the protected address;
2 and a listing of the secretary of state's office address to be used.

3 (2) A certificate is effective for a period of one year following
4 its issuance, except under the following circumstances:

5 (a) The certificate will become ineffective if, and as of the time
6 that, the person for whom the certificate is granted obtains a change
7 of name; and

8 (b) A change in address listed on the application will render the
9 certificate ineffective, unless the certificate holder provides the
10 secretary of state with seven days' advance notice of the change of
11 address.

12 (3) The secretary of state may cancel the certificate if mail
13 forwarded by the secretary to that address is returned as
14 nondeliverable.

15 (4) A certificate obtained through false information is void.

16 (4) This section does not apply to a voter's address provided to
17 the county auditor for purposes of registering to vote or for any
18 voting purpose."

19 "NEW SECTION. **Sec. 5.** ADOPTION OF RULES--USE OF SECRETARY OF
20 STATE'S ADDRESS. The secretary of state shall adopt rules permitting
21 a current certificate holder, or person for whom a current certificate
22 is obtained, to use the secretary of state's address in lieu of the
23 protected address. This permission extends to all communications and
24 transactions, except for those communications and transactions relating
25 to voting. The secretary of state shall forward all mail or other
26 materials sent to the secretary of state for a person with a protected
27 address to the mailing address provided in the approved application.
28 The secretary of state may send such mail or materials by United States
29 postal service, or other alternative methods approved by the secretary
30 of state."

1 "NEW SECTION. **Sec. 6.** DISCLOSURE RESTRICTIONS. The secretary of
2 state may not make a protected address available for inspection or
3 copying, except under the following circumstances: (1) When requested
4 by a law enforcement agency, to the law enforcement agency; and (2)
5 when directed by court order, to a person identified in the order."

6 "NEW SECTION. **Sec. 7.** CHAPTER ADMINISTERED BY SECRETARY OF STATE-
7 -ASSISTANCE TO APPLICANTS. (1) The secretary of state shall administer
8 this chapter and adopt rules for its effective administration.

9 (2) Through interlocal or other agreements, the secretary of state
10 may designate and authorize state and local agencies and nonprofit
11 entities which provide counseling and shelter services to victims of
12 domestic violence to assist applicants for a certificate under this
13 chapter. Any assistance and counseling rendered by the office of the
14 secretary of state or its designees to applicants shall in no way be
15 construed as legal advice.

16 (3) The secretary of state shall serve as the agent for service of
17 process on each person with a current protected address."

18 "NEW SECTION. **Sec. 8.** CAPTIONS NOT LAW. Section captions as used
19 in this chapter do not constitute any part of the law."

20 "NEW SECTION. **Sec. 9.** A new section is added to chapter 29.36 RCW
21 to read as follows:

22 (1) The county auditor shall place on ongoing absentee status any
23 voter with a protected address, as defined under section 2 of this act,
24 who submits to the county auditor a copy of the certificate issued
25 under section 3 of this act and requests the county auditor to place
26 the voter on such status.

27 (2) The county auditor may not disclose a protected address of a
28 voter placed on ongoing absentee status under subsection (1) of this

1 section, except under the following circumstances: (a) When requested
2 by a law enforcement agency, to the law enforcement agency; and (b)
3 when directed by court order, to a person identified in the order.

4 (3) A voter placed on ongoing absentee status under this section
5 shall remain on such status for as long as the voter's address is a
6 protected address. Such voter shall be subject to the same
7 restrictions as other voters placed on such status, except that
8 termination of the status shall not occur on January 1st of each odd-
9 numbered year."

10 Renumber the remaining sections consecutively and correct any
11 internal references accordingly.

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15 On page 16, line 6, after "through" strike "14" and insert "8"
16 On page 16, at the beginning of line 8, strike "14" and insert "8"
17 On page 16, line 9, after "Sections" strike "17 and 18" and insert
18 "10 and 11"

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22 On page 1, line 2 of the title, after "agencies;" strike the
23 remainder of the title and insert "amending RCW 42.17.310 and
24 42.17.311; adding a new section to chapter 29.36 RCW; adding a new
25 section to chapter 42.17 RCW; adding a new chapter to Title 40 RCW; and
26 declaring an emergency."