

SECRETARY OF STATE[721]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code sections 9E.3 and 17A.3, the Secretary of State hereby gives Notice of Intended Action to adopt new Chapter 6, “Safe at Home Program,” Iowa Administrative Code.

This new chapter facilitates the administration of the Safe at Home Program, an address confidentiality program, in accordance with Iowa Code chapter 9E. The rules in proposed Chapter 6 describe the manner and process for program participant certification renewal and recertification, cancellation of program certification, the manner and process for changing program participant voter registration information, and the manner and process for cancellation of program participant absentee ballot voting through the Safe at Home Program.

Public comments must be received by March 8, 2016. Written suggestions or comments should be directed to Eric Gookin, Election Administrator, Office of the Secretary of State, First Floor, Lucas State Office Building, Des Moines, Iowa 50319. Persons who want to convey views orally should contact the Secretary of State’s office by telephone at (515)281-7550 or in person at the Secretary of State’s office on the first floor of the Lucas State Office Building.

After analysis and review of this rule making, no impact on jobs has been found.

These rules are intended to implement Iowa Code section 9E.3.

The following amendment is proposed.

Adopt the following new 721—Chapter 6:

CHAPTER 6 SAFE AT HOME PROGRAM

721—6.1(9E) Definitions. For purpose of this chapter, the terms defined in this rule have the meanings given them.

“*Address*” means a residential street address, school address, or work address of an individual, as specified on the individual’s application to be a program participant.

“*Applicant*” means an adult, a parent or guardian acting on behalf of an eligible minor, or a guardian acting on behalf of an incapacitated person as defined in Iowa Code section 633.701.

“*Designated address*” means the mailing address assigned to a program participant by the secretary.

“*Domestic abuse*” means the same as defined in Iowa Code section 236.2.

“*Domestic abuse assault*” means the same as defined in Iowa Code section 708.2A.

“*Eligible person*” means a person who is all of the following:

1. A resident of this state.
2. An adult, a minor, or an incapacitated person as defined in Iowa Code section 633.701.
3. A victim of domestic abuse, domestic abuse assault, sexual abuse, stalking, or human trafficking as evidenced by the filing of a petition pursuant to Iowa Code section 236.3 or a criminal complaint or information pursuant to Iowa Code section 708.2A, 708.11, or 710A.2, or any violation contained in Iowa Code chapter 709.

For purposes of this definition, a person determined to be a sexually violent predator pursuant to Iowa Code section 229A.7 or a similar law of another state is not an eligible person.

“*Human trafficking*” means a crime described in Iowa Code section 710A.2.

“*Mail*” means first-class letters and flats delivered via the United States Postal Service, including priority, express, and certified mail, and excluding packages, parcels, and periodicals, and catalogues,

unless they are clearly identifiable as pharmaceuticals or clearly indicate that they are sent by a state or county government agency.

“*Program*” means the address confidentiality program established in Iowa Code chapter 9E.

“*Program participant*” means an individual certified by the secretary as a program participant under Iowa Code section 9E.3.

“*Safe at home card*” means the official participation card that is issued by the secretary of state to each program participant, that must state the program participant’s name, designated address, and certification expiration date, and that must include a space for the signature of the program participant.

“*Safe at home program*” means the program authorized by Iowa Code chapter 9E.

“*Secretary*” means the secretary of state.

“*Sexual abuse*” means a violation of any provision of Iowa Code chapter 709.

“*Stalking*” means the same as defined in Iowa Code section 708.11.

721—6.2(9E) Failure to notify secretary of changes in information; cancellation. This rule facilitates the administration of the safe at home program in accordance with Iowa Code section 9E.4. This rule describes the manner and process for cancellation of certification to the program.

6.2(1) *Warning by the secretary.*

a. The secretary must contact the program participant to request that the program participant comply with Iowa Code section 9E.4 if:

(1) The program participant’s legal name or contact information changes, unless the program participant provides the secretary with prior written notice of the name change or contact information;

(2) Mail forwarded by the secretary to the program participant’s address is returned as undeliverable by the United States Postal Service; or

(3) The program participant does not accept service of process or is unavailable for delivery of service of process as described in Iowa Code section 9E.5(4).

b. The notice must state that if the program participant fails to comply within ten business days, the program participant’s certification shall be canceled and the former program participant must return any safe at home cards in the participant’s possession.

6.2(2) *Participant no longer eligible.* If the secretary learns that the program participant is no longer eligible, the secretary must provide the program participant with the opportunity to submit a withdrawal request in accordance with Iowa Code section 9E.3(3).

6.2(3) *Pending-cancellation status.* After the secretary has provided notice as required by subrule 6.2(1) or 6.2(2), the program participant is in pending-cancellation status. While the program participant is in this status, the secretary must hold the program participant’s mail and must not forward it to the program participant. Pending-cancellation status ends after ten business days or upon the program participant’s compliance with Iowa Code section 9E.4. This subrule does not prevent the secretary from forwarding correspondence marked “service of process” pursuant to Iowa Code section 9E.5(4).

6.2(4) *Cancellation.*

a. If the program participant’s pending-cancellation status expires, the secretary shall cancel the certification of the program participant.

b. If a program participant or applicant provides false information when applying for certification renewal or on a change of information notice, the secretary shall cancel the certification of the program participant.

c. If a program participant relocates outside the state of Iowa, the secretary shall cancel the certification of the program participant.

6.2(5) *Cancellation of program certification without recourse.* The secretary shall cancel a program participant’s certification if the program participant or applicant is determined to be a sexually violent predator pursuant to Iowa Code section 229A.7 or a similar law of another state.

6.2(6) *Return of mail.* If the certification of the program participant is canceled, mail addressed to the program participant must be returned to sender.

721—6.3(9E) Renewal of certification; recertification. This rule facilitates the administration of the safe at home program in accordance with Iowa Code section 9E.3(3). This rule describes the manner and process for renewal of program participant certification and for recertification.

6.3(1) *Renewal notification.* At least 30 days before the expiration of a program participant's certification, the secretary shall inform the program participant of the option of renewing certification in the safe at home program by sending an application to renew certification (renewal application) by first-class mail to the program participant's mailing address. The notice must also provide instructions to the program participant on what actions to take upon expiration of the certification, including the return of any safe at home cards and notification to public and private persons of the program participant's actual address, and that the designated address is no longer the address of the program participant. If the secretary has not received a renewal application within 10 days before the expiration of the program participant's certification, the secretary must mail a notice to the program participant reminding the program participant of the option to renew.

6.3(2) *Renewal process.* Along with the renewal application sent 30 days prior to expiration, the secretary may include a voter registration form so that the program participant may register to vote if the program participant has not already done so.

a. Application. The secretary shall renew the certification of a program participant when the secretary receives a complete renewal application from that program participant. The completed renewal application must contain the same information required in the certification application as specified in Iowa Code section 9E.3(1).

b. Duties of applicant. The program participant must provide all the information required by Iowa Code section 9E.3(3) and date and sign the renewal application.

c. Completed renewal application to be signed. The program participant must sign the completed renewal application and submit it and any additional materials in person, by mail, by facsimile, or by electronic mail to the secretary.

d. Missing information. If the completed renewal application does not meet the requirements of this subrule, the secretary shall contact the program participant or applicant to obtain the missing information.

e. Effective date. If submitted on or before the expiration date of the certification, a properly completed renewal application is effective on the day it is reviewed and certified by the secretary.

f. Duties of the secretary and program participants. The secretary must send a new safe at home card(s), which shall have an updated expiration date, within 10 business days of renewing a program participant's certification. The program participant must immediately sign the new safe at home card(s) upon receipt. The program participant must return any expired cards to the secretary by first-class mail so that they may be properly destroyed.

g. Penalties. A person who falsely attests in a renewal application or who knowingly provides false information upon making an application for certification renewal is subject to cancellation of program certification.

6.3(3) *Recertification of former participants.* Former program participants who have left the program through the withdrawal or cancellation process may reapply for certification in the program.

a. Application. The secretary may recertify a former program participant when the secretary receives an application from that former program participant. The application for recertification must contain the same information required in the certification application as specified in Iowa Code section 9E.3(1).

b. Duties of applicant. The applicant must provide all the information required by Iowa Code section 9E.3(1) and date and sign the application.

c. Completed application to be signed. The applicant must sign the completed application and submit it and any additional materials in person, by mail, by facsimile, or by electronic mail to the secretary.

d. Missing information. If the completed application does not meet the requirements of this subrule, the secretary shall contact the program participant or applicant to obtain the missing information.

e. Explanation statement. An applicant whose program participation was canceled under rule 721—6.2(9E) may be required to submit an explanation of the action that resulted in cancellation.

f. Effective date. A properly completed application is effective on the day it is reviewed and certified by the secretary.

g. Duties of the secretary and program participants. The secretary must send a new safe at home card(s), which shall have current expiration date and information, within ten business days of recertifying a former program participant. The program participant must immediately sign the safe at home card(s) upon receipt.

h. Penalties. A person who falsely attests in an application or who knowingly provides false information upon making an application for recertification is subject to denial or cancellation of program certification.

721—6.4(9E) Cancellation of voter registration in the statewide voter registration database. This rule facilitates the administration of the safe at home program in accordance with Iowa Code section 9E.6(1). This rule describes the manner and process for canceling a program participant's voter registration in the statewide voter registration database.

6.4(1) Voluntary cancellation of voter registration. The secretary shall cancel the program participant's voter registration record in the statewide voter registration database upon the program participant's written and signed request to the secretary to register to vote through the program.

6.4(2) Exclusion of program participant information in the statewide voter registration system. In accordance with Iowa Code section 9E.6(1), the name, address, and telephone number of a program participant shall not be listed in the statewide voter registration system even if the program participant does not submit a request to the secretary to register to vote through the program.

721—6.5(9E) Change of voter registration through the program. This rule facilitates the administration of the safe at home program in accordance with Iowa Code section 9E.6(1). This rule describes the manner and process for program participant change of voter registration through the program.

6.5(1) Change of address within the county of the preregistered address. If the program participant relocates within the county in which the program participant has already registered with the program, the program participant must submit an updated voter registration form to the secretary.

6.5(2) Change of address to an Iowa county outside the county of the preregistered address.

a. If the program participant relocates outside the county in which the program participant has already registered with the program, the program participant must submit an updated voter registration form to the secretary.

b. The secretary shall make the necessary changes in the registration records without any actions by the participant.

6.5(3) Change of name. If the program participant changes the program participant's name but does not move outside the county in which the program participant is registered, the secretary shall update the program participant's previous registration to reflect this change in accordance with Iowa Code section 48A.27(2) "a"(1). The participant shall submit a signed, written notice to the secretary in person, by mail, by facsimile, or by electronic mail. For purposes of this subrule, a change of information form shall constitute a signed, written notice.

6.5(4) Other changes. If the program participant's circumstances change so as to render inaccurate the information previously submitted with the program participant's voter registration, the program participant shall contact the secretary to update the voter registration information. A program participant may request changes to the program participant's voter registration record at any time by submitting a signed, written notice to the secretary in person, by mail, by facsimile, or by electronic mail in accordance with Iowa Code section 48A.27(2) "a"(1).

721—6.6(9E) Cancellation of absentee ballot voting through the program. This rule facilitates the administration of the safe at home program in accordance with Iowa Code section 9E.6(2). This rule

describes the manner and process for program participant cancellation of absentee ballot voting through the program.

6.6(1) *Voluntary cancellation of voter registration.* The secretary shall cancel the program participant's voter registration and absentee ballot application with the program upon the written and signed request of the participant.

6.6(2) *Involuntary cancellation of voter registration.* The secretary shall cancel the program participant's voter registration and absentee ballot application with the program upon one of the following:

a. The death of the program participant, as evidenced in accordance with the standards set forth in Iowa Code section 48A.30.

b. Notification of the program participant's relocation to another county.

c. The receipt of notice from the clerk of the district court, the United States Attorney, or the state registrar that the program participant has been convicted of a felony as defined in Iowa Code section 701.7 or convicted of an offense classified as a felony under federal law in accordance with the procedure set forth in Iowa Code section 48A.30(1) "*d.*"

d. The receipt of notice from the district court or the state registrar that the program participant has been declared a person who is incompetent to vote under state law.

e. The inactivity of the program participant's voter registration record pursuant to Iowa Code section 48A.29 for two successive general elections.

f. The withdrawal of a program participant from the program.

g. The cancellation of a program participant's certification in the program.

6.6(3) *Cancellation of active absentee ballots issued through the program.*

a. The secretary shall notify the local county auditor, and the local county auditor shall have the authority to challenge or cancel the active absentee ballot issued through the safe at home program if one of the following occur:

(1) The death of the program participant, as evidenced in accordance with the standards set forth in Iowa Code section 48A.30.

(2) Notification of the program participant's relocation to another county.

(3) The receipt of notice from the clerk of the district court, the United States Attorney, or the state registrar that the program participant has been convicted of a felony as defined in Iowa Code section 701.7 or convicted of an offense classified as a felony under federal law in accordance with the procedure set forth in Iowa Code section 48A.30(1) "*d.*"

(4) The receipt of notice from the district court or the state registrar that the program participant has been declared a person who is incompetent to vote under state law.

(5) The withdrawal of a program participant from the program.

(6) The cancellation of a program participant's certification in the program.

b. The local county auditor shall have the authority to challenge or cancel the active absentee ballot issued through the safe at home program.

6.6(4) *Confirmation of voter registration cancellation.* The secretary shall confirm cancellation of absentee ballot voting within ten business days by sending notice of cancellation to the program participant's mailing address.

These rules are intended to implement Iowa Code chapter 9E.