

CHAPTER 9E

ADDRESS CONFIDENTIALITY PROGRAM

Referred to in [§9.8](#), [§252B.9](#)

Former chapter 9E repealed by 2012 Acts, ch 1050, §30, 60; see chapter 9B

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9E.1 Purpose.

The general assembly finds that individuals attempting to escape from actual or threatened domestic abuse, domestic abuse assault, sexual abuse, stalking, or human trafficking frequently establish new addresses in order to prevent their assailants or probable assailants from finding them. The purpose of [this chapter](#) is to enable state and local agencies to respond to requests for data without disclosing the location of a victim of domestic abuse, domestic abuse assault, sexual abuse, stalking, or human trafficking; to enable interagency cooperation with the secretary of state in providing address confidentiality for victims of domestic abuse, domestic abuse assault, sexual abuse, stalking, or human trafficking; and to enable program participants to use an address designated by the secretary of state as a substitute mailing address for the purposes specified in [this chapter](#). In addition, the purpose of [this chapter](#) is to prevent such victims from being physically located through a public records search.

[2015 Acts, ch 96, §2, 17](#)

9E.2 Definitions.

As used in [this chapter](#), unless the context otherwise requires:

1. “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 under [this chapter](#).
2. “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 [section 633.701](#).
3. “Designated address” means the mailing address assigned to a program participant by the secretary.
4. “Domestic abuse” means the same as defined in [section 236.2](#).
5. “Domestic abuse assault” means the same as defined in [section 708.2A](#).
6. a. “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 [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 [section 236.3](#) or a criminal complaint or information pursuant to [section 708.2A](#), [708.11](#), or [710A.2](#), or any violation contained in [chapter 709](#).
- b. For purposes of [this subsection](#), a person determined to be a sexually violent predator pursuant to [section 229A.7](#) or a similar law of another state is not an eligible person.
7. “Human trafficking” means a crime described in [section 710A.2](#).
8. “Mail” means first-class letters and flats delivered via the United States postal service, including priority, express, and certified mail, and excluding packages, parcels, periodicals, and catalogues, unless they are clearly identifiable as pharmaceuticals or clearly indicate that they are sent by a state or county government agency.
9. “Program” means the address confidentiality program established in [this chapter](#).
10. “Program participant” means an individual certified by the secretary as a program participant under [section 9E.3](#).

11. “Secretary” means the secretary of state.
12. “Sexual abuse” means a violation of any provision of [chapter 709](#).
13. “Stalking” means the same as defined in [section 708.11](#).
[2015 Acts, ch 96, §3, 17](#)

9E.3 Address confidentiality program.

1. *Application.* The secretary shall certify an eligible person as a program participant if the secretary receives an application containing all of the following information:

a. The full legal name of the eligible person.

b. A statement by the applicant that the applicant has good reason to believe any of the following:

(1) Either of the following:

(a) The eligible person listed on the application is a victim of domestic abuse, domestic abuse assault, sexual abuse, stalking, or human trafficking.

(b) The eligible person fears for the person’s safety, the safety of another person who resides in the same household as the eligible person, or the safety of persons on whose behalf the application is made.

(2) The eligible person is not applying for certification as a program participant in order to avoid prosecution.

c. A designation of the secretary as the agent for service of process and for the purpose of receipt of mail.

d. The telephone number or telephone numbers where the secretary can contact the applicant or eligible person.

e. The residential address of the eligible person, disclosure of which could lead to an increased risk of domestic abuse, domestic abuse assault, sexual abuse, stalking, or human trafficking.

f. If mail cannot be delivered to the residential address of the eligible person, the address to which mail can be sent to the eligible person.

g. A statement whether the eligible person would like information on becoming an absentee ballot recipient pursuant to [section 9E.6](#).

h. A statement from the eligible person that gives the secretary consent to confirm the eligible person’s participation in the program to a third party.

i. The signature of the applicant indicating the applicant’s authority to act on behalf of the eligible person, if appropriate.

j. The date the application was signed.

k. Any other information as required by the secretary pursuant to rule.

2. *Filing.* Applications shall be filed with the secretary.

3. *Certification.* Upon filing a complete application, the secretary shall certify the eligible person as a program participant. A program participant shall be certified for four years following the date the application is certified by the secretary unless the certification is canceled, withdrawn, or invalidated. The secretary shall establish by rule a renewal procedure for recertification.

4. *Changes in information.* A program participant or an applicant shall inform the secretary of any changes in the program participant’s information submitted on the application.

5. *Designated address.* The secretary shall assign a designated address to which all mail for a program participant shall be sent.

6. *Attaining age of majority.* An individual who was a minor when the person was certified as a program participant is responsible for changes in information and renewal after the individual reaches the age of eighteen.

7. *Liability.* A governmental body, as defined in [section 21.2](#), or an entity created pursuant to [chapter 28E](#), shall not be liable for acts or omissions relating to [this chapter](#).

[2015 Acts, ch 96, §4, 17](#)

Referred to in [§9E.2](#)

9E.4 Certification cancellation.

1. The secretary may cancel a program participant's certification under any of the following circumstances:

a. 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.

b. Mail forwarded by the secretary to the program participant's address is returned as undeliverable by the United States postal service.

c. The program participant is no longer eligible for the program.

d. The program participant does not accept service of process or is unavailable for delivery of service of process as described in [section 9E.5, subsection 4](#).

2. The secretary shall cancel a program participant's certification if the program participant's application contains false information.

[2015 Acts, ch 96, §5, 17](#)

9E.5 Use of designated address.

1. When a program participant presents the program participant's designated address to any person, that designated address shall be accepted as the address of the program participant. The person shall not require the program participant to submit any other address that could be used to physically locate the program participant either as a substitute address or in addition to the designated address, or as a condition of receiving a service or benefit, unless the service or benefit would be impossible to provide without knowledge of the program participant's physical location.

2. A program participant may use the designated address as the program participant's work address.

3. The secretary shall forward all mail sent to the designated address to the program participant.

4. The office of the secretary of state shall act as agent of the program participant for purposes of service of process. The secretary shall forward any service of process received by the office of the secretary of state by certified mail, return receipt requested to the designated address of the program participant within three days of receipt in the office of the secretary of state. A program participant shall either accept or reject service of process and the secretary shall notify the person initiating the service of process, unless such person is not ascertainable from the service of process documents, of the date of the program participant's acceptance or rejection of the service of process. The date of service of the service of process is the date of the participant's acceptance or rejection.

5. If a program participant has notified a person in writing, on a form prescribed by the secretary, that the individual is a program participant and of the requirements of [this section](#), the person shall not knowingly disclose the program participant's address, unless any of the following:

a. The person to whom the address is disclosed also lives, works, or goes to school at the address disclosed.

b. The program participant has provided written consent to disclosure of the program participant's name and address for the purpose for which the disclosure will be made.

6. [This section](#) does not apply to documents or records relating to real property. The secretary shall offer a program participant information relating to the purchase of real property utilizing limited liability companies, trusts, or other legal entities in order to protect the participant's identity for purposes of this program when purchasing real property.

[2015 Acts, ch 96, §6, 17](#)

Referred to in [§9E.4](#), [§9E.8](#)

9E.6 Voting by program participant — absentee ballot.

1. a. A program participant who is an eligible elector may register to vote with the state commissioner of elections, pursuant to [section 48A.8, subsection 1](#). The name, address, and telephone number of a program participant shall not be listed in the statewide voter registration system.

b. A program participant's voter registration shall not be open to challenge under [section 48A.14](#) based on participation in the program and use of a designated address.

2. a. A program participant who is otherwise eligible to vote may annually register with the state commissioner of elections as an absentee voter. As soon as practicable before each election, the state commissioner of elections shall determine the precinct in which the residential address of the program participant is located and shall request and receive from the county commissioner of elections the ballot for that precinct and shall forward the absentee ballot to the program participant with the other materials for absentee balloting as required of the county commissioner of elections by [section 53.8](#).

b. The program participant shall complete the ballot and return it to the state commissioner of elections, who shall review the ballot in the manner provided by sections [53.18](#) and [53.19](#). If the materials comply with the requirements of [section 53.18](#), the materials shall be certified by the state commissioner of elections as the ballot of a program participant, and shall be forwarded to the appropriate county commissioner of elections for tabulation by the special voters precinct election board appointed pursuant to [section 53.23](#).

c. The state commissioner of elections, to the extent practicable, shall administer [this section](#) in accordance with the provisions of [chapters 48A](#) and [53](#) applicable to county commissioners of elections.

3. a. An absentee ballot submitted by a program participant shall not be subject to a challenge under [section 49.79](#) or [53.31](#) if the challenge is based on the voter's participation in the program and use of a designated address.

b. In an election contested pursuant to [chapter 57](#):

(1) The state commissioner of elections shall, upon the written request of a party to the contest, certify the eligibility of a program participant to vote or the validity of a program participant's absentee ballot. A written request submitted under this paragraph "b" must contain the voter identification number affixed to the program participant's absentee ballot.

(2) A deposition shall serve as testimony for a program participant. A court or tribunal trying the contest shall coordinate with the secretary to obtain a deposition from a program participant.

[2015 Acts, ch 96, §7, 17](#); [2016 Acts, ch 1121, §1, 2](#)

Referred to in [§9E.3](#), [§48A.8](#), [§53.2](#)

Subsection 1 amended

NEW subsection 3

9E.7 Confidentiality of information.

1. a. Except as otherwise provided in [subsection 2](#) and in [section 9E.8](#), information collected, created, or maintained by the secretary related to applicants, eligible persons, and program participants is confidential unless otherwise ordered by a court or released by the lawful custodian of the records pursuant to state or federal law.

b. A program participant's name and address maintained by a local governmental body that is part of an ongoing investigation or inspection of an alleged health code, building code, fire code, or city ordinance violation allegedly committed by the program participant is confidential information.

2. Upon request from the department of public safety, the secretary may share confidential information with the department of public safety. Such confidential information received by the department of public safety may be released to a law enforcement agency upon verification that the release will aid the law enforcement agency in responding to an emergency situation, a criminal complaint, or an ongoing investigation.

3. [This section](#) shall not be construed to prohibit the dissemination of information relating to the program to any agency or organization if necessary for carrying out the official duties of the agency or organization, or to a person if disseminated for an official purpose, or to any other person if necessary to protect a person or property from a threat of imminent serious harm.

4. If a program participant has notified the program participant's landlord in writing that the individual is a program participant pursuant to [this chapter](#), a local ordinance or the landlord shall not allow the display of the program participant's name at an address otherwise protected under [this chapter](#).

5. [This section](#) shall not be construed to prohibit the enforcement of a lease agreement between a program participant and a program participant's landlord.

[2015 Acts, ch 96, §8, 17; 2016 Acts, ch 1016, §1](#)

Subsection 1, paragraph a amended

9E.8 Disclosure of program participant address in legal proceedings — protective order.

1. If a program participant's address is protected under [section 9E.5](#), a person shall not be compelled to disclose the program participant's address during discovery or during a proceeding before a court or other tribunal unless the court or other tribunal finds all of the following:

a. A reasonable belief exists that the address is needed to obtain information or evidence without which the investigation, prosecution, or litigation cannot proceed.

b. No other practicable means is available of obtaining the information or evidence from any other source.

2. The court or other tribunal shall provide the program participant with notice that disclosure of the program participant's address is sought and provide the program participant an opportunity to present evidence at a hearing regarding the potential harm to the safety of the program participant if the program participant's address is disclosed. In determining whether to compel disclosure, the court or other tribunal shall consider whether the potential harm to the safety of the program participant is outweighed by the interest in disclosure relating to the investigation, prosecution, or litigation. In a criminal proceeding, the court or other tribunal shall order disclosure of a program participant's address if protecting the program participant's address would violate a defendant's constitutional right to confront a witness.

3. Disclosure of a program participant's address under [this section](#) shall be limited under the terms of the order by the court or other tribunal to ensure that the disclosure and dissemination of the address will be no wider than necessary for the purposes of the investigation, prosecution, or litigation.

4. [This section](#) does not prevent the court or other tribunal from issuing a protective order to prevent disclosure of information other than the program participant's address that could reasonably lead to the discovery of the program participant's location.

5. [This section](#) shall apply to a participant in an out-of-state address confidentiality program substantially similar to the address confidentiality program established in [this chapter](#).

[2016 Acts, ch 1016, §2](#)

Referred to in [§9E.7](#)

NEW section