

Senate Study Bill 1134 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
STATE GOVERNMENT BILL BY
CHAIRPERSON DANIELSON)

A BILL FOR

1 An Act establishing an address confidentiality program in the
2 office of the secretary of state for a victim of domestic
3 abuse, domestic abuse assault, sexual abuse, and stalking
4 or for a person in fear of the person's safety or another
5 person's safety.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 9E.1 Definitions.

2 As used in this chapter, unless the context otherwise
3 requires:

4 1. "*Address*" means a residential street address, school
5 address, or work address of an individual, as specified on the
6 individual's application to be a program participant under this
7 chapter.

8 2. "*Applicant*" means an adult, a parent or guardian acting
9 on behalf of an eligible minor, or a guardian acting on behalf
10 of an incapacitated person as defined in section 633.701.

11 3. "*Designated address*" means the post office box and lot
12 numbered assigned to a program participant by the secretary.

13 4. "*Domestic abuse*" means the same as defined in section
14 236.2.

15 5. "*Domestic abuse assault*" means the same as defined in
16 section 708.2A.

17 6. a. "*Eligible person*" means a person who is a resident
18 of this state and who is an adult, a minor, or an incapacitated
19 person as defined in section 633.701, for whom there is good
20 reason to believe any of the following:

21 (1) The person is a victim of domestic abuse, domestic abuse
22 assault, sexual abuse, or stalking.

23 (2) The person fears for the person's safety, the safety of
24 another person who resides in the same household, or the safety
25 of persons on whose behalf the application is made.

26 b. For purposes of this subsection, a person determined to
27 be a sexually violent predator pursuant to section 229A.7 or a
28 similar law of another state is not an eligible person.

29 7. "*Mail*" means first-class letters and flats delivered
30 via the United States postal service, including priority,
31 express, and certified mail, and excluding packages,
32 parcels, periodicals, and catalogues, unless they are clearly
33 identifiable as pharmaceuticals or clearly indicate that they
34 are sent by a state or county government agency.

35 8. "*Program*" means the address confidentiality program

1 established in this chapter.

2 9. "*Program participant*" means an individual certified by
3 the secretary as a program participant under section 9E.2.

4 10. "*Secretary*" means the secretary of state.

5 11. "*Sexual abuse*" means the same as defined in section
6 709.1.

7 12. "*Stalking*" means the same as defined in section 708.11.

8 Sec. 2. NEW SECTION. **9E.2 Address confidentiality program.**

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

12 a. The full legal name of the eligible person.

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

15 (1) Either of the following:

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

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

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

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

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

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

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

35 g. A statement whether the eligible person would like

1 information on becoming an ongoing absentee ballot recipient
2 pursuant to section 9E.5.

3 *h.* A statement from the eligible person that gives
4 the secretary consent to confirm the eligible person's
5 participation in the program to a third party.

6 *i.* The signature of the applicant indicating the applicant's
7 authority to act on behalf of the eligible person, if
8 appropriate, and the name and signature of any individual or
9 representative of any person who assisted in the preparation
10 of the application.

11 *j.* The date the application was signed.

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

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

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

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

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

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

32 Sec. 3. NEW SECTION. 9E.3 **Certification cancellation.**

33 1. If the program participant obtains a legal change of
34 identity, the program participant shall be decertified as a
35 program participant.

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

3 a. The program participant's legal name or contact
4 information changes, unless the program participant provides
5 the secretary with prior written notice of the name change or
6 contact information.

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

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

12 3. The secretary shall cancel a program participant's
13 certification if the program participant's application contains
14 false information.

15 Sec. 4. NEW SECTION. 9E.4 Use of designated address.

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

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

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

30 4. If a program participant has notified a person in
31 writing, on a form prescribed by the secretary, that the
32 individual is a program participant and of the requirements
33 of this section, the person shall not knowingly disclose the
34 program participant's address, unless any of the following:

35 a. The person to whom the address is disclosed also lives,

1 works, or goes to school at the address disclosed.

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

5 **Sec. 5. NEW SECTION. 9E.5 Voting by program participant —**
6 **absentee ballot.**

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

12 2. *a.* A program participant who is otherwise eligible to
13 vote may register with the state commissioner of elections as
14 a permanent absentee voter under this section by submitting a
15 permanent absentee voter application. As soon as practicable
16 before each election, the state commissioner of elections shall
17 determine the precinct in which the residential address of the
18 program participant is located and shall request and receive
19 from the county commissioner of elections the ballot for that
20 precinct and shall forward the absentee ballot to the program
21 participant with the other materials for absentee balloting as
22 required of the county commissioner of elections by section
23 53.8.

24 *b.* The program participant shall complete the ballot and
25 return it to the state commissioner of elections, who shall
26 review the ballot in the manner provided by sections 53.18
27 and 53.19. If the materials comply with the requirements
28 of section 53.18, the materials shall be certified by the
29 state commissioner of elections as the ballot of a program
30 participant, and shall be forwarded to the appropriate county
31 commissioner of elections for tabulation by the special voters
32 precinct election board appointed pursuant to section 53.23.

33 **Sec. 6. NEW SECTION. 9E.6 Confidentiality of information.**

34 1. *a.* Except as otherwise provided in subsection
35 2, information collected, created, or maintained by the

1 secretary related to applicants, eligible persons, and program
2 participants is confidential unless otherwise ordered by a
3 court or released by the lawful custodian of the records
4 pursuant to state or federal law.

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

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

19 3. This section shall not be construed to prohibit the
20 dissemination of information relating to the program to any
21 agency or organization if necessary for carrying out the
22 official duties of the agency or organization, or to a person
23 if disseminated for an official purpose, or to any other person
24 if necessary to protect a person or property from a threat of
25 imminent serious harm.

26 4. If a program participant has notified the program
27 participant's landlord in writing that the individual is a
28 program participant pursuant to this chapter, a local ordinance
29 or the landlord shall not require the display of the program
30 participant's name at an address otherwise protected under this
31 chapter.

32 Sec. 7. Section 48A.8, subsection 1, Code 2015, is amended
33 to read as follows:

34 1. An eligible elector may request that a voter registration
35 form be mailed to the elector. The completed form may be

1 mailed or delivered by the registrant or the registrant's
2 designee to the commissioner in the county where the person
3 resides or to the state commissioner of elections, as provided
4 in section 9E.5. A separate voter registration form shall be
5 signed by each individual registrant.

6 Sec. 8. Section 53.2, Code 2015, is amended by adding the
7 following new subsection:

8 NEW SUBSECTION. 9. A registered voter who is a program
9 participant under section 9E.5 may register to vote as a
10 permanent absentee voter with the state commissioner of
11 elections pursuant to section 9E.5, subsection 2.

12 EXPLANATION

13 The inclusion of this explanation does not constitute agreement with
14 the explanation's substance by the members of the general assembly.

15 This bill establishes an address confidentiality program
16 (program) in the office of the secretary of state (secretary)
17 for a victim of domestic abuse, domestic abuse assault, sexual
18 abuse, or stalking or for a person in fear of the person's
19 safety or another person's safety.

20 CERTIFICATION AND DESIGNATED ADDRESS. Under the bill, an
21 eligible person may submit an application for enrollment in
22 the program to the secretary with certain required information
23 including the applicant's residential address. "Eligible
24 person" is defined as an Iowa resident who is an adult, a
25 minor, or an incapacitated person for whom there is good reason
26 to believe the person is a victim of domestic abuse, domestic
27 abuse assault, sexual abuse, or stalking, as defined in the
28 bill, or a person who fears for the person's safety, the safety
29 of another person who resides in the person's household, or
30 the safety of persons on whose behalf the application is
31 made. When the secretary certifies the eligible person's
32 enrollment in the program, the eligible person becomes a
33 program participant for a four-year enrollment period and
34 the secretary assigns the program participant a designated
35 address. The secretary then forwards all mail sent to the

1 designated address to the program participant at the program
2 participant's preferred address for delivery of mail. When
3 a program participant presents the program participant's
4 designated address to any person, that designated address
5 shall be accepted as the address of the program participant,
6 unless a service or benefit received by the program participant
7 would be impossible to provide without knowledge of the
8 program participant's actual physical location. If a program
9 participant notifies a person in writing that the individual is
10 a program participant, the person is prohibited from knowingly
11 disclosing the program participant's address unless certain
12 circumstances apply.

13 CERTIFICATION CANCELLATION. The bill specifies
14 circumstances under which the secretary may cancel a program
15 participant's certification, including due to a legal name
16 change or a change in contact information, undeliverable mail,
17 eligibility requirement changes, and false information in the
18 program participant's application. If the program participant
19 obtains a legal change of identity, the program participant
20 shall be decertified by the secretary as a program participant.

21 CONFIDENTIALITY. The bill provides that information
22 collected, created, or maintained by the secretary related
23 to applicants, eligible persons, and program participants is
24 confidential unless otherwise ordered by a court or released
25 by the lawful custodian of the records pursuant to state or
26 federal law. Upon request from the department of public
27 safety, the secretary may share confidential information
28 with the department of public safety for release to a law
29 enforcement agency upon verification that the release will
30 aid the law enforcement agency in responding to an emergency
31 situation, a criminal complaint, or an ongoing investigation.
32 In addition, if a program participant has notified the program
33 participant's landlord in writing that the individual is a
34 program participant pursuant to the bill, a local ordinance
35 or the landlord shall not require the display of the program

1 participant's name at an address otherwise protected under the
2 bill.

3 VOTING BY PROGRAM PARTICIPANT. The bill provides that a
4 program participant who is an eligible elector may register
5 to vote with the state commissioner of elections, although
6 the name, residential address, and telephone number of a
7 program participant shall not be listed in the statewide voter
8 registration system. A program participant who is otherwise
9 eligible to vote may register with the state commissioner of
10 elections as a permanent absentee voter. If the materials
11 comply with the requirements of that section, the materials
12 shall be certified by the state commissioner of elections as
13 the ballot of a program participant, and shall be forwarded to
14 the appropriate county commissioner of elections for tabulation
15 by the special voters precinct election board. The bill makes
16 conforming changes to voter registration provisions.