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HOUSE BILL 3057

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State of Washington

59th Legislature

2006 Regular Session

By Representatives Green, Nixon, Hunt, Sump, Miloscia, Haigh, Schual-Berke and Morrell; by request of Secretary of State

Read first time 01/18/2006. Referred to Committee on State Government Operations & Accountability.

1 AN ACT Relating to modifying the provisions of the address  
2 confidentiality program; and amending RCW 40.24.020, 40.24.030,  
3 40.24.040, 40.24.060, and 40.24.070.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 40.24.020 and 1991 c 23 s 2 are each amended to read  
6 as follows:

7 Unless the context clearly requires otherwise, the definitions in  
8 this section apply throughout this chapter.

9 (1) "Address" means a residential street address, school address,  
10 or work address of an individual, as specified on the individual's  
11 application to be a program participant under this chapter.

12 (2) (~~"Program participant" means a person certified as a program~~  
13 ~~participant under RCW 40.24.030.~~

14 ~~(3)~~) "Domestic violence" means an act as defined in RCW 10.99.020  
15 and includes a threat of such acts committed against an individual in  
16 a domestic situation, regardless of whether these acts or threats have  
17 been reported to law enforcement officers.

18 (3) "Program participant" means a person certified as a program  
19 participant under RCW 40.24.030.

1       (4) "Stalking" means an act defined in RCW 9A.46.110 and includes  
2 a threat of such acts committed against an individual, regardless of  
3 whether these acts or threats have been reported to law enforcement  
4 officers.

5       **Sec. 2.** RCW 40.24.030 and 2001 c 28 s 2 are each amended to read  
6 as follows:

7       (1) An adult person, a parent or guardian acting on behalf of a  
8 minor, or a guardian acting on behalf of an incapacitated person, as  
9 defined in RCW 11.88.010, may apply to the secretary of state to have  
10 an address designated by the secretary of state serve as the person's  
11 address or the address of the minor or incapacitated person. The  
12 secretary of state shall approve an application if it is filed in the  
13 manner and on the form prescribed by the secretary of state and if it  
14 contains:

15       (a) A sworn statement by the applicant that the applicant has good  
16 reason to believe (i) that the applicant, or the minor or incapacitated  
17 person on whose behalf the application is made, is a victim of domestic  
18 violence, sexual assault, or stalking; and (ii) that the applicant  
19 fears for his or her safety or his or her children's safety, or the  
20 safety of the minor or incapacitated person on whose behalf the  
21 application is made;

22       (b) A designation of the secretary of state as agent for purposes  
23 of service of process and for the purpose of receipt of mail;

24       (c) The (~~mailing~~) address where the applicant can be contacted by  
25 the secretary of state, and the phone number or numbers where the  
26 applicant can be called by the secretary of state;

27       (d) The new address or addresses that the applicant requests not be  
28 disclosed for the reason that disclosure will increase the risk of  
29 domestic violence, sexual assault, or stalking;

30       (e) The signature of the applicant and of any individual or  
31 representative of any office designated in writing under RCW 40.24.080  
32 who assisted in the preparation of the application, and the date on  
33 which the applicant signed the application.

34       (2) Applications shall be filed with the office of the secretary of  
35 state.

36       (3) Upon filing a properly completed application, the secretary of  
37 state shall certify the applicant as a program participant. Applicants

1 shall be certified for four years following the date of filing unless  
2 the certification is withdrawn or invalidated before that date. The  
3 secretary of state shall by rule establish a renewal procedure.

4 (4) A person who falsely attests in an application that disclosure  
5 of the applicant's address would endanger the applicant's safety or the  
6 safety of the applicant's children or the minor or incapacitated person  
7 on whose behalf the application is made, or who knowingly provides  
8 false or incorrect information upon making an application, shall be  
9 punishable under RCW 40.16.030 or other applicable statutes.

10 **Sec. 3.** RCW 40.24.040 and 1991 c 23 s 4 are each amended to read  
11 as follows:

12 (1) If the program participant obtains a (~~(name)~~) legal change of  
13 identity, he or she loses certification as a program participant.

14 (2) The secretary of state may cancel a program participant's  
15 certification if there is a change in the residential address (~~(from~~  
16 ~~the one listed on the application)~~), unless the program participant  
17 provides the secretary of state with (~~(seven)~~) at least two days' prior  
18 notice in writing of the change of address.

19 (3) The secretary of state may cancel certification of a program  
20 participant if mail forwarded by the secretary to the program  
21 participant's address is returned as nondeliverable, refused, or  
22 unclaimed.

23 (4) The secretary of state shall cancel certification of a program  
24 participant who applies using false information.

25 **Sec. 4.** RCW 40.24.060 and 1991 c 23 s 6 are each amended to read  
26 as follows:

27 (~~(1)~~) A program participant who is otherwise qualified to vote  
28 may (~~(apply as a service)~~) register as an ongoing absentee voter under  
29 RCW (~~(29.01.155. The program participant shall automatically receive~~  
30 ~~absentee ballots for all elections in the jurisdictions for which that~~  
31 ~~individual resides in the same manner as absentee voters who qualify~~  
32 ~~under RCW 29.36.013, except that the program participant shall not be~~  
33 ~~required to reapply following January 1st of each odd-numbered year.)~~)  
34 29A.40.040 The county auditor shall transmit the absentee ballot to  
35 the program participant at the mailing address (~~(designated by the~~

1 ~~participant in his or her application as a service voter))~~ provided.  
2 Neither the name nor the address of a program participant shall be  
3 included in any list of registered voters available to the public.

4 ~~((2) The county auditor may not make the participant's address~~  
5 ~~contained in voter registration records available for public inspection~~  
6 ~~or copying except under the following circumstances:~~

7 ~~(a) If requested by a law enforcement agency, to the law~~  
8 ~~enforcement agency; and~~

9 ~~(b) If directed by a court order, to a person identified in the~~  
10 ~~order.))~~

11 **Sec. 5.** RCW 40.24.070 and 1999 c 53 s 1 are each amended to read  
12 as follows:

13 The secretary of state may not make any records in a program  
14 participant's file available for inspection or copying, other than the  
15 address designated by the secretary of state(~~, except under the~~  
16 ~~following circumstances:~~

17 ~~(1) If requested by a law enforcement agency, to the law~~  
18 ~~enforcement agency;~~

19 ~~(2) If directed by a court order, to a person identified in the~~  
20 ~~order; or~~

21 ~~(3) To verify the participation of a specific program participant,~~  
22 ~~in which case the secretary may only confirm information supplied by~~  
23 ~~the requester)). Records may only be released under court order.~~

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