
SENATE BILL 5409

State of Washington 60th Legislature 2007 Regular Session

By Senators Fairley, Roach, Swecker, Kohl-Welles, Kline and Rasmussen; by request of Secretary of State

Read first time 01/18/2007. Referred to Committee on Government Operations & Elections.

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))~~ residential address and any telephone number
25 where the applicant can be contacted by the secretary of state, ~~((and~~
26 ~~the phone number or numbers where the applicant can be called by the~~
27 ~~secretary of state;~~

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

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

36 (2) Applications shall be filed with the office of the secretary of
37 state.

1 (3) Upon filing a properly completed application, the secretary of
2 state shall certify the applicant as a program participant. Applicants
3 shall be certified for four years following the date of filing unless
4 the certification is withdrawn or invalidated before that date. The
5 secretary of state shall by rule establish a renewal procedure.

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

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

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

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

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

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

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

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

36 29A.40.040 The county auditor shall transmit the absentee ballot to

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

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

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

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

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

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

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

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

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

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