

A M E N D M E N T

OFFERED IN THE SENATE

BY SENATOR COGHILL

TO: CSSB 192(STA), Draft Version "D"

1 Page 1, line 1:

2 Delete "**relating to the confidentiality of voters' addresses**"

3 Insert "**establishing the Alaska address confidentiality program**"

4

5 Page 1, line 5, through page 3, line 4:

6 Delete all material.

7

8 Page 3, line 5:

9 Delete "**Sec. 4**"

10 Insert "**Section 1**"

11

12 Renumber the following bill sections accordingly.

13

14 Page 3, lines 16 - 28:

15 Delete all material and insert:

16 "*** Sec. 2.** AS 15.07.195(b) is amended to read:

17 (b) In addition to the information in (a) of this section, the address of a voter
18 participating in the Alaska address confidentiality program established under
19 AS 44.23.100 - 44.23.104 may not be disclosed. A voter who is not a participant in
20 the Alaska address confidentiality program may elect in writing to keep the voter's
21 residential address confidential and not open to public inspection if the voter provides
22 a separate mailing address. However, notwithstanding a voter's participation in the
23 Alaska address confidentiality program or [AN] election under this subsection, a

1 voter's residential address may be disclosed to

2 (1) a watcher appointed under AS 15.10.170 and, in the case of a
3 watcher appointed by an organization or group sponsoring or opposing an initiative,
4 referendum, or recall group, authorized by the director;

5 (2) an observer of a recount provided under AS 15.20.440(b) by a
6 candidate, political party, or organized group having a direct interest in the recount; or

7 (3) the subject of a recall election if the voter voted in the recall
8 election."

9

10 Page 4, following line 8:

11 Insert a new bill section to read:

12 **"* Sec. 4. AS 44.23 is amended by adding new sections to read:**

13 **Article 2. Alaska Address Confidentiality Program.**

14 **Sec. 44.23.100. Alaska address confidentiality program.** (a) The Alaska
15 address confidentiality program is established in the Department of Law. Under the
16 program, an individual who is eligible under this section may use an address
17 designated by the department under AS 44.23.102 as the individual's own address,
18 designate the department to receive mail, legal process, and voter registration or
19 absentee ballots on behalf of the individual, and provide that the department forward
20 the mail, legal process, and voter materials to the individual's actual mailing address.
21 The department may not charge a fee to apply for or participate in the program.

22 (b) An individual is eligible for the program if the individual

23 (1) is a resident of the state and

24 (A) a victim, or a parent or guardian of a minor child who is a
25 victim, of stalking, domestic violence, or sexual assault or a crime in another
26 jurisdiction with elements substantially similar to stalking, domestic violence,
27 or sexual assault, that was reported to a criminal justice agency in good faith;
28 or

29 (B) has been granted, or has been granted on behalf of a minor,
30 a protective order issued or filed under AS 18.65.850 - 18.65.870 or
31 AS 18.66.100 - 18.66.180; and

(2) files a completed application under (c) of this section.

(c) An individual may apply to the department to participate in the program.

The department shall approve an application that is filed in the manner and on the form prescribed by the department. The application must contain

(1) the applicant's name;

(2) the applicant's actual residential and mailing addresses;

(3) if applicable, identification of a state or municipal agency that employs the individual against whom an allegation of abuse against the applicant or member of the applicant's household is made;

(4) evidence satisfactory to the department of the applicant's eligibility under (b)(1) of this section; and

(5) a sworn statement by the applicant that

(A) the applicant resides or will reside at a location in this state that is not known to the individual or individuals who are the subject of a report or order described in (b)(1)(A) or (B) of this section;

(B) the applicant agrees not to disclose the applicant's actual residential or mailing address to the individual or individuals who are the subject of a report or order described in (b)(1)(A) or (B) of this section; and

(C) the applicant understands and consents to the following attributes and requirements of the program:

(i) a participant will be enrolled in the program for a period of three years unless the participant submits notice of cancellation under (vii) of this subparagraph or is disenrolled under (ii) of this subparagraph;

(ii) a participant is required to notify the department when the participant's actual address or legal name changes; if the participant fails to notify the department under this subparagraph, the department may disenroll the participant from the program;

(iii) a participant is required to develop a safety plan in consultation with department personnel;

(iv) by participating in the program, a participant

1 authorizes the department to notify state and municipal agencies and
2 units of government that the individual is a program participant;

3 (v) the department will notify a program participant
4 when the participant's three-year period is about to expire under (i) of
5 this subparagraph or if the department is set to disenroll the participant
6 under (ii) of this subparagraph;

7 (vi) a participant who receives a notification under (v)
8 of this paragraph may timely update the participant's information or
9 may re-enroll in the program within six months after the date the
10 department issues the notification;

11 (vii) a participant may discontinue participation in the
12 program at any time by submitting a written notice of cancellation to
13 the department; and

14 (viii) a participant must certify the department as the
15 participant's designated agent for service of process.

16 (d) Upon the filing of a properly completed application by an eligible
17 applicant, the department shall certify the applicant as a program participant.

18 (e) The department shall adopt regulations necessary to implement and
19 administer AS 44.23.100 - 44.23.104.

20 **Sec. 44.23.102. Use of designated address; confidentiality.** (a) The
21 department shall provide each participant with a designated address. A participant may
22 request that state and municipal agencies use the address designated by the department
23 as the participant's address. When creating a new public record, state and municipal
24 agencies shall use the address designated by the department as the participant's
25 substitute address, unless the department determines that the

26 (1) agency has a bona fide statutory or administrative requirement for
27 the use of the participant's actual address that would otherwise be confidential under
28 AS 44.23.100 - 44.23.104; and

29 (2) participant's actual address will be used only for the statutory and
30 administrative purposes identified in (1) of this subsection.

31 (b) A participant may use the address designated by the department as the

1 participant's work address.

2 (c) The department shall forward all mail received at a participant's designated
3 address to the participant's actual address and provide the notices described in
4 AS 44.23.100(c)(5)(C).

5 (d) At the request of a participant or a state or municipal agency or unit of
6 government, the department shall provide to another person confirmation of the
7 participant's status as a program participant.

8 (e) A state or municipal agency or unit of government shall use a participant's
9 address designated under this section for official business unless the use of the
10 participant's actual address is specifically required by statute. A state or municipal
11 agency or unit of government may request confirmation from the department of an
12 individual's status as a program participant.

13 (f) A person who has received confirmation of an individual's participation in
14 the program under this section may not

15 (1) refuse to use the address designated by the department for the
16 participant;

17 (2) require a participant to disclose the participant's actual address; or

18 (3) intentionally disclose to another person the actual address of a
19 participant.

20 (g) Notwithstanding (a) of this section, a participant shall provide the
21 participant's actual residential address for voter registration and voter verification
22 purposes under AS 15 and AS 29. However, state and municipal officials and other
23 persons to whom the participant's actual address is disclosed shall keep the address
24 confidential, except upon court order, and the address may not be disclosed under
25 AS 40.25.110 or 40.25.120.

26 **Sec. 44.23.104. Definitions.** In AS 44.23.100 - 44.23.104,

27 (1) "criminal justice agency" has the meaning given in AS 12.62.900;

28 (2) "department" means the Department of Law;

29 (3) "domestic violence" has the meaning given in AS 18.66.990;

30 (4) "participant" means an individual enrolled in the Alaska address
31 confidentiality program established in AS 44.23.100;

(5) "program" means the Alaska address confidentiality program established in AS 44.23.100;

3 (6) "sexual assault" has the meaning given in AS 18.66.990;

4 (7) "stalking" has the meaning given in AS 18.65.870."