State of Arizona House of Representatives Fifty-first Legislature Second Regular Session 2014

HOUSE BILL 2100

AN ACT

AMENDING SECTIONS 11-483, 11-484, 16-153, 41-161, 41-163, 41-164 AND 41-166, ARIZONA REVISED STATUTES; RELATING TO THE ADDRESS CONFIDENTIALITY PROGRAM.

(TEXT OF BILL BEGINS ON NEXT PAGE)

- i -

Be it enacted by the Legislature of the State of Arizona: Section 1. Section 11-483, Arizona Revised Statutes, is amended to read:

11-483. Records maintained by county recorder; confidentiality; definitions

- A. Notwithstanding any other provision of this article, in any county an eligible person may request that the general public be prohibited from accessing the unique identifier and the recording date contained in indexes of recorded instruments maintained by the county recorder and may request the county recorder to prohibit access to that person's residential address and telephone number contained in instruments or writings recorded by the county recorder.
- B. An eligible person may request this action by filing an affidavit that states all of the following on an application form developed by the administrative office of the courts in agreement with an association of counties, an organization of peace officers and the motor vehicle division of the department of transportation:
 - 1. The person's full legal name and residential address.
- 2. The full legal description and parcel number of the person's property.
- 3. Unless the person is the spouse or minor child of a deceased peace officer or the person is a former public official, the position the person currently holds and a description of the person's duties, except that an eligible person who is protected under an order of protection or injunction against harassment shall instead attach a copy of the order of protection or injunction against harassment OR AN ELIGIBLE PERSON WHO IS A PARTICIPANT IN THE ADDRESS CONFIDENTIALITY PROGRAM SHALL INSTEAD ATTACH A COPY OF THE PARTICIPANT'S CURRENT AND VALID ADDRESS CONFIDENTIALITY PROGRAM AUTHORIZATION CARD ISSUED PURSUANT TO SECTION 41-163 AND A STATEMENT OF CERTIFICATION PROVIDED BY THE SECRETARY OF STATE'S OFFICE.
- 4. The reasons the person reasonably believes that the person's life or safety or that of another person is in danger and that restricting access pursuant to this section will serve to reduce the danger.
- 5. The document locator number and recording date of each instrument for which the person requests access restriction pursuant to this section.
- 6. A copy of pages from each instrument that includes the document locator number and the person's full legal name and residential address or full legal name and telephone number.
- C. If an eligible person is also requesting pursuant to section 11-484 that the general public be prohibited from accessing records maintained by the county assessor and county treasurer, the eligible person may combine the request pursuant to subsection B of this section with the request pursuant to section 11-484 by filing one affidavit. The affidavit and subsequent action by the appropriate authorities shall meet all of the requirements of this section and section 11-484.

- 1 -

- D. The affidavit shall be filed with the presiding judge of the superior court in the county in which the affiant resides. To prevent multiple filings, an eligible person who is a peace officer, spouse or minor child of a deceased peace officer, public defender, prosecutor, code enforcement officer, corrections or detention officer, corrections support staff member or law enforcement support staff member shall deliver the affidavit to the peace officer's commanding officer, or to the head of the prosecuting, public defender, code enforcement, law enforcement, corrections or detention agency, as applicable, or that person's designee, who shall file the affidavits at one time. In the absence of an affidavit that contains a request for immediate action and that is supported by facts justifying an earlier presentation, the commanding officer, or the head of the prosecuting, public defender, code enforcement, law enforcement, corrections or detention agency, as applicable, or that person's designee, shall not file affidavits more often than quarterly.
- E. On receipt of an affidavit or affidavits, the presiding judge of the superior court shall file with the clerk of the superior court a petition on behalf of all requesting affiants. Each affidavit presented shall be attached to the petition. In the absence of an affidavit that contains a request for immediate action and that is supported by facts justifying an earlier consideration, the presiding judge may accumulate affidavits and file a petition at the end of each quarter.
- F. The presiding judge of the superior court shall review the petition and each attached affidavit to determine whether the action requested by each affiant should be granted. If the presiding judge of the superior court concludes that the action requested by the affiant will reduce a danger to the life or safety of the affiant or another person, the presiding judge of the superior court shall order that the county recorder prohibit access for five years to the affiant's residential address and telephone number contained in instruments or writings recorded by the county recorder and made available on the internet. If the presiding judge of the superior court concludes that the affiant or another person is in actual danger of physical harm from a person or persons with whom the affiant has had official dealings and that action pursuant to this section will reduce a danger to the life or safety of the affiant or another person, the presiding judge of the superior court shall order that the general public be prohibited for five years from accessing the unique identifier and the recording date contained in indexes of recorded instruments maintained by the county recorder and identified pursuant to subsection B of this section.
- G. On motion to the court, if the presiding judge of the superior court concludes that an instrument or writing recorded by the county recorder has been redacted or sealed in error, that the original affiant no longer lives at the address listed in the original affidavit, that the cause for the original affidavit no longer exists or that temporary access to the instrument or writing is needed, the presiding judge may temporarily stay or

- 2 -

permanently vacate all or part of the court order prohibiting public access to the recorded instrument or writing.

- H. On entry of the court order, the clerk of the superior court shall file the court order and a copy of the affidavit required by subsection B of this section with the county recorder. No more than ten days after the date on which the county recorder receives the court order, the county recorder shall restrict access to the information as required by subsection F of this section.
- I. If the court denies an affiant's request pursuant to this section, the affiant may request a court hearing. The hearing shall be conducted by the court in the county where the petition was filed.
- J. The county recorder shall remove the restrictions on all records restricted pursuant to this section by January 5 in the year after the court order expires. The county recorder shall send by mail one notice to either the former public official, peace officer, spouse or minor child of a deceased peace officer, public defender, prosecutor, code enforcement officer, corrections or detention officer, corrections support staff member or law enforcement support staff member or the employing agency of a peace officer, public defender, prosecutor, code enforcement officer, corrections or detention officer, corrections support staff member or law enforcement support staff member who was granted an order pursuant to this section of the order's expiration date at least six months before the expiration date. If the notice is sent to the employing agency, the employing agency shall immediately notify the person who was granted the order of the upcoming expiration date. The county recorder may coordinate with the county assessor and county treasurer to prevent multiple notices from being sent to the same person.
- K. To include subsequent recordings in the court order, the eligible person shall present to the county recorder at the time of recordation a certified copy of the court order or shall provide to the county recorder the recording number of the court order. The county recorder shall ensure that public access shall be restricted pursuant to subsection A of this section.
- L. This section shall not be interpreted to restrict access to public records for the purposes of perfecting a lien pursuant to title 12, chapter 9, article 2.
- M. This section does not prohibit access to the records of the county recorder by parties to the instrument, a law enforcement officer performing the officer's official duties pursuant to subsection N of this section, a title insurer, a title insurance agent or an escrow agent licensed by the department of insurance or the department of financial institutions.
- N. A law enforcement officer is deemed to be performing the officer's official duties if the officer provides a subpoena, court order or search warrant for the records.

- 3 -

- O. For the purposes of this section:
- 1. "Code enforcement officer" means a person who is employed by a state or local government and whose duties include performing field inspections of buildings, structures or property to ensure compliance with and enforce national, state and local laws, ordinances and codes.
 - 2. "Commissioner" means a commissioner of the superior court.
- 3. "Corrections support staff member" means an adult or juvenile corrections employee who has direct contact with inmates.
- 4. "Eligible person" means a former public official, peace officer, spouse or minor child of a deceased peace officer, justice, judge, commissioner, public defender, prosecutor, code enforcement officer, adult or juvenile corrections officer, corrections support staff member, probation officer, member of the board of executive clemency, law enforcement support staff member, national guard member who is acting in support of a law enforcement agency, person who is protected under an order of protection or injunction against harassment, PERSON WHO IS A PARTICIPANT IN THE ADDRESS CONFIDENTIALITY PROGRAM PURSUANT TO TITLE 41, CHAPTER 1, ARTICLE 3 or firefighter who is assigned to the Arizona counterterrorism center in the department of public safety.
- 5. "Former public official" means a person who was duly elected or appointed to Congress, the legislature or a statewide office, who ceased serving in that capacity and who was the victim of a dangerous offense as defined in section 13-105 while in office.
- 6. "Indexes" means only those indexes that are maintained by and located in the office of the county recorder, that are accessed electronically and that contain information beginning from and after January 1, 1987.
- 7. "Judge" means a judge of the United States district court, the United States court of appeals, the United States magistrate court, the United States bankruptcy court, the Arizona court of appeals, the superior court or a municipal court.
- 8. "Justice" means a justice of the United States or Arizona supreme court or a justice of the peace.
- 9. "Law enforcement support staff member" means a person who serves in the role of an investigator or prosecutorial assistant in an agency that investigates or prosecutes crimes, who is integral to the investigation or prosecution of crimes and whose name or identity will be revealed in the course of public proceedings.
- 10. "Peace officer" means any person vested by law, or formerly vested by law, with a duty to maintain public order and make arrests.
- 11. "Prosecutor" means a county attorney, a municipal prosecutor, the attorney general or a United States attorney and includes an assistant or deputy United States attorney, county attorney, municipal prosecutor or attorney general.

- 4 -

12. "Public defender" means a federal public defender, county public defender, county legal defender or county contract indigent defense counsel and includes an assistant or deputy federal public defender, county public defender or county legal defender.

Sec. 2. Section 11-484, Arizona Revised Statutes, is amended to read: 11-484. Records maintained by county assessor and county treasurer: redaction; definitions

- A. Notwithstanding any other provision of this article, in any county an eligible person may request that the general public be prohibited from accessing that person's residential address and telephone number that are contained in instruments, writings and information maintained by the county assessor and the county treasurer.
- B. An eligible person may request this action by filing an affidavit that states all of the following on an application form developed by the administrative office of the courts in agreement with an association of counties, an organization of peace officers and the motor vehicle division of the department of transportation:
 - 1. The person's full legal name and residential address.
- 2. The full legal description and parcel number of the person's property.
- 3. Unless the person is the spouse or minor child of a deceased peace officer or the person is a former public official, the position the person currently holds and a description of the person's duties, except that an eligible person who is protected under an order of protection or injunction against harassment shall attach a copy of the order of protection or injunction against harassment OR AN ELIGIBLE PERSON WHO IS A PARTICIPANT IN THE ADDRESS CONFIDENTIALITY PROGRAM SHALL INSTEAD ATTACH A COPY OF THE PARTICIPANT'S CURRENT AND VALID ADDRESS CONFIDENTIALITY PROGRAM AUTHORIZATION CARD ISSUED PURSUANT TO SECTION 41-163 AND A STATEMENT OF CERTIFICATION PROVIDED BY THE SECRETARY OF STATE'S OFFICE.
- 4. The reasons the person reasonably believes that the person's life or safety or that of another person is in danger and that redacting the residential address and telephone number will serve to reduce the danger.
- C. If an eligible person is also requesting pursuant to section 11-483 that the general public be prohibited from accessing records maintained by the county recorder, the eligible person may combine the request pursuant to subsection B of this section with the request pursuant to section 11-483 by filing one affidavit. The affidavit and subsequent action by the appropriate authorities shall meet all of the requirements of this section and section 11-483.
- D. The affidavit shall be filed with the presiding judge of the superior court in the county in which the affiant resides. To prevent multiple filings, an eligible person who is a peace officer, spouse or minor child of a deceased peace officer, public defender, prosecutor, code enforcement officer, corrections or detention officer, corrections support

- 5 -

staff member or law enforcement support staff member shall deliver the affidavit to the peace officer's commanding officer, or to the head of the prosecuting, public defender, code enforcement, law enforcement, corrections or detention agency, as applicable, or that person's designee, who shall file the affidavits at one time. In the absence of an affidavit that contains a request for immediate action and that is supported by facts justifying an earlier presentation, the commanding officer, or the head of the prosecuting, public defender, code enforcement, law enforcement, corrections or detention agency, as applicable, or that person's designee, shall not file affidavits more often than quarterly.

- E. On receipt of an affidavit or affidavits, the presiding judge of the superior court shall file with the clerk of the superior court a petition on behalf of all requesting affiants. Each affidavit presented shall be attached to the petition. In the absence of an affidavit that contains a request for immediate action and that is supported by facts justifying an earlier consideration, the presiding judge may accumulate affidavits and file a petition at the end of each quarter.
- F. The presiding judge of the superior court shall review the petition and each attached affidavit to determine whether the action requested by each affiant should be granted. If the presiding judge of the superior court concludes that the action requested by the affiant will reduce a danger to the life or safety of the affiant or another person, the presiding judge of the superior court shall order the redaction of the affiant's residential address and telephone number that are contained in instruments, writings and information maintained by the county assessor and the county treasurer. The redaction shall be in effect for five years.
- G. On motion to the court, if the presiding judge of the superior court concludes that an instrument or writing maintained by the county assessor or the county treasurer has been redacted or sealed in error, that the original affiant no longer lives at the address listed in the original affidavit, that the cause for the original affidavit no longer exists or that temporary access to the instrument or writing is needed, the presiding judge may temporarily stay or permanently vacate all or part of the court order prohibiting public access to the instrument or writing.
- H. On entry of the court order, the clerk of the superior court shall file the court order and a copy of the affidavit required by subsection B of this section with the county assessor and the county treasurer. No more than ten days after the date on which the county assessor and the county treasurer receive the court order, the county assessor and the county treasurer shall restrict access to the information as required by subsection F of this section.
- I. If the court denies an affiant's request pursuant to this section, the affiant may request a court hearing. The hearing shall be conducted by the court in the county where the petition was filed.

- 6 -

- J. The county assessor and the county treasurer shall remove the restrictions on all records that are redacted pursuant to this section by January 5 in the year after the court order expires. The county assessor or the county treasurer shall send by mail one notice to either the former public official, peace officer, spouse or minor child of a deceased peace officer, public defender, prosecutor, code enforcement officer, corrections or detention officer, corrections support staff member or law enforcement support staff member or the employing agency of a peace officer, public defender, prosecutor, code enforcement officer, corrections or detention officer, corrections support staff member or law enforcement support staff member who was granted an order pursuant to this section of the order's expiration date at least six months before the expiration date. If the notice is sent to the employing agency, the employing agency shall immediately notify the person who was granted the order of the upcoming expiration date. The county assessor or county treasurer may coordinate with the county recorder to prevent multiple notices from being sent to the same person.
 - K. For the purposes of this section:
- 1. "Code enforcement officer" means a person who is employed by a state or local government and whose duties include performing field inspections of buildings, structures or property to ensure compliance with and enforce national, state and local laws, ordinances and codes.
 - 2. "Commissioner" means a commissioner of the superior court.
- 3. "Corrections support staff member" means an adult or juvenile corrections employee who has direct contact with inmates.
- 4. "Eligible person" means a former public official, peace officer, spouse or minor child of a deceased peace officer, justice, judge, commissioner, public defender, prosecutor, code enforcement officer, adult or juvenile corrections officer, corrections support staff member, probation officer, member of the board of executive clemency, law enforcement support staff member, national guard member who is acting in support of a law enforcement agency, person who is protected under an order of protection or injunction against harassment, PERSON WHO IS A PARTICIPANT IN THE ADDRESS CONFIDENTIALITY PROGRAM PURSUANT TO TITLE 41, CHAPTER 1, ARTICLE 3, or firefighter who is assigned to the Arizona counterterrorism center in the department of public safety.
- 5. "Former public official" means a person who was duly elected or appointed to Congress, the legislature or a statewide office, who ceased serving in that capacity and who was the victim of a dangerous offense as defined in section 13-105 while in office.
- 6. "Judge" means a judge of the United States district court, the United States court of appeals, the United States magistrate court, the United States bankruptcy court, the Arizona court of appeals, the superior court or a municipal court.

- 7 -

- 7. "Justice" means a justice of the United States or Arizona supreme court or a justice of the peace.
- 8. "Law enforcement support staff member" means a person who serves in the role of an investigator or prosecutorial assistant in an agency that investigates or prosecutes crimes, who is integral to the investigation or prosecution of crimes and whose name or identity will be revealed in the course of public proceedings.
- 9. "Peace officer" means any person vested by law, or formerly vested by law, with a duty to maintain public order and make arrests.
- 10. "Prosecutor" means a county attorney, a municipal prosecutor, the attorney general or a United States attorney and includes an assistant or deputy United States attorney, county attorney, municipal prosecutor or attorney general.
- 11. "Public defender" means a federal public defender, county public defender, county legal defender or county contract indigent defense counsel and includes an assistant or deputy federal public defender, county public defender or county legal defender.
 - Sec. 3. Section 16-153, Arizona Revised Statutes, is amended to read: 16-153. <u>Voter registration; confidentiality; definitions</u>
- A. Eligible persons, and any other registered voter who resides at the same residence address as the eligible person, may request that the general public be prohibited from accessing the residential address, telephone number and voting precinct number contained in their voter registration record.
- B. Eligible persons may request this action by filing an affidavit that states all of the following on an application form developed by the administrative office of the courts in agreement with an association of counties and an organization of peace officers:
- 1. The person's full legal name, residential address and date of birth.
- 2. Unless the person is the spouse or minor child of a deceased peace officer or the person is a former public official, the position the person currently holds and a description of the person's duties, except that an eligible person who is protected under an order of protection or injunction against harassment shall instead attach a copy of the order of protection or injunction against harassment.
- 3. The reasons for reasonably believing that the person's life or safety or that of another person is in danger and that sealing the residential address, telephone number and voting precinct number of the person's voting record will serve to reduce the danger.
- C. The affidavit shall be filed with the presiding judge of the superior court in the county in which the affiant resides. To prevent multiple filings, an eligible person who is a peace officer, prosecutor, public defender, code enforcement officer, corrections or detention officer, corrections support staff member or law enforcement support staff member shall deliver the affidavit to the peace officer's commanding officer, or to

- 8 -

the head of the prosecuting, public defender, code enforcement, law enforcement, corrections or detention agency, as applicable, or that person's designee, who shall file the affidavits at one time. In the absence of an affidavit that contains a request for immediate action and is supported by facts justifying an earlier presentation, the commanding officer, or the head of the prosecuting, public defender, code enforcement, law enforcement, corrections or detention agency, as applicable, or that person's designee, shall not file affidavits more often than quarterly.

- D. On receipt of an affidavit or affidavits, the presiding judge of the superior court shall file with the clerk of the superior court a petition on behalf of all requesting affiants. The petition shall have attached each affidavit presented. In the absence of an affidavit that contains a request for immediate action and that is supported by facts justifying an earlier consideration, the presiding judge may accumulate affidavits and file a petition at the end of each quarter.
- E. The presiding judge of the superior court shall review the petition and each attached affidavit to determine whether the action requested by each affiant should be granted. The presiding judge of the superior court shall order the sealing for five years of the information contained in the voter record of the affiant and, on request, any other registered voter who resides at the same residence address if the presiding judge concludes that this action will reduce a danger to the life or safety of the affiant.
- F. The recorder shall remove the restrictions on all voter records submitted pursuant to subsection E of this section by January 5 in the year after the court order expires. The county recorder shall send by mail one notice to either the former public official, peace officer, spouse or minor child of a deceased peace officer, public defender, prosecutor, code enforcement officer, corrections or detention officer, corrections support staff member or law enforcement support staff member or the employing agency of a peace officer, public defender, prosecutor, code enforcement officer, corrections or detention officer, corrections support staff member or law enforcement support staff member who was granted an order pursuant to this section of the order's expiration date at least six months before the expiration date. If the notice is sent to the employing agency, the employing agency shall immediately notify the person who was granted the order of the upcoming expiration date. The county recorder may coordinate with the county assessor and county treasurer to prevent multiple notices from being sent to the same person.
- G. On entry of the court order, the clerk of the superior court shall file the court order with the county recorder. On receipt of the court order the county recorder shall seal the voter registration of the persons listed in the court order no later than one hundred twenty days from the date of receipt of the court order. To include a subsequent voter registration in the court order, a person listed in the court order shall present to the county recorder at the time of registration a certified copy of the court

- 9 -

order or shall provide the county recorder the recording number of the court order. The information in the registration shall not be disclosed and is not a public record.

- H. If the court denies an affiant's requested sealing of the voter registration record, the affiant may request a court hearing. The hearing shall be conducted by the court where the petition was filed.
- I. On motion to the court, if the presiding judge of the superior court concludes that a voter registration record has been sealed in error or that the cause for the original affidavit no longer exists, the presiding judge may vacate the court order prohibiting public access to the voter registration record.
- J. On request by a person who is protected under an order of protection or injunction against harassment and presentation of an order of protection issued pursuant to section 13-3602, an injunction against harassment issued pursuant to section 12-1809 or an order of protection or injunction against harassment issued by a court in another state OR A PROGRAM PARTICIPANT IN THE ADDRESS CONFIDENTIALITY PROGRAM PURSUANT TO TITLE 41, CHAPTER 1, ARTICLE 3, the county recorder shall seal the voter registration record of the person who is protected and, on request, any other registered voter who resides at the residence address of the protected person. The record shall be sealed no later than one hundred twenty days from the date of receipt of the court order. The information in the registration shall not be disclosed and is not a public record.
 - K. For the purposes of this section:
- 1. "Code enforcement officer" means a person who is employed by a state or local government and whose duties include performing field inspections of buildings, structures or property to ensure compliance with and enforce national, state and local laws, ordinances and codes.
 - 2. "Commissioner" means a commissioner of the superior court.
- 3. "Corrections support staff member" means an adult or juvenile corrections employee who has direct contact with inmates.
- 4. "Eligible person" means a former public official, peace officer, spouse or minor child of a deceased peace officer, border patrol agent, justice, judge, commissioner, public defender, prosecutor, code enforcement officer, adult or juvenile corrections officer, corrections support staff member, probation officer, member of the board of executive clemency, law enforcement support staff member, national guard member who is acting in support of a law enforcement agency, person who is protected under an order of protection or injunction against harassment or firefighter who is assigned to the Arizona counterterrorism center in the department of public safety.
- 5. "Former public official" means a person who was duly elected or appointed to congress, the legislature or a statewide office, who ceased serving in that capacity and who was the victim of a dangerous offense as defined in section 13-105 while in office.

- 10 -

- 6. "Judge" means a judge of the United States district court, the United States court of appeals, the United States magistrate court, the United States bankruptcy court, the Arizona court of appeals, the superior court or a municipal court.
- 7. "Justice" means a justice of the United States or Arizona supreme court or a justice of the peace.
- 8. "Law enforcement support staff member" means a person who serves in the role of an investigator or prosecutorial assistant in an agency that investigates or prosecutes crimes, who is integral to the investigation or prosecution of crimes and whose name or identity will be revealed in the course of public proceedings.
- 9. "Prosecutor" means a United States attorney, a county attorney, a municipal prosecutor or the attorney general and includes an assistant or deputy United States attorney, county attorney, municipal prosecutor or attorney general.
- 10. "Public defender" means a federal public defender, county public defender, county legal defender or county contract indigent defense counsel and includes an assistant or deputy federal public defender, county public defender or county legal defender.
 - Sec. 4. Section 41-161, Arizona Revised Statutes, is amended to read: 41-161. Definitions

In this article, unless the context otherwise requires:

- 1. "Actual address" means a residential, work or school address as specified on the individual's application to be a program participant and includes the county and voting precinct number.
- 2. "Address confidentiality program" means the program established pursuant to this article in the office of the secretary of state to protect the confidentiality of the actual address of a relocated victim of domestic violence, a sexual offense or stalking.
- 3. "Applicant" means an individual identified as such in an application received by the secretary of state pursuant to section 41-163.
- 4. "Application assistant" means a person designated by the secretary of state to assist an applicant in the preparation of an application to participate in the address confidentiality program.
- 5. "Domestic violence" has the same meaning prescribed in section 13-3601.
- 6. "Program participant" means an individual accepted into the address confidentiality program.
- 7. "Public record" means all documents, papers, letters, maps, books, photographs, films, sound recordings, magnetic or other tapes, digital data, artifacts or other documentary material, regardless of physical form or characteristics, made or received pursuant to law or ordinance in connection with the transaction of public business by a state or local government entity.

- 11 -

- 8. "Sexual offense" means an offense included in title 13, chapter 14 or 35.1.
 - 9. "Stalking" means an offense prescribed in section 13-2923.
- 10. "State or local government entity" means every elected or appointed state or local public office, public officer or official, board, commission, bureau, committee, council, department, authority, agency, institution of higher education or other unit of the executive, legislative or judicial branch of this state or any city, town, county, school district PUBLIC SCHOOL or other kind of municipal, quasi-municipal or public corporation but does not include an agricultural improvement district.
- 11. "Substitute address" means an address that is designated by the secretary of state under the address confidentiality program and that is used instead of an actual address.
 - Sec. 5. Section 41-163, Arizona Revised Statutes, is amended to read: 41-163. Filing and certification of applications; authorization cards
- A. Beginning no later than December 31, 2012, On the recommendation of an application assistant, an individual may apply to the secretary of state to participate in the address confidentiality program. The following individuals may apply to the secretary of state to have an address designated by the secretary of state to serve as the substitute address of the individual and any individuals identified pursuant to subsection C, paragraph 10 OF THIS SECTION:
 - 1. An adult individual.
- 2. A parent or guardian acting on behalf of a minor if the minor resides with the individual.
 - 3. A guardian acting on behalf of an incapacitated individual.
- B. An application assistant shall assist the individual in the preparation of the application. The application shall be dated, signed and verified by the applicant and shall be signed and dated by the application assistant who assisted in the preparation of the application. The signature of the application assistant serves as the recommendation by the application assistant that the applicant have an address designated by the secretary of state to serve as the substitute address of the applicant. A minor or incapacitated individual on whose behalf a parent or guardian completes an application pursuant to the authority set forth in subsection A, paragraph 1 or 2 OR 3 OF THIS SECTION is considered the applicant, but any statements that are required to be made by the applicant shall be made by the parent or guardian acting on behalf of the minor or incapacitated individual.
- C. The application shall be on a form prescribed by the secretary of state and shall contain all of the following:
 - 1. The applicant's name.
- 2. A statement by the applicant that the applicant is a victim of domestic violence, a sexual offense or stalking and that the applicant fears for the applicant's safety.

- 12 -

- 3. Evidence that the applicant is a victim of domestic violence, a sexual offense or stalking. This evidence shall include at least one of the following:
- (a) Law enforcement, court or other state or local government entity or federal agency records or files.
- (b) Documentation from a domestic violence program or facility, including a battered women's shelter or safe house, if the applicant is alleged to be a victim of domestic violence.
- (c) Documentation from a sexual assault program if the applicant is alleged to be a victim of a sexual offense.
- (d) Documentation from a religious, medical or other professional from whom the applicant has sought assistance in dealing with the alleged domestic violence, sexual offense or stalking.
- 4. A statement by the applicant that disclosure of the applicant's actual address would endanger the applicant's safety.
- 5. A statement by the applicant that the applicant has confidentially relocated in the past ninety days or will confidentially relocate in this state.
- 6. A designation of the secretary of state as an agent for the applicant for purposes of receiving certain mail SERVICE OF PROCESS AND FIRST CLASS, ELECTION, REGISTERED AND CERTIFIED MAIL.
- 7. The mailing address and telephone number where the applicant can be contacted by the secretary of state.
- 8. The actual address that the applicant requests not to be disclosed by the secretary of state and that directly relates to the increased risk of domestic violence, a sexual offense or stalking.
- 9. A statement as to whether there is any existing court order or court action involving the applicant or an individual identified pursuant to paragraph 10 of this subsection related to dissolution of marriage proceedings, child support or the allocation of parental responsibilities or parenting time. The statement shall include the name of the court that issued the order or that has jurisdiction over the action, the case number and the judge assigned to the case.
- 10. The name of any person who resides with the applicant and who also needs to be a program participant in order to ensure the safety of the applicant and, if the person named in the application is eighteen years of age or older, the consent of the person to be a program participant.
- $11.\,$ A statement by the applicant, under penalty of perjury, that to the best of the applicant's knowledge, the information contained in the application is true.
- D. On determining that an application is properly completed, the secretary of state shall certify the applicant and any individual who is identified pursuant to subsection C, paragraph 10 OF THIS SECTION as program participants. On certification, the secretary of state shall issue to the program participant an address confidentiality program authorization card,

- 13 -

which shall include the program participant's substitute address. The card remains valid while the program participant remains certified under the program.

- E. Applicants and individuals identified pursuant to subsection C, paragraph 10 OF THIS SECTION are certified for four FIVE years following the date of filing unless the certification is withdrawn or canceled before the end of the four year FIVE-YEAR period. A program participant may withdraw the certification by filing a request for withdrawal acknowledged before a notary public. A certification may be renewed by filing a renewal application with the secretary of state at least thirty days before the expiration of the current certification. The renewal application shall be dated, signed and verified by the applicant and signed and dated by the application assistant who assisted in the preparation of the renewal application. The renewal application.
- 1. Any statement or information that is required by subsection C $\overline{\text{OF}}$ THIS SECTION and that has changed from the original application or a prior renewal application.
- 2. A statement by the applicant, under penalty of perjury, that to the best of the applicant's knowledge, the information contained in the renewal application and a prior application is true.

```
Sec. 6. Section 41-164, Arizona Revised Statutes, is amended to read: 41-164. Change of name, address or telephone number; cancellation of certification
```

- A. A program participant shall notify the secretary of state within thirty days after the program participant has obtained a legal name change by providing the secretary of state a certified copy of any judgment or order evidencing the change or any other documentation the secretary of state deems to be sufficient evidence of the name change.
- B. A program participant shall notify the secretary of state of a change in address or telephone number from the address or telephone number listed for the program participant on the application pursuant to section 41-163, subsection C no later than seven days after the change occurs.
- C. The certification of a program participant shall be canceled under any of the following circumstances:
- 1. The program participant files a request for withdrawal of the certification pursuant to section 41-163, subsection E.
- 2. The program participant fails to notify the secretary of state of a change in the program participant's name, address or telephone number listed on the application pursuant to this section.
- 3. The program participant or parent or guardian who completes an application on behalf of an applicant knowingly submitted false information in the program application.
- 4. Mail forwarded to the program participant by the secretary of state is returned as undeliverable.

- 14 -

- D. If the secretary of state determines that there is one or more grounds for canceling certification of a program participant pursuant to subsection C of this section, the secretary of state shall send notice of cancellation to the program participant. The notice of cancellation shall set forth the reasons for cancellation. The program participant has thirty days to appeal the cancellation decision under rules adopted by the secretary of state.
- E. An individual who ceases to be a program participant is responsible for notifying any person $\frac{1}{2}$ Who, STATE OR LOCAL GOVERNMENT ENTITY OR BUSINESS THAT uses the substitute address that the designated substitute address is no longer valid.
 - Sec. 7. Section 41-166, Arizona Revised Statutes, is amended to read: 41-166. Address use by state or local government entities
- A. The program participant, and not the secretary of state, is responsible for requesting that a state or local government entity use the program participant's substitute address as the program participant's residential, work or school address for all purposes for which the state or local government entity requires or requests the residential, work or school address.
- B. Except as otherwise provided in this section or unless the secretary of state grants a state or local government entity's request for disclosure pursuant to section 41-167, if a program participant submits a current and valid address confidentiality program authorization card to the state or local government entity, the state or local government entity shall accept the substitute address designation on the card as the program participant's address for use as the program participant's residential, work or school address when creating a new public record. The substitute address given to the state or local government entity is considered the last known address for the program participant used by the state or local government entity until the time that the state or local government entity receives notification pursuant to section 41-164. The state or local government entity may make a photocopy of the card for the records of the state or local government entity and shall immediately return the card to the program participant.
- C. Except as otherwise provided in this section or by order of the court, if a program participant submits a current and valid address confidentiality program authorization card to the court, the court shall accept the substitute address designation on the card as the program participant's address for use as the program participant's residential, work or school address. The substitute address given to the court is considered the last known address for the program participant used by the court until the time that the court receives notification pursuant to section 41-164. The court may make a photocopy of the card for the court file and shall return the card to the program participant.

- 15 -

- D. The secretary of state shall send notice to the appropriate county election official and recorder when a person becomes a program participant so that the participant's address can be kept confidential in the same manner as prescribed by section 16-153. Before sending the notice, the secretary of state shall check the statewide database to determine whether the participant's address is already protected as prescribed by section 16-153. If a program participant would like to register to vote, other than online or at a driver license examination facility, the participant shall present a completed form with the participant's substitute address and address confidentiality program card to the appropriate election official. The program participant shall provide the election official with the participant's actual physical address for precinct purposes.
- E. A designated election official shall use the actual address of a program participant for precinct designation and all official election-related purposes and shall keep the program participant's actual address confidential from the public. The election official shall use the substitute address for all correspondence and mailings placed in the United States mail. The substitute address shall not be used as an address for voter registration.
- F. A state or local government entity's access to a program participant's voter registration shall be governed by the disclosure process set forth in section 41–167.
- G. This section applies only to a program participant who submits a current and valid address confidentiality program authorization card when registering to vote.
- H. A program participant who completes an application to register to vote at a driver license examination facility while receiving a driver license or an identification card is required to have the program participant's actual address on the driver license or identification card. A program participant whose driver license has the substitute address may register to vote, if otherwise eligible, pursuant to subsection E of this section.
- I. The substitute address shall not be used for purposes of listing, appraising or assessing property taxes and collecting property taxes. IF A PROGRAM PARTICIPANT WOULD LIKE TO KEEP RECORDS MAINTAINED BY THE COUNTY ASSESSOR AND COUNTY TREASURER CONFIDENTIAL, THE PROGRAM PARTICIPANT SHALL COMPLY WITH SECTION 11-484.
- J. If a program participant is required by law to swear or affirm to the program participant's address, the program participant may use the participant's substitute address.
- K. The substitute address shall not be used for purposes of assessing any taxes or fees on a motor vehicle or for titling or registering a motor vehicle. Notwithstanding any law to the contrary, any record that includes a program participant's actual address pursuant to this subsection shall be

- 16 -

confidential and not available for inspection by anyone other than the program participant.

- L. The substitute address shall not be used on any document related to real property recorded with a recorder. If a program participant would like to keep real property records confidential, the program participant shall comply with section 11-483.
- M. A school district PUBLIC SCHOOL shall accept the substitute address as the address of record and shall verify student enrollment eligibility through the secretary of state. The secretary of state shall facilitate the transfer of student records from one school to another.
- N. Except as otherwise provided in this section, a program participant's actual address and telephone number maintained by a state or local government entity or disclosed by the secretary of state is not a public record that is subject to inspection. This subsection shall not apply to the following:
- 1. Any public record created more than ninety days before the date that the program participant applied to be certified in the program.
- 2. If A program participant WHO voluntarily requests that a state or local government entity use the participant's actual address or voluntarily gives the actual address to the state or local government entity.
- O. For any public record created within ninety days before the date that a program participant applied to be certified in the program, a state or local government entity shall redact the actual address from a public record or change the actual address to the substitute address in the public record, if a program participant who presents a current and valid program authorization card requests the entity that maintains the public record to use the substitute address instead of the actual address on the public record.

- 17 -