

(PRE-FILED)

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By: **Senators Mooney, Colburn, Munson, Harris, Stone, Haines, and ~~Jacobs~~  
Jacobs, Forehand, Giannetti, and Green**

Requested: July 20, 2004  
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Assigned to: Judicial Proceedings

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Committee Report: Favorable with amendments  
Senate action: Adopted  
Read second time: March 16, 2005

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CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Family Law - Domestic Violence - Address Confidentiality Program**

3 FOR the purpose of requiring the Office of the Secretary of State to establish the  
4 Address Confidentiality Program for victims of domestic violence; stating the  
5 purpose of the Program; establishing eligibility requirements; establishing  
6 application and certification procedures; prohibiting false statements in an  
7 application; establishing certification cancellation procedures; authorizing a  
8 Program participant to request that certain agencies use a substitute address  
9 designated under the Program as the Program participant's address;  
10 establishing a method for certain agencies to apply for a waiver from the  
11 requirements of the Program; requiring that a certain address be used for voter  
12 registration and election-related purposes; prohibiting certain disclosures of a  
13 Program participant's address; providing a penalty for certain unauthorized  
14 disclosures of a Program participant's address; ~~authorizing the Secretary of  
15 State to designate certain agencies and organizations to assist applicants  
16 applying to the Program;~~ requiring the Secretary of State to adopt regulations to  
17 carry out this Act; defining certain terms; and generally relating to the Address  
18 Confidentiality Program.

19 BY repealing and reenacting, with amendments,  
20 Article - Election Law  
21 Section 3-506  
22 Annotated Code of Maryland  
23 (2003 Volume and 2004 Supplement)

24 BY repealing and reenacting, with amendments,

1 Article - Family Law  
2 Section 4-513  
3 Annotated Code of Maryland  
4 (1999 Replacement Volume and 2004 Supplement)

5 BY adding to  
6 Article - Family Law  
7 Section 4-517 through ~~4-529~~ 4-528, inclusive, to be under the new part "Part  
8 IV. Address Confidentiality Program"  
9 Annotated Code of Maryland  
10 (1999 Replacement Volume and 2004 Supplement)

11 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
12 MARYLAND, That the Laws of Maryland read as follows:

13 **Article - Election Law**

14 3-506.

15 (a) For the purpose of public inspection, original voter registration records:

16 (1) SUBJECT TO § 4-525(B) OF THE FAMILY LAW ARTICLE AND except  
17 upon the special order of the local board, shall be available at all times when a local  
18 board is open; and

19 (2) may not be removed from the office of the local board except:

20 (i) on order of a court; or

21 (ii) for temporary removal solely for purposes of data processing.

22 (b) The State Board shall adopt regulations relating to reasonable access by  
23 the public to original voter registration application forms.

24 **Article - Family Law**

25 4-513.

26 In this Part III AND IN PART IV of this subtitle, "victim of domestic violence"  
27 means an individual who has received deliberate, severe, and demonstrable physical  
28 injury, or is in fear of imminent deliberate, severe, and demonstrable physical injury  
29 from a current or former spouse, or a current or former cohabitant, as defined in §  
30 4-501 of this subtitle.

## PART IV. ADDRESS CONFIDENTIALITY PROGRAM.

1  
2 4-517.

3 THE PURPOSE OF THIS PART IS TO ENABLE:

4 (1) STATE AND LOCAL AGENCIES TO RESPOND TO REQUESTS FOR  
5 PUBLIC RECORDS WITHOUT DISCLOSING THE LOCATION OF A VICTIM OF DOMESTIC  
6 VIOLENCE;

7 (2) INTERAGENCY COOPERATION IN PROVIDING ADDRESS  
8 CONFIDENTIALITY FOR VICTIMS OF DOMESTIC VIOLENCE; AND

9 (3) STATE AND LOCAL AGENCIES TO ACCEPT A PROGRAM PARTICIPANT'S  
10 USE OF AN ADDRESS DESIGNATED BY THE OFFICE OF THE SECRETARY OF STATE AS  
11 A SUBSTITUTE ADDRESS.

12 4-518.

13 (A) IN THIS PART IV OF THIS SUBTITLE THE FOLLOWING WORDS HAVE THE  
14 MEANINGS INDICATED.

15 (B) "ACTUAL ADDRESS" MEANS A RESIDENTIAL STREET ADDRESS, SCHOOL  
16 ADDRESS, OR WORK ADDRESS OF AN INDIVIDUAL, AS SPECIFIED ON THE  
17 INDIVIDUAL'S APPLICATION TO BE A PROGRAM PARTICIPANT UNDER THIS PART.

18 (C) "DISABLED PERSON" HAS THE MEANING STATED IN § 13-101 OF THE  
19 ESTATES AND TRUSTS ARTICLE.

20 (D) "PROGRAM" MEANS THE ADDRESS CONFIDENTIALITY PROGRAM.

21 (E) "PROGRAM PARTICIPANT" MEANS A PERSON CERTIFIED AS A PROGRAM  
22 PARTICIPANT UNDER THIS PART.

23 4-519.

24 THE OFFICE OF THE SECRETARY OF STATE SHALL ESTABLISH AND ADMINISTER  
25 AN ADDRESS CONFIDENTIALITY PROGRAM FOR VICTIMS OF DOMESTIC VIOLENCE.

26 4-520.

27 (A) ANY OF THE FOLLOWING INDIVIDUALS MAY APPLY TO PARTICIPATE IN  
28 THE PROGRAM:

29 (1) AN INDIVIDUAL ACTING ON THE INDIVIDUAL'S OWN BEHALF;

30 (2) A PARENT OR GUARDIAN ACTING ON BEHALF OF A MINOR WHO  
31 RESIDES WITH THE PARENT OR GUARDIAN; OR

32 (3) A GUARDIAN ACTING ON BEHALF OF A DISABLED PERSON.

1 (B) AN APPLICATION TO PARTICIPATE IN THE PROGRAM SHALL BE IN THE  
2 FORM REQUIRED BY THE SECRETARY OF STATE AND SHALL CONTAIN:

3 (1) A STATEMENT THAT:

4 (I) THE APPLICANT IS A VICTIM OF DOMESTIC VIOLENCE; AND

5 (II) THE APPLICANT FEARS FOR THE APPLICANT'S SAFETY OR THE  
6 SAFETY OF THE APPLICANT'S CHILD;

7 (2) EVIDENCE THAT THE APPLICANT IS A VICTIM OF DOMESTIC  
8 VIOLENCE, INCLUDING:

9 (I) LAW ENFORCEMENT, COURT, OR OTHER FEDERAL OR STATE  
10 AGENCY RECORDS OR FILES;

11 (II) DOCUMENTATION FROM A DOMESTIC VIOLENCE PROGRAM; OR

12 (III) DOCUMENTATION FROM A RELIGIOUS, MEDICAL, OR OTHER  
13 PROFESSIONAL FROM WHOM THE APPLICANT HAS SOUGHT ASSISTANCE OR  
14 TREATMENT AS A VICTIM OF DOMESTIC VIOLENCE;

15 (3) A STATEMENT THAT DISCLOSURE OF THE APPLICANT'S ACTUAL  
16 ADDRESS WOULD ENDANGER THE APPLICANT'S SAFETY OR THE SAFETY OF THE  
17 APPLICANT'S CHILD;

18 (4) A DESIGNATION OF THE SECRETARY OF STATE AS AGENT FOR  
19 PURPOSES OF SERVICE OF PROCESS AND RECEIPT OF FIRST-CLASS, CERTIFIED, OR  
20 REGISTERED MAIL;

21 (5) THE MAILING ADDRESS AND TELEPHONE NUMBER WHERE THE  
22 APPLICANT MAY BE CONTACTED BY THE SECRETARY OF STATE;

23 (6) THE ACTUAL ADDRESS THAT THE APPLICANT REQUESTS NOT BE  
24 DISCLOSED BY THE SECRETARY OF STATE BECAUSE IT WOULD INCREASE THE RISK  
25 OF DOMESTIC VIOLENCE;

26 (7) A STATEMENT AS TO WHETHER THERE IS ANY EXISTING COURT  
27 ORDER OR PENDING COURT ACTION INVOLVING THE APPLICANT AND RELATED TO  
28 DIVORCE PROCEEDINGS, CHILD SUPPORT, CHILD CUSTODY, OR CHILD VISITATION,  
29 AND THE COURT THAT ISSUED THE ORDER OR HAS JURISDICTION OVER THE ACTION;

30 (8) A SWORN STATEMENT BY THE APPLICANT THAT TO THE BEST OF  
31 THE APPLICANT'S KNOWLEDGE ALL OF THE INFORMATION CONTAINED IN THE  
32 APPLICATION IS TRUE;

33 (9) THE SIGNATURE OF THE APPLICANT AND THE DATE ON WHICH THE  
34 APPLICANT SIGNED THE APPLICATION; AND

1 (10) THE SIGNATURE OF ANY INDIVIDUAL OR REPRESENTATIVE OF AN  
2 OFFICE DESIGNATED IN WRITING UNDER § 4-528 OF THIS PART WHO ASSISTED THE  
3 APPLICANT IN PREPARING THE APPLICATION.

4 (C) (1) ON THE FILING OF A PROPERLY COMPLETED APPLICATION, THE  
5 SECRETARY OF STATE SHALL CERTIFY THE APPLICANT AS A PROGRAM PARTICIPANT.  
6 APPLICANTS SHALL BE CERTIFIED FOR 4 YEARS FROM THE DATE OF FILING UNLESS  
7 THE CERTIFICATION IS CANCELED OR WITHDRAWN PRIOR TO THE END OF THE  
8 4-YEAR PERIOD.

9 (2) A PROGRAM PARTICIPANT MAY WITHDRAW A CERTIFICATION BY  
10 FILING A SIGNED, NOTARIZED REQUEST FOR WITHDRAWAL WITH THE SECRETARY  
11 OF STATE.

12 4-521.

13 (A) ANY APPLICANT WHO FALSELY ATTESTS IN AN APPLICATION THAT  
14 DISCLOSURE OF THE APPLICANT'S ACTUAL ADDRESS WOULD ENDANGER THE  
15 APPLICANT'S SAFETY OR THE SAFETY OF THE APPLICANT'S CHILD OR WHO  
16 KNOWINGLY PROVIDES FALSE INFORMATION WHEN APPLYING FOR CERTIFICATION  
17 OR RENEWAL SHALL LOSE CERTIFICATION IN THE PROGRAM.

18 (B) THE SECRETARY OF STATE SHALL INVESTIGATE ANY ALLEGATION OF A  
19 VIOLATION UNDER THIS SECTION.

20 (C) ON A FINDING THAT A VIOLATION HAS OCCURRED, THE SECRETARY OF  
21 STATE SHALL IMPOSE A CIVIL FINE AGAINST THE APPLICANT NOT EXCEEDING \$500.

22 4-522.

23 (A) IF A PROGRAM PARTICIPANT OBTAINS A LEGAL NAME CHANGE, THE  
24 PROGRAM PARTICIPANT SHALL NOTIFY THE SECRETARY OF STATE WITHIN 30 DAYS  
25 AND PROVIDE THE SECRETARY OF STATE WITH A CERTIFIED COPY OF ANY  
26 JUDGMENT OR ORDER EVIDENCING THE CHANGE OR ANY OTHER DOCUMENTATION  
27 THE SECRETARY OF STATE DEEMS TO BE SUFFICIENT EVIDENCE OF THE CHANGE.

28 (B) IF A PROGRAM PARTICIPANT MAKES A CHANGE IN ADDRESS OR  
29 TELEPHONE NUMBER FROM AN ADDRESS OR TELEPHONE NUMBER LISTED ON THE  
30 PROGRAM PARTICIPANT'S APPLICATION, THE PROGRAM PARTICIPANT SHALL NOTIFY  
31 THE SECRETARY OF STATE AT LEAST 7 DAYS BEFORE THE CHANGE OCCURS.

32 4-523.

33 (A) THE SECRETARY OF STATE SHALL CANCEL THE CERTIFICATION OF A  
34 PROGRAM PARTICIPANT IF:

35 (1) THE PROGRAM PARTICIPANT FAILS TO NOTIFY THE SECRETARY OF  
36 STATE OF ANY LEGAL NAME CHANGE OR CHANGE IN ADDRESS OR TELEPHONE  
37 NUMBER IN THE MANNER REQUIRED BY § 4-522 OF THIS PART;

1 (2) THE PROGRAM PARTICIPANT FILES A REQUEST FOR WITHDRAWAL  
2 OF THE CERTIFICATION UNDER § 4-520(C)(2) OF THIS PART;

3 (3) THE PROGRAM PARTICIPANT SUBMITS FALSE INFORMATION IN  
4 APPLYING FOR CERTIFICATION TO THE PROGRAM IN VIOLATION OF § 4-521 OF THIS  
5 PART; OR

6 (4) THE SECRETARY OF STATE FORWARDS MAIL TO THE PROGRAM  
7 PARTICIPANT AND THE MAIL IS RETURNED AS UNDELIVERABLE.

8 (B) THE SECRETARY OF STATE SHALL SEND NOTICE OF ANY CANCELLATION  
9 OF CERTIFICATION TO THE PROGRAM PARTICIPANT AND SHALL SET FORTH THE  
10 REASON FOR CANCELLATION.

11 (C) A PROGRAM PARTICIPANT MAY APPEAL ANY CANCELLATION DECISION BY  
12 FILING AN APPEAL WITH THE SECRETARY OF STATE WITHIN 30 DAYS AFTER THE  
13 DATE OF THE NOTICE OF CANCELLATION IN ACCORDANCE WITH PROCEDURES  
14 DEVELOPED BY THE SECRETARY OF STATE.

15 (D) AN INDIVIDUAL WHO CEASES TO BE A PROGRAM PARTICIPANT IS  
16 RESPONSIBLE FOR NOTIFYING ANY PERSON WHO USES THE SUBSTITUTE ADDRESS  
17 DESIGNATED BY THE SECRETARY OF STATE THAT THE SUBSTITUTE ADDRESS IS NO  
18 LONGER VALID.

19 4-524.

20 (A) A PROGRAM PARTICIPANT MAY MAKE A REQUEST TO ANY STATE OR LOCAL  
21 AGENCY TO USE THE SUBSTITUTE ADDRESS DESIGNATED BY THE SECRETARY OF  
22 STATE AS THE PROGRAM PARTICIPANT'S ADDRESS.

23 (B) SUBJECT TO SUBSECTION (C) OF THIS SECTION, WHEN A PROGRAM  
24 PARTICIPANT HAS MADE A REQUEST TO A STATE OR LOCAL AGENCY UNDER  
25 SUBSECTION (A) OF THIS SECTION, THE STATE OR LOCAL AGENCY SHALL USE THE  
26 SUBSTITUTE ADDRESS DESIGNATED BY THE SECRETARY OF STATE AS A PROGRAM  
27 PARTICIPANT'S ADDRESS.

28 (C) A STATE OR LOCAL AGENCY THAT HAS A BONA FIDE STATUTORY OR  
29 ADMINISTRATIVE REQUIREMENT FOR USING A PROGRAM PARTICIPANT'S ACTUAL  
30 ADDRESS MAY APPLY TO THE SECRETARY OF STATE FOR A WAIVER FROM THE  
31 REQUIREMENTS OF THE PROGRAM. IF THE SECRETARY OF STATE APPROVES THE  
32 WAIVER, THE STATE OR LOCAL AGENCY SHALL USE THE PROGRAM PARTICIPANT'S  
33 ACTUAL ADDRESS ONLY FOR THE REQUIRED STATUTORY OR ADMINISTRATIVE  
34 PURPOSES.

35 4-525.

36 (A) (1) EACH LOCAL BOARD OF ELECTIONS SHALL USE A PROGRAM  
37 PARTICIPANT'S ACTUAL ADDRESS FOR ALL ELECTION-RELATED PURPOSES.

1           (2)     A PROGRAM PARTICIPANT MAY NOT USE THE SUBSTITUTE ADDRESS  
2 DESIGNATED BY THE SECRETARY OF STATE AS THE PROGRAM PARTICIPANT'S  
3 ADDRESS FOR VOTER REGISTRATION PURPOSES.

4     (B)     A LOCAL BOARD OF ELECTIONS MAY NOT MAKE A PROGRAM  
5 PARTICIPANT'S ADDRESS CONTAINED IN VOTER REGISTRATION RECORDS  
6 AVAILABLE FOR PUBLIC INSPECTION OR COPYING, EXCEPT:

7           (1)     ON REQUEST BY A LAW ENFORCEMENT AGENCY FOR LAW  
8 ENFORCEMENT PURPOSES; AND

9           (2)     AS DIRECTED BY A COURT ORDER TO DISCLOSE THE ADDRESS.

10 4-526.

11     (A)     EXCEPT AS OTHERWISE PROVIDED BY THIS PART, A PROGRAM  
12 PARTICIPANT'S ACTUAL ADDRESS AND TELEPHONE NUMBER MAINTAINED BY THE  
13 SECRETARY OF STATE OR A STATE OR LOCAL AGENCY IS NOT A PUBLIC RECORD  
14 WITHIN THE MEANING OF § 10-611 OF THE STATE GOVERNMENT ARTICLE.

15     (B)     THE SECRETARY OF STATE MAY NOT DISCLOSE A PROGRAM  
16 PARTICIPANT'S ACTUAL ADDRESS OR TELEPHONE NUMBER OR SUBSTITUTE  
17 ADDRESS, EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION AND:

18           (1)     (I)     ON REQUEST BY A LAW ENFORCEMENT AGENCY FOR LAW  
19 ENFORCEMENT PURPOSES; AND

20           ~~(2)~~     (II)     AS DIRECTED BY A COURT ORDER; OR

21           ~~(3)~~     (2)     ON REQUEST BY A STATE OR LOCAL AGENCY TO VERIFY A  
22 PROGRAM PARTICIPANT'S PARTICIPATION IN THE PROGRAM OR SUBSTITUTE  
23 ADDRESS FOR USE UNDER § 4-524 OF THIS PART.

24     (C)     THE SECRETARY OF STATE SHALL NOTIFY THE APPROPRIATE COURT OF A  
25 PROGRAM PARTICIPANT'S CERTIFICATION IN THE PROGRAM AND OF THE  
26 SUBSTITUTE ADDRESS DESIGNATED BY THE SECRETARY OF STATE IF, AT THE TIME  
27 OF APPLICATION, THE PROGRAM PARTICIPANT:

28           (1)     IS SUBJECT TO A COURT ORDER RELATED TO DIVORCE  
29 PROCEEDINGS, CHILD SUPPORT, CHILD CUSTODY, OR CHILD VISITATION; OR

30           (2)     IS INVOLVED IN A COURT ACTION RELATED TO DIVORCE  
31 PROCEEDINGS, CHILD SUPPORT, CHILD CUSTODY, OR CHILD VISITATION.

32 4-527.

33     (A)     A PERSON MAY NOT KNOWINGLY AND INTENTIONALLY OBTAIN A  
34 PROGRAM PARTICIPANT'S ACTUAL ADDRESS OR TELEPHONE NUMBER FROM THE  
35 SECRETARY OF STATE OR ANY AGENCY WITHOUT AUTHORIZATION TO OBTAIN THE  
36 INFORMATION.

1 (B) (1) THIS SUBSECTION APPLIES ONLY WHEN AN EMPLOYEE OF THE  
2 SECRETARY OF STATE:

3 (I) OBTAINS A PROGRAM PARTICIPANT'S ACTUAL ADDRESS OR  
4 TELEPHONE NUMBER DURING THE COURSE OF THE EMPLOYEE'S OFFICIAL DUTIES;  
5 AND

6 (II) AT THE TIME OF DISCLOSURE, HAS SPECIFIC KNOWLEDGE  
7 THAT THE ACTUAL ADDRESS OR TELEPHONE NUMBER BELONGS TO A PROGRAM  
8 PARTICIPANT.

9 (2) AN EMPLOYEE OF THE SECRETARY OF STATE OR ANY AGENCY MAY  
10 NOT KNOWINGLY AND INTENTIONALLY DISCLOSE A PROGRAM PARTICIPANT'S  
11 ACTUAL ADDRESS OR TELEPHONE NUMBER TO ANOTHER PERSON UNLESS THE  
12 DISCLOSURE IS AUTHORIZED BY LAW.

13 (C) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR  
14 AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$2,500.

15 4-528.

16 ~~THE SECRETARY OF STATE SHALL DESIGNATE STATE AND LOCAL AGENCIES~~  
17 ~~AND NONPROFIT ORGANIZATIONS THAT PROVIDE COUNSELING AND SHELTER~~  
18 ~~SERVICES TO VICTIMS OF DOMESTIC VIOLENCE TO ASSIST INDIVIDUALS WHO APPLY~~  
19 ~~TO BE PROGRAM PARTICIPANTS. ANY ASSISTANCE AND COUNSELING RENDERED BY~~  
20 ~~THE OFFICE OF THE SECRETARY OF STATE OR ITS DESIGNEES TO ANY APPLICANT~~  
21 ~~MAY NOT BE CONSTRUED AS LEGAL ADVICE.~~

22 ~~4-529.~~

23 THE SECRETARY OF STATE SHALL ADOPT REGULATIONS TO CARRY OUT THE  
24 PROVISIONS OF THIS PART.

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
26 October 1, 2005.