



State Representative Mike Duffey, 21st District

Sponsor Testimony – Rep. Duffey HB 359 (Duffey, Gonzales) – Address Confidentiality Program

Ohio House – Government Accountability and Oversight Committee – October 20, 2015

Chairman Brown, Vice Chair Blessing, Ranking Member Clyde, members of the Government Accountability and Oversight committee, thank you for the opportunity to provide sponsor testimony on House Bill 359, legislation to establish an Address Confidentiality Program for victims of domestic violence, human trafficking, and sexual assault so they are able to register to vote.

Currently, the state of Ohio has no method of concealing the address of domestic violence and sexual assault victims, meaning those who fear their abuser will track them down are not able to exercise their basic rights, such as registering to vote. HB 359 will create an Address Confidentiality Program through the Secretary of State's office so these victims are able to vote without their address becoming part of public record, a program which exists in at least 26 other states.

Under this legislation, the Secretary of State provides program participants with a unique identification number that is linked to their address. That address can only be accessed by the Secretary of State's office, as well as the members of the Board of Elections and the Director and Deputy Director within each county. Additionally, the Statewide Voter Registration Database will list the participant's program identification number rather than the participant's address. This allows the victim to vote via absentee or provisional ballot by listing their identification number rather than putting their actual address on the ballot. Once the ballot has been cast, the Director or Deputy Director of the Board of Elections must personally process the ballot so the address of the participant remains confidential.

The Secretary of State's office will also be responsible for designating a PO Box for program participants to receive mail. Government entities will send all correspondence intended for the victim to the PO Box, and the Secretary of State's office will forward that mail to the victim's home address on a daily basis. The victim is also allowed to request that their employer, school, or institution of higher education use this PO Box address.

Most importantly, HB 359 specifies that the address of a program participant's residence, school, institution of higher education, business, or place of employment, as listed on the participant's application, is confidential and not a public record. This means that all state entities must redact the addresses pertaining to the participant's location for any public records request that they receive.

Other provisions of HB 359 include:

- Requires the application to be made with the assistance of an application assistant who is an employee or volunteer at an agency or organization that serves victims of domestic violence.
- Prohibits any person who submits an application from knowingly making a false attestation, and specifies that whoever violates that prohibition is guilty of a first degree misdemeanor.
- Prohibits a Tier I, Tier II, or Tier III sex offender/child-victim offender from participating in the address confidentiality program.
- Specifies that a program certification is valid for four years, describes the process to renew that certification, and allows the Secretary of State to prescribe a grace period during which a program participant whose certification has expired may renew it without being considered to have left the program.
- Specifies procedures for the Secretary of State to act as a program participant's agent for the purpose of receiving service of process, and requests that the Ohio Supreme Court revise the Rules of Civil Procedure to allow service to be made in that manner.
- Provides a procedure for a law enforcement officer, a prosecuting attorney, or a chief legal officer to petition for access to a confidential address for a legitimate governmental purpose.
- Prohibits a person who has access to a confidential address from knowingly disclosing that address to any person, except as required by law, and specifies that a violation of that prohibition is a first degree misdemeanor.
- Permits a court that is sentencing an offender for certain offenses, including domestic violence, rape, and trafficking in persons, to impose an additional fine of not less than \$70 or more than \$500. The fine is to be paid into the Address Confidentiality Program Fund, which the bill creates in the state treasury for the purpose of administering the program.

Thank you, Mr. Chairman. With your permission, I'd like to yield the podium to our colleague, Rep. Gonzales, to discuss the importance for why this bill is needed. Afterward, we would be happy to answer questions from the committee.

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