

SENATE BILL NO. 597

BY SENATOR DARDENNE

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AN ACT

To enact R.S. 18:154(F), 1303(H), and Part III of Chapter 1 of Title 44 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 44:44 through 49, relative to public records; to provide for a program for maintaining the confidentiality of the residential addresses of program participants; to provide for procedures for applying for such program; to authorize the secretary of state to certify an applicant's participation in the program; to provide for the misdemeanor of false application to the program; to provide for penalties for the misdemeanor; to provide relative to cancellation from the program; to authorize the secretary of state to designate a substitute address for program participants; to authorize a program participant to use the substitute address in filings to a state or local agency in certain circumstances; to authorize the secretary of state to determine the circumstances in which a substitute address may be used; to provide for a program participant who is a registered voter to be eligible to vote absentee by mail; to prohibit a program participant from voting in person at the polls on election day or during early voting; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Part III of Chapter 1 of Title 44 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 44:44 through 49 is hereby enacted to read as follows:

**PART III. ADDRESS CONFIDENTIALITY ACT**

**§44. Definitions**

**As used in this Part, the following terms shall have the meanings hereinafter ascribed to each, unless the context clearly indicates another meaning:**

1           (1) "Abuse" means causing or attempting to cause physical harm,  
 2           placing another person in fear of physical harm, or causing another person to  
 3           engage involuntarily in sexual activity by force, threat of force, or duress, when  
 4           committed by any of the following:

5           (a) A person against such person's spouse.

6           (b) A person against such person's former spouse.

7           (c) A person residing with the victim if such person and the victim are  
 8           or were in a dating relationship.

9           (d) A person who formerly resided with the victim if such person and  
 10          the victim are or were in a dating relationship.

11          (e) A person against a parent of such person's child, whether or not such  
 12          person and the victim have been married or resided together at any time.

13          (f) A person against a person with whom such person is in a dating  
 14          relationship.

15          (g) A person against a person with whom such person formerly was in  
 16          a dating relationship.

17          (h) A person related to the victim by consanguinity or affinity.

18          (2) "Dating relationship" means an intimate or sexual relationship.

19          (3) "Physical address" means a residential street address, school address,  
 20          or work address of a program participant.

21          (4) "Program participant" means a person currently certified as a  
 22          program participant under R.S. 44:45.

23          (5) "Sexual assault" means any of the acts defined as crimes in R.S.  
 24          14:41, 42, 42.1, 43, 43.1, 43.2, 43.3, and 43.5.

25          (6) "Stalking" means the acts defined as crimes in R.S. 14:40.2.

26          (7) "Substitute address" means an address designated to a program  
 27          participant by the secretary of state.

28          §45. Address confidentiality program; application; certification; substitute  
 29          address; renewal; prohibited acts; penalties

30          A. (1) The Louisiana Department of State Address Confidentiality

1           Program is hereby established to provide for the confidentiality of the physical  
2           addresses of program participants who are victims of abuse, sexual assault, or  
3           stalking.

4           (2) The secretary of state shall promulgate and adopt rules as necessary  
5           to effectuate the provisions and purposes of this Part. Any act or omission of  
6           the secretary of state in the implementation of the provisions of this Part shall  
7           be reviewable upon filing a petition for judicial review in the Nineteenth  
8           Judicial District Court.

9           (3) The following persons may make application to the secretary of state  
10          to participate in the address confidentiality program:

11          (a) Any person who is a victim of abuse, sexual assault, or stalking and  
12          fears for his or her safety.

13          (b) A parent on behalf of his minor child, which child is the victim of  
14          abuse, sexual assault, or stalking, and for whom the parent fears for the safety.

15          (c) A guardian on behalf of a minor or incapacitated person in his care,  
16          which minor or incapacitated person is a victim of abuse, sexual assault, or  
17          stalking, and for whom the guardian fears for the safety.

18          (4) An application to the secretary of state for certification to participate  
19          in the address confidentiality program shall include the following:

20          (a) A sworn statement by the applicant attesting that the applicant has  
21          good reason to believe:

22          (i) That the applicant or the minor or incapacitated person on whose  
23          behalf the application is made is a victim of abuse, sexual assault, or stalking;  
24          and

25          (ii) That the applicant fears for his or her safety, or the safety of the  
26          minor or incapacitated person on whose behalf the application is made.

27          (b) A designation of the secretary of state as agent for purposes of service  
28          of process and receipt of mail.

29          (c) The mailing address and the telephone number or numbers where the  
30          applicant can be contacted by the secretary of state.

1           (d) The physical address or addresses that the applicant requests not be  
2           disclosed for the reason that disclosure will increase the risk of abuse, sexual  
3           assault, or stalking.

4           (e) A statement attesting that the applicant understands that as program  
5           participant, if he is a registered voter, he voluntarily waives his right to vote in  
6           person during early voting or at the polls on election day, but is eligible to vote  
7           absentee by mail.

8           (f) The signature of the applicant and the signature of any person who  
9           assisted the applicant in completing the application, as authorized in R.S. 44:49.

10          B.(1) Applications shall be filed in the office of the secretary of state.

11          (2) Upon the filing of a properly completed application, the secretary of  
12          state shall certify the applicant as a program participant. Such certification  
13          shall be valid for four years following the date of filing unless the certification  
14          is cancelled. The secretary of state may establish a renewal procedure for  
15          program participants by administrative rule in accordance with the  
16          Administrative Procedure Act. The secretary of state shall designate a  
17          substitute address to each program participant. The secretary of state shall  
18          forward all first-class mail to each program participant's substitute address.

19          (3) A person who falsely attests in an application that the applicant or the  
20          minor or incapacitated person on whose behalf the application is made is a  
21          victim of abuse, sexual assault, or stalking, or falsely attests that the applicant  
22          fears for his or her safety, or the safety of the minor or incapacitated person on  
23          whose behalf the application is made, or who knowingly provides false or  
24          incorrect information upon making an application, is guilty of a misdemeanor  
25          and shall be fined not more than one thousand dollars or be imprisoned for not  
26          more than one year, or both. On a second offense, or any succeeding offense,  
27          the penalty shall be a fine of not more than two thousand five hundred dollars  
28          or imprisonment for not more than five years, or both.

29          §46. Cancellation of certification

30          A.(1) If a program participant or the minor or incapacitated person on

1 whose behalf the application is made legally changes his name, he shall notify  
2 the secretary of state's office within seven days of the approval of the name  
3 change and provide documentation of the legal name change. If the applicant  
4 fails to timely notify the secretary of state's office or cannot provide  
5 documentation of the legal name change, the secretary of state may cancel his  
6 certification as a program participant.

7 (2) If a program participant or the minor or incapacitated person on  
8 whose behalf the application is made changes any of his physical addresses, he  
9 shall notify the secretary of state's office within seven days of the change. If the  
10 applicant fails to timely notify the secretary of state's office of the address  
11 change, the secretary of state may cancel his certification as a program  
12 participant.

13 (3) The secretary of state may cancel certification of a program  
14 participant if mail forwarded to the program participant's substitute address  
15 is returned as undeliverable.

16 (4) The secretary of state shall cancel the certification of a program  
17 participant who makes a false attestation or provides false information on his  
18 or her application.

19 (5) The secretary of state shall cancel the certification of a program  
20 participant if such participant qualifies as a candidate for an office pursuant to  
21 the provisions of R.S. 18:461.

22 B. Prior to cancelling the certification of a program participant, the  
23 secretary of state shall attempt to notify the program participant in writing of  
24 such action.

25 §47. Substitute address; use

26 A.(1) A program participant may inform any state or local agency that  
27 he is a program participant and request that such agency use the substitute  
28 address designated by the secretary of state as the participant's address of  
29 record for such agency. If any agency refuses to accept the substitute address,  
30 such agency shall submit its refusal to the secretary of state's office.

1           (2) If the secretary of state's office determines that there is a bona fide  
2           statutory or administrative requirement which makes necessary the use of the  
3           program participant's physical address, and that such address will not become  
4           a public record in the custody of the agency, then the secretary of state may  
5           provide the physical address of the program participant to the agency, after  
6           notifying the program participant in writing that his or her physical address  
7           will be released to the agency.

8           (3) If the secretary of state's office determines that there is not a bona  
9           fide statutory or administrative requirement which makes necessary the use of  
10          the program participant's physical address, or that such address will become  
11          a public record in the custody of the agency, then the secretary of state shall not  
12          provide the physical address of the program participant to the agency.

13          B. The secretary of state's office shall notify the appropriate registrar  
14          of voters of the identity of any program participant within the parish and  
15          provide the program participant's substitute address. The Department of State  
16          and the registrars of voters shall use the substitute address for all purposes  
17          related to voter registration and voting. The program participant's name and  
18          physical address contained in the voter registration records are confidential and  
19          shall not be made available for public inspection or copying except under the  
20          following circumstances:

21               (1) If requested by a law enforcement agency, to the law enforcement  
22               agency.

23               (2) If directed by a court order, to a person identified in the order.

24               (3) If the program participant's certification is cancelled by the  
25               secretary of state. The secretary of state shall notify the appropriate registrar  
26               within thirty days of the cancellation of a program participant's certification.

27          §48. Secretary of state; use of substitute address; exceptions

28               The secretary of state shall not make any records in a program  
29               participant's file available for inspection or copying, other than the substitute  
30               address designated by the secretary of state, except under any of the following

1 circumstances:

2 (1) If requested of the secretary of state by the chief commanding officer  
3 of a law enforcement agency or the officer's designee in the manner provided  
4 for by rules adopted and promulgated by the secretary of state in accordance  
5 with the Administrative Procedure Act.

6 (2) To a person identified in a court order upon the receipt by the  
7 secretary of state of that court order which specifically orders the disclosure of  
8 a particular program participant's address and the reasons stated therefor.

9 (3) To verify the participation of a specific program participant, in which  
10 case the secretary of state may only confirm or deny information supplied by  
11 the requestor.

12 §49. Program participants; application assistance

13 The secretary of state shall designate state and local agencies and  
14 nonprofit organizations which may assist victims of abuse, sexual assault, or  
15 stalking in making application to the secretary of state's office for certification  
16 as program participants.

17 Section 2. R.S. 18:154(F) and 1303(H) are hereby enacted to read as follows:

18 §154. Records open to inspection; copying; exception

19 \* \* \*

20 F.(1) Notwithstanding any provision of this Section to the contrary, the  
21 registrar shall not disclose the name and physical address of a program  
22 participant in the Department of State Address Confidentiality Program, as  
23 provided in R.S. 44:44 et seq.

24 (2) Notwithstanding any provision of this Section to the contrary, the  
25 Department of State shall not disclose the name and physical address of a  
26 program participant in the Department of State Address Confidentiality  
27 Program, as provided in R.S. 44:44 et seq.

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29 §1303. Persons entitled to vote in compliance with this Chapter

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1                    H. A person who is a program participant in the Department of State  
2                    Address Confidentiality Program pursuant to R.S. 44:45 may vote absentee by  
3                    mail upon meeting the requirements of this Chapter. The program  
4                    participant's substitute address shall be used for all purposes relative to voter  
5                    registration and voting. A program participant's name and physical address  
6                    shall not be included on any list of registered voters available to the public. A  
7                    program participant shall not vote during early voting or in person at the polls  
8                    on election day.

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PRESIDENT OF THE SENATE

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_