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ADVISORY 2016-05

September 7, 2016

To: All County Board of Election
Directors, Deputy Directors, and Board Members

Re: Sub. H.B. 359, Safe at Home/Address Confidentiality Program (131st General Assembly)

BACKGROUND

The Ohio General Assembly passed [Substitute House Bill 359](#), the Safe at Home/Address Confidentiality Program, on May 25, 2016. Governor Kasich signed the bill into law on June 8, 2016; the effective date is September 8, 2016. The Safe at Home/Address Confidentiality Program is a service that assists victims of domestic violence, human trafficking, and other crimes to shield their personal information from public record and provides these victims with a safe and secure way to participate in our democratic process without compromising these protections.

This Advisory alerts boards of elections to changes in the administration of elections resulting from the passage of this legislation. **All Board of Elections Directors and Deputy Directors must participate in a mandatory webinar training scheduled for Thursday, September 8, 2016. All Directors and Deputy Directors are required to participate in the webinar, as the duties required under the program are not assignable to staff.**

EXPLANATION

Beginning September 8, 2016, the Secretary of State's Office and the county boards of elections will administer the Safe at Home/Address Confidentiality Program, which has two components.

Confidential Address

The first component allows victims of domestic violence, stalking, human trafficking, rape or sexual battery to apply for an address designated by the Secretary of State that will substitute for the victim's residence address.¹ Under this component, the certified program participant may request Ohio governmental entities to use the designated address in place of the participant's residential address, and governmental entities, except for municipal utilities and county boards of elections are required to accept it.

Confidential Voter Registration Record

The second component allows a certified address confidentiality program participant who is eligible to vote to submit a Secretary of State Form-prescribed form to the Director or Deputy

¹ R.C. 111.42(A).

Director of the county board of elections where the certified program participant lives, requesting a confidential voter record.² This form also serves as a voter registration form, if the participant is not already registered to vote or needs to update his or her name or address.

Upon receipt of a valid application for a confidential voter record, the Director or the Deputy Director will contact the Secretary of State's Office to confirm that the individual is a certified program participant in the address confidentiality program. Once confirmed, the Director or Deputy Director will process the confidential voter registration through the use of the assigned participant identification number, instead of the participant's name, residence address and precinct.³

The Director or Deputy Director must ensure that the certified program participant's name and registration information from the participant's confidential voter record is not included in the official registration list, pollbook, poll list, signature pollbook, or on any publicly available registration list.⁴ The certified program participant's voter registration information is not public record.⁵

The handling of all election-related documents of a certified program participant who also has a confidential voter record is ***restricted to Director and Deputy Director only***. The Director and Deputy Director must personally examine and process all voter registration applications, absentee ballot requests, and ballots cast by program participants.⁶ ***These tasks for a county's address confidentiality program participants may not be assigned to other board staff.***⁷

The new law prohibits any person who obtains a confidential address, or who has access to the confidential address(es) in the course of employment, from knowingly disclosing such address(es). A violation of that prohibition is a first degree misdemeanor.⁸

All Directors and Deputy Directors must complete a mandatory webinar training scheduled for Thursday, September 8, 2016. The mandatory webinar training will address the implementation of this confidential program by the county board of elections Directors and Deputy Directors.

Please direct any questions concerning this Advisory to the Secretary of State's elections counsel assigned to your county at (614) 466-2585.

Sincerely,


Jon Husted

² R.C. 111.44(A).

³ R.C. 111.44(B).

⁴ R.C. 111.44(B)(4).

⁵ R.C. 149.43(A)(1)(dd).

⁶ R.C. 3509.06(E).

⁷ R.C. 111.44(D) and (E).

⁸ R.C. 111.99(A).