

CHAPTER 386

GOVERNMENT - STATE

HOUSE BILL 08-1274

BY REPRESENTATIVE(S) King, Frangas, Gardner B., Garza-Hicks, Kerr J., Labuda, Liston, Madden, May M., Middleton, Mitchell V., Rice, Solano, Stafford, Stephens, Romanoff, Summers, and Todd;
also SENATOR(S) Tupa, Bacon, Boyd, Cadman, Gibbs, Penry, Schwartz, Shaffer, Wiens, and Windels.

AN ACT

CONCERNING THE MODIFICATION OF THE ADDRESS CONFIDENTIALITY PROGRAM ADMINISTERED BY THE SECRETARY OF STATE, AND MAKING AN APPROPRIATION THEREFOR.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. 24-21-104 (3) (d), Colorado Revised Statutes, is amended BY THE ADDITION OF THE FOLLOWING NEW SUBPARAGRAPHS to read:

24-21-104. Fees of secretary of state. (3) (d) (XIII) NOTWITHSTANDING ANY PROVISION OF PARAGRAPH (b) OF THIS SUBSECTION (3) TO THE CONTRARY, ON APRIL 15, 2008, OR THE EFFECTIVE DATE OF THIS SUBPARAGRAPH (XIII), WHICHEVER IS LATER, THE STATE TREASURER SHALL DEDUCT TEN THOUSAND DOLLARS FROM THE DEPARTMENT OF STATE CASH FUND AND TRANSFER SUCH SUM TO THE ADDRESS CONFIDENTIALITY PROGRAM SURCHARGE FUND CREATED IN SECTION 24-21-214 (4) (a).

(XIV) NOTWITHSTANDING ANY PROVISION OF PARAGRAPH (b) OF THIS SUBSECTION (3) TO THE CONTRARY, IN ACCORDANCE WITH SECTION 24-21-214 (4) (c), DURING THE STATE FISCAL YEAR 2008-09, THE STATE TREASURER SHALL DEDUCT MONEYS FROM THE DEPARTMENT OF STATE CASH FUND AND TRANSFER SUCH MONEYS TO THE ADDRESS CONFIDENTIALITY PROGRAM SURCHARGE FUND CREATED IN SECTION 24-21-214 (4) (a).

SECTION 2. 24-21-203 (1), (4), and (5), Colorado Revised Statutes, are amended to read:

24-21-203. Definitions. As used in this part 2, unless the context otherwise requires:

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

(1) "Actual address" means a residential, work, or school ~~street~~ address as specified on the individual's application to be a program participant under this part 2, AND INCLUDES THE COUNTY AND VOTING PRECINCT NUMBER.

(4) ~~"Application assistance center" means an agency or nonprofit organization that provides counseling, referral, shelter, or other specialized services to victims of domestic violence, a sexual offense, or stalking and that has been designated by the secretary of state pursuant to section 24-21-204 (5).~~

(5) ~~"Application assistant" means a volunteer with or an employee of an application assistance center who assists~~ PERSON DESIGNATED BY THE SECRETARY OF STATE TO ASSIST AN APPLICANT in the preparation of an application to participate in the address confidentiality program.

SECTION 3. 24-21-204 (2) and (5), Colorado Revised Statutes, are amended to read:

24-21-204. Address confidentiality program - creation - substitute address - uses - service by mail - application assistance centers. (2) ~~The substitute address established pursuant to subsection (1) of this section shall consist of a post office box number and a fictitious street address.~~

(5) The secretary of state ~~shall~~ MAY designate ~~application assistance centers.~~ ~~A volunteer or employee of an application assistance center~~ AS AN APPLICATION ASSISTANT ANY PERSON who:

(a) Provides counseling, referral, or other services to victims of domestic violence, a sexual offense, or stalking; ~~shall be an application assistant~~ AND

(b) COMPLETES ANY TRAINING AND REGISTRATION PROCESS REQUIRED BY THE SECRETARY OF STATE.

SECTION 4. The introductory portion to 24-21-205 (1) and 24-21-205 (3) (j), Colorado Revised Statutes, are amended to read:

24-21-205. Filing and certification of applications - authorization card.

(1) On and after July 1, 2008, or an earlier date if so designated by the secretary of state, upon the recommendation of an application assistant, an individual may ~~deliver~~ APPLY to the secretary of state ~~an application~~ 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 designated in paragraph (j) of subsection (3) of this section:

(3) The application shall be on a form prescribed by the secretary of state and shall contain all of the following:

(j) The name of a parent, spouse, ~~or~~ dependent child, OR OTHER FAMILY MEMBER who resides with the applicant 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 SUCH PERSON TO BE A PROGRAM PARTICIPANT.

SECTION 5. 24-21-208 (3) and (9), Colorado Revised Statutes, are amended, and the said 24-21-208 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

24-21-208. Address use by state or local government agencies. (3) (a) A designated election official as defined in section 1-1-104 (8), C.R.S., shall use the actual address of a program participant for precinct designation and all official election-related purposes and shall keep the participant's ACTUAL address ~~and precinct number~~ 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.

(b) ~~Any public record for a program participant that is required to be made, maintained, or kept pursuant to sections 1-2-227 and 1-2-301, C.R.S., shall automatically be confidential in accordance with the provisions of section 24-72-204 (3.5); except that the exceptions to such confidentiality set forth in section 24-72-204 (3.5) (c) shall not apply to a program participant.~~ A state or local government agency's access to a program participant's voter registration shall be governed by the disclosure process set forth in section 24-21-210.

(8.5) (a) THE SUBSTITUTE ADDRESS SHALL NOT BE USED IN THE ADMINISTRATION OF ANY PUBLIC ASSISTANCE, SOCIAL SERVICES, WELFARE, OR MEDICAL ASSISTANCE PROGRAM WHERE THE ACTUAL ADDRESS AND OTHER INDIVIDUAL IDENTIFYING INFORMATION IS CONFIDENTIAL AND PROTECTED FROM PUBLIC DISCLOSURE PURSUANT TO SECTIONS 25.5-1-116 AND 26-1-114, C.R.S.

(b) THIS SUBSECTION (8.5) IS REPEALED, EFFECTIVE JULY 1, 2009.

(9) A school district shall ~~use the actual address of a program participant, and not the substitute address, for any purpose related to student admission and shall keep the actual address confidential from the public. For purposes of any other student records created by a school district, the substitute address shall be used~~ 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.

SECTION 6. 24-21-214 (4) (a) and (4) (c), Colorado Revised Statutes, are amended to read:

24-21-214. Surcharge - collection and distribution - address confidentiality program surcharge fund - creation - definitions. (4) (a) There is hereby created in the state treasury the address confidentiality program surcharge fund, which shall consist of moneys received by the state treasurer pursuant to this section, any moneys received pursuant to section 24-21-204 (3), ~~and~~ any gifts, grants, or donations received by the department of state for the fund pursuant to paragraph (b) of this subsection (4), AND ANY MONEYS TRANSFERRED TO THE FUND FROM THE DEPARTMENT OF STATE CASH FUND CREATED IN SECTION 24-21-104 (3) (b). The

moneys in the fund shall be subject to annual appropriation by the general assembly to the department for the purpose of paying for the costs incurred by the secretary of state in the administration of the address confidentiality program. All interest derived from the deposit and investment of moneys in the fund shall be credited to the fund. Any moneys not appropriated by the general assembly shall remain in the fund and shall not be transferred or revert to the general fund of the state at the end of any fiscal year; EXCEPT THAT THE STATE TREASURER SHALL TRANSFER UNAPPROPRIATED MONEYS TO THE DEPARTMENT OF STATE CASH FUND UNTIL SUCH TIME THAT ALL OF THE TRANSFERS MADE FROM THE DEPARTMENT OF STATE CASH FUND PURSUANT TO PARAGRAPH (c) OF THIS SUBSECTION (4) AND SECTION 24-21-104 (3) (d) (XIII) HAVE BEEN REPAID.

(c) NO GENERAL FUND MONEYS SHALL BE APPROPRIATED FOR THE PURPOSE OF IMPLEMENTING THE ADDRESS CONFIDENTIALITY PROGRAM. If, DURING THE STATE FISCAL YEAR 2008-09, the amount of moneys in the address confidentiality program surcharge fund is insufficient to cover the costs incurred by the secretary of state in the administration of the address confidentiality program, ~~the general assembly may appropriate additional general fund moneys to cover such costs after exhausting all moneys in the address confidentiality program surcharge fund~~ SECRETARY OF STATE MAY REQUEST THE STATE TREASURER TO TRANSFER MONEYS FROM THE DEPARTMENT OF STATE CASH FUND CREATED IN SECTION 24-21-104 (3) (b) TO THE ADDRESS CONFIDENTIALITY PROGRAM SURCHARGE FUND, AND THE STATE TREASURER SHALL MAKE SUCH TRANSFER.

SECTION 7. Appropriation. In addition to any other appropriation, there is hereby appropriated, out of any moneys in the address confidentiality program surcharge cash fund created in section 24-21-214 (4) (a), Colorado Revised Statutes, not otherwise appropriated, to the department of state, for the fiscal year beginning July 1, 2007, the sum of ten thousand dollars (\$10,000), for the administration of the address confidentiality program established by part 2 of article 21 of title 24, Colorado Revised Statutes.

SECTION 8. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: June 2, 2008