



The Maryland legislature established the Address Confidentiality Program ("ACP") within the Office of the Secretary of State. This program was implemented on October 1, 2006 under SB25, chs. 374 and 375, Acts 2006.

**§4-519.**

- (a) In this Part IV of this subtitle the following words have the meanings indicated.
- (b) "Actual address" means a residential street address, school address, or work address of an individual, as specified on the individual's application to be a Program participant under this part.
- (c) "Disabled person" has the meaning stated in § 13-101 of the Estates and Trusts Article.
- (d) "Program" means the Address Confidentiality Program.
- (e) "Program participant" means a person designated as a Program participant under this part.

**§4-520.**

The purpose of this part is to enable:

- (1) State and local agencies to respond to requests for public records without disclosing the location of a victim of domestic violence;
  - (2) interagency cooperation in providing address confidentiality for victims of domestic violence;
- and
- (3) State and local agencies to accept a Program participant's use of an address designated by the Office of the Secretary of State as a substitute address.

**§4-521.**

The Secretary of State shall establish and administer an Address Confidentiality Program for victims of domestic violence.

**§4-522.**

- (a) Any of the following individuals may apply to participate in the Program:
- (1) an individual acting on the individual's own behalf;
  - (2) a parent or guardian acting on behalf of a minor who resides with the parent or guardian; or
  - (3) a guardian acting on behalf of a disabled person.
- (b) An application to participate in the Program shall be in the form required by the Secretary of State and shall contain:
- (1) a statement that:
    - (i) the applicant is a victim of domestic violence; and
    - (ii) the applicant fears for the applicant's safety or the safety of the applicant's child;
  - (2) evidence that the applicant is a victim of domestic violence, including:
    - (i) certified law enforcement, court, or other federal or State agency records or files;
    - (ii) documentation from a domestic violence program; or
    - (iii) documentation from a religious, medical, or other professional from whom the applicant has

sought assistance or treatment as a victim of domestic violence;

(3) a statement that disclosure of the applicant's actual address would endanger the applicant's safety or the safety of the applicant's child;

(4) a knowing and voluntary designation of the Secretary of State as agent for purposes of service of process and receipt of first-class, certified, or registered mail;

(5) the mailing address and telephone number where the applicant may be contacted by the Secretary of State;

(6) the actual address that the applicant requests not be disclosed by the Secretary of State because it would increase the risk of domestic violence;

(7) a statement as to whether there is any existing court order or pending court action involving the applicant and related to divorce proceedings, child support, child custody, or child visitation, and the court that issued the order or has jurisdiction over the action;

(8) a sworn statement by the applicant that to the best of the applicant's knowledge all of the information contained in the application is true;

(9) the signature of the applicant and the date on which the applicant signed the application; and

(10) a voluntary release and waiver of all future claims against the State for any claim that may arise from participation in the Program except for a claim based on gross negligence.

(c) (1) (i) On the filing of a properly completed application and release, the Secretary of State shall:

1. review the application and release; and

2. if the application and release are properly completed and accurate, designate the applicant as a Program participant.

(ii) An applicant shall be a participant for 4 years from the date of filing unless the participation is canceled or withdrawn prior to the end of the 4-year period.

(2) A Program participant may withdraw from participation by filing a signed, notarized request for withdrawal with the Secretary of State.

#### **§4-523.**

(a) If an applicant falsely attests in an application that disclosure of the applicant's actual address would endanger the applicant's safety or the safety of the applicant's child or knowingly provides false information when applying for participation or renewal of participation in the Program, the applicant shall no longer be allowed to participate in the Program.

(b) A person may not knowingly make a false attestation or knowingly provide false information in an application in violation of subsection (a) of this section.

(c) A person who violates subsection (b) of this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 6 months or a fine not exceeding \$500 or both.

#### **§4-524.**

(a) If a Program participant obtains a legal name change, the Program participant shall notify the Secretary of State within 30 days and provide the Secretary of State with a certified copy of any judgment or order evidencing the change or any other documentation the Secretary of State considers to be sufficient evidence of the change.

(b) If a Program participant makes a change in address or telephone number from an address or telephone number listed on the Program participant's application, the Program participant shall notify the Secretary of State at least 7 days before the change occurs.

#### **§4-525.**

(a) The Secretary of State shall cancel the participation of a Program participant if:

(1) the Program participant fails to notify the Secretary of State of any legal name change or change in address or telephone number in the manner required by § 4-524 of this part;

(2) the Program participant files a request for withdrawal of participation under § 4-522(c)(2) of this part;

(3) the Program participant submits false information in applying for participation in the Program in violation of § 4-523 of this part; or

(4) the Secretary of State forwards mail to the Program participant and the mail is returned as undeliverable.

(b) The Secretary of State shall send notice of any cancellation of participation in the Program to the participant and shall set forth the reason for cancellation.

(c) A Program participant may appeal any cancellation decision by filing an appeal with the Secretary of State within 30 days after the date of the notice of cancellation in accordance with procedures developed by the Secretary of State.

(d) An individual who ceases to be a Program participant is responsible for notifying any person who uses the substitute address designated by the Secretary of State that the substitute address is no longer valid.

#### **§4-526.**

(a) A Program participant may make a request to any State or local agency to use the substitute address designated by the Secretary of State as the Program participant's address.

(b) Subject to subsection (c) of this section, when a Program participant has made a request to a State or local agency under subsection (a) of this section, the State or local agency shall use the substitute address designated by the Secretary of State as a Program participant's address.

(c) (1) A State or local agency that has a bona fide statutory or administrative requirement for using a Program participant's actual address may apply to the Secretary of State for a waiver from the requirements of the Program.

(2) If the Secretary of State approves the waiver, the State or local agency shall use the Program participant's actual address only for the required statutory or administrative purposes.

#### **§4-527.**

(a) (1) Each local board of elections shall use a Program participant's actual address for all election-related purposes.

(2) A Program participant may not use the substitute address designated by the Secretary of State as the Program participant's address for voter registration purposes.

(b) A local board of elections may not make a Program participant's address contained in voter registration records available for public inspection or copying, except:

(1) on request by a law enforcement agency for law enforcement purposes; and

(2) as directed by a court order to disclose the address.

#### **§4-528.**

(a) Except as otherwise provided by this part, a Program participant's actual address and telephone number maintained by the Secretary of State or a State or local agency is not a public record within the meaning of § 10-611 of the State Government Article.

(b) The Secretary of State may not disclose a Program participant's actual address or telephone number or substitute address, except as provided in subsection (c) of this section and:

(1) (i) on request by a law enforcement agency for law enforcement purposes; and

(ii) as directed by a court order; or

(2) on request by a State or local agency to verify a Program participant's participation in the Program or substitute address for use under § 4-526 of this part.

(c) The Secretary of State shall notify the appropriate court of a Program participant's participation in the Program and of the substitute address designated by the Secretary of State if the Program

participant:

- (1) is subject to a court order or administrative order;
- (2) is involved in a court action or administrative action; or
- (3) is a witness or a party in a civil or criminal proceeding.

**§4-529.**

(a) A person may not knowingly and intentionally obtain a Program participant's actual address or telephone number from the Secretary of State or any agency without authorization to obtain the information.

(b) (1) This subsection applies only when an employee of the Secretary of State:

(i) obtains a Program participant's actual address or telephone number during the course of the employee's official duties; and

(ii) at the time of disclosure, has specific knowledge that the actual address or telephone number belongs to a Program participant.

(2) An employee of the Secretary of State or any agency may not knowingly and intentionally disclose a Program participant's actual address or telephone number to another person unless the disclosure is authorized by law.

(c) A person who violates this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$2,500.

**§4-530.**

The Secretary of State shall adopt regulations to carry out the provisions of this part.