# 29-250 DEPARTMENT OF THE SECRETARY OF STATE

**Chapter 900: Rules for the Administration of the Address Confidentiality Program**

**SUMMARY**: This rule is written to facilitate the administration of the Address Confidentiality Program in accordance with 5 MRSA §90-B. The rule describes the manner and process for application to the program by prospective participants and application assistants. The rule further includes sections on cancellation of program certification, exercise of program participant privileges, program participation renewal, application for agency exemption requests, disclosure to law enforcement and service of process.

**SECTION 1. DEFINITIONS**

 A. **Authorization Card/Letter**. Card or letter issued by the Secretary of State to a program participant upon certification, which includes program participant’s name, authorization code, designated address, certification expiration date, and voter code.

 B. **Authorization Code**. A number assigned to a program participant upon acceptance into the program.

 C. **Application**. Standard application form provided by the Secretary of State which must be completed by an applicant with an application assistant as defined by 5 MRSA §90-B(1).

 D. **Application Assistant**. An employee of a state or local agency, or of a nonprofit program that provides counseling, referral, shelter or other specialized service to victims of domestic abuse, rape, sexual assault, or stalking and who has been designated by the respective agency, and trained, accepted and registered by the Secretary of State to assist individuals in the completion of program participation applications.

 E. **Certification**. The process by which an applicant is determined eligible to participate in the program.

 F. **Program**. The Address Confidentiality Program established by 5 MRSA §90-B.

 G. **Program Participant**. A person certified by the Secretary of State to participate in the Address Confidentiality Program.

 H. **Program Manager**. Employee of the Office of the Secretary of State designated by the Secretary to administer the Address Confidentiality Program pursuant to 5 MRSA §90-B.

 I. **Voter Code**. A number assigned to a program participant upon acceptance into the program which is to be used for identification purposes when registering to vote or when voting.

**SECTION 2. APPLICATION ASSISTANT CERTIFICATION**

 A. All application assistants must be certified by the Secretary of State’s office to participate in this program.

 B. Application Assistant Certification will only be awarded when the prospective application assistant:

 1. is a service provider or works with an agency and can demonstrate to the Secretary relevant qualifications to work with victims of domestic abuse, rape, sexual assault or stalking;

 2. successfully completes any program orientation or training session sponsored by the Office of the Secretary of State;

 3. completes an application for prospective application assistants which includes the applicant’s name, address, service provider or agency, supervisor’s name, relevant qualifications;

 4. agrees to adhere to the policies, procedures and directions provided by the Address Confidentiality Program program manager for rendering assistance to program applicants; and,

 5. agrees to adhere to the instructions and terms provided in the application assistant agreement.

 C. Application assistant certification shall be valid for two years, unless terminated sooner as provided herein.

 D. The application assistant agrees not to discriminate against any client, or potential program participant, because of race, creed, color, national origin, gender, sexual orientation, age, or mental, physical or sensory disability.

 E. The application assistant performing under this contract is not deemed to be an employee of the Office of the Secretary of State or an agent of the Secretary of State in any manner whatsoever. The application assistant will not hold herself/himself out as, nor claim to be an officer or employee of the Office of the Secretary of State or of the State of Maine simply because she/he is a program application assistant and will not make any claim, demand, or application to or for any right or privilege applicable to an officer or employee of the Office of the Secretary of State or of the State of Maine.

 F. An application assistant’s certification may be terminated by the Office of the Secretary of State for failing to abide by any requirement in 29-250 Chapter 900 §2or for failing to act in accordance with requirements of the Address Confidentiality Program.

**SECTION 3. Program Participant Application and Certification Process**

 A. A program applicant shall complete, date, sign, and provide all the information required under 5 MRSA §90-B(2), and as requested on the standard application form and the authorization card form provided by the Secretary of State. The application shall include an attestation by the applicant that disclosure of the applicant’s address threatens the safety of the applicant or the applicant’s children or the minor or incapacitated person on whose behalf the application is made. An applicant shall specify a Maine state residential address, work or school addresses in Maine for which confidentiality is requested. The standard application form shall include, but not be limited to, the application preparation date, and the signature and certification number of the application assistant who assisted the applicant in applying to become a program participant, as provided in 5 MRSA §90-B(2).

 B. A properly completed application shall be effective on the day that it is certified by the Program Manager.

 C. An individual who is certified as a program participant shall be issued a program participant’s authorization card/letter which includes her or his name, authorization code, designated address, certification expiration date, and voter code.

 D. The term of a program participant’s certification shall be four years following the effective date of her or his application unless the certification is withdrawn or cancelled before that date pursuant to 5 MRSA §90-B(3) or 29-250 Chapter 900 §4.

 E. If there is a change in the program participant’s residential address from the one listed on the application, the program participant shall notify the Program Manager in writing of such change within 10 days of the change in residence.

**SECTION 4. Cancellation of Program Certification**

 A. Program certification shall be canceled if any of the following occur:

 1. The program participant fails to notify the Program Manager in writing of a change in the program participant’s residential address within 10 days;

 2. The program participant discloses his or her residential address to the batterer, stalker, or perpetrator of sexual assault; or,

 3. Any one of the cancellation conditions provided for by 5 MRSA §90-B(3).

 B. Upon cancellation of program certification, the program participant will return the authorization card/letter to the Secretary of State.

 C. If certification for the program is canceled based on one of the conditions set forth in 5 MRSA §90-B(3), the program manager will notify the program participant of the cancellation by mail addressed to the participant’s last known residential address and mailing address.

 D. Except where certification has been canceled pursuant to 5 MRSA 90-B §2(E)(1), the Secretary of State shall not make a former participant’s address available for inspection or copying except as provided for by 5 MRSA §90-B(4)-(6).

**SECTION 5. Exercise of Program Participant’s Privileges**

 A. A program participant shall request, at the time of creation of a new record, that an agency use the designated address assigned by the Secretary of State as her or his residential or mailing address.

 B. A program participant shall show her or his authorization card/letter to the agency official creating a new record and request address confidentiality through use of the designated address in lieu of her or his actual location. The designated address shall appear on the program participant’s authorization card.

 C. Authorized personnel may make a file photocopy of the authorization card/letter and shall immediately return the authorization card/letter to the program participant.

 D. An agency shall accept the designated address unless the agency has received a written record exemption determination from the Office of the Secretary of State.

 E. An agency shall not question the program participant about the details or circumstances of her or his inclusion in the program. Rather, the agency shall accept the determination made by the Secretary of State that she or he is a qualified program participant.

**SECTION 6. Program Participant Renewal**

 A. A program participant may renew her or his program participation by filing a properly completed renewal form with the Address Confidentiality Program program manager. The renewal form shall be sent to the participant at least 4 weeks before the expiration of the current authorization. Upon receipt of the new authorization card/letter, the participant shall destroy her or his expired card and return it to the Secretary of State.

 B. The program manager shall certify a program participant, who has filed a properly completed certification renewal form, to participate in the program for an additional four-year term unless the certification is withdrawn or cancelled before that date.

 C. Upon renewal, the program manager shall issue to the program participant a new authorization card/letter which includes the program participant’s name, authorization code, designated mailing address, certification expiration date, and voter code.

**SECTION 7. Agency Exemption Request**

 A. An agency requesting an exemption under 5 MRSA §90-B(5)(B), must provide in writing to the Secretary of State:

 1. identification of the statute or administrative rule which demonstrates the agency’s bona fide requirement and authority for the use of the actual address of an individual;

 2. identification and description of the specific record or record series for which the exemption is requested;

 3. identification of the individuals who will have access to the record;

 4. an explanation of why the agency cannot meet its statutory or administrative obligations by a change in its internal procedures.

 B. The Secretary of State shall file and review an agency’s request for an exemption.

 C. During the review and evaluation or reconsideration of an agency’s exemption request, the agency shall accept the use of a program participant’s designated address.

 D. The Secretary of State’s determination to grant or deny a requested exemption shall be based on, but not limited to, an evaluation of the information provided under 29-250 Chapter 900 §7(A)in conformance with the statutory standard of a bona fidestatutory or administrative requirement for the use of a program participant’s actual address.

 E. If the Secretary of State determines that an agency has a bona fide statutory or administrative requirement for the use of a program participant’s actual address information and that the actual address information will be used only for those statutory and administrative purposes, the Secretary may issue a written exemption for the agency. When granting an exemption, the Secretary may include:

 1. any obligations for the agency to maintain the confidentiality of a program participant’s address information;

 2. any limitations on use and access to that address information;

 3. any term during which the exemption is authorized for the agency;

 4. any designation of the record format on which the address information may be maintained;

 5. any designation of an address information disposition date after which the agency may no longer maintain a record of the address information; and,

 6. any other provisions and qualifications determined appropriate by the Secretary of State.

 F. When a program participant requests use of the designated address in a record, and the agency has received an exemption for that record, the agency shall immediately provide a copy of the written exemption to the requesting program participant. The agency shall notify the address confidentiality program manager of the occurrence and denial of the program participant’s request.

 G. The Secretary of State’s denial of an agency exemption request shall be made in writing and include a statement of the specific reasons therefor.

 H. An agency may seek reconsideration of the denial of its request by resubmitting its written request within 60 days of the issuance of a denial. The request may be accompanied by additional information and an explanation of corrective action taken to alleviate concerns and considerations included in the Secretary of State’s denial determination. Final administrative determination shall be made by the Secretary of State.

**SECTION 8. Disclosure To Law Enforcement**

 A. A law enforcement officer requesting a program participant’s address under 5 MRSA §90-B(5)(A), must provide the request to the Secretary of State or the Secretary’s designee. The Secretary or designee may accept a verbal request or may require a request to be in writing. The request must contain:

 1. the reason the address is required by that law enforcement officer or agency;

 2. identification and description of the specific record or record series for which the exemption is requested;

 3. identification of the individuals who will have access to the record;

 4. an explanation of why the law enforcement agency cannot meet its obligations by a change in its internal procedures.

 5. identification of the requesting individual’s direct supervisor and contact information for that supervisor.

 B. The Secretary of State or the Secretary’s designee shall review the request.

 C. The Secretary of State’s determination to grant or deny a requested exemption shall be based on, but not limited to, an evaluation of the information provided under 29-250 Chapter 900 §8(A).

 D. If the Secretary of State determines that a law enforcement officer or agency has a bona fide requirement for the use of a program participant’s actual address information and that the actual address information will be used only for the purpose of satisfying that requirement, the Secretary may issue a written or verbal exemption for the law enforcement agency. When granting an exemption, the Secretary may include:

 1. any obligation for the law enforcement agency to maintain the confidentiality of a program participant’s address information;

 2. any limitations on use and access to that address information;

 3. any term during which the exemption is authorized for the agency;

 4. any designation of the record format on which the address information may be maintained;

 5. any designation of an address information disposition date after which the agency may no longer maintain a record of the address information; and,

 6. any other provisions and qualifications determined appropriate by the Secretary of State.

 E. When a program participant requests use of the designated address in a record, and the law enforcement officer or agency has received an exemption for that record, the law enforcement officer or agency shall immediately provide a copy of the written exemption to the requesting program participant. The law enforcement officer or agency shall notify the Address Confidentiality Program manager of the occurrence and denial of the program participant’s request.

 F. The Secretary of State’s denial of a law enforcement agency’s exemption request shall be made in writing and include a statement of the specific reasons therefor.

 G. A law enforcement agency may seek reconsideration of the denial of its request by resubmitting its request within 60 days of the issuance of a denial. The request may be accompanied by additional information and an explanation of corrective action taken to alleviate concerns and considerations included in the Secretary of State’s denial determination. Final administrative determination shall be made by the Secretary of State.

**SECTION 9. Service Of Process**

 A. The Secretary of State shall be an agent of the program participant upon whom any summons, writ, notice, demand, or process may be served.

 B. Service on the Secretary of State of any such summons, writ, demand, notice, or process shall be made by mailing to the designated address or by delivering to the Secretary of State at his/her office two copies of the summons, writ, notice, demand, or process.

 C. If a summons, writ, notice, demand, or process is served on the Secretary of State, the Secretary of State shall immediately forward a copy to the program participant at the participant’s current mailing address shown on the records of the program.

 D. The Secretary of State shall maintain, in the program participant’s file, a record of all summonses, writs, notices, demands, and processes served upon the Secretary of State for that participant. The Secretary of State shall include in the file the date of such service and the Secretary of State’s action.

STATUTORY AUTHORITY: 5 M.R.S.A. §90-B

 21-A M.R.S.A. §122-A

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