



Ohio Revised Code

Section 111.43 Protection of confidential address.

Effective: April 29, 2022

Legislation: House Bill 93 - 134th General Assembly

(A) A program participant may request that a governmental entity, other than a board of elections, use the address designated by the secretary of state as the program participant's address. Except as otherwise provided in division (F) of this section and in section 111.44 of the Revised Code, if the program participant requests that a governmental entity use that address, the governmental entity shall accept that address. The program participant shall provide the program participant's address confidentiality program authorization card as proof of the program participant's status.

(B) A program participant who acquires an ownership interest in real property in this state after being certified as a program participant and after the effective date of this amendment may submit a real property confidentiality notice to the county recorder of the county in which the real property is located, as described in section 111.431 of the Revised Code.

(C) If a program participant's employer, school, or institution of higher education is not a governmental entity, the program participant may request that the employer, school, or institution of higher education use the address designated by the secretary of state as the program participant's address. The program participant may provide the program participant's address confidentiality program authorization card as proof of the program participant's status.

(D)(1) The office of the secretary of state shall, on each day that the secretary of state's office is open for business, place all of the following that the secretary of state receives on behalf of a program participant into an envelope or package and mail that envelope or package to the program participant at the mailing address the program participant provided to the secretary of state for that purpose:

(a) First class letters, flats, packages, or parcels delivered via the United States postal service, including priority, express, and certified mail;

(b) Packages or parcels that are clearly identifiable as containing pharmaceutical agents or medical supplies;



(c) Packages, parcels, periodicals, or catalogs that are clearly identifiable as being sent by a governmental entity;

(d) Periodicals to which the program participant subscribes;

(e) Packages, parcels, or catalogs that have received prior authorization from the office of the secretary of state for forwarding under this section.

(2) Except as provided in divisions (D)(1)(a) to (e) of this section, the office of the secretary of state shall not forward any packages, parcels, periodicals, or catalogs received on behalf of a program participant.

(3) The secretary of state may contract with the United States postal service to establish special postal rates for the envelopes or packages used in forwarding a program participant's mail under this section.

(4)(a) Upon receiving service of process on behalf of a program participant, the office of the secretary of state shall immediately forward the process by certified mail, return receipt requested, to the program participant at the mailing address the program participant provided to the secretary of state for that purpose. Service of process upon the office of the secretary of state on behalf of a program participant constitutes service upon the program participant under rule 4.2 of the Rules of Civil Procedure.

(b) The secretary of state may prescribe by rule the manner in which process may be served on the secretary of state as the agent of a program participant.

(c) Upon request by a person who intends to serve process on an individual, the secretary of state shall confirm whether the individual is a program participant but shall not disclose any other information concerning a program participant.

(E)(1) A program participant may submit to the secretary of state, on a form prescribed by the secretary of state, an authorization for the secretary of state to disclose confidential information



concerning the program participant under one or more of the following circumstances, as indicated on the authorization form:

- (a) To an official or employee of the United States postal service for the purpose of performing the secretary of state's duties under division (D) of this section;

- (b) To any of the following persons for the purpose of confirming the program participant's status as a program participant, for the purpose of verifying the program participant's residence address, or for other similar purposes in order to assist the program participant:
 - (i) A judge or magistrate;

 - (ii) An official or employee of the bureau of motor vehicles;

 - (iii) A school administrator;

 - (iv) An administrator of a public assistance program;

 - (v) An administrator of a food pantry.

- (c) To another person identified on the authorization form for a purpose indicated on the authorization form.

- (2) A person authorized under division (E)(1) of this section to receive a program participant's confidential information may request only the information that the person or the person's office requires under normal circumstances. The person shall not require the disclosure of information as a condition of receiving any services to which the applicant or participant is otherwise entitled.

- (3) Upon receiving a request for information concerning a program participant who has submitted a valid authorization form under division (E)(1) of this section, the secretary of state shall determine whether the authorization form permits the secretary of state to disclose the information to the requestor and, if so, within ten business days, shall disclose that information to the requestor along with the following statement: "You are not permitted to redisclose the following information for any



reason. Failure to protect the confidentiality of this information is a violation of state law."

(F) Division (A) of this section does not apply to a municipal-owned public utility. The confidential addresses of participants of the address confidentiality program that are maintained by a municipal-owned public utility are not a public record and shall not be released by a municipal-owned public utility or by any employee of a municipal-owned public utility.