



## Ohio Revised Code

### Section 111.42 Address confidentiality program; application to secretary of state.

Effective: September 8, 2016

Legislation: House Bill 359 - 131st General Assembly

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(A) Except for a person described in division (F) of this section, an adult person, or a parent or guardian acting on behalf of a minor, incompetent, or ward, when changing residence, may apply to the secretary of state with the assistance of an application assistant to have an address designated by the secretary of state serve as the person's address or the address of the minor, incompetent, or ward. The application shall be made on a form prescribed by the secretary of state and filed in the office of the secretary of state in the manner prescribed by the secretary of state. The application shall contain all of the following:

- (1) A notarized statement by the applicant that the applicant fears for the safety of the applicant, a member of the applicant's household, or the minor, incompetent, or ward on whose behalf the application is made because the applicant, household member, minor, incompetent, or ward is a victim of domestic violence, menacing by stalking, human trafficking, trafficking in persons, rape, or sexual battery;
- (2) A knowing and voluntary designation of the secretary of state as the agent for the purposes of receiving service of process and the receipt of mail;
- (3) The mailing address and telephone number or numbers at which the secretary of state may contact the applicant;
- (4) The address or addresses of the applicant's residence, school, institution of higher education, business, or place of employment that the applicant requests not be disclosed for the reason that disclosure will increase the risk that the applicant, a member of the applicant's household, or the minor, incompetent, or ward on whose behalf the application is made will be threatened or physically harmed by another person;
- (5) The signature of the applicant, the name and signature of the application assistant who assisted



the applicant, and the date on which the applicant and the application assistant signed the application;

(6) Except for a claim based on the performance or nonperformance of a public duty that was manifestly outside the scope of the officer's or employee's office or employment or in which the officer or employee acted with malicious purpose, in bad faith, or in a wanton or reckless manner, a voluntary release and waiver of all future claims against the state for any claim that may arise from participation in the address confidentiality program.

(B) Upon receiving a properly completed application under division (A) of this section, the secretary of state shall do all of the following:

(1) Certify the applicant or the minor, incompetent, or ward on whose behalf the application is filed as a program participant;

(2) Designate each eligible address listed in the application as a confidential address;

(3) Issue the program participant a unique program participant identification number;

(4) Provide information to the program participant concerning the manner in which the program participant may use the secretary of state as the program participant's agent for the purposes of receiving mail and receiving service of process;

(5) Provide information to the program participant concerning the process to register to vote and to vote as a program participant, if the program participant is eligible to vote.

(C) A program participant shall update the person's application information, within thirty days after any change has occurred, by submitting a notice of change to the office of the secretary of state on a form prescribed by the secretary of state. The secretary of state may, with proper notice, cancel a program participant from the program if the participant is found to be unreachable for a period of sixty days or more.

(D) The certification of a program participant shall be valid for four years after the date of the filing



of the application for the program participant unless the certification is withdrawn or invalidated before the end of that four-year period.

(E)(1) A program participant who continues to be eligible to participate in the address confidentiality program may renew the program participant's certification by submitting a renewal application to the secretary of state with the assistance of an application assistant. The renewal application shall be on a form prescribed by the secretary of state and shall contain all of the information described in division (A) of this section.

(2) The secretary of state may prescribe by rule a grace period during which a program participant whose certification has expired may renew the program participant's certification without being considered to have ceased being a program participant during that period.

(3) When a program participant renews the program participant's certification, the program participant shall continue to use the program participant's original program participant identification number.

(F) A tier I sex offender/child-victim offender, a tier II sex offender/child-victim offender, or a tier III sex offender/child-victim offender is not eligible to participate in the address confidentiality program described in sections 111.41 to 111.99 of the Revised Code.