

# Kansas Administrative Regulations

## Article 44.—Address Confidentiality Program

**7-44-1. Definitions.** As used in this article, the following terms shall have the meanings specified in this regulation:

(a) “Chief law enforcement officer” means the official head of a federal, state, or local law enforcement agency.

(b) “Commercial package” means a box or other container shipped from a merchant to a program participant.

(c) “Enrolling assistant” means an individual who processes address confidentiality program applications on behalf of an enrolling agent.

(d) “Law enforcement agency” means the federal bureau of investigation, the office of the Kansas attorney general, the Kansas bureau of investigation, or any Kansas police department or sheriff’s department.

(e) “Local agency” means any department, board, commission, officer, court, or authority of a county, city, township, school district, or other tax-supported governmental subdivision of the state.

(f) “Official government mail” means mail sent from the federal government, a state or local agency or court, or any other tax-supported governmental subdivision.

(g) “State agency” means any state district court or any department, board, commission, or authority of the executive branch of state government. (Authorized by and implementing K.S.A. 2006 Supp. 75-456; effective, T-7-1-1-07, Jan. 1, 2007; effective May 4, 2007.)

**7-44-2. Enrolling agent registration.** (a) Each enrolling agent, as defined in K.S.A. 75-452(f) and amendments thereto, shall register with the secretary of state by providing the following information on a form prescribed by the secretary of state:

(1) The name of the state agency or local agency, law enforcement office, nonprofit agency, or other person that will serve as the enrolling agent;

(2) the names of the enrolling assistants who work or volunteer for the enrolling agent;

(3) the address and other contact information for the enrolling agent and, if different, for each enrolling assistant;

(4) a statement that program applications and copies of these applications will not be kept by the enrolling agent;

(5) a statement that any information collected-maintained, or shared in the address confidentiality program will remain confidential; and

(6) the signature of the enrolling agent under penalty of perjury asserting that all information on the registration form is true.

(b) If any information on the registration form changes, the enrolling agent shall provide the corrected information to the secretary of state within 30 days of the change.

(c) The registration of any enrolling agent may be revoked by the secretary of state for failure to meet the requirements of any statute or regulation pertaining to the address confidentiality program. (Authorized by K.S.A. 2006 Supp. 75-456; implementing K.S.A. 2006 Supp. 75-458; effective, T-7-1-1-07, Jan. 1, 2007; effective May 4, 2007.)

**7-44-3. Enrolling assistant training.** Each enrolling assistant identified on an enrolling agent’s registration shall complete the training provided by the secretary of state within 60 days of the filing date of the enrolling agent’s registration. Any enrolling assistant may be required to obtain additional training as prescribed by the secretary of state to administer the address confidentiality program. (Authorized by K.S.A. 2006 Supp. 75-456; implementing K.S.A. 2006 Supp. 75-458; effective, T-7-1-1-07, Jan. 1, 2007; effective May 4, 2007.)

**7-44-4. Information released to law enforcement agencies.** (a) Each law enforcement agency seeking the release of any record or information in a program participant’s file shall submit a written request on the agency’s letterhead. Each request shall include the following:

(1) The date of the request;

(2) the specific record or information requested;

(3) the name of the program participant; and

(4) the signature of the agency’s chief law enforcement officer.

(b) After verification by the secretary of state with the agency’s chief law enforcement officer that the request received is a bona fide request from the chief law enforcement officer, the record or information requested shall be released by the secretary of state to the chief law enforcement officer or that person’s designee. (Authorized by K.S.A. 2006 Supp. 75-456)

and 75-457; implementing K.S.A. 2006 Supp. 75-457; effective, T-7-1-1-07, Jan. 1, 2007; effective May 4, 2007.)

**7-44-5. Forwardable mail.** The mail forwarded by the secretary of state to each program participant, as defined in K.S.A. 75-452(e) and amendments thereto, shall be forwarded to the program participant at a Kansas address and shall include first-class mail pursuant to K.S.A. 75-455(c), and amendments thereto, and all official government mail. Commercial packages shall not be forwarded by the secretary of state to any program participant, unless the secretary of state approves the forwarding of this mail for good cause. (Authorized by K.S.A. 2006 Supp. 75-455 and 75-456; implementing K.S.A. 2006 Supp. 75-455; effective, T-7-1-1-07, Jan. 1, 2007; effective May 4, 2007.)

**7-44-6. Renewal and cancellation of certification.** (a) Any program participant may renew the participant's program certification for an additional four years by filing an application with the secretary of state through an enrolling agent pursuant to K.S.A. 75-453, and amendments thereto, within 30 days before the date on which the participant's program certification will expire.

(b) Any program participant may cancel the participant's program certification by filing a letter of cancellation with the secretary of state through an enrolling agent. (Authorized by and implementing K.S.A. 2006 Supp. 75-453 and 75-456; effective, T-7-1-1-07, Jan. 1, 2007; effective May 4, 2007.)

**7-44-7. Voting process.** (a) When initially processing an application for participation in the address confidentiality program, each enrolling assistant shall offer a voter registration form to the applicant. If the applicant chooses to complete the voter registration form, the enrolling agent shall forward the form to the secretary of state with the address confidentiality program application.

(b) Each voter registration form shall be reviewed by the secretary of state. If the applicant is approved as a program participant and the applicant's voter registration is approved, the applicant shall be added as a permanent advance voter to a database that is separate from the centralized voter registration system. If the applicant is not approved as a program participant, the applicant shall be contacted by the secretary of state in order to determine whether the applicant's voter registration should be processed and entered into the centralized voter registration database.

(c) Advance ballots for all elections in which any program participant may lawfully participate shall be sent from the secretary of state to the program participant. County election officials shall provide the correct ballot to the secretary of state for program participants.

(d) Each program participant shall return that participant's voted ballot to the secretary of state, who shall determine whether the ballot was lawfully cast and entitled to be canvassed. The ballot shall be forwarded by the secretary of state to the county election official with notice as to whether the ballot is legally entitled to be canvassed.

(e) Each program participant's confidential address and right to a secret ballot shall be preserved throughout the voting process.

(f) If the program participant's certification in the program expires and the participant does not renew the certification, the participant shall be notified by the secretary of state that the participant's voter registration record will be moved to the centralized voter registration database on the thirty-first day after the program certification expires. If a program participant cancels that participant's voter registration before the deadline specified in this subsection, the participant's voter registration shall not be transferred to the centralized voter registration database. (Authorized by and implementing K.S.A. 2006 Supp. 75-456; effective, T-7-1-1-07, Jan. 1, 2007; effective May 4, 2007.)