



NOTICE OF PROPOSED RULEMAKING

Office of the Secretary of State Address Confidentiality Program Rules 8 CCR 1505-13

June 29, 2011

In accordance with the requirements of section 24-4-103(3)(a), C.R.S., (2010), notice of proposed rulemaking is hereby given by the Secretary of State. A rulemaking hearing will be held on **August 8th, 2011 from 3:00 p.m. to 5:00 p.m.** in the Blue Spruce Conference Room on the second floor of the Office of the Secretary of State at 1700 Broadway, Denver, Colorado 80290. All interested persons will be afforded an opportunity to be heard on the subject of repeal of the Secretary of State's "Address Confidentiality Program Rules", 8 CCR 1505-13.

Subject of the Proposed Rulemaking

The Secretary of State will consider the repeal in whole of the Colorado Secretary of State "Address Confidentiality Program Rules" to implement HB 11-1080. Specifically, HB 11-1080 transferred the Colorado Address Confidentiality Program (ACP) from the Secretary of State to the Department of Personnel and Administration, including the transfer of rulemaking authority.

Authority for Proposed Rulemaking

The repeal of the Secretary of State's "Address Confidentiality Program Rules" [8 CCR 1505-13] is proposed in accordance with the Colorado Administrative Procedure Act, section 24-4-103, C.R.S.

Paper or editable electronic copies of the initial draft of the proposed rules may be obtained from the office of the Secretary of State at 1700 Broadway, Suite 200, Denver, Colorado, 80290, or by calling (303) 894-2200, extension 6329. The proposed rules are also posted on the Secretary of State website at www.sos.state.co.us.

A final copy of the proposed rules for consideration at the public rulemaking hearing will be posted on the Secretary of State website and made available to the public no later than August 3, 2011 in accordance with section 24-4-103(4)(a), C.R.S., (2010), which states that "[a]ny proposed rule or revised proposed rule by an agency which is to be considered at the public hearing...shall be made available to any person at least five days prior to said hearing."

The rulemaking hearing on August 8, 2011 will be held in accordance with section 24-4-103, C.R.S., (2010). Written and oral data, comments, and arguments will be received from all

interested parties. Please file written submissions at or before the commencement of the hearing on August 8 at 3:00 p.m., or by the end of the written comment period announced at the conclusion of the hearing to ensure full consideration. Oral testimony may be limited in order to allow the proceedings to go forward with reasonable promptness and efficiency. The hearing will be audio recorded and broadcast over the Internet. The broadcast may be accessed through the Secretary of State website at www.sos.state.co.us on the "Information Center" page under "Broadcast and Recorded Meetings." For additional information, please contact Andrea Gyger, Elections Division at andrea.gyger@sos.state.co.us or (303) 894-2200 ext. 6329.

Dated this 29th Day of June, 2011.



William A. Hobbs
Deputy Secretary of State

For

Scott Gessler
Colorado Secretary of State



**PROPOSED STATEMENT OF BASIS, PURPOSE, AND
SPECIFIC STATUTORY AUTHORITY**

**Office of the Secretary of State
Address Confidentiality Program Rules
8 CCR 1505-13**

June 29, 2011

I. Basis and Purpose

This statement pertains to the proposed repeal of the Colorado Secretary of State “Address Confidentiality Program Rules”. Repeal of these rules is proposed to implement changes made by the passage of House Bill 11-1080 that transferred the Colorado Address Confidentiality Program (ACP) from the Secretary of State to the Department of Personnel and Administration, including the transfer of rulemaking authority.

The Secretary of State expects the Executive Director of the Department of Personnel and Administration to readopt ACP rules with any appropriate amendments. To ensure the continuity of the rules, the Secretary of State proposes the repeal in whole of the Colorado Secretary of State “Address Confidentiality Program Rules” effective upon the adoption of program rules by the Department of Personnel and Administration but no later than January 1, 2012.

II. Statutory Authority

The repeal of the Secretary of State’s “Address Confidentiality Program Rules” [8 CCR 1505-13] is proposed in accordance with the Colorado Administrative Procedure Act, section 24-4-103, C.R.S.

COLORADO SECRETARY OF STATE

[8 CCR 1505-13]

ADDRESS CONFIDENTIALITY PROGRAM RULES

Preliminary Draft of Proposed Rules

June 29, 2011

Disclaimer: This draft is not necessarily final. The proposed changes to be considered at the public rulemaking hearing may be different than the proposed changes in this draft. This draft is submitted to the Department of Regulatory Agencies for the purpose of complying with section 24-4-103(2.5), C.R.S., which requires that a draft be submitted to the Department at the time that a notice of proposed rulemaking is filed with the Secretary of State.

*If revisions to this draft are made prior to the rulemaking hearing, a revised copy of the proposed rule changes will be available to the public no later than **August 3, 2011**, and a copy will be posted on the Department of State's web site, in compliance with the requirement of section 24-4-103(4)(a), C.R.S., that "[a]ny proposed rule or revised proposed rule by an agency which is to be considered at the public hearing...shall be made available to any person at least five days prior to said hearing."*

Proposed additions to the current rules are reflected in SMALL CAPS. Proposed deletions from current rules are shown in ~~stricken type~~. Annotations may be included.

1 8 CCR 1505-13 would be repealed in whole as follows:

2 **DEPARTMENT OF STATE**

3 **Secretary of State**

4 **ADDRESS CONFIDENTIALITY PROGRAM RULES**

5 **8 CCR 1505-13**

6 REPEALED.

7 *[Repeal would be effective on the date that the Executive Director of the Department of*
8 *Personnel and Administration adopts Address Confidentiality Program Rules in accordance with*
9 *section 24-30-2113, C.R.S., but no later than January 1, 2012]*

10 ~~**1.0 Introduction**~~

11 ~~**1.1 Authority**~~

1 ~~These regulations are adopted pursuant to the authority in §24-21-201, et seq., C.R.S., (the~~
2 ~~“Address Confidentiality Program Act”) and are intended to be consistent with the requirements~~
3 ~~of the State Administrative Procedure Act, §24-4-101, et seq. (the “APA”).~~

4 ~~1.2 Scope and Purpose~~

5 ~~These rules are intended to clarify and carry out the provisions of the Address Confidentiality~~
6 ~~Program Act [§24-21-201, et seq.].~~

7 ~~1.3 Specific Authority~~

8 ~~Specific authority for rule making is provided by §24-21-213, C.R.S.~~

9 ~~2.0 Definitions~~

10 ~~2.1 —“Other Family Member” as used in §24-21-205(3)(j), “other family member” means a~~
11 ~~person who resides with the victim and defines himself or herself as a family member~~
12 ~~regardless of any blood or marital relationship.~~

13 ~~3.0 Application Assistant Designation~~

14 ~~3.1 —The Application Assistant training and registration process consists of:~~

15 ~~a) —Attending an in person training conducted by or on behalf of the Address~~
16 ~~Confidentiality Program or completing the online training provided on the~~
17 ~~Address Confidentiality Program website and;~~

18 ~~b) —Submitting a signed and completed Application Assistant Agreement.~~

19 ~~3.2 —The Application Assistant designation is valid for a two year period, and may be renewed~~
20 ~~by submitting a new Application Assistant Agreement prior to the end of the two year~~
21 ~~term.~~

22 ~~3.3 —Application Assistants must provide the Address Confidentiality Program with current~~
23 ~~employer and contact information.~~

24 ~~3.4 —Application Assistants who change employment may retain their designation as long as~~
25 ~~they continue to meet the statutory criteria for an Application Assistant.~~

26 ~~3.5 —The Address Confidentiality Program will notify Application Assistants in writing prior~~
27 ~~to the expiration of their designation using the employment contact information on record~~
28 ~~with the program.~~

29 ~~3.6 —An Application Assistant designation will expire if the notice to renew the designation is~~
30 ~~returned as undeliverable.~~

31 ~~3.7 —An Application Assistant may cancel his or her designation at any time by submitting a~~
32 ~~notice of resignation, in writing, to the address confidentiality program.~~

1 **4.0 Participant Telephone Number and Address Changes**

2 4.1 — Participants must notify the Address Confidentiality Program of any changes in address
3 or telephone number in writing. Participants may use the “Change of Information Form”
4 provided by the program or any other written format, so long as the notification contains
5 the signature of the participant (or the parent or guardian of the participant) requesting the
6 change.

7 **5.0 Expedited release of Participant Information to Criminal Justice Officials or Agencies**

8 5.1 — Expedited release of participant information shall be granted in response to a written
9 request setting forth the reason(s) requiring the expedited release of information to the
10 criminal justice agency. The request must be on agency letterhead and signed by the
11 employee of the criminal justice agency requesting such information and his or her direct
12 supervisor, or acting supervisor if the employee’s direct supervisor is unavailable.

13 5.2 — In accordance with §24-21-210(12), C.R.S., the request must be accompanied by a
14 notarized statement certifying that the information requested is required pursuant to a
15 criminal justice trial, hearing, proceeding, or investigation involving a program
16 participant, and that the participant’s actual address will be protected from the public and
17 personnel who are not involved in the trial, hearing, proceeding or investigation. In lieu
18 of the statement, a criminal justice agency or official may submit a notarized “Emergency
19 Disclosure of Information” form available on the address confidentiality program
20 website.

21 **6.0 Public School Enrollment and Record Transfers**

22 6.1 — At the request of an enrolling school, the Address Confidentiality Program will determine
23 the student/participant’s school district and eligible schools based on the residential
24 address on record with the program.

25 6.2 — The Address Confidentiality Program will notify the enrolling school of its findings in
26 writing.

27 6.3 — The Address Confidentiality Program will request a student’s records for the purpose of
28 transferring such records from one school to another upon receiving the written request
29 and authorization from the student’s parent or legal guardian.

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