

SECRETARY OF STATE
(New Administrative Regulation)

30 KAR 10:040. Cancellation, appeal, and withdrawal.

RELATES TO: Ky Acts ch. 172

STATUTORY AUTHORITY: Ky Acts ch. 172

NECESSITY, FUNCTION, AND CONFORMITY: Ky Acts ch. 172

Section 1. Cancellation from Participation in Safe at Home Program.

(1) A program participant's certification in the Safe at Home Program shall be canceled if:

- (a) The program participant fails to notify the Secretary of State of a name change;
- (b) The program participant fails to notify the Secretary of State of an address change;
- (c) The Secretary of State determines the program participant applied using false information;
- (d) The program participant relocates outside of Kentucky;
- (e) The program participant is no longer eligible;
- (f) The program participant is required to register as a sex offender; or
- (g) The program participant fails to submit an Application for Participation in the Safe at Home Program for renewal upon the expiration of the initial four (4) year enrollment.

(2) Upon cancellation, the Secretary of State shall send notice to the program participant of the cancellation of participation in the Safe at Home Program and include:

- (a) The reasons for the cancellation;
- (b) A copy of the Appeal from Cancellation of Certification in Safe at Home Program;
- (c) Notification that an appeal must be received within thirty (30) days.

Section 2. Appeal from Cancellation of Certification in Safe at Home Program.

(1) A program participant or filer wishing to appeal from a cancellation of certification in the Safe at Home Program shall submit to the Secretary of State an Appeal from Cancellation of Certification in Safe at Home Program form.

(2) The Appeal from Cancellation of Certification in Safe at Home Program shall be considered timely submitted if it is date-stamped received by the Secretary of State within thirty (30) days of the date of the notice of certification cancellation.

(3) The Appeal from Cancellation of Certification in Safe at Home Program shall:

- (a) Be in writing;
- (b) Be in English;
- (c) Be signed by the program participant or filer; and
- (d) Include information as to why certification in the Safe at Home Program should not be cancelled.

(4) If an Appeal from Cancellation of Certification in Safe at Home Program is not timely submitted, cancellation of certification in the Safe at Home Program shall be effective upon the expiration of thirty (30) days after the date of the notice of certification cancellation.

Section 3. Review by the Assistant Secretary of State of an Appeal from Cancellation of Certification in Safe at Home Program.

(1) The Assistant Secretary of State shall approve or deny an Appeal from Cancellation of Certification in Safe at Home Program within five (5) business days after it is date-stamped received by the Office of the Secretary of State.

- (a) The Assistant Secretary of State shall approve an Appeal from Cancellation of Certification in Safe at Home Program if he or she determines that grounds for

cancellation pursuant to Ky Acts ch. 172 do not exist.

(b) The Assistant Secretary of State shall deny an Appeal from Cancellation of Certification in Safe at Home Program if he or she determines that grounds for cancellation pursuant to Ky Acts ch. 172 exist.

(2) The Assistant Secretary of State shall provide to the program participant or filer written notice of the decision regarding an Appeal from Cancellation of Certification in Safe at Home Program.

(3) If an Appeal from Cancellation of Certification in Safe at Home Program is timely submitted and denied pursuant to this section, cancellation of certification in the Safe at Home program shall be effective on the date on which the notice of denial is mailed.

(4) The decision of the Assistant Secretary of State shall conclude the appeal procedures pursuant to Ky Acts ch. 172 and this administrative regulation.

Section 4. Withdrawal from Participation in the Safe at Home Program.

(1) A program participant or filer wishing to withdraw from participation in the Safe at Home Program shall submit to the Secretary of State a Withdrawal from Participation in Safe at Home Program form.

(2) The Withdrawal from Participation in Safe at Home Program form shall be:

- (a) In writing;
- (b) In English;
- (c) Signed by the program participant or a filer; and
- (d) Notarized or signed by an Application Assistant.

Section 5. Confirmation by the Secretary of State of a Withdrawal from Participation in the Safe at Home Program.

(1) Upon receiving a Withdrawal from Participation in Safe at Home Program form, the Secretary of State shall mail to the program participant or filer a written confirmation of withdrawal.

(2) The written confirmation shall notify the program participant or filer:

- (a) Of the date on which a Withdrawal from Participation in Safe at Home Program form was date stamped received by the Office of the Secretary of State; and
- (b) That program participation shall be terminated ten (10) days following the date of the written confirmation of withdrawal, unless the program participant or a filer notifies the Secretary of State on or before that date that the withdrawal request was not legitimate because it was not voluntarily submitted by the program participant or a filer.

Section 6. Incorporation by Reference.

(1) The following material is incorporated by reference:

- (a) "Withdrawal from Participation in Safe at Home Program", July 2023; and
- (b) "Appeal from Cancellation of Certification in Safe at Home Program", July 2023.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Secretary of State's Office, 700 Capital Avenue, State Capitol, Suite 152, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m., or may be obtained at www.sos.ky.gov.

MICHAEL G. ADAMS, Secretary of State

APPROVED BY AGENCY: June 27, 2023

FILED WITH LRC: June 29, 2023 at 3:00 p.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall be held on September 26, 2023, at 10:00 a.m. EST, at Office of the Secretary of State. Individuals interested in being heard at this hearing shall notify

this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. This hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted until September 30, 2023. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Jennifer Scutchfield, Assistant Secretary of State, 700 Capital Avenue, State Capitol, Suite 152, Frankfort, Kentucky 40601, phone (502) 782-7417, fax (502) 564-5687, email jscutchfield@ky.gov.