

**Senator Karen Mayne** proposes the following substitute bill:

**VOTER INFORMATION AMENDMENTS**

2014 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Karen Mayne**

House Sponsor: Lee B. Perry

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**LONG TITLE**

**General Description:**

This bill amends provisions of the Election Code, and related provisions, in relation to disclosure of, and the use of, the list of registered voters and information from the list of registered voters.

**Highlighted Provisions:**

This bill:

- ▶ prohibits a person, other than an election officer, from using the list of registered voters, or information obtained from the list of registered voters, for certain purposes, including commercial purposes or harassment;
- ▶ subject to certain exceptions, prohibits a person from reproducing the list of registered voters, or information obtained from the list of registered voters;
- ▶ prohibits a person from using the list of registered voters, or information obtained from the list of registered voters, to solicit donations or to conduct surveys;
- ▶ prohibits a person from providing the list of registered voters, or information obtained from the list of registered voters, to another person if the person providing the information has reason to believe that the other person will use the list, or information obtained from the list, in violation of the provisions of this bill;
- ▶ provides exceptions to certain provisions of this bill if the list of registered voters,



26 or information obtained from the list of registered voters, is used for political, scholarly,  
27 journalistic, or governmental purposes;

28 ▶ describes the circumstances under which the lieutenant governor or a county clerk  
29 may disclose the list of registered voters or information from the list of registered  
30 voters;

31 ▶ requires a person who requests the list of registered voters, or information from the  
32 list of registered voters, to provide identification, other information, and assurances  
33 regarding the use of the list and information from the list;

34 ▶ provides that making a false statement when providing the information and  
35 assurances described above constitutes a crime; and

36 ▶ makes technical and conforming changes.

37 **Money Appropriated in this Bill:**

38 None

39 **Other Special Clauses:**

40 None

41 **Utah Code Sections Affected:**

42 AMENDS:

43 **20A-2-104**, as last amended by Laws of Utah 2010, Chapter 197

44 **63G-2-301**, as last amended by Laws of Utah 2013, Chapters 231, 296, 426, and 445



46 *Be it enacted by the Legislature of the state of Utah:*

47 Section 1. Section **20A-2-104** is amended to read:

48 **20A-2-104. Voter registration form -- Registered voter lists -- Fees for copies.**

49 (1) Every person applying to be registered shall complete a registration form printed in  
50 substantially the following form:

51 -----

52 UTAH ELECTION REGISTRATION FORM

53 Are you a citizen of the United States of America? Yes No

54 Will you be 18 years old on or before election day? Yes No

55 If you checked "no" to either of the above two questions, do not complete this form.

56 Name of Voter

57 \_\_\_\_\_

58 First Middle Last

59 Utah Driver License or Utah Identification Card Number \_\_\_\_\_

60 Date of Birth \_\_\_\_\_

61 Street Address of Principal Place of Residence

62 \_\_\_\_\_

63 City County State Zip Code

64 Telephone Number (optional) \_\_\_\_\_

65 Last four digits of Social Security Number \_\_\_\_\_

66 Last former address at which I was registered to vote (if known) \_\_\_\_\_

67 \_\_\_\_\_

68 City County State Zip Code

69 Political Party

70 (a listing of each registered political party, as defined in Section 20A-8-101 and maintained by  
71 the lieutenant governor under Section 67-1a-2, with each party's name preceded by a checkbox)

72 Unaffiliated (no political party preference) Other (Please specify) \_\_\_\_\_

73 I do swear (or affirm), subject to penalty of law for false statements, that the  
74 information contained in this form is true, and that I am a citizen of the United States and a  
75 resident of the state of Utah, residing at the above address. I will be at least 18 years old and  
76 will have resided in Utah for 30 days immediately before the next election. I am not a  
77 convicted felon currently incarcerated for commission of a felony.

78 Signed and sworn

79 \_\_\_\_\_

80 Voter's Signature

81 \_\_\_\_\_(month/day/year).

82 CITIZENSHIP AFFIDAVIT

83 Name:

84 Name at birth, if different:

85 Place of birth:

86 Date of birth:

87 Date and place of naturalization (if applicable):

88 I hereby swear and affirm, under penalties for voting fraud set forth below, that I am a  
89 citizen and that to the best of my knowledge and belief the information above is true and  
90 correct.

91 \_\_\_\_\_

92 Signature of Applicant

93 In accordance with Section 20A-2-401, the penalty for willfully causing, procuring, or  
94 allowing yourself to be registered to vote if you know you are not entitled to register to vote is  
95 up to one year in jail and a fine of up to \$2,500.

96 NOTICE: IN ORDER TO BE ALLOWED TO VOTE, YOU MUST PRESENT VALID  
97 VOTER IDENTIFICATION TO THE POLL WORKER BEFORE VOTING, WHICH MUST  
98 BE A VALID FORM OF PHOTO IDENTIFICATION THAT SHOWS YOUR NAME AND  
99 PHOTOGRAPH; OR

100 TWO DIFFERENT FORMS OF IDENTIFICATION THAT SHOW YOUR NAME AND  
101 CURRENT ADDRESS.

102 FOR OFFICIAL USE ONLY

103 Type of I.D. \_\_\_\_\_

104 Voting Precinct \_\_\_\_\_

105 Voting I.D. Number \_\_\_\_\_

106 -----

107 (2) (a) Except as provided under Subsection (2)(b), the county clerk shall retain a copy  
108 of each voter registration form in a permanent countywide alphabetical file, which may be  
109 electronic or some other recognized system.

110 (b) The county clerk may transfer a superceded voter registration form to the Division  
111 of Archives and Records Service created under Section 63A-12-101.

112 (3) (a) Each county clerk shall retain lists of currently registered voters.

113 (b) The lieutenant governor shall maintain a list of registered voters in electronic form.

114 (c) If there are any discrepancies between the two lists, the county clerk's list is the  
115 official list.

116 (d) The lieutenant governor and the county clerks may charge the fees established  
117 under the authority of Subsection 63G-2-203(10) to individuals who wish to obtain a copy of

118 the list of registered voters.

119 (4) (a) A person, other than an election officer acting in the election officer's capacity  
120 as an election officer, may not use the list of registered voters, or information obtained from the  
121 list of registered voters, for the purpose of:

122 (i) except as provided in Subsection (4)(d):

123 (A) selling the list or information;

124 (B) selling use of the list or information; or

125 (C) advertising, soliciting, selling, or marketing products or services to a person;

126 (ii) except as provided in Subsection (4)(e), providing the list or information through a  
127 medium that displays or sends paid advertising to a person that accesses the list or information;

128 (iii) except as provided in Subsection (4)(f), soliciting a donation;

129 (iv) except as provided in Subsection (4)(g), conducting a survey;

130 (v) charging a fee to a person to have the person's information, or a portion of the  
131 person's information, removed, withheld, or changed; or

132 (vi) harassing a person.

133 (b) Except as provided in Subsection (4)(h), a person may not reproduce the list of  
134 registered voters, or information obtained from the list of registered voters, in any manner,  
135 including print, visual or audio format, electronic format, on the Internet, or via computer  
136 terminal.

137 (c) A person may not provide the list of registered voters, or information obtained from  
138 the list of registered voters, to another person if the person providing the information has  
139 reason to believe that the other person will use the list of registered voters, or information  
140 obtained from the list of registered voters, in violation of Subsection (4)(a) or (b).

141 (d) Subsection (4)(a)(i) does not prohibit a political party or other organization from  
142 selling to its members for no more than the cost of production, information compiled using, in  
143 part, information obtained from the list of registered voters, if the compiled information is  
144 intended for use solely for political purposes.

145 (e) Subsection (4)(a)(ii) does not prohibit a person from providing information  
146 obtained from the list of registered voters as part of a newspaper or other journalistic  
147 publication.

148 (f) Subsection (4)(a)(iii) does not prohibit a person from using information obtained

149 from the list of registered voters to solicit a donation for political or governmental purposes.

150 (g) Subsection (4)(a)(iv) does not prohibit a person from using information obtained  
151 from the list of registered voters to conduct a survey for political, scholarly, journalistic, or  
152 governmental purposes.

153 (h) Subsection (4)(b) does not prohibit a person from reproducing the list of registered  
154 voters, or information obtained from the list of registered voters, for political, scholarly,  
155 journalistic, or governmental purposes.

156 (i) The lieutenant governor or a county clerk may not disclose the list of registered  
157 voters, or information obtained from the list of registered voters, to a person other than an  
158 authorized government official, unless the person:

159 (i) provides proof of the person's identity; and

160 (ii) signs a document that includes the following:

161 (A) the name, address, and telephone number of the person requesting the list or  
162 information from the list;

163 (B) a statement regarding the purpose for which the person desires to obtain the list;

164 (C) a list of the purposes for which the list, or information obtained from the list, may  
165 be used and may not be used;

166 (D) an assertion from the person that the person will not use the list, or information  
167 obtained from the list, for a purpose prohibited by law;

168 (E) notice that if the person makes a false statement in the document, the person is  
169 punishable by law under Section [76-8-504](#); and

170 (F) notice that a person who uses the list, or information obtained from the list, in a  
171 manner that is prohibited by law is guilty of a class B misdemeanor.

172 (j) The lieutenant governor or a county clerk may not disclose the list of registered  
173 voters, or information obtained from the list of registered voters, to a person that the lieutenant  
174 governor or county clerk reasonably believes will use the list, or information obtained from the  
175 list, in a manner prohibited by law.

176 (k) A person is guilty of a class B misdemeanor if the person uses the list of registered  
177 voters, or information obtained from the list of registered voters, in violation of Subsection  
178 (4)(a), (b), or (c).

179 ~~[(4)]~~ (5) When political parties not listed on the voter registration form qualify as

180 registered political parties under Title 20A, Chapter 8, Political Party Formation and  
181 Procedures, the lieutenant governor shall inform the county clerks about the name of the new  
182 political party and direct the county clerks to ensure that the voter registration form is modified  
183 to include that political party.

184 ~~[(5)]~~ (6) Upon receipt of a voter registration form from an applicant, the county clerk  
185 or the clerk's designee shall:

- 186 (a) review each voter registration form for completeness and accuracy; and
- 187 (b) if the county clerk believes, based upon a review of the form, that a person may be  
188 seeking to register to vote who is not legally entitled to register to vote, refer the form to the  
189 county attorney for investigation and possible prosecution.

190 Section 2. Section **63G-2-301** is amended to read:

191 **63G-2-301. Public records.**

192 (1) As used in this section:

193 (a) "Business address" means a single address of a governmental agency designated for  
194 the public to contact an employee or officer of the governmental agency.

195 (b) "Business email address" means a single email address of a governmental agency  
196 designated for the public to contact an employee or officer of the governmental agency.

197 (c) "Business telephone number" means a single telephone number of a governmental  
198 agency designated for the public to contact an employee or officer of the governmental agency.

199 (2) The following records are public except to the extent they contain information  
200 expressly permitted to be treated confidentially under the provisions of Subsections

201 [63G-2-201](#)(3)(b) and (6)(a):

202 (a) laws;

203 (b) the name, gender, gross compensation, job title, job description, business address,  
204 business email address, business telephone number, number of hours worked per pay period,  
205 dates of employment, and relevant education, previous employment, and similar job  
206 qualifications of a current or former employee or officer of the governmental entity, excluding:

207 (i) undercover law enforcement personnel; and

208 (ii) investigative personnel if disclosure could reasonably be expected to impair the  
209 effectiveness of investigations or endanger any individual's safety;

210 (c) final opinions, including concurring and dissenting opinions, and orders that are

211 made by a governmental entity in an administrative, adjudicative, or judicial proceeding except  
212 that if the proceedings were properly closed to the public, the opinion and order may be  
213 withheld to the extent that they contain information that is private, controlled, or protected;

214 (d) final interpretations of statutes or rules by a governmental entity unless classified as  
215 protected as provided in Subsection 63G-2-305 (17) or (18);

216 (e) information contained in or compiled from a transcript, minutes, or report of the  
217 open portions of a meeting of a governmental entity as provided by Title 52, Chapter 4, Open  
218 and Public Meetings Act, including the records of all votes of each member of the  
219 governmental entity;

220 (f) judicial records unless a court orders the records to be restricted under the rules of  
221 civil or criminal procedure or unless the records are private under this chapter;

222 (g) unless otherwise classified as private under Section 63G-2-303, records or parts of  
223 records filed with or maintained by county recorders, clerks, treasurers, surveyors, zoning  
224 commissions, the Division of Forestry, Fire, and State Lands, the School and Institutional Trust  
225 Lands Administration, the Division of Oil, Gas, and Mining, the Division of Water Rights, or  
226 other governmental entities that give public notice of:

227 (i) titles or encumbrances to real property;

228 (ii) restrictions on the use of real property;

229 (iii) the capacity of persons to take or convey title to real property; or

230 (iv) tax status for real and personal property;

231 (h) records of the Department of Commerce that evidence incorporations, mergers,  
232 name changes, and uniform commercial code filings;

233 (i) data on individuals that would otherwise be private under this chapter if the  
234 individual who is the subject of the record has given the governmental entity written  
235 permission to make the records available to the public;

236 (j) documentation of the compensation that a governmental entity pays to a contractor  
237 or private provider;

238 (k) summary data;

239 (l) subject to Subsection 20A-2-104(4), voter registration records, including an  
240 individual's voting history, except for those parts of the record that are classified as private in  
241 Subsection 63G-2-302(1)(j);

242 (m) for an elected official, as defined in Section 11-47-102, a telephone number, if  
243 available, and email address, if available, where that elected official may be reached as required  
244 in Title 11, Chapter 47, Access to Elected Officials;

245 (n) for a school community council member, a telephone number, if available, and  
246 email address, if available, where that elected official may be reached directly as required in  
247 Section 53A-1a-108.1;

248 (o) annual audited financial statements of the Utah Educational Savings Plan described  
249 in Section 53B-8a-111; and

250 (p) an initiative packet, as defined in Section 20A-7-101, and a referendum packet, as  
251 defined in Section 20A-7-101, after the packet is submitted to a county clerk.

252 (3) The following records are normally public, but to the extent that a record is  
253 expressly exempt from disclosure, access may be restricted under Subsection 63G-2-201(3)(b),  
254 Section 63G-2-302, 63G-2-304, or 63G-2-305:

255 (a) administrative staff manuals, instructions to staff, and statements of policy;

256 (b) records documenting a contractor's or private provider's compliance with the terms  
257 of a contract with a governmental entity;

258 (c) records documenting the services provided by a contractor or a private provider to  
259 the extent the records would be public if prepared by the governmental entity;

260 (d) contracts entered into by a governmental entity;

261 (e) any account, voucher, or contract that deals with the receipt or expenditure of funds  
262 by a governmental entity;

263 (f) records relating to government assistance or incentives publicly disclosed,  
264 contracted for, or given by a governmental entity, encouraging a person to expand or relocate a  
265 business in Utah, except as provided in Subsection 63G-2-305(35);

266 (g) chronological logs and initial contact reports;

267 (h) correspondence by and with a governmental entity in which the governmental entity  
268 determines or states an opinion upon the rights of the state, a political subdivision, the public,  
269 or any person;

270 (i) empirical data contained in drafts if:

271 (i) the empirical data is not reasonably available to the requester elsewhere in similar  
272 form; and

273 (ii) the governmental entity is given a reasonable opportunity to correct any errors or  
274 make nonsubstantive changes before release;

275 (j) drafts that are circulated to anyone other than:

276 (i) a governmental entity;

277 (ii) a political subdivision;

278 (iii) a federal agency if the governmental entity and the federal agency are jointly  
279 responsible for implementation of a program or project that has been legislatively approved;

280 (iv) a government-managed corporation; or

281 (v) a contractor or private provider;

282 (k) drafts that have never been finalized but were relied upon by the governmental  
283 entity in carrying out action or policy;

284 (l) original data in a computer program if the governmental entity chooses not to  
285 disclose the program;

286 (m) arrest warrants after issuance, except that, for good cause, a court may order  
287 restricted access to arrest warrants prior to service;

288 (n) search warrants after execution and filing of the return, except that a court, for good  
289 cause, may order restricted access to search warrants prior to trial;

290 (o) records that would disclose information relating to formal charges or disciplinary  
291 actions against a past or present governmental entity employee if:

292 (i) the disciplinary action has been completed and all time periods for administrative  
293 appeal have expired; and

294 (ii) the charges on which the disciplinary action was based were sustained;

295 (p) records maintained by the Division of Forestry, Fire, and State Lands, the School  
296 and Institutional Trust Lands Administration, or the Division of Oil, Gas, and Mining that  
297 evidence mineral production on government lands;

298 (q) final audit reports;

299 (r) occupational and professional licenses;

300 (s) business licenses; and

301 (t) a notice of violation, a notice of agency action under Section [63G-4-201](#), or similar  
302 records used to initiate proceedings for discipline or sanctions against persons regulated by a  
303 governmental entity, but not including records that initiate employee discipline.

304           (4) The list of public records in this section is not exhaustive and should not be used to  
305 limit access to records.