

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

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 a government official or employee, from using the list of registered voters, or information obtained from the list of registered voters, for certain purposes, including commercial purposes;

- ▶ 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) Except as provided in Subsection (4)(d), a person may not use the list of
120 registered voters, or information obtained from the list of registered voters, for the purpose of:

121 (i) except as provided in Subsection (4)(e):

122 (A) selling the list or information;

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

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

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

127 (iii) except as provided in Subsection (4)(g), soliciting a donation;

128 (iv) except as provided in Subsection (4)(h), conducting a survey;

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

131 (vi) harassing a person.

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

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

140 (d) The provisions of Subsections (4)(a)(i) through (v) and (4)(b) do not apply to a
141 person described in Subsection (6)(a)(i).

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

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

148 (g) 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 (h) 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 (i) 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 (j) 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 a
158 person described in Subsection (6)(a)(i), 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 (k) 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 (l) 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 (5) Subsection (4) does not prohibit a person from obtaining or using the list of

180 registered voters, or information obtained from the list of registered voters, for research
 181 purposes if the person does not use the list of registered voters, or information obtained from
 182 the list of registered voters, for a purpose prohibited under Subsection (4).

183 (6) (a) As used in this Subsection (6), "qualified person" means:

184 (i) a government official or government employee acting in the government official's or
 185 government employee's capacity as a government official or a government employee; or

186 (ii) a health care provider, as defined in Section [26-33a-102](#).

187 (b) Notwithstanding Subsection (4), a person may sell or provide the list of registered
 188 voters, or information obtained from the list of registered voters, to a qualified person if the
 189 person selling or providing the list, or information obtained from the list:

190 (i) ensures, using industry standard security measures, that the list, or information
 191 obtained from the list, may not be accessed by a person other than a qualified person; and

192 (ii) verifies that the list, or information obtained from the list, will only be used by:

193 (A) the qualified person to confirm the identity of a person in order to prevent fraud,
 194 waste, or abuse; or

195 (B) a person described in Subsection (6)(a)(i).

196 ~~[(4)]~~ (7) When political parties not listed on the voter registration form qualify as
 197 registered political parties under Title 20A, Chapter 8, Political Party Formation and
 198 Procedures, the lieutenant governor shall inform the county clerks about the name of the new
 199 political party and direct the county clerks to ensure that the voter registration form is modified
 200 to include that political party.

201 ~~[(5)]~~ (8) Upon receipt of a voter registration form from an applicant, the county clerk
 202 or the clerk's designee shall:

203 (a) review each voter registration form for completeness and accuracy; and

204 (b) if the county clerk believes, based upon a review of the form, that a person may be
 205 seeking to register to vote who is not legally entitled to register to vote, refer the form to the
 206 county attorney for investigation and possible prosecution.

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

208 **63G-2-301. Public records.**

209 (1) As used in this section:

210 (a) "Business address" means a single address of a governmental agency designated for

211 the public to contact an employee or officer of the governmental agency.

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

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

216 (2) The following records are public except to the extent they contain information
217 expressly permitted to be treated confidentially under the provisions of Subsections
218 [63G-2-201](#)(3)(b) and (6)(a):

219 (a) laws;

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

224 (i) undercover law enforcement personnel; and

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

227 (c) final opinions, including concurring and dissenting opinions, and orders that are
228 made by a governmental entity in an administrative, adjudicative, or judicial proceeding except
229 that if the proceedings were properly closed to the public, the opinion and order may be
230 withheld to the extent that they contain information that is private, controlled, or protected;

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

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

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

239 (g) unless otherwise classified as private under Section [63G-2-303](#), records or parts of
240 records filed with or maintained by county recorders, clerks, treasurers, surveyors, zoning
241 commissions, the Division of Forestry, Fire, and State Lands, the School and Institutional Trust

242 Lands Administration, the Division of Oil, Gas, and Mining, the Division of Water Rights, or
243 other governmental entities that give public notice of:

244 (i) titles or encumbrances to real property;

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

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

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

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

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

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

255 (k) summary data;

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

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

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

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

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

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

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

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

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

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

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

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

283 (g) chronological logs and initial contact reports;

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

287 (i) empirical data contained in drafts if:

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

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

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

293 (i) a governmental entity;

294 (ii) a political subdivision;

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

297 (iv) a government-managed corporation; or

298 (v) a contractor or private provider;

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

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

303 (m) arrest warrants after issuance, except that, for good cause, a court may order

304 restricted access to arrest warrants prior to service;

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

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

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

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

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

315 (q) final audit reports;

316 (r) occupational and professional licenses;

317 (s) business licenses; and

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

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