

Representative Rebecca P. Edwards 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, the Government Records Access and Management Act, and related provisions, in relation to the disclosure, provision, or use of the list of registered voters or information in the list of registered voters.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ modifies a voter registration form;
- ▶ places limitations on who may obtain a voter's date of birth from a voter registration form;
- ▶ places limitations on providing or using a voter's date of birth that is obtained from a voter registration form;
- ▶ establishes requirements and procedures to ensure that a voter's date of birth is not obtained, provided, or used unlawfully;
- ▶ establishes a procedure by which a person may request that the person's voter registration record be classified as private if disclosure of the person's voter registration record, or information included in the voter registration record, is likely to put the voter or a member of the voter's household's life or safety at risk or to put



- 26 the voter or a member of the voter's household at risk of being stalked or harassed;
- 27 ▶ provides civil and criminal penalties for a person who unlawfully obtains, provides,
- 28 or uses a voter's date of birth that is obtained from a voter registration record;
- 29 ▶ grants rulemaking authority to the director of elections within the Office of the
- 30 Lieutenant Governor;
- 31 ▶ provides that the date of birth of a voter that is obtained from a voter registration
- 32 record is a private record; and
- 33 ▶ makes technical and conforming changes.

34 **Money Appropriated in this Bill:**

35 None

36 **Other Special Clauses:**

37 None

38 **Utah Code Sections Affected:**

39 AMENDS:

- 40 **20A-2-104**, as last amended by Laws of Utah 2010, Chapter 197
- 41 **20A-2-108**, as last amended by Laws of Utah 2004, Chapter 219
- 42 **20A-2-306**, as last amended by Laws of Utah 2011, Chapter 297
- 43 **20A-2-308**, as last amended by Laws of Utah 2012, Chapter 74
- 44 **20A-6-105**, as last amended by Laws of Utah 2007, Chapter 285
- 45 **63G-2-202**, as last amended by Laws of Utah 2013, Chapters 335, 426, and 445
- 46 **63G-2-301**, as last amended by Laws of Utah 2013, Chapters 231, 296, 426, and 445
- 47 **63G-2-302**, as last amended by Laws of Utah 2013, Chapters 216, 335, and 426

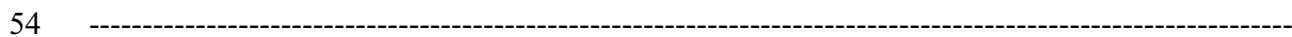


49 *Be it enacted by the Legislature of the state of Utah:*

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

51 **20A-2-104. Voter registration form -- Registered voter lists -- Fees for copies.**

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



54 -----

55 UTAH ELECTION REGISTRATION FORM

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

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

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

59 Name of Voter

60 _____

61 First Middle Last

62 Utah Driver License or Utah Identification Card Number _____

63 Date of Birth _____

64 Street Address of Principal Place of Residence

65 _____

66 City County State Zip Code

67 Telephone Number (optional) _____

68 Last four digits of Social Security Number _____

69 Last former address at which I was registered to vote (if

70 known) _____

71 _____

72 City County State Zip Code

73 Political Party

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

76 Unaffiliated (no political party preference) Other (Please specify) _____

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

82 Signed and sworn

83 _____

84 Voter's Signature

85 _____ (month/day/year).

86 "The portion of a voter registration form that lists a person's driver license or

87 identification card number, social security number, and email address is a private record. The
88 portion of a voter registration form that lists a person's date of birth is a private record, the use
89 of which is restricted to government officials, government employees, political parties, or
90 certain other persons.

91 If you believe that disclosure of any information contained in this voter registration
92 form to a person other than a government official or government employee is likely to put you
93 or a member of your household's life or safety at risk, or to put you or a member of your
94 household at risk of being stalked or harassed, you may apply to the lieutenant governor or your
95 county clerk to have your entire voter registration record classified as private."

96 CITIZENSHIP AFFIDAVIT

97 Name:

98 Name at birth, if different:

99 Place of birth:

100 Date of birth:

101 Date and place of naturalization (if applicable):

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

105 _____
106 Signature of Applicant

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

110 NOTICE: IN ORDER TO BE ALLOWED TO VOTE, YOU MUST PRESENT VALID
111 VOTER IDENTIFICATION TO THE POLL WORKER BEFORE VOTING, WHICH MUST
112 BE A VALID FORM OF PHOTO IDENTIFICATION THAT SHOWS YOUR NAME AND
113 PHOTOGRAPH; OR
114 TWO DIFFERENT FORMS OF IDENTIFICATION THAT SHOW YOUR NAME AND
115 CURRENT ADDRESS.

116 FOR OFFICIAL USE ONLY

117 Type of I.D. _____

118 Voting Precinct _____

119 Voting I.D. Number _____

120 -----

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

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

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

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

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

130 (d) The lieutenant governor and the county clerks may charge the fees established
131 under the authority of Subsection 63G-2-203(10) to individuals who wish to obtain a copy of
132 the list of registered voters.

133 (4) (a) As used in this Subsection (4), "qualified person" means:

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

136 (ii) a health care provider, as defined in Section 26-33a-102, or an agent, employee, or
137 independent contractor of a health care provider;

138 (iii) an insurance company, as defined in Section 67-4a-102, or an agent, employee, or
139 independent contractor of an insurance company;

140 (iv) a financial institution, as defined in Section 7-1-103, or an agent, employee, or
141 independent contractor of a financial institution;

142 (v) a political party, or an agent, employee, or independent contractor of a political
143 party; or

144 (vi) a person, or an agent, employee, or independent contractor of the person, who:

145 (A) provides the date of birth of a registered voter that is obtained from the list of
146 registered voters only to a person who is a qualified person;

147 (B) verifies that a person, described in Subsection (4)(a)(vi)(A), to whom a date of
148 birth that is obtained from the list of registered voters is provided, is a qualified person;

149 (C) ensures, using industry standard security measures, that the date of birth of a
150 registered voter that is obtained from the list of registered voters may not be accessed by a
151 person other than a qualified person;

152 (D) verifies that each qualified person, other than a qualified person described in
153 Subsection (4)(a)(i) or (v), to whom the person provides the date of birth of a registered voter
154 that is obtained from the list of registered voters, will only use the date of birth to verify the
155 accuracy of personal information submitted by an individual or to confirm the identity of a
156 person in order to prevent fraud, waste, or abuse;

157 (E) verifies that each qualified person described in Subsection (4)(a)(i), to whom the
158 person provides the date of birth of a registered voter that is obtained from the list of registered
159 voters, will only use the date of birth in the qualified person's capacity as a government official
160 or government employee; and

161 (F) verifies that each qualified person described in Subsection (4)(a)(v), to whom the
162 person provides the date of birth of a registered voter that is obtained from the list of registered
163 voters, will only use the date of birth for a political purpose.

164 (b) Notwithstanding Subsection 63G-2-302(1)(j)(iv), and except as provided in
165 Subsection 63G-2-302(1)(k), the lieutenant governor or a county clerk shall, when providing
166 the list of registered voters to a qualified person under this section, include, with the list, the
167 dates of birth of the registered voters, if:

168 (i) the lieutenant governor or a county clerk verifies the identity of the person and that
169 the person is a qualified person; and

170 (ii) the qualified person signs a document that includes the following:

171 (A) the name, address, and telephone number of the person requesting the list of
172 registered voters;

173 (B) an indication of the type of qualified person that the person requesting the list
174 claims to be;

175 (C) a statement regarding the purpose for which the person desires to obtain the dates
176 of birth;

177 (D) a list of the purposes for which the date of birth of a registered voter that is
178 obtained from the list of registered voters may be used;

179 (E) a statement that the date of birth of a registered voter that is obtained from the list

180 of registered voters may not be provided or used for a purpose other than a purpose described
181 under Subsection (4)(b)(ii)(D);

182 (F) a statement that if the person obtains the date of birth of a registered voter from the
183 list of registered voters under false pretenses, or provides or uses the date of birth of a
184 registered voter that is obtained from the list of registered voters in a manner that is prohibited
185 by law, is guilty of a class A misdemeanor and is subject to a civil fine;

186 (G) an assertion from the person that the person will not provide or use the date of birth
187 of a registered voter that is obtained from the list of registered voters in a manner that is
188 prohibited by law; and

189 (H) notice that if the person makes a false statement in the document, the person is
190 punishable by law under Section [76-8-504](#).

191 (c) The lieutenant governor or a county clerk may not disclose the date of birth of a
192 registered voter to a person that the lieutenant governor or county clerk reasonably believes:

193 (i) is not a qualified person or a person described in Subsection (4)(k); or

194 (ii) will provide or use the date of birth in a manner prohibited by law.

195 (d) The lieutenant governor or a county clerk may not disclose the voter registration
196 form of a person, or information included in the person's voter registration form, whose voter
197 registration form is classified as private under Subsection (4)(f) to a person other than a
198 government official or government employee acting in the government official's or government
199 employee's capacity as a government official or government employee.

200 (e) A person is guilty of a class A misdemeanor if the person:

201 (i) obtains the date of birth of a registered voter from the list of registered voters under
202 false pretenses; or

203 (ii) uses or provides the date of birth of a registered voter that is obtained from the list
204 of registered voters, in a manner that is not permitted by law.

205 (f) The lieutenant governor or a county clerk shall classify the voter registration record
206 of a voter as a private record if the voter submits:

207 (i) a written application, created by the lieutenant governor, requesting that the voter's
208 voter registration record be classified as private; and

209 (ii) provides evidence to the lieutenant governor or a county clerk establishing that
210 release of the information on the voter's voter registration record is likely to put the voter or a

211 member of the voter's household's life or safety at risk, or to put the voter or a member of the
212 voter's household at risk of being stalked or harassed.

213 (g) The evidence described in Subsection (3)(f) may include:

214 (i) a protective order;

215 (ii) a police report; or

216 (iii) other evidence designated by rule, made in accordance with Title 63G, Chapter 3,
217 Utah Administrative Rulemaking Act, by the director of elections within the Office of the
218 Lieutenant Governor.

219 (h) In addition to any criminal penalty that may be imposed under this section, the
220 lieutenant governor may impose a civil fine against a person who obtains the date of birth of a
221 registered voter from the list of registered voters under false pretenses, or provides or uses a
222 date of birth of a registered voter that is obtained from the list of registered voters in a manner
223 that is not permitted by law, in an amount equal to the greater of:

224 (i) the product of 30 and the square root of the total number of dates of birth obtained,
225 provided, or used unlawfully, rounded to the nearest whole dollar; or

226 (ii) \$200.

227 (i) A qualified person may not obtain, provide, or use the date of birth of a registered
228 voter, if the date of birth is obtained from the list of registered voters or from a voter
229 registration record, unless the person:

230 (i) is a government official or government employee who obtains, provides, or uses the
231 date of birth in the government official's or government employee's capacity as a government
232 official or government employee;

233 (ii) is a qualified person described in Subsection (4)(a)(ii), (iii), or (iv) and obtains or
234 uses the date of birth only to verify the accuracy of personal information submitted by an
235 individual or to confirm the identity of a person in order to prevent fraud, waste, or abuse;

236 (iii) is a qualified person described in Subsection (4)(a)(v) and obtains, provides, or
237 uses the date of birth for a political purpose; or

238 (iv) is a qualified person described in Subsection (4)(a)(vi) and obtains, provides, or
239 uses the date of birth to provide the date of birth to another qualified person to verify the
240 accuracy of personal information submitted by an individual or to confirm the identity of a
241 person in order to prevent fraud, waste, or abuse.

242 (j) A person who is not a qualified person may not obtain, provide, or use the date of
243 birth of a registered voter, if the date of birth is obtained from the list of registered voters or
244 from a voter registration record, unless the person:

245 (i) is a candidate for public office and uses the date of birth only for a political purpose;

246 or

247 (ii) obtains the date of birth from a political party or a candidate for public office and
248 uses the date of birth only for the purpose of assisting the political party or candidate for public
249 office to fulfill a political purpose.

250 (k) The lieutenant governor or a county clerk may provide a date of birth to a member
251 of the media, in relation to an individual designated by the member of the media, in order for
252 the member of the media to verify the identity of the individual.

253 ~~[(4)]~~ (5) When political parties not listed on the voter registration form qualify as
254 registered political parties under Title 20A, Chapter 8, Political Party Formation and
255 Procedures, the lieutenant governor shall inform the county clerks about the name of the new
256 political party and direct the county clerks to ensure that the voter registration form is modified
257 to include that political party.

258 ~~[(5)]~~ (6) Upon receipt of a voter registration form from an applicant, the county clerk
259 or the clerk's designee shall:

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

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

264 Section 2. Section **20A-2-108** is amended to read:

265 **20A-2-108. Driver license registration form -- Transmittal of information.**

266 (1) The lieutenant governor and the Driver License Division shall design the driver
267 license application and renewal forms to include the question "if you are not registered to vote
268 where you live now, would you like to register to vote today?"

269 (2) (a) The lieutenant governor and the Driver License Division shall design a motor
270 voter registration form to be used in conjunction with driver license application and renewal
271 forms.

272 (b) Each driver license application and renewal form shall contain:

273 (i) a place for the applicant to decline to register to vote;

274 (ii) an eligibility statement in substantially the following form:

275 "I do swear (or affirm), subject to penalty of law for false statements, that the
276 information contained in this form is true, and that I am a citizen of the United States and a
277 resident of the state of Utah, residing at the above address. I will be at least 18 years old and
278 will have resided in Utah for 30 days immediately before the next election.

279 Signed and sworn

280

281 Voter's Signature

282 _____(month\day\year)";

283 (iii) a citizenship affidavit in substantially the following form:

284 "CITIZENSHIP AFFIDAVIT

285 Name:

286 Name at birth, if different:

287 Place of birth:

288 Date of birth:

289 Date and place of naturalization (if applicable):

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

293 _____

294 Signature of Applicant

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

298 (iv) a statement that if an applicant declines to register to vote, the fact that the
299 applicant has declined to register will remain confidential and will be used only for voter
300 registration purposes; ~~and~~

301 (v) a statement that if an applicant does register to vote, the office at which the
302 applicant submits a voter registration application will remain confidential and will be used only
303 for voter registration purposes[-]; and

304 (vi) the following statement:

305 "The portion of a voter registration form that lists a person's driver license or
306 identification card number, social security number, and email address is a private record. The
307 portion of a voter registration form that lists a person's date of birth is a private record, the use
308 of which is restricted to government officials, government employees, political parties, or
309 certain other persons.

310 If you believe that disclosure of any information contained in this voter registration
311 form to a person other than a government official or government employee is likely to put you
312 or a member of your household's life or safety at risk, or to put you or a member of your
313 household at risk of being stalked or harassed, you may apply to the lieutenant governor or your
314 county clerk to have your entire voter registration record classified as private."

315 (3) Upon receipt of a voter registration form from an applicant, the county clerk or the
316 clerk's designee shall:

317 (a) review the voter registration form for completeness and accuracy; and

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

321 Section 3. Section **20A-2-306** is amended to read:

322 **20A-2-306. Removing names from the official register -- Determining and**
323 **confirming change of residence.**

324 (1) A county clerk may not remove a voter's name from the official register on the
325 grounds that the voter has changed residence unless the voter:

326 (a) confirms in writing that the voter has changed residence to a place outside the
327 county; or

328 (b) (i) has not voted in an election during the period beginning on the date of the notice
329 required by Subsection (3), and ending on the day after the date of the second regular general
330 election occurring after the date of the notice; and

331 (ii) has failed to respond to the notice required by Subsection (3).

332 (2) (a) When a county clerk obtains information that a voter's address has changed and
333 it appears that the voter still resides within the same county, the county clerk shall:

334 (i) change the official register to show the voter's new address; and

335 (ii) send to the voter, by forwardable mail, the notice required by Subsection (3)
336 printed on a postage prepaid, preaddressed return form.

337 (b) When a county clerk obtains information that a voter's address has changed and it
338 appears that the voter now resides in a different county, the county clerk shall verify the
339 changed residence by sending to the voter, by forwardable mail, the notice required by
340 Subsection (3) printed on a postage prepaid, preaddressed return form.

341 (3) Each county clerk shall use substantially the following form to notify voters whose
342 addresses have changed:

343 "VOTER REGISTRATION NOTICE

344 We have been notified that your residence has changed. Please read, complete, and
345 return this form so that we can update our voter registration records. What is your current
346 street address?

347 _____

348 Street	City	County	State	Zip
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349 If you have not changed your residence or have moved but stayed within the same
350 county, you must complete and return this form to the county clerk so that it is received by the
351 county clerk no later than 30 days before the date of the election. If you fail to return this form
352 within that time:

353 - you may be required to show evidence of your address to the poll worker before being
354 allowed to vote in either of the next two regular general elections; or

355 - if you fail to vote at least once from the date this notice was mailed until the passing
356 of two regular general elections, you will no longer be registered to vote. If you have changed
357 your residence and have moved to a different county in Utah, you may register to vote by
358 contacting the county clerk in your county.

359 _____
360 Signature of Voter"

361 "The portion of a voter registration form that lists a person's driver license or
362 identification card number, social security number, and email address is a private record. The
363 portion of a voter registration form that lists a person's date of birth is a private record, the use
364 of which is restricted to government officials, government employees, political parties, or
365 certain other persons.

366 If you believe that disclosure of any information contained in this voter registration
 367 form to a person other than a government official or government employee is likely to put you
 368 or a member of your household's life or safety at risk, or to put you or a member of your
 369 household at risk of being stalked or harassed, you may apply to the lieutenant governor or your
 370 county clerk to have your entire voter registration record classified as private."

371 (4) (a) Except as provided in Subsection (4)(b), the county clerk may not remove the
 372 names of any voters from the official register during the 90 days before a regular primary
 373 election and the 90 days before a regular general election.

374 (b) The county clerk may remove the names of voters from the official register during
 375 the 90 days before a regular primary election and the 90 days before a regular general election
 376 if:

377 (i) the voter requests, in writing, that the voter's name be removed; or

378 (ii) the voter has died.

379 (c) (i) After a county clerk mails a notice as required in this section, the clerk may list
 380 that voter as inactive.

381 (ii) An inactive voter shall be allowed to vote, sign petitions, and have all other
 382 privileges of a registered voter.

383 (iii) A county is not required to send routine mailings to inactive voters and is not
 384 required to count inactive voters when dividing precincts and preparing supplies.

385 Section 4. Section **20A-2-308** is amended to read:

386 **20A-2-308. Lieutenant governor and county clerks to preserve records.**

387 (1) As used in this section:

388 (a) "Voter registration [~~records~~] record" means [~~all records~~] a record concerning the
 389 implementation of programs and activities conducted for the purpose of ensuring that the
 390 official register is accurate and current.

391 (b) "Voter registration [~~records~~] record" does not [~~mean records~~] include a record that:

392 (i) [~~relate~~] relates to a person's decision to decline to register to vote; [~~and~~] or

393 (ii) [~~identify~~] identifies the particular public assistance agency, discretionary voter
 394 registration agency, or Driver License Division through which a particular voter registered to
 395 vote.

396 (2) The lieutenant governor and each county clerk shall:

397 (a) preserve for at least two years all records relating to voter registration, including:

398 (i) the official register; and

399 (ii) the names and addresses of all persons to whom the notice required by Section

400 20A-2-306 was sent and a notation as to whether or not the person responded to the notice;

401 (b) make ~~[the records, except for the part of the]~~ a voter registration record available
402 for public inspection, except for a voter registration record, or part of a voter registration record
403 that is classified as private under Section 63G-2-302~~[, available for public inspection];~~ and

404 (c) allow ~~[the records]~~ a record or part of a record described in Subsection (2)(b) that is
405 not classified as a private record to be photocopied for a reasonable cost.

406 Section 5. Section 20A-6-105 is amended to read:

407 **20A-6-105. Provisional ballot envelopes.**

408 (1) Each election officer shall ensure that provisional ballot envelopes are printed in
409 substantially the following form:

410 "AFFIRMATION

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

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

413 If you checked "no" in response to either of the two above questions, do not complete this
414 form.

415 Name of Voter _____

416 First Middle Last

417 Driver License or Identification Card Number _____

418 State of Issuance of Driver License or Identification Card Number _____

419 Date of Birth _____

420 Street Address of Principal Place of Residence

421 _____

422 City County State Zip Code

423 Telephone Number (optional) _____

424 Last four digits of Social Security Number _____

425 Last former address at which I was registered to vote (if known)

426 _____

427 City County State Zip Code

428 Voting Precinct (if known)

429

430 I, (please print your full name) _____ do solemnly swear or

431 affirm:

432 That I am currently registered to vote in the state of Utah and am eligible to vote in this
433 election; that I have not voted in this election in any other precinct; that I am eligible to vote in
434 this precinct; and that I request that I be permitted to vote in this precinct; and

435 Subject to penalty of law for false statements, that the information contained in this
436 form is true, and that I am a citizen of the United States and a resident of Utah, residing at the
437 above address; and that I am at least 18 years old and have resided in Utah for the 30 days
438 immediately before this election.

439 Signed _____

440 Dated _____

441 In accordance with Section 20A-3-506, wilfully providing false information above is a
442 class B misdemeanor under Utah law and is punishable by imprisonment and by fine."

443 "The portion of a voter registration form that lists a person's driver license or
444 identification card number, social security number, and email address is a private record. The
445 portion of a voter registration form that lists a person's date of birth is a private record, the use
446 of which is restricted to government officials, government employees, political parties, or
447 certain other persons.

448 If you believe that disclosure of any information contained in this voter registration
449 form to a person other than a government official or government employee is likely to put you
450 or a member of your household's life or safety at risk, or to put you or a member of your
451 household at risk of being stalked or harassed, you may apply to the lieutenant governor or your
452 county clerk to have your entire voter registration record classified as private."

453 "CITIZENSHIP AFFIDAVIT

454 Name:

455 Name at birth, if different:

456 Place of birth:

457 Date of birth:

458 Date and place of naturalization (if applicable):

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

462 _____
463 Signature of Applicant

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

467 (2) The provisional ballot envelope shall include:

468 (a) a unique number;

469 (b) a detachable part that includes the unique number; and

470 (c) a telephone number, internet address, or other indicator of a means, in accordance
471 with Section 20A-6-105.5, where the voter can find out if the provisional ballot was counted.

472 Section 6. Section 63G-2-202 is amended to read:

473 **63G-2-202. Access to private, controlled, and protected documents.**

474 (1) Upon request, and except as provided in Subsection (11)(a), a governmental entity
475 shall disclose a private record to:

476 (a) the subject of the record;

477 (b) the parent or legal guardian of an unemancipated minor who is the subject of the
478 record;

479 (c) the legal guardian of a legally incapacitated individual who is the subject of the
480 record;

481 (d) any other individual who:

482 (i) has a power of attorney from the subject of the record;

483 (ii) submits a notarized release from the subject of the record or the individual's legal
484 representative dated no more than 90 days before the date the request is made; or

485 (iii) if the record is a medical record described in Subsection 63G-2-302(1)(b), is a
486 health care provider, as defined in Section 26-33a-102, if releasing the record or information in
487 the record is consistent with normal professional practice and medical ethics; or

488 (e) any person to whom the record must be provided pursuant to:

489 (i) court order as provided in Subsection (7); or

490 (ii) a legislative subpoena as provided in Title 36, Chapter 14, Legislative Subpoena
491 Powers.

492 (2) (a) Upon request, a governmental entity shall disclose a controlled record to:

493 (i) a physician, psychologist, certified social worker, insurance provider or producer, or
494 a government public health agency upon submission of:

495 (A) a release from the subject of the record that is dated no more than 90 days prior to
496 the date the request is made; and

497 (B) a signed acknowledgment of the terms of disclosure of controlled information as
498 provided by Subsection (2)(b); and

499 (ii) any person to whom the record must be disclosed pursuant to:

500 (A) a court order as provided in Subsection (7); or

501 (B) a legislative subpoena as provided in Title 36, Chapter 14, Legislative Subpoena
502 Powers.

503 (b) A person who receives a record from a governmental entity in accordance with
504 Subsection (2)(a)(i) may not disclose controlled information from that record to any person,
505 including the subject of the record.

506 (3) If there is more than one subject of a private or controlled record, the portion of the
507 record that pertains to another subject shall be segregated from the portion that the requester is
508 entitled to inspect.

509 (4) Upon request, and except as provided in Subsection (10) or (11)(b), a governmental
510 entity shall disclose a protected record to:

511 (a) the person who submitted the record;

512 (b) any other individual who:

513 (i) has a power of attorney from all persons, governmental entities, or political
514 subdivisions whose interests were sought to be protected by the protected classification; or

515 (ii) submits a notarized release from all persons, governmental entities, or political
516 subdivisions whose interests were sought to be protected by the protected classification or from
517 their legal representatives dated no more than 90 days prior to the date the request is made;

518 (c) any person to whom the record must be provided pursuant to:

519 (i) a court order as provided in Subsection (7); or

520 (ii) a legislative subpoena as provided in Title 36, Chapter 14, Legislative Subpoena

521 Powers; or

522 (d) the owner of a mobile home park, subject to the conditions of Subsection
523 41-1a-116(5).

524 (5) A governmental entity may disclose a private, controlled, or protected record to
525 another governmental entity, political subdivision, another state, the United States, or a foreign
526 government only as provided by Section 63G-2-206.

527 (6) Before releasing a private, controlled, or protected record, the governmental entity
528 shall obtain evidence of the requester's identity.

529 (7) A governmental entity shall disclose a record pursuant to the terms of a court order
530 signed by a judge from a court of competent jurisdiction, provided that:

531 (a) the record deals with a matter in controversy over which the court has jurisdiction;

532 (b) the court has considered the merits of the request for access to the record;

533 (c) the court has considered and, where appropriate, limited the requester's use and
534 further disclosure of the record in order to protect:

535 (i) privacy interests in the case of private or controlled records;

536 (ii) business confidentiality interests in the case of records protected under Subsection
537 63G-2-305(1), (2), (40)(a)(ii), or (40)(a)(vi); and

538 (iii) privacy interests or the public interest in the case of other protected records;

539 (d) to the extent the record is properly classified private, controlled, or protected, the
540 interests favoring access, considering limitations thereon, are greater than or equal to the
541 interests favoring restriction of access; and

542 (e) where access is restricted by a rule, statute, or regulation referred to in Subsection
543 63G-2-201(3)(b), the court has authority independent of this chapter to order disclosure.

544 (8) (a) Except as provided in Subsection (8)(d), a governmental entity may disclose or
545 authorize disclosure of private or controlled records for research purposes if the governmental
546 entity:

547 (i) determines that the research purpose cannot reasonably be accomplished without
548 use or disclosure of the information to the researcher in individually identifiable form;

549 (ii) determines that:

550 (A) the proposed research is bona fide; and

551 (B) the value of the research is greater than or equal to the infringement upon personal

552 privacy;

553 (iii) (A) requires the researcher to assure the integrity, confidentiality, and security of
554 the records; and

555 (B) requires the removal or destruction of the individual identifiers associated with the
556 records as soon as the purpose of the research project has been accomplished;

557 (iv) prohibits the researcher from:

558 (A) disclosing the record in individually identifiable form, except as provided in
559 Subsection (8)(b); or

560 (B) using the record for purposes other than the research approved by the governmental
561 entity; and

562 (v) secures from the researcher a written statement of the researcher's understanding of
563 and agreement to the conditions of this Subsection (8) and the researcher's understanding that
564 violation of the terms of this Subsection (8) may subject the researcher to criminal prosecution
565 under Section 63G-2-801.

566 (b) A researcher may disclose a record in individually identifiable form if the record is
567 disclosed for the purpose of auditing or evaluating the research program and no subsequent use
568 or disclosure of the record in individually identifiable form will be made by the auditor or
569 evaluator except as provided by this section.

570 (c) A governmental entity may require indemnification as a condition of permitting
571 research under this Subsection (8).

572 (d) A governmental entity may not disclose or authorize disclosure of a private record
573 for research purposes as described in this Subsection (8) if the private record is a record
574 described in Subsection 63G-2-302(1)[(†)](u).

575 (9) (a) Under Subsections 63G-2-201(5)(b) and 63G-2-401(6), a governmental entity
576 may disclose to persons other than those specified in this section records that are:

577 (i) private under Section 63G-2-302; or

578 (ii) protected under Section 63G-2-305 subject to Section 63G-2-309 if a claim for
579 business confidentiality has been made under Section 63G-2-309.

580 (b) Under Subsection 63G-2-403(11)(b), the records committee may require the
581 disclosure to persons other than those specified in this section of records that are:

582 (i) private under Section 63G-2-302;

583 (ii) controlled under Section 63G-2-304; or
584 (iii) protected under Section 63G-2-305 subject to Section 63G-2-309 if a claim for
585 business confidentiality has been made under Section 63G-2-309.

586 (c) Under Subsection 63G-2-404(8), the court may require the disclosure of records
587 that are private under Section 63G-2-302, controlled under Section 63G-2-304, or protected
588 under Section 63G-2-305 to persons other than those specified in this section.

589 (10) A record contained in the Management Information System, created in Section
590 62A-4a-1003, that is found to be unsubstantiated, unsupported, or without merit may not be
591 disclosed to any person except the person who is alleged in the report to be a perpetrator of
592 abuse, neglect, or dependency.

593 (11) (a) A private record described in Subsection 63G-2-302(2)(g) may only be
594 disclosed as provided in Subsection (1)(e).

595 (b) A protected record described in Subsection 63G-2-305(43) may only be disclosed
596 as provided in Subsection (4)(c) or Section 62A-3-312.

597 (12) (a) A private, protected, or controlled record described in Section 62A-16-301
598 shall be disclosed as required under:

- 599 (i) Subsections 62A-16-301(1)(b), (2), and (4)(c); and
- 600 (ii) Subsections 62A-16-302(1) and (6).

601 (b) A record disclosed under Subsection (12)(a) shall retain its character as private,
602 protected, or controlled.

603 Section 7. Section 63G-2-301 is amended to read:

604 **63G-2-301. Public records.**

605 (1) As used in this section:

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

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

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

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

614 63G-2-201(3)(b) and (6)(a):

615 (a) laws;

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

620 (i) undercover law enforcement personnel; and

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

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

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

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

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

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

640 (i) titles or encumbrances to real property;

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

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

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

644 (h) records of the Department of Commerce that evidence incorporations, mergers,

645 name changes, and uniform commercial code filings;

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

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

651 (k) summary data;

652 (l) voter registration records, including an individual's voting history, except for a voter
653 registration record or those parts of ~~[the]~~ a voter registration record that are classified as private
654 ~~[it]~~ under Subsection [63G-2-302\(1\)\(j\)](#) or ~~(k)~~;

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

658 (n) for a school community council member, a telephone number, if available, and
659 email address, if available, where that elected official may be reached directly as required in
660 Section [53A-1a-108.1](#);

661 (o) annual audited financial statements of the Utah Educational Savings Plan described
662 in Section [53B-8a-111](#); and

663 (p) an initiative packet, as defined in Section [20A-7-101](#), and a referendum packet, as
664 defined in Section [20A-7-101](#), after the packet is submitted to a county clerk.

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

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

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

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

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

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

- 676 (f) records relating to government assistance or incentives publicly disclosed,
677 contracted for, or given by a governmental entity, encouraging a person to expand or relocate a
678 business in Utah, except as provided in Subsection 63G-2-305(35);
- 679 (g) chronological logs and initial contact reports;
- 680 (h) correspondence by and with a governmental entity in which the governmental entity
681 determines or states an opinion upon the rights of the state, a political subdivision, the public,
682 or any person;
- 683 (i) empirical data contained in drafts if:
- 684 (i) the empirical data is not reasonably available to the requester elsewhere in similar
685 form; and
- 686 (ii) the governmental entity is given a reasonable opportunity to correct any errors or
687 make nonsubstantive changes before release;
- 688 (j) drafts that are circulated to anyone other than:
- 689 (i) a governmental entity;
- 690 (ii) a political subdivision;
- 691 (iii) a federal agency if the governmental entity and the federal agency are jointly
692 responsible for implementation of a program or project that has been legislatively approved;
- 693 (iv) a government-managed corporation; or
- 694 (v) a contractor or private provider;
- 695 (k) drafts that have never been finalized but were relied upon by the governmental
696 entity in carrying out action or policy;
- 697 (l) original data in a computer program if the governmental entity chooses not to
698 disclose the program;
- 699 (m) arrest warrants after issuance, except that, for good cause, a court may order
700 restricted access to arrest warrants prior to service;
- 701 (n) search warrants after execution and filing of the return, except that a court, for good
702 cause, may order restricted access to search warrants prior to trial;
- 703 (o) records that would disclose information relating to formal charges or disciplinary
704 actions against a past or present governmental entity employee if:
- 705 (i) the disciplinary action has been completed and all time periods for administrative
706 appeal have expired; and

- 707 (ii) the charges on which the disciplinary action was based were sustained;
- 708 (p) records maintained by the Division of Forestry, Fire, and State Lands, the School
709 and Institutional Trust Lands Administration, or the Division of Oil, Gas, and Mining that
710 evidence mineral production on government lands;
- 711 (q) final audit reports;
- 712 (r) occupational and professional licenses;
- 713 (s) business licenses; and
- 714 (t) a notice of violation, a notice of agency action under Section 63G-4-201, or similar
715 records used to initiate proceedings for discipline or sanctions against persons regulated by a
716 governmental entity, but not including records that initiate employee discipline.
- 717 (4) The list of public records in this section is not exhaustive and should not be used to
718 limit access to records.
- 719 Section 8. Section 63G-2-302 is amended to read:
- 720 **63G-2-302. Private records.**
- 721 (1) The following records are private:
- 722 (a) records concerning an individual's eligibility for unemployment insurance benefits,
723 social services, welfare benefits, or the determination of benefit levels;
- 724 (b) records containing data on individuals describing medical history, diagnosis,
725 condition, treatment, evaluation, or similar medical data;
- 726 (c) records of publicly funded libraries that when examined alone or with other records
727 identify a patron;
- 728 (d) records received by or generated by or for:
- 729 (i) the Independent Legislative Ethics Commission, except for:
- 730 (A) the commission's summary data report that is required under legislative rule; and
731 (B) any other document that is classified as public under legislative rule; or
- 732 (ii) a Senate or House Ethics Committee in relation to the review of ethics complaints,
733 unless the record is classified as public under legislative rule;
- 734 (e) records received by, or generated by or for, the Independent Executive Branch
735 Ethics Commission, except as otherwise expressly provided in Title 63A, Chapter 14, Review
736 of Executive Branch Ethics Complaints;
- 737 (f) records received or generated for a Senate confirmation committee concerning

738 character, professional competence, or physical or mental health of an individual:

739 (i) if, prior to the meeting, the chair of the committee determines release of the records:

740 (A) reasonably could be expected to interfere with the investigation undertaken by the

741 committee; or

742 (B) would create a danger of depriving a person of a right to a fair proceeding or

743 impartial hearing; and

744 (ii) after the meeting, if the meeting was closed to the public;

745 (g) employment records concerning a current or former employee of, or applicant for

746 employment with, a governmental entity that would disclose that individual's home address,

747 home telephone number, Social Security number, insurance coverage, marital status, or payroll

748 deductions;

749 (h) records or parts of records under Section 63G-2-303 that a current or former

750 employee identifies as private according to the requirements of that section;

751 (i) that part of a record indicating a person's Social Security number or federal

752 employer identification number if provided under Section 31A-23a-104, 31A-25-202,

753 31A-26-202, 58-1-301, 58-55-302, 61-1-4, or 61-2f-203;

754 (j) that part of a voter registration record identifying a voter's:

755 (i) driver license or identification card number;

756 (ii) Social Security number, or last four digits of the Social Security number; [or]

757 (iii) email address; or

758 (iv) date of birth;

759 (k) a voter registration record that is classified as a private record by the lieutenant

760 governor or a county clerk under Subsection 20A-2-104(4)(f);

761 [~~(k)~~] (l) a record that:

762 (i) contains information about an individual;

763 (ii) is voluntarily provided by the individual; and

764 (iii) goes into an electronic database that:

765 (A) is designated by and administered under the authority of the Chief Information

766 Officer; and

767 (B) acts as a repository of information about the individual that can be electronically

768 retrieved and used to facilitate the individual's online interaction with a state agency;

769 ~~(f)~~ (m) information provided to the Commissioner of Insurance under:
770 (i) Subsection 31A-23a-115(2)(a);
771 (ii) Subsection 31A-23a-302(3); or
772 (iii) Subsection 31A-26-210(3);
773 ~~(m)~~ (n) information obtained through a criminal background check under Title 11,
774 Chapter 40, Criminal Background Checks by Political Subdivisions Operating Water Systems;
775 ~~(n)~~ (o) information provided by an offender that is:
776 (i) required by the registration requirements of Title 77, Chapter 41, Sex and Kidnap
777 Offender Registry; and
778 (ii) not required to be made available to the public under Subsection 77-41-110(4);
779 ~~(o)~~ (p) a statement and any supporting documentation filed with the attorney general
780 in accordance with Section 34-45-107, if the federal law or action supporting the filing
781 involves homeland security;
782 ~~(p)~~ (q) electronic toll collection customer account information received or collected
783 under Section 72-6-118 and customer information described in Section 17B-2a-815 received or
784 collected by a public transit district, including contact and payment information and customer
785 travel data;
786 ~~(q)~~ (r) an email address provided by a military or overseas voter under Section
787 20A-16-501;
788 ~~(r)~~ (s) a completed military-overseas ballot that is electronically transmitted under
789 Title 20A, Chapter 16, Uniform Military and Overseas Voters Act;
790 ~~(s)~~ (t) records received by or generated by or for the Political Subdivisions Ethics
791 Review Commission established in Section 11-49-201, except for:
792 (i) the commission's summary data report that is required in Section 11-49-202; and
793 (ii) any other document that is classified as public in accordance with Title 11, Chapter
794 49, Political Subdivisions Ethics Review Commission; and
795 ~~(t)~~ (u) a record described in Subsection 53A-11a-203(3) that verifies that a parent was
796 notified of an incident or threat.
797 (2) The following records are private if properly classified by a governmental entity:
798 (a) records concerning a current or former employee of, or applicant for employment
799 with a governmental entity, including performance evaluations and personal status information

800 such as race, religion, or disabilities, but not including records that are public under Subsection
801 63G-2-301(2)(b) or 63G-2-301(3)(o) or private under Subsection (1)(b);

802 (b) records describing an individual's finances, except that the following are public:

803 (i) records described in Subsection 63G-2-301(2);

804 (ii) information provided to the governmental entity for the purpose of complying with
805 a financial assurance requirement; or

806 (iii) records that must be disclosed in accordance with another statute;

807 (c) records of independent state agencies if the disclosure of those records would
808 conflict with the fiduciary obligations of the agency;

809 (d) other records containing data on individuals the disclosure of which constitutes a
810 clearly unwarranted invasion of personal privacy;

811 (e) records provided by the United States or by a government entity outside the state
812 that are given with the requirement that the records be managed as private records, if the
813 providing entity states in writing that the record would not be subject to public disclosure if
814 retained by it; and

815 (f) any portion of a record in the custody of the Division of Aging and Adult Services,
816 created in Section 62A-3-102, that may disclose, or lead to the discovery of, the identity of a
817 person who made a report of alleged abuse, neglect, or exploitation of a vulnerable adult.

818 (3) (a) As used in this Subsection (3), "medical records" means medical reports,
819 records, statements, history, diagnosis, condition, treatment, and evaluation.

820 (b) Medical records in the possession of the University of Utah Hospital, its clinics,
821 doctors, or affiliated entities are not private records or controlled records under Section
822 63G-2-304 when the records are sought:

823 (i) in connection with any legal or administrative proceeding in which the patient's
824 physical, mental, or emotional condition is an element of any claim or defense; or

825 (ii) after a patient's death, in any legal or administrative proceeding in which any party
826 relies upon the condition as an element of the claim or defense.

827 (c) Medical records are subject to production in a legal or administrative proceeding
828 according to state or federal statutes or rules of procedure and evidence as if the medical
829 records were in the possession of a nongovernmental medical care provider.