

**Representative Rebecca P. Edwards** proposes the following substitute bill:

**VOTING RECORDS AMENDMENTS**

2014 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Rebecca P. Edwards**

Senate Sponsor: John L. Valentine

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**LONG TITLE**

**General Description:**

This bill amends provisions relating to a voter registration record.

**Highlighted Provisions:**

This bill:

- ▶ allows a voter to request that the voter's voter registration record be classified as a private record;
  - by filing a signed form with the county clerk;
  - on the voter registration form; or
  - in response to a voter registration notice;
- ▶ requires a county clerk, upon request from a voter, to update the voter's voter registration record to show that the voter registration record is classified as a private record;
- ▶ amends provisions relating to public records;
- ▶ includes as a private record:
  - a voter registration record designated by a voter as private; and
  - the portion of a voter registration record that contains a voter's date of birth; and
- ▶ makes conforming changes.

**Money Appropriated in this Bill:**



26 None

27 **Other Special Clauses:**

28 None

29 **Utah Code Sections Affected:**

30 AMENDS:

31 **20A-2-104**, as last amended by Laws of Utah 2010, Chapter 197

32 **20A-2-108**, as last amended by Laws of Utah 2004, Chapter 219

33 **20A-2-306**, as last amended by Laws of Utah 2011, Chapter 297

34 **20A-2-308**, as last amended by Laws of Utah 2012, Chapter 74

35 **20A-6-105**, as last amended by Laws of Utah 2007, Chapter 285

36 **63G-2-301**, as last amended by Laws of Utah 2013, Chapters 231, 296, 426, and 445

37 **63G-2-302**, as last amended by Laws of Utah 2013, Chapters 216, 335, and 426

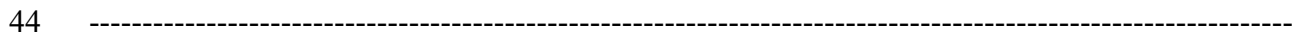


39 *Be it enacted by the Legislature of the state of Utah:*

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

41 **20A-2-104. Voter registration form -- Registered voter lists -- Fees for copies.**

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



45 UTAH ELECTION REGISTRATION FORM

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

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

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

49 Name of Voter

50 \_\_\_\_\_

51 First Middle Last

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

53 Date of Birth \_\_\_\_\_

54 Street Address of Principal Place of Residence

55 \_\_\_\_\_

56 City County State Zip Code

57 Telephone Number (optional) \_\_\_\_\_

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

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

60 known) \_\_\_\_\_

61 \_\_\_\_\_

62 City County State Zip Code

63 Political Party

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

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

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

72 Signed and sworn

73 \_\_\_\_\_

74 Voter's Signature

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

76 Do you want your voter registration record to be classified as a private record? Yes No

77 CITIZENSHIP AFFIDAVIT

78 Name:

79 Name at birth, if different:

80 Place of birth:

81 Date of birth:

82 Date and place of naturalization (if applicable):

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

86 \_\_\_\_\_

87 Signature of Applicant

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

91 NOTICE: IN ORDER TO BE ALLOWED TO VOTE, YOU MUST PRESENT VALID  
92 VOTER IDENTIFICATION TO THE POLL WORKER BEFORE VOTING, WHICH MUST  
93 BE A VALID FORM OF PHOTO IDENTIFICATION THAT SHOWS YOUR NAME AND  
94 PHOTOGRAPH; OR  
95 TWO DIFFERENT FORMS OF IDENTIFICATION THAT SHOW YOUR NAME AND  
96 CURRENT ADDRESS.

97 FOR OFFICIAL USE ONLY

98 Type of I.D. \_\_\_\_\_

99 Voting Precinct \_\_\_\_\_

100 Voting I.D. Number \_\_\_\_\_

101 -----

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

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

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

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

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

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

114 (4) When political parties not listed on the voter registration form qualify as registered  
115 political parties under Title 20A, Chapter 8, Political Party Formation and Procedures, the  
116 lieutenant governor shall inform the county clerks about the name of the new political party  
117 and direct the county clerks to ensure that the voter registration form is modified to include that

118 political party.

119 (5) Upon receipt of a voter registration form from an applicant, the county clerk or the  
120 clerk's designee shall:

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

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

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

126 **20A-2-108. Driver license registration form -- Transmittal of information.**

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

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

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

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

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

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

140 Signed and sworn

141 \_\_\_\_\_

142 Voter's Signature

143 \_\_\_\_\_(month\day\year)["/;]

144 Do you want your voter registration record to be classified as a private record? Yes

145 No";

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

147 "CITIZENSHIP AFFIDAVIT

148 Name:

149 Name at birth, if different:

150 Place of birth:

151 Date of birth:

152 Date and place of naturalization (if applicable):

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

156 \_\_\_\_\_

157 Signature of Applicant

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

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

164 (v) a statement that if an applicant does register to vote, the office at which the  
165 applicant submits a voter registration application will remain confidential and will be used only  
166 for voter registration purposes.

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

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

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

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

174 **20A-2-306. Removing names from the official register -- Determining and**  
175 **confirming change of residence.**

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

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

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

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

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

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

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

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

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

195 "VOTER REGISTRATION NOTICE

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

199 \_\_\_\_\_

200 Street City County State Zip

201 If you have not changed your residence or have moved but stayed within the same  
202 county, you must complete and return this form to the county clerk so that it is received by the  
203 county clerk no later than 30 days before the date of the election. If you fail to return this form  
204 within that time:

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

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

211 Do you want your voter registration record to be classified as a private record? Yes No

212 \_\_\_\_\_

213 Signature of Voter"

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

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

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

221 (ii) the voter has died.

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

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

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

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

229 **20A-2-308. Lieutenant governor and county clerks to preserve records.**

230 (1) As used in this section:

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

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

235 (i) relate to a person's decision to decline to register to vote; and

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

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

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

241 (i) the official register; and



242 (ii) the names and addresses of all persons to whom the notice required by Section  
 243 [20A-2-306](#) was sent and a notation as to whether or not the person responded to the notice;  
 244 (b) make ~~[the records]~~ a voter registration record available for public inspection, except  
 245 for ~~[the]~~ a voter registration record, or part of ~~[the]~~ a voter registration record that is classified  
 246 as private under Section [63G-2-302](#) ~~[, available for public inspection];~~ and  
 247 (c) allow ~~[the records]~~ a record described in Subsection (2)(b) ~~[to be photocopied];~~  
 248 (i) that is not classified as a private record, to be copied for a reasonable cost[-]; or  
 249 (ii) that is a public record, and that does not contain the part of the voter registration  
 250 record that is classified as a private record under Section [63G-2-302](#), to be copied for a  
 251 reasonable cost.

252 (3) (a) An individual may request that the individual's voter registration record be  
 253 classified as a private record under Section [63G-2-302](#):  
 254 (i) by filing a signed form with the county clerk;  
 255 (ii) on the voter registration form as provided in Section [20A-2-104](#), [20A-2-108](#), or  
 256 [20A-6-105](#) or Subsection [20A-2-206](#)(2)(b); or  
 257 (iii) in response to a voter registration notice issued under Section [20A-2-306](#);  
 258 (b) A county clerk who receives a request from an individual under Subsection (3)(a)  
 259 shall change the individual's voter registration record to show that the individual's voter  
 260 registration record is classified as private.

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

262 **20A-6-105. Provisional ballot envelopes.**

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

265 "AFFIRMATION

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

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

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

270 Name of Voter \_\_\_\_\_

271 First

Middle

Last

272 Driver License or Identification Card Number \_\_\_\_\_

273 State of Issuance of Driver License or Identification Card Number \_\_\_\_\_

274 Date of Birth \_\_\_\_\_

275 Street Address of Principal Place of Residence

276 \_\_\_\_\_

277 City County State Zip Code

278 Telephone Number (optional) \_\_\_\_\_

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

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

281 \_\_\_\_\_

282 City County State Zip Code

283 Voting Precinct (if known)

284 \_\_\_\_\_

285 I, (please print your full name) \_\_\_\_\_ do solemnly swear or  
286 affirm:

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

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

294 Signed \_\_\_\_\_

295 Dated \_\_\_\_\_

296 In accordance with Section 20A-3-506, wilfully providing false information above is a  
297 class B misdemeanor under Utah law and is punishable by imprisonment and by fine.[<sup>u</sup>]

298 Do you want your voter registration record to be classified as a private record? Yes No"

299 "CITIZENSHIP AFFIDAVIT

300 Name:

301 Name at birth, if different:

302 Place of birth:

303 Date of birth:

304 Date and place of naturalization (if applicable):

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

308 \_\_\_\_\_  
309 Signature of Applicant

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

313 (2) The provisional ballot envelope shall include:

314 (a) a unique number;

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

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

318 Section 6. Section 63G-2-301 is amended to read:

319 **63G-2-301. Public records.**

320 (1) As used in this section:

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

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

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

327 (2) The following records are public except to the extent they contain information  
328 expressly permitted to be treated confidentially under the provisions of Subsections  
329 63G-2-201(3)(b) and (6)(a):

330 (a) laws;

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

- 335 (i) undercover law enforcement personnel; and
- 336 (ii) investigative personnel if disclosure could reasonably be expected to impair the  
337 effectiveness of investigations or endanger any individual's safety;
- 338 (c) final opinions, including concurring and dissenting opinions, and orders that are  
339 made by a governmental entity in an administrative, adjudicative, or judicial proceeding except  
340 that if the proceedings were properly closed to the public, the opinion and order may be  
341 withheld to the extent that they contain information that is private, controlled, or protected;
- 342 (d) final interpretations of statutes or rules by a governmental entity unless classified as  
343 protected as provided in Subsection [63G-2-305](#) (17) or (18);
- 344 (e) information contained in or compiled from a transcript, minutes, or report of the  
345 open portions of a meeting of a governmental entity as provided by Title 52, Chapter 4, Open  
346 and Public Meetings Act, including the records of all votes of each member of the  
347 governmental entity;
- 348 (f) judicial records unless a court orders the records to be restricted under the rules of  
349 civil or criminal procedure or unless the records are private under this chapter;
- 350 (g) unless otherwise classified as private under Section [63G-2-303](#), records or parts of  
351 records filed with or maintained by county recorders, clerks, treasurers, surveyors, zoning  
352 commissions, the Division of Forestry, Fire, and State Lands, the School and Institutional Trust  
353 Lands Administration, the Division of Oil, Gas, and Mining, the Division of Water Rights, or  
354 other governmental entities that give public notice of:
  - 355 (i) titles or encumbrances to real property;
  - 356 (ii) restrictions on the use of real property;
  - 357 (iii) the capacity of persons to take or convey title to real property; or
  - 358 (iv) tax status for real and personal property;
- 359 (h) records of the Department of Commerce that evidence incorporations, mergers,  
360 name changes, and uniform commercial code filings;
- 361 (i) data on individuals that would otherwise be private under this chapter if the  
362 individual who is the subject of the record has given the governmental entity written  
363 permission to make the records available to the public;
- 364 (j) documentation of the compensation that a governmental entity pays to a contractor  
365 or private provider;

366 (k) summary data;

367 (l) voter registration records, including an individual's voting history, except for a voter  
368 registration record, or those parts of [the] a voter registration record, that are classified as  
369 private in Subsection 63G-2-302(1)(j);

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

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

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

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

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

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

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

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

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

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

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

394 (g) chronological logs and initial contact reports;

395 (h) correspondence by and with a governmental entity in which the governmental entity  
396 determines or states an opinion upon the rights of the state, a political subdivision, the public,

397 or any person;

398 (i) empirical data contained in drafts if:

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

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

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

404 (i) a governmental entity;

405 (ii) a political subdivision;

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

408 (iv) a government-managed corporation; or

409 (v) a contractor or private provider;

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

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

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

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

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

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

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

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

426 (q) final audit reports;

427 (r) occupational and professional licenses;

428 (s) business licenses; and

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

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

434 Section 7. Section 63G-2-302 is amended to read:

435 **63G-2-302. Private records.**

436 (1) The following records are private:

437 (a) records concerning an individual's eligibility for unemployment insurance benefits,  
438 social services, welfare benefits, or the determination of benefit levels;

439 (b) records containing data on individuals describing medical history, diagnosis,  
440 condition, treatment, evaluation, or similar medical data;

441 (c) records of publicly funded libraries that when examined alone or with other records  
442 identify a patron;

443 (d) records received by or generated by or for:

444 (i) the Independent Legislative Ethics Commission, except for:

445 (A) the commission's summary data report that is required under legislative rule; and

446 (B) any other document that is classified as public under legislative rule; or

447 (ii) a Senate or House Ethics Committee in relation to the review of ethics complaints,  
448 unless the record is classified as public under legislative rule;

449 (e) records received by, or generated by or for, the Independent Executive Branch  
450 Ethics Commission, except as otherwise expressly provided in Title 63A, Chapter 14, Review  
451 of Executive Branch Ethics Complaints;

452 (f) records received or generated for a Senate confirmation committee concerning  
453 character, professional competence, or physical or mental health of an individual:

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

455 (A) reasonably could be expected to interfere with the investigation undertaken by the  
456 committee; or

457 (B) would create a danger of depriving a person of a right to a fair proceeding or  
458 impartial hearing; and

- 459 (ii) after the meeting, if the meeting was closed to the public;
- 460 (g) employment records concerning a current or former employee of, or applicant for  
461 employment with, a governmental entity that would disclose that individual's home address,  
462 home telephone number, Social Security number, insurance coverage, marital status, or payroll  
463 deductions;
- 464 (h) records or parts of records under Section 63G-2-303 that a current or former  
465 employee identifies as private according to the requirements of that section;
- 466 (i) that part of a record indicating a person's Social Security number or federal  
467 employer identification number if provided under Section 31A-23a-104, 31A-25-202,  
468 31A-26-202, 58-1-301, 58-55-302, 61-1-4, or 61-2f-203;
- 469 (j) (i) a voter registration record, if a voter requests that the voter's voter registration  
470 record be classified as private in accordance with Title 20A, Election Code; or
- 471 (ii) that part of a voter registration record identifying a voter's:
- 472 [(i)] (A) driver license or identification card number;
- 473 [(ii)] (B) Social Security number, or last four digits of the Social Security number; [or]
- 474 [(iii)] (C) email address; or
- 475 (D) date of birth;
- 476 (k) a record that:
- 477 (i) contains information about an individual;
- 478 (ii) is voluntarily provided by the individual; and
- 479 (iii) goes into an electronic database that:
- 480 (A) is designated by and administered under the authority of the Chief Information  
481 Officer; and
- 482 (B) acts as a repository of information about the individual that can be electronically  
483 retrieved and used to facilitate the individual's online interaction with a state agency;
- 484 (l) information provided to the Commissioner of Insurance under:
- 485 (i) Subsection 31A-23a-115(2)(a);
- 486 (ii) Subsection 31A-23a-302(3); or
- 487 (iii) Subsection 31A-26-210(3);
- 488 (m) information obtained through a criminal background check under Title 11, Chapter  
489 40, Criminal Background Checks by Political Subdivisions Operating Water Systems;



- 490 (n) information provided by an offender that is:
- 491 (i) required by the registration requirements of Title 77, Chapter 41, Sex and Kidnap  
492 Offender Registry; and
- 493 (ii) not required to be made available to the public under Subsection 77-41-110(4);
- 494 (o) a statement and any supporting documentation filed with the attorney general in  
495 accordance with Section 34-45-107, if the federal law or action supporting the filing involves  
496 homeland security;
- 497 (p) electronic toll collection customer account information received or collected under  
498 Section 72-6-118 and customer information described in Section 17B-2a-815 received or  
499 collected by a public transit district, including contact and payment information and customer  
500 travel data;
- 501 (q) an email address provided by a military or overseas voter under Section  
502 20A-16-501;
- 503 (r) a completed military-overseas ballot that is electronically transmitted under Title  
504 20A, Chapter 16, Uniform Military and Overseas Voters Act;
- 505 (s) records received by or generated by or for the Political Subdivisions Ethics Review  
506 Commission established in Section 11-49-201, except for:
- 507 (i) the commission's summary data report that is required in Section 11-49-202; and  
508 (ii) any other document that is classified as public in accordance with Title 11, Chapter  
509 49, Political Subdivisions Ethics Review Commission; and
- 510 (t) a record described in Subsection 53A-11a-203(3) that verifies that a parent was  
511 notified of an incident or threat.
- 512 (2) The following records are private if properly classified by a governmental entity:
- 513 (a) records concerning a current or former employee of, or applicant for employment  
514 with a governmental entity, including performance evaluations and personal status information  
515 such as race, religion, or disabilities, but not including records that are public under Subsection  
516 63G-2-301(2)(b) or 63G-2-301(3)(o) or private under Subsection (1)(b);
- 517 (b) records describing an individual's finances, except that the following are public:
- 518 (i) records described in Subsection 63G-2-301(2);  
519 (ii) information provided to the governmental entity for the purpose of complying with  
520 a financial assurance requirement; or

- 521 (iii) records that must be disclosed in accordance with another statute;
- 522 (c) records of independent state agencies if the disclosure of those records would  
523 conflict with the fiduciary obligations of the agency;
- 524 (d) other records containing data on individuals the disclosure of which constitutes a  
525 clearly unwarranted invasion of personal privacy;
- 526 (e) records provided by the United States or by a government entity outside the state  
527 that are given with the requirement that the records be managed as private records, if the  
528 providing entity states in writing that the record would not be subject to public disclosure if  
529 retained by it; and
- 530 (f) any portion of a record in the custody of the Division of Aging and Adult Services,  
531 created in Section [62A-3-102](#), that may disclose, or lead to the discovery of, the identity of a  
532 person who made a report of alleged abuse, neglect, or exploitation of a vulnerable adult.
- 533 (3) (a) As used in this Subsection (3), "medical records" means medical reports,  
534 records, statements, history, diagnosis, condition, treatment, and evaluation.
- 535 (b) Medical records in the possession of the University of Utah Hospital, its clinics,  
536 doctors, or affiliated entities are not private records or controlled records under Section  
537 [63G-2-304](#) when the records are sought:
- 538 (i) in connection with any legal or administrative proceeding in which the patient's  
539 physical, mental, or emotional condition is an element of any claim or defense; or
- 540 (ii) after a patient's death, in any legal or administrative proceeding in which any party  
541 relies upon the condition as an element of the claim or defense.
- 542 (c) Medical records are subject to production in a legal or administrative proceeding  
543 according to state or federal statutes or rules of procedure and evidence as if the medical  
544 records were in the possession of a nongovernmental medical care provider.