

**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;
- ▶ prohibits a person, other than a government official or employee, from using the list of registered voters, or information obtained from the list of registered voters, for certain purposes, including commercial purposes;
- ▶ prohibits a person from providing the list of registered voters, or information obtained from the list of registered voters, to another person if the person providing the information has reason to believe that the other person will use the list, or information obtained from the list, in violation of the provisions of this bill;
- ▶ provides exceptions to certain provisions of this bill if the list of registered voters, or information obtained from the list of registered voters, is used for political



26 purposes;

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

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

33 ▶ establishes civil and criminal penalties;

34 ▶ requires a county clerk, upon request from a voter, to update the voter's voter  
35 registration record to show that the voter registration record is classified as a private  
36 record;

37 ▶ amends provisions relating to public records;

38 ▶ includes as a private record:

39 • certain voter registration records; and

40 • the portion of a voter registration record that contains a voter's date of birth; and

41 ▶ makes conforming changes.

42 **Money Appropriated in this Bill:**

43 None

44 **Other Special Clauses:**

45 None

46 **Utah Code Sections Affected:**

47 AMENDS:

48 **20A-2-104**, as last amended by Laws of Utah 2010, Chapter 197

49 **20A-2-108**, as last amended by Laws of Utah 2004, Chapter 219

50 **20A-2-306**, as last amended by Laws of Utah 2011, Chapter 297

51 **20A-2-308**, as last amended by Laws of Utah 2012, Chapter 74

52 **20A-6-105**, as last amended by Laws of Utah 2007, Chapter 285

53 **63G-2-301**, as last amended by Laws of Utah 2013, Chapters 231, 296, 426, and 445

54 **63G-2-302**, as last amended by Laws of Utah 2013, Chapters 216, 335, and 426

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

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

58 **20A-2-104. Voter registration form -- Registered voter lists -- Fees for copies.**

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

61 -----

62 UTAH ELECTION REGISTRATION FORM

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

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

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

66 Name of Voter

67 \_\_\_\_\_

68 First Middle Last

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

70 Date of Birth \_\_\_\_\_

71 Street Address of Principal Place of Residence

72 \_\_\_\_\_

73 City County State Zip Code

74 Telephone Number (optional) \_\_\_\_\_

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

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

77 \_\_\_\_\_

78 City County State Zip Code

79 Political Party

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

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

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

88 I also acknowledge that unless my voter registration record is made private under Utah  
89 Code Section 63G-2-302, that the information contained in this voter registration form, except  
90 for my driver license number, social security number, date of birth, and email address, will be  
91 classified as a public record.

92 Signed and sworn

93 \_\_\_\_\_

94 Voter's Signature

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

96 Would the public disclosure of the information contained in this voter registration form,  
97 except for your driver license number, social security number, date of birth, and email address,  
98 jeopardize your life or safety? Yes No

99 CITIZENSHIP AFFIDAVIT

100 Name:

101 Name at birth, if different:

102 Place of birth:

103 Date of birth:

104 Date and place of naturalization (if applicable):

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

108 \_\_\_\_\_

109 Signature of Applicant

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

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

119 FOR OFFICIAL USE ONLY

120 Type of I.D. \_\_\_\_\_

121 Voting Precinct \_\_\_\_\_

122 Voting I.D. Number \_\_\_\_\_

123 -----

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

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

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

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

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

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

136 (4) (a) A person may not acquire or use the list of registered voters, or information  
137 obtained from the list of registered voters, for the purpose of:

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

139 (A) selling the list or information;

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

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

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

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

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

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

148 (vi) harassing a person.

149 (b) Except as provided in Subsection (4)(i), a person may not reproduce the list of

150 registered voters, or information obtained from the list of registered voters, in any manner,  
151 including print, visual or audio format, electronic format, on the Internet, or via computer  
152 terminal.

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

157 (d) The provisions of Subsections (4)(a)(i) through (v) and (4)(b) do not apply to a  
158 person described in Subsection (5)(a)(i).

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

163 (f) Subsection (4)(a)(ii) does not prohibit a newspaper or other journalistic organization  
164 from obtaining the list to verify the integrity of the list or to report on election fraud.

165 (g) Subsection (4)(a)(iii) does not prohibit a person from using information obtained  
166 from the list of registered voters to solicit a donation for political purposes.

167 (h) Subsection (4)(a)(iv) does not prohibit a person from using information obtained  
168 from the list of registered voters to conduct a survey for political purposes.

169 (i) Subsection (4)(b) does not prohibit a person from reproducing the list of registered  
170 voters, or information obtained from the list of registered voters, for political purposes,  
171 provided that the person does not publicly reproduce the list of registered voters on the Internet  
172 in any manner.

173 (j) Nothing in the section prohibits a person from reviewing the list of registered voters  
174 at a county clerk's office or at the lieutenant governor's office to investigate the integrity of the  
175 list or to investigate election fraud, provided that the list is not copied and private identifying  
176 information is not recorded.

177 (k) A person who obtains the list of registered voters shall take reasonable measures to  
178 ensure the list, or information from the list, is:

179 (i) not accessible by any unauthorized person; and

180 (ii) properly disposed of when the person no longer needs the list.

181 (l) The lieutenant governor or a county clerk may not disclose the list of registered  
182 voters, or information obtained from the list of registered voters to a person, other than a  
183 person described in Subsection (5)(a)(i), unless the person:

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

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

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

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

189 (C) a list of the purposes for which the list of registered voters, or information obtained  
190 from the list of registered voters, may be used and may not be used;

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

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

195 (F) notice that a person who uses the list, or information obtained from the list, in a  
196 manner that is prohibited by law, or who improperly handles, stores, or disposes of the list is  
197 guilty of a class B misdemeanor.

198 (m) The lieutenant governor or a county clerk may not disclose the list of registered  
199 voters, or information obtained from the list of registered voters, to a person that the lieutenant  
200 governor or county clerk reasonably believes will use the list, or information obtained from the  
201 list, in a manner prohibited by law.

202 (n) (i) A person is guilty of a class B misdemeanor if the person uses the list of  
203 registered voters, or information obtained from the list of registered voters, in violation of  
204 Subsection (4)(a), (b), or (c), or if the person violates Subsection (4)(j).

205 (ii) In addition to any criminal penalty or fine, a person who violates Subsection  
206 (4)(a)(i), (4)(a)(ii), (4)(b), or (4)(c) is subject to a civil penalty imposed by the lieutenant  
207 governor, for each voter's record that the person uses in an unauthorized manner, by a fine  
208 equal to the greater of:

209 (A) the product of 30 and the square root of the total number of records, rounded to the  
210 nearest whole dollar; or

211 (B) \$200.

212 (5) (a) As used in this Subsection (5), "qualified person" means:  
213 (i) a government official or government employee acting in the government official's or  
214 government employee's capacity as a government official or a government employee;  
215 (ii) a health care provider, as defined in Section 26-33a-102, or an agent, employee, or  
216 independent contractor of a health care provider;  
217 (iii) an insurance company, as defined in Section 67-4a-102, or an agent, employee, or  
218 independent contractor of an insurance company; or  
219 (iv) a financial institution, as defined in Section 7-1-103, or an agent, employee, or  
220 independent contractor of a financial institution.  
221 (b) Notwithstanding Subsection (4), a person may sell or provide the list of registered  
222 voters, or information obtained from the list of registered voters, to a qualified person if the  
223 person selling or providing the list, or information obtained from the list:  
224 (i) ensures, using industry standard security measures, that the list, or information  
225 obtained from the list, may not be accessed by a person other than a qualified person; and  
226 (ii) verifies that the list, or information obtained from the list, will only be used by:  
227 (A) the qualified person to verify the accuracy of personal information submitted by an  
228 individual or to confirm the identity of a person in order to prevent fraud, waste, or abuse; or  
229 (B) a person described in Subsection (5)(a)(i).  
230 (6) Subsection (5) does not permit a person to provide the list of registered voters or  
231 information obtained from the list of registered voters to the general public in any form or  
232 manner.  
233 ~~[(4)]~~ (7) When political parties not listed on the voter registration form qualify as  
234 registered political parties under Title 20A, Chapter 8, Political Party Formation and  
235 Procedures, the lieutenant governor shall inform the county clerks about the name of the new  
236 political party and direct the county clerks to ensure that the voter registration form is modified  
237 to include that political party.  
238 ~~[(5)]~~ (8) Upon receipt of a voter registration form from an applicant, the county clerk  
239 or the clerk's designee shall:  
240 (a) review each voter registration form for completeness and accuracy; and  
241 (b) if the county clerk believes, based upon a review of the form, that a person may be  
242 seeking to register to vote who is not legally entitled to register to vote, refer the form to the



243 county attorney for investigation and possible prosecution.

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

245 **20A-2-108. Driver license registration form -- Transmittal of information.**

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

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

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

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

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

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

259 I also acknowledge that unless my voter registration record is made private under Utah  
260 Code Section 63G-2-302, that the information contained in this voter registration form, except  
261 for my driver license number, social security number, date of birth, and email address, will be  
262 classified as a public record.

263 Signed and sworn

264 \_\_\_\_\_

265 Voter's Signature

266 \_\_\_\_\_(month\day\year)[<sup>th</sup>;]

267 Would the public disclosure of the information contained in this voter registration form,  
268 except for your driver license number, social security number, date of birth, and email address,  
269 jeopardize your life or safety? Yes No";

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

271 "CITIZENSHIP AFFIDAVIT

272 Name:

273 Name at birth, if different:

274 Place of birth:

275 Date of birth:

276 Date and place of naturalization (if applicable):

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

280 \_\_\_\_\_

281 Signature of Applicant

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

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

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

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

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

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

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

298 **20A-2-306. Removing names from the official register -- Determining and**  
299 **confirming change of residence.**

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

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

304 (b) (i) has not voted in an election during the period beginning on the date of the notice

305 required by Subsection (3), and ending on the day after the date of the second regular general  
306 election occurring after the date of the notice; and

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

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

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

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

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

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

319 "VOTER REGISTRATION NOTICE

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

323 \_\_\_\_\_  
324 Street City County State Zip

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

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

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

335 I acknowledge that unless my voter registration record is made private under Utah Code

336 Section 63G-2-302, that the information contained in my voter registration record, except for  
337 my driver license number, social security number, date of birth, and email address, will be  
338 classified as a public record.

339 Would the public disclosure of the information contained in this form or in your voter  
340 registration record, except for your driver license number, social security number, date of birth,  
341 and email address, jeopardize your life or safety? Yes No

342 \_\_\_\_\_  
343 Signature of Voter"

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

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

- 350 (i) the voter requests, in writing, that the voter's name be removed; or
- 351 (ii) the voter has died.

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

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

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

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

359 **20A-2-308. Lieutenant governor and county clerks to preserve records.**

360 (1) As used in this section:

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

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

- 365 (i) [~~relate~~] relates to a person's decision to decline to register to vote; [~~and~~] or
- 366 (ii) [~~identify~~] identifies the particular public assistance agency, discretionary voter

367 registration agency, or Driver License Division through which a particular voter registered to  
368 vote.

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

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

371 (i) the official register; and

372 (ii) the names and addresses of all persons to whom the notice required by Section  
373 20A-2-306 was sent and a notation as to whether or not the person responded to the notice;

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

377 (c) allow ~~[the records]~~ a record described in Subsection (2)(b) [to be photocopied]:

378 (i) that is not classified as a private record, to be copied for a reasonable cost[-]; or

379 (ii) that is a public record, and that does not contain the part of the voter registration  
380 record that is classified as a private record under Section 63G-2-302, to be copied for a  
381 reasonable cost.

382 (3) An individual may request that the individual's voter registration record be  
383 classified as a private record under Section 63G-2-302:

384 (a) (i) by submitting a signed statement to the county clerk or to the lieutenant governor  
385 that:

386 (A) indicates the individual's name;

387 (B) indicates the individual's address;

388 (C) contains a statement requesting that the individual's voter registration record be  
389 classified as a private record; and

390 (D) is signed by the individual.

391 (ii) Upon receipt of a request under Subsection (3)(a)(i), the county clerk or the  
392 lieutenant governor shall:

393 (A) confirm the identity of the individual submitting the statement by comparing the  
394 signature on the statement with the signature of the individual described in Subsection  
395 (3)(a)(i)(A) in the statewide voter registration database;

396 (B) if able to confirm the individual's identity, mark the individual's voter registration  
397 record as a private record; and

398 (C) if unable to confirm the individual's identity, inform the individual by mail that the  
399 individual's request was not processed because the county clerk or the lieutenant governor  
400 could not verify the individual's identity;

401 (b) on the voter registration form as provided in Section 20A-2-104, 20A-2-108, or  
402 20A-6-105 or Subsection 20A-2-206(2)(b); or

403 (c) in response to a voter registration notice issued under Section 20A-2-306;

404 (4) A county clerk who receives a request from an individual under Subsection (3)  
405 shall change the individual's voter registration record to show that the individual's voter  
406 registration record is classified as private.

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

408 **20A-6-105. Provisional ballot envelopes.**

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

411 "AFFIRMATION

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

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

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

416 Name of Voter \_\_\_\_\_

417 City Middle Last

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

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

420 Date of Birth \_\_\_\_\_

421 Street Address of Principal Place of Residence

422 \_\_\_\_\_

423 City County State Zip Code

424 Telephone Number (optional) \_\_\_\_\_

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

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

427 \_\_\_\_\_

428 City County State Zip Code

429 Voting Precinct (if known)

430

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

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

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

440 I acknowledge that unless my voter registration record is made private under Utah Code  
441 Section 63G-2-302, that the information contained in this voter registration form, except for  
442 my driver license number, social security number, date of birth, and email address, will be  
443 classified as a public record.

444 Signed \_\_\_\_\_

445 Dated \_\_\_\_\_

446 In accordance with Section 20A-3-506, wilfully providing false information above is a  
447 class B misdemeanor under Utah law and is punishable by imprisonment and by fine.[<sup>4</sup>]

448 Would the public disclosure of the information contained in this provisional ballot  
449 application, except for your driver license number, social security number, date of birth, and  
450 email address, jeopardize your life or safety? Yes No"

451 "CITIZENSHIP AFFIDAVIT

452 Name:

453 Name at birth, if different:

454 Place of birth:

455 Date of birth:

456 Date and place of naturalization (if applicable):

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

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Signature of Applicant

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

(2) The provisional ballot envelope shall include:

(a) a unique number;

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

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

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

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

(1) As used in this section:

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

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

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

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

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

(a) laws;

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

(i) undercover law enforcement personnel; and

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

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



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

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

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

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

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

507 (i) titles or encumbrances to real property;

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

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

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

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

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

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

518 (k) summary data;

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

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

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

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

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

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

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

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

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

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

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

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

546 (g) chronological logs and initial contact reports;

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

550 (i) empirical data contained in drafts if:

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

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

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

556 (i) a governmental entity;

557 (ii) a political subdivision;

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

560 (iv) a government-managed corporation; or

561 (v) a contractor or private provider;

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

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

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

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

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

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

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

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

578 (q) final audit reports;

579 (r) occupational and professional licenses;

580 (s) business licenses; and

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

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

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

587 **63G-2-302. Private records.**

588 (1) The following records are private:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

612 (g) employment records concerning a current or former employee of, or applicant for  
613 employment with, a governmental entity that would disclose that individual's home address,  
614 home telephone number, Social Security number, insurance coverage, marital status, or payroll

615 deductions;

616 (h) records or parts of records under Section 63G-2-303 that a current or former  
617 employee identifies as private according to the requirements of that section;

618 (i) that part of a record indicating a person's Social Security number or federal  
619 employer identification number if provided under Section 31A-23a-104, 31A-25-202,  
620 31A-26-202, 58-1-301, 58-55-302, 61-1-4, or 61-2f-203;

621 (j) a voter registration record, if a voter:

622 (i) requests that the voter's voter registration record be classified as private in  
623 accordance with Subsection 20A-2-308(3); or

624 (ii) indicates on a form described in Section 20A-2-104, 20A-2-108, 20A-2-306, or  
625 20A-6-105, that the public disclosure of the information contained in the individual's voter  
626 registration record would jeopardize the individual's life or safety; or

627 [~~(j)~~] (k) that part of a voter registration record identifying a voter's:

628 (i) driver license or identification card number;

629 (ii) Social Security number, or last four digits of the Social Security number; or

630 (iii) email address; or

631 (iv) date of birth;

632 (k) a record that:

633 (i) contains information about an individual;

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

635 (iii) goes into an electronic database that:

636 (A) is designated by and administered under the authority of the Chief Information  
637 Officer; and

638 (B) acts as a repository of information about the individual that can be electronically  
639 retrieved and used to facilitate the individual's online interaction with a state agency;

640 (l) information provided to the Commissioner of Insurance under:

641 (i) Subsection 31A-23a-115(2)(a);

642 (ii) Subsection 31A-23a-302(3); or

643 (iii) Subsection 31A-26-210(3);

644 (m) information obtained through a criminal background check under Title 11, Chapter  
645 40, Criminal Background Checks by Political Subdivisions Operating Water Systems;

- 646 (n) information provided by an offender that is:
- 647 (i) required by the registration requirements of Title 77, Chapter 41, Sex and Kidnap
- 648 Offender Registry; and
- 649 (ii) not required to be made available to the public under Subsection 77-41-110(4);
- 650 (o) a statement and any supporting documentation filed with the attorney general in
- 651 accordance with Section 34-45-107, if the federal law or action supporting the filing involves
- 652 homeland security;
- 653 (p) electronic toll collection customer account information received or collected under
- 654 Section 72-6-118 and customer information described in Section 17B-2a-815 received or
- 655 collected by a public transit district, including contact and payment information and customer
- 656 travel data;
- 657 (q) an email address provided by a military or overseas voter under Section
- 658 20A-16-501;
- 659 (r) a completed military-overseas ballot that is electronically transmitted under Title
- 660 20A, Chapter 16, Uniform Military and Overseas Voters Act;
- 661 (s) records received by or generated by or for the Political Subdivisions Ethics Review
- 662 Commission established in Section 11-49-201, except for:
- 663 (i) the commission's summary data report that is required in Section 11-49-202; and
- 664 (ii) any other document that is classified as public in accordance with Title 11, Chapter
- 665 49, Political Subdivisions Ethics Review Commission; and
- 666 (t) a record described in Subsection 53A-11a-203(3) that verifies that a parent was
- 667 notified of an incident or threat.
- 668 (2) The following records are private if properly classified by a governmental entity:
- 669 (a) records concerning a current or former employee of, or applicant for employment
- 670 with a governmental entity, including performance evaluations and personal status information
- 671 such as race, religion, or disabilities, but not including records that are public under Subsection
- 672 63G-2-301(2)(b) or 63G-2-301(3)(o) or private under Subsection (1)(b);
- 673 (b) records describing an individual's finances, except that the following are public:
- 674 (i) records described in Subsection 63G-2-301(2);
- 675 (ii) information provided to the governmental entity for the purpose of complying with
- 676 a financial assurance requirement; or

- 677 (iii) records that must be disclosed in accordance with another statute;
- 678 (c) records of independent state agencies if the disclosure of those records would  
679 conflict with the fiduciary obligations of the agency;
- 680 (d) other records containing data on individuals the disclosure of which constitutes a  
681 clearly unwarranted invasion of personal privacy;
- 682 (e) records provided by the United States or by a government entity outside the state  
683 that are given with the requirement that the records be managed as private records, if the  
684 providing entity states in writing that the record would not be subject to public disclosure if  
685 retained by it; and
- 686 (f) any portion of a record in the custody of the Division of Aging and Adult Services,  
687 created in Section [62A-3-102](#), that may disclose, or lead to the discovery of, the identity of a  
688 person who made a report of alleged abuse, neglect, or exploitation of a vulnerable adult.
- 689 (3) (a) As used in this Subsection (3), "medical records" means medical reports,  
690 records, statements, history, diagnosis, condition, treatment, and evaluation.
- 691 (b) Medical records in the possession of the University of Utah Hospital, its clinics,  
692 doctors, or affiliated entities are not private records or controlled records under Section  
693 [63G-2-304](#) when the records are sought:
- 694 (i) in connection with any legal or administrative proceeding in which the patient's  
695 physical, mental, or emotional condition is an element of any claim or defense; or
- 696 (ii) after a patient's death, in any legal or administrative proceeding in which any party  
697 relies upon the condition as an element of the claim or defense.
- 698 (c) Medical records are subject to production in a legal or administrative proceeding  
699 according to state or federal statutes or rules of procedure and evidence as if the medical  
700 records were in the possession of a nongovernmental medical care provider.