

## HB0302S02 compared with HB0302S01

~~text~~ shows text that was in HB0302S01 but was deleted in HB0302S02.

text shows text that was not in HB0302S01 but was inserted into HB0302S02.

**DISCLAIMER:** This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

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~~(s)~~;
  - 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;

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- ▶ 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 purposes;
- ▶ describes the circumstances under which the lieutenant governor or a county clerk may disclose the list of registered voters or information from the list of registered voters;
- ▶ requires a person who requests the list of registered voters, or information from the list of registered voters, to provide identification, other information, and assurances regarding the use of the list and information from the list;
- ▶ establishes civil and criminal penalties;
- ▶ 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}~~ certain voter registration ~~{record designated by a voter as private}~~ records;
  - 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:

None

### Other Special Clauses:

None

### Utah Code Sections Affected:

AMENDS:

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

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



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Political Party

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

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

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

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

Signed and sworn

\_\_\_\_\_

Voter's Signature

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

~~{Do you want your}~~ Would the public disclosure of the information contained in this voter registration {record to be classified as a private record} form, except for your driver license number, social security number, date of birth, and email address, jeopardize your life or safety? Yes No

**CITIZENSHIP AFFIDAVIT**

Name:

Name at birth, if different:

Place of birth:

Date of birth:

Date and place of naturalization (if applicable):

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

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

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

FOR OFFICIAL USE ONLY

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

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

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

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

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

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

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

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

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

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

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

(A) selling the list or information;

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

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

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

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

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

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

(vi) harassing a person.

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

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

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

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

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

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

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

(i) Subsection (4)(b) does not prohibit a person from reproducing the list of registered voters, or information obtained from the list of registered voters, for political purposes.

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provided that the person does not publicly reproduce the list of registered voters on the Internet in any manner.

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

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

(i) not accessible by any unauthorized person; and

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

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

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

(ii) signs a document that includes the following:

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

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

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

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

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

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

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

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

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

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

(B) \$200.

(5) (a) As used in this Subsection (5), "qualified person" means:

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

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

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

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

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

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

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

(A) the qualified person to verify the accuracy of personal information submitted by an individual or to confirm the identity of a person in order to prevent fraud, waste, or abuse; or

(B) a person described in Subsection (5)(a)(i).

(6) Subsection (5) does not permit a person to provide the list of registered voters or information obtained from the list of registered voters to the general public in any form or manner.

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

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

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

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

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

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

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

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

- (i) a place for the applicant to decline to register to vote;
- (ii) an eligibility statement in substantially the following form:

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

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

Signed and sworn

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Voter's Signature

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

~~{Do you want your}~~ Would the public disclosure of the information contained in this voter registration ~~{record to be classified as a private record}~~ form, except for your driver license number, social security number, date of birth, and email address, jeopardize your life or safety? Yes No";

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

### "CITIZENSHIP AFFIDAVIT

Name:

Name at birth, if different:

Place of birth:

Date of birth:

Date and place of naturalization (if applicable):

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"VOTER REGISTRATION NOTICE

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

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Street

City

County

State

Zip

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

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

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

~~{Do you want}~~ I acknowledge that unless my voter registration record is made private under Utah Code Section 63G-2-302, that the information contained in my voter registration record, except for my driver license number, social security number, date of birth, and email address, will be classified as a public record.

Would the public disclosure of the information contained in this form or in your voter registration record ~~{to be classified as a private record}~~, except for your driver license number, social security number, date of birth, and email address, jeopardize your life or safety? Yes No

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Signature of Voter"

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

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

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

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

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

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

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

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

(1) As used in this section:

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

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

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

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

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

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

(i) the official register; and

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

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

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

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

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

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

(a) (i) by ~~[(filing)]~~ submitting a signed ~~[(form with)]~~ statement to the county clerk or to the lieutenant governor that:

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(A) indicates the individual's name;

(B) indicates the individual's address;

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

(D) is signed by the individual.

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

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

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

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

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

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

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

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

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

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

"AFFIRMATION

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

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

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

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

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First Middle Last  
Driver License or Identification Card Number \_\_\_\_\_

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

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

Street Address of Principal Place of Residence

\_\_\_\_\_  
City County State Zip Code

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

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

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

\_\_\_\_\_  
City County State Zip Code

Voting Precinct (if known)

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

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

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

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

Signed \_\_\_\_\_

Dated \_\_\_\_\_

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

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~~{Do you want your voter registration record to be classified as a private record?}~~ Would the public disclosure of the information contained in this provisional ballot application, except for your driver license number, social security number, date of birth, and email address, jeopardize your life or safety? Yes No"

"CITIZENSHIP AFFIDAVIT

Name:

Name at birth, if different:

Place of birth:

Date of birth:

Date and place of naturalization (if applicable):

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

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

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

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

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

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

(i) titles or encumbrances to real property;

(ii) restrictions on the use of real property;

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- (iii) the capacity of persons to take or convey title to real property; or
  - (iv) tax status for real and personal property;
  - (h) records of the Department of Commerce that evidence incorporations, mergers, name changes, and uniform commercial code filings;
  - (i) data on individuals that would otherwise be private under this chapter if the individual who is the subject of the record has given the governmental entity written permission to make the records available to the public;
  - (j) documentation of the compensation that a governmental entity pays to a contractor or private provider;
  - (k) summary data;
  - (l) voter registration records, including an individual's voting history, except for a voter registration record, or those parts of [~~the~~] a voter registration record, that are classified as private in Subsection 63G-2-302(1)(j);
  - (m) for an elected official, as defined in Section 11-47-102, a telephone number, if available, and email address, if available, where that elected official may be reached as required in Title 11, Chapter 47, Access to Elected Officials;
  - (n) for a school community council member, a telephone number, if available, and email address, if available, where that elected official may be reached directly as required in Section 53A-1a-108.1;
  - (o) annual audited financial statements of the Utah Educational Savings Plan described in Section 53B-8a-111; and
  - (p) an initiative packet, as defined in Section 20A-7-101, and a referendum packet, as defined in Section 20A-7-101, after the packet is submitted to a county clerk.
- (3) The following records are normally public, but to the extent that a record is expressly exempt from disclosure, access may be restricted under Subsection 63G-2-201(3)(b), Section 63G-2-302, 63G-2-304, or 63G-2-305:
- (a) administrative staff manuals, instructions to staff, and statements of policy;
  - (b) records documenting a contractor's or private provider's compliance with the terms of a contract with a governmental entity;
  - (c) records documenting the services provided by a contractor or a private provider to the extent the records would be public if prepared by the governmental entity;

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- (d) contracts entered into by a governmental entity;
- (e) any account, voucher, or contract that deals with the receipt or expenditure of funds by a governmental entity;
- (f) records relating to government assistance or incentives publicly disclosed, contracted for, or given by a governmental entity, encouraging a person to expand or relocate a business in Utah, except as provided in Subsection 63G-2-305(35);
- (g) chronological logs and initial contact reports;
- (h) correspondence by and with a governmental entity in which the governmental entity determines or states an opinion upon the rights of the state, a political subdivision, the public, or any person;
  - (i) empirical data contained in drafts if:
    - (i) the empirical data is not reasonably available to the requester elsewhere in similar form; and
    - (ii) the governmental entity is given a reasonable opportunity to correct any errors or make nonsubstantive changes before release;
  - (j) drafts that are circulated to anyone other than:
    - (i) a governmental entity;
    - (ii) a political subdivision;
    - (iii) a federal agency if the governmental entity and the federal agency are jointly responsible for implementation of a program or project that has been legislatively approved;
    - (iv) a government-managed corporation; or
    - (v) a contractor or private provider;
  - (k) drafts that have never been finalized but were relied upon by the governmental entity in carrying out action or policy;
  - (l) original data in a computer program if the governmental entity chooses not to disclose the program;
  - (m) arrest warrants after issuance, except that, for good cause, a court may order restricted access to arrest warrants prior to service;
  - (n) search warrants after execution and filing of the return, except that a court, for good cause, may order restricted access to search warrants prior to trial;
  - (o) records that would disclose information relating to formal charges or disciplinary

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actions against a past or present governmental entity employee if:

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

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

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

(q) final audit reports;

(r) occupational and professional licenses;

(s) business licenses; and

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

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

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

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

(1) The following records are private:

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

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

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

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

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

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

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

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

(e) records received by, or generated by or for, the Independent Executive Branch

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Ethics Commission, except as otherwise expressly provided in Title 63A, Chapter 14, Review of Executive Branch Ethics Complaints;

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

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

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

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

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

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

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

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

~~(j) (i)~~ a voter registration record, if a voter;

(i) requests that the voter's voter registration record be classified as private in accordance with ~~{Title 20A, Election Code; or~~

~~— (ii) Subsection 20A-2-308(3); or~~

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

~~(k)~~ that part of a voter registration record identifying a voter's:

~~(i) (A)~~ driver license or identification card number;

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

~~or~~

~~(iii) (C)~~ email address; or

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~~(d)~~ (iv) date of birth;

(k) a record that:

- (i) contains information about an individual;
- (ii) is voluntarily provided by the individual; and
- (iii) goes into an electronic database that:

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

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

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

- (i) Subsection 31A-23a-115(2)(a);
- (ii) Subsection 31A-23a-302(3); or
- (iii) Subsection 31A-26-210(3);

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

(n) information provided by an offender that is:

(i) required by the registration requirements of Title 77, Chapter 41, Sex and Kidnap Offender Registry; and

(ii) not required to be made available to the public under Subsection 77-41-110(4);

(o) a statement and any supporting documentation filed with the attorney general in accordance with Section 34-45-107, if the federal law or action supporting the filing involves homeland security;

(p) electronic toll collection customer account information received or collected under Section 72-6-118 and customer information described in Section 17B-2a-815 received or collected by a public transit district, including contact and payment information and customer travel data;

(q) an email address provided by a military or overseas voter under Section 20A-16-501;

(r) a completed military-overseas ballot that is electronically transmitted under Title 20A, Chapter 16, Uniform Military and Overseas Voters Act;

(s) records received by or generated by or for the Political Subdivisions Ethics Review

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Commission established in Section 11-49-201, except for:

- (i) the commission's summary data report that is required in Section 11-49-202; and
- (ii) any other document that is classified as public in accordance with Title 11, Chapter 49, Political Subdivisions Ethics Review Commission; and

(t) a record described in Subsection 53A-11a-203(3) that verifies that a parent was notified of an incident or threat.

(2) The following records are private if properly classified by a governmental entity:

(a) records concerning a current or former employee of, or applicant for employment with a governmental entity, including performance evaluations and personal status information such as race, religion, or disabilities, but not including records that are public under Subsection 63G-2-301(2)(b) or 63G-2-301(3)(o) or private under Subsection (1)(b);

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

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

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

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

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

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

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

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

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

(b) Medical records in the possession of the University of Utah Hospital, its clinics, doctors, or affiliated entities are not private records or controlled records under Section

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63G-2-304 when the records are sought:

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

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

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