

VOTER INFORMATION AMENDMENTS

2014 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Karen Mayne

House Sponsor: Lee B. Perry

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LONG TITLE

General Description:

This bill amends provisions of the Election Code, the Government Records Access and Management Act, and related provisions, in relation to the disclosure, provision, or use of the list of registered voters or information in the list of registered voters.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ modifies a voter registration form;
- ▶ places limitations on who may obtain a voter's date of birth from a voter registration form;
- ▶ places limitations on providing or using a voter's date of birth that is obtained from a voter registration form;
- ▶ establishes requirements and procedures to ensure that a voter's date of birth is not obtained, provided, or used unlawfully;
- ▶ establishes a procedure by which a person may request that the person's voter registration record be classified as private if disclosure of the person's voter registration record, or information included in the voter registration record, is likely to put the voter or a member of the voter's household's life or safety at risk or to put the voter or a member of the voter's household at risk of being stalked or harassed;
- ▶ provides civil and criminal penalties for a person who unlawfully obtains, provides, or uses a voter's date of birth that is obtained from a voter registration record;
- ▶ grants rulemaking authority to the director of elections within the Office of the



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**S.B. 36**

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

59 Name of Voter

60 \_\_\_\_\_

61 First Middle Last

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

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

64 Street Address of Principal Place of Residence

65 \_\_\_\_\_

66 City County State Zip Code

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

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

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

70 known) \_\_\_\_\_

71 \_\_\_\_\_

72 City County State Zip Code

73 Political Party

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

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

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

82 Signed and sworn

83 \_\_\_\_\_

84 Voter's Signature

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

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

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

96 CITIZENSHIP AFFIDAVIT

97 Name:

98 Name at birth, if different:

99 Place of birth:

100 Date of birth:

101 Date and place of naturalization (if applicable):

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

105 \_\_\_\_\_

106 Signature of Applicant

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

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

113 PHOTOGRAPH; OR  
114 TWO DIFFERENT FORMS OF IDENTIFICATION THAT SHOW YOUR NAME AND  
115 CURRENT ADDRESS.

116 FOR OFFICIAL USE ONLY

117 Type of I.D. \_\_\_\_\_  
118 Voting Precinct \_\_\_\_\_  
119 Voting I.D. Number \_\_\_\_\_

120 -----

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

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

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

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

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

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

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

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

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

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

140 (iv) a financial institution, as defined in Section [7-1-103](#), or an agent, employee, or

141 independent contractor of a financial institution;

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

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

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

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

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

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

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

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

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

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

169 the person is a qualified person; and  
170 (ii) the qualified person signs a document that includes the following:  
171 (A) the name, address, and telephone number of the person requesting the list of  
172 registered voters;  
173 (B) an indication of the type of qualified person that the person requesting the list  
174 claims to be;  
175 (C) a statement regarding the purpose for which the person desires to obtain the dates  
176 of birth;  
177 (D) a list of the purposes for which the date of birth of a registered voter that is  
178 obtained from the list of registered voters may be used;  
179 (E) a statement that the date of birth of a registered voter that is obtained from the list  
180 of registered voters may not be provided or used for a purpose other than a purpose described  
181 under Subsection (4)(b)(ii)(D);  
182 (F) a statement that if the person obtains the date of birth of a registered voter from the  
183 list of registered voters under false pretenses, or provides or uses the date of birth of a  
184 registered voter that is obtained from the list of registered voters in a manner that is prohibited  
185 by law, is guilty of a class A misdemeanor and is subject to a civil fine;  
186 (G) an assertion from the person that the person will not provide or use the date of birth  
187 of a registered voter that is obtained from the list of registered voters in a manner that is  
188 prohibited by law; and  
189 (H) notice that if the person makes a false statement in the document, the person is  
190 punishable by law under Section [76-8-504](#).  
191 (c) The lieutenant governor or a county clerk may not disclose the date of birth of a  
192 registered voter to a person that the lieutenant governor or county clerk reasonably believes:  
193 (i) is not a qualified person or a person described in Subsection (4)(k); or  
194 (ii) will provide or use the date of birth in a manner prohibited by law.  
195 (d) The lieutenant governor or a county clerk may not disclose the voter registration  
196 form of a person, or information included in the person's voter registration form, whose voter

197 registration form is classified as private under Subsection (4)(f) to a person other than a  
198 government official or government employee acting in the government official's or government  
199 employee's capacity as a government official or government employee.

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

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

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

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

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

209 (ii) provides evidence to the lieutenant governor or a county clerk establishing that  
210 release of the information on the voter's voter registration record is likely to put the voter or a  
211 member of the voter's household's life or safety at risk, or to put the voter or a member of the  
212 voter's household at risk of being stalked or harassed.

213 (g) The evidence described in Subsection (4)(f) may include:

214 (i) a protective order;

215 (ii) a police report; or

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

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

224 (i) the product of 30 and the square root of the total number of dates of birth obtained,



225 provided, or used unlawfully, rounded to the nearest whole dollar; or

226 (ii) \$200.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

279 Signed and sworn

280 \_\_\_\_\_

281 Voter's Signature

282 \_\_\_\_\_(month\day\year)";

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

284 "CITIZENSHIP AFFIDAVIT

285 Name:

286 Name at birth, if different:

287 Place of birth:

288 Date of birth:

289 Date and place of naturalization (if applicable):

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

293 \_\_\_\_\_

294 Signature of Applicant

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

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

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

304 (vi) the following statement:

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

309 certain other persons.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

343 "VOTER REGISTRATION NOTICE

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

347 \_\_\_\_\_

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

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

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

359 \_\_\_\_\_  
360 Signature of Voter"

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

365 certain other persons.

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

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

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

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

378 (ii) the voter has died.

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

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

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

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

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

387 (1) As used in this section:

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

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

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

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

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

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

398 (i) the official register; and

399 (ii) the names and addresses of all persons to whom the notice required by Section  
400 20A-2-306 was sent and a notation as to whether or not the person responded to the notice;

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

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

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

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

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

410 "AFFIRMATION

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

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

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

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

416 First Middle Last

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

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

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

420 Street Address of Principal Place of Residence

421 \_\_\_\_\_  
 422 City County State Zip Code

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

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

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

426 \_\_\_\_\_  
 427 City County State Zip Code

428 Voting Precinct (if known)

429 \_\_\_\_\_

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

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

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

439 Signed \_\_\_\_\_

440 Dated \_\_\_\_\_

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

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

448 If you believe that disclosure of any information contained in this voter registration



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

453 "CITIZENSHIP AFFIDAVIT

454 Name:

455 Name at birth, if different:

456 Place of birth:

457 Date of birth:

458 Date and place of naturalization (if applicable):

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

462 \_\_\_\_\_  
463 Signature of Applicant

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

467 (2) The provisional ballot envelope shall include:

468 (a) a unique number;

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

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

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

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

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

476 (a) the subject of the record;

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

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

481 (d) any other individual who:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

505 including the subject of the record.

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

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

511 (a) the person who submitted the record;

512 (b) any other individual who:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

549 (ii) determines that:

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

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

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

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

557 (iv) prohibits the researcher from:

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

560 (B) using the record for purposes other than the research approved by the governmental

561 entity; and

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

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

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

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

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

- 577 (i) private under Section 63G-2-302; or
- 578 (ii) protected under Section 63G-2-305 subject to Section 63G-2-309 if a claim for  
579 business confidentiality has been made under Section 63G-2-309.

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

- 582 (i) private under Section 63G-2-302;
- 583 (ii) controlled under Section 63G-2-304; or
- 584 (iii) protected under Section 63G-2-305 subject to Section 63G-2-309 if a claim for  
585 business confidentiality has been made under Section 63G-2-309.

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

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

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

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

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

599 (i) Subsections 62A-16-301(1)(b), (2), and (4)(c); and

600 (ii) Subsections 62A-16-302(1) and (6).

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

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

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

605 (1) As used in this section:

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

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

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

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

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

615 (a) laws;

616 (b) the name, gender, gross compensation, job title, job description, business address,

617 business email address, business telephone number, number of hours worked per pay period,  
618 dates of employment, and relevant education, previous employment, and similar job  
619 qualifications of a current or former employee or officer of the governmental entity, excluding:

620 (i) undercover law enforcement personnel; and

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

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

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

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

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

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

640 (i) titles or encumbrances to real property;

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

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

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

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

645 name changes, and uniform commercial code filings;

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

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

651 (k) summary data;

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

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

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

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

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

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

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

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

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



- 673 (d) contracts entered into by a governmental entity;
- 674 (e) any account, voucher, or contract that deals with the receipt or expenditure of funds  
675 by a governmental entity;
- 676 (f) records relating to government assistance or incentives publicly disclosed,  
677 contracted for, or given by a governmental entity, encouraging a person to expand or relocate a  
678 business in Utah, except as provided in Subsection [63G-2-305\(35\)](#);
- 679 (g) chronological logs and initial contact reports;
- 680 (h) correspondence by and with a governmental entity in which the governmental entity  
681 determines or states an opinion upon the rights of the state, a political subdivision, the public,  
682 or any person;
- 683 (i) empirical data contained in drafts if:
  - 684 (i) the empirical data is not reasonably available to the requester elsewhere in similar  
685 form; and
  - 686 (ii) the governmental entity is given a reasonable opportunity to correct any errors or  
687 make nonsubstantive changes before release;
- 688 (j) drafts that are circulated to anyone other than:
  - 689 (i) a governmental entity;
  - 690 (ii) a political subdivision;
  - 691 (iii) a federal agency if the governmental entity and the federal agency are jointly  
692 responsible for implementation of a program or project that has been legislatively approved;
  - 693 (iv) a government-managed corporation; or
  - 694 (v) a contractor or private provider;
- 695 (k) drafts that have never been finalized but were relied upon by the governmental  
696 entity in carrying out action or policy;
- 697 (l) original data in a computer program if the governmental entity chooses not to  
698 disclose the program;
- 699 (m) arrest warrants after issuance, except that, for good cause, a court may order  
700 restricted access to arrest warrants prior to service;

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

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

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

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

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

711 (q) final audit reports;

712 (r) occupational and professional licenses;

713 (s) business licenses; and

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

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

719 Section 8. Section **63G-2-302** is amended to read:

720 **63G-2-302. Private records.**

721 (1) The following records are private:

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

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

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

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

- 729 (i) the Independent Legislative Ethics Commission, except for:
- 730 (A) the commission's summary data report that is required under legislative rule; and
- 731 (B) any other document that is classified as public under legislative rule; or
- 732 (ii) a Senate or House Ethics Committee in relation to the review of ethics complaints,
- 733 unless the record is classified as public under legislative rule;
- 734 (e) records received by, or generated by or for, the Independent Executive Branch
- 735 Ethics Commission, except as otherwise expressly provided in Title 63A, Chapter 14, Review
- 736 of Executive Branch Ethics Complaints;
- 737 (f) records received or generated for a Senate confirmation committee concerning
- 738 character, professional competence, or physical or mental health of an individual:
- 739 (i) if, prior to the meeting, the chair of the committee determines release of the records:
- 740 (A) reasonably could be expected to interfere with the investigation undertaken by the
- 741 committee; or
- 742 (B) would create a danger of depriving a person of a right to a fair proceeding or
- 743 impartial hearing; and
- 744 (ii) after the meeting, if the meeting was closed to the public;
- 745 (g) employment records concerning a current or former employee of, or applicant for
- 746 employment with, a governmental entity that would disclose that individual's home address,
- 747 home telephone number, Social Security number, insurance coverage, marital status, or payroll
- 748 deductions;
- 749 (h) records or parts of records under Section 63G-2-303 that a current or former
- 750 employee identifies as private according to the requirements of that section;
- 751 (i) that part of a record indicating a person's Social Security number or federal
- 752 employer identification number if provided under Section 31A-23a-104, 31A-25-202,
- 753 31A-26-202, 58-1-301, 58-55-302, 61-1-4, or 61-2f-203;
- 754 (j) that part of a voter registration record identifying a voter's:
- 755 (i) driver license or identification card number;
- 756 (ii) Social Security number, or last four digits of the Social Security number; [or]

757 (iii) email address; or  
758 (iv) date of birth;  
759 (k) a voter registration record that is classified as a private record by the lieutenant  
760 governor or a county clerk under Subsection 20A-2-104(4)(f);  
761 ~~[(k)]~~ (l) a record that:  
762 (i) contains information about an individual;  
763 (ii) is voluntarily provided by the individual; and  
764 (iii) goes into an electronic database that:  
765 (A) is designated by and administered under the authority of the Chief Information  
766 Officer; and  
767 (B) acts as a repository of information about the individual that can be electronically  
768 retrieved and used to facilitate the individual's online interaction with a state agency;  
769 ~~[(k)]~~ (m) information provided to the Commissioner of Insurance under:  
770 (i) Subsection 31A-23a-115(2)(a);  
771 (ii) Subsection 31A-23a-302(3); or  
772 (iii) Subsection 31A-26-210(3);  
773 ~~[(m)]~~ (n) information obtained through a criminal background check under Title 11,  
774 Chapter 40, Criminal Background Checks by Political Subdivisions Operating Water Systems;  
775 ~~[(m)]~~ (o) information provided by an offender that is:  
776 (i) required by the registration requirements of Title 77, Chapter 41, Sex and Kidnap  
777 Offender Registry; and  
778 (ii) not required to be made available to the public under Subsection 77-41-110(4);  
779 ~~[(o)]~~ (p) a statement and any supporting documentation filed with the attorney general  
780 in accordance with Section 34-45-107, if the federal law or action supporting the filing  
781 involves homeland security;  
782 ~~[(p)]~~ (q) electronic toll collection customer account information received or collected  
783 under Section 72-6-118 and customer information described in Section 17B-2a-815 received or  
784 collected by a public transit district, including contact and payment information and customer

785 travel data;

786 ~~[(t)]~~ (r) an email address provided by a military or overseas voter under Section

787 20A-16-501;

788 ~~[(t)]~~ (s) a completed military-overseas ballot that is electronically transmitted under

789 Title 20A, Chapter 16, Uniform Military and Overseas Voters Act;

790 ~~[(s)]~~ (t) records received by or generated by or for the Political Subdivisions Ethics

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

792 (i) the commission's summary data report that is required in Section 11-49-202; and

793 (ii) any other document that is classified as public in accordance with Title 11, Chapter

794 49, Political Subdivisions Ethics Review Commission; and

795 ~~[(t)]~~ (u) a record described in Subsection 53A-11a-203(3) that verifies that a parent was

796 notified of an incident or threat.

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

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

799 with a governmental entity, including performance evaluations and personal status information

800 such as race, religion, or disabilities, but not including records that are public under Subsection

801 63G-2-301(2)(b) or 63G-2-301(3)(o) or private under Subsection (1)(b);

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

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

804 (ii) information provided to the governmental entity for the purpose of complying with

805 a financial assurance requirement; or

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

807 (c) records of independent state agencies if the disclosure of those records would

808 conflict with the fiduciary obligations of the agency;

809 (d) other records containing data on individuals the disclosure of which constitutes a

810 clearly unwarranted invasion of personal privacy;

811 (e) records provided by the United States or by a government entity outside the state

812 that are given with the requirement that the records be managed as private records, if the

813 providing entity states in writing that the record would not be subject to public disclosure if  
814 retained by it; and

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

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

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

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

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

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