

SB0036S05 compared with SB0036S04

~~{deleted text}~~ shows text that was in SB0036S04 but was deleted in SB0036S05.

inserted text shows text that was not in SB0036S04 but was inserted into SB0036S05.

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 ~~{Lee B}~~Rebecca P. ~~{Perry}~~Edwards proposes the following substitute bill:

VOTER INFORMATION AMENDMENTS

2014 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Karen Mayne

House Sponsor: Lee B. Perry

LONG TITLE

General Description:

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

Highlighted Provisions:

This bill:

- ▶ ~~{prohibits a person, other than a government official or employee, from using the list of registered voters}~~defines terms:
- ▶ modifies a voter registration form:
- ▶ places limitations on who may obtain a voter's date of birth from a voter registration form:

SB0036S05 compared with SB0036S04

- ▶ 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 {obtained from} included in the {list of registered voters, for certain purposes, including commercial purposes;
 - ▶ ~~subject to certain exceptions, prohibits a person from reproducing the list of registered voters, or information obtained from the list of registered voters;~~
 - ▶ ~~prohibits a person from using the list of registered voters, or information obtained from the list of registered voters, to solicit donations or to conduct surveys;~~
 - ▶ ~~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, scholarly, journalistic, or governmental 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}~~ 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

SB0036S05 compared with SB0036S04

Lieutenant Governor:

- ▶ provides that ~~{making a false statement when providing the information and assurances described above constitutes a crime;~~

—▶ makes the following a private record:

- ~~the part of~~ the date of birth of a voter that is obtained from a voter registration record ~~{identifying a voter's day or month of birth; and~~
- ~~a voter registration record of an individual who is protected by a current protection order if the individual submits a request to classify the voter registration record as private and submits a copy of the protection order}~~ is a private record; and

- ▶ makes technical and 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

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

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

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

63G-2-202, as last amended by Laws of Utah 2013, Chapters 335, 426, and 445

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

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

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

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

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

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

SB0036S05 compared with SB0036S04

UTAH ELECTION REGISTRATION FORM

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" to either of the above two questions, do not complete this form.

Name of Voter

{ _____ }

First Middle Last

Utah Driver License or Utah 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

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.

Signed and sworn

SB0036S05 compared with SB0036S04

Voter's Signature

_____(month/day/year).

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

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

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.

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

SB0036S05 compared with SB0036S04

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 _____

(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) (a) Except as provided in Subsection (4)(d), a person may not 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;~~

~~— (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~~

SB0036S05 compared with SB0036S04

~~—— (vi) harassing a person;~~

~~—— (b) Except as provided in Subsection (4)(d) or (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 (6)(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 person from providing information obtained from the list of registered voters as part of a newspaper or other journalistic publication;~~

~~—— (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 or governmental 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, scholarly, journalistic, or governmental 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, scholarly, journalistic, or governmental purposes;~~

~~—— (j) 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 (6)(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~~

SB0036S05 compared with SB0036S04

~~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 is guilty of a class B misdemeanor;~~

~~—— (k) 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;~~

~~—— (l) 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);~~

~~—— (5) Subsection (4) does not prohibit a person from obtaining or using the list of registered voters, or information obtained from the list of registered voters, for research purposes if the person does not use the list of registered voters, or information obtained from the list of registered voters, for a purpose prohibited under Subsection (4);~~

~~—— (6) (a) As used in this Subsection (~~{6}4~~), "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}~~v) ~~{Notwithstanding Subsection (4), a person may sell or provide the list of}~~ a~~

SB0036S05 compared with SB0036S04

political party, or an agent, employee, or independent contractor of a political party; or

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

(A) provides the date of birth of a registered ~~{voters, or information}~~ voter that is obtained from the list of registered voters ~~{,}~~ only to a person who is a qualified person ~~{if the person selling or providing the list, or information}~~;

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

~~{ii}~~C) ensures, using industry standard security measures, that the ~~{list, or information}~~ date of birth of a registered voter that is obtained from the list ~~{,}~~ of registered voters may not be accessed by a person other than a qualified person; ~~{and}~~

~~{iii}~~D) verifies that ~~{the list, or information}~~ each qualified person, other than a qualified person described in Subsection (4)(a)(i) or (v), to whom the person provides the date of birth of a registered voter that is obtained from the list of registered voters, will only ~~{be used by}~~;

~~{A}~~ use the ~~{qualified person}~~ date of birth 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}~~E) ~~{a}~~ verifies that each qualified person described in Subsection ~~{(6)(a)(i)}~~;

~~{7} Subsection (6) does not permit a person to provide ~~{4}(a)(i), to whom the person provides the date of birth of a registered voter that is obtained from the list of registered voters, will only use the date of birth in the qualified person's capacity as a government official or government employee; and~~~~

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

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

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

SB0036S05 compared with SB0036S04

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

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

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

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

(D) a list of the purposes for which the date of birth of a registered voter that is obtained from the list of registered voters ~~to the general public in any form or manner.~~

~~— (4) (8) may be used:~~

(E) a statement that the date of birth of a registered voter that is obtained from the list of registered voters may not be provided or used for a purpose other than a purpose described under Subsection (4)(b)(ii)(D);

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

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

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

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

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

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

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

SB0036S05 compared with SB0036S04

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

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

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

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

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

(ii) provides evidence to the lieutenant governor or a county clerk establishing that release of the information on the voter's 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.

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

(i) a protective order;

(ii) a police report; or

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

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

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

(ii) \$200.

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

(i) is a government official or government employee who obtains, provides, or uses the

SB0036S05 compared with SB0036S04

date of birth in the government official's or government employee's capacity as a government official or government employee;

(ii) is a qualified person described in Subsection (4)(a)(ii), (iii), or (iv) and obtains or uses the date of birth only 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;

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

(iv) is a qualified person described in Subsection (4)(a)(vi) and obtains, provides, or uses the date of birth to provide the date of birth to another 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.

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

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

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

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

[(4)] (5) 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)] (19)(6) 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

SB0036S05 compared with SB0036S04

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.

Signed and sworn

Voter's Signature

_____ (month\day\year)";

(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.

SB0036S05 compared with SB0036S04

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;

~~and~~; and

(vi) the following statement:

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

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

(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

(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

SB0036S05 compared with SB0036S04

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?

Street	City	County	State	Zip
--------	------	--------	-------	-----

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

SB0036S05 compared with SB0036S04

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.

Signature of Voter"

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

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

(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.

(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.

SB0036S05 compared with SB0036S04

Section ~~{2}~~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" ~~{4}~~ 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" ~~{4}~~ 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, except for the part of the] a voter registration record available for public inspection, except for a voter registration record, or part of 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 or part of a record described in Subsection (2)(b) that is not classified as a private record to be photocopied for a reasonable cost.

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.

SB0036S05 compared with SB0036S04

Name of Voter _____

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.

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."

"The portion of a voter registration form that lists a person's driver license or identification card number, social security number, and email address is a private record. The portion of a voter registration form that lists a person's date of birth is a private record, the use

SB0036S05 compared with SB0036S04

of which is restricted to government officials, government employees, political parties, or certain other persons.

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

"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.

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 ~~33~~6. Section **63G-2-202** is amended to read:

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

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

(a) the subject of the record;

SB0036S05 compared with SB0036S04

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

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

(d) any other individual who:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SB0036S05 compared with SB0036S04

entitled to inspect.

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

- (a) the person who submitted the record;
- (b) any other individual who:
 - (i) has a power of attorney from all persons, governmental entities, or political subdivisions whose interests were sought to be protected by the protected classification; or
 - (ii) submits a notarized release from all persons, governmental entities, or political subdivisions whose interests were sought to be protected by the protected classification or from their legal representatives dated no more than 90 days prior to the date the request is made;
- (c) any person to whom the record must be provided pursuant to:
 - (i) a court order as provided in Subsection (7); or
 - (ii) a legislative subpoena as provided in Title 36, Chapter 14, Legislative Subpoena Powers; or
- (d) the owner of a mobile home park, subject to the conditions of Subsection 41-1a-116(5).

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

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

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

- (a) the record deals with a matter in controversy over which the court has jurisdiction;
- (b) the court has considered the merits of the request for access to the record;
- (c) the court has considered and, where appropriate, limited the requester's use and further disclosure of the record in order to protect:
 - (i) privacy interests in the case of private or controlled records;
 - (ii) business confidentiality interests in the case of records protected under Subsection 63G-2-305(1), (2), (40)(a)(ii), or (40)(a)(vi); and
 - (iii) privacy interests or the public interest in the case of other protected records;

SB0036S05 compared with SB0036S04

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

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

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

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

(ii) determines that:

(A) the proposed research is bona fide; and

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

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

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

(iv) prohibits the researcher from:

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

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

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

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

SB0036S05 compared with SB0036S04

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

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

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

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

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

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

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

(ii) controlled under Section 63G-2-304; or

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

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

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

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

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

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

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

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

SB0036S05 compared with SB0036S04

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

Section ~~4~~7. Section **63G-2-301** is amended to read:

63G-2-301. Public records.

(1) As used in this section:

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

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

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

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

(a) laws;

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

(i) undercover law enforcement personnel; and

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

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

SB0036S05 compared with SB0036S04

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;

(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) ~~subject to Subsection 20A-2-104(4),~~ voter registration records, including an individual's voting history, except for a voter registration record~~(s)~~ or those parts of ~~[the]~~ a voter registration record~~(s)~~ that are classified as private ~~in~~ under Subsection 63G-2-302(1)(j) or (k);

(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

SB0036S05 compared with SB0036S04

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;

(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;

SB0036S05 compared with SB0036S04

- (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 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 ~~5~~8. 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;

SB0036S05 compared with SB0036S04

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

SB0036S05 compared with SB0036S04

- (i) driver license or identification card number;
- (ii) Social Security number, or last four digits of the Social Security number; [or]
- (iii) email address; or
- (iv) ~~day or month~~ date of birth;
- (k) a voter registration record ~~of an individual who is protected by a current protection order issued by a court of competent jurisdiction if the individual submits to the county clerk in the county where the individual resides:~~

~~(i) a written request that the individual's voter registration record be~~ that is classified as a private record ~~;~~ and

~~(ii) a copy of the protection order~~ by the lieutenant governor or a county clerk under Subsection 20A-2-104(4)(f):

~~(k)~~ (l) 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;

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

~~(n)~~ (o) 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)~~ (p) 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

SB0036S05 compared with SB0036S04

involves homeland security;

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

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

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

SB0036S05 compared with SB0036S04

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 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.