{deleted text} shows text that was in HB0348S01 but was deleted in HB0348S02.

Inserted text shows text that was not in HB0348S01 but was inserted into HB0348S02.

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

Representative Rebecca P. Edwards proposes the following substitute bill:

VOTER RECORDS AMENDMENTS

2017 GENERAL SESSION STATE OF UTAH

Chief Sponsor: Rebecca P. Edwards

Senate	Sponsor:	
	_	

LONG TITLE

General Description:

This bill addresses the accessibility of a voter registration record.

Highlighted Provisions:

This bill:

- defines terms;
- specifies that a voter registration record is a private record under the Government Records Access and Management Act;
- amends notifications on the voter registration form;
 - allows \{specified persons\}\ any individual\} to \{receive certain portions of a private\}\ apply to have the individual's entire\ voter registration record \{from the lieutenant governor or a county clerk;
 - expands the type of individuals who may to apply to prohibit any person, other than

the government, from accessing the individual's voter registration record;

- provides direction to a county clerk regarding the classification of the voter
 registration record of an individual who preregisters to vote} classified as 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-1-102, as last amended by Laws of Utah 2016, Chapters 28, 66, and 176
 20A-2-101.1, as enacted by Laws of Utah 2015, Chapter 130
- 20A-2-101.1, as chacted by Laws of Otah 2013, Chapter 130
- **20A-2-104**, as last amended by Laws of Utah 2015, Chapter 130
 - 20A-2-108, as last amended by Laws of Utah 2015, Chapter 130
 - 20A-2-306, as last amended by Laws of Utah 2014, Chapter 373
- { 20A-2-308, as last amended by Laws of Utah 2014, Chapter 373
- **20A-6-105**, as last amended by Laws of Utah 2014, Chapter 373
 - 63G-2-202, as last amended by Laws of Utah 2016, Chapter 348
- 63G-2-203, as last amended by Laws of Utah 2016, Chapter 90
- 63G-2-301, as last amended by Laws of Utah 2014, Chapter 373
- 63G-2-302, as last amended by Laws of Utah 2016, Chapter 410

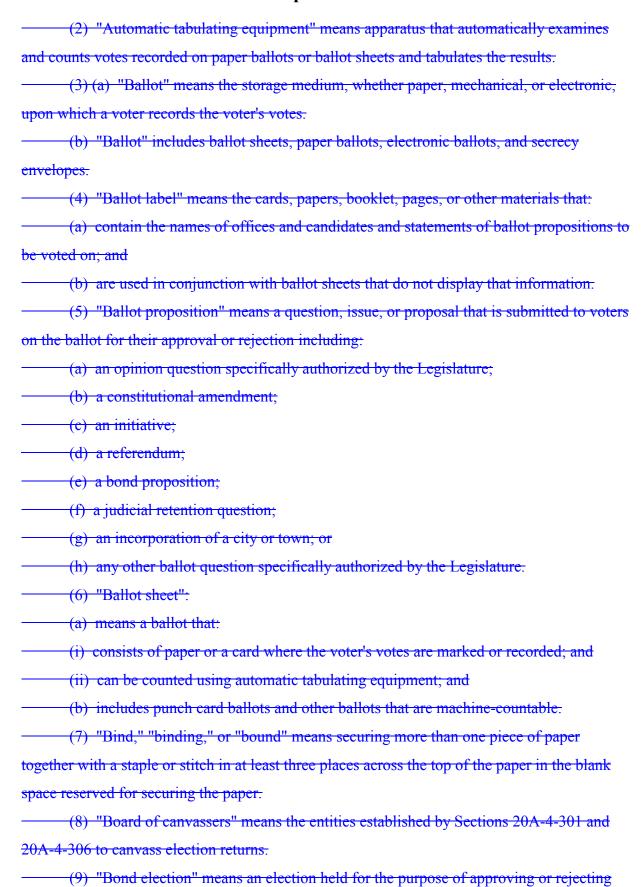
ENACTS:

20A-2-104.5, Utah Code Annotated 1953

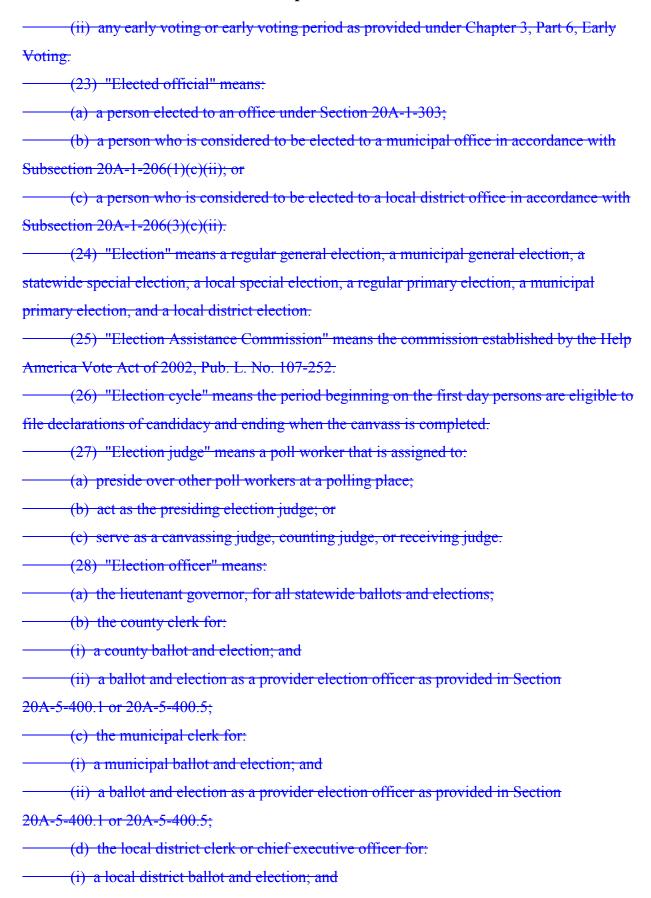
Be it enacted by the Legislature of the state of Utah:

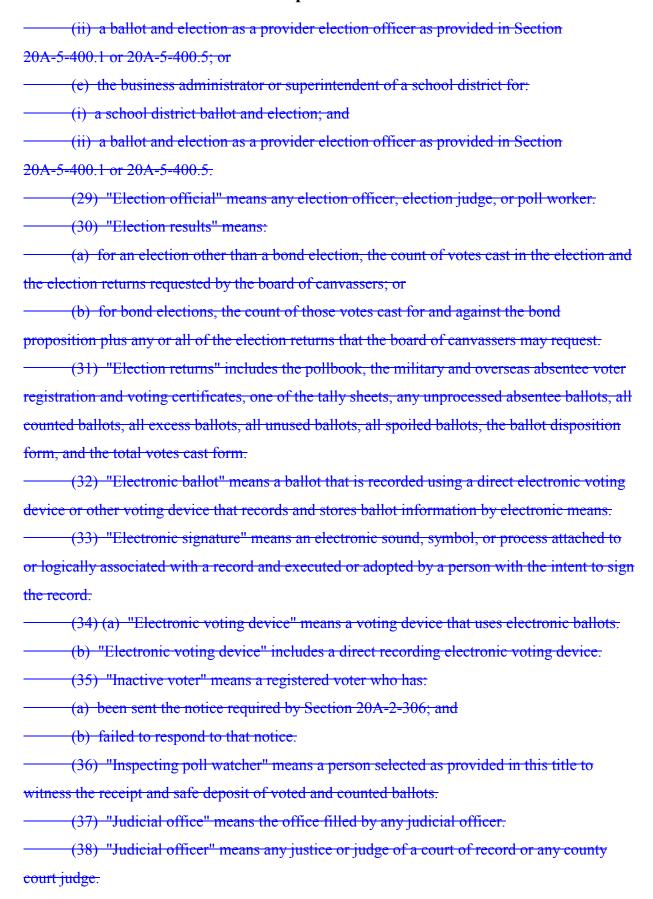
Section 1. Section $\frac{20A-1-102}{20A-2-104}$ is amended to read:

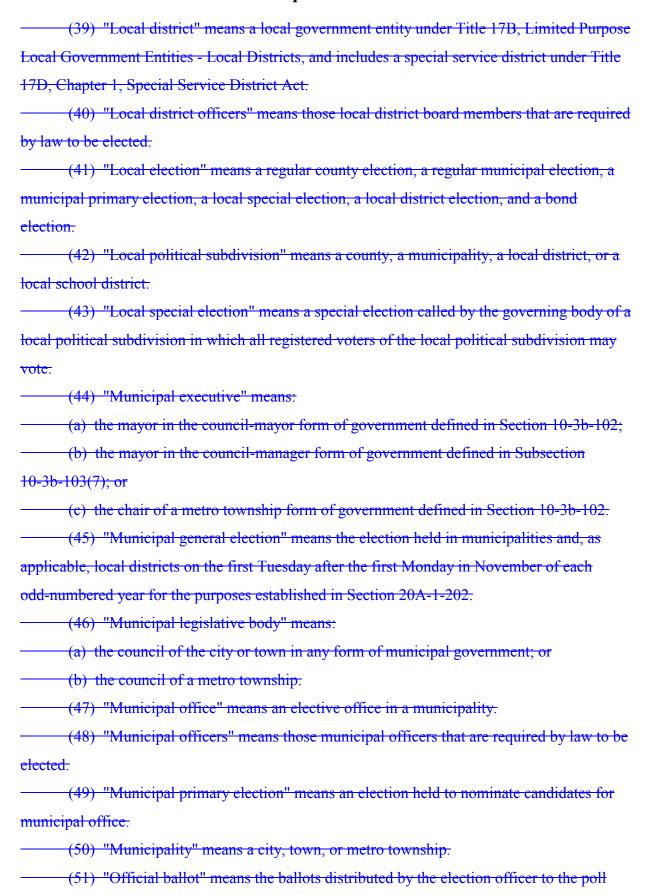
- **{** 20A-1-102. Definitions.
- As used in this title:
- (1) "Active voter" means a registered voter who has not been classified as an inactive voter by the county clerk.



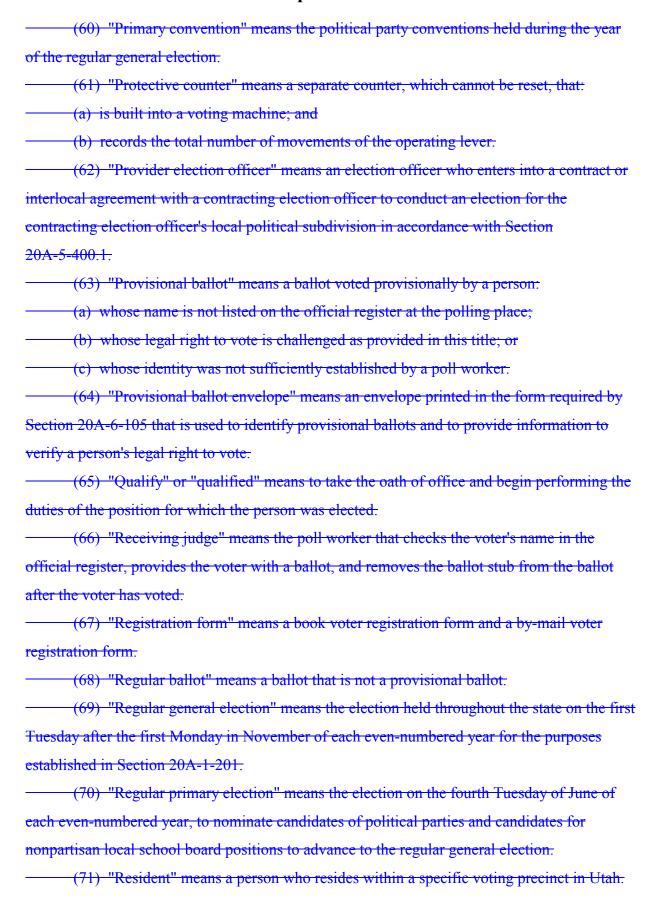
the proposed issuance of bonds by a government entity. (10) "Book voter registration form" means voter registration forms contained in a bound book that are used by election officers and registration agents to register persons to vote. (11) "Business reply mail envelope" means an envelope that may be mailed free of charge by the sender. (12) "By-mail voter registration form" means a voter registration form designed to be completed by the voter and mailed to the election officer. (13) "Canvass" means the review of election returns and the official declaration of election results by the board of canvassers. (14) "Canvassing judge" means a poll worker designated to assist in counting ballots at the canvass. (15) "Contracting election officer" means an election officer who enters into a contract or interlocal agreement with a provider election officer. (16) "Convention" means the political party convention at which party officers and delegates are selected. (17) "Counting center" means one or more locations selected by the election officer in charge of the election for the automatic counting of ballots. (18) "Counting judge" means a poll worker designated to count the ballots during election day. (19) "Counting poll watcher" means a person selected as provided in Section 20A-3-201 to witness the counting of ballots. (20) "Counting room" means a suitable and convenient private place or room, immediately adjoining the place where the election is being held, for use by the poll workers and counting judges to count ballots during election day. (21) "County officers" means those county officers that are required by law to be elected. (22) "Date of the election" or "election day" or "day of the election": (a) means the day that is specified in the calendar year as the day that the election occurs; and (b) does not include: (i) deadlines established for absentee voting; or

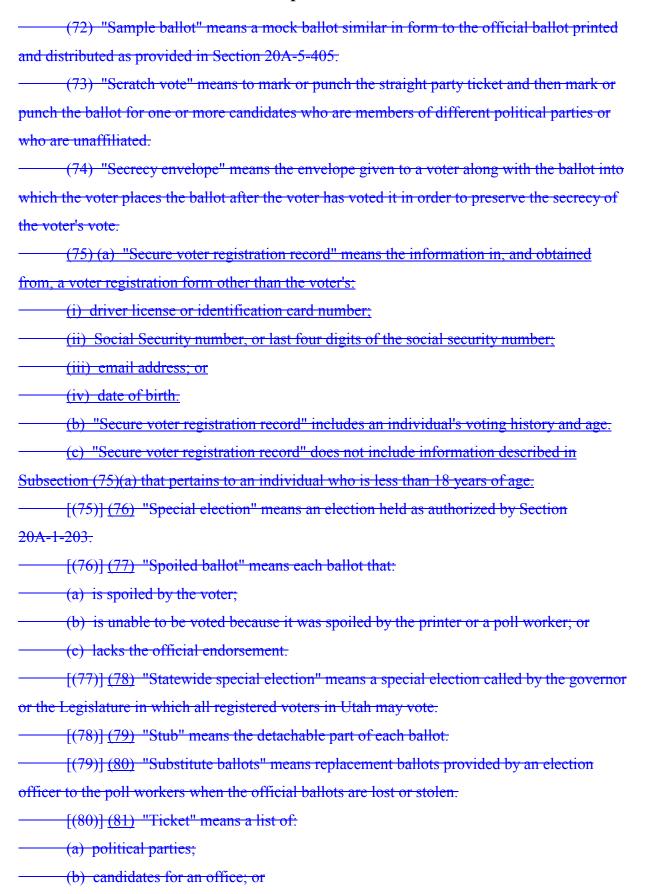


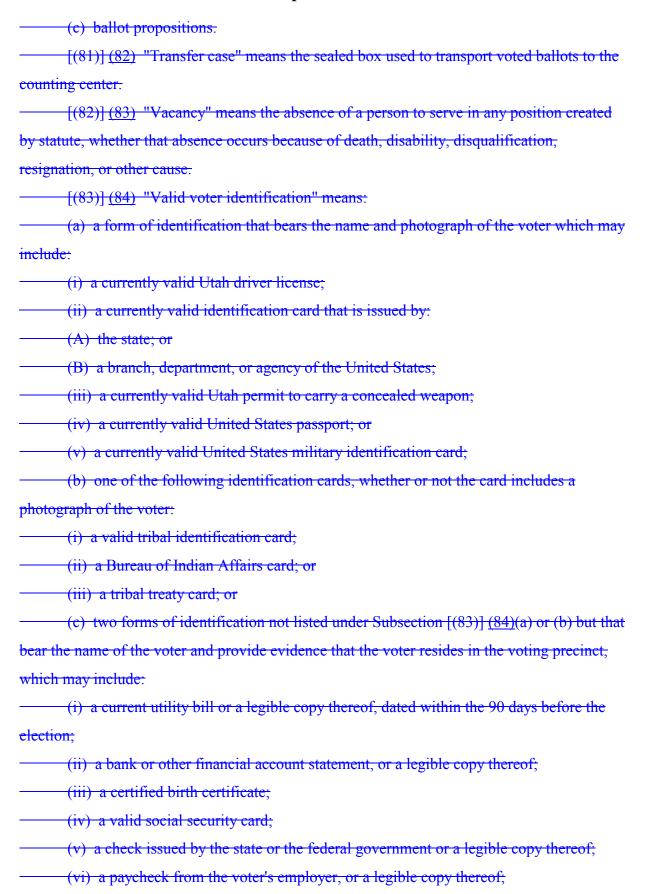


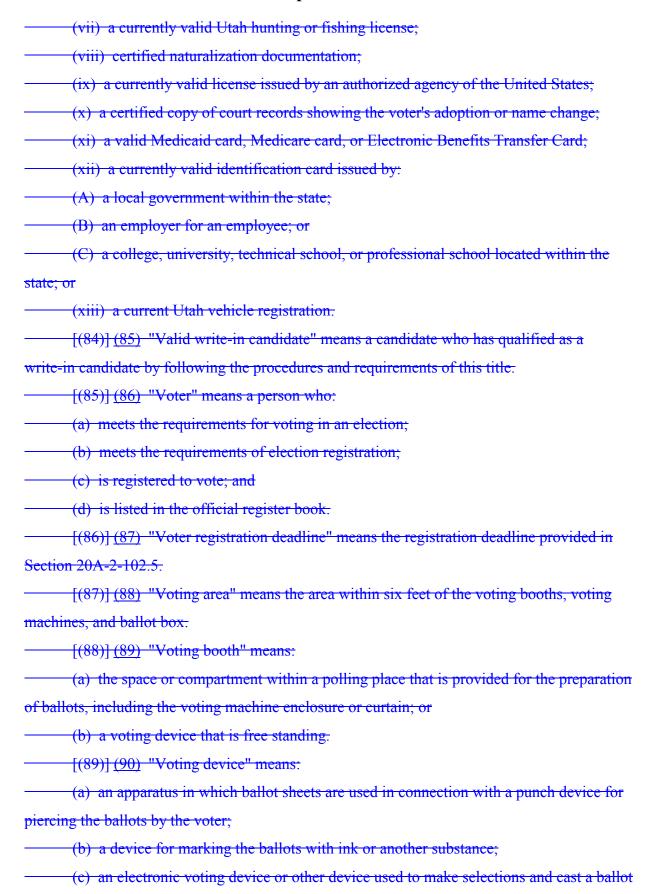


workers to be given to voters to record their votes.
(52) "Official endorsement" means:
(a) the information on the ballot that identifies:
(i) the ballot as an official ballot;
(ii) the date of the election; and
(iii) (A) for a ballot prepared by an election officer other than a county clerk, the
facsimile signature required by Subsection 20A-6-401(1)(b)(iii); or
(B) for a ballot prepared by a county clerk, the words required by Subsection
20A-6-301(1)(c)(iii); and
(b) the information on the ballot stub that identifies:
(i) the poll worker's initials; and
(ii) the ballot number.
(53) "Official register" means the official record furnished to election officials by the
election officer that contains the information required by Section 20A-5-401.
(54) "Paper ballot" means a paper that contains:
(a) the names of offices and candidates and statements of ballot propositions to be
voted on; and
(b) spaces for the voter to record the voter's vote for each office and for or against each
ballot proposition.
(55) "Political party" means an organization of registered voters that has qualified to
participate in an election by meeting the requirements of Chapter 8, Political Party Formation
and Procedures.
(56) "Pollbook" means a record of the names of voters in the order that they appear to
cast votes.
(57) "Polling place" means the building where voting is conducted.
(58) (a) "Poll worker" means a person assigned by an election official to assist with an
election, voting, or counting votes.
(b) "Poll worker" includes election judges.
(c) "Poll worker" does not include a watcher.
(59) "Position" means a square, circle, rectangle, or other geometric shape on a ballot
in which the voter marks the voter's choice.

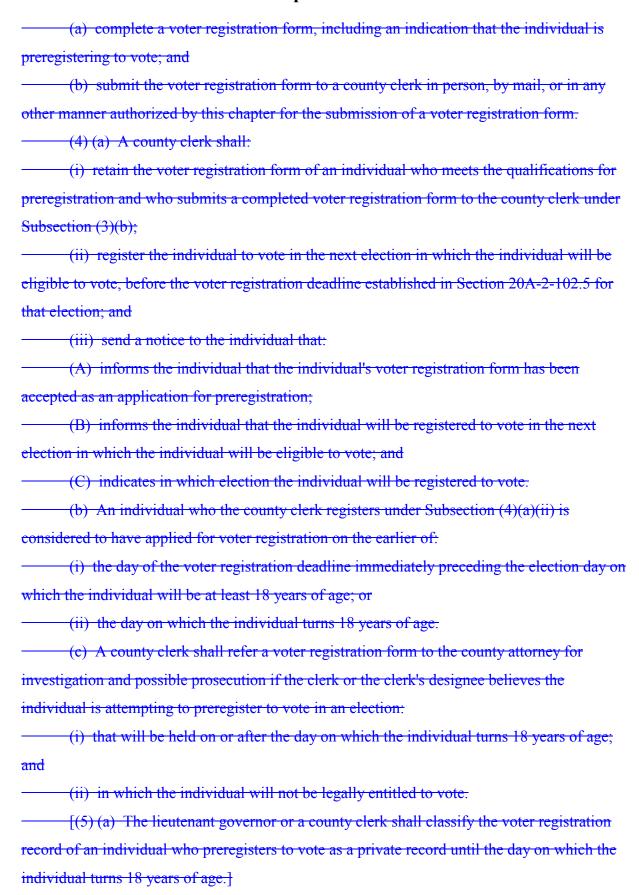








electronically, or any component thereof;
(d) an automated voting system under Section 20A-5-302; or
(e) any other method for recording votes on ballots so that the ballot may be tabulated
by means of automatic tabulating equipment.
[(90)] (91) "Voting machine" means a machine designed for the sole purpose of
recording and tabulating votes cast by voters at an election.
[(91)] (92) "Voting poll watcher" means a person appointed as provided in this title to
witness the distribution of ballots and the voting process.
[(92)] (93) "Voting precinct" means the smallest voting unit established as provided by
law within which qualified voters vote at one polling place.
[(93)] (94) "Watcher" means a voting poll watcher, a counting poll watcher, an
inspecting poll watcher, and a testing watcher.
[(94)] (95) "Western States Presidential Primary" means the election established in
Chapter 9, Part 8, Western States Presidential Primary.
[(95)] (96) "Write-in ballot" means a ballot containing any write-in votes.
[(96)] (97) "Write-in vote" means a vote cast for a person whose name is not printed of
the ballot according to the procedures established in this title.
Section 2. Section 20A-2-101.1 is amended to read:
20A-2-101.1. Preregistering to vote.
(1) An individual may preregister to vote if the individual:
(a) is 16 or 17 years of age;
(b) will not be 18 years of age before the next election;
(c) is a citizen of the United States;
(d) has been a resident of Utah for at least 30 days; and
(e) currently resides within the voting district or precinct in which the individual
preregisters to vote.
(2) An individual described in Subsection (1) may not vote in an election and is not
registered to vote until:
(a) the individual is at least 18 years of age; and
(b) the county clerk registers the individual to vote under Subsection (4).
(3) An individual who preregisters to vote shall:



[(b) On	the day on which the individ	dual described in Subsection	on (5)(a) turns 18 years of
age, the lieutena	ant governor or county clerk	shall classify the individua	al's voter registration
record as a publ	ic record in accordance with	Subsection 63G-2-301(2))(1).]
<u>[(6)] (5)</u>	If an individual who is at le	east 18 years of age errone	ously indicates on the
voter registratio	n form that the individual is	preregistering to vote, the	county clerk shall
consider the for	m as a voter registration form	n and shall process the for	m in accordance with
this chapter.			
Section	3. Section 20A-2-104 is am	ended to read:	
} 20A-2-1	04. Voter registration for	m Registered voter list	ts <u> Fees for copies</u> .
(1) An i	individual applying for voter	registration, or an individ	ual preregistering to
vote, shall comp	olete a voter registration form	n in substantially the follo	wing form:
	UTAH ELECTION	 I REGISTRATION FORN	
Are you a citize	n of the United States of Am	nerica?	Yes No
•	'no" to the above question, d		
<u>-</u>	years of age on or before ele	-	es No
	'no" to the above question, a	-	ge and preregistering to
vote?	, , , , , , , , , , , , , , , , , , , ,		Yes No
If you checked '	'no" to both of the prior two	questions, do not complet	e this form.
Name of Voter	1	1	
	First	Middle	Last
Utah Driver Lic	ense or Utah Identification (Card Number	
Date of Birth			
	of Principal Place of Resider		
City	County	State	Zip Code
Telephone Num	aber (optional)		
Last four digits	of Social Security Number _		_
Last former add	ress at which I was registere	d to vote (if	
known)			

City	County	State	Zip Code			
Political Party						
(a listing of each reg	istered political party, as def	fined in Section 20A-8-10	1 and maintained by			
the lieutenant govern	or under Section 67-1a-2, w	vith each party's name pre	ceded by a checkbox)			
□Unaffiliated (no p	olitical party preference)	□Other (Please specify)				
I do swear (o	I do swear (or affirm), subject to penalty of law for false statements, that the					
information containe	d in this form is true, and th	at I am a citizen of the U	nited States and a			
resident of the state of	of Utah, residing at the abov	e address. Unless I have	indicated above that I			
am preregistering to	vote in a later election, I wil	ll be at least 18 years of ag	ge and will have			
resided in Utah for 3	0 days immediately before t	he next election. I am no	t a convicted felon			
currently incarcerate	d for commission of a felong	y.				
Signed and s	worn					
	Voter's Sig	nature				
	(month/day/year).					
["]The portio	["]The portion of a voter registration form that lists a person's driver license or					

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

[If you{ are a peace officer, a current or former foreign service officer or military service member, or 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] You may apply to the lieutenant governor or your county clerk to {{}} have your entire voter registration record classified as private.["]{ prohibit a person, other than the government, from accessing any part of your voter registration record.}

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 penal	ties for voting fraud set forth below, that I am a
citizen and that to the best of my knowledge a	nd 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 or preregiste	ered to vote if you know you are not entitled to
register or preregister to vote is up to one year	in jail and a fine of up to \$2,500.
NOTICE: IN ORDER TO BE ALLOWED TO	O VOTE, YOU MUST PRESENT VALID
VOTER IDENTIFICATION TO THE POLL	WORKER BEFORE VOTING, WHICH MUST
BE A VALID FORM OF PHOTO IDENTIFIC	CATION THAT SHOWS YOUR NAME AND
PHOTOGRAPH; OR	
TWO DIFFERENT FORMS OF IDENTIFICA	ATION THAT SHOW YOUR NAME AND
CURRENT ADDRESS.	
FOR OFFICIAL USE ONLY	
7	Type of I.D.
	Voting Precinct
	Voting I.D. Number
(2) () =	

- (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 superseded 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) As used in this Subsection (4), "qualified person" means: $\{(4)\}$
- {{}}(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;{{}}
- {{}}(iv) a financial institution, as defined in Section 7-1-103, or an agent, employee, or independent contractor of a financial institution; {{}}
- $\{\{\}\}$ (v) (A) a political party, or an agent, employee, or independent contractor of a political party; or $\{\}\}$
- (B) a candidate, or an agent of a candidate, who has filed a declaration of candidacy or a certificate of nomination for elective office; or
- {{}}(vi) a person, or an agent, employee, or independent contractor of the person, who:{{}}
- {{}}(A) provides the date of birth of a registered voter that is obtained from the list of registered voters only to a person who is a qualified person;{{}}
- $\{\{\}\}$ (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; $\{\}\}$
- {{}}(C) ensures, using industry standard security measures, that the 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;{{}}
- {}}(D) verifies that 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 use the 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;

- {{}}(E) verifies that each qualified person described in Subsection (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 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 $\{\{\}\}\}$
 - (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 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)](i); 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. {}}
 - (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{{}}
- $\frac{1}{2}(i) \frac{1}{2}$ 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 (4)(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)] (g) 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)] (h) 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 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)] (i) 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)] (j) 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. {}}

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

 $\{\{\}\}$ Upon receipt of a voter registration form from an $\{\}\}$ applicant $\{\}\}$ individual, the county clerk or the clerk's designee shall:

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

 Section 4. Section 20A-2-104.5 is enacted to read:

20A-2-104.5. Access to voter registration records - Penalties.

- (1) As used in this section, "qualified person" means:
- (a) 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;
- (b) (i) a political party, or an agent, employee, or independent contractor of the political party; or
- (ii) a candidate, or an agent of a candidate, who has filed a declaration of candidacy or a certificate of nomination for elective office;
 - (c) an organization that, under Section 501(c)(3) or 501(c)(4), Internal Revenue Code:
 - (i) is currently exempt from federal income tax;
- (ii) has been exempt from federal income tax for at least one year immediately preceding the day on which the organization signs the document described in Subsection (3)(b); and

(iii) has clearly stated that a major purpose of the organization is to prevent voter fraud, protect the integrity of elections, or perform a similar function related to the administration of an election, in each of the organization's applications for exemption from federal income tax that was current at any time in the year immediately preceding the day on which the organization signs the document described in Subsection (3)(b); or (d) a person, or an agent, employee, or independent contractor of the person, who: (i) provides a secure voter registration record only to a person who is a qualified person; (ii) verifies that a person, described in Subsection (1)(d)(i), to whom a secure voter registration record is provided, is a qualified person; (iii) ensures, using industry standard security measures, that the secure voter registration record may not be accessed by a person other than a qualified person; (iv) verifies that each qualified person described in Subsection (1)(a), to whom the person provides a secure voter registration record, will only use the secure voter registration record in the qualified person's capacity as a government official or government employee; (v) verifies that each qualified person described in Subsection (1)(b), to whom the person provides a secure voter registration record, will only use the secure voter registration record for a political purpose; and (vi) verifies that each qualified person described in Subsection (1)(c), to whom the person provides a secure voter registration record, will only use the secure voter registration record to prevent voter fraud, protect the integrity of elections, or for a similar purpose related to the administration of an election. (2) The lieutenant governor or a county clerk may only provide a secure voter registration record to another person as provided in this section or in Title 63G, Chapter 2, Government Records Access and Management Act. (3) Notwithstanding Subsections 63G-2-302(1)(i)(i) and 63G-2-302(1)(i)(ii)(D), and except as provided in Subsections (4) and (5), the lieutenant governor or a county clerk may provide a secure voter registration record to a qualified person under this section if: (a) the lieutenant governor or county clerk verifies the identity of the person and that the person is a qualified person; and (b) the qualified person signs a document that includes the following:

(i) the name, address, and telephone number of the person requesting the secure voter registration record; (ii) an indication of the type of qualified person that the person requesting the secure voter registration record claims to be; (iii) a statement regarding the purpose for which the person desires to obtain a secure voter registration record; (iv) a list of the purposes for which a secure voter registration record may be used; (v) a statement that a secure voter registration record may not be provided or used for a purpose other than a purpose described under Subsection (3)(b)(iv); (vi) a statement that if the person obtains a secure voter registration record from the list of registered voters under false pretenses, or provides or uses a secure voter registration record in a manner that is prohibited by law, the person is guilty of a class A misdemeanor and is subject to a civil fine: (vii) an assertion from the person that the person will not provide or use a secure voter registration record in a manner that is prohibited by law; and (viii) notice that if the person makes a false statement in the document, the person is punishable by law under Section 76-8-504. (4) The lieutenant governor or a county clerk may not disclose a secure voter registration record to a person that the lieutenant governor or county clerk reasonably believes: (a) is not a qualified person or a person described in Subsection (6)(c); or (b) will provide or use the secure voter registration record in a manner prohibited by law. (5) The lieutenant governor or a county clerk may not disclose any part of an individual's secure voter registration record, except to a government official or government employee acting in the government official's or government employee's capacity as a government official or government employee, if the individual: (a) (i) is a peace officer certified in accordance with Title 53, Chapter 13, Peace Officer Classifications; (ii) is a current or former foreign service officer; (iii) is on active duty as a member of the armed forces; (iv) is separated or retired from the armed forces;

(v) is a member or former member of the Utah National Guard: (vi) is a member or former member of a reserve component; or (vii) believes that release of the information on the individual's voter registration record is likely to put the individual or a member of the individual's household's life or safety at risk, or to put the individual or a member of the individual's household at risk of being stalked or harassed; (b) submits a written application, on a form created by the lieutenant governor, requesting that the individual's voter registration record not be disclosed; and (c) for an individual described in Subsection (5)(a)(vii), provides evidence to the lieutenant governor or county clerk establishing the risk described in Subsection (5)(a)(vii), which evidence 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. (6) (a) A qualified person may not obtain, provide, or use a secure voter registration record unless the person: (i) is a government official or government employee who obtains, provides, or uses the secure voter registration record 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 (1)(b) and obtains, provides, or uses the secure voter registration record for a political purpose; (iii) is a qualified person described in Subsection (1)(c), and obtains or uses the secure voter registration record only to prevent voter fraud, protect the integrity of elections, or for a similar purpose related to the administration of an election; or (iv) is a qualified person described in Subsection (1)(d) and obtains, provides, or uses the secure voter registration record to provide the secure voter registration record to another person described in Subsection (6)(a)(i), (ii). or (iii). (b) Except as provided in Subsection (6)(c), a person who is not a qualified person may

not obtain, provide, or use the secure voter registration record of a registered voter.

- (c) The lieutenant governor or a county clerk may provide a secure voter registration record 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.
 - (7) (a) A person is guilty of a class A misdemeanor if the person:
 - (i) obtains a secure voter registration record under false pretenses; or
- (ii) uses or provides a secure voter registration record in a manner that is not permitted by law.
- (b) 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 a secure voter registration record under false pretenses, or provides or uses a secure voter registration record 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 secure voter registration records obtained, provided, or used unlawfully, rounded to the nearest whole dollar; or

(ii) \$200.}

Section $\frac{5}{2}$. 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 following questions:
- (a) "If you are not registered to vote where you live now, would you like to register to vote today?"; and
- (b) "If you are 16 or 17 years of age, and will not be 18 years of age before the date of the next election, would you like to preregister 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 or preregister 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. Unless I have indicated above that I

am preregistering to vote in a later election, I will be at least 18 years of age and will have resided in Utah for 30 days immediately before the next election.

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:

Signed and sworn

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 or preregistered to vote if you know you are not entitled to register or preregister 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 or preregister to vote, the fact that the applicant has declined to register or preregister will remain confidential and will be used only for voter registration purposes;
- (v) a statement that if an applicant does register or preregister 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
 - (vi) the following statement:

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

person's date of birth { | remainder of a person's voter registration record, including a person's age, } is a private record, the use of which is restricted to government officials, government employees, political parties, or certain other persons.

If you{ are a peace officer, a current or former foreign service officer or military service member, or 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] You may apply to the lieutenant governor or your county clerk to {{}} have your entire voter registration record classified as private{{}} prohibit a person, other than the government, from accessing any part of your voter registration record}."

- (3) Upon receipt of a voter registration form from an [applicant] individual, 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] the individual may be seeking to register or preregister to vote [who] and is not legally entitled to register or preregister to vote, refer the form to the county attorney for investigation and possible prosecution.

Section $\frac{6}{3}$. Section 20A-2-306 is amended to read:

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

- (1) A county clerk may not remove a voter's name from the official register on the grounds that the voter has changed residence unless the voter:
- (a) confirms in writing that the voter has changed residence to a place outside the county; or
- (b) (i) has not voted in an election during the period beginning on the date of the notice required by Subsection (3), and ending on the day after the date of the second regular general election occurring after the date of the notice; and
 - (ii) has failed to respond to the notice required by Subsection (3).
- (2) (a) When a county clerk obtains information that a voter's address has changed and it appears that the voter still resides within the same county, the county clerk shall:

- (i) change the official register to show the voter's new address; and
- (ii) send to the voter, by forwardable mail, the notice required by Subsection (3) printed on a postage prepaid, preaddressed return form.
- (b) When a county clerk obtains information that a voter's address has changed and it appears that the voter now resides in a different county, the county clerk shall verify the changed residence by sending to the voter, by forwardable mail, the notice required by Subsection (3) printed on a postage prepaid, preaddressed return form.
- (3) Each county clerk shall use substantially the following form to notify voters whose addresses have changed:

"VOTER REGISTRATION NOTICE

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

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 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 {, and date of birth} is a private record. The {{}} portion of a voter registration form that lists a person's date of birth{{}} remainder of a person's voter registration record, including a person's age,} is a

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

If{ you are a peace officer, a current or former foreign service officer or military service member, or 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 You may apply to the lieutenant governor or your county clerk to {{}} have your entire voter registration record classified as private{{}} {{}} prohibit a person, other than the government, from accessing any part of your voter registration record}."

- (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.

Section $\frac{7}{4}$. Section $\frac{20A-2-308}{20A-6-105}$ is amended to read:

- **20A-2-308.** Lieutenant governor and county clerks to preserve records.
- (1) As used in this section:
- (a) "Voter registration record" means 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 record" does not include a record that:

	Telephone Number	(optional)		
	City	County	State	Zip Code
	Street Address of Pr	incipal Place of Resi	dence	
			entification Card Numbe	
	Driver License or Id	entification Card Nu	mber	
		First	Middle	Last
	Name of Voter			
form				
If yo	u checked "no" in respo	onse to either of the t	wo above questions, do	not complete this
Will	you be 18 years old on	or before election da	ay? Yes No	
Are y	you a citizen of the Uni	ted States of Americ	a? Yes No	
	"AFFIRMATION			
subst	tantially the following	form:		
	(1) Each election of	ficer shall ensure that	nt provisional ballot enve	elopes are printed in
}	20A-6-105. Provis	ional ballot envelop	oes.	
	Section 8. Section 2	20A-6-105 is amende	ed to read:	
class	ified as a private recor	l to be photocopied f	Cor a reasonable cost.]	
	[(c) allow a record	or part of a record de	scribed in Subsection (2))(b) that is not
Secti	ion 63G-2-302; and]			
regis	tration record, or part of	of a voter registration	record that is classified	as private under
	[(b) make a voter re	egistration record ava	ilable for public inspecti	ion, except for a voter
20A-	-2-306 was sent and a r	otation as to whether	r [or not] the person resp	onded to the notice[;].
	[(ii)] (b) the names	and addresses of all	persons to whom the not	ice required by Section
	[(i)] (a) the official	register; and		
years	s all records relating to	voter registration, in	cluding:	
	(2) The lieutenant g	overnor and each co	unty clerk shall[: (a)] pro	eserve for at least two
agen	-	-	ch a particular voter regis	
	-		ance agency, discretional	ry voter registration
	(i) relates to a perso	n's decision to declin	ne to register to vote; or	

Last four digits of Soc	cial Security Number		
Last former address at	t which I was registered to	vote (if known)	
City	County	State	Zip Code
Voting Precinct (if kn	own)		
I, (please print your fu	ıll name)	do sole	emnly swear or
n:			

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 {, and date of birth} is a private record. The {{}} portion of a voter registration form that lists a person's date of birth{{}} remainder of a person's voter registration record, including a person's age,} is a private record, the use of which is restricted to government {officials} officials, government employees, political parties, or certain other persons.

If you{ are a peace officer, a current or former foreign service officer or military service member, or 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 You may apply to the lieutenant governor or your county clerk to {{}} have your entire voter registration record classified as

private{] prohibit a person, other than the government, from accessing any part of your voter registration record."

["]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 $\{9\}$ **5**. 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;
- (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] person 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
- (iv) if the record is a \{\secure\}\date \text{ of birth on a voter registration record\}\{\text{ as defined in Section 20A-1-102}\}, is authorized to receive the \{\secure voter registration record\}\date \text{ of birth under Section 20A-2-104\}\;\) 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 entitled to inspect.

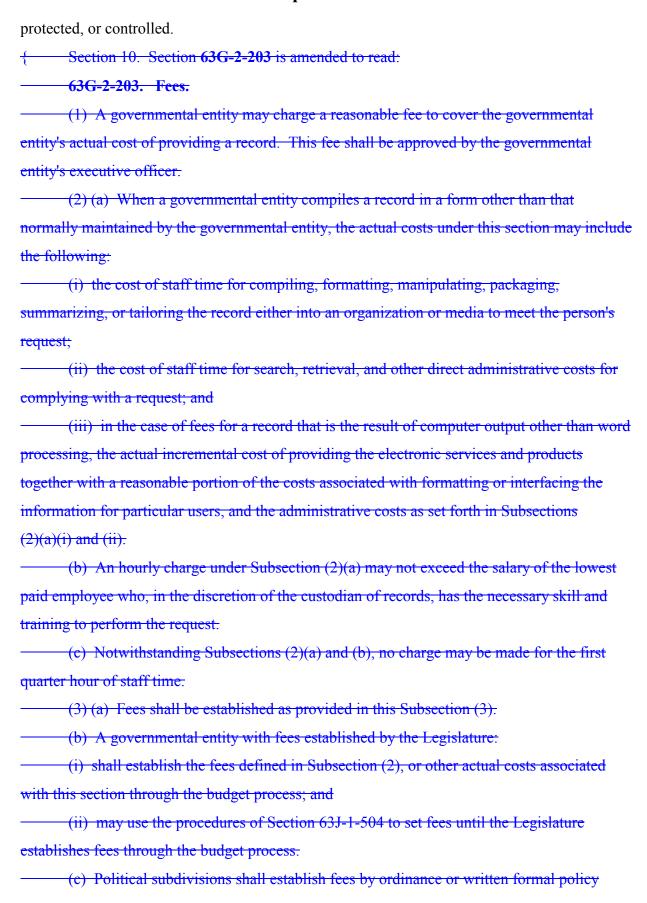
- (4) Upon request, and except as provided in Subsection (10) or (11)(b), a governmental entity shall disclose a protected record to:
 - (a) the person that submitted the record;
 - (b) any other individual who:
- (i) has a power of attorney from all persons, governmental entities, or political subdivisions 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, 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;
 - (d) to the extent the record is properly classified private, controlled, or protected, the

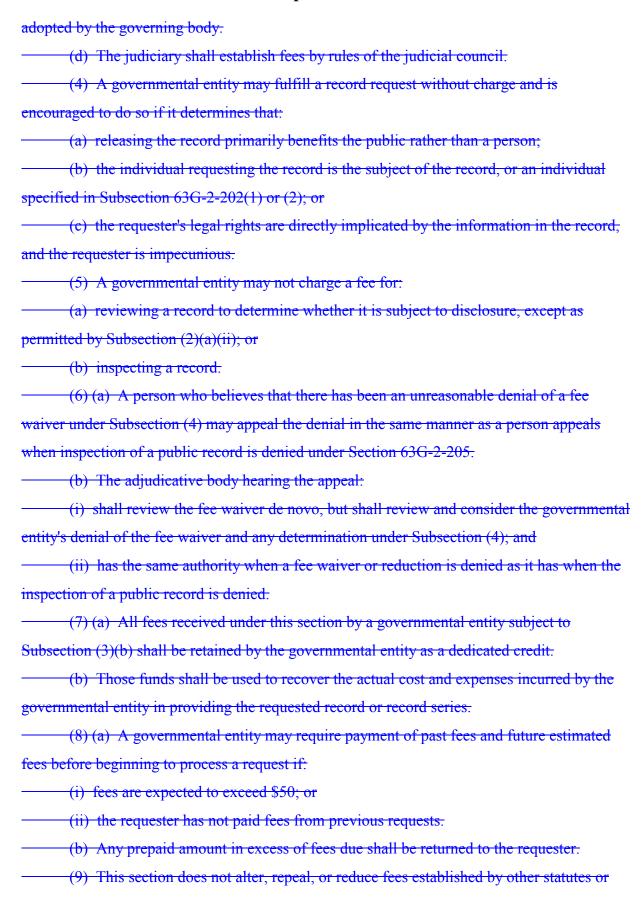
interests favoring access, considering limitations thereon, are greater than or equal to the interests favoring restriction of access; and

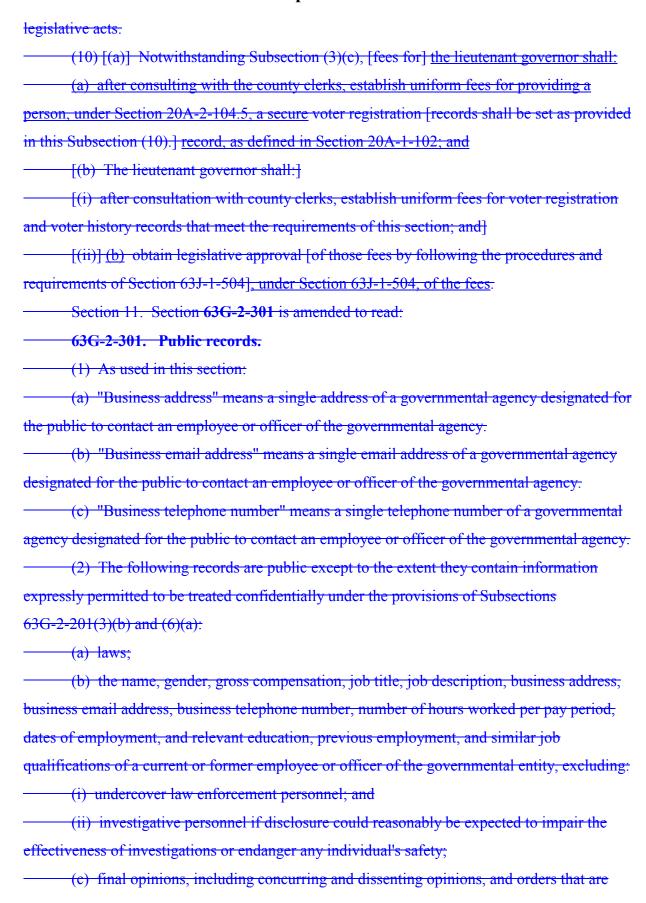
- (e) where access is restricted by a rule, statute, or regulation referred to in Subsection 63G-2-201(3)(b), the court has authority independent of this chapter to order disclosure.
- (8) (a) Except as provided in Subsection (8)(d), a governmental entity may disclose or authorize disclosure of private 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.
 - (c) A governmental entity may require indemnification as a condition of permitting

research under this Subsection (8).

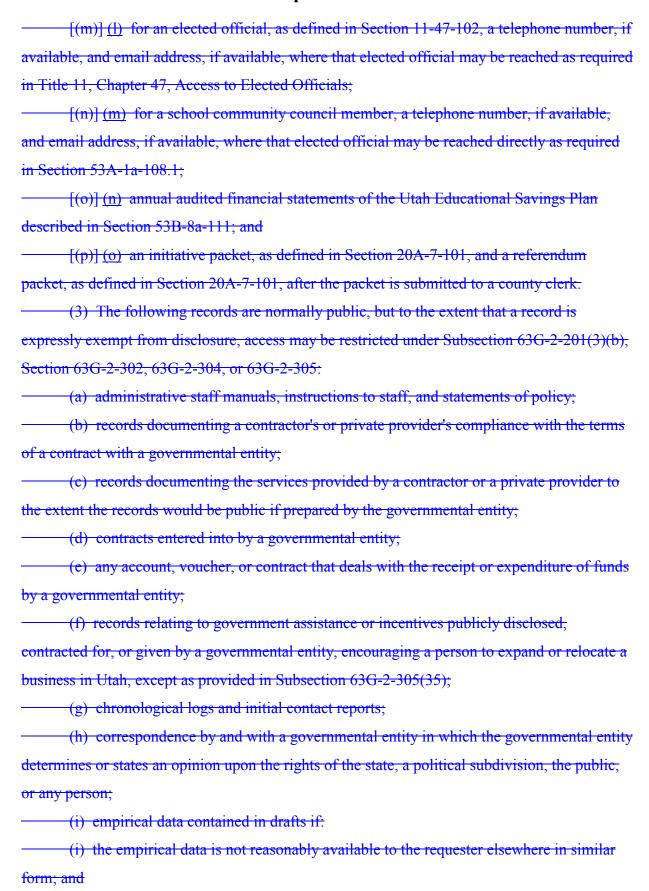
- (d) A governmental entity may not disclose or authorize disclosure of a private record for research purposes as described in this Subsection (8) if the private record is a record described in Subsection 63G-2-302(1) (1) (1) (1)
- (9) (a) Under Subsections 63G-2-201(5)(b) and 63G-2-401(6), a governmental 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(7), 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)(f) 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).
 - (b) A record disclosed under Subsection (12)(a) shall retain its character as private,

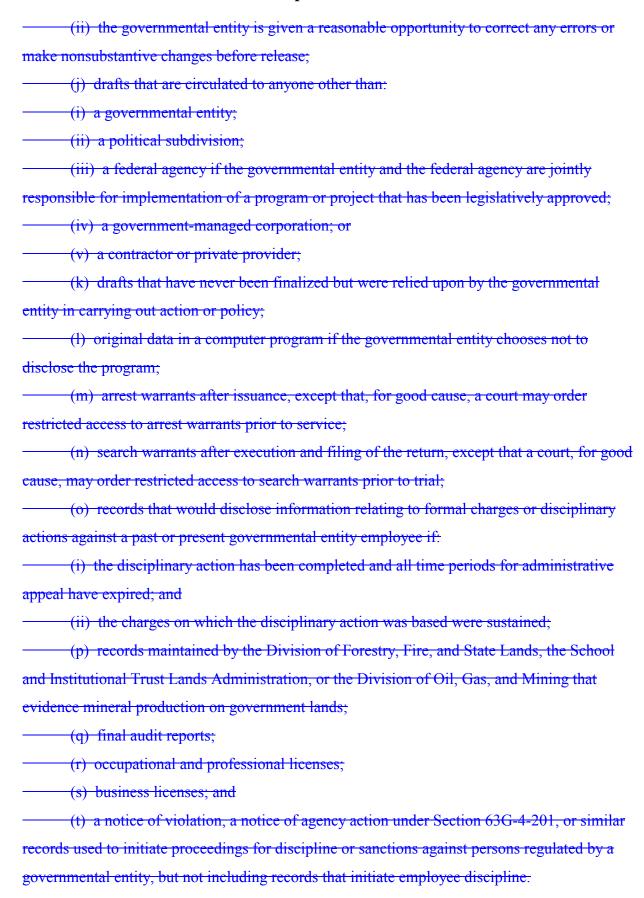


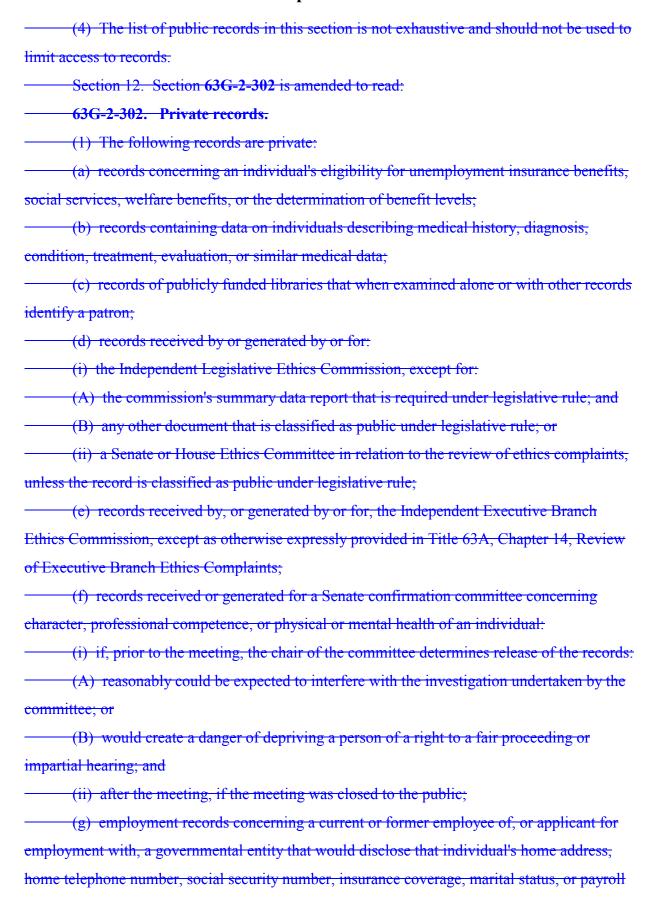




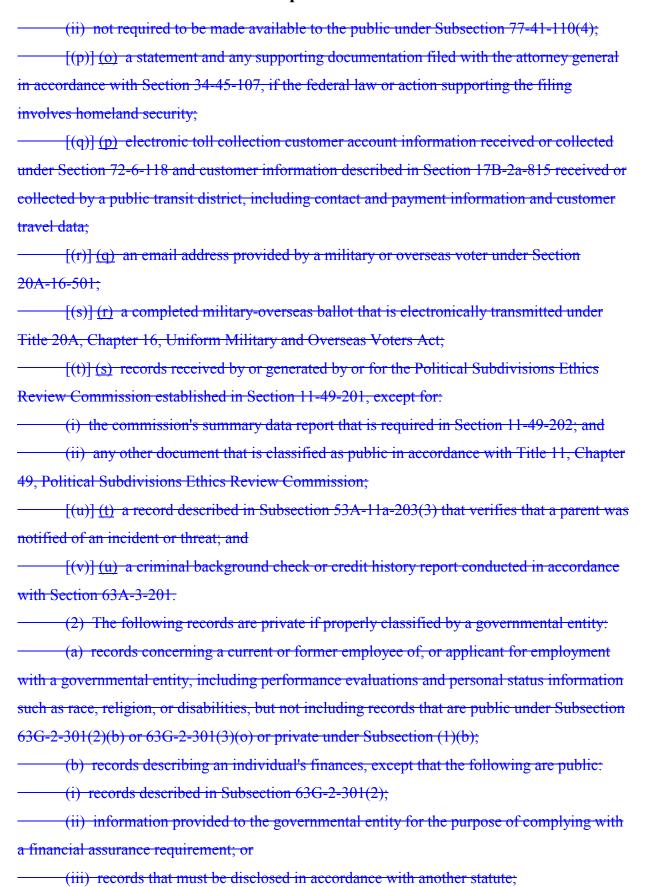
made by a governmental entity in an administrative, adjudicative, or judicial proceeding except that if the proceedings were properly closed to the public, the opinion and order may be withheld to the extent that they contain information that is private, controlled, or protected; (d) final interpretations of statutes or rules by a governmental entity unless classified as protected as provided in Subsection 63G-2-305(17) or (18); (e) information contained in or compiled from a transcript, minutes, or report of the open portions of a meeting of a governmental entity as provided by Title 52, Chapter 4, Open and Public Meetings Act, including the records of all votes of each member of the governmental entity; (f) judicial records unless a court orders the records to be restricted under the rules of civil or criminal procedure or unless the records are private under this chapter; (g) unless otherwise classified as private under Section 63G-2-303, records or parts of records filed with or maintained by county recorders, clerks, treasurers, surveyors, zoning commissions, the Division of Forestry, Fire, and State Lands, the School and Institutional Trust Lands Administration, the Division of Oil, Gas, and Mining, the Division of Water Rights, or other governmental entities that give public notice of: (i) titles or encumbrances to real property; (ii) restrictions on the use of real property; (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; -[(1) voter registration records, including an individual's voting history, except for a voter registration record or those parts of a voter registration record that are classified as private under Subsection 63G-2-302(1)(j)or (k);]

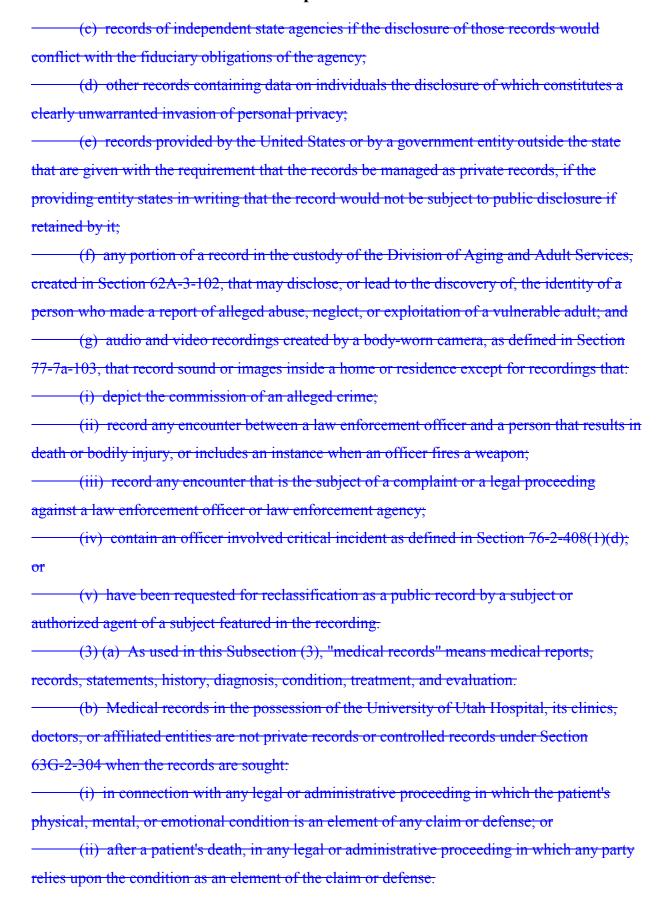






deductions: (h) records or parts of records under Section 63G-2-303 that a current or former employee identifies as private according to the requirements of that section; (i) that part of a record indicating a person's social security number or federal employer identification number if provided under Section 31A-23a-104, 31A-25-202, 31A-26-202, 58-1-301, 58-55-302, 61-1-4, or 61-2f-203; (i) a secure voter registration record, as defined in Section 20A-1-102; and -[(i)] (ii) that part of a voter registration record identifying a voter's: [(i)] (A) driver license or identification card number; [(ii)] (B) social security number, or last four digits of the social security number; [(iii)] (C) email address; or [(iv)] (D) date of birth or age; [(k) a voter registration record that is classified as a private record by the lieutenant governor or a county clerk under Subsection 20A-2-104(4)(f) or 20A-2-101.1(5)(a); (1) (k) a record that: (i) contains information about an individual; (ii) is voluntarily provided by the individual; and (iii) goes into an electronic database that: (A) is designated by and administered under the authority of the Chief Information Officer; and (B) acts as a repository of information about the individual that can be electronically retrieved and used to facilitate the individual's online interaction with a state agency; -[(m)] (l) information provided to the Commissioner of Insurance under: (i) Subsection 31A-23a-115(2)(a); (ii) Subsection 31A-23a-302(3); or (iii) Subsection 31A-26-210(3); [(n)] (m) information obtained through a criminal background check under Title 11, Chapter 40, Criminal Background Checks by Political Subdivisions Operating Water Systems; [(o)] (n) information provided by an offender that is: (i) required by the registration requirements of Title 77, Chapter 41, Sex and Kidnap Offender Registry; and





(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.