

Senator Karen Mayne proposes the following substitute bill:

VOTER PRIVACY AMENDMENTS

2018 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Karen Mayne

House Sponsor: Rebecca P. Edwards

LONG TITLE

General Description:

This bill amends provisions related to a date of birth on a voter registration record.

Highlighted Provisions:

This bill:

- ▶ specifies that a qualified person may only obtain a voter's month and year of birth from the list of registered voters instead of a voter's entire date of birth;
- ▶ allows a specified research institution to obtain and share the full date of birth of a registered voter under certain conditions;
- ▶ amends the voter registration form;
- ▶ specifies that a governmental entity may share a protected voter registration record with another governmental entity for a purpose related to voter registration or the administration of an election; and
- ▶ makes conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:



26 AMENDS:

27 20A-2-104, as last amended by Laws of Utah 2015, Chapter 130

28 20A-2-108, as last amended by Laws of Utah 2015, Chapter 130

29 20A-2-306, as last amended by Laws of Utah 2017, Chapter 52

30 20A-6-105, as last amended by Laws of Utah 2014, Chapter 373

31 63G-2-202, as last amended by Laws of Utah 2016, Chapter 348

32 63G-2-302, as last amended by Laws of Utah 2017, Chapters 168 and 282

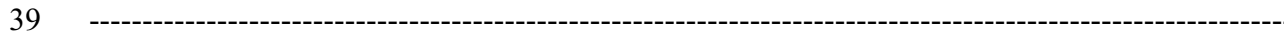


34 *Be it enacted by the Legislature of the state of Utah:*

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

36 **20A-2-104. Voter registration form -- Registered voter lists -- Fees for copies.**

37 (1) An individual applying for voter registration, or an individual preregistering to
38 vote, shall complete a voter registration form in substantially the following form:



39 -----
40 UTAH ELECTION REGISTRATION FORM

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

42 If you checked "no" to the above question, do not complete this form.

43 Will you be 18 years of age on or before election day? Yes No

44 If you checked "no" to the above question, are you 16 or 17 years of age and preregistering to
45 vote? Yes No

46 If you checked "no" to both of the prior two questions, do not complete this form.

47 Name of Voter

48 _____

49 First Middle Last

50 Utah Driver License or Utah Identification Card Number _____

51 Date of Birth _____

52 Street Address of Principal Place of Residence

53 _____

54 City County State Zip Code

55 Telephone Number (optional) _____

56 Last four digits of Social Security Number _____

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

59 _____

60 City County State Zip Code

61 Political Party

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

64 Unaffiliated (no political party preference) Other (Please specify)_____

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

71 Signed and sworn

72 _____

73 Voter's Signature

74 _____(month/day/year).

75 "The portion of [a] your voter registration form that lists [~~a person's~~] your driver license
76 or identification card number, social security number, [~~and~~] email address, and the day of your
77 month of birth is a private record. The portion of [a] your voter registration form that lists [~~a~~
78 ~~person's date~~] your month and year of birth is a private record, the use of which is restricted to
79 government officials, government employees, political parties, or certain other persons.

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

85 CITIZENSHIP AFFIDAVIT

86 Name:

87 Name at birth, if different:

88 Place of birth:

89 Date of birth:

90 Date and place of naturalization (if applicable):

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

94 _____

95 Signature of Applicant

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

99 NOTICE: IN ORDER TO BE ALLOWED TO VOTE, YOU MUST PRESENT VALID
100 VOTER IDENTIFICATION TO THE POLL WORKER BEFORE VOTING, WHICH MUST
101 BE A VALID FORM OF PHOTO IDENTIFICATION THAT SHOWS YOUR NAME AND
102 PHOTOGRAPH; OR
103 TWO DIFFERENT FORMS OF IDENTIFICATION THAT SHOW YOUR NAME AND
104 CURRENT ADDRESS.

105 FOR OFFICIAL USE ONLY

106 Type of I.D. _____

107 Voting Precinct _____

108 Voting I.D. Number _____

109 -----

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

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

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

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

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

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

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

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

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

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

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

131 (v) a political party, or an agent, employee, or independent contractor of a political
132 party; or

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

134 (A) provides the [date] month or year of birth of a registered voter that is obtained from
135 the list of registered voters only to a person who is a qualified person;

136 (B) verifies that a person, described in Subsection (4)(a)(vi)(A), to whom a [date]
137 month or year of birth that is obtained from the list of registered voters is provided, is a
138 qualified person;

139 (C) ensures, using industry standard security measures, that the [date] month or year of
140 birth of a registered voter that is obtained from the list of registered voters may not be accessed
141 by a person other than a qualified person;

142 (D) verifies that each qualified person, other than a qualified person described in
143 Subsection (4)(a)(i) or (v), to whom the person provides the [date] month or year of birth of a
144 registered voter that is obtained from the list of registered voters, will only use the [date] month
145 or year of birth to verify the accuracy of personal information submitted by an individual or to
146 confirm the identity of a person in order to prevent fraud, waste, or abuse;

147 (E) verifies that each qualified person described in Subsection (4)(a)(i), to whom the
148 person provides the [date] month or year of birth of a registered voter that is obtained from the
149 list of registered voters, will only use the [date] month or year of birth in the qualified person's

150 capacity as a government official or government employee; and

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

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

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

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

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

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

165 (C) a statement regarding the purpose for which the person desires to obtain the ~~[dates]~~
166 months and years of birth;

167 (D) a list of the purposes for which the ~~[date]~~ qualified person may use the month or
168 year of birth of a registered voter that is obtained from the list of registered voters [~~may be~~
169 ~~used~~];

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

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

178 (G) an assertion from the person that the person will not provide or use the ~~[date]~~
179 month or year of birth of a registered voter that is obtained from the list of registered voters in a
180 manner that is prohibited by law; and

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

183 (c) ~~[The]~~ Except as provided in Subsection (5), the lieutenant governor or a county
184 clerk may not disclose the ~~[date]~~ month or year of birth of a registered voter to a person that the
185 lieutenant governor or county clerk reasonably believes:

186 (i) is not a qualified person or a person described in Subsection ~~[(4)(k)]~~ (4)(f); or
187 (ii) will provide or use the ~~[date]~~ month or year of birth in a manner prohibited by law.

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

193 ~~[(e) A person is guilty of a class A misdemeanor if the person:]~~

194 ~~[(i) obtains the date of birth of a registered voter from the list of registered voters under~~
195 ~~false pretenses; or]~~

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

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

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

202 ~~[(ii) provides evidence to the lieutenant governor or a county clerk establishing that~~
203 ~~release of the information on the voter's voter registration record is likely to put the voter or a~~
204 ~~member of the voter's household's life or safety at risk, or to put the voter or a member of the~~
205 ~~voter's household at risk of being stalked or harassed.]~~

206 ~~[(g) The evidence described in Subsection (4)(f) may include:]~~

207 ~~[(i) a protective order;]~~

208 ~~[(ii) a police report; or]~~

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

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

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

219 ~~[(ii) \$200.]~~

220 ~~[(†)] (d) A qualified person may not obtain, provide, or use the [date] month or year of~~
221 ~~birth of a registered voter, if the [date] month or year of birth is obtained from the list of~~
222 ~~registered voters or from a voter registration record, unless the person:~~

223 ~~(i) is a government official or government employee who obtains, provides, or uses the~~
224 ~~[date] month or year of birth in the government official's or government employee's capacity as~~
225 ~~a government official or government employee;~~

226 ~~(ii) is a qualified person described in Subsection (4)(a)(ii), (iii), or (iv) and obtains or~~
227 ~~uses the [date] month or year of birth only to verify the accuracy of personal information~~
228 ~~submitted by an individual or to confirm the identity of a person in order to prevent fraud,~~
229 ~~waste, or abuse;~~

230 ~~(iii) is a qualified person described in Subsection (4)(a)(v) and obtains, provides, or~~
231 ~~uses the [date] month or year of birth for a political purpose; or~~

232 ~~(iv) is a qualified person described in Subsection (4)(a)(vi) and obtains, provides, or~~
233 ~~uses the [date] month or year of birth to provide the [date] month or year of birth to another~~
234 ~~qualified person to verify the accuracy of personal information submitted by an individual or to~~
235 ~~confirm the identity of a person in order to prevent fraud, waste, or abuse.~~

236 ~~[(†)] (e) A person who is not a qualified person may not obtain, provide, or use the~~
237 ~~[date] month or year of birth of a registered voter, if the [date] month or year of birth is~~
238 ~~obtained from the list of registered voters or from a voter registration record, unless the person:~~

239 ~~(i) is a candidate for public office and uses the [date] month or year of birth only for a~~
240 ~~political purpose; or~~

241 ~~(ii) obtains the [date] month or year of birth from a political party or a candidate for~~
242 ~~public office and uses the [date] month or year of birth only for the purpose of assisting the~~

243 political party or candidate for public office to fulfill a political purpose.

244 ~~[(k)]~~ (f) The lieutenant governor or a county clerk may provide a [date] month or year
 245 of birth to a member of the media, in relation to an individual designated by the member of the
 246 media, in order for the member of the media to verify the identity of the individual.

247 (5) (a) As used in this section, "specified research institution" means an institution of
 248 higher education described in Section 53B-2-101 that uses the full date of birth of a registered
 249 voter that is obtained from the list of registered voters:

250 (i) to conduct research on human subjects that:

251 (A) has been reviewed by an institutional review board; and

252 (B) relates to reducing morbidity or mortality or evaluating or improving the quality of
 253 health care;

254 (ii) in compliance with:

255 (A) this Subsection (5);

256 (B) applicable laws governing health information privacy and portability; and

257 (C) policies established by the ~~H~~→ ~~[Utah Resource for Genetic and Epidemiologic Research~~

258 ~~at the University of Utah] institution of higher education, or an organization within the~~
 258a ~~institution of higher education, to protect the privacy of an individual who is the subject of the~~
 258b ~~research described in Subsection (5)(a)(i) ~~←H~~ ; and~~

259 (iii) under the oversight of ~~H~~→ ~~[the Utah Resource for Genetic and Epidemiologic Research~~
 260 ~~at the University of Utah] an organization within the institution of higher education, as~~
 260a ~~designated by the institution of higher education ~~←H~~ .~~

261 (b) Notwithstanding Subsection 63G-2-302(1)(j)(iv), and except as provided in
 262 Subsection 63G-2-302(1)(k), the lieutenant governor or a county clerk shall, when providing
 263 the list of registered voters to a person, include, with the list, the full dates of birth of the
 264 registered voters, if:

265 (i) the lieutenant governor or county clerk verifies that the person requesting the list of
 266 registered voters is a specified research institution; and

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

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

270 (B) a statement regarding the purpose for which the person desires to obtain the full
 271 dates of birth;

272 (C) a list of the purposes for which the person may use a partial or full date of birth of a
 273 registered voter that is obtained from the list of registered voters;

274 (D) a statement that a partial or full date of birth of a registered voter that is obtained
275 from the list of registered voters may not be provided or used for a purpose other than a
276 purpose described under Subsection (5)(b)(ii)(C);

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

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

284 (G) notice that if the person makes a false statement in the document, the person is
285 punishable by law under Section [76-8-504](#).

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

288 (i) is not a specified research institution; or

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

290 (d) Except as provided in Subsection (4), the lieutenant governor or a county clerk may
291 not disclose the month and year of birth of a registered voter to a person that the lieutenant
292 governor or county clerk reasonably believes:

293 (i) is not a specified research institution; or

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

295 (e) A specified research institution may not obtain, provide, or use the date of birth of a
296 registered voter, if the date of birth is obtained from the list of registered voters or from a voter
297 registration record, unless the specified research institution obtains or uses the date of birth
298 only to conduct the research described in Subsection (5)(a)(i).

299 (f) A specified research institution may provide the date of birth of a registered voter
300 that is obtained from the list of registered voters to an agent, employee, or independent
301 contractor of the specified research institution if the specified research institution ensures that
302 the agent, employee, or independent contractor:

303 (i) will use industry standard security measures to ensure that the date of birth may not
304 be accessed by a person other than the specified research institution or the agent, employee, or

305 independent contractor; and

306 (ii) only uses the date of birth to conduct the research described in Subsection (5)(a)(i).

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

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

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

315 (b) The evidence described in Subsection (6)(a) may include:

316 (i) a protective order;

317 (ii) a police report; or

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

321 (c) The lieutenant governor or a county clerk may not disclose the voter registration
322 form of an individual, or information included in the individual's voter registration form, whose
323 voter registration form is classified as private under Subsection (6)(a) to a person other than a
324 government official or government employee acting in the government official's or government
325 employee's capacity as a government official or government employee.

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

327 (i) obtains a registered voter's day, month, or year of birth from the list of registered
328 voters under false pretenses; or

329 (ii) uses or provides a registered voter's day, month, or year of birth that is obtained
330 from the list of registered voters, in a manner that is not permitted by law.

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

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

338 (ii) \$200.

339 ~~[(5)]~~ (8) When political parties not listed on the voter registration form qualify as
340 registered political parties under Title 20A, Chapter 8, Political Party Formation and
341 Procedures, the lieutenant governor shall inform the county clerks about the name of the new
342 political party and direct the county clerks to ensure that the voter registration form is modified
343 to include that political party.

344 ~~[(6)]~~ (9) Upon receipt of a voter registration form from an applicant, the county clerk
345 or the clerk's designee shall:

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

347 (b) if the county clerk believes, based upon a review of the form, that an individual
348 may be seeking to register or preregister to vote who is not legally entitled to register or
349 preregister to vote, refer the form to the county attorney for investigation and possible
350 prosecution.

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

352 **20A-2-108. Driver license registration form -- Transmittal of information.**

353 (1) The lieutenant governor and the Driver License Division shall design the driver
354 license application and renewal forms to include the following questions:

355 (a) "If you are not registered to vote where you live now, would you like to register to
356 vote today?"; and

357 (b) "If you are 16 or 17 years of age, and will not be 18 years of age before the date of
358 the next election, would you like to preregister to vote today?"

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

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

363 (i) a place for the applicant to decline to register or preregister to vote;

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

365 "I do swear (or affirm), subject to penalty of law for false statements, that the
366 information contained in this form is true, and that I am a citizen of the United States and a

367 resident of the state of Utah, residing at the above address. Unless I have indicated above that I
368 am preregistering to vote in a later election, I will be at least 18 years of age and will have
369 resided in Utah for 30 days immediately before the next election.

370 Signed and sworn

371 _____

372 Voter's Signature

373 _____(month\day\year)";

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

375 "CITIZENSHIP AFFIDAVIT

376 Name:

377 Name at birth, if different:

378 Place of birth:

379 Date of birth:

380 Date and place of naturalization (if applicable):

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

384 _____

385 Signature of Applicant

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

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

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

395 (vi) the following statement:

396 "The portion of [~~a~~] your voter registration form that lists [~~a person's~~] your driver license
397 or identification card number, social security number, [~~and~~] email address, and the day of your

398 month of birth is a private record. The portion of [a] your voter registration form that lists [a
399 ~~person's date~~] your month and year of birth is a private record, the use of which is restricted to
400 government officials, government employees, political parties, or certain other persons.

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

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

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

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

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

413 **20A-2-306. Removing names from the official register -- Determining and**
414 **confirming change of residence.**

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

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

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

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

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

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

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

428 (b) When a county clerk obtains information that a voter's address has changed and it

429 appears that the voter now resides in a different county, the county clerk shall verify the
430 changed residence by sending to the voter, by forwardable mail, the notice required by
431 Subsection (3) printed on a postage prepaid, preaddressed return form.

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

434 "VOTER REGISTRATION NOTICE

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

438 _____
439 Street City County State Zip

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

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

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

450 _____
451 Signature of Voter"

452 "The portion of [a] your voter registration form that lists [~~a person's~~] your driver license
453 or identification card number, social security number, [~~and~~] email address, and the day of your
454 month of birth is a private record. The portion of [a] your voter registration form that lists [a
455 ~~person's date~~] your month and year of birth is a private record, the use of which is restricted to
456 government officials, government employees, political parties, or certain other persons.

457 If you believe that disclosure of any information contained in this voter registration
458 form to a person other than a government official or government employee is likely to put you
459 or a member of your household's life or safety at risk, or to put you or a member of your

460 household at risk of being stalked or harassed, you may apply to the lieutenant governor or your
461 county clerk to have your entire voter registration record classified as private."

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

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

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

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

472 (ii) If a county clerk receives a returned voter identification card, determines that there
473 was no clerical error causing the card to be returned, and has no further information to contact
474 the voter, the county clerk may list that voter as inactive.

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

477 (iv) A county is not required to send routine mailings to an inactive voter and is not
478 required to count inactive voters when dividing precincts and preparing supplies.

479 Section 4. Section **20A-6-105** is amended to read:

480 **20A-6-105. Provisional ballot envelopes.**

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

483 "AFFIRMATION

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

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

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

488 Name of Voter _____

489 First Middle Last

490 Driver License or Identification Card Number _____

491 State of Issuance of Driver License or Identification Card Number _____

492 Date of Birth _____

493 Street Address of Principal Place of Residence

494 _____

495 City County State Zip Code

496 Telephone Number (optional) _____

497 Last four digits of Social Security Number _____

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

499 _____

500 City County State Zip Code

501 Voting Precinct (if known)

502 _____

503 I, (please print your full name) _____ do solemnly swear or
504 affirm:

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

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

512 Signed _____

513 Dated _____

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

516 "The portion of [a] your voter registration form that lists [~~a person's~~] your driver license
517 or identification card number, social security number, and email address, and the day of your
518 month of birth, is a private record. The portion of [a] your voter registration form that lists [~~a~~
519 ~~person's date~~] your month and year of birth is a private record, the use of which is restricted to
520 government officials, government employees, political parties, or certain other persons.

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

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

526 "CITIZENSHIP AFFIDAVIT

527 Name:

528 Name at birth, if different:

529 Place of birth:

530 Date of birth:

531 Date and place of naturalization (if applicable):

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

535

536

Signature of Applicant

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

540 (2) The provisional ballot envelope shall include:

541 (a) a unique number;

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

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

545 Section 5. Section 63G-2-202 is amended to read:

546 **63G-2-202. Access to private, controlled, and protected documents.**

547 (1) [~~Upon request, and except~~] Except as provided in Subsection (11)(a), a
548 governmental entity [~~shall~~]:

549 (a) shall, upon request, disclose a private record to:

550 [(a)] (i) the subject of the record;

551 [(b)] (ii) the parent or legal guardian of an unemancipated minor who is the subject of
552 the record;

553 [(e)] (iii) the legal guardian of a legally incapacitated individual who is the subject of
554 the record;

555 [(f)] (iv) any other individual who:

556 [(i)] (A) has a power of attorney from the subject of the record;

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

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

562 [(e)] (v) any person to whom the record must be provided pursuant to:

563 [(i)] (A) court order as provided in Subsection (7); or

564 [(ii)] (B) a legislative subpoena as provided in Title 36, Chapter 14, Legislative
565 Subpoena Powers[-]; and

566 (b) may disclose a private record described in Subsection 63G-2-302(1)(j) or (k),
567 without complying with Section 63G-2-206, to another governmental entity for a purpose
568 related to:

569 (i) voter registration; or

570 (ii) the administration of an election.

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

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

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

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

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

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

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

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

584 including the subject of the record.

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

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

590 (a) the person that submitted the record;

591 (b) any other individual who:

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

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

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

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

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

600 Powers; or

601 (d) the owner of a mobile home park, subject to the conditions of Subsection

602 [41-1a-116\(5\)](#).

603 (5) ~~[A]~~ Except as provided in Subsection (1)(b), a governmental entity may disclose a
604 private, controlled, or protected record to another governmental entity, political subdivision,
605 state, the United States, or a foreign government only as provided by Section [63G-2-206](#).

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

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

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

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

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

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

615 (ii) business confidentiality interests in the case of records protected under Subsection
616 63G-2-305(1), (2), (40)(a)(ii), or (40)(a)(vi); and

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

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

621 (e) where access is restricted by a rule, statute, or regulation referred to in Subsection
622 63G-2-201(3)(b), the court has authority independent of this chapter to order disclosure.

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

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

628 (ii) determines that:

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

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

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

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

636 (iv) prohibits the researcher from:

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

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

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

645 (b) A researcher may disclose a record in individually identifiable form if the record is

646 disclosed for the purpose of auditing or evaluating the research program and no subsequent use
647 or disclosure of the record in individually identifiable form will be made by the auditor or
648 evaluator except as provided by this section.

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

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

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

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

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

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

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

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

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

665 (c) Under Subsection 63G-2-404(7), the court may require the disclosure of records
666 that are private under Section 63G-2-302, controlled under Section 63G-2-304, or protected
667 under Section 63G-2-305 to persons other than those specified in this section.

668 (10) A record contained in the Management Information System, created in Section
669 62A-4a-1003, that is found to be unsubstantiated, unsupported, or without merit may not be
670 disclosed to any person except the person who is alleged in the report to be a perpetrator of
671 abuse, neglect, or dependency.

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

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

676 (12) (a) A private, protected, or controlled record described in Section 62A-16-301

677 shall be disclosed as required under:

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

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

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

682 Section 6. Section 63G-2-302 is amended to read:

683 **63G-2-302. Private records.**

684 (1) The following records are private:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

714 (i) that part of a record indicating a person's social security number or federal employer
715 identification number if provided under Section 31A-23a-104, 31A-25-202, 31A-26-202,
716 58-1-301, 58-55-302, 61-1-4, or 61-2f-203;

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

718 (i) driver license or identification card number;

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

720 (iii) email address; or

721 (iv) date of birth;

722 (k) a voter registration record that is classified as a private record by the lieutenant
723 governor or a county clerk under Subsection 20A-2-104~~(4)(f)~~(6) or 20A-2-101.1(5)(a);

724 (l) a record that:

725 (i) contains information about an individual;

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

727 (iii) goes into an electronic database that:

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

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

732 (m) information provided to the Commissioner of Insurance under:

733 (i) Subsection 31A-23a-115(3)(a);

734 (ii) Subsection 31A-23a-302(4); or

735 (iii) Subsection 31A-26-210(4);

736 (n) information obtained through a criminal background check under Title 11, Chapter
737 40, Criminal Background Checks by Political Subdivisions Operating Water Systems;

738 (o) information provided by an offender that is:

739 (i) required by the registration requirements of Title 77, Chapter 41, Sex and Kidnap
740 Offender Registry or Title 77, Chapter 43, Child Abuse Registry; and

741 (ii) not required to be made available to the public under Subsection 77-41-110(4) or
742 77-43-108(4);

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

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

750 (r) an email address provided by a military or overseas voter under Section
751 20A-16-501;

752 (s) a completed military-overseas ballot that is electronically transmitted under Title
753 20A, Chapter 16, Uniform Military and Overseas Voters Act;

754 (t) records received by or generated by or for the Political Subdivisions Ethics Review
755 Commission established in Section 11-49-201, except for:

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

757 (ii) any other document that is classified as public in accordance with Title 11, Chapter
758 49, Political Subdivisions Ethics Review Commission;

759 (u) a record described in Subsection 53A-11a-203(3) that verifies that a parent was
760 notified of an incident or threat; and

761 (v) a criminal background check or credit history report conducted in accordance with
762 Section 63A-3-201.

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

764 (a) records concerning a current or former employee of, or applicant for employment
765 with a governmental entity, including performance evaluations and personal status information
766 such as race, religion, or disabilities, but not including records that are public under Subsection
767 63G-2-301(2)(b) or 63G-2-301(3)(o) or private under Subsection (1)(b);

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

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

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

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

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

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

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

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

784 (g) audio and video recordings created by a body-worn camera, as defined in Section
785 77-7a-103, that record sound or images inside a home or residence except for recordings that:

786 (i) depict the commission of an alleged crime;

787 (ii) record any encounter between a law enforcement officer and a person that results in
788 death or bodily injury, or includes an instance when an officer fires a weapon;

789 (iii) record any encounter that is the subject of a complaint or a legal proceeding
790 against a law enforcement officer or law enforcement agency;

791 (iv) contain an officer involved critical incident as defined in Section 76-2-408(1)(d);

792 or

793 (v) have been requested for reclassification as a public record by a subject or
794 authorized agent of a subject featured in the recording.

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

797 (b) Medical records in the possession of the University of Utah Hospital, its clinics,
798 doctors, or affiliated entities are not private records or controlled records under Section
799 63G-2-304 when the records are sought:

800 (i) in connection with any legal or administrative proceeding in which the patient's

801 physical, mental, or emotional condition is an element of any claim or defense; or

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

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