

1 **VOTER PRIVACY AMENDMENTS**

2 2018 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Karen Mayne**

5 House Sponsor: \_\_\_\_\_

---

7 **LONG TITLE**

8 **General Description:**

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

10 **Highlighted Provisions:**

11 This bill:

- 12 ▶ makes the month and year of a voter's date of birth a public record;
- 13 ▶ amends the voter registration form;
- 14 ▶ repeals provisions related to a qualified person's access to and use of a voter's date
- 15 of birth; and
- 16 ▶ makes technical and conforming changes.

17 **Money Appropriated in this Bill:**

18 None

19 **Other Special Clauses:**

20 None

21 **Utah Code Sections Affected:**

22 AMENDS:

23 **20A-2-104**, as last amended by Laws of Utah 2015, Chapter 130

24 **20A-2-108**, as last amended by Laws of Utah 2015, Chapter 130

25 **20A-2-306**, as last amended by Laws of Utah 2017, Chapter 52

26 **20A-6-105**, as last amended by Laws of Utah 2014, Chapter 373

27 **63G-2-302**, as last amended by Laws of Utah 2017, Chapters 168 and 282



28 

---

---

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

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

31 **20A-2-104. Voter registration form -- Registered voter lists -- Fees for copies.**

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

34 -----

35 UTAH ELECTION REGISTRATION FORM

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

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

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

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

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

42 Name of Voter

43 \_\_\_\_\_

44 First Middle Last

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

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

47 Street Address of Principal Place of Residence

48 \_\_\_\_\_

49 City County State Zip Code

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

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

52 Last former address at which I was registered to vote (if  
53 known) \_\_\_\_\_

54 \_\_\_\_\_

55 City County State Zip Code

56 Political Party

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

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

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

66 Signed and sworn

67 \_\_\_\_\_

68 Voter's Signature

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

70 "The ~~[portion] portions~~ of [a] your voter registration form that ~~[lists a person's]~~ list your  
71 driver license or identification card number, social security number, and email address ~~[is a~~  
72 ~~private record. The portion of a voter registration form that lists a person's date of birth is a~~  
73 ~~private record, the use of which is restricted to government officials, government employees,~~  
74 ~~political parties, or certain other persons]~~, and the day of the month of your birth, are private  
75 records.

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

81 CITIZENSHIP AFFIDAVIT

82 Name:

83 Name at birth, if different:

84 Place of birth:

85 Date of birth:

86 Date and place of naturalization (if applicable):

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

90 \_\_\_\_\_

91 Signature of Applicant

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

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

101 FOR OFFICIAL USE ONLY

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

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

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

105 -----

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

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

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

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

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

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

118 ~~[(4) (a) As used in this Subsection (4), "qualified person" means:]~~

119 ~~[(i) a government official or government employee acting in the government official's  
120 or government employee's capacity as a government official or a government employee;]~~

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

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

125 ~~[(iv) a financial institution, as defined in Section 7-1-103, or an agent, employee, or~~  
126 ~~independent contractor of a financial institution;]~~

127 ~~[(v) a political party, or an agent, employee, or independent contractor of a political~~  
128 ~~party; or]~~

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

130 ~~[(A) provides the date of birth of a registered voter that is obtained from the list of~~  
131 ~~registered voters only to a person who is a qualified person;]~~

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

134 ~~[(C) ensures, using industry standard security measures, that the date of birth of a~~  
135 ~~registered voter that is obtained from the list of registered voters may not be accessed by a~~  
136 ~~person other than a qualified person;]~~

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

142 ~~[(E) verifies that each qualified person described in Subsection (4)(a)(i), to whom the~~  
143 ~~person provides the date of birth of a registered voter that is obtained from the list of registered~~  
144 ~~voters, will only use the date of birth in the qualified person's capacity as a government official~~  
145 ~~or government employee; and]~~

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

149 ~~[(b) Notwithstanding Subsection 63G-2-302(1)(j)(iv), and except as provided in~~  
150 ~~Subsection 63G-2-302(1)(k), the lieutenant governor or a county clerk shall, when providing~~  
151 ~~the list of registered voters to a qualified person under this section, include, with the list, the~~

152 ~~dates of birth of the registered voters, if:]~~

153 ~~[(i) the lieutenant governor or a county clerk verifies the identity of the person and that~~  
154 ~~the person is a qualified person; and]~~

155 ~~[(ii) the qualified person signs a document that includes the following:]~~

156 ~~[(A) the name, address, and telephone number of the person requesting the list of~~  
157 ~~registered voters;]~~

158 ~~[(B) an indication of the type of qualified person that the person requesting the list~~  
159 ~~claims to be;]~~

160 ~~[(C) a statement regarding the purpose for which the person desires to obtain the dates~~  
161 ~~of birth;]~~

162 ~~[(D) a list of the purposes for which the date of birth of a registered voter that is~~  
163 ~~obtained from the list of registered voters may be used;]~~

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

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

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

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

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

178 ~~[(i) is not a qualified person or a person described in Subsection (4)(k); or]~~

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

180 ~~[(d) The lieutenant governor or a county clerk may not disclose the voter registration~~  
181 ~~form of a person, or information included in the person's voter registration form, whose voter~~  
182 ~~registration form is classified as private under Subsection (4)(f) to a person other than a~~

183 ~~government official or government employee acting in the government official's or government~~  
 184 ~~employee's capacity as a government official or government employee.]~~

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

186 ~~[(i) obtains the date of birth of a registered voter from the list of registered voters under~~  
 187 ~~false pretenses, or]~~

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

190 ~~[(f)]~~ (4) (a) The lieutenant governor or a county clerk shall classify the voter

191 registration record of a voter as a private record if the voter submits:

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

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

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

199 (i) a protective order;

200 (ii) a police report; or

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

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

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

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

212 ~~[(i) A qualified person may not obtain, provide, or use the date of birth of a registered~~  
 213 ~~voter, if the date of birth is obtained from the list of registered voters or from a voter~~

214 ~~registration record, unless the person:]~~

215 ~~[(i) is a government official or government employee who obtains, provides, or uses~~  
216 ~~the date of birth in the government official's or government employee's capacity as a~~  
217 ~~government official or government employee;]~~

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

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

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

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

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

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

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

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

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



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

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

251 **20A-2-108. Driver license registration form -- Transmittal of information.**

252 (1) The lieutenant governor and the Driver License Division shall design the driver

253 license application and renewal forms to include the following questions:

254 (a) "If you are not registered to vote where you live now, would you like to register to

255 vote today?"; and

256 (b) "If you are 16 or 17 years of age, and will not be 18 years of age before the date of

257 the next election, would you like to preregister to vote today?"

258 (2) (a) The lieutenant governor and the Driver License Division shall design a motor

259 voter registration form to be used in conjunction with driver license application and renewal

260 forms.

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

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

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

264 "I do swear (or affirm), subject to penalty of law for false statements, that the

265 information contained in this form is true, and that I am a citizen of the United States and a

266 resident of the state of Utah, residing at the above address. Unless I have indicated above that I

267 am preregistering to vote in a later election, I will be at least 18 years of age and will have

268 resided in Utah for 30 days immediately before the next election.

269 Signed and sworn

270 \_\_\_\_\_

271 Voter's Signature

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

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

274 "CITIZENSHIP AFFIDAVIT

275 Name:

276 Name at birth, if different:

277 Place of birth:

278 Date of birth:

279 Date and place of naturalization (if applicable):

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

283 \_\_\_\_\_

284 Signature of Applicant

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

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

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

294 (vi) the following statement:

295 "The ~~[portion]~~ portions of ~~[a]~~ your voter registration form that ~~[lists a person's]~~ list your  
296 driver license or identification card number, social security number, and email address ~~[is a~~  
297 private record. The portion of a voter registration form that lists a person's date of birth is a  
298 private record, the use of which is restricted to government officials, government employees,  
299 political parties, or certain other persons], and the day of the month of your birth, are private  
300 records.

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

306 (3) Upon receipt of a voter registration form from an applicant, the county clerk or the

307 clerk's designee shall:

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

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

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

313 **20A-2-306. Removing names from the official register -- Determining and**  
314 **confirming change of residence.**

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

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

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

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

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

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

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

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

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

334 "VOTER REGISTRATION NOTICE

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

338  
339  
340  
341  
342  
343  
344  
345  
346  
347  
348  
349  
350  
351  
352  
353  
354  
355  
356  
357  
358  
359  
360  
361  
362  
363  
364  
365  
366  
367  
368

---

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

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

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

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

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

370 (ii) the voter has died.

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

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

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

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

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

381 **20A-6-105. Provisional ballot envelopes.**

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

384 "AFFIRMATION

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

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

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

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

390 First Middle Last

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

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

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

394 Street Address of Principal Place of Residence

395 \_\_\_\_\_

396 City County State Zip Code

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

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

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

400 \_\_\_\_\_  
 401 City County State Zip Code  
 402 Voting Precinct (if known)

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

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

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

413 Signed \_\_\_\_\_  
 414 Dated \_\_\_\_\_

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

417 "The ~~[portion] portions~~ of [a] your voter registration form that ~~[lists a person's]~~ list your  
 418 driver license or identification card number, social security number, and email address ~~[is a~~  
 419 ~~private record. The portion of a voter registration form that lists a person's date of birth is a~~  
 420 ~~private record, the use of which is restricted to government officials, government employees,~~  
 421 ~~political parties, or certain other persons]~~, and the day of the month of your birth, are private  
 422 records.

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

428 "CITIZENSHIP AFFIDAVIT

429 Name:

430 Name at birth, if different:

431 Place of birth:

432 Date of birth:

433 Date and place of naturalization (if applicable):

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

437 \_\_\_\_\_  
438 Signature of Applicant

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

442 (2) The provisional ballot envelope shall include:

443 (a) a unique number;

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

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

447 Section 5. Section 63G-2-302 is amended to read:

448 **63G-2-302. Private records.**

449 (1) The following records are private:

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

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

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

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

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

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

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

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

- 462 (e) records received by, or generated by or for, the Independent Executive Branch  
463 Ethics Commission, except as otherwise expressly provided in Title 63A, Chapter 14, Review  
464 of Executive Branch Ethics Complaints;
- 465 (f) records received or generated for a Senate confirmation committee concerning  
466 character, professional competence, or physical or mental health of an individual:
- 467 (i) if, prior to the meeting, the chair of the committee determines release of the records:  
468 (A) reasonably could be expected to interfere with the investigation undertaken by the  
469 committee; or  
470 (B) would create a danger of depriving a person of a right to a fair proceeding or  
471 impartial hearing; and  
472 (ii) after the meeting, if the meeting was closed to the public;
- 473 (g) employment records concerning a current or former employee of, or applicant for  
474 employment with, a governmental entity that would disclose that individual's home address,  
475 home telephone number, social security number, insurance coverage, marital status, or payroll  
476 deductions;
- 477 (h) records or parts of records under Section 63G-2-303 that a current or former  
478 employee identifies as private according to the requirements of that section;
- 479 (i) that part of a record indicating a person's social security number or federal employer  
480 identification number if provided under Section 31A-23a-104, 31A-25-202, 31A-26-202,  
481 58-1-301, 58-55-302, 61-1-4, or 61-2f-203;
- 482 (j) that part of a voter registration record identifying [~~a voter's~~]:  
483 (i) a voter's driver license or identification card number;  
484 (ii) a voter's social security number, or last four digits of the voter's social security  
485 number;
- 486 (iii) a voter's email address; or  
487 (iv) [~~date~~] the day of the month of a voter's birth;
- 488 (k) a voter registration record that is classified as a private record by the lieutenant  
489 governor or a county clerk under Subsection 20A-2-104(4)[~~(f)~~] or 20A-2-101.1(5)(a);
- 490 (l) a record that:  
491 (i) contains information about an individual;  
492 (ii) is voluntarily provided by the individual; and



- 493 (iii) goes into an electronic database that:
- 494 (A) is designated by and administered under the authority of the Chief Information  
495 Officer; and
- 496 (B) acts as a repository of information about the individual that can be electronically  
497 retrieved and used to facilitate the individual's online interaction with a state agency;
- 498 (m) information provided to the Commissioner of Insurance under:
- 499 (i) Subsection 31A-23a-115(3)(a);
- 500 (ii) Subsection 31A-23a-302(4); or
- 501 (iii) Subsection 31A-26-210(4);
- 502 (n) information obtained through a criminal background check under Title 11, Chapter  
503 40, Criminal Background Checks by Political Subdivisions Operating Water Systems;
- 504 (o) information provided by an offender that is:
- 505 (i) required by the registration requirements of Title 77, Chapter 41, Sex and Kidnap  
506 Offender Registry or Title 77, Chapter 43, Child Abuse Offender Registry; and
- 507 (ii) not required to be made available to the public under Subsection 77-41-110(4) or  
508 77-43-108(4);
- 509 (p) a statement and any supporting documentation filed with the attorney general in  
510 accordance with Section 34-45-107, if the federal law or action supporting the filing involves  
511 homeland security;
- 512 (q) electronic toll collection customer account information received or collected under  
513 Section 72-6-118 and customer information described in Section 17B-2a-815 received or  
514 collected by a public transit district, including contact and payment information and customer  
515 travel data;
- 516 (r) an email address provided by a military or overseas voter under Section  
517 20A-16-501;
- 518 (s) a completed military-overseas ballot that is electronically transmitted under Title  
519 20A, Chapter 16, Uniform Military and Overseas Voters Act;
- 520 (t) records received by or generated by or for the Political Subdivisions Ethics Review  
521 Commission established in Section 11-49-201, except for:
- 522 (i) the commission's summary data report that is required in Section 11-49-202; and
- 523 (ii) any other document that is classified as public in accordance with Title 11, Chapter

524 49, Political Subdivisions Ethics Review Commission;

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

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

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

530 (a) records concerning a current or former employee of, or applicant for employment  
531 with a governmental entity, including performance evaluations and personal status information  
532 such as race, religion, or disabilities, but not including records that are public under Subsection  
533 63G-2-301(2)(b) or 63G-2-301(3)(o) or private under Subsection (1)(b);

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

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

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

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

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

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

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

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

550 (g) audio and video recordings created by a body-worn camera, as defined in Section  
551 77-7a-103, that record sound or images inside a home or residence except for recordings that:

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

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

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

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

558 or

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

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

563 (b) Medical records in the possession of the University of Utah Hospital, its clinics,  
564 doctors, or affiliated entities are not private records or controlled records under Section  
565 63G-2-304 when the records are sought:

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

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

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

---

---

**Legislative Review Note**  
**Office of Legislative Research and General Counsel**