

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

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**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;
- ▶ 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:**

AMENDS:

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



- 26 **20A-2-108**, as last amended by Laws of Utah 2015, Chapter 130
- 27 **20A-2-306**, as last amended by Laws of Utah 2017, Chapter 52
- 28 **20A-6-105**, as last amended by Laws of Utah 2014, Chapter 373
- 29 **63G-2-202**, as last amended by Laws of Utah 2016, Chapter 348



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

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

33 **20A-2-104. Voter registration form -- Registered voter lists -- Fees for copies.**

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

36 -----

37 UTAH ELECTION REGISTRATION FORM

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

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

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

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

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

44 Name of Voter

45 \_\_\_\_\_

46 First Middle Last

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

48 Date of Birth \_\_\_\_\_

49 Street Address of Principal Place of Residence

50 \_\_\_\_\_

51 City County State Zip Code

52 Telephone Number (optional) \_\_\_\_\_

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

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

56 \_\_\_\_\_

57 City County State Zip Code  
 58 Political Party  
 59 (a listing of each registered political party, as defined in Section 20A-8-101 and maintained by  
 60 the lieutenant governor under Section 67-1a-2, with each party's name preceded by a checkbox)  
 61 Unaffiliated (no political party preference) Other (Please specify)\_\_\_\_\_

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

68 Signed and sworn  
 69 \_\_\_\_\_  
 70 Voter's Signature

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

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

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

82 CITIZENSHIP AFFIDAVIT

- 83 Name:
- 84 Name at birth, if different:
- 85 Place of birth:
- 86 Date of birth:
- 87 Date and place of naturalization (if applicable):

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

91 \_\_\_\_\_  
92 Signature of Applicant

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

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

100 TWO DIFFERENT FORMS OF IDENTIFICATION THAT SHOW YOUR NAME AND  
101 CURRENT ADDRESS.

102 FOR OFFICIAL USE ONLY

103 Type of I.D. \_\_\_\_\_  
104 Voting Precinct \_\_\_\_\_  
105 Voting I.D. Number \_\_\_\_\_

106 -----

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

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

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

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

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

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

119 (4) (a) As used in this Subsection (4), "qualified person" means:  
120 (i) a government official or government employee acting in the government official's or  
121 government employee's capacity as a government official or a government employee;  
122 (ii) a health care provider, as defined in Section 26-33a-102, or an agent, employee, or  
123 independent contractor of a health care provider;  
124 (iii) an insurance company, as defined in Section 67-4a-102, or an agent, employee, or  
125 independent contractor of an insurance company;  
126 (iv) a financial institution, as defined in Section 7-1-103, or an agent, employee, or  
127 independent contractor of a financial institution;  
128 (v) a political party, or an agent, employee, or independent contractor of a political  
129 party; or  
130 (vi) a person, or an agent, employee, or independent contractor of the person, who:  
131 (A) provides the [date] month or year of birth of a registered voter that is obtained from  
132 the list of registered voters only to a person who is a qualified person;  
133 (B) verifies that a person, described in Subsection (4)(a)(vi)(A), to whom a [date]  
134 month or year of birth that is obtained from the list of registered voters is provided, is a  
135 qualified person;  
136 (C) ensures, using industry standard security measures, that the [date] month or year of  
137 birth of a registered voter that is obtained from the list of registered voters may not be accessed  
138 by a person other than a qualified person;  
139 (D) verifies that each qualified person, other than a qualified person described in  
140 Subsection (4)(a)(i) or (v), to whom the person provides the [date] month or year of birth of a  
141 registered voter that is obtained from the list of registered voters, will only use the [date] month  
142 or year of birth to verify the accuracy of personal information submitted by an individual or to  
143 confirm the identity of a person in order to prevent fraud, waste, or abuse;  
144 (E) verifies that each qualified person described in Subsection (4)(a)(i), to whom the  
145 person provides the [date] month or year of birth of a registered voter that is obtained from the  
146 list of registered voters, will only use the [date] month or year of birth in the qualified person's  
147 capacity as a government official or government employee; and  
148 (F) verifies that each qualified person described in Subsection (4)(a)(v), to whom the  
149 person provides the [date] month or year of birth of a registered voter that is obtained from the

150 list of registered voters, will only use the ~~[date]~~ month or year of birth for a political purpose.

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

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

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

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

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

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

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

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

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

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

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

180 (c) The lieutenant governor or a county clerk may not disclose the ~~[date]~~ month or year

181 of birth of a registered voter to a person that the lieutenant governor or county clerk reasonably  
182 believes:

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

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

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

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

191 (i) obtains the [~~date~~] month or year of birth of a registered voter from the list of  
192 registered voters under false pretenses; or

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

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

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

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

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

204 (i) a protective order;

205 (ii) a police report; or

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

209 (h) In addition to any criminal penalty that may be imposed under this section, the  
210 lieutenant governor may impose a civil fine against a person who obtains the [~~date~~] month or  
211 year of birth of a registered voter from the list of registered voters under false pretenses, or

212 provides or uses a [~~date~~] month or year of birth of a registered voter that is obtained from the  
213 list of registered voters in a manner that is not permitted by law, in an amount equal to the  
214 greater of:

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

217 (ii) \$200.

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

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

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

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

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

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

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

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

242 (k) The lieutenant governor or a county clerk may provide a [~~date~~] month or year of



243 birth to a member of the media, in relation to an individual designated by the member of the  
244 media, in order for the member of the media to verify the identity of the individual.

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

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

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

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

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

258 **20A-2-108. Driver license registration form -- Transmittal of information.**

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

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

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

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

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

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

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

271 "I do swear (or affirm), subject to penalty of law for false statements, that the  
272 information contained in this form is true, and that I am a citizen of the United States and a  
273 resident of the state of Utah, residing at the above address. Unless I have indicated above that I

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

276 Signed and sworn

277 \_\_\_\_\_

278 Voter's Signature

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

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

281 "CITIZENSHIP AFFIDAVIT

282 Name:

283 Name at birth, if different:

284 Place of birth:

285 Date of birth:

286 Date and place of naturalization (if applicable):

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

290 \_\_\_\_\_

291 Signature of Applicant

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

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

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

301 (vi) the following statement:

302 "The portion of [a] your voter registration form that lists [~~a person's~~] your driver license  
303 or identification card number, social security number, [~~and~~] email address, and the day of your  
304 month of birth is a private record. The portion of [a] your voter registration form that lists [a

305 ~~person's date]~~ your month and year of birth is a private record, the use of which is restricted to  
306 government officials, government employees, political parties, or certain other persons.

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

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

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

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

319 **20A-2-306. Removing names from the official register -- Determining and**  
320 **confirming change of residence.**

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

- 323 (a) confirms in writing that the voter has changed residence to a place outside the  
324 county; or
- 325 (b) (i) has not voted in an election during the period beginning on the date of the notice  
326 required by Subsection (3), and ending on the day after the date of the second regular general  
327 election occurring after the date of the notice; and
- 328 (ii) has failed to respond to the notice required by Subsection (3).

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

- 331 (i) change the official register to show the voter's new address; and
- 332 (ii) send to the voter, by forwardable mail, the notice required by Subsection (3)  
333 printed on a postage prepaid, preaddressed return form.

334 (b) When a county clerk obtains information that a voter's address has changed and it  
335 appears that the voter now resides in a different county, the county clerk shall verify the

336 changed residence by sending to the voter, by forwardable mail, the notice required by  
337 Subsection (3) printed on a postage prepaid, preaddressed return form.

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

340 "VOTER REGISTRATION NOTICE

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

344 \_\_\_\_\_  
345 Street City County State Zip

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

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

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

356 \_\_\_\_\_  
357 Signature of Voter"

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

363 If you believe that disclosure of any information contained in this voter registration  
364 form to a person other than a government official or government employee is likely to put you  
365 or a member of your household's life or safety at risk, or to put you or a member of your  
366 household at risk of being stalked or harassed, you may apply to the lieutenant governor or your

367 county clerk to have your entire voter registration record classified as private."

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

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

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

375 (ii) the voter has died.

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

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

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

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

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

386 **20A-6-105. Provisional ballot envelopes.**

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

389 "AFFIRMATION

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

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

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

394 Name of Voter \_\_\_\_\_

395 First Middle Last

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

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

398 Date of Birth \_\_\_\_\_

399 Street Address of Principal Place of Residence  
400 \_\_\_\_\_

401 City County State Zip Code

402 Telephone Number (optional) \_\_\_\_\_

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

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

406 City County State Zip Code

407 Voting Precinct (if known)  
408 \_\_\_\_\_

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

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

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

418 Signed \_\_\_\_\_

419 Dated \_\_\_\_\_

420 In accordance with Section [20A-3-506](#), wilfully providing false information above is a  
421 class B misdemeanor under Utah law and is punishable by imprisonment and by fine."

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

427 If you believe that disclosure of any information contained in this voter registration  
428 form to a person other than a government official or government employee is likely to put you

429 or a member of your household's life or safety at risk, or to put you or a member of your  
430 household at risk of being stalked or harassed, you may apply to the lieutenant governor or your  
431 county clerk to have your entire voter registration record classified as private."

432 "CITIZENSHIP AFFIDAVIT

433 Name:

434 Name at birth, if different:

435 Place of birth:

436 Date of birth:

437 Date and place of naturalization (if applicable):

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

441 \_\_\_\_\_  
442 Signature of Applicant

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

446 (2) The provisional ballot envelope shall include:

447 (a) a unique number;

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

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

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

452 **63G-2-202. Access to private, controlled, and protected documents.**

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

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

456 [~~(a)~~] (i) the subject of the record;

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

459 [~~(c)~~] (iii) the legal guardian of a legally incapacitated individual who is the subject of

460 the record;

461 ~~[(iv)]~~ (iv) any other individual who:

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

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

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

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

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

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

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

475 (i) voter registration; or

476 (ii) the administration of an election.

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

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

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

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

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

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

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

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



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

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

496 (a) the person that submitted the record;

497 (b) any other individual who:

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

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

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

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

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

507 (d) the owner of a mobile home park, subject to the conditions of Subsection  
508 [41-1a-116\(5\)](#).

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

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

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

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

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

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

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

521 (ii) business confidentiality interests in the case of records protected under Subsection

522 63G-2-305(1), (2), (40)(a)(ii), or (40)(a)(vi); and

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

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

527 (e) where access is restricted by a rule, statute, or regulation referred to in Subsection  
528 63G-2-201(3)(b), the court has authority independent of this chapter to order disclosure.

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

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

534 (ii) determines that:

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

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

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

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

542 (iv) prohibits the researcher from:

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

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

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

551 (b) A researcher may disclose a record in individually identifiable form if the record is  
552 disclosed for the purpose of auditing or evaluating the research program and no subsequent use

553 or disclosure of the record in individually identifiable form will be made by the auditor or  
554 evaluator except as provided by this section.

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

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

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

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

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

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

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

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

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

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

574 (10) A record contained in the Management Information System, created in Section  
575 62A-4a-1003, that is found to be unsubstantiated, unsupported, or without merit may not be  
576 disclosed to any person except the person who is alleged in the report to be a perpetrator of  
577 abuse, neglect, or dependency.

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

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

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

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

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

586 (b) A record disclosed under Subsection (12)(a) shall retain its character as private,

587 protected, or controlled.