

Representative Norman K. Thurston 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;
- ▶ amends the voter registration form;
- ▶ allows any individual to request that the individual's voter registration record be classified as a private record;
- ▶ amends provisions relating to the process by which a voter may request that the voter's voter registration record be classified as a private record;
- ▶ 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:



26 None

27 **Utah Code Sections Affected:**

28 AMENDS:

29 **20A-2-104**, as last amended by Laws of Utah 2015, Chapter 130

30 **20A-2-108**, as last amended by Laws of Utah 2015, Chapter 130

31 **20A-2-306**, as last amended by Laws of Utah 2017, Chapter 52

32 **20A-6-105**, as last amended by Laws of Utah 2014, Chapter 373

33 **63G-2-202**, as last amended by Laws of Utah 2016, Chapter 348



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

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

37 **20A-2-104. Voter registration form -- Registered voter lists -- Fees for copies.**

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

40 -----

41 UTAH ELECTION REGISTRATION FORM

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

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

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

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

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

48 Name of Voter

49 _____

50 First Middle Last

51 Utah Driver License or Utah Identification Card Number _____

52 Date of Birth _____

53 Street Address of Principal Place of Residence

54 _____

55 City County State Zip Code

56 Telephone Number (optional) _____

57 Last four digits of Social Security Number _____

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

60 _____

61 City County State Zip Code

62 Political Party

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

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

66 You may request that your voter registration record be classified as a private record by
67 indicating here: Yes, I would like to request that my voter registration record be classified
68 as a private record.

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

75 Signed and sworn
76 _____

77 Voter's Signature

78 _____(month/day/year).

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

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

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

90 CITIZENSHIP AFFIDAVIT

91 Name:

92 Name at birth, if different:

93 Place of birth:

94 Date of birth:

95 Date and place of naturalization (if applicable):

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

99 _____

100 Signature of Applicant

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

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

110 FOR OFFICIAL USE ONLY

111 Type of I.D. _____

112 Voting Precinct _____

113 Voting I.D. Number _____

114 -----

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

118 (b) The county clerk may transfer a superseded voter registration form to the Division

119 of Archives and Records Service created under Section 63A-12-101.

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

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

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

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

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

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

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

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

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

136 (v) a political party, or an agent, employee, or independent contractor of a political
137 party; or

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

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

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

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

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

150 or year of birth to verify the accuracy of personal information submitted by an individual or to
151 confirm the identity of a person in order to prevent fraud, waste, or abuse;

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

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

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

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

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

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

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

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

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

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

178 (F) a statement that if the person obtains the [~~date~~] month or year of birth of a
179 registered voter from the list of registered voters under false pretenses, or provides or uses the
180 [~~date~~] month or year of birth of a registered voter that is obtained from the list of registered

181 voters in a manner that is prohibited by law, is guilty of a class A misdemeanor and is subject
182 to a civil fine;

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

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

188 (c) The lieutenant governor or a county clerk may not disclose the [date] month or year
189 of birth of a registered voter to a person that the lieutenant governor or county clerk reasonably
190 believes:

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

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

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

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

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

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

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

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

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

212 ~~[(i) a protective order;]~~
213 ~~[(ii) a police report; or]~~
214 ~~[(iii) other evidence designated by rule, made in accordance with Title 63G, Chapter 3,~~
215 ~~Utah Administrative Rulemaking Act, by the director of elections within the Office of the~~
216 ~~Lieutenant Governor.]~~

217 (ii) requests on the voter's voter registration form that the voter's voter registration
218 record be classified as a private record.

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

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

227 (ii) \$200.

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

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

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

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

240 (iv) is a qualified person described in Subsection (4)(a)(vi) and obtains, provides, or
241 uses the ~~[date]~~ month or year of birth to provide the ~~[date]~~ month or year of birth to another
242 qualified person to verify the accuracy of personal information submitted by an individual or to

243 confirm the identity of a person in order to prevent fraud, waste, or abuse.

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

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

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

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

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

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

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

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

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

268 **20A-2-108. Driver license registration form -- Transmittal of information.**

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

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

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

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

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

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

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

280 (ii) the following statement: "You may request that your voter registration record be
281 classified as a private record by indicating here: Yes, I would like to request that my voter
282 registration record be classified as a private record.";

283 [(ii)] (iii) an eligibility statement in substantially the following form:

284 "I do swear (or affirm), subject to penalty of law for false statements, that the
285 information contained in this form is true, and that I am a citizen of the United States and a
286 resident of the state of Utah, residing at the above address. Unless I have indicated above that I
287 am preregistering to vote in a later election, I will be at least 18 years of age and will have
288 resided in Utah for 30 days immediately before the next election.

289 Signed and sworn

290 _____

291 Voter's Signature

292 _____(month\day\year)";

293 [(iii)] (iv) a citizenship affidavit in substantially the following form:

294 "CITIZENSHIP AFFIDAVIT

295 Name:

296 Name at birth, if different:

297 Place of birth:

298 Date of birth:

299 Date and place of naturalization (if applicable):

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

303 _____

304 Signature of Applicant

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

308 ~~[(iv)]~~ (v) a statement that if an applicant declines to register or preregister to vote, the
 309 fact that the applicant has declined to register or preregister will remain confidential and will be
 310 used only for voter registration purposes;

311 ~~[(v)]~~ (vi) a statement that if an applicant does register or preregister to vote, the office
 312 at which the applicant submits a voter registration application will remain confidential and will
 313 be used only for voter registration purposes; and

314 ~~[(vi)]~~ (vii) the following statement:

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

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

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

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

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

331 Section 3. Section [20A-2-306](#) is amended to read:

332 **20A-2-306. Removing names from the official register -- Determining and**
 333 **confirming change of residence.**

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

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

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

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

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

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

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

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

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

353 "VOTER REGISTRATION NOTICE

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

357 _____
358 Street City County State Zip

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

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

365 - if you fail to vote at least once from the date this notice was mailed until the passing
366 of two regular general elections, you will no longer be registered to vote. If you have changed

367 your residence and have moved to a different county in Utah, you may register to vote by
 368 contacting the county clerk in your county.

369 _____
 370 Signature of Voter"

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

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

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

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

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

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

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

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

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

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

399 **20A-6-105. Provisional ballot envelopes.**

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

402 "AFFIRMATION

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

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

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

407 Name of Voter _____

408 First Middle Last

409 Driver License or Identification Card Number _____

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

411 Date of Birth _____

412 Street Address of Principal Place of Residence

413 _____

414 City County State Zip Code

415 Telephone Number (optional) _____

416 Last four digits of Social Security Number _____

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

418 _____

419 City County State Zip Code

420 Voting Precinct (if known)

421 _____

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

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

427 Subject to penalty of law for false statements, that the information contained in this
428 form is true, and that I am a citizen of the United States and a resident of Utah, residing at the

429 above address; and that I am at least 18 years old and have resided in Utah for the 30 days
430 immediately before this election.

431 Signed _____

432 Dated _____

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

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

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

445 "CITIZENSHIP AFFIDAVIT

446 Name:

447 Name at birth, if different:

448 Place of birth:

449 Date of birth:

450 Date and place of naturalization (if applicable):

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

454 _____
455 Signature of Applicant

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

459 (2) The provisional ballot envelope shall include:

460 (a) a unique number;
461 (b) a detachable part that includes the unique number; and
462 (c) a telephone number, internet address, or other indicator of a means, in accordance
463 with Section [20A-6-105.5](#), where the voter can find out if the provisional ballot was counted.

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

465 **63G-2-202. Access to private, controlled, and protected documents.**

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

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

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

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

472 [~~(c)~~] (iii) the legal guardian of a legally incapacitated individual who is the subject of
473 the record;

474 [~~(d)~~] (iv) any other individual who:

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

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

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

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

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

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

485 (b) may disclose a private record described in Subsection [63G-2-302\(1\)\(j\)](#) or (k),
486 without complying with Section [63G-2-206](#), to another governmental entity for a purpose
487 related to:

488 (i) voter registration; or

489 (ii) the administration of an election.

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

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

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

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

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

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

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

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

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

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

509 (a) the person that submitted the record;

510 (b) any other individual who:

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

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

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

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

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

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

521 41-1a-116(5).

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

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

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

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

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

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

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

534 (ii) business confidentiality interests in the case of records protected under Subsection
535 63G-2-305(1), (2), (40)(a)(ii), or (40)(a)(vi); and

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

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

540 (e) where access is restricted by a rule, statute, or regulation referred to in Subsection
541 63G-2-201(3)(b), the court has authority independent of this chapter to order disclosure.

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

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

547 (ii) determines that:

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

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

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

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

555 (iv) prohibits the researcher from:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

587 (10) A record contained in the Management Information System, created in Section
588 62A-4a-1003, that is found to be unsubstantiated, unsupported, or without merit may not be
589 disclosed to any person except the person who is alleged in the report to be a perpetrator of
590 abuse, neglect, or dependency.

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

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

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

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

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

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