

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 This bill provides a coordination clause.

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

34 **Utah Code Sections Affected by Coordination Clause:**

35 **20A-2-104**, as last amended by Laws of Utah 2015, Chapter 130

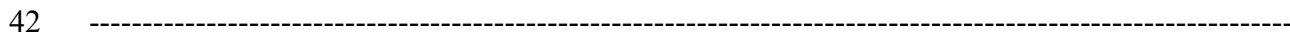


37 *Be it enacted by the Legislature of the state of Utah:*

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

39 **20A-2-104. Voter registration form -- Registered voter lists -- Fees for copies.**

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



43 UTAH ELECTION REGISTRATION FORM

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

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

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

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

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

50 Name of Voter

51 _____

52 First Middle Last

53 Utah Driver License or Utah Identification Card Number _____

54 Date of Birth _____

55 Street Address of Principal Place of Residence

56 _____

57 City County State Zip Code

58 Telephone Number (optional) _____

59 Last four digits of Social Security Number _____

60 Last former address at which I was registered to vote (if
61 known) _____

62 _____

63 City County State Zip Code

64 Political Party

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

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

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

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

77 Signed and sworn

78 _____

79 Voter's Signature

80 _____ (month/day/year).

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

87 ~~[If you believe that disclosure of any information contained in this voter registration~~

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

92 CITIZENSHIP AFFIDAVIT

93 Name:

94 Name at birth, if different:

95 Place of birth:

96 Date of birth:

97 Date and place of naturalization (if applicable):

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

101 _____

102 Signature of Applicant

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

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

112 FOR OFFICIAL USE ONLY

113 Type of I.D. _____

114 Voting Precinct _____

115 Voting I.D. Number _____

116 -----

117 (2) (a) Except as provided under Subsection (2)(b), the county clerk shall retain a copy
118 of each voter registration form in a permanent countywide alphabetical file, which may be

119 electronic or some other recognized system.

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

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

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

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

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

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

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

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

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

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

138 (v) a political party, or an agent, employee, or independent contractor of a political
139 party; or

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

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

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

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

149 (D) verifies that each qualified person, other than a qualified person described in

150 Subsection (4)(a)(i) or (v), to whom the person provides the [date] month or year of birth of a
151 registered voter that is obtained from the list of registered voters, will only use the [date] month
152 or year of birth to verify the accuracy of personal information submitted by an individual or to
153 confirm the identity of a person in order to prevent fraud, waste, or abuse;

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

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

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

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

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

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

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

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

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

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

180 (F) a statement that if the person obtains the [date] month or year of birth of a

181 registered voter from the list of registered voters under false pretenses, or provides or uses the
182 ~~[date]~~ month or year of birth of a registered voter that is obtained from the list of registered
183 voters in a manner that is prohibited by law, is guilty of a class A misdemeanor and is subject
184 to a civil fine;

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

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

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

193 (i) is not a qualified person or a person described in Subsection (4)~~(k)~~(j); or

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

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

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

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

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

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

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

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

212 voter's household at risk of being stalked or harassed.]

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

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

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

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

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

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

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

229 (ii) \$200.

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

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

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

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

242 (iv) is a qualified person described in Subsection (4)(a)(vi) and obtains, provides, or

243 uses the ~~[date]~~ month or year of birth to provide the ~~[date]~~ month or year of birth to another
244 qualified person to verify the accuracy of personal information submitted by an individual or to
245 confirm the identity of a person in order to prevent fraud, waste, or abuse.

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

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

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

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

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

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

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

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

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

270 **20A-2-108. Driver license registration form -- Transmittal of information.**

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

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

274 vote today?"; and

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

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

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

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

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

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

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

291 Signed and sworn

292 _____

293 Voter's Signature

294 _____(month\day\year)";

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

296 "CITIZENSHIP AFFIDAVIT

297 Name:

298 Name at birth, if different:

299 Place of birth:

300 Date of birth:

301 Date and place of naturalization (if applicable):

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

305 _____
306 Signature of Applicant

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

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

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

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

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

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

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

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

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

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

334 **20A-2-306. Removing names from the official register -- Determining and**
335 **confirming change of residence.**

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

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

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

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

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

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

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

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

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

355 "VOTER REGISTRATION NOTICE

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

359 _____
360 Street City County State Zip

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

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

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

371 _____
372 Signature of Voter"

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

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

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

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

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

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

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

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

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

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

401 **20A-6-105. Provisional ballot envelopes.**

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

404 "AFFIRMATION

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

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

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

409 Name of Voter _____

410 First Middle Last

411 Driver License or Identification Card Number _____

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

413 Date of Birth _____

414 Street Address of Principal Place of Residence

415 _____

416 City County State Zip Code

417 Telephone Number (optional) _____

418 Last four digits of Social Security Number _____

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

420 _____

421 City County State Zip Code

422 Voting Precinct (if known)

423 _____

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

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

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

433 Signed _____

434 Dated _____

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

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

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

447 "CITIZENSHIP AFFIDAVIT

448 Name:

449 Name at birth, if different:

450 Place of birth:

451 Date of birth:

452 Date and place of naturalization (if applicable):

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

456 _____

457 Signature of Applicant

458 In accordance with Section 20A-2-401, the penalty for willfully causing, procuring, or
459 allowing yourself to be registered to vote if you know you are not entitled to register to vote is

460 up to one year in jail and a fine of up to \$2,500."

461 (2) The provisional ballot envelope shall include:

462 (a) a unique number;

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

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

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

467 **63G-2-202. Access to private, controlled, and protected documents.**

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

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

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

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

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

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

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

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

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

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

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

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

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

490 (i) voter registration; or

491 (ii) the administration of an election.

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

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

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

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

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

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

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

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

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

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

511 (a) the person that submitted the record;

512 (b) any other individual who:

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

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

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

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

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

522 (d) the owner of a mobile home park, subject to the conditions of Subsection
523 41-1a-116(5).

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

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

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

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

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

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

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

536 (ii) business confidentiality interests in the case of records protected under Subsection
537 63G-2-305(1), (2), (40)(a)(ii), or (40)(a)(vi); and

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

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

542 (e) where access is restricted by a rule, statute, or regulation referred to in Subsection
543 63G-2-201(3)(b), the court has authority independent of this chapter to order disclosure.

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

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

549 (ii) determines that:

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

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

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

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

557 (iv) prohibits the researcher from:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

603 Section 6. **Coordinating S.B. 74 with H.B. 218 -- Technical amendments.**

604 If this S.B. 74 and H.B. 218, Modifications to Election Law, both pass and become law,
605 it is the intent of the Legislature that the amendments to Subsection 20A-2-104(4)(f) in this
606 S.B. 74 supercede the amendments to Subsection 20A-2-104(4)(f) in H.B. 218, when the
607 Office of Legislative Research and General Counsel prepares the Utah Code database for
608 publication.