

1 **VOTER REGISTRATION INFORMATION AMENDMENTS**

2 2020 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Jacob L. Anderegg**

5 House Sponsor: Brian S. King

7 **LONG TITLE**

8 **General Description:**

9 This bill amends provisions relating to voter registration information.

10 **Highlighted Provisions:**

11 This bill:

- 12 ▶ modifies the information certain persons may obtain from a voter registration
13 record;
- 14 ▶ modifies privacy request provisions relating to voter registration records;
- 15 ▶ permits a political party or a candidate for public office to obtain certain
16 information from a voter registration record that is classified as private;
- 17 ▶ establishes a process for a person, under certain circumstances, to prohibit a
18 political party or candidate for public office from obtaining information from the
19 person's voter registration record;
- 20 ▶ modifies voter registration forms;
- 21 ▶ makes it a crime to violate certain provisions of this bill with respect to accessing or
22 using voter registration records and provides civil penalties;
- 23 ▶ grants rulemaking authority to the director of elections in the Office of the
24 Lieutenant Governor;
- 25 ▶ classifies certain voter registration records, and related records, as private;
- 26 ▶ grandfathers in the privacy classification of a voter registration record classified as
27 private before the effective date of this bill; and
- 28 ▶ makes technical and conforming changes.

29 **Money Appropriated in this Bill:**

30 None

31 **Other Special Clauses:**

32 None

33 **Utah Code Sections Affected:**

34 AMENDS:

35 **20A-1-102**, as last amended by Laws of Utah 2019, First Special Session, Chapter 4

36 **20A-2-104**, as last amended by Laws of Utah 2018, Chapters 206 and 270

37 **20A-2-108**, as last amended by Laws of Utah 2018, Chapters 206 and 270

38 **20A-2-204**, as last amended by Laws of Utah 2019, Chapters 136 and 255

39 **20A-2-306**, as last amended by Laws of Utah 2019, Chapter 255

40 **20A-6-105**, as last amended by Laws of Utah 2018, Chapters 206 and 270

41 **63G-2-202**, as last amended by Laws of Utah 2019, Chapters 254 and 349

42 **63G-2-301**, as last amended by Laws of Utah 2018, Chapter 415

43 **63G-2-302**, as last amended by Laws of Utah 2019, Chapter 293

44

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

46 Section 1. Section **20A-1-102** is amended to read:

47 **20A-1-102. Definitions.**

48 As used in this title:

49 (1) "Active voter" means a registered voter who has not been classified as an inactive
50 voter by the county clerk.

51 (2) "Automatic tabulating equipment" means apparatus that automatically examines
52 and counts votes recorded on paper ballots or ballot sheets and tabulates the results.

53 (3) (a) "Ballot" means the storage medium, whether paper, mechanical, or electronic,
54 upon which a voter records the voter's votes.

55 (b) "Ballot" includes ballot sheets, paper ballots, electronic ballots, and secrecy
56 envelopes.

57 (4) "Ballot label" means the cards, papers, booklet, pages, or other materials that:

58 (a) contain the names of offices and candidates and statements of ballot propositions to
59 be voted on; and

60 (b) are used in conjunction with ballot sheets that do not display that information.

61 (5) "Ballot proposition" means a question, issue, or proposal that is submitted to voters
62 on the ballot for their approval or rejection including:

63 (a) an opinion question specifically authorized by the Legislature;

64 (b) a constitutional amendment;

65 (c) an initiative;

66 (d) a referendum;

67 (e) a bond proposition;

68 (f) a judicial retention question;

69 (g) an incorporation of a city or town; or

70 (h) any other ballot question specifically authorized by the Legislature.

71 (6) "Ballot sheet":

72 (a) means a ballot that:

73 (i) consists of paper or a card where the voter's votes are marked or recorded; and

74 (ii) can be counted using automatic tabulating equipment; and

75 (b) includes punch card ballots and other ballots that are machine-countable.

76 (7) "Bind," "binding," or "bound" means securing more than one piece of paper
77 together with a staple or stitch in at least three places across the top of the paper in the blank
78 space reserved for securing the paper.

79 (8) "Board of canvassers" means the entities established by Sections [20A-4-301](#) and
80 [20A-4-306](#) to canvass election returns.

81 (9) "Bond election" means an election held for the purpose of approving or rejecting
82 the proposed issuance of bonds by a government entity.

83 (10) "Book voter registration form" means voter registration forms contained in a
84 bound book that are used by election officers and registration agents to register persons to vote.

85 (11) "Business reply mail envelope" means an envelope that may be mailed free of

86 charge by the sender.

87 (12) "By-mail voter registration form" means a voter registration form designed to be
88 completed by the voter and mailed to the election officer.

89 (13) "Canvass" means the review of election returns and the official declaration of
90 election results by the board of canvassers.

91 (14) "Canvassing judge" means a poll worker designated to assist in counting ballots at
92 the canvass.

93 (15) "Contracting election officer" means an election officer who enters into a contract
94 or interlocal agreement with a provider election officer.

95 (16) "Convention" means the political party convention at which party officers and
96 delegates are selected.

97 (17) "Counting center" means one or more locations selected by the election officer in
98 charge of the election for the automatic counting of ballots.

99 (18) "Counting judge" means a poll worker designated to count the ballots during
100 election day.

101 (19) "Counting room" means a suitable and convenient private place or room,
102 immediately adjoining the place where the election is being held, for use by the poll workers
103 and counting judges to count ballots during election day.

104 (20) "County officers" means those county officers that are required by law to be
105 elected.

106 (21) "Date of the election" or "election day" or "day of the election":

107 (a) means the day that is specified in the calendar year as the day that the election
108 occurs; and

109 (b) does not include:

110 (i) deadlines established for absentee voting; or

111 (ii) any early voting or early voting period as provided under Chapter 3, Part 6, Early
112 Voting.

113 (22) "Elected official" means:

114 (a) a person elected to an office under Section 20A-1-303 or Chapter [†] 4, Part 6,
115 [~~Election Offenses – Generally~~] Municipal Alternate Voting Methods Pilot Project;

116 (b) a person who is considered to be elected to a municipal office in accordance with
117 Subsection 20A-1-206(1)(c)(ii); or

118 (c) a person who is considered to be elected to a local district office in accordance with
119 Subsection 20A-1-206(3)(c)(ii).

120 (23) "Election" means a regular general election, a municipal general election, a
121 statewide special election, a local special election, a regular primary election, a municipal
122 primary election, and a local district election.

123 (24) "Election Assistance Commission" means the commission established by the Help
124 America Vote Act of 2002, Pub. L. No. 107-252.

125 (25) "Election cycle" means the period beginning on the first day persons are eligible to
126 file declarations of candidacy and ending when the canvass is completed.

127 (26) "Election judge" means a poll worker that is assigned to:

- 128 (a) preside over other poll workers at a polling place;
- 129 (b) act as the presiding election judge; or
- 130 (c) serve as a canvassing judge, counting judge, or receiving judge.

131 (27) "Election officer" means:

- 132 (a) the lieutenant governor, for all statewide ballots and elections;
- 133 (b) the county clerk for:
 - 134 (i) a county ballot and election; and
 - 135 (ii) a ballot and election as a provider election officer as provided in Section
136 20A-5-400.1 or 20A-5-400.5;
- 137 (c) the municipal clerk for:
 - 138 (i) a municipal ballot and election; and
 - 139 (ii) a ballot and election as a provider election officer as provided in Section
140 20A-5-400.1 or 20A-5-400.5;
- 141 (d) the local district clerk or chief executive officer for:

- 142 (i) a local district ballot and election; and
- 143 (ii) a ballot and election as a provider election officer as provided in Section
- 144 [20A-5-400.1](#) or [20A-5-400.5](#); or
- 145 (e) the business administrator or superintendent of a school district for:
 - 146 (i) a school district ballot and election; and
 - 147 (ii) a ballot and election as a provider election officer as provided in Section
 - 148 [20A-5-400.1](#) or [20A-5-400.5](#).
- 149 (28) "Election official" means any election officer, election judge, or poll worker.
- 150 (29) "Election results" means:
 - 151 (a) for an election other than a bond election, the count of votes cast in the election and
 - 152 the election returns requested by the board of canvassers; or
 - 153 (b) for bond elections, the count of those votes cast for and against the bond
 - 154 proposition plus any or all of the election returns that the board of canvassers may request.
- 155 (30) "Election returns" includes the pollbook, the military and overseas absentee voter
- 156 registration and voting certificates, one of the tally sheets, any unprocessed absentee ballots, all
- 157 counted ballots, all excess ballots, all unused ballots, all spoiled ballots, the ballot disposition
- 158 form, and the total votes cast form.
- 159 (31) "Electronic ballot" means a ballot that is recorded using a direct electronic voting
- 160 device or other voting device that records and stores ballot information by electronic means.
- 161 (32) "Electronic signature" means an electronic sound, symbol, or process attached to
- 162 or logically associated with a record and executed or adopted by a person with the intent to sign
- 163 the record.
- 164 (33) (a) "Electronic voting device" means a voting device that uses electronic ballots.
- 165 (b) "Electronic voting device" includes a direct recording electronic voting device.
- 166 (34) "Inactive voter" means a registered voter who is listed as inactive by a county
- 167 clerk under Subsection [20A-2-306\(4\)\(c\)\(i\)](#) or (ii).
- 168 (35) "Judicial office" means the office filled by any judicial officer.
- 169 (36) "Judicial officer" means any justice or judge of a court of record or any county

170 court judge.

171 (37) "Local district" means a local government entity under Title 17B, Limited Purpose
172 Local Government Entities - Local Districts, and includes a special service district under Title
173 17D, Chapter 1, Special Service District Act.

174 (38) "Local district officers" means those local district board members that are required
175 by law to be elected.

176 (39) "Local election" means a regular county election, a regular municipal election, a
177 municipal primary election, a local special election, a local district election, and a bond
178 election.

179 (40) "Local political subdivision" means a county, a municipality, a local district, or a
180 local school district.

181 (41) "Local special election" means a special election called by the governing body of a
182 local political subdivision in which all registered voters of the local political subdivision may
183 vote.

184 (42) "Municipal executive" means:

185 (a) the mayor in the council-mayor form of government defined in Section 10-3b-102;

186 (b) the mayor in the council-manager form of government defined in Subsection
187 10-3b-103(7); or

188 (c) the chair of a metro township form of government defined in Section 10-3b-102.

189 (43) "Municipal general election" means the election held in municipalities and, as
190 applicable, local districts on the first Tuesday after the first Monday in November of each
191 odd-numbered year for the purposes established in Section 20A-1-202.

192 (44) "Municipal legislative body" means:

193 (a) the council of the city or town in any form of municipal government; or

194 (b) the council of a metro township.

195 (45) "Municipal office" means an elective office in a municipality.

196 (46) "Municipal officers" means those municipal officers that are required by law to be
197 elected.

198 (47) "Municipal primary election" means an election held to nominate candidates for
199 municipal office.

200 (48) "Municipality" means a city, town, or metro township.

201 (49) "Official ballot" means the ballots distributed by the election officer to the poll
202 workers to be given to voters to record their votes.

203 (50) "Official endorsement" means:

204 (a) the information on the ballot that identifies:

205 (i) the ballot as an official ballot;

206 (ii) the date of the election; and

207 (iii) (A) for a ballot prepared by an election officer other than a county clerk, the
208 facsimile signature required by Subsection 20A-6-401(1)(a)(iii); or

209 (B) for a ballot prepared by a county clerk, the words required by Subsection
210 20A-6-301(1)(b)(iii); and

211 (b) the information on the ballot stub that identifies:

212 (i) the poll worker's initials; and

213 (ii) the ballot number.

214 (51) "Official register" means the official record furnished to election officials by the
215 election officer that contains the information required by Section 20A-5-401.

216 (52) "Paper ballot" means a paper that contains:

217 (a) the names of offices and candidates and statements of ballot propositions to be
218 voted on; and

219 (b) spaces for the voter to record the voter's vote for each office and for or against each
220 ballot proposition.

221 (53) "Political party" means an organization of registered voters that has qualified to
222 participate in an election by meeting the requirements of Chapter 8, Political Party Formation
223 and Procedures.

224 (54) (a) "Poll worker" means a person assigned by an election official to assist with an
225 election, voting, or counting votes.

- 226 (b) "Poll worker" includes election judges.
- 227 (c) "Poll worker" does not include a watcher.
- 228 (55) "Pollbook" means a record of the names of voters in the order that they appear to
229 cast votes.
- 230 (56) "Polling place" means the building where voting is conducted.
- 231 (57) "Position" means a square, circle, rectangle, or other geometric shape on a ballot
232 in which the voter marks the voter's choice.
- 233 (58) "Presidential Primary Election" means the election established in Chapter 9, Part
234 8, Presidential Primary Election.
- 235 (59) "Primary convention" means the political party conventions held during the year
236 of the regular general election.
- 237 (60) "Protective counter" means a separate counter, which cannot be reset, that:
238 (a) is built into a voting machine; and
239 (b) records the total number of movements of the operating lever.
- 240 (61) "Provider election officer" means an election officer who enters into a contract or
241 interlocal agreement with a contracting election officer to conduct an election for the
242 contracting election officer's local political subdivision in accordance with Section
243 [20A-5-400.1](#).
- 244 (62) "Provisional ballot" means a ballot voted provisionally by a person:
245 (a) whose name is not listed on the official register at the polling place;
246 (b) whose legal right to vote is challenged as provided in this title; or
247 (c) whose identity was not sufficiently established by a poll worker.
- 248 (63) "Provisional ballot envelope" means an envelope printed in the form required by
249 Section [20A-6-105](#) that is used to identify provisional ballots and to provide information to
250 verify a person's legal right to vote.
- 251 (64) (a) "Public figure" means an individual who, due to the individual being
252 considered for, holding, or having held a position of prominence in a public or private capacity,
253 or due to the individual's celebrity status, has an increased risk to the individual's safety.

254 (b) "Public figure" does not include an individual:

255 (i) elected to public office; or

256 (ii) appointed to fill a vacancy in an elected public office.

257 ~~[(64)]~~ (65) "Qualify" or "qualified" means to take the oath of office and begin
258 performing the duties of the position for which the person was elected.

259 ~~[(65)]~~ (66) "Receiving judge" means the poll worker that checks the voter's name in the
260 official register, provides the voter with a ballot, and removes the ballot stub from the ballot
261 after the voter has voted.

262 ~~[(66)]~~ (67) "Registration form" means a book voter registration form and a by-mail
263 voter registration form.

264 ~~[(67)]~~ (68) "Regular ballot" means a ballot that is not a provisional ballot.

265 ~~[(68)]~~ (69) "Regular general election" means the election held throughout the state on
266 the first Tuesday after the first Monday in November of each even-numbered year for the
267 purposes established in Section [20A-1-201](#).

268 ~~[(69)]~~ (70) "Regular primary election" means the election, held on the date specified in
269 Section [20A-1-201.5](#), to nominate candidates of political parties and candidates for nonpartisan
270 local school board positions to advance to the regular general election.

271 ~~[(70)]~~ (71) "Resident" means a person who resides within a specific voting precinct in
272 Utah.

273 ~~[(71)]~~ (72) "Sample ballot" means a mock ballot similar in form to the official ballot
274 printed and distributed as provided in Section [20A-5-405](#).

275 ~~[(72)]~~ (73) "Scratch vote" means to mark or punch the straight party ticket and then
276 mark or punch the ballot for one or more candidates who are members of different political
277 parties or who are unaffiliated.

278 ~~[(73)]~~ (74) "Secrecy envelope" means the envelope given to a voter along with the
279 ballot into which the voter places the ballot after the voter has voted it in order to preserve the
280 secrecy of the voter's vote.

281 ~~[(74)]~~ (75) "Special election" means an election held as authorized by Section

282 20A-1-203.

283 [~~(75)~~] (76) "Spoiled ballot" means each ballot that:

284 (a) is spoiled by the voter;

285 (b) is unable to be voted because it was spoiled by the printer or a poll worker; or

286 (c) lacks the official endorsement.

287 [~~(76)~~] (77) "Statewide special election" means a special election called by the governor
288 or the Legislature in which all registered voters in Utah may vote.

289 [~~(77)~~] (78) "Stub" means the detachable part of each ballot.

290 [~~(78)~~] (79) "Substitute ballots" means replacement ballots provided by an election
291 officer to the poll workers when the official ballots are lost or stolen.

292 [~~(79)~~] (80) "Ticket" means a list of:

293 (a) political parties;

294 (b) candidates for an office; or

295 (c) ballot propositions.

296 [~~(80)~~] (81) "Transfer case" means the sealed box used to transport voted ballots to the
297 counting center.

298 [~~(81)~~] (82) "Vacancy" means the absence of a person to serve in any position created
299 by statute, whether that absence occurs because of death, disability, disqualification,
300 resignation, or other cause.

301 [~~(82)~~] (83) "Valid voter identification" means:

302 (a) a form of identification that bears the name and photograph of the voter which may
303 include:

304 (i) a currently valid Utah driver license;

305 (ii) a currently valid identification card that is issued by:

306 (A) the state; or

307 (B) a branch, department, or agency of the United States;

308 (iii) a currently valid Utah permit to carry a concealed weapon;

309 (iv) a currently valid United States passport; or

- 310 (v) a currently valid United States military identification card;
- 311 (b) one of the following identification cards, whether or not the card includes a
312 photograph of the voter:
- 313 (i) a valid tribal identification card;
- 314 (ii) a Bureau of Indian Affairs card; or
- 315 (iii) a tribal treaty card; or
- 316 (c) two forms of identification not listed under Subsection [~~(82)~~] (83)(a) or (b) but that
317 bear the name of the voter and provide evidence that the voter resides in the voting precinct,
318 which may include:
- 319 (i) a current utility bill or a legible copy thereof, dated within the 90 days before the
320 election;
- 321 (ii) a bank or other financial account statement, or a legible copy thereof;
- 322 (iii) a certified birth certificate;
- 323 (iv) a valid social security card;
- 324 (v) a check issued by the state or the federal government or a legible copy thereof;
- 325 (vi) a paycheck from the voter's employer, or a legible copy thereof;
- 326 (vii) a currently valid Utah hunting or fishing license;
- 327 (viii) certified naturalization documentation;
- 328 (ix) a currently valid license issued by an authorized agency of the United States;
- 329 (x) a certified copy of court records showing the voter's adoption or name change;
- 330 (xi) a valid Medicaid card, Medicare card, or Electronic Benefits Transfer Card;
- 331 (xii) a currently valid identification card issued by:
- 332 (A) a local government within the state;
- 333 (B) an employer for an employee; or
- 334 (C) a college, university, technical school, or professional school located within the
335 state; or
- 336 (xiii) a current Utah vehicle registration.
- 337 [~~(83)~~] (84) "Valid write-in candidate" means a candidate who has qualified as a

338 write-in candidate by following the procedures and requirements of this title.

339 ~~[(84)]~~ (85) "Voter" means a person who:

340 (a) meets the requirements for voting in an election;

341 (b) meets the requirements of election registration;

342 (c) is registered to vote; and

343 (d) is listed in the official register book.

344 ~~[(85)]~~ (86) "Voter registration deadline" means the registration deadline provided in

345 Section [20A-2-102.5](#).

346 ~~[(86)]~~ (87) "Voting area" means the area within six feet of the voting booths, voting

347 machines, and ballot box.

348 ~~[(87)]~~ (88) "Voting booth" means:

349 (a) the space or compartment within a polling place that is provided for the preparation
350 of ballots, including the voting machine enclosure or curtain; or

351 (b) a voting device that is free standing.

352 ~~[(88)]~~ (89) "Voting device" means:

353 (a) an apparatus in which ballot sheets are used in connection with a punch device for
354 piercing the ballots by the voter;

355 (b) a device for marking the ballots with ink or another substance;

356 (c) an electronic voting device or other device used to make selections and cast a ballot
357 electronically, or any component thereof;

358 (d) an automated voting system under Section [20A-5-302](#); or

359 (e) any other method for recording votes on ballots so that the ballot may be tabulated
360 by means of automatic tabulating equipment.

361 ~~[(89)]~~ (90) "Voting machine" means a machine designed for the sole purpose of
362 recording and tabulating votes cast by voters at an election.

363 ~~[(90)]~~ (91) "Voting precinct" means the smallest voting unit established as provided by
364 law within which qualified voters vote at one polling place.

365 ~~[(91)]~~ (92) "Watcher" means an individual who complies with the requirements

366 described in Section 20A-3-201 to become a watcher for an election.

367 ~~[(92)]~~ (93) "Write-in ballot" means a ballot containing any write-in votes.

368 ~~[(93)]~~ (94) "Write-in vote" means a vote cast for a person whose name is not printed on
369 the ballot according to the procedures established in this title.

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

371 **20A-2-104. Voter registration form -- Registered voter lists -- Fees for copies.**

372 (1) (a) As used in this section:

373 (i) "Candidate for public office" means an individual:

374 (A) who files a declaration of candidacy for a public office;

375 (B) who files a notice of intent to gather signatures under Section 20A-9-408; or

376 (C) employed by, under contract with, or a volunteer of, an individual described in
377 Subsection (1)(a)(i)(A) or (B) for political campaign purposes.

378 (ii) "Dating violence" means the same as that term is defined in Section 78B-7-402 and
379 the federal Violence Against Women Act of 1994, as amended.

380 (iii) "Domestic violence" means the same as that term is defined in Section 77-36-1
381 and the federal Violence Against Women Act of 1994, as amended.

382 (b) An individual applying for voter registration, or an individual preregistering to
383 vote, shall complete a voter registration form in substantially the following form:

384 -----

385 UTAH ELECTION REGISTRATION FORM

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

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

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

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

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

392 Name of Voter

393 _____

394 First Middle Last
395 Utah Driver License or Utah Identification Card Number _____

396 Date of Birth _____

397 Street Address of Principal Place of Residence
398 _____

399 City County State Zip Code

400 Telephone Number (optional) _____

401 Last four digits of Social Security Number _____

402 Last former address at which I was registered to vote (if
403 known) _____

404 _____
405 City County State Zip Code

406 Political Party
407 (a listing of each registered political party, as defined in Section 20A-8-101 and maintained by
408 the lieutenant governor under Section 67-1a-2, with each party's name preceded by a checkbox)
409 Unaffiliated (no political party preference) Other (Please specify) _____

410 [You may request that your voter registration record be classified as a private record by
411 indicating here: Yes, I would like to request that my voter registration record be classified
412 as a private record.]

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

419 Signed and sworn
420 _____
421 Voter's Signature

422 _____ (month/day/year).

423 PRIVACY INFORMATION

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

429 Voter registration records contain some information that is available to the public, such
430 as your name and address, some information that is available only to government entities, and
431 some information that is available only to certain third parties in accordance with the
432 requirements of law.

433 Your driver license number, identification card number, social security number, email
434 address, and full date of birth are available only to government entities. Your year of birth is
435 available to political parties, candidates for public office, certain third parties, and their
436 contractors, employees, and volunteers, in accordance with the requirements of law.

437 You may request that all information on your voter registration records be withheld
438 from all persons other than government entities, political parties, candidates for public office,
439 and their contractors, employees, and volunteers, by indicating here:

440 Yes, I request that all information on my voter registration records be withheld
441 from all persons other than government entities, political parties, candidates for public office,
442 and their contractors, employees, and volunteers.

443 REQUEST FOR ADDITIONAL PRIVACY PROTECTION

444 In addition to the protections provided above, you may request that all information on
445 your voter registration records be withheld from all political parties, candidates for public
446 office, and their contractors, employees, and volunteers, by submitting a withholding request
447 form, and any required verification, as described in the following paragraphs.

448 A person may request that all information on the person's voter registration records be
449 withheld from all political parties, candidates for public office, and their contractors,

450 employees, and volunteers, by submitting a withholding request form with this registration
451 record, or to the lieutenant governor or a county clerk, if the person is or is likely to be, or
452 resides with a person who is or is likely to be, a victim of domestic violence or dating violence.

453 A person may request that all information on the person's voter registration records be
454 withheld from all political parties, candidates for public office, and their contractors,
455 employees, and volunteers, by submitting a withholding request form and any required
456 verification with this registration form, or to the lieutenant governor or a county clerk, if the
457 person is, or resides with a person who is, a law enforcement officer, a member of the armed
458 forces, a public figure, or protected by a protective order or a protection order.

459 CITIZENSHIP AFFIDAVIT

460 Name:

461 Name at birth, if different:

462 Place of birth:

463 Date of birth:

464 Date and place of naturalization (if applicable):

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

468 _____

469 Signature of Applicant

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

473 NOTICE: IN ORDER TO BE ALLOWED TO VOTE, YOU MUST PRESENT VALID
474 VOTER IDENTIFICATION TO THE POLL WORKER BEFORE VOTING, WHICH MUST
475 BE A VALID FORM OF PHOTO IDENTIFICATION THAT SHOWS YOUR NAME AND
476 PHOTOGRAPH; OR
477 TWO DIFFERENT FORMS OF IDENTIFICATION THAT SHOW YOUR NAME AND

478 CURRENT ADDRESS.

479 FOR OFFICIAL USE ONLY

480 Type of I.D. _____

481 Voting Precinct _____

482 Voting I.D. Number _____

483 -----

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

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

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

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

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

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

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

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

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

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

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

505 (v) a political party, or an agent, employee, or independent contractor of a political

506 party; ~~or~~

507 (vi) a candidate for public office, or an employee, independent contractor, or volunteer

508 of a candidate for public office; or

509 ~~(vi)~~ (vii) a person, or an agent, employee, or independent contractor of the person,

510 who:

511 (A) provides the ~~month or~~ year of birth of a registered voter that is obtained from the

512 list of registered voters only to a person who is a qualified person;

513 (B) verifies that a person, described in Subsection (4)(a)~~(vi)~~(vii)(A), to whom a

514 ~~month or~~ year of birth that is obtained from the list of registered voters is provided, is a

515 qualified person;

516 (C) ensures, using industry standard security measures, that the ~~month or~~ year of birth

517 of a registered voter that is obtained from the list of registered voters may not be accessed by a

518 person other than a qualified person;

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

520 Subsection (4)(a)(i) ~~or~~, (v), or (vi), to whom the person provides the ~~month or~~ year of birth

521 of a registered voter that is obtained from the list of registered voters, will only use the ~~month~~

522 ~~or~~ year of birth to verify the accuracy of personal information submitted by an individual or to

523 confirm the identity of a person in order to prevent fraud, waste, or abuse;

524 (E) verifies that each qualified person described in Subsection (4)(a)(i), to whom the

525 person provides the ~~month or~~ year of birth of a registered voter that is obtained from the list

526 of registered voters, will only use the ~~month or~~ year of birth in the qualified person's capacity

527 as a government official or government employee; and

528 (F) verifies that each qualified person described in Subsection (4)(a)(v) or (vi), to

529 whom the person provides the ~~month or~~ year of birth of a registered voter that is obtained

530 from the list of registered voters, will only use the ~~month or~~ year of birth for a political

531 purpose of the political party or candidate for public office.

532 (b) Notwithstanding Subsection 63G-2-302(1)(j)(iv), and except as provided in

533 Subsection 63G-2-302(1)(k) or (l), the lieutenant governor or a county clerk shall, when

534 providing the list of registered voters to a qualified person under this section, include, with the
535 list, the [~~months and~~] years of birth of the registered voters, if:

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

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

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

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

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

545 (D) a list of the purposes for which the qualified person may use the [~~month or~~] year of
546 birth of a registered voter that is obtained from the list of registered voters;

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

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

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

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

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

- 562 (i) is not a qualified person or a person described in Subsection (4)~~(f)~~(l); or
- 563 (ii) will provide or use the ~~month or~~ year of birth in a manner prohibited by law.
- 564 (d) The lieutenant governor or a county clerk may not disclose the voter registration
- 565 form of a person, or information included in the person's voter registration form, whose voter
- 566 registration form is classified as private under Subsection (4)~~(f)~~(h) to a person other than:
- 567 (i) a government official or government employee acting in the government official's or
- 568 government employee's capacity as a government official or government employee~~[-]; or~~
- 569 (ii) except as provided in Subsection (7) and subject to Subsection (4)(e), a person
- 570 described in Subsection (4)(a)(v) or (vi) for a political purpose.
- 571 (e) When disclosing a record or information under Subsection (4)(d)(ii), the lieutenant
- 572 governor or county clerk shall exclude the information described in Subsection
- 573 63G-2-302(1)(j), other than the year of birth.
- 574 (f) The lieutenant governor or a county clerk may not disclose a withholding request
- 575 form, described in Subsections (7) and (8), submitted by an individual, or information obtained
- 576 from that form, to a person other than a government official or government employee acting in
- 577 the government official's or government employee's capacity as a government official or
- 578 government employee.
- 579 ~~(e)~~ (g) A person is guilty of a class A misdemeanor if the person:
- 580 (i) obtains the ~~month or~~ year of birth of a registered voter from the list of registered
- 581 voters under false pretenses; ~~or~~
- 582 (ii) uses or provides the ~~month or~~ year of birth of a registered voter that is obtained
- 583 from the list of registered voters~~[-]~~ in a manner that is not permitted by law~~[-]~~;
- 584 (iii) obtains a voter registration record described in Subsection 63G-2-302(1)(k) under
- 585 false pretenses;
- 586 (iv) uses or provides information obtained from a voter registration record described in
- 587 Subsection 63G-2-302(1)(k) in a manner that is not permitted by law;
- 588 (v) unlawfully discloses or obtains a voter registration record withheld under
- 589 Subsection (7) or a withholding request form described in Subsections (7) and (8); or

590 (vi) unlawfully discloses or obtains information from a voter registration record
 591 withheld under Subsection (7) or a withholding request form described in Subsections (7) and
 592 (8).

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

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

597 (ii) requests on the voter's voter registration form that the voter's voter registration
 598 record be classified as a private record~~[-];~~ or

599 (iii) submits a withholding request form described in Subsection (7) and any required
 600 verification.

601 (i) The lieutenant governor or a county clerk may not disclose to a person described in
 602 Subsection (4)(a)(v) or (vi) a voter registration record, or information obtained from a voter
 603 registration record, if the record is withheld under Subsection (7).

604 ~~[(g)]~~ (j) In addition to any criminal penalty that may be imposed under this section, the
 605 lieutenant governor may impose a civil fine against a person who ~~[obtains the month or year of~~
 606 ~~birth of a registered voter from the list of registered voters under false pretenses, or provides or~~
 607 ~~uses a month or year of birth of a registered voter that is obtained from the list of registered~~
 608 ~~voters in a manner that is not permitted by law]~~ violates a provision of this section, in an
 609 amount equal to the greater of:

610 (i) the product of 30 and the square root of the total number of ~~[months or years of~~
 611 ~~birth]~~;

612 (A) records obtained, provided, or used unlawfully, rounded to the nearest whole
 613 dollar; or

614 (B) records from which information is obtained, provided, or used unlawfully, rounded
 615 to the nearest whole dollar; or

616 (ii) \$200.

617 ~~[(h)]~~ (k) A qualified person may not obtain, provide, or use the ~~[month or]~~ year of birth

618 of a registered voter, if the ~~[month or]~~ year of birth is obtained from the list of registered voters
 619 or from a voter registration record, unless the person:

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

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

627 (iii) is a qualified person described in Subsection (4)(a)(v) or (vi) and obtains,
 628 provides, or uses the ~~[month or]~~ year of birth for a political purpose of the political party or
 629 candidate for public office; or

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

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

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

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

642 ~~[(j)]~~ (l) The lieutenant governor or a county clerk may provide a ~~[month or]~~ year of
 643 birth to a member of the media, in relation to an individual designated by the member of the
 644 media, in order for the member of the media to verify the identity of the individual.

645 (m) A person described in Subsection (4)(a)(v) or (vi) may not use or disclose

646 information from a voter registration record for a purpose other than a political purpose.

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

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

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

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

659 (7) The lieutenant governor or a county clerk shall withhold from a person, other than a
660 person described in Subsection (4)(a)(i), the voter registration record, and information obtained
661 from the voter registration record, of an individual:

662 (a) who submits a withholding request form, with the voter registration record or to the
663 lieutenant governor or a county clerk, if:

664 (i) the individual indicates on the form that the individual, or an individual who resides
665 with the individual, is a victim of domestic violence or dating violence or is likely to be a
666 victim of domestic violence or dating violence; or

667 (ii) the individual indicates on the form and provides verification that the individual, or
668 an individual who resides with the individual, is:

669 (A) a law enforcement officer;

670 (B) a member of the armed forces, as defined in Section [20A-1-513](#);

671 (C) a public figure; or

672 (D) protected by a protective order or protection order; or

673 (b) whose voter registration record was classified as a private record at the request of

674 the individual before May 12, 2020.

675 (8) (a) The lieutenant governor shall design and distribute the withholding request form
676 described in Subsection (7) to each election officer and to each agency that provides a voter
677 registration form.

678 (b) An individual described in Subsection (7)(a)(i) is not required to provide
679 verification, other than the individual's attestation and signature on the withholding request
680 form, that the individual, or an individual who resides with the individual, is a victim of
681 domestic violence or dating violence or is likely to be a victim of domestic violence or dating
682 violence.

683 (c) The director of elections within the Office of the Lieutenant Governor shall make
684 rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
685 establishing requirements for providing the verification described in Subsection (7)(a)(ii).

686 (9) An election officer or an employee of an election officer may not encourage an
687 individual to submit, or discourage an individual from submitting, a withholding request form.

688 Section 3. Section **20A-2-108** is amended to read:

689 **20A-2-108. Driver license or state identification card registration form --**

690 **Transmittal of information.**

691 (1) As used in this section, "qualifying form" means:

- 692 (a) a driver license application form; or
- 693 (b) a state identification card application form.

694 (2) The lieutenant governor and the Driver License Division shall design each
695 qualifying form to include:

696 (a) the following question, which an applicant is required to answer: "Do you authorize
697 the use of information in this form for voter registration purposes? YES ___ NO ___";

698 (b) the following question, which an applicant is required to answer if the applicant
699 answers "yes" to the question described in Subsection (2)(a): "Any voter may register as an
700 absentee voter to receive ballots by mail. A voter may change this designation at any time.

701 Would you like to be registered as an absentee voter to receive your ballots by mail? YES ___

702 NO ____"; and

703 ~~[(c) the following statement: "You may request that your voter registration record be~~
704 ~~classified as a private record by indicating here: ____ Yes, I would like to request that my voter~~
705 ~~registration record be classified as a private record."]~~

706 (c) the following statement:

707 "PRIVACY INFORMATION

708 Voter registration records contain some information that is available to the public, such
709 as your name and address, some information that is available only to government entities, and
710 some information that is available only to certain third parties in accordance with the
711 requirements of law.

712 Your driver license number, identification card number, social security number, email
713 address, and full date of birth are available only to government entities. Your year of birth is
714 available to political parties, candidates for public office, certain third parties, and their
715 contractors, employees, and volunteers, in accordance with the requirements of law.

716 You may request that all information on your voter registration records be withheld
717 from all persons other than government entities, political parties, candidates for public office,
718 and their contractors, employees, and volunteers, by indicating here:

719 ____ Yes, I request that all information on my voter registration records be withheld
720 from all persons other than government entities, political parties, candidates for public office,
721 and their contractors, employees, and volunteers.

722 REQUEST FOR ADDITIONAL PRIVACY PROTECTION

723 In addition to the protections provided above, you may request that all information on
724 your voter registration records be withheld from all political parties, candidates for public
725 office, and their contractors, employees, and volunteers, by submitting a withholding request
726 form, and any required verification, as described in the following paragraphs.

727 A person may request that all information on the person's voter registration records be
728 withheld from all political parties, candidates for public office, and their contractors,
729 employees, and volunteers, by submitting a withholding request form with this registration

730 record, or to the lieutenant governor or a county clerk, if the person is or is likely to be, or
731 resides with a person who is or is likely to be, a victim of domestic violence or dating violence.

732 A person may request that all information on the person's voter registration records be
733 withheld from all political parties, candidates for public office, and their contractors,
734 employees, and volunteers, by submitting a withholding request form and any required
735 verification with this registration form, or to the lieutenant governor or a county clerk, if the
736 person is, or resides with a person who is, a law enforcement officer, a member of the armed
737 forces, a public figure, or protected by a protective order or a protection order.

738 (3) The lieutenant governor and the Driver License Division shall ensure that a
739 qualifying form contains:

740 (a) a place for an individual to affirm the individual's citizenship, voting eligibility, and
741 Utah residency, and that the information provided in the form is true;

742 (b) a records disclosure that is similar to the records disclosure on a voter registration
743 form described in Section [20A-2-104](#);

744 (c) a statement that if an applicant declines to register or preregister to vote, the fact
745 that the applicant has declined to register or preregister will remain confidential and will be
746 used only for voter registration purposes;

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

750 (e) if the applicant answers "yes" to the question described in Subsection (2)(a), a space
751 where an individual may, if desired:

752 (i) indicate the individual's desired political affiliation from a listing of each registered
753 political party, as defined in Section [20A-8-101](#);

754 (ii) specify a political party that is not listed under Subsection (3)(e)(i) with which the
755 individual desires to affiliate; or

756 (iii) indicate that the individual does not wish to affiliate with a political party.

757 Section 4. Section **20A-2-204** is amended to read:

758 **20A-2-204. Registering to vote when applying for or renewing a driver license.**

759 (1) As used in this section, "voter registration form" means, when an individual named
760 on a qualifying form, as defined in Section [20A-2-108](#), answers "yes" to the question described
761 in Subsection [20A-2-108\(2\)\(a\)](#), the information on the qualifying form that can be used for
762 voter registration purposes.

763 (2) A citizen who is qualified to vote may register to vote, and a citizen who is
764 qualified to preregister to vote may preregister to vote, by answering "yes" to the question
765 described in Subsection [20A-2-108\(2\)\(a\)](#) and completing the voter registration form.

766 (3) The Driver License Division shall:

767 (a) assist an individual in completing the voter registration form unless the individual
768 refuses assistance;

769 (b) electronically transmit each address change to the lieutenant governor within five
770 days after the day on which the division receives the address change; and

771 (c) within five days after the day on which the division receives a voter registration
772 form, electronically transmit the form to the Office of the Lieutenant Governor, including the
773 following for the individual named on the form:

774 (i) the name, date of birth, driver license or state identification card number, last four
775 digits of the social security number, Utah residential address, place of birth, and signature;

776 (ii) a mailing address, if different from the individual's Utah residential address;

777 (iii) an email address and phone number, if available;

778 (iv) the desired political affiliation, if indicated; ~~and~~

779 (v) an indication of whether the individual requested that the individual's voter
780 registration record be classified as a private record under Subsection [20A-2-108\(2\)\(c\)](#)~~[-]~~; and

781 (vi) a withholding request form described in Subsections [20A-2-104\(7\)](#) and (8) and any
782 verification submitted with the form.

783 (4) Upon receipt of an individual's voter registration form from the Driver License
784 Division under Subsection (3), the lieutenant governor shall:

785 (a) enter the information into the statewide voter registration database; and

786 (b) if the individual requests on the individual's voter registration form that the
787 individual's voter registration record be classified as a private record or the individual submits a
788 withholding request form described in Subsections 20A-2-104(7) and (8) and any required
789 verification, classify the individual's voter registration record as a private record.

790 (5) The county clerk of an individual whose information is entered into the statewide
791 voter registration database under Subsection (4) shall:

792 (a) ensure that the individual meets the qualifications to be registered or preregistered
793 to vote; and

794 (b) (i) if the individual meets the qualifications to be registered to vote:

795 (A) ensure that the individual is assigned to the proper voting precinct; and

796 (B) send the individual the notice described in Section 20A-2-304; or

797 (ii) if the individual meets the qualifications to be preregistered to vote, process the
798 form in accordance with the requirements of Section 20A-2-101.1.

799 (6) (a) When the county clerk receives a correctly completed voter registration form
800 under this section, the clerk shall:

801 (i) comply with the applicable provisions of this Subsection (6); or

802 (ii) if the individual is preregistering to vote, comply with Section 20A-2-101.1.

803 (b) If the county clerk receives a correctly completed voter registration form under this
804 section during the period beginning on the date after the voter registration deadline and ending
805 at 5 p.m. on the date that is 15 calendar days before the date of an election, the county clerk
806 shall:

807 (i) accept the voter registration form; and

808 (ii) unless the individual is preregistering to vote, inform the individual that the
809 individual is registered to vote in the pending election.

810 (c) If the county clerk receives a correctly completed voter registration form under this
811 section during the period beginning on the date that is 14 calendar days before the election and
812 ending at 5 p.m. on the date that is seven calendar days before the election, the county clerk
813 shall:

814 (i) accept the voter registration form; and
815 (ii) unless the individual is preregistering to vote, inform the individual that:
816 (A) the individual is registered to vote in the pending election; and
817 (B) for the pending election, the individual must vote on the day of the election or by
818 provisional ballot, under Section 20A-2-207, during the early voting period described in
819 Section 20A-3-601 because the individual registered late.

820 (d) If the county clerk receives a correctly completed voter registration form under this
821 section during the six calendar days before an election, the county clerk shall:

822 (i) accept the application for registration of the individual; and
823 (ii) unless the individual is preregistering to vote, inform the individual:
824 (A) of each manner still available to the individual to timely register to vote in the
825 current election; and

826 (B) that, if the individual does not timely register in a manner described in Subsection
827 (6)(d)(ii)(A), the individual is registered to vote but may not vote in the pending election
828 because the individual registered late.

829 (7) (a) If the county clerk determines that an individual's voter registration form
830 received from the Driver License Division is incorrect because of an error, because the form is
831 incomplete, or because the individual does not meet the qualifications to be registered to vote,
832 the county clerk shall mail notice to the individual stating that the individual has not been
833 registered or preregistered because of an error, because the form is incomplete, or because the
834 individual does not meet the qualifications to be registered to vote.

835 (b) If a county clerk believes, based upon a review of a voter registration form, that an
836 individual, who knows that the individual is not legally entitled to register or preregister to
837 vote, may be intentionally seeking to register or preregister to vote, the county clerk shall refer
838 the form to the county attorney for investigation and possible prosecution.

839 Section 5. Section 20A-2-306 is amended to read:

840 **20A-2-306. Removing names from the official register -- Determining and**
841 **confirming change of residence.**

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

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

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

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

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

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

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

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

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

861 "VOTER REGISTRATION NOTICE

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

865 _____
866 Street City County State Zip

867 If you have not changed your residence or have moved but stayed within the same
868 county, you must complete and return this form to the county clerk so that it is received by the
869 county clerk before 5 p.m. no later than 30 days before the date of the election. If you fail to

870 return this form within that time:

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

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

877 _____

878 Signature of Voter^[#]

879 PRIVACY INFORMATION

880 ~~["The portion of your voter registration form that lists your driver license or~~
881 ~~identification card number, social security number, email address, and the day of your month of~~
882 ~~birth is a private record. The portion of your voter registration form that lists your month and~~
883 ~~year of birth is a private record, the use of which is restricted to government officials,~~
884 ~~government employees, political parties, or certain other persons.]~~

885 ~~[You may apply to the lieutenant governor or your county clerk to have your entire~~
886 ~~voter registration record classified as private.]~~

887 Voter registration records contain some information that is available to the public, such
888 as your name and address, some information that is available only to government entities, and
889 some information that is available only to certain third parties in accordance with the
890 requirements of law.

891 Your driver license number, identification card number, social security number, email
892 address, and full date of birth are available only to government entities. Your year of birth is
893 available to political parties, candidates for public office, certain third parties, and their
894 contractors, employees, and volunteers, in accordance with the requirements of law.

895 You may request that all information on your voter registration records be withheld
896 from all persons other than government entities, political parties, candidates for public office,
897 and their contractors, employees, and volunteers, by indicating here:

898 Yes, I request that all information on my voter registration records be withheld
899 from all persons other than government entities, political parties, candidates for public office,
900 and their contractors, employees, and volunteers.

901 REQUEST FOR ADDITIONAL PRIVACY PROTECTION

902 In addition to the protections provided above, you may request that all information on
903 your voter registration records be withheld from all political parties, candidates for public
904 office, and their contractors, employees, and volunteers, by submitting a withholding request
905 form, and any required verification, as described in the following paragraphs.

906 A person may request that all information on the person's voter registration records be
907 withheld from all political parties, candidates for public office, and their contractors,
908 employees, and volunteers, by submitting a withholding request form with this registration
909 record, or to the lieutenant governor or a county clerk, if the person is or is likely to be, or
910 resides with a person who is or is likely to be, a victim of domestic violence or dating violence.

911 A person may request that all information on the person's voter registration records be
912 withheld from all political parties, candidates for public office, and their contractors,
913 employees, and volunteers, by submitting a withholding request form and any required
914 verification with this registration form, or to the lieutenant governor or a county clerk, if the
915 person is, or resides with a person who is, a law enforcement officer, a member of the armed
916 forces, a public figure, or protected by a protective order or a protection order.

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

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

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

925 (c) (i) After a county clerk mails a notice as required in this section, the county clerk

926 may list that voter as inactive.

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

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

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

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

935 **20A-6-105. Provisional ballot envelopes.**

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

938 "AFFIRMATION

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

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

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

943 Name of Voter _____

944 First Middle Last

945 Driver License or Identification Card Number _____

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

947 Date of Birth _____

948 Street Address of Principal Place of Residence

949 _____

950 City County State Zip Code

951 Telephone Number (optional) _____

952 Last four digits of Social Security Number _____

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

954 _____

955 City County State Zip Code

956 Voting Precinct (if known)

957 _____

958 I, (please print your full name) _____ do solemnly swear or

959 affirm:

960 That I am eligible to vote in this election; that I have not voted in this election in any

961 other precinct; that I am eligible to vote in this precinct; and that I request that I be permitted to

962 vote in this precinct; and

963 Subject to penalty of law for false statements, that the information contained in this

964 form is true, and that I am a citizen of the United States and a resident of Utah, residing at the

965 above address; and that I am at least 18 years old and have resided in Utah for the 30 days

966 immediately before this election.

967 Signed _____

968 Dated _____

969 In accordance with Section 20A-3-506, wilfully providing false information above is a

970 class B misdemeanor under Utah law and is punishable by imprisonment and by fine.["]

971 PRIVACY INFORMATION

972 [~~"The portion of your voter registration form that lists your driver license or~~

973 ~~identification card number, social security number, and email address, and the day of your~~

974 ~~month of birth, is a private record. The portion of your voter registration form that lists your~~

975 ~~month and year of birth is a private record, the use of which is restricted to government~~

976 ~~officials, government employees, political parties, or certain other persons.]~~

977 [You may apply to the lieutenant governor or your county clerk to have your entire

978 voter registration record classified as private."]

979 Voter registration records contain some information that is available to the public, such

980 as your name and address, some information that is available only to government entities, and

981 some information that is available only to certain third parties in accordance with the

982 requirements of law.

983 Your driver license number, identification card number, social security number, email
984 address, and full date of birth are available only to government entities. Your year of birth is
985 available to political parties, candidates for public office, certain third parties, and their
986 contractors, employees, and volunteers, in accordance with the requirements of law.

987 You may request that all information on your voter registration records be withheld
988 from all persons other than government entities, political parties, candidates for public office,
989 and their contractors, employees, and volunteers, by indicating here:

990 Yes, I request that all information on my voter registration records be withheld
991 from all persons other than government entities, political parties, candidates for public office,
992 and their contractors, employees, and volunteers.

993 REQUEST FOR ADDITIONAL PRIVACY PROTECTION

994 In addition to the protections provided above, you may request that all information on
995 your voter registration records be withheld from all political parties, candidates for public
996 office, and their contractors, employees, and volunteers, by submitting a withholding request
997 form, and any required verification, as described in the following paragraphs.

998 A person may request that all information on the person's voter registration records be
999 withheld from all political parties, candidates for public office, and their contractors,
1000 employees, and volunteers, by submitting a withholding request form with this registration
1001 record, or to the lieutenant governor or a county clerk, if the person is or is likely to be, or
1002 resides with a person who is or is likely to be, a victim of domestic violence or dating violence.

1003 A person may request that all information on the person's voter registration records be
1004 withheld from all political parties, candidates for public office, and their contractors,
1005 employees, and volunteers, by submitting a withholding request form and any required
1006 verification with this registration form, or to the lieutenant governor or a county clerk, if the
1007 person is, or resides with a person who is, a law enforcement officer, a member of the armed
1008 forces, a public figure, or protected by a protective order or a protection order.

1009 [^a]CITIZENSHIP AFFIDAVIT

- 1010 Name:
- 1011 Name at birth, if different:
- 1012 Place of birth:
- 1013 Date of birth:
- 1014 Date and place of naturalization (if applicable):

1015 I hereby swear and affirm, under penalties for voting fraud set forth below, that I am a
1016 citizen and that to the best of my knowledge and belief the information above is true and
1017 correct.

1018 _____
1019 Signature of Applicant

1020 In accordance with Section 20A-2-401, the penalty for willfully causing, procuring, or
1021 allowing yourself to be registered to vote if you know you are not entitled to register to vote is
1022 up to one year in jail and a fine of up to \$2,500."

- 1023 (2) The provisional ballot envelope shall include:
- 1024 (a) a unique number;
- 1025 (b) a detachable part that includes the unique number; and
- 1026 (c) a telephone number, internet address, or other indicator of a means, in accordance
1027 with Section 20A-6-105.5, where the voter can find out if the provisional ballot was counted.

1028 Section 7. Section 63G-2-202 is amended to read:
1029 **63G-2-202. Access to private, controlled, and protected documents.**

- 1030 (1) Except as provided in Subsection (11)(a), a governmental entity:
- 1031 (a) shall, upon request, disclose a private record to:
 - 1032 (i) the subject of the record;
 - 1033 (ii) the parent or legal guardian of an unemancipated minor who is the subject of the
1034 record;
 - 1035 (iii) the legal guardian of a legally incapacitated individual who is the subject of the
1036 record;
 - 1037 (iv) any other individual who:

- 1038 (A) has a power of attorney from the subject of the record;
- 1039 (B) submits a notarized release from the subject of the record or the individual's legal
1040 representative dated no more than 90 days before the date the request is made; or
- 1041 (C) if the record is a medical record described in Subsection [63G-2-302\(1\)\(b\)](#), is a
1042 health care provider, as defined in Section [26-33a-102](#), if releasing the record or information in
1043 the record is consistent with normal professional practice and medical ethics; or
- 1044 (v) any person to whom the record must be provided pursuant to:
- 1045 (A) court order as provided in Subsection (7); or
- 1046 (B) a legislative subpoena as provided in Title 36, Chapter 14, Legislative Subpoena
1047 Powers; and
- 1048 (b) may disclose a private record described in ~~[Subsection]~~ Subsections
1049 [63G-2-302\(1\)\(j\)](#) ~~[or (k)]~~ through (m), without complying with Section [63G-2-206](#), to another
1050 governmental entity for a purpose related to:
- 1051 (i) voter registration; or
- 1052 (ii) the administration of an election.
- 1053 (2) (a) Upon request, a governmental entity shall disclose a controlled record to:
- 1054 (i) a physician, physician assistant, psychologist, certified social worker, insurance
1055 provider or producer, or a government public health agency upon submission of:
- 1056 (A) a release from the subject of the record that is dated no more than 90 days prior to
1057 the date the request is made; and
- 1058 (B) a signed acknowledgment of the terms of disclosure of controlled information as
1059 provided by Subsection (2)(b); and
- 1060 (ii) any person to whom the record must be disclosed pursuant to:
- 1061 (A) a court order as provided in Subsection (7); or
- 1062 (B) a legislative subpoena as provided in Title 36, Chapter 14, Legislative Subpoena
1063 Powers.
- 1064 (b) A person who receives a record from a governmental entity in accordance with
1065 Subsection (2)(a)(i) may not disclose controlled information from that record to any person,

1066 including the subject of the record.

1067 (3) If there is more than one subject of a private or controlled record, the portion of the
1068 record that pertains to another subject shall be segregated from the portion that the requester is
1069 entitled to inspect.

1070 (4) Upon request, and except as provided in Subsection (10) or (11)(b), a governmental
1071 entity shall disclose a protected record to:

1072 (a) the person that submitted the record;

1073 (b) any other individual who:

1074 (i) has a power of attorney from all persons, governmental entities, or political
1075 subdivisions whose interests were sought to be protected by the protected classification; or

1076 (ii) submits a notarized release from all persons, governmental entities, or political
1077 subdivisions whose interests were sought to be protected by the protected classification or from
1078 their legal representatives dated no more than 90 days prior to the date the request is made;

1079 (c) any person to whom the record must be provided pursuant to:

1080 (i) a court order as provided in Subsection (7); or

1081 (ii) a legislative subpoena as provided in Title 36, Chapter 14, Legislative Subpoena
1082 Powers; or

1083 (d) the owner of a mobile home park, subject to the conditions of Subsection
1084 [41-1a-116\(5\)](#).

1085 (5) Except as provided in Subsection (1)(b), a governmental entity may disclose a
1086 private, controlled, or protected record to another governmental entity, political subdivision,
1087 state, the United States, or a foreign government only as provided by Section [63G-2-206](#).

1088 (6) Before releasing a private, controlled, or protected record, the governmental entity
1089 shall obtain evidence of the requester's identity.

1090 (7) A governmental entity shall disclose a record pursuant to the terms of a court order
1091 signed by a judge from a court of competent jurisdiction, provided that:

1092 (a) the record deals with a matter in controversy over which the court has jurisdiction;

1093 (b) the court has considered the merits of the request for access to the record;

1094 (c) the court has considered and, where appropriate, limited the requester's use and
1095 further disclosure of the record in order to protect:

1096 (i) privacy interests in the case of private or controlled records;

1097 (ii) business confidentiality interests in the case of records protected under Subsection
1098 [63G-2-305](#)(1), (2), (40)(a)(ii), or (40)(a)(vi); and

1099 (iii) privacy interests or the public interest in the case of other protected records;

1100 (d) to the extent the record is properly classified private, controlled, or protected, the
1101 interests favoring access, considering limitations thereon, are greater than or equal to the
1102 interests favoring restriction of access; and

1103 (e) where access is restricted by a rule, statute, or regulation referred to in Subsection
1104 [63G-2-201](#)(3)(b), the court has authority independent of this chapter to order disclosure.

1105 (8) (a) Except as provided in Subsection (8)(d), a governmental entity may disclose or
1106 authorize disclosure of private or controlled records for research purposes if the governmental
1107 entity:

1108 (i) determines that the research purpose cannot reasonably be accomplished without
1109 use or disclosure of the information to the researcher in individually identifiable form;

1110 (ii) determines that:

1111 (A) the proposed research is bona fide; and

1112 (B) the value of the research is greater than or equal to the infringement upon personal
1113 privacy;

1114 (iii) (A) requires the researcher to assure the integrity, confidentiality, and security of
1115 the records; and

1116 (B) requires the removal or destruction of the individual identifiers associated with the
1117 records as soon as the purpose of the research project has been accomplished;

1118 (iv) prohibits the researcher from:

1119 (A) disclosing the record in individually identifiable form, except as provided in
1120 Subsection (8)(b); or

1121 (B) using the record for purposes other than the research approved by the governmental

1122 entity; and

1123 (v) secures from the researcher a written statement of the researcher's understanding of
1124 and agreement to the conditions of this Subsection (8) and the researcher's understanding that
1125 violation of the terms of this Subsection (8) may subject the researcher to criminal prosecution
1126 under Section 63G-2-801.

1127 (b) A researcher may disclose a record in individually identifiable form if the record is
1128 disclosed for the purpose of auditing or evaluating the research program and no subsequent use
1129 or disclosure of the record in individually identifiable form will be made by the auditor or
1130 evaluator except as provided by this section.

1131 (c) A governmental entity may require indemnification as a condition of permitting
1132 research under this Subsection (8).

1133 (d) A governmental entity may not disclose or authorize disclosure of a private record
1134 for research purposes as described in this Subsection (8) if the private record is a record
1135 described in Subsection 63G-2-302(1)[(tr)](w).

1136 (9) (a) Under Subsections 63G-2-201(5)(b) and 63G-2-401(6), a governmental entity
1137 may disclose to persons other than those specified in this section records that are:

- 1138 (i) private under Section 63G-2-302; or
- 1139 (ii) protected under Section 63G-2-305, subject to Section 63G-2-309 if a claim for
1140 business confidentiality has been made under Section 63G-2-309.

1141 (b) Under Subsection 63G-2-403(11)(b), the State Records Committee may require the
1142 disclosure to persons other than those specified in this section of records that are:

- 1143 (i) private under Section 63G-2-302;
- 1144 (ii) controlled under Section 63G-2-304; or
- 1145 (iii) protected under Section 63G-2-305, subject to Section 63G-2-309 if a claim for
1146 business confidentiality has been made under Section 63G-2-309.

1147 (c) Under Subsection 63G-2-404(7), the court may require the disclosure of records
1148 that are private under Section 63G-2-302, controlled under Section 63G-2-304, or protected
1149 under Section 63G-2-305 to persons other than those specified in this section.

1150 (10) A record contained in the Management Information System, created in Section
1151 62A-4a-1003, that is found to be unsubstantiated, unsupported, or without merit may not be
1152 disclosed to any person except the person who is alleged in the report to be a perpetrator of
1153 abuse, neglect, or dependency.

1154 (11) (a) A private record described in Subsection 63G-2-302(2)(f) may only be
1155 disclosed as provided in Subsection (1)(a)(v).

1156 (b) A protected record described in Subsection 63G-2-305(43) may only be disclosed
1157 as provided in Subsection (4)(c) or Section 62A-3-312.

1158 (12) (a) A private, protected, or controlled record described in Section 62A-16-301
1159 shall be disclosed as required under:

1160 (i) Subsections 62A-16-301(1)(b), (2), and (4)(c); and

1161 (ii) Subsections 62A-16-302(1) and (6).

1162 (b) A record disclosed under Subsection (12)(a) shall retain its character as private,
1163 protected, or controlled.

1164 Section 8. Section 63G-2-301 is amended to read:

1165 **63G-2-301. Public records.**

1166 (1) As used in this section:

1167 (a) "Business address" means a single address of a governmental agency designated for
1168 the public to contact an employee or officer of the governmental agency.

1169 (b) "Business email address" means a single email address of a governmental agency
1170 designated for the public to contact an employee or officer of the governmental agency.

1171 (c) "Business telephone number" means a single telephone number of a governmental
1172 agency designated for the public to contact an employee or officer of the governmental agency.

1173 (2) The following records are public except to the extent they contain information
1174 expressly permitted to be treated confidentially under the provisions of Subsections

1175 63G-2-201(3)(b) and (6)(a):

1176 (a) laws;

1177 (b) the name, gender, gross compensation, job title, job description, business address,

1178 business email address, business telephone number, number of hours worked per pay period,
1179 dates of employment, and relevant education, previous employment, and similar job
1180 qualifications of a current or former employee or officer of the governmental entity, excluding:
1181 (i) undercover law enforcement personnel; and
1182 (ii) investigative personnel if disclosure could reasonably be expected to impair the
1183 effectiveness of investigations or endanger any individual's safety;
1184 (c) final opinions, including concurring and dissenting opinions, and orders that are
1185 made by a governmental entity in an administrative, adjudicative, or judicial proceeding except
1186 that if the proceedings were properly closed to the public, the opinion and order may be
1187 withheld to the extent that they contain information that is private, controlled, or protected;
1188 (d) final interpretations of statutes or rules by a governmental entity unless classified as
1189 protected as provided in Subsection 63G-2-305(17) or (18);
1190 (e) information contained in or compiled from a transcript, minutes, or report of the
1191 open portions of a meeting of a governmental entity as provided by Title 52, Chapter 4, Open
1192 and Public Meetings Act, including the records of all votes of each member of the
1193 governmental entity;
1194 (f) judicial records unless a court orders the records to be restricted under the rules of
1195 civil or criminal procedure or unless the records are private under this chapter;
1196 (g) unless otherwise classified as private under Section 63G-2-303, records or parts of
1197 records filed with or maintained by county recorders, clerks, treasurers, surveyors, zoning
1198 commissions, the Division of Forestry, Fire, and State Lands, the School and Institutional Trust
1199 Lands Administration, the Division of Oil, Gas, and Mining, the Division of Water Rights, or
1200 other governmental entities that give public notice of:
1201 (i) titles or encumbrances to real property;
1202 (ii) restrictions on the use of real property;
1203 (iii) the capacity of persons to take or convey title to real property; or
1204 (iv) tax status for real and personal property;
1205 (h) records of the Department of Commerce that evidence incorporations, mergers,

1206 name changes, and uniform commercial code filings;

1207 (i) data on individuals that would otherwise be private under this chapter if the
1208 individual who is the subject of the record has given the governmental entity written
1209 permission to make the records available to the public;

1210 (j) documentation of the compensation that a governmental entity pays to a contractor
1211 or private provider;

1212 (k) summary data;

1213 (l) voter registration records, including an individual's voting history, except for a voter
1214 registration record or those parts of a voter registration record that are classified as private
1215 under ~~[Subsection]~~ Subsections 63G-2-302(1)(j) ~~[or (k)] through (m) or withheld under~~
1216 Subsection 20A-2-104(7);

1217 (m) for an elected official, as defined in Section 11-47-102, a telephone number, if
1218 available, and email address, if available, where that elected official may be reached as required
1219 in Title 11, Chapter 47, Access to Elected Officials;

1220 (n) for a school community council member, a telephone number, if available, and
1221 email address, if available, where that elected official may be reached directly as required in
1222 Section 53G-7-1203;

1223 (o) annual audited financial statements of the Utah Educational Savings Plan described
1224 in Section 53B-8a-111; and

1225 (p) an initiative packet, as defined in Section 20A-7-101, and a referendum packet, as
1226 defined in Section 20A-7-101, after the packet is submitted to a county clerk.

1227 (3) The following records are normally public, but to the extent that a record is
1228 expressly exempt from disclosure, access may be restricted under Subsection 63G-2-201(3)(b),
1229 Section 63G-2-302, 63G-2-304, or 63G-2-305:

1230 (a) administrative staff manuals, instructions to staff, and statements of policy;

1231 (b) records documenting a contractor's or private provider's compliance with the terms
1232 of a contract with a governmental entity;

1233 (c) records documenting the services provided by a contractor or a private provider to

1234 the extent the records would be public if prepared by the governmental entity;

1235 (d) contracts entered into by a governmental entity;

1236 (e) any account, voucher, or contract that deals with the receipt or expenditure of funds
1237 by a governmental entity;

1238 (f) records relating to government assistance or incentives publicly disclosed,
1239 contracted for, or given by a governmental entity, encouraging a person to expand or relocate a
1240 business in Utah, except as provided in Subsection [63G-2-305\(35\)](#);

1241 (g) chronological logs and initial contact reports;

1242 (h) correspondence by and with a governmental entity in which the governmental entity
1243 determines or states an opinion upon the rights of the state, a political subdivision, the public,
1244 or any person;

1245 (i) empirical data contained in drafts if:

1246 (i) the empirical data is not reasonably available to the requester elsewhere in similar
1247 form; and

1248 (ii) the governmental entity is given a reasonable opportunity to correct any errors or
1249 make nonsubstantive changes before release;

1250 (j) drafts that are circulated to anyone other than:

1251 (i) a governmental entity;

1252 (ii) a political subdivision;

1253 (iii) a federal agency if the governmental entity and the federal agency are jointly
1254 responsible for implementation of a program or project that has been legislatively approved;

1255 (iv) a government-managed corporation; or

1256 (v) a contractor or private provider;

1257 (k) drafts that have never been finalized but were relied upon by the governmental
1258 entity in carrying out action or policy;

1259 (l) original data in a computer program if the governmental entity chooses not to
1260 disclose the program;

1261 (m) arrest warrants after issuance, except that, for good cause, a court may order

- 1262 restricted access to arrest warrants prior to service;
- 1263 (n) search warrants after execution and filing of the return, except that a court, for good
1264 cause, may order restricted access to search warrants prior to trial;
- 1265 (o) records that would disclose information relating to formal charges or disciplinary
1266 actions against a past or present governmental entity employee if:
- 1267 (i) the disciplinary action has been completed and all time periods for administrative
1268 appeal have expired; and
- 1269 (ii) the charges on which the disciplinary action was based were sustained;
- 1270 (p) records maintained by the Division of Forestry, Fire, and State Lands, the School
1271 and Institutional Trust Lands Administration, or the Division of Oil, Gas, and Mining that
1272 evidence mineral production on government lands;
- 1273 (q) final audit reports;
- 1274 (r) occupational and professional licenses;
- 1275 (s) business licenses; and
- 1276 (t) a notice of violation, a notice of agency action under Section [63G-4-201](#), or similar
1277 records used to initiate proceedings for discipline or sanctions against persons regulated by a
1278 governmental entity, but not including records that initiate employee discipline.

1279 (4) The list of public records in this section is not exhaustive and should not be used to
1280 limit access to records.

1281 Section 9. Section **63G-2-302** is amended to read:

1282 **63G-2-302. Private records.**

1283 (1) The following records are private:

1284 (a) records concerning an individual's eligibility for unemployment insurance benefits,
1285 social services, welfare benefits, or the determination of benefit levels;

1286 (b) records containing data on individuals describing medical history, diagnosis,
1287 condition, treatment, evaluation, or similar medical data;

1288 (c) records of publicly funded libraries that when examined alone or with other records
1289 identify a patron;

- 1290 (d) records received by or generated by or for:
- 1291 (i) the Independent Legislative Ethics Commission, except for:
- 1292 (A) the commission's summary data report that is required under legislative rule; and
- 1293 (B) any other document that is classified as public under legislative rule; or
- 1294 (ii) a Senate or House Ethics Committee in relation to the review of ethics complaints,
- 1295 unless the record is classified as public under legislative rule;
- 1296 (e) records received by, or generated by or for, the Independent Executive Branch
- 1297 Ethics Commission, except as otherwise expressly provided in Title 63A, Chapter 14, Review
- 1298 of Executive Branch Ethics Complaints;
- 1299 (f) records received or generated for a Senate confirmation committee concerning
- 1300 character, professional competence, or physical or mental health of an individual:
- 1301 (i) if, prior to the meeting, the chair of the committee determines release of the records:
- 1302 (A) reasonably could be expected to interfere with the investigation undertaken by the
- 1303 committee; or
- 1304 (B) would create a danger of depriving a person of a right to a fair proceeding or
- 1305 impartial hearing; and
- 1306 (ii) after the meeting, if the meeting was closed to the public;
- 1307 (g) employment records concerning a current or former employee of, or applicant for
- 1308 employment with, a governmental entity that would disclose that individual's home address,
- 1309 home telephone number, social security number, insurance coverage, marital status, or payroll
- 1310 deductions;
- 1311 (h) records or parts of records under Section [63G-2-303](#) that a current or former
- 1312 employee identifies as private according to the requirements of that section;
- 1313 (i) that part of a record indicating a person's social security number or federal employer
- 1314 identification number if provided under Section [31A-23a-104](#), [31A-25-202](#), [31A-26-202](#),
- 1315 [58-1-301](#), [58-55-302](#), [61-1-4](#), or [61-2f-203](#);
- 1316 (j) that part of a voter registration record identifying a voter's:
- 1317 (i) driver license or identification card number;

- 1318 (ii) social security number, or last four digits of the social security number;
- 1319 (iii) email address; or
- 1320 (iv) date of birth;
- 1321 (k) a voter registration record that is classified as a private record by the lieutenant
- 1322 governor or a county clerk under Subsection [20A-2-101.1\(5\)\(a\)](#), [20A-2-104\(4\)\(f\)\(h\)](#),
- 1323 ~~[20A-2-101.1\(5\)\(a\)](#)~~, or [20A-2-204\(4\)\(b\)](#);
- 1324 (l) a voter registration record that is withheld under Subsection [20A-2-104\(7\)](#);
- 1325 (m) a withholding request form described in Subsections [20A-2-104\(7\)](#) and (8) and any
- 1326 verification submitted in support of the form;
- 1327 ~~(n)~~ (n) a record that:
- 1328 (i) contains information about an individual;
- 1329 (ii) is voluntarily provided by the individual; and
- 1330 (iii) goes into an electronic database that:
- 1331 (A) is designated by and administered under the authority of the Chief Information
- 1332 Officer; and
- 1333 (B) acts as a repository of information about the individual that can be electronically
- 1334 retrieved and used to facilitate the individual's online interaction with a state agency;
- 1335 ~~(o)~~ (o) information provided to the Commissioner of Insurance under:
- 1336 (i) Subsection [31A-23a-115\(3\)\(a\)](#);
- 1337 (ii) Subsection [31A-23a-302\(4\)](#); or
- 1338 (iii) Subsection [31A-26-210\(4\)](#);
- 1339 ~~(p)~~ (p) information obtained through a criminal background check under Title 11,
- 1340 Chapter 40, Criminal Background Checks by Political Subdivisions Operating Water Systems;
- 1341 ~~(q)~~ (q) information provided by an offender that is:
- 1342 (i) required by the registration requirements of Title 77, Chapter 41, Sex and Kidnap
- 1343 Offender Registry or Title 77, Chapter 43, Child Abuse Offender Registry; and
- 1344 (ii) not required to be made available to the public under Subsection [77-41-110\(4\)](#) or
- 1345 [77-43-108\(4\)](#);

1346 ~~[(p)]~~ (r) a statement and any supporting documentation filed with the attorney general
1347 in accordance with Section 34-45-107, if the federal law or action supporting the filing
1348 involves homeland security;

1349 ~~[(q)]~~ (s) electronic toll collection customer account information received or collected
1350 under Section 72-6-118 and customer information described in Section 17B-2a-815 received or
1351 collected by a public transit district, including contact and payment information and customer
1352 travel data;

1353 ~~[(r)]~~ (t) an email address provided by a military or overseas voter under Section
1354 20A-16-501;

1355 ~~[(s)]~~ (u) a completed military-overseas ballot that is electronically transmitted under
1356 Title 20A, Chapter 16, Uniform Military and Overseas Voters Act;

1357 ~~[(t)]~~ (v) records received by or generated by or for the Political Subdivisions Ethics
1358 Review Commission established in Section 63A-15-201, except for:

1359 (i) the commission's summary data report that is required in Section 63A-15-202; and

1360 (ii) any other document that is classified as public in accordance with Title 63A,
1361 Chapter 15, Political Subdivisions Ethics Review Commission;

1362 ~~[(u)]~~ (w) a record described in Section 53G-9-604 that verifies that a parent was
1363 notified of an incident or threat;

1364 ~~[(v)]~~ (x) a criminal background check or credit history report conducted in accordance
1365 with Section 63A-3-201; and

1366 ~~[(w)]~~ (y) a record described in Subsection 53-5a-104(7).

1367 (2) The following records are private if properly classified by a governmental entity:

1368 (a) records concerning a current or former employee of, or applicant for employment
1369 with a governmental entity, including performance evaluations and personal status information
1370 such as race, religion, or disabilities, but not including records that are public under Subsection
1371 63G-2-301(2)(b) or 63G-2-301(3)(o) or private under Subsection (1)(b);

1372 (b) records describing an individual's finances, except that the following are public:

1373 (i) records described in Subsection 63G-2-301(2);

1374 (ii) information provided to the governmental entity for the purpose of complying with
1375 a financial assurance requirement; or

1376 (iii) records that must be disclosed in accordance with another statute;

1377 (c) records of independent state agencies if the disclosure of those records would
1378 conflict with the fiduciary obligations of the agency;

1379 (d) other records containing data on individuals the disclosure of which constitutes a
1380 clearly unwarranted invasion of personal privacy;

1381 (e) records provided by the United States or by a government entity outside the state
1382 that are given with the requirement that the records be managed as private records, if the
1383 providing entity states in writing that the record would not be subject to public disclosure if
1384 retained by it;

1385 (f) any portion of a record in the custody of the Division of Aging and Adult Services,
1386 created in Section 62A-3-102, that may disclose, or lead to the discovery of, the identity of a
1387 person who made a report of alleged abuse, neglect, or exploitation of a vulnerable adult; and

1388 (g) audio and video recordings created by a body-worn camera, as defined in Section
1389 77-7a-103, that record sound or images inside a home or residence except for recordings that:

1390 (i) depict the commission of an alleged crime;

1391 (ii) record any encounter between a law enforcement officer and a person that results in
1392 death or bodily injury, or includes an instance when an officer fires a weapon;

1393 (iii) record any encounter that is the subject of a complaint or a legal proceeding
1394 against a law enforcement officer or law enforcement agency;

1395 (iv) contain an officer involved critical incident as defined in [Section] Subsection
1396 76-2-408(1)(~~d~~)(f); or

1397 (v) have been requested for reclassification as a public record by a subject or
1398 authorized agent of a subject featured in the recording.

1399 (3) (a) As used in this Subsection (3), "medical records" means medical reports,
1400 records, statements, history, diagnosis, condition, treatment, and evaluation.

1401 (b) Medical records in the possession of the University of Utah Hospital, its clinics,

1402 doctors, or affiliated entities are not private records or controlled records under Section
1403 [63G-2-304](#) when the records are sought:

1404 (i) in connection with any legal or administrative proceeding in which the patient's
1405 physical, mental, or emotional condition is an element of any claim or defense; or

1406 (ii) after a patient's death, in any legal or administrative proceeding in which any party
1407 relies upon the condition as an element of the claim or defense.

1408 (c) Medical records are subject to production in a legal or administrative proceeding
1409 according to state or federal statutes or rules of procedure and evidence as if the medical
1410 records were in the possession of a nongovernmental medical care provider.