

## SB0083S03 compared with SB0083S01

~~text~~ shows text that was in SB0083S01 but was deleted in SB0083S03.

text shows text that was not in SB0083S01 but was inserted into SB0083S03.

**DISCLAIMER:** This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

Senator ~~Jacob L. Anderegg~~ Todd Weiler proposes the following substitute bill:

### VOTER REGISTRATION INFORMATION AMENDMENTS

2020 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Jacob L. Anderegg**

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

---

#### LONG TITLE

#### General Description:

This bill amends provisions relating to voter registration information.

#### Highlighted Provisions:

This bill:

- ▶ modifies the information certain persons may obtain from a voter registration record;
- ▶ modifies privacy request provisions relating to voter registration records;
- ▶ permits a political party or a candidate for public office to obtain certain information from a voter registration record that is classified as private;
- ▶ establishes a process for a person, under certain circumstances, to prohibit a political party or candidate for public office from obtaining information from the person's voter registration record;

## SB0083S03 compared with SB0083S01

- ▶ modifies voter registration forms;
- ▶ makes it a crime to violate certain provisions of this bill with respect to accessing or using voter registration records and provides civil penalties;
- ▶ grants rulemaking authority to the director of elections in the Office of the Lieutenant Governor;
- ▶ classifies certain voter registration records, and related records, as private;
- ▶ grandfathers in the privacy classification of a voter registration record classified as private before the effective date of this bill; and
- ▶ makes technical and conforming changes.

### Money Appropriated in this Bill:

None

### Other Special Clauses:

~~{ This bill provides a special effective date.~~

~~— This bill provides revisor instructions. }~~ None

### Utah Code Sections Affected:

AMENDS:

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

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

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

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

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

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

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

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

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

~~{ Utah Code Sections Affected by Revisor Instructions:~~

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

---

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

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

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

## **SB0083S03 compared with SB0083S01**

As used in this title:

- (1) "Active voter" means a registered voter who has not been classified as an inactive voter by the county clerk.
- (2) "Automatic tabulating equipment" means apparatus that automatically examines and counts votes recorded on paper ballots or ballot sheets and tabulates the results.
- (3) (a) "Ballot" means the storage medium, whether paper, mechanical, or electronic, upon which a voter records the voter's votes.
  - (b) "Ballot" includes ballot sheets, paper ballots, electronic ballots, and secrecy envelopes.
- (4) "Ballot label" means the cards, papers, booklet, pages, or other materials that:
  - (a) contain the names of offices and candidates and statements of ballot propositions to be voted on; and
  - (b) are used in conjunction with ballot sheets that do not display that information.
- (5) "Ballot proposition" means a question, issue, or proposal that is submitted to voters on the ballot for their approval or rejection including:
  - (a) an opinion question specifically authorized by the Legislature;
  - (b) a constitutional amendment;
  - (c) an initiative;
  - (d) a referendum;
  - (e) a bond proposition;
  - (f) a judicial retention question;
  - (g) an incorporation of a city or town; or
  - (h) any other ballot question specifically authorized by the Legislature.
- (6) "Ballot sheet":
  - (a) means a ballot that:
    - (i) consists of paper or a card where the voter's votes are marked or recorded; and
    - (ii) can be counted using automatic tabulating equipment; and
  - (b) includes punch card ballots and other ballots that are machine-countable.
- (7) "Bind," "binding," or "bound" means securing more than one piece of paper together with a staple or stitch in at least three places across the top of the paper in the blank space reserved for securing the paper.

## **SB0083S03 compared with SB0083S01**

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

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

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

(11) "Business reply mail envelope" means an envelope that may be mailed free of charge by the sender.

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

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

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

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

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

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

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

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

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

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

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

(b) does not include:

## SB0083S03 compared with SB0083S01

- (i) deadlines established for absentee voting; or
- (ii) any early voting or early voting period as provided under Chapter 3, Part 6, Early

Voting.

(22) "Elected official" means:

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

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

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

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

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

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

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

(a) preside over other poll workers at a polling place;

(b) act as the presiding election judge; or

(c) serve as a canvassing judge, counting judge, or receiving judge.

(27) "Election officer" means:

(a) the lieutenant governor, for all statewide ballots and elections;

(b) the county clerk for:

(i) a county ballot and election; and

(ii) a ballot and election as a provider election officer as provided in Section 20A-5-400.1 or 20A-5-400.5;

(c) the municipal clerk for:

(i) a municipal ballot and election; and

(ii) a ballot and election as a provider election officer as provided in Section 20A-5-400.1 or 20A-5-400.5;

## **SB0083S03 compared with SB0083S01**

(d) the local district clerk or chief executive officer for:

(i) a local district ballot and election; and

(ii) a ballot and election as a provider election officer as provided in Section 20A-5-400.1 or 20A-5-400.5; or

(e) the business administrator or superintendent of a school district for:

(i) a school district ballot and election; and

(ii) a ballot and election as a provider election officer as provided in Section 20A-5-400.1 or 20A-5-400.5.

(28) "Election official" means any election officer, election judge, or poll worker.

(29) "Election results" means:

(a) for an election other than a bond election, the count of votes cast in the election and the election returns requested by the board of canvassers; or

(b) for bond elections, the count of those votes cast for and against the bond proposition plus any or all of the election returns that the board of canvassers may request.

(30) "Election returns" includes the pollbook, the military and overseas absentee voter registration and voting certificates, one of the tally sheets, any unprocessed absentee ballots, all counted ballots, all excess ballots, all unused ballots, all spoiled ballots, the ballot disposition form, and the total votes cast form.

(31) "Electronic ballot" means a ballot that is recorded using a direct electronic voting device or other voting device that records and stores ballot information by electronic means.

(32) "Electronic signature" means an electronic sound, symbol, or process attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record.

(33) (a) "Electronic voting device" means a voting device that uses electronic ballots.

(b) "Electronic voting device" includes a direct recording electronic voting device.

(34) "Inactive voter" means a registered voter who is listed as inactive by a county clerk under Subsection 20A-2-306(4)(c)(i) or (ii).

(35) "Judicial office" means the office filled by any judicial officer.

(36) "Judicial officer" means any justice or judge of a court of record or any county court judge.

(37) "Local district" means a local government entity under Title 17B, Limited Purpose

## **SB0083S03 compared with SB0083S01**

Local Government Entities - Local Districts, and includes a special service district under Title 17D, Chapter 1, Special Service District Act.

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

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

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

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

(42) "Municipal executive" means:

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

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

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

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

(44) "Municipal legislative body" means:

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

(b) the council of a metro township.

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

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

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

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

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

## **SB0083S03 compared with SB0083S01**

(50) "Official endorsement" means:

(a) the information on the ballot that identifies:

(i) the ballot as an official ballot;

(ii) the date of the election; and

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

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

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

(i) the poll worker's initials; and

(ii) the ballot number.

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

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

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

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

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

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

(b) "Poll worker" includes election judges.

(c) "Poll worker" does not include a watcher.

(55) "Pollbook" means a record of the names of voters in the order that they appear to cast votes.

(56) "Polling place" means the building where voting is conducted.

(57) "Position" means a square, circle, rectangle, or other geometric shape on a ballot in which the voter marks the voter's choice.

(58) "Presidential Primary Election" means the election established in Chapter 9, Part



## SB0083S03 compared with SB0083S01

### 8, Presidential Primary Election.

(59) "Primary convention" means the political party conventions held during the year of the regular general election.

(60) "Protective counter" means a separate counter, which cannot be reset, that:

- (a) is built into a voting machine; and
- (b) records the total number of movements of the operating lever.

(61) "Provider election officer" means an election officer who enters into a contract or interlocal agreement with a contracting election officer to conduct an election for the contracting election officer's local political subdivision in accordance with Section 20A-5-400.1.

(62) "Provisional ballot" means a ballot voted provisionally by a person:

- (a) whose name is not listed on the official register at the polling place;
- (b) whose legal right to vote is challenged as provided in this title; or
- (c) whose identity was not sufficiently established by a poll worker.

(63) "Provisional ballot envelope" means an envelope printed in the form required by Section 20A-6-105 that is used to identify provisional ballots and to provide information to verify a person's legal right to vote.

(64) "Public figure" means an individual who, due to the individual being considered for, holding, or having held a position of prominence in a public or private capacity, or due to the individual's celebrity status, has an increased risk to the individual's safety.

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

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

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

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

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

## SB0083S03 compared with SB0083S01

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

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

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

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

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

~~[(74)]~~ (75) "Special election" means an election held as authorized by Section 20A-1-203.

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

- (a) is spoiled by the voter;
- (b) is unable to be voted because it was spoiled by the printer or a poll worker; or
- (c) lacks the official endorsement.

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

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

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

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

- (a) political parties;
- (b) candidates for an office; or
- (c) ballot propositions.

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

~~[(81)]~~ (82) "Vacancy" means the absence of a person to serve in any position created

## SB0083S03 compared with SB0083S01

by statute, whether that absence occurs because of death, disability, disqualification, resignation, or other cause.

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

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

- (i) a currently valid Utah driver license;
- (ii) a currently valid identification card that is issued by:
  - (A) the state; or
  - (B) a branch, department, or agency of the United States;
- (iii) a currently valid Utah permit to carry a concealed weapon;
- (iv) a currently valid United States passport; or
- (v) a currently valid United States military identification card;

(b) one of the following identification cards, whether or not the card includes a photograph of the voter:

- (i) a valid tribal identification card;
- (ii) a Bureau of Indian Affairs card; or
- (iii) a tribal treaty card; or

(c) two forms of identification not listed under Subsection ~~[(82)]~~ (83)(a) or (b) but that bear the name of the voter and provide evidence that the voter resides in the voting precinct, which may include:

(i) a current utility bill or a legible copy thereof, dated within the 90 days before the election;

- (ii) a bank or other financial account statement, or a legible copy thereof;
- (iii) a certified birth certificate;
- (iv) a valid social security card;
- (v) a check issued by the state or the federal government or a legible copy thereof;
- (vi) a paycheck from the voter's employer, or a legible copy thereof;
- (vii) a currently valid Utah hunting or fishing license;
- (viii) certified naturalization documentation;
- (ix) a currently valid license issued by an authorized agency of the United States;
- (x) a certified copy of court records showing the voter's adoption or name change;

## SB0083S03 compared with SB0083S01

(xi) a valid Medicaid card, Medicare card, or Electronic Benefits Transfer Card;

(xii) a currently valid identification card issued by:

(A) a local government within the state;

(B) an employer for an employee; or

(C) a college, university, technical school, or professional school located within the state; or

(xiii) a current Utah vehicle registration.

~~[(83)]~~ (84) "Valid write-in candidate" means a candidate who has qualified as a write-in candidate by following the procedures and requirements of this title.

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

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

(b) meets the requirements of election registration;

(c) is registered to vote; and

(d) is listed in the official register book.

~~[(85)]~~ (86) "Voter registration deadline" means the registration deadline provided in Section 20A-2-102.5.

~~[(86)]~~ (87) "Voting area" means the area within six feet of the voting booths, voting machines, and ballot box.

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

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

(b) a voting device that is free standing.

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

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

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

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

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

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

**SB0083S03 compared with SB0083S01**

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

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

~~[(91)]~~ (92) "Watcher" means an individual who complies with the requirements described in Section 20A-3-201 to become a watcher for an election.

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

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

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

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

(1) (a) As used in this section, "candidate for public office" means an individual who files:

(i) a declaration of candidacy for a public office; or

(ii) a notice of intent to gather signatures under Section 20A-9-408.

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

-----  
UTAH ELECTION REGISTRATION FORM

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

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

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

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

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

Name of Voter

\_\_\_\_\_  
First Middle Last

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

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

Street Address of Principal Place of Residence

**SB0083S03 compared with SB0083S01**

---

City	County	State	Zip Code
------	--------	-------	----------

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

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

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

---

City	County	State	Zip Code
------	--------	-------	----------

Political Party

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

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

~~[You may request that your voter registration record be classified as a private record by indicating here: \_\_\_\_\_Yes, I would like to request that my voter registration record be classified as a private record.]~~

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

Signed and sworn

\_\_\_\_\_

Voter's Signature

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

PRIVACY INFORMATION

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

## **SB0083S03 compared with SB0083S01**

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

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

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

\_\_\_\_\_ Yes, I request that all information on my voter registration records be withheld from all persons other than government entities, political parties, and candidates for public office.

### REQUEST FOR ADDITIONAL PRIVACY PROTECTION

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

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

A person may request that all information on the person's voter registration records be withheld from all political parties and candidates for public office by submitting a withholding request form and any required verification with this registration form, or to the lieutenant governor or a county clerk, if the person is, or resides with a person who is, a law enforcement officer, a member of the armed forces, a federal, state, or local elected official, a public figure, or protected by a protective order or a protection order.

CITIZENSHIP AFFIDAVIT

**SB0083S03 compared with SB0083S01**

Name:

Name at birth, if different:

Place of birth:

Date of birth:

Date and place of naturalization (if applicable):

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

\_\_\_\_\_  
Signature of Applicant

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

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

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

FOR OFFICIAL USE ONLY

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

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

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

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

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

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

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



## SB0083S03 compared with SB0083S01

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

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

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

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

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

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

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

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

(vi) a candidate for public office, or an agent, employee, or independent contractor of a candidate for public office; or

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

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

(B) verifies that a person, described in Subsection (4)(a)~~(vi)~~(vii)(A), to whom a ~~month or~~ year of birth that is obtained from the list of registered voters is provided, is a qualified person;

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

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

## SB0083S03 compared with SB0083S01

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

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

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

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

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

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

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

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

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

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

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

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

## SB0083S03 compared with SB0083S01

that is prohibited by law, is guilty of a class A misdemeanor and is subject to a civil fine;

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

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

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

(i) is not a qualified person or a person described in Subsection (4)[(f)](1); or

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

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

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

(ii) except as provided in Subsection (7) and subject to Subsection (4)(e), a person described in Subsection (4)(a)(v) or (vi).

(e) When disclosing a record or information under Subsection (4)(d)(ii), the lieutenant governor or county clerk shall exclude the information described in Subsection 63G-2-302(1)(j), other than the year of birth.

(f) The lieutenant governor or a county clerk may not disclose a withholding request form, described in Subsections (7) and (8), submitted by an individual, or information obtained from that form, to a person other than a government official or government employee acting in the government official's or government employee's capacity as a government official or government employee.

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

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

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

## SB0083S03 compared with SB0083S01

(iii) obtains a voter registration record described in Subsection 63G-2-302(1)(k) under false pretenses;

(iv) uses or provides information obtained from a voter registration record described in Subsection 63G-2-302(1)(k) in a manner that is not permitted by law;

(v) unlawfully discloses or obtains a voter registration record withheld under Subsection (7) or a withholding request form described in Subsections (7) and (8); or

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

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

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

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

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

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

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

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

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

(B) records from which information is obtained, provided, or used unlawfully, rounded

## SB0083S03 compared with SB0083S01

to the nearest whole dollar; or

(ii) \$200.

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

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

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

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

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

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

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

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

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

(5) When political parties not listed on the voter registration form qualify as registered

## SB0083S03 compared with SB0083S01

political parties under Title 20A, Chapter 8, Political Party Formation and Procedures, the lieutenant governor shall inform the county clerks ~~[about]~~ of the name of the new political party and direct the county clerks to ensure that the voter registration form is modified to include that political party.

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

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

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

(7) The lieutenant governor or a county clerk shall withhold from a person, ~~other than a person~~ described in Subsection (4)(a)(~~{v}~~ or (~~vi~~); ~~i~~), the voter registration record, and information obtained from the voter registration record, of an individual ~~{who}~~:

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

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

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

(A) a law enforcement officer;

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

(C) a federal, state, or local elected official;

(D) a public figure; or

(E) protected by a protective order or protection order; or

(b) ~~on the individual's most recent voter registration form, if the form was received by the lieutenant governor or a county clerk before the effective date of this bill, requested that the individual's} whose~~ voter registration record ~~{be}~~ was classified as a private record at the request of the individual before May 12, 2020.

(8) (a) The lieutenant governor shall design and distribute the withholding request form

## SB0083S03 compared with SB0083S01

described in Subsection (7) to each election officer and to each agency that provides a voter registration form.

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

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

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

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

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

### **Transmittal of information.**

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

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

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

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

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

Would you like to be registered as an absentee voter to receive your ballots by mail? YES \_\_\_ NO \_\_\_"; and

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

(c) the following statement:

"PRIVACY INFORMATION

## **SB0083S03 compared with SB0083S01**

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

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

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

\_\_\_\_\_ Yes, I request that all information on my voter registration records be withheld from all persons other than government entities, political parties, and candidates for public office.

### REQUEST FOR ADDITIONAL PRIVACY PROTECTION

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

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

A person may request that all information on the person's voter registration records be withheld from all political parties and candidates for public office by submitting a withholding request form and any required verification with this registration form, or to the lieutenant governor or a county clerk, if the person is, or resides with a person who is, a law enforcement officer, a member of the armed forces, a federal, state, or local elected official, a public figure, or protected by a protective order or a protection order."

(3) The lieutenant governor and the Driver License Division shall ensure that a



## SB0083S03 compared with SB0083S01

qualifying form contains:

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

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

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

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

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

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

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

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

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

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

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

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

(3) The Driver License Division shall:

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

(b) electronically transmit each address change to the lieutenant governor within five

## SB0083S03 compared with SB0083S01

days after the day on which the division receives the address change; and

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

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

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

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

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

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

(vi) a withholding request from described in Subsections 20A-2-104(7) and (8) and any verification submitted with the form.

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

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

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

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

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

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

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

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

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

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

### **SB0083S03 compared with SB0083S01**

- (i) comply with the applicable provisions of this Subsection (6); or
- (ii) if the individual is preregistering to vote, comply with Section 20A-2-101.1.

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

- (i) accept the voter registration form; and
- (ii) unless the individual is preregistering to vote, inform the individual that the individual is registered to vote in the pending election.

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

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

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

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

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

(7) (a) If the county clerk determines that an individual's voter registration form received from the Driver License Division is incorrect because of an error, because the form is incomplete, or because the individual does not meet the qualifications to be registered to vote,

## **SB0083S03 compared with SB0083S01**

the county clerk shall mail notice to the individual stating that the individual has not been registered or preregistered because of an error, because the form is incomplete, or because the individual does not meet the qualifications to be registered to vote.

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

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

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

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

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

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

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

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

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

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

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

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

"VOTER REGISTRATION NOTICE

We have been notified that your residence has changed. Please read, complete, and

## SB0083S03 compared with SB0083S01

return this form so that we can update our voter registration records. What is your current street address?

---

Street	City	County	State	Zip
--------	------	--------	-------	-----

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

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

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

---

Signature of Voter<sup>[u]</sup>

### PRIVACY INFORMATION

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

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

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

Your driver license number, identification card number, social security number, email address, and full date of birth are available only to government entities. Your year of birth is available to political parties, candidates for public office, and certain third parties, in

## **SB0083S03 compared with SB0083S01**

accordance with the requirements of law.

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

\_\_\_\_\_ Yes, I request that all information on my voter registration records be withheld from all persons other than government entities, political parties, and candidates for public office.

### REQUEST FOR ADDITIONAL PRIVACY PROTECTION

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

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

A person may request that all information on the person's voter registration records be withheld from all political parties and candidates for public office by submitting a withholding request form and any required verification with this registration form, or to the lieutenant governor or a county clerk, if the person is, or resides with a person who is, a law enforcement officer, a member of the armed forces, a federal, state, or local elected official, a public figure, or protected by a protective order or a protection order."

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

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

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

**SB0083S03 compared with SB0083S01**

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

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

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

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

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

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

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

"AFFIRMATION

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

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

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

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

First

Middle

Last

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

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

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

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

City

County

State

Zip Code

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

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

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

City

County

State

Zip Code

**SB0083S03 compared with SB0083S01**

Voting Precinct (if known)

\_\_\_\_\_

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

That I am eligible to vote in this election; that I have not voted in this election in any other precinct; that I am eligible to vote in this precinct; and that I request that I be permitted to vote in this precinct; and

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

Signed \_\_\_\_\_

Dated \_\_\_\_\_

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

PRIVACY INFORMATION

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

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

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

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



## **SB0083S03 compared with SB0083S01**

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

\_\_\_\_\_ Yes, I request that all information on my voter registration records be withheld from all persons other than government entities, political parties, and candidates for public office.

### REQUEST FOR ADDITIONAL PRIVACY PROTECTION

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

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

A person may request that all information on the person's voter registration records be withheld from all political parties and candidates for public office by submitting a withholding request form and any required verification with this registration form, or to the lieutenant governor or a county clerk, if the person is, or resides with a person who is, a law enforcement officer, a member of the armed forces, a federal, state, or local elected official, a public figure, or protected by a protective order or a protection order.

[]CITIZENSHIP AFFIDAVIT

Name:

Name at birth, if different:

Place of birth:

Date of birth:

Date and place of naturalization (if applicable):

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

## SB0083S03 compared with SB0083S01

---

Signature of Applicant

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

(2) The provisional ballot envelope shall include:

(a) a unique number;

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

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

Section 7. Section **63G-2-202** is amended to read:

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

(1) Except as provided in Subsection (11)(a), a governmental entity:

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

(i) the subject of the record;

(ii) the parent or legal guardian of an unemancipated minor who is the subject of the record;

(iii) the legal guardian of a legally incapacitated individual who is the subject of the record;

(iv) any other individual who:

(A) has a power of attorney from the subject of the record;

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

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

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

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

(B) a legislative subpoena as provided in Title 36, Chapter 14, Legislative Subpoena Powers; and

(b) may disclose a private record described in [~~Subsection~~] Subsections

## SB0083S03 compared with SB0083S01

63G-2-302(1)(j) [~~or (k)~~] through (m), without complying with Section 63G-2-206, to another governmental entity for a purpose related to:

- (i) voter registration; or
- (ii) the administration of an election.

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

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

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

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

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

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

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

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

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

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

(a) the person that submitted the record;

(b) any other individual who:

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

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

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

## **SB0083S03 compared with SB0083S01**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(ii) determines that:

## **SB0083S03 compared with SB0083S01**

(A) the proposed research is bona fide; and

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

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

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

(iv) prohibits the researcher from:

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

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

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

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

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

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

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

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

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

(b) Under Subsection 63G-2-403(11)(b), the State Records Committee may require the

## SB0083S03 compared with SB0083S01

disclosure to persons other than those specified in this section of records that are:

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

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

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

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

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

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

- (i) Subsections 62A-16-301(1)(b), (2), and (4)(c); and
- (ii) Subsections 62A-16-302(1) and (6).

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

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

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

(1) As used in this section:

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

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

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

## **SB0083S03 compared with SB0083S01**

(2) The following records are public except to the extent they contain information expressly permitted to be treated confidentially under the provisions of Subsections 63G-2-201(3)(b) and (6)(a):

(a) laws;

(b) the name, gender, gross compensation, job title, job description, business address, business email address, business telephone number, number of hours worked per pay period, dates of employment, and relevant education, previous employment, and similar job qualifications of a current or former employee or officer of the governmental entity, excluding:

(i) undercover law enforcement personnel; and

(ii) investigative personnel if disclosure could reasonably be expected to impair the effectiveness of investigations or endanger any individual's safety;

(c) final opinions, including concurring and dissenting opinions, and orders that are made by a governmental entity in an administrative, adjudicative, or judicial proceeding except that if the proceedings were properly closed to the public, the opinion and order may be withheld to the extent that they contain information that is private, controlled, or protected;

(d) final interpretations of statutes or rules by a governmental entity unless classified as protected as provided in Subsection 63G-2-305(17) or (18);

(e) information contained in or compiled from a transcript, minutes, or report of the open portions of a meeting of a governmental entity as provided by Title 52, Chapter 4, Open and Public Meetings Act, including the records of all votes of each member of the governmental entity;

(f) judicial records unless a court orders the records to be restricted under the rules of civil or criminal procedure or unless the records are private under this chapter;

(g) unless otherwise classified as private under Section 63G-2-303, records or parts of records filed with or maintained by county recorders, clerks, treasurers, surveyors, zoning commissions, the Division of Forestry, Fire, and State Lands, the School and Institutional Trust Lands Administration, the Division of Oil, Gas, and Mining, the Division of Water Rights, or other governmental entities that give public notice of:

(i) titles or encumbrances to real property;

(ii) restrictions on the use of real property;

(iii) the capacity of persons to take or convey title to real property; or

## SB0083S03 compared with SB0083S01

(iv) tax status for real and personal property;

(h) records of the Department of Commerce that evidence incorporations, mergers, name changes, and uniform commercial code filings;

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

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

(k) summary data;

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

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

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

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

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

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

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

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

(c) records documenting the services provided by a contractor or a private provider to the extent the records would be public if prepared by the governmental entity;



## **SB0083S03 compared with SB0083S01**

- (d) contracts entered into by a governmental entity;
- (e) any account, voucher, or contract that deals with the receipt or expenditure of funds by a governmental entity;
- (f) records relating to government assistance or incentives publicly disclosed, contracted for, or given by a governmental entity, encouraging a person to expand or relocate a business in Utah, except as provided in Subsection 63G-2-305(35);
- (g) chronological logs and initial contact reports;
- (h) correspondence by and with a governmental entity in which the governmental entity determines or states an opinion upon the rights of the state, a political subdivision, the public, or any person;
  - (i) empirical data contained in drafts if:
    - (i) the empirical data is not reasonably available to the requester elsewhere in similar form; and
    - (ii) the governmental entity is given a reasonable opportunity to correct any errors or make nonsubstantive changes before release;
  - (j) drafts that are circulated to anyone other than:
    - (i) a governmental entity;
    - (ii) a political subdivision;
    - (iii) a federal agency if the governmental entity and the federal agency are jointly responsible for implementation of a program or project that has been legislatively approved;
    - (iv) a government-managed corporation; or
    - (v) a contractor or private provider;
  - (k) drafts that have never been finalized but were relied upon by the governmental entity in carrying out action or policy;
  - (l) original data in a computer program if the governmental entity chooses not to disclose the program;
  - (m) arrest warrants after issuance, except that, for good cause, a court may order restricted access to arrest warrants prior to service;
  - (n) search warrants after execution and filing of the return, except that a court, for good cause, may order restricted access to search warrants prior to trial;
  - (o) records that would disclose information relating to formal charges or disciplinary

## SB0083S03 compared with SB0083S01

actions against a past or present governmental entity employee if:

(i) the disciplinary action has been completed and all time periods for administrative appeal have expired; and

(ii) the charges on which the disciplinary action was based were sustained;

(p) records maintained by the Division of Forestry, Fire, and State Lands, the School and Institutional Trust Lands Administration, or the Division of Oil, Gas, and Mining that evidence mineral production on government lands;

(q) final audit reports;

(r) occupational and professional licenses;

(s) business licenses; and

(t) a notice of violation, a notice of agency action under Section 63G-4-201, or similar records used to initiate proceedings for discipline or sanctions against persons regulated by a governmental entity, but not including records that initiate employee discipline.

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

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

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

(1) The following records are private:

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

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

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

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

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

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

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

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

(e) records received by, or generated by or for, the Independent Executive Branch

## SB0083S03 compared with SB0083S01

Ethics Commission, except as otherwise expressly provided in Title 63A, Chapter 14, Review of Executive Branch Ethics Complaints;

(f) records received or generated for a Senate confirmation committee concerning character, professional competence, or physical or mental health of an individual:

(i) if, prior to the meeting, the chair of the committee determines release of the records:

(A) reasonably could be expected to interfere with the investigation undertaken by the committee; or

(B) would create a danger of depriving a person of a right to a fair proceeding or impartial hearing; and

(ii) after the meeting, if the meeting was closed to the public;

(g) employment records concerning a current or former employee of, or applicant for employment with, a governmental entity that would disclose that individual's home address, home telephone number, social security number, insurance coverage, marital status, or payroll deductions;

(h) records or parts of records under Section 63G-2-303 that a current or former employee identifies as private according to the requirements of that section;

(i) that part of a record indicating a person's social security number or federal employer identification number if provided under Section 31A-23a-104, 31A-25-202, 31A-26-202, 58-1-301, 58-55-302, 61-1-4, or 61-2f-203;

(j) that part of a voter registration record identifying a voter's:

(i) driver license or identification card number;

(ii) social security number, or last four digits of the social security number;

(iii) email address; or

(iv) date of birth;

(k) a voter registration record that is classified as a private record by the lieutenant governor or a county clerk under Subsection 20A-2-101.1(5)(a), 20A-2-104(4)(~~f~~)(h), [20A-2-101.1(5)(a)], or 20A-2-204(4)(b);

(l) a voter registration record that is withheld under Subsection 20A-2-104(7);

(m) a withholding request form described in Subsections 20A-2-104(7) and (8) and any verification submitted in support of the form;

~~(n)~~ (n) a record that:

## SB0083S03 compared with SB0083S01

- (i) contains information about an individual;
- (ii) is voluntarily provided by the individual; and
- (iii) goes into an electronic database that:

(A) is designated by and administered under the authority of the Chief Information Officer; and

(B) acts as a repository of information about the individual that can be electronically retrieved and used to facilitate the individual's online interaction with a state agency;

~~[(m)]~~ (o) information provided to the Commissioner of Insurance under:

- (i) Subsection 31A-23a-115(3)(a);
- (ii) Subsection 31A-23a-302(4); or
- (iii) Subsection 31A-26-210(4);

~~[(n)]~~ (p) information obtained through a criminal background check under Title 11, Chapter 40, Criminal Background Checks by Political Subdivisions Operating Water Systems;

~~[(o)]~~ (q) information provided by an offender that is:

(i) required by the registration requirements of Title 77, Chapter 41, Sex and Kidnap Offender Registry or Title 77, Chapter 43, Child Abuse Offender Registry; and

(ii) not required to be made available to the public under Subsection 77-41-110(4) or 77-43-108(4);

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

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

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

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

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

## SB0083S03 compared with SB0083S01

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

(ii) any other document that is classified as public in accordance with Title 63A,

Chapter 15, Political Subdivisions Ethics Review Commission;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## SB0083S03 compared with SB0083S01

- (i) depict the commission of an alleged crime;
- (ii) record any encounter between a law enforcement officer and a person that results in death or bodily injury, or includes an instance when an officer fires a weapon;
- (iii) record any encounter that is the subject of a complaint or a legal proceeding against a law enforcement officer or law enforcement agency;
- (iv) contain an officer involved critical incident as defined in ~~[Section]~~ Subsection 76-2-408(1)(f); or
- (v) have been requested for reclassification as a public record by a subject or authorized agent of a subject featured in the recording.

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

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

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

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

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

~~{ Section 10. **Effective date:**~~

~~—— If approved by two-thirds of all the members elected to each house, this bill takes effect upon approval by the governor, or the day following the constitutional time limit of Utah Constitution, Article VII, Section 8, without the governor's signature, or in the case of a veto, the date of veto override.~~

~~—— Section 11. **Revisor instructions:**~~

~~—— The Legislature intends that the Office of Legislative Research and General Counsel, in preparing the Utah Code database for publication, replace the phrase "the effective date of this bill" with the actual effective date of this bill in Subsection 20A-2-104(7)(b).~~

~~}~~