

Representative Karianne Lisonbee proposes the following substitute bill:

VOTER REGISTRATION INFORMATION AMENDMENTS

2020 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jacob L. Anderegg

House Sponsor: Brian S. King

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;
- ▶ 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;



- 26 ▶ grandfathers in the privacy classification of a voter registration record classified as
- 27 private before the effective date of this bill; and
- 28 ▶ makes technical and conforming changes.

29 **Money Appropriated in this Bill:**

30 None

31 **Other Special Clauses:**

32 This bill provides a special effective date.

33 This bill provides revisor instructions.

34 **Utah Code Sections Affected:**

35 AMENDS:

36 **20A-1-102**, as last amended by Laws of Utah 2019, First Special Session, Chapter 4

37 **20A-2-104**, as last amended by Laws of Utah 2018, Chapters 206 and 270

38 **20A-2-108**, as last amended by Laws of Utah 2018, Chapters 206 and 270

39 **20A-2-204**, as last amended by Laws of Utah 2019, Chapters 136 and 255

40 **20A-2-306**, as last amended by Laws of Utah 2019, Chapter 255

41 **20A-6-105**, as last amended by Laws of Utah 2018, Chapters 206 and 270

42 **63G-2-202**, as last amended by Laws of Utah 2019, Chapters 254 and 349

43 **63G-2-301**, as last amended by Laws of Utah 2018, Chapter 415

44 **63G-2-302**, as last amended by Laws of Utah 2019, Chapter 293

45 **Utah Code Sections Affected by Revisor Instructions:**

46 **20A-2-104**, as last amended by Laws of Utah 2018, Chapters 206 and 270



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

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

50 **20A-1-102. Definitions.**

51 As used in this title:

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

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

56 (3) (a) "Ballot" means the storage medium, whether paper, mechanical, or electronic,

57 upon which a voter records the voter's votes.

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

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

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

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

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

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

67 (b) a constitutional amendment;

68 (c) an initiative;

69 (d) a referendum;

70 (e) a bond proposition;

71 (f) a judicial retention question;

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

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

74 (6) "Ballot sheet":

75 (a) means a ballot that:

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

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

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

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

82 (8) "Board of canvassers" means the entities established by Sections [20A-4-301](#) and
83 [20A-4-306](#) to canvass election returns.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

112 (b) does not include:

113 (i) deadlines established for absentee voting; or

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

116 (22) "Elected official" means:

117 (a) a person elected to an office under Section 20A-1-303 or Chapter [†] 4, Part 6,

118 [~~Election Offenses - Generally~~] Municipal Alternate Voting Methods Pilot Project;

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

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

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

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

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

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

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

134 (27) "Election officer" means:

- 135 (a) the lieutenant governor, for all statewide ballots and elections;
- 136 (b) the county clerk for:
 - 137 (i) a county ballot and election; and
 - 138 (ii) a ballot and election as a provider election officer as provided in Section
139 20A-5-400.1 or 20A-5-400.5;
- 140 (c) the municipal clerk for:
 - 141 (i) a municipal ballot and election; and
 - 142 (ii) a ballot and election as a provider election officer as provided in Section
143 20A-5-400.1 or 20A-5-400.5;
- 144 (d) the local district clerk or chief executive officer for:
 - 145 (i) a local district ballot and election; and
 - 146 (ii) a ballot and election as a provider election officer as provided in Section
147 20A-5-400.1 or 20A-5-400.5; or
- 148 (e) the business administrator or superintendent of a school district for:
 - 149 (i) a school district ballot and election; and

- 150 (ii) a ballot and election as a provider election officer as provided in Section
151 [20A-5-400.1](#) or [20A-5-400.5](#).
- 152 (28) "Election official" means any election officer, election judge, or poll worker.
- 153 (29) "Election results" means:
- 154 (a) for an election other than a bond election, the count of votes cast in the election and
155 the election returns requested by the board of canvassers; or
- 156 (b) for bond elections, the count of those votes cast for and against the bond
157 proposition plus any or all of the election returns that the board of canvassers may request.
- 158 (30) "Election returns" includes the pollbook, the military and overseas absentee voter
159 registration and voting certificates, one of the tally sheets, any unprocessed absentee ballots, all
160 counted ballots, all excess ballots, all unused ballots, all spoiled ballots, the ballot disposition
161 form, and the total votes cast form.
- 162 (31) "Electronic ballot" means a ballot that is recorded using a direct electronic voting
163 device or other voting device that records and stores ballot information by electronic means.
- 164 (32) "Electronic signature" means an electronic sound, symbol, or process attached to
165 or logically associated with a record and executed or adopted by a person with the intent to sign
166 the record.
- 167 (33) (a) "Electronic voting device" means a voting device that uses electronic ballots.
- 168 (b) "Electronic voting device" includes a direct recording electronic voting device.
- 169 (34) "Inactive voter" means a registered voter who is listed as inactive by a county
170 clerk under Subsection [20A-2-306\(4\)\(c\)\(i\)](#) or (ii).
- 171 (35) "Judicial office" means the office filled by any judicial officer.
- 172 (36) "Judicial officer" means any justice or judge of a court of record or any county
173 court judge.
- 174 (37) "Local district" means a local government entity under Title 17B, Limited Purpose
175 Local Government Entities - Local Districts, and includes a special service district under Title
176 17D, Chapter 1, Special Service District Act.
- 177 (38) "Local district officers" means those local district board members that are required
178 by law to be elected.
- 179 (39) "Local election" means a regular county election, a regular municipal election, a
180 municipal primary election, a local special election, a local district election, and a bond

181 election.

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

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

187 (42) "Municipal executive" means:

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

189 (b) the mayor in the council-manager form of government defined in Subsection
190 10-3b-103(7); or

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

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

195 (44) "Municipal legislative body" means:

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

197 (b) the council of a metro township.

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

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

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

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

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

206 (50) "Official endorsement" means:

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

208 (i) the ballot as an official ballot;

209 (ii) the date of the election; and

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

- 212 (B) for a ballot prepared by a county clerk, the words required by Subsection
213 20A-6-301(1)(b)(iii); and
- 214 (b) the information on the ballot stub that identifies:
- 215 (i) the poll worker's initials; and
- 216 (ii) the ballot number.
- 217 (51) "Official register" means the official record furnished to election officials by the
218 election officer that contains the information required by Section 20A-5-401.
- 219 (52) "Paper ballot" means a paper that contains:
- 220 (a) the names of offices and candidates and statements of ballot propositions to be
221 voted on; and
- 222 (b) spaces for the voter to record the voter's vote for each office and for or against each
223 ballot proposition.
- 224 (53) "Political party" means an organization of registered voters that has qualified to
225 participate in an election by meeting the requirements of Chapter 8, Political Party Formation
226 and Procedures.
- 227 (54) (a) "Poll worker" means a person assigned by an election official to assist with an
228 election, voting, or counting votes.
- 229 (b) "Poll worker" includes election judges.
- 230 (c) "Poll worker" does not include a watcher.
- 231 (55) "Pollbook" means a record of the names of voters in the order that they appear to
232 cast votes.
- 233 (56) "Polling place" means the building where voting is conducted.
- 234 (57) "Position" means a square, circle, rectangle, or other geometric shape on a ballot
235 in which the voter marks the voter's choice.
- 236 (58) "Presidential Primary Election" means the election established in Chapter 9, Part
237 8, Presidential Primary Election.
- 238 (59) "Primary convention" means the political party conventions held during the year
239 of the regular general election.
- 240 (60) "Protective counter" means a separate counter, which cannot be reset, that:
- 241 (a) is built into a voting machine; and
- 242 (b) records the total number of movements of the operating lever.

243 (61) "Provider election officer" means an election officer who enters into a contract or
244 interlocal agreement with a contracting election officer to conduct an election for the
245 contracting election officer's local political subdivision in accordance with Section
246 [20A-5-400.1](#).

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

248 (a) whose name is not listed on the official register at the polling place;

249 (b) whose legal right to vote is challenged as provided in this title; or

250 (c) whose identity was not sufficiently established by a poll worker.

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

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

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

258 (i) elected to public office; or

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

260 ~~[(64)]~~ (65) "Qualify" or "qualified" means to take the oath of office and begin
261 performing the duties of the position for which the person was elected.

262 ~~[(65)]~~ (66) "Receiving judge" means the poll worker that checks the voter's name in the
263 official register, provides the voter with a ballot, and removes the ballot stub from the ballot
264 after the voter has voted.

265 ~~[(66)]~~ (67) "Registration form" means a book voter registration form and a by-mail
266 voter registration form.

267 ~~[(67)]~~ (68) "Regular ballot" means a ballot that is not a provisional ballot.

268 ~~[(68)]~~ (69) "Regular general election" means the election held throughout the state on
269 the first Tuesday after the first Monday in November of each even-numbered year for the
270 purposes established in Section [20A-1-201](#).

271 ~~[(69)]~~ (70) "Regular primary election" means the election, held on the date specified in
272 Section [20A-1-201.5](#), to nominate candidates of political parties and candidates for nonpartisan
273 local school board positions to advance to the regular general election.

274 [~~(70)~~] (71) "Resident" means a person who resides within a specific voting precinct in
275 Utah.

276 [~~(71)~~] (72) "Sample ballot" means a mock ballot similar in form to the official ballot
277 printed and distributed as provided in Section [20A-5-405](#).

278 [~~(72)~~] (73) "Scratch vote" means to mark or punch the straight party ticket and then
279 mark or punch the ballot for one or more candidates who are members of different political
280 parties or who are unaffiliated.

281 [~~(73)~~] (74) "Secrecy envelope" means the envelope given to a voter along with the
282 ballot into which the voter places the ballot after the voter has voted it in order to preserve the
283 secrecy of the voter's vote.

284 [~~(74)~~] (75) "Special election" means an election held as authorized by Section
285 [20A-1-203](#).

286 [~~(75)~~] (76) "Spoiled ballot" means each ballot that:

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

290 [~~(76)~~] (77) "Statewide special election" means a special election called by the governor
291 or the Legislature in which all registered voters in Utah may vote.

292 [~~(77)~~] (78) "Stub" means the detachable part of each ballot.

293 [~~(78)~~] (79) "Substitute ballots" means replacement ballots provided by an election
294 officer to the poll workers when the official ballots are lost or stolen.

295 [~~(79)~~] (80) "Ticket" means a list of:

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

299 [~~(80)~~] (81) "Transfer case" means the sealed box used to transport voted ballots to the
300 counting center.

301 [~~(81)~~] (82) "Vacancy" means the absence of a person to serve in any position created
302 by statute, whether that absence occurs because of death, disability, disqualification,
303 resignation, or other cause.

304 [~~(82)~~] (83) "Valid voter identification" means:

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

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

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

- 316 (i) a valid tribal identification card;
317 (ii) a Bureau of Indian Affairs card; or
318 (iii) a tribal treaty card; or
319 (c) two forms of identification not listed under Subsection [~~82~~] (83)(a) or (b) but that
320 bear the name of the voter and provide evidence that the voter resides in the voting precinct,
321 which may include:

- 322 (i) a current utility bill or a legible copy thereof, dated within the 90 days before the
323 election;
324 (ii) a bank or other financial account statement, or a legible copy thereof;
325 (iii) a certified birth certificate;
326 (iv) a valid social security card;
327 (v) a check issued by the state or the federal government or a legible copy thereof;
328 (vi) a paycheck from the voter's employer, or a legible copy thereof;
329 (vii) a currently valid Utah hunting or fishing license;
330 (viii) certified naturalization documentation;
331 (ix) a currently valid license issued by an authorized agency of the United States;
332 (x) a certified copy of court records showing the voter's adoption or name change;
333 (xi) a valid Medicaid card, Medicare card, or Electronic Benefits Transfer Card;
334 (xii) a currently valid identification card issued by:
335 (A) a local government within the state;

336 (B) an employer for an employee; or

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

339 (xiii) a current Utah vehicle registration.

340 [~~83~~] (84) "Valid write-in candidate" means a candidate who has qualified as a
341 write-in candidate by following the procedures and requirements of this title.

342 [~~84~~] (85) "Voter" means a person who:

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

344 (b) meets the requirements of election registration;

345 (c) is registered to vote; and

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

347 [~~85~~] (86) "Voter registration deadline" means the registration deadline provided in
348 Section [20A-2-102.5](#).

349 [~~86~~] (87) "Voting area" means the area within six feet of the voting booths, voting
350 machines, and ballot box.

351 [~~87~~] (88) "Voting booth" means:

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

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

355 [~~88~~] (89) "Voting device" means:

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

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

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

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

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

364 [~~89~~] (90) "Voting machine" means a machine designed for the sole purpose of
365 recording and tabulating votes cast by voters at an election.

366 [~~90~~] (91) "Voting precinct" means the smallest voting unit established as provided by

367 law within which qualified voters vote at one polling place.

368 ~~[(91)]~~ (92) "Watcher" means an individual who complies with the requirements
369 described in Section 20A-3-201 to become a watcher for an election.

370 ~~[(92)]~~ (93) "Write-in ballot" means a ballot containing any write-in votes.

371 ~~[(93)]~~ (94) "Write-in vote" means a vote cast for a person whose name is not printed on
372 the ballot according to the procedures established in this title.

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

374 **20A-2-104. Voter registration form -- Registered voter lists -- Fees for copies.**

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

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

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

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

379 (C) employed by, under contract with, or a volunteer of, an individual described in

380 Subsection (1)(a)(i)(A) or (B) for political campaign purposes.

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

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

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

387 -----

388 UTAH ELECTION REGISTRATION FORM

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

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

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

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

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

395 Name of Voter

396 _____

397 First Middle Last

398 Utah Driver License or Utah Identification Card Number _____

399 Date of Birth _____

400 Street Address of Principal Place of Residence

401 _____

402 City County State Zip Code

403 Telephone Number (optional) _____

404 Last four digits of Social Security Number _____

405 Last former address at which I was registered to vote (if

406 known) _____

407 _____

408 City County State Zip Code

409 Political Party

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

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

413 [You may request that your voter registration record be classified as a private record by
414 indicating here: ____ Yes, I would like to request that my voter registration record be classified
415 as a private record.]

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

422 Signed and sworn

423 _____

424 Voter's Signature

425 _____ (month/day/year).

426 PRIVACY INFORMATION

427 [The portion of your voter registration form that lists your driver license or
428 identification card number, social security number, email address, and the day of your month of

429 ~~birth is a private record. The portion of your voter registration form that lists your month and~~
430 ~~year of birth is a private record, the use of which is restricted to government officials,~~
431 ~~government employees, political parties, or certain other persons.]~~

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

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

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

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

446 REQUEST FOR ADDITIONAL PRIVACY PROTECTION

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

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

456 A person may request that all information on the person's voter registration records be
457 withheld from all political parties, candidates for public office, and their contractors,
458 employees, and volunteers, by submitting a withholding request form and any required
459 verification with this registration form, or to the lieutenant governor or a county clerk, if the

460 person is, or resides with a person who is, a law enforcement officer, a member of the armed
461 forces, a public figure, or protected by a protective order or a protection order.

462 CITIZENSHIP AFFIDAVIT

463 Name:

464 Name at birth, if different:

465 Place of birth:

466 Date of birth:

467 Date and place of naturalization (if applicable):

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

471 _____

472 Signature of Applicant

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

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

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

482 FOR OFFICIAL USE ONLY

483 Type of I.D. _____

484 Voting Precinct _____

485 Voting I.D. Number _____

486 -----

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

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

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

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

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

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

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

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

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

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

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

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

508 (v) a political party, or an agent, employee, or independent contractor of a political
509 party; [or]

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

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

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

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

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

522 (D) verifies that each qualified person, other than a qualified person described in
523 Subsection (4)(a)(i) [~~or~~], (v), or (vi), to whom the person provides the [~~month-or~~] year of birth
524 of a registered voter that is obtained from the list of registered voters, will only use the [~~month~~
525 ~~or~~] year of birth to verify the accuracy of personal information submitted by an individual or to
526 confirm the identity of a person in order to prevent fraud, waste, or abuse;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

565 (i) is not a qualified person or a person described in Subsection (4)~~(f)~~(l); or

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

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

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

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

574 (e) When disclosing a record or information under Subsection (4)(d)(ii), the lieutenant
575 governor or county clerk shall exclude the information described in Subsection
576 [63G-2-302\(1\)\(j\)](#), other than the year of birth.

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

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

583 (i) obtains the ~~[month-or]~~ year of birth of a registered voter from the list of registered

584 voters under false pretenses; ~~[or]~~

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

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

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

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

593 (vi) unlawfully discloses or obtains information from a voter registration record
594 withheld under Subsection (7) or a withholding request form described in Subsections (7) and
595 (8).

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

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

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

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

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

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

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

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

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

619 (ii) \$200.

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

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

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

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

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

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

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

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

645 ~~[(j)]~~ (l) The lieutenant governor or a county clerk may provide a ~~[month or]~~ year of

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

648 (m) A person described in Subsection (4)(a)(v) or (vi) may not use or disclose
649 information from a voter registration record for a purpose other than a political purpose.

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

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

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

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

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

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

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

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

672 (A) a law enforcement officer;

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

674 (C) a public figure; or

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

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

677 the individual before the effective date of this bill.

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

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

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

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

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

692 **20A-2-108. Driver license or state identification card registration form --**

693 **Transmittal of information.**

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

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

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

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

701 (b) the following question, which an applicant is required to answer if the applicant
 702 answers "yes" to the question described in Subsection (2)(a): "Any voter may register as an
 703 absentee voter to receive ballots by mail. A voter may change this designation at any time.
 704 Would you like to be registered as an absentee voter to receive your ballots by mail? YES ___
 705 NO ___"; and

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

708 ~~registration record be classified as a private record."]~~

709 (c) the following statement:

710 "PRIVACY INFORMATION

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

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

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

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

725 REQUEST FOR ADDITIONAL PRIVACY PROTECTION

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

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

735 A person may request that all information on the person's voter registration records be
736 withheld from all political parties, candidates for public office, and their contractors,
737 employees, and volunteers, by submitting a withholding request form and any required
738 verification with this registration form, or to the lieutenant governor or a county clerk, if the

739 person is, or resides with a person who is, a law enforcement officer, a member of the armed
740 forces, a public figure, or protected by a protective order or a protection order.

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

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

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

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

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

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

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

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

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

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

761 **20A-2-204. Registering to vote when applying for or renewing a driver license.**

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

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

769 (3) The Driver License Division shall:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

800 (ii) if the individual meets the qualifications to be preregistered to vote, process the

801 form in accordance with the requirements of Section 20A-2-101.1.

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

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

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

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

810 (i) accept the voter registration form; and

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

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

817 (i) accept the voter registration form; and

818 (ii) unless the individual is preregistering to vote, inform the individual that:

819 (A) the individual is registered to vote in the pending election; and

820 (B) for the pending election, the individual must vote on the day of the election or by
821 provisional ballot, under Section 20A-2-207, during the early voting period described in
822 Section 20A-3-601 because the individual registered late.

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

825 (i) accept the application for registration of the individual; and

826 (ii) unless the individual is preregistering to vote, inform the individual:

827 (A) of each manner still available to the individual to timely register to vote in the
828 current election; and

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

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

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

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

843 **20A-2-306. Removing names from the official register -- Determining and**
844 **confirming change of residence.**

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

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

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

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

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

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

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

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

862 (3) Each county clerk shall use substantially the following form to notify voters whose

863 addresses have changed:

864 "VOTER REGISTRATION NOTICE

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

868 _____
869 Street City County State Zip

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

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

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

880 _____

881 Signature of Voter[^u]

882 PRIVACY INFORMATION

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

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

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

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

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

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

904 REQUEST FOR ADDITIONAL PRIVACY PROTECTION

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

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

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

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

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

925 if:

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

927 (ii) the voter has died.

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

929 may list that voter as inactive.

930 (ii) If a county clerk receives a returned voter identification card, determines that there

931 was no clerical error causing the card to be returned, and has no further information to contact

932 the voter, the county clerk may list that voter as inactive.

933 (iii) An inactive voter shall be allowed to vote, sign petitions, and have all other

934 privileges of a registered voter.

935 (iv) A county is not required to send routine mailings to an inactive voter and is not

936 required to count inactive voters when dividing precincts and preparing supplies.

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

938 **20A-6-105. Provisional ballot envelopes.**

939 (1) Each election officer shall ensure that provisional ballot envelopes are printed in

940 substantially the following form:

941 "AFFIRMATION

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

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

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

945 form.

946 Name of Voter _____

947 First Middle Last

948 Driver License or Identification Card Number _____

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

950 Date of Birth _____

951 Street Address of Principal Place of Residence

952 _____

953 City County State Zip Code

954 Telephone Number (optional) _____

955 Last four digits of Social Security Number _____

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

957 _____

958 City County State Zip Code

959 Voting Precinct (if known)

960 _____

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

962 affirm:

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

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

970 Signed _____

971 Dated _____

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

974 PRIVACY INFORMATION

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

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

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

986 Your driver license number, identification card number, social security number, email

987 address, and full date of birth are available only to government entities. Your year of birth is
988 available to political parties, candidates for public office, certain third parties, and their
989 contractors, employees, and volunteers, in accordance with the requirements of law.

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

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

996 REQUEST FOR ADDITIONAL PRIVACY PROTECTION

997 In addition to the protections provided above, you may request that all information on
998 your voter registration records be withheld from all political parties, candidates for public
999 office, and their contractors, employees, and volunteers, by submitting a withholding request
1000 form, and any required verification, as described in the following paragraphs.

1001 A person may request that all information on the person's voter registration records be
1002 withheld from all political parties, candidates for public office, and their contractors,
1003 employees, and volunteers, by submitting a withholding request form with this registration
1004 record, or to the lieutenant governor or a county clerk, if the person is or is likely to be, or
1005 resides with a person who is or is likely to be, a victim of domestic violence or dating violence.

1006 A person may request that all information on the person's voter registration records be
1007 withheld from all political parties, candidates for public office, and their contractors,
1008 employees, and volunteers, by submitting a withholding request form and any required
1009 verification with this registration form, or to the lieutenant governor or a county clerk, if the
1010 person is, or resides with a person who is, a law enforcement officer, a member of the armed
1011 forces, a public figure, or protected by a protective order or a protection order.

1012 [^u]CITIZENSHIP AFFIDAVIT

1013 Name:

1014 Name at birth, if different:

1015 Place of birth:

1016 Date of birth:

1017 Date and place of naturalization (if applicable):

1018 I hereby swear and affirm, under penalties for voting fraud set forth below, that I am a
1019 citizen and that to the best of my knowledge and belief the information above is true and
1020 correct.

1021

1022

Signature of Applicant

1023

1024

1025

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."

1026

(2) The provisional ballot envelope shall include:

1027

(a) a unique number;

1028

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

1029

(c) a telephone number, internet address, or other indicator of a means, in accordance

1030

with Section 20A-6-105.5, where the voter can find out if the provisional ballot was counted.

1031

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

1032

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

1033

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

1034

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

1035

(i) the subject of the record;

1036

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

1037

record;

1038

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

1039

record;

1040

(iv) any other individual who:

1041

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

1042

(B) submits a notarized release from the subject of the record or the individual's legal

1043

representative dated no more than 90 days before the date the request is made; or

1044

(C) if the record is a medical record described in Subsection 63G-2-302(1)(b), is a

1045

health care provider, as defined in Section 26-33a-102, if releasing the record or information in

1046

the record is consistent with normal professional practice and medical ethics; or

1047

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

1048

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

1049 (B) a legislative subpoena as provided in Title 36, Chapter 14, Legislative Subpoena
1050 Powers; and

1051 (b) may disclose a private record described in [~~Subsection~~] Subsections
1052 63G-2-302(1)(j) [or (k)] through (m), without complying with Section 63G-2-206, to another
1053 governmental entity for a purpose related to:

- 1054 (i) voter registration; or
- 1055 (ii) the administration of an election.

1056 (2) (a) Upon request, a governmental entity shall disclose a controlled record to:

- 1057 (i) a physician, physician assistant, psychologist, certified social worker, insurance
1058 provider or producer, or a government public health agency upon submission of:

1059 (A) a release from the subject of the record that is dated no more than 90 days prior to
1060 the date the request is made; and

1061 (B) a signed acknowledgment of the terms of disclosure of controlled information as
1062 provided by Subsection (2)(b); and

- 1063 (ii) any person to whom the record must be disclosed pursuant to:

1064 (A) a court order as provided in Subsection (7); or

1065 (B) a legislative subpoena as provided in Title 36, Chapter 14, Legislative Subpoena
1066 Powers.

1067 (b) A person who receives a record from a governmental entity in accordance with
1068 Subsection (2)(a)(i) may not disclose controlled information from that record to any person,
1069 including the subject of the record.

1070 (3) If there is more than one subject of a private or controlled record, the portion of the
1071 record that pertains to another subject shall be segregated from the portion that the requester is
1072 entitled to inspect.

1073 (4) Upon request, and except as provided in Subsection (10) or (11)(b), a governmental
1074 entity shall disclose a protected record to:

1075 (a) the person that submitted the record;

1076 (b) any other individual who:

- 1077 (i) has a power of attorney from all persons, governmental entities, or political
1078 subdivisions whose interests were sought to be protected by the protected classification; or

1079 (ii) submits a notarized release from all persons, governmental entities, or political

1080 subdivisions whose interests were sought to be protected by the protected classification or from
1081 their legal representatives dated no more than 90 days prior to the date the request is made;

1082 (c) any person to whom the record must be provided pursuant to:

1083 (i) a court order as provided in Subsection (7); or

1084 (ii) a legislative subpoena as provided in Title 36, Chapter 14, Legislative Subpoena
1085 Powers; or

1086 (d) the owner of a mobile home park, subject to the conditions of Subsection
1087 41-1a-116(5).

1088 (5) Except as provided in Subsection (1)(b), a governmental entity may disclose a
1089 private, controlled, or protected record to another governmental entity, political subdivision,
1090 state, the United States, or a foreign government only as provided by Section 63G-2-206.

1091 (6) Before releasing a private, controlled, or protected record, the governmental entity
1092 shall obtain evidence of the requester's identity.

1093 (7) A governmental entity shall disclose a record pursuant to the terms of a court order
1094 signed by a judge from a court of competent jurisdiction, provided that:

1095 (a) the record deals with a matter in controversy over which the court has jurisdiction;

1096 (b) the court has considered the merits of the request for access to the record;

1097 (c) the court has considered and, where appropriate, limited the requester's use and
1098 further disclosure of the record in order to protect:

1099 (i) privacy interests in the case of private or controlled records;

1100 (ii) business confidentiality interests in the case of records protected under Subsection
1101 63G-2-305(1), (2), (40)(a)(ii), or (40)(a)(vi); and

1102 (iii) privacy interests or the public interest in the case of other protected records;

1103 (d) to the extent the record is properly classified private, controlled, or protected, the
1104 interests favoring access, considering limitations thereon, are greater than or equal to the
1105 interests favoring restriction of access; and

1106 (e) where access is restricted by a rule, statute, or regulation referred to in Subsection
1107 63G-2-201(3)(b), the court has authority independent of this chapter to order disclosure.

1108 (8) (a) Except as provided in Subsection (8)(d), a governmental entity may disclose or
1109 authorize disclosure of private or controlled records for research purposes if the governmental
1110 entity:

- 1111 (i) determines that the research purpose cannot reasonably be accomplished without
1112 use or disclosure of the information to the researcher in individually identifiable form;
- 1113 (ii) determines that:
- 1114 (A) the proposed research is bona fide; and
- 1115 (B) the value of the research is greater than or equal to the infringement upon personal
1116 privacy;
- 1117 (iii) (A) requires the researcher to assure the integrity, confidentiality, and security of
1118 the records; and
- 1119 (B) requires the removal or destruction of the individual identifiers associated with the
1120 records as soon as the purpose of the research project has been accomplished;
- 1121 (iv) prohibits the researcher from:
- 1122 (A) disclosing the record in individually identifiable form, except as provided in
1123 Subsection (8)(b); or
- 1124 (B) using the record for purposes other than the research approved by the governmental
1125 entity; and
- 1126 (v) secures from the researcher a written statement of the researcher's understanding of
1127 and agreement to the conditions of this Subsection (8) and the researcher's understanding that
1128 violation of the terms of this Subsection (8) may subject the researcher to criminal prosecution
1129 under Section 63G-2-801.
- 1130 (b) A researcher may disclose a record in individually identifiable form if the record is
1131 disclosed for the purpose of auditing or evaluating the research program and no subsequent use
1132 or disclosure of the record in individually identifiable form will be made by the auditor or
1133 evaluator except as provided by this section.
- 1134 (c) A governmental entity may require indemnification as a condition of permitting
1135 research under this Subsection (8).
- 1136 (d) A governmental entity may not disclose or authorize disclosure of a private record
1137 for research purposes as described in this Subsection (8) if the private record is a record
1138 described in Subsection 63G-2-302(1)(~~u~~)(w).
- 1139 (9) (a) Under Subsections 63G-2-201(5)(b) and 63G-2-401(6), a governmental entity
1140 may disclose to persons other than those specified in this section records that are:
- 1141 (i) private under Section 63G-2-302; or

1142 (ii) protected under Section 63G-2-305, subject to Section 63G-2-309 if a claim for
1143 business confidentiality has been made under Section 63G-2-309.

1144 (b) Under Subsection 63G-2-403(11)(b), the State Records Committee may require the
1145 disclosure to persons other than those specified in this section of records that are:

1146 (i) private under Section 63G-2-302;

1147 (ii) controlled under Section 63G-2-304; or

1148 (iii) protected under Section 63G-2-305, subject to Section 63G-2-309 if a claim for
1149 business confidentiality has been made under Section 63G-2-309.

1150 (c) Under Subsection 63G-2-404(7), the court may require the disclosure of records
1151 that are private under Section 63G-2-302, controlled under Section 63G-2-304, or protected
1152 under Section 63G-2-305 to persons other than those specified in this section.

1153 (10) A record contained in the Management Information System, created in Section
1154 62A-4a-1003, that is found to be unsubstantiated, unsupported, or without merit may not be
1155 disclosed to any person except the person who is alleged in the report to be a perpetrator of
1156 abuse, neglect, or dependency.

1157 (11) (a) A private record described in Subsection 63G-2-302(2)(f) may only be
1158 disclosed as provided in Subsection (1)(a)(v).

1159 (b) A protected record described in Subsection 63G-2-305(43) may only be disclosed
1160 as provided in Subsection (4)(c) or Section 62A-3-312.

1161 (12) (a) A private, protected, or controlled record described in Section 62A-16-301
1162 shall be disclosed as required under:

1163 (i) Subsections 62A-16-301(1)(b), (2), and (4)(c); and

1164 (ii) Subsections 62A-16-302(1) and (6).

1165 (b) A record disclosed under Subsection (12)(a) shall retain its character as private,
1166 protected, or controlled.

1167 Section 8. Section 63G-2-301 is amended to read:

1168 **63G-2-301. Public records.**

1169 (1) As used in this section:

1170 (a) "Business address" means a single address of a governmental agency designated for
1171 the public to contact an employee or officer of the governmental agency.

1172 (b) "Business email address" means a single email address of a governmental agency

1173 designated for the public to contact an employee or officer of the governmental agency.

1174 (c) "Business telephone number" means a single telephone number of a governmental
1175 agency designated for the public to contact an employee or officer of the governmental agency.

1176 (2) The following records are public except to the extent they contain information
1177 expressly permitted to be treated confidentially under the provisions of Subsections
1178 [63G-2-201](#)(3)(b) and (6)(a):

1179 (a) laws;

1180 (b) the name, gender, gross compensation, job title, job description, business address,
1181 business email address, business telephone number, number of hours worked per pay period,
1182 dates of employment, and relevant education, previous employment, and similar job
1183 qualifications of a current or former employee or officer of the governmental entity, excluding:

1184 (i) undercover law enforcement personnel; and

1185 (ii) investigative personnel if disclosure could reasonably be expected to impair the
1186 effectiveness of investigations or endanger any individual's safety;

1187 (c) final opinions, including concurring and dissenting opinions, and orders that are
1188 made by a governmental entity in an administrative, adjudicative, or judicial proceeding except
1189 that if the proceedings were properly closed to the public, the opinion and order may be
1190 withheld to the extent that they contain information that is private, controlled, or protected;

1191 (d) final interpretations of statutes or rules by a governmental entity unless classified as
1192 protected as provided in Subsection [63G-2-305](#)(17) or (18);

1193 (e) information contained in or compiled from a transcript, minutes, or report of the
1194 open portions of a meeting of a governmental entity as provided by Title 52, Chapter 4, Open
1195 and Public Meetings Act, including the records of all votes of each member of the
1196 governmental entity;

1197 (f) judicial records unless a court orders the records to be restricted under the rules of
1198 civil or criminal procedure or unless the records are private under this chapter;

1199 (g) unless otherwise classified as private under Section [63G-2-303](#), records or parts of
1200 records filed with or maintained by county recorders, clerks, treasurers, surveyors, zoning
1201 commissions, the Division of Forestry, Fire, and State Lands, the School and Institutional Trust
1202 Lands Administration, the Division of Oil, Gas, and Mining, the Division of Water Rights, or
1203 other governmental entities that give public notice of:

- 1204 (i) titles or encumbrances to real property;
- 1205 (ii) restrictions on the use of real property;
- 1206 (iii) the capacity of persons to take or convey title to real property; or
- 1207 (iv) tax status for real and personal property;
- 1208 (h) records of the Department of Commerce that evidence incorporations, mergers,
- 1209 name changes, and uniform commercial code filings;
- 1210 (i) data on individuals that would otherwise be private under this chapter if the
- 1211 individual who is the subject of the record has given the governmental entity written
- 1212 permission to make the records available to the public;
- 1213 (j) documentation of the compensation that a governmental entity pays to a contractor
- 1214 or private provider;
- 1215 (k) summary data;
- 1216 (l) voter registration records, including an individual's voting history, except for a voter
- 1217 registration record or those parts of a voter registration record that are classified as private
- 1218 under ~~Subsection~~ Subsections 63G-2-302(1)(j) [~~or (k)~~] through (m) or withheld under
- 1219 Subsection 20A-2-104(7);
- 1220 (m) for an elected official, as defined in Section 11-47-102, a telephone number, if
- 1221 available, and email address, if available, where that elected official may be reached as required
- 1222 in Title 11, Chapter 47, Access to Elected Officials;
- 1223 (n) for a school community council member, a telephone number, if available, and
- 1224 email address, if available, where that elected official may be reached directly as required in
- 1225 Section 53G-7-1203;
- 1226 (o) annual audited financial statements of the Utah Educational Savings Plan described
- 1227 in Section 53B-8a-111; and
- 1228 (p) an initiative packet, as defined in Section 20A-7-101, and a referendum packet, as
- 1229 defined in Section 20A-7-101, after the packet is submitted to a county clerk.
- 1230 (3) The following records are normally public, but to the extent that a record is
- 1231 expressly exempt from disclosure, access may be restricted under Subsection 63G-2-201(3)(b),
- 1232 Section 63G-2-302, 63G-2-304, or 63G-2-305:
- 1233 (a) administrative staff manuals, instructions to staff, and statements of policy;
- 1234 (b) records documenting a contractor's or private provider's compliance with the terms

- 1235 of a contract with a governmental entity;
- 1236 (c) records documenting the services provided by a contractor or a private provider to
1237 the extent the records would be public if prepared by the governmental entity;
- 1238 (d) contracts entered into by a governmental entity;
- 1239 (e) any account, voucher, or contract that deals with the receipt or expenditure of funds
1240 by a governmental entity;
- 1241 (f) records relating to government assistance or incentives publicly disclosed,
1242 contracted for, or given by a governmental entity, encouraging a person to expand or relocate a
1243 business in Utah, except as provided in Subsection [63G-2-305\(35\)](#);
- 1244 (g) chronological logs and initial contact reports;
- 1245 (h) correspondence by and with a governmental entity in which the governmental entity
1246 determines or states an opinion upon the rights of the state, a political subdivision, the public,
1247 or any person;
- 1248 (i) empirical data contained in drafts if:
- 1249 (i) the empirical data is not reasonably available to the requester elsewhere in similar
1250 form; and
- 1251 (ii) the governmental entity is given a reasonable opportunity to correct any errors or
1252 make nonsubstantive changes before release;
- 1253 (j) drafts that are circulated to anyone other than:
- 1254 (i) a governmental entity;
- 1255 (ii) a political subdivision;
- 1256 (iii) a federal agency if the governmental entity and the federal agency are jointly
1257 responsible for implementation of a program or project that has been legislatively approved;
- 1258 (iv) a government-managed corporation; or
- 1259 (v) a contractor or private provider;
- 1260 (k) drafts that have never been finalized but were relied upon by the governmental
1261 entity in carrying out action or policy;
- 1262 (l) original data in a computer program if the governmental entity chooses not to
1263 disclose the program;
- 1264 (m) arrest warrants after issuance, except that, for good cause, a court may order
1265 restricted access to arrest warrants prior to service;

1266 (n) search warrants after execution and filing of the return, except that a court, for good
1267 cause, may order restricted access to search warrants prior to trial;

1268 (o) records that would disclose information relating to formal charges or disciplinary
1269 actions against a past or present governmental entity employee if:

1270 (i) the disciplinary action has been completed and all time periods for administrative
1271 appeal have expired; and

1272 (ii) the charges on which the disciplinary action was based were sustained;

1273 (p) records maintained by the Division of Forestry, Fire, and State Lands, the School
1274 and Institutional Trust Lands Administration, or the Division of Oil, Gas, and Mining that
1275 evidence mineral production on government lands;

1276 (q) final audit reports;

1277 (r) occupational and professional licenses;

1278 (s) business licenses; and

1279 (t) a notice of violation, a notice of agency action under Section [63G-4-201](#), or similar
1280 records used to initiate proceedings for discipline or sanctions against persons regulated by a
1281 governmental entity, but not including records that initiate employee discipline.

1282 (4) The list of public records in this section is not exhaustive and should not be used to
1283 limit access to records.

1284 Section 9. Section **63G-2-302** is amended to read:

1285 **63G-2-302. Private records.**

1286 (1) The following records are private:

1287 (a) records concerning an individual's eligibility for unemployment insurance benefits,
1288 social services, welfare benefits, or the determination of benefit levels;

1289 (b) records containing data on individuals describing medical history, diagnosis,
1290 condition, treatment, evaluation, or similar medical data;

1291 (c) records of publicly funded libraries that when examined alone or with other records
1292 identify a patron;

1293 (d) records received by or generated by or for:

1294 (i) the Independent Legislative Ethics Commission, except for:

1295 (A) the commission's summary data report that is required under legislative rule; and

1296 (B) any other document that is classified as public under legislative rule; or

1297 (ii) a Senate or House Ethics Committee in relation to the review of ethics complaints,
1298 unless the record is classified as public under legislative rule;

1299 (e) records received by, or generated by or for, the Independent Executive Branch
1300 Ethics Commission, except as otherwise expressly provided in Title 63A, Chapter 14, Review
1301 of Executive Branch Ethics Complaints;

1302 (f) records received or generated for a Senate confirmation committee concerning
1303 character, professional competence, or physical or mental health of an individual:

1304 (i) if, prior to the meeting, the chair of the committee determines release of the records:

1305 (A) reasonably could be expected to interfere with the investigation undertaken by the
1306 committee; or

1307 (B) would create a danger of depriving a person of a right to a fair proceeding or
1308 impartial hearing; and

1309 (ii) after the meeting, if the meeting was closed to the public;

1310 (g) employment records concerning a current or former employee of, or applicant for
1311 employment with, a governmental entity that would disclose that individual's home address,
1312 home telephone number, social security number, insurance coverage, marital status, or payroll
1313 deductions;

1314 (h) records or parts of records under Section [63G-2-303](#) that a current or former
1315 employee identifies as private according to the requirements of that section;

1316 (i) that part of a record indicating a person's social security number or federal employer
1317 identification number if provided under Section [31A-23a-104](#), [31A-25-202](#), [31A-26-202](#),
1318 [58-1-301](#), [58-55-302](#), [61-1-4](#), or [61-2f-203](#);

1319 (j) that part of a voter registration record identifying a voter's:

1320 (i) driver license or identification card number;

1321 (ii) social security number, or last four digits of the social security number;

1322 (iii) email address; or

1323 (iv) date of birth;

1324 (k) a voter registration record that is classified as a private record by the lieutenant
1325 governor or a county clerk under Subsection [20A-2-101.1\(5\)\(a\)](#), [20A-2-104\(4\)\(f\)\(h\)](#),
1326 [\[20A-2-101.1\(5\)\(a\),\]](#) or [20A-2-204\(4\)\(b\)](#);

1327 (l) a voter registration record that is withheld under Subsection [20A-2-104\(7\)](#);

1328 (m) a withholding request form described in Subsections 20A-2-104(7) and (8) and any
1329 verification submitted in support of the form;

1330 [~~(t)~~] (n) a record that:

1331 (i) contains information about an individual;

1332 (ii) is voluntarily provided by the individual; and

1333 (iii) goes into an electronic database that:

1334 (A) is designated by and administered under the authority of the Chief Information
1335 Officer; and

1336 (B) acts as a repository of information about the individual that can be electronically
1337 retrieved and used to facilitate the individual's online interaction with a state agency;

1338 [~~(m)~~] (o) information provided to the Commissioner of Insurance under:

1339 (i) Subsection 31A-23a-115(3)(a);

1340 (ii) Subsection 31A-23a-302(4); or

1341 (iii) Subsection 31A-26-210(4);

1342 [~~(n)~~] (p) information obtained through a criminal background check under Title 11,
1343 Chapter 40, Criminal Background Checks by Political Subdivisions Operating Water Systems;

1344 [~~(o)~~] (q) information provided by an offender that is:

1345 (i) required by the registration requirements of Title 77, Chapter 41, Sex and Kidnap
1346 Offender Registry or Title 77, Chapter 43, Child Abuse Offender Registry; and

1347 (ii) not required to be made available to the public under Subsection 77-41-110(4) or
1348 77-43-108(4);

1349 [~~(p)~~] (r) a statement and any supporting documentation filed with the attorney general
1350 in accordance with Section 34-45-107, if the federal law or action supporting the filing
1351 involves homeland security;

1352 [~~(q)~~] (s) electronic toll collection customer account information received or collected
1353 under Section 72-6-118 and customer information described in Section 17B-2a-815 received or
1354 collected by a public transit district, including contact and payment information and customer
1355 travel data;

1356 [~~(r)~~] (t) an email address provided by a military or overseas voter under Section
1357 20A-16-501;

1358 [~~(s)~~] (u) a completed military-overseas ballot that is electronically transmitted under

1359 Title 20A, Chapter 16, Uniform Military and Overseas Voters Act;

1360 [~~(t)~~] (v) records received by or generated by or for the Political Subdivisions Ethics

1361 Review Commission established in Section 63A-15-201, except for:

1362 (i) the commission's summary data report that is required in Section 63A-15-202; and

1363 (ii) any other document that is classified as public in accordance with Title 63A,

1364 Chapter 15, Political Subdivisions Ethics Review Commission;

1365 [~~(t)~~] (w) a record described in Section 53G-9-604 that verifies that a parent was

1366 notified of an incident or threat;

1367 [~~(v)~~] (x) a criminal background check or credit history report conducted in accordance

1368 with Section 63A-3-201; and

1369 [~~(w)~~] (y) a record described in Subsection 53-5a-104(7).

1370 (2) The following records are private if properly classified by a governmental entity:

1371 (a) records concerning a current or former employee of, or applicant for employment

1372 with a governmental entity, including performance evaluations and personal status information

1373 such as race, religion, or disabilities, but not including records that are public under Subsection

1374 63G-2-301(2)(b) or 63G-2-301(3)(o) or private under Subsection (1)(b);

1375 (b) records describing an individual's finances, except that the following are public:

1376 (i) records described in Subsection 63G-2-301(2);

1377 (ii) information provided to the governmental entity for the purpose of complying with

1378 a financial assurance requirement; or

1379 (iii) records that must be disclosed in accordance with another statute;

1380 (c) records of independent state agencies if the disclosure of those records would

1381 conflict with the fiduciary obligations of the agency;

1382 (d) other records containing data on individuals the disclosure of which constitutes a

1383 clearly unwarranted invasion of personal privacy;

1384 (e) records provided by the United States or by a government entity outside the state

1385 that are given with the requirement that the records be managed as private records, if the

1386 providing entity states in writing that the record would not be subject to public disclosure if

1387 retained by it;

1388 (f) any portion of a record in the custody of the Division of Aging and Adult Services,

1389 created in Section 62A-3-102, that may disclose, or lead to the discovery of, the identity of a

1390 person who made a report of alleged abuse, neglect, or exploitation of a vulnerable adult; and

1391 (g) audio and video recordings created by a body-worn camera, as defined in Section
1392 [77-7a-103](#), that record sound or images inside a home or residence except for recordings that:

1393 (i) depict the commission of an alleged crime;

1394 (ii) record any encounter between a law enforcement officer and a person that results in
1395 death or bodily injury, or includes an instance when an officer fires a weapon;

1396 (iii) record any encounter that is the subject of a complaint or a legal proceeding
1397 against a law enforcement officer or law enforcement agency;

1398 (iv) contain an officer involved critical incident as defined in ~~[Section]~~ Subsection
1399 [76-2-408\(1\)\(~~d~~\)f](#); or

1400 (v) have been requested for reclassification as a public record by a subject or
1401 authorized agent of a subject featured in the recording.

1402 (3) (a) As used in this Subsection (3), "medical records" means medical reports,
1403 records, statements, history, diagnosis, condition, treatment, and evaluation.

1404 (b) Medical records in the possession of the University of Utah Hospital, its clinics,
1405 doctors, or affiliated entities are not private records or controlled records under Section
1406 [63G-2-304](#) when the records are sought:

1407 (i) in connection with any legal or administrative proceeding in which the patient's
1408 physical, mental, or emotional condition is an element of any claim or defense; or

1409 (ii) after a patient's death, in any legal or administrative proceeding in which any party
1410 relies upon the condition as an element of the claim or defense.

1411 (c) Medical records are subject to production in a legal or administrative proceeding
1412 according to state or federal statutes or rules of procedure and evidence as if the medical
1413 records were in the possession of a nongovernmental medical care provider.

1414 Section 10. **Effective date.**

1415 If approved by two-thirds of all the members elected to each house, this bill takes effect
1416 upon approval by the governor, or the day following the constitutional time limit of Utah
1417 Constitution, Article VII, Section 8, without the governor's signature, or in the case of a veto,
1418 the date of veto override.

1419 Section 11. **Revisor instructions.**

1420 The Legislature intends that the Office of Legislative Research and General Counsel, in

1421 preparing the Utah Code database for publication, replace the phrase "the effective date of this
1422 bill" with the actual effective date of this bill in Subsection [20A-2-104\(7\)\(b\)](#).