

**Representative Rebecca P. Edwards** proposes the following substitute bill:

**VOTER RECORDS AMENDMENTS**

2017 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Rebecca P. Edwards**

Senate Sponsor: Todd Weiler

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**LONG TITLE**

**General Description:**

This bill addresses the accessibility of a voter registration record.

**Highlighted Provisions:**

This bill:

- ▶ defines terms;
- ▶ amends notifications on the voter registration form;
- ▶ allows any individual to apply to have the individual's entire voter registration record classified as a private record; and
- ▶ makes technical and conforming changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

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

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

**20A-2-306**, as last amended by Laws of Utah 2014, Chapter 373



26 20A-6-105, as last amended by Laws of Utah 2014, Chapter 373

27 63G-2-202, as last amended by Laws of Utah 2016, Chapter 348

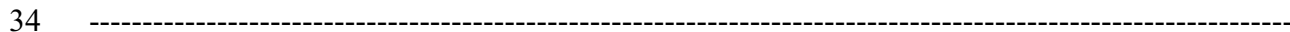


29 Be it enacted by the Legislature of the state of Utah:

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

31 20A-2-104. Voter registration form -- Registered voter lists -- Fees for copies.

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



35 UTAH ELECTION REGISTRATION FORM

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

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

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

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

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

42 Name of Voter

43 \_\_\_\_\_

44 First Middle Last

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

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

47 Street Address of Principal Place of Residence

48 \_\_\_\_\_

49 City County State Zip Code

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

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

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

54 \_\_\_\_\_

55 City County State Zip Code

56 Political Party

57 (a listing of each registered political party, as defined in Section 20A-8-101 and maintained by  
 58 the lieutenant governor under Section 67-1a-2, with each party's name preceded by a checkbox)  
 59 Unaffiliated (no political party preference) Other (Please specify)\_\_\_\_\_

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

66 Signed and sworn

67 \_\_\_\_\_

68 Voter's Signature

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

70 [“]The portion of a voter registration form that lists a person's driver license or  
 71 identification card number, social security number, and email address is a private record. The  
 72 portion of a voter registration form that lists a person's date of birth is a private record, the use  
 73 of which is restricted to government officials, government employees, political parties, or  
 74 certain other persons.

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

80 CITIZENSHIP AFFIDAVIT

81 Name:

82 Name at birth, if different:

83 Place of birth:

84 Date of birth:

85 Date and place of naturalization (if applicable):

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

88 correct.

89 \_\_\_\_\_

90 Signature of Applicant

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

94 NOTICE: IN ORDER TO BE ALLOWED TO VOTE, YOU MUST PRESENT VALID  
95 VOTER IDENTIFICATION TO THE POLL WORKER BEFORE VOTING, WHICH MUST  
96 BE A VALID FORM OF PHOTO IDENTIFICATION THAT SHOWS YOUR NAME AND  
97 PHOTOGRAPH; OR  
98 TWO DIFFERENT FORMS OF IDENTIFICATION THAT SHOW YOUR NAME AND  
99 CURRENT ADDRESS.

100 FOR OFFICIAL USE ONLY

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

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

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

104 -----

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

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

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

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

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

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

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

118 (i) a government official or government employee acting in the government official's or

119 government employee's capacity as a government official or a government employee;  
120 (ii) a health care provider, as defined in Section 26-33a-102, or an agent, employee, or  
121 independent contractor of a health care provider;  
122 (iii) an insurance company, as defined in Section 67-4a-102, or an agent, employee, or  
123 independent contractor of an insurance company;  
124 (iv) a financial institution, as defined in Section 7-1-103, or an agent, employee, or  
125 independent contractor of a financial institution;  
126 (v) (A) a political party, or an agent, employee, or independent contractor of a political  
127 party; or  
128 (B) a candidate, or an agent of a candidate, who has filed a declaration of candidacy or  
129 a certificate of nomination for elective office; or  
130 (vi) a person, or an agent, employee, or independent contractor of the person, who:  
131 (A) provides the date of birth of a registered voter that is obtained from the list of  
132 registered voters only to a person who is a qualified person;  
133 (B) verifies that a person, described in Subsection (4)(a)(vi)(A), to whom a date of  
134 birth that is obtained from the list of registered voters is provided, is a qualified person;  
135 (C) ensures, using industry standard security measures, that the date of birth of a  
136 registered voter that is obtained from the list of registered voters may not be accessed by a  
137 person other than a qualified person;  
138 (D) verifies that each qualified person, other than a qualified person described in  
139 Subsection (4)(a)(i) or (v), to whom the person provides the date of birth of a registered voter  
140 that is obtained from the list of registered voters, will only use the date of birth to verify the  
141 accuracy of personal information submitted by an individual or to confirm the identity of a  
142 person in order to prevent fraud, waste, or abuse;  
143 (E) verifies that each qualified person described in Subsection (4)(a)(i), to whom the  
144 person provides the date of birth of a registered voter that is obtained from the list of registered  
145 voters, will only use the date of birth in the qualified person's capacity as a government official  
146 or government employee; and  
147 (F) verifies that each qualified person described in Subsection (4)(a)(v), to whom the  
148 person provides the date of birth of a registered voter that is obtained from the list of registered  
149 voters, will only use the date of birth for a political purpose.

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

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

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

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

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

161 (C) a statement regarding the purpose for which the person desires to obtain the dates  
162 of birth;

163 (D) a list of the purposes for which the date of birth of a registered voter that is  
164 obtained from the list of registered voters may be used;

165 (E) a statement that the date of birth of a registered voter that is obtained from the list  
166 of registered voters may not be provided or used for a purpose other than a purpose described  
167 under Subsection (4)(b)(ii)(D);

168 (F) a statement that if the person obtains the date of birth of a registered voter from the  
169 list of registered voters under false pretenses, or provides or uses the date of birth of a  
170 registered voter that is obtained from the list of registered voters in a manner that is prohibited  
171 by law, is guilty of a class A misdemeanor and is subject to a civil fine;

172 (G) an assertion from the person that the person will not provide or use the date of birth  
173 of a registered voter that is obtained from the list of registered voters in a manner that is  
174 prohibited by law; and

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

177 (c) The lieutenant governor or a county clerk may not disclose the date of birth of a  
178 registered voter to a person that the lieutenant governor or county clerk reasonably believes:

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

180 (ii) will provide or use the date of birth in a manner prohibited by law.

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

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

187 (i) obtains the date of birth of a registered voter from the list of registered voters under  
 188 false pretenses; or

189 (ii) uses or provides the date of birth of a registered voter that is obtained from the list  
 190 of registered voters, in a manner that is not permitted by law.

191 (f) The lieutenant governor or a county clerk shall classify the voter registration record  
 192 of a voter as a private record if the voter submits~~[(f)]~~ a written application, created by the  
 193 lieutenant governor, requesting that the voter's voter registration record be classified as  
 194 private~~[- and].~~

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

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

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

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

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

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

210 (i) the product of 30 and the square root of the total number of dates of birth obtained,  
 211 provided, or used unlawfully, rounded to the nearest whole dollar; or

212 (ii) \$200.

213 ~~[(†)]~~ (h) A qualified person may not obtain, provide, or use the date of birth of a  
214 registered voter, if the date of birth is obtained from the list of registered voters or from a voter  
215 registration record, unless the person:

216 (i) is a government official or government employee who obtains, provides, or uses the  
217 date of birth in the government official's or government employee's capacity as a government  
218 official or government employee;

219 (ii) is a qualified person described in Subsection (4)(a)(ii), (iii), or (iv) and obtains or  
220 uses the date of birth only to verify the accuracy of personal information submitted by an  
221 individual or to confirm the identity of a person in order to prevent fraud, waste, or abuse;

222 (iii) is a qualified person described in Subsection (4)(a)(v) and obtains, provides, or  
223 uses the date of birth for a political purpose; or

224 (iv) is a qualified person described in Subsection (4)(a)(vi) and obtains, provides, or  
225 uses the date of birth to provide the date of birth to another qualified person to verify the  
226 accuracy of personal information submitted by an individual or to confirm the identity of a  
227 person in order to prevent fraud, waste, or abuse.

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

231 (i) is a candidate for public office and uses the date of birth only for a political purpose;  
232 or

233 (ii) obtains the date of birth from a political party or a candidate for public office and  
234 uses the date of birth only for the purpose of assisting the political party or candidate for public  
235 office to fulfill a political purpose.

236 ~~[(†)]~~ (j) The lieutenant governor or a county clerk may provide a date of birth to a  
237 member of the media, in relation to an individual designated by the member of the media, in  
238 order for the member of the media to verify the identity of the individual.

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



243 political party.

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

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

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

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

252 **20A-2-108. Driver license registration form -- Transmittal of information.**

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

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

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

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

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

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

264 (ii) an eligibility statement in substantially the following form:

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

270 Signed and sworn

271 \_\_\_\_\_

272 Voter's Signature

273 \_\_\_\_\_(month\day\year)";

274 (iii) a citizenship affidavit in substantially the following form:

275 "CITIZENSHIP AFFIDAVIT

276 Name:

277 Name at birth, if different:

278 Place of birth:

279 Date of birth:

280 Date and place of naturalization (if applicable):

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

284 \_\_\_\_\_

285 Signature of Applicant

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

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

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

295 (vi) the following statement:

296 "The portion of a voter registration form that lists a person's driver license or  
297 identification card number, social security number, and email address is a private record. The  
298 portion of a voter registration form that lists a person's date of birth is a private record, the use  
299 of which is restricted to government officials, government employees, political parties, or  
300 certain other persons.

301 ~~[If you believe that disclosure of any information contained in this voter registration~~  
302 ~~form to a person other than a government official or government employee is likely to put you~~  
303 ~~or a member of your household's life or safety at risk, or to put you or a member of your~~  
304 ~~household at risk of being stalked or harassed, you] You may apply to the lieutenant governor~~

305 or your county clerk to have your entire voter registration record classified as private."

306 (3) Upon receipt of a voter registration form from an [~~applicant~~] individual, the county  
307 clerk or the clerk's designee shall:

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

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

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

314 **20A-2-306. Removing names from the official register -- Determining and**  
315 **confirming change of residence.**

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

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

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

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

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

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

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

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

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

335 "VOTER REGISTRATION NOTICE

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

339 \_\_\_\_\_

340 Street	City	County	State	Zip
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341 If you have not changed your residence or have moved but stayed within the same  
342 county, you must complete and return this form to the county clerk so that it is received by the  
343 county clerk no later than 30 days before the date of the election. If you fail to return this form  
344 within that time:

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

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

351 \_\_\_\_\_  
352 Signature of Voter<sup>[a]</sup>

353 [a]The portion of a voter registration form that lists a person's driver license or  
354 identification card number, social security number, and email address is a private record. The  
355 portion of a voter registration form that lists a person's date of birth is a private record, the use  
356 of which is restricted to government officials, government employees, political parties, or  
357 certain other persons.

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

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

366 (b) The county clerk may remove the names of voters from the official register during

367 the 90 days before a regular primary election and the 90 days before a regular general election  
368 if:

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

370 (ii) the voter has died.

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

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

375 (iii) A county is not required to send routine mailings to inactive voters and is not  
376 required to count inactive voters when dividing precincts and preparing supplies.

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

378 **20A-6-105. Provisional ballot envelopes.**

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

381 "AFFIRMATION

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

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

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

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

387 First Middle Last

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

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

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

391 Street Address of Principal Place of Residence

392 \_\_\_\_\_

393 City County State Zip Code

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

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

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

397 \_\_\_\_\_

398	City	County	State	Zip Code
399	Voting Precinct (if known)			

400 \_\_\_\_\_  
 401 I, (please print your full name) \_\_\_\_\_ do solemnly swear or

402 affirm:

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

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

410 Signed \_\_\_\_\_

411 Dated \_\_\_\_\_

412 In accordance with Section [20A-3-506](#), wilfully providing false information above is a  
 413 class B misdemeanor under Utah law and is punishable by imprisonment and by fine.<sup>[#]</sup>

414 <sup>[#]</sup>The portion of a voter registration form that lists a person's driver license or  
 415 identification card number, social security number, and email address is a private record. The  
 416 portion of a voter registration form that lists a person's date of birth is a private record, the use  
 417 of which is restricted to government officials, government employees, political parties, or  
 418 certain other persons.

419 ~~[If you believe that disclosure of any information contained in this voter registration~~  
 420 ~~form to a person other than a government official or government employee is likely to put you~~  
 421 ~~or a member of your household's life or safety at risk, or to put you or a member of your~~  
 422 ~~household at risk of being stalked or harassed, you] You may apply to the lieutenant governor~~  
 423 or your county clerk to have your entire voter registration record classified as private.<sup>[#]</sup>

424 <sup>[#]</sup>CITIZENSHIP AFFIDAVIT

425 Name:

426 Name at birth, if different:

427 Place of birth:

428 Date of birth:

429 Date and place of naturalization (if applicable):

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

433 \_\_\_\_\_  
434 Signature of Applicant

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

438 (2) The provisional ballot envelope shall include:

439 (a) a unique number;

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

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

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

444 **63G-2-202. Access to private, controlled, and protected documents.**

445 (1) Upon request, and except as provided in Subsection (11)(a), a governmental entity  
446 shall disclose a private record to:

447 (a) the subject of the record;

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

450 (c) the legal guardian of a legally incapacitated individual who is the subject of the  
451 record;

452 (d) any other ~~[individual]~~ person who:

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

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

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

459 (iv) if the record is a date of birth on a voter registration record, is authorized to receive

460 the date of birth under Section [20A-2-104](#); or

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

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

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

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

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

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

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

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

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

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

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

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

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

484 (a) the person that submitted the record;

485 (b) any other individual who:

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

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



- 491 (c) any person to whom the record must be provided pursuant to:
- 492 (i) a court order as provided in Subsection (7); or
- 493 (ii) a legislative subpoena as provided in Title 36, Chapter 14, Legislative Subpoena
- 494 Powers; or
- 495 (d) the owner of a mobile home park, subject to the conditions of Subsection
- 496 [41-1a-116\(5\)](#).
- 497 (5) A governmental entity may disclose a private, controlled, or protected record to
- 498 another governmental entity, political subdivision, state, the United States, or a foreign
- 499 government only as provided by Section [63G-2-206](#).
- 500 (6) Before releasing a private, controlled, or protected record, the governmental entity
- 501 shall obtain evidence of the requester's identity.
- 502 (7) A governmental entity shall disclose a record pursuant to the terms of a court order
- 503 signed by a judge from a court of competent jurisdiction, provided that:
- 504 (a) the record deals with a matter in controversy over which the court has jurisdiction;
- 505 (b) the court has considered the merits of the request for access to the record;
- 506 (c) the court has considered and, where appropriate, limited the requester's use and
- 507 further disclosure of the record in order to protect:
- 508 (i) privacy interests in the case of private or controlled records;
- 509 (ii) business confidentiality interests in the case of records protected under Subsection
- 510 [63G-2-305\(1\), \(2\), \(40\)\(a\)\(ii\), or \(40\)\(a\)\(vi\)](#); and
- 511 (iii) privacy interests or the public interest in the case of other protected records;
- 512 (d) to the extent the record is properly classified private, controlled, or protected, the
- 513 interests favoring access, considering limitations thereon, are greater than or equal to the
- 514 interests favoring restriction of access; and
- 515 (e) where access is restricted by a rule, statute, or regulation referred to in Subsection
- 516 [63G-2-201\(3\)\(b\)](#), the court has authority independent of this chapter to order disclosure.
- 517 (8) (a) Except as provided in Subsection (8)(d), a governmental entity may disclose or
- 518 authorize disclosure of private or controlled records for research purposes if the governmental
- 519 entity:
- 520 (i) determines that the research purpose cannot reasonably be accomplished without
- 521 use or disclosure of the information to the researcher in individually identifiable form;

- 522 (ii) determines that:
- 523 (A) the proposed research is bona fide; and
- 524 (B) the value of the research is greater than or equal to the infringement upon personal  
525 privacy;
- 526 (iii) (A) requires the researcher to assure the integrity, confidentiality, and security of  
527 the records; and
- 528 (B) requires the removal or destruction of the individual identifiers associated with the  
529 records as soon as the purpose of the research project has been accomplished;
- 530 (iv) prohibits the researcher from:
- 531 (A) disclosing the record in individually identifiable form, except as provided in  
532 Subsection (8)(b); or
- 533 (B) using the record for purposes other than the research approved by the governmental  
534 entity; and
- 535 (v) secures from the researcher a written statement of the researcher's understanding of  
536 and agreement to the conditions of this Subsection (8) and the researcher's understanding that  
537 violation of the terms of this Subsection (8) may subject the researcher to criminal prosecution  
538 under Section [63G-2-801](#).
- 539 (b) A researcher may disclose a record in individually identifiable form if the record is  
540 disclosed for the purpose of auditing or evaluating the research program and no subsequent use  
541 or disclosure of the record in individually identifiable form will be made by the auditor or  
542 evaluator except as provided by this section.
- 543 (c) A governmental entity may require indemnification as a condition of permitting  
544 research under this Subsection (8).
- 545 (d) A governmental entity may not disclose or authorize disclosure of a private record  
546 for research purposes as described in this Subsection (8) if the private record is a record  
547 described in Subsection [63G-2-302\(1\)\(u\)](#).
- 548 (9) (a) Under Subsections [63G-2-201\(5\)\(b\)](#) and [63G-2-401\(6\)](#), a governmental entity  
549 may disclose to persons other than those specified in this section records that are:
- 550 (i) private under Section [63G-2-302](#); or
- 551 (ii) protected under Section [63G-2-305](#), subject to Section [63G-2-309](#) if a claim for  
552 business confidentiality has been made under Section [63G-2-309](#).

553 (b) Under Subsection 63G-2-403(11)(b), the records committee may require the  
554 disclosure to persons other than those specified in this section of records that are:  
555 (i) private under Section 63G-2-302;  
556 (ii) controlled under Section 63G-2-304; or  
557 (iii) protected under Section 63G-2-305, subject to Section 63G-2-309 if a claim for  
558 business confidentiality has been made under Section 63G-2-309.

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

562 (10) A record contained in the Management Information System, created in Section  
563 62A-4a-1003, that is found to be unsubstantiated, unsupported, or without merit may not be  
564 disclosed to any person except the person who is alleged in the report to be a perpetrator of  
565 abuse, neglect, or dependency.

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

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

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

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

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

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