

Representative Lee B. Perry proposes the following substitute bill:

VOTER INFORMATION AMENDMENTS

2014 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Karen Mayne

House Sponsor: Lee B. Perry

LONG TITLE

General Description:

This bill amends provisions of the Election Code, the Government Records Access and Management Act, and related provisions, in relation to disclosure of, and the use of, the list of registered voters and information from the list of registered voters.

Highlighted Provisions:

This bill:

- ▶ prohibits a person, other than a government official or employee, from using the list of registered voters, or information obtained from the list of registered voters, for certain purposes, including commercial purposes;
- ▶ subject to certain exceptions, prohibits a person from reproducing the list of registered voters, or information obtained from the list of registered voters;
- ▶ prohibits a person from using the list of registered voters, or information obtained from the list of registered voters, to solicit donations or to conduct surveys;
- ▶ prohibits a person from providing the list of registered voters, or information obtained from the list of registered voters, to another person if the person providing the information has reason to believe that the other person will use the list, or information obtained from the list, in violation of the provisions of this bill;
- ▶ provides exceptions to certain provisions of this bill if the list of registered voters,



26 or information obtained from the list of registered voters, is used for political, scholarly,
27 journalistic, or governmental purposes;

28 ▶ describes the circumstances under which the lieutenant governor or a county clerk
29 may disclose the list of registered voters or information from the list of registered
30 voters;

31 ▶ requires a person who requests the list of registered voters, or information from the
32 list of registered voters, to provide identification, other information, and assurances
33 regarding the use of the list and information from the list;

34 ▶ provides that making a false statement when providing the information and
35 assurances described above constitutes a crime;

36 ▶ makes the following a private record:

- 37 • the part of a voter registration record identifying a voter's day or month of birth;

38 and

- 39 • a voter registration record of an individual who is protected by a current
40 protection order if the individual submits a request to classify the voter

41 registration record as private and submits a copy of the protection order; and

42 ▶ makes technical and conforming changes.

43 **Money Appropriated in this Bill:**

44 None

45 **Other Special Clauses:**

46 None

47 **Utah Code Sections Affected:**

48 AMENDS:

49 **20A-2-104**, as last amended by Laws of Utah 2010, Chapter 197

50 **20A-2-308**, as last amended by Laws of Utah 2012, Chapter 74

51 **63G-2-202**, as last amended by Laws of Utah 2013, Chapters 335, 426, and 445

52 **63G-2-301**, as last amended by Laws of Utah 2013, Chapters 231, 296, 426, and 445

53 **63G-2-302**, as last amended by Laws of Utah 2013, Chapters 216, 335, and 426



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

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

57 **20A-2-104. Voter registration form -- Registered voter lists -- Fees for copies.**

58 (1) Every person applying to be registered shall complete a registration form printed in
59 substantially the following form:

60 -----

61 UTAH ELECTION REGISTRATION FORM

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

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

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

65 Name of Voter

66 _____

67 First Middle Last

68 Utah Driver License or Utah Identification Card Number _____

69 Date of Birth _____

70 Street Address of Principal Place of Residence

71 _____

72 City County State Zip Code

73 Telephone Number (optional) _____

74 Last four digits of Social Security Number _____

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

76 _____

77 City County State Zip Code

78 Political Party

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

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

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

87 Signed and sworn

88

89 Voter's Signature

90 _____ (month/day/year).

91 CITIZENSHIP AFFIDAVIT

92 Name:

93 Name at birth, if different:

94 Place of birth:

95 Date of birth:

96 Date and place of naturalization (if applicable):

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

100 _____

101 Signature of Applicant

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

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

111 FOR OFFICIAL USE ONLY

112 Type of I.D. _____

113 Voting Precinct _____

114 Voting I.D. Number _____

115 -----

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

118 electronic or some other recognized system.

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

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

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

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

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

128 (4) (a) Except as provided in Subsection (4)(d), a person may not use the list of
129 registered voters, or information obtained from the list of registered voters, for the purpose of:

130 (i) except as provided in Subsection (4)(e):

131 (A) selling the list or information;

132 (B) selling use of the list or information; or

133 (C) advertising, soliciting, selling, or marketing products or services to a person;

134 (ii) except as provided in Subsection (4)(f), providing the list or information through a
135 medium that displays or sends paid advertising to a person that accesses the list or information;

136 (iii) except as provided in Subsection (4)(g), soliciting a donation;

137 (iv) except as provided in Subsection (4)(h), conducting a survey;

138 (v) charging a fee to a person to have the person's information, or a portion of the
139 person's information, removed, withheld, or changed; or

140 (vi) harassing a person.

141 (b) Except as provided in Subsection (4)(d) or (i), a person may not reproduce the list
142 of registered voters, or information obtained from the list of registered voters, in any manner,
143 including print, visual or audio format, electronic format, on the Internet, or via computer
144 terminal.

145 (c) A person may not provide the list of registered voters, or information obtained from
146 the list of registered voters, to another person if the person providing the list or information has
147 reason to believe that the other person will use the list or information in violation of Subsection
148 (4)(a) or (b).

149 (d) The provisions of Subsections (4)(a)(i) through (v) and (4)(b) do not apply to a
150 person described in Subsection (6)(a)(i).

151 (e) Subsection (4)(a)(i) does not prohibit a political party or other organization from
152 selling to its members for no more than the cost of production, information compiled using, in
153 part, information obtained from the list of registered voters, if the compiled information is
154 intended for use solely for political purposes.

155 (f) Subsection (4)(a)(ii) does not prohibit a person from providing information obtained
156 from the list of registered voters as part of a newspaper or other journalistic publication.

157 (g) Subsection (4)(a)(iii) does not prohibit a person from using information obtained
158 from the list of registered voters to solicit a donation for political or governmental purposes.

159 (h) Subsection (4)(a)(iv) does not prohibit a person from using information obtained
160 from the list of registered voters to conduct a survey for political, scholarly, journalistic, or
161 governmental purposes.

162 (i) Subsection (4)(b) does not prohibit a person from reproducing the list of registered
163 voters, or information obtained from the list of registered voters, for political, scholarly,
164 journalistic, or governmental purposes.

165 (j) The lieutenant governor or a county clerk may not disclose the list of registered
166 voters, or information obtained from the list of registered voters, to a person other than a
167 person described in Subsection (6)(a)(i), unless the person:

168 (i) provides proof of the person's identity; and

169 (ii) signs a document that includes the following:

170 (A) the name, address, and telephone number of the person requesting the list or
171 information from the list;

172 (B) a statement regarding the purpose for which the person desires to obtain the list;

173 (C) a list of the purposes for which the list of registered voters, or information obtained
174 from the list of registered voters, may be used and may not be used;

175 (D) an assertion from the person that the person will not use the list, or information
176 obtained from the list, for a purpose prohibited by law;

177 (E) notice that if the person makes a false statement in the document, the person is
178 punishable by law under Section [76-8-504](#); and

179 (F) notice that a person who uses the list, or information obtained from the list, in a

180 manner that is prohibited by law is guilty of a class B misdemeanor.

181 (k) The lieutenant governor or a county clerk may not disclose the list of registered
182 voters, or information obtained from the list of registered voters, to a person that the lieutenant
183 governor or county clerk reasonably believes will use the list, or information obtained from the
184 list, in a manner prohibited by law.

185 (l) A person is guilty of a class B misdemeanor if the person uses the list of registered
186 voters, or information obtained from the list of registered voters, in violation of Subsection
187 (4)(a), (b), or (c).

188 (5) Subsection (4) does not prohibit a person from obtaining or using the list of
189 registered voters, or information obtained from the list of registered voters, for research
190 purposes if the person does not use the list of registered voters, or information obtained from
191 the list of registered voters, for a purpose prohibited under Subsection (4).

192 (6) (a) As used in this Subsection (6), "qualified person" means:

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

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

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

199 (iv) a financial institution, as defined in Section [7-1-103](#), or an agent, employee, or
200 independent contractor of a financial institution.

201 (b) Notwithstanding Subsection (4), a person may sell or provide the list of registered
202 voters, or information obtained from the list of registered voters, to a qualified person if the
203 person selling or providing the list, or information obtained from the list:

204 (i) ensures, using industry standard security measures, that the list, or information
205 obtained from the list, may not be accessed by a person other than a qualified person; and

206 (ii) verifies that the list, or information obtained from the list, will only be used by:

207 (A) the qualified person to verify the accuracy of personal information submitted by an
208 individual or to confirm the identity of a person in order to prevent fraud, waste, or abuse; or

209 (B) a person described in Subsection (6)(a)(i).

210 (7) Subsection (6) does not permit a person to provide the list of registered voters or

211 information obtained from the list of registered voters to the general public in any form or
212 manner.

213 ~~[(4)]~~ (8) When political parties not listed on the voter registration form qualify as
214 registered political parties under Title 20A, Chapter 8, Political Party Formation and
215 Procedures, the lieutenant governor shall inform the county clerks about the name of the new
216 political party and direct the county clerks to ensure that the voter registration form is modified
217 to include that political party.

218 ~~[(5)]~~ (9) Upon receipt of a voter registration form from an applicant, the county clerk
219 or the clerk's designee shall:

- 220 (a) review each voter registration form for completeness and accuracy; and
221 (b) if the county clerk believes, based upon a review of the form, that a person may be
222 seeking to register to vote who is not legally entitled to register to vote, refer the form to the
223 county attorney for investigation and possible prosecution.

224 Section 2. Section **20A-2-308** is amended to read:

225 **20A-2-308. Lieutenant governor and county clerks to preserve records.**

226 (1) As used in this section:

227 (a) "Voter registration ~~[records]~~ record" means ~~[all records]~~ a record concerning the
228 implementation of programs and activities conducted for the purpose of ensuring that the
229 official register is accurate and current.

230 (b) "Voter registration ~~[records]~~ record" does not ~~[mean records]~~ include a record that:

- 231 (i) ~~[relate]~~ relates to a person's decision to decline to register to vote; ~~[and]~~ or
232 (ii) ~~[identify]~~ identifies the particular public assistance agency, discretionary voter
233 registration agency, or Driver License Division through which a particular voter registered to
234 vote.

235 (2) The lieutenant governor and each county clerk shall:

236 (a) preserve for at least two years all records relating to voter registration, including:

- 237 (i) the official register; and
238 (ii) the names and addresses of all persons to whom the notice required by Section
239 **20A-2-306** was sent and a notation as to whether or not the person responded to the notice;

240 (b) make the records, except for the part of the voter registration record classified as
241 private under Section **63G-2-302**, available for public inspection; and

242 (c) allow the records described in Subsection (2)(b) to be photocopied for a reasonable
243 cost.

244 Section 3. Section **63G-2-202** is amended to read:

245 **63G-2-202. Access to private, controlled, and protected documents.**

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

248 (a) the subject of the record;

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

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

253 (d) any other individual who:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

283 (a) the person who submitted the record;

284 (b) any other individual who:

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

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

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

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

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

294 (d) the owner of a mobile home park, subject to the conditions of Subsection
295 [41-1a-116\(5\)](#).

296 (5) A governmental entity may disclose a private, controlled, or protected record to
297 another governmental entity, political subdivision, another state, the United States, or a foreign
298 government only as provided by Section [63G-2-206](#).

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

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

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

- 304 (b) the court has considered the merits of the request for access to the record;
- 305 (c) the court has considered and, where appropriate, limited the requester's use and
306 further disclosure of the record in order to protect:
- 307 (i) privacy interests in the case of private or controlled records;
- 308 (ii) business confidentiality interests in the case of records protected under Subsection
309 63G-2-305(1), (2), (40)(a)(ii), or (40)(a)(vi); and
- 310 (iii) privacy interests or the public interest in the case of other protected records;
- 311 (d) to the extent the record is properly classified private, controlled, or protected, the
312 interests favoring access, considering limitations thereon, are greater than or equal to the
313 interests favoring restriction of access; and
- 314 (e) where access is restricted by a rule, statute, or regulation referred to in Subsection
315 63G-2-201(3)(b), the court has authority independent of this chapter to order disclosure.
- 316 (8) (a) Except as provided in Subsection (8)(d), a governmental entity may disclose or
317 authorize disclosure of private or controlled records for research purposes if the governmental
318 entity:
- 319 (i) determines that the research purpose cannot reasonably be accomplished without
320 use or disclosure of the information to the researcher in individually identifiable form;
- 321 (ii) determines that:
- 322 (A) the proposed research is bona fide; and
- 323 (B) the value of the research is greater than or equal to the infringement upon personal
324 privacy;
- 325 (iii) (A) requires the researcher to assure the integrity, confidentiality, and security of
326 the records; and
- 327 (B) requires the removal or destruction of the individual identifiers associated with the
328 records as soon as the purpose of the research project has been accomplished;
- 329 (iv) prohibits the researcher from:
- 330 (A) disclosing the record in individually identifiable form, except as provided in
331 Subsection (8)(b); or
- 332 (B) using the record for purposes other than the research approved by the governmental
333 entity; and
- 334 (v) secures from the researcher a written statement of the researcher's understanding of

335 and agreement to the conditions of this Subsection (8) and the researcher's understanding that
336 violation of the terms of this Subsection (8) may subject the researcher to criminal prosecution
337 under Section 63G-2-801.

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

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

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

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

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

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

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

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

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

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

358 (c) Under Subsection 63G-2-404(8), the court may require the disclosure of records
359 that are private under Section 63G-2-302, controlled under Section 63G-2-304, or protected
360 under Section 63G-2-305 to persons other than those specified in this section.

361 (10) A record contained in the Management Information System, created in Section
362 62A-4a-1003, that is found to be unsubstantiated, unsupported, or without merit may not be
363 disclosed to any person except the person who is alleged in the report to be a perpetrator of
364 abuse, neglect, or dependency.

365 (11) (a) A private record described in Subsection 63G-2-302(2)(g) may only be

366 disclosed as provided in Subsection (1)(e).

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

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

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

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

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

375 Section 4. Section 63G-2-301 is amended to read:

376 **63G-2-301. Public records.**

377 (1) As used in this section:

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

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

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

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

386 63G-2-201(3)(b) and (6)(a):

387 (a) laws;

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

392 (i) undercover law enforcement personnel; and

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

395 (c) final opinions, including concurring and dissenting opinions, and orders that are
396 made by a governmental entity in an administrative, adjudicative, or judicial proceeding except

397 that if the proceedings were properly closed to the public, the opinion and order may be
398 withheld to the extent that they contain information that is private, controlled, or protected;

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

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

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

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

412 (i) titles or encumbrances to real property;

413 (ii) restrictions on the use of real property;

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

415 (iv) tax status for real and personal property;

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

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

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

423 (k) summary data;

424 (l) subject to Subsection [20A-2-104\(4\)](#), voter registration records, including an
425 individual's voting history, except for a voter registration record, or those parts of [the] a voter
426 registration record, that are classified as private in Subsection [63G-2-302\(1\)\(j\)](#);

427 (m) for an elected official, as defined in Section [11-47-102](#), a telephone number, if

428 available, and email address, if available, where that elected official may be reached as required
429 in Title 11, Chapter 47, Access to Elected Officials;

430 (n) for a school community council member, a telephone number, if available, and
431 email address, if available, where that elected official may be reached directly as required in
432 Section 53A-1a-108.1;

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

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

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

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

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

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

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

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

448 (f) records relating to government assistance or incentives publicly disclosed,
449 contracted for, or given by a governmental entity, encouraging a person to expand or relocate a
450 business in Utah, except as provided in Subsection 63G-2-305(35);

451 (g) chronological logs and initial contact reports;

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

455 (i) empirical data contained in drafts if:

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

458 (ii) the governmental entity is given a reasonable opportunity to correct any errors or

- 459 make nonsubstantive changes before release;
- 460 (j) drafts that are circulated to anyone other than:
- 461 (i) a governmental entity;
- 462 (ii) a political subdivision;
- 463 (iii) a federal agency if the governmental entity and the federal agency are jointly
- 464 responsible for implementation of a program or project that has been legislatively approved;
- 465 (iv) a government-managed corporation; or
- 466 (v) a contractor or private provider;
- 467 (k) drafts that have never been finalized but were relied upon by the governmental
- 468 entity in carrying out action or policy;
- 469 (l) original data in a computer program if the governmental entity chooses not to
- 470 disclose the program;
- 471 (m) arrest warrants after issuance, except that, for good cause, a court may order
- 472 restricted access to arrest warrants prior to service;
- 473 (n) search warrants after execution and filing of the return, except that a court, for good
- 474 cause, may order restricted access to search warrants prior to trial;
- 475 (o) records that would disclose information relating to formal charges or disciplinary
- 476 actions against a past or present governmental entity employee if:
- 477 (i) the disciplinary action has been completed and all time periods for administrative
- 478 appeal have expired; and
- 479 (ii) the charges on which the disciplinary action was based were sustained;
- 480 (p) records maintained by the Division of Forestry, Fire, and State Lands, the School
- 481 and Institutional Trust Lands Administration, or the Division of Oil, Gas, and Mining that
- 482 evidence mineral production on government lands;
- 483 (q) final audit reports;
- 484 (r) occupational and professional licenses;
- 485 (s) business licenses; and
- 486 (t) a notice of violation, a notice of agency action under Section [63G-4-201](#), or similar
- 487 records used to initiate proceedings for discipline or sanctions against persons regulated by a
- 488 governmental entity, but not including records that initiate employee discipline.
- 489 (4) The list of public records in this section is not exhaustive and should not be used to

490 limit access to records.

491 Section 5. Section **63G-2-302** is amended to read:

492 **63G-2-302. Private records.**

493 (1) The following records are private:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

523 (i) that part of a record indicating a person's Social Security number or federal
524 employer identification number if provided under Section 31A-23a-104, 31A-25-202,
525 31A-26-202, 58-1-301, 58-55-302, 61-1-4, or 61-2f-203;

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

527 (i) driver license or identification card number;

528 (ii) Social Security number, or last four digits of the Social Security number; [~~or~~]

529 (iii) email address; or

530 (iv) day or month of birth;

531 (k) a voter registration record of an individual who is protected by a current protection
532 order issued by a court of competent jurisdiction if the individual submits to the county clerk in
533 the county where the individual resides:

534 (i) a written request that the individual's voter registration record be classified as a
535 private record; and

536 (ii) a copy of the protection order;

537 [~~(k)~~] (l) a record that:

538 (i) contains information about an individual;

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

540 (iii) goes into an electronic database that:

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

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

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

546 (i) Subsection 31A-23a-115(2)(a);

547 (ii) Subsection 31A-23a-302(3); or

548 (iii) Subsection 31A-26-210(3);

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

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

552 (i) required by the registration requirements of Title 77, Chapter 41, Sex and Kidnap
553 Offender Registry; and

554 (ii) not required to be made available to the public under Subsection 77-41-110(4);
555 ~~(p)~~ (p) a statement and any supporting documentation filed with the attorney general
556 in accordance with Section 34-45-107, if the federal law or action supporting the filing
557 involves homeland security;

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

562 ~~(r)~~ (r) an email address provided by a military or overseas voter under Section
563 20A-16-501;

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

566 ~~(t)~~ (t) records received by or generated by or for the Political Subdivisions Ethics
567 Review Commission established in Section 11-49-201, except for:

568 (i) the commission's summary data report that is required in Section 11-49-202; and

569 (ii) any other document that is classified as public in accordance with Title 11, Chapter
570 49, Political Subdivisions Ethics Review Commission; and

571 ~~(u)~~ (u) a record described in Subsection 53A-11a-203(3) that verifies that a parent was
572 notified of an incident or threat.

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

574 (a) records concerning a current or former employee of, or applicant for employment
575 with a governmental entity, including performance evaluations and personal status information
576 such as race, religion, or disabilities, but not including records that are public under Subsection
577 63G-2-301(2)(b) or 63G-2-301(3)(o) or private under Subsection (1)(b);

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

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

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

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

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

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

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

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

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

596 (b) Medical records in the possession of the University of Utah Hospital, its clinics,
597 doctors, or affiliated entities are not private records or controlled records under Section
598 [63G-2-304](#) when the records are sought:

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

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

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