

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: _____

LONG TITLE

General Description:

This bill addresses the accessibility of a voter registration record.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ specifies that a voter registration record is a private record under the Government Records Access and Management Act;
- ▶ amends notifications on the voter registration form;
- ▶ allows specified persons to receive certain portions of a private voter registration record from the lieutenant governor or a county clerk;
- ▶ expands the type of individuals who may apply to prohibit any person, other than the government, from accessing the individual's voter registration record;
- ▶ provides direction to a county clerk regarding the classification of the voter registration record of an individual who preregisters to vote; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:



26 None

27 **Utah Code Sections Affected:**

28 AMENDS:

29 **20A-1-102**, as last amended by Laws of Utah 2016, Chapters 28, 66, and 176

30 **20A-2-101.1**, as enacted by Laws of Utah 2015, Chapter 130

31 **20A-2-104**, as last amended by Laws of Utah 2015, Chapter 130

32 **20A-2-108**, as last amended by Laws of Utah 2015, Chapter 130

33 **20A-2-306**, as last amended by Laws of Utah 2014, Chapter 373

34 **20A-2-308**, as last amended by Laws of Utah 2014, Chapter 373

35 **20A-6-105**, as last amended by Laws of Utah 2014, Chapter 373

36 **63G-2-202**, as last amended by Laws of Utah 2016, Chapter 348

37 **63G-2-203**, as last amended by Laws of Utah 2016, Chapter 90

38 **63G-2-301**, as last amended by Laws of Utah 2014, Chapter 373

39 **63G-2-302**, as last amended by Laws of Utah 2016, Chapter 410

40 ENACTS:

41 **20A-2-104.5**, Utah Code Annotated 1953



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

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

45 **20A-1-102. Definitions.**

46 As used in this title:

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

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

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

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

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

56 (a) contain the names of offices and candidates and statements of ballot propositions to

57 be voted on; and

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

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

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

62 (b) a constitutional amendment;

63 (c) an initiative;

64 (d) a referendum;

65 (e) a bond proposition;

66 (f) a judicial retention question;

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

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

69 (6) "Ballot sheet":

70 (a) means a ballot that:

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

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

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

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

77 (8) "Board of canvassers" means the entities established by Sections [20A-4-301](#) and
78 [20A-4-306](#) to canvass election returns.

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

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

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

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

87 (13) "Canvass" means the review of election returns and the official declaration of

88 election results by the board of canvassers.

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

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

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

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

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

99 (19) "Counting poll watcher" means a person selected as provided in Section
100 [20A-3-201](#) to witness the counting of ballots.

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

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

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

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

109 (b) does not include:

110 (i) deadlines established for absentee voting; or

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

113 (23) "Elected official" means:

114 (a) a person elected to an office under Section [20A-1-303](#);

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

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

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

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

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

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

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

130 (28) "Election officer" means:

- 131 (a) the lieutenant governor, for all statewide ballots and elections;
- 132 (b) the county clerk for:
 - 133 (i) a county ballot and election; and
 - 134 (ii) a ballot and election as a provider election officer as provided in Section

135 [20A-5-400.1](#) or [20A-5-400.5](#);

136 (c) the municipal clerk for:

- 137 (i) a municipal 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 (d) the local district clerk or chief executive officer for:

- 141 (i) a local district 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](#); or

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

- 145 (i) a school 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](#).

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

149 (30) "Election results" means:

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

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

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

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

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

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

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

165 (35) "Inactive voter" means a registered voter who has:

166 (a) been sent the notice required by Section [20A-2-306](#); and

167 (b) failed to respond to that notice.

168 (36) "Inspecting poll watcher" means a person selected as provided in this title to
169 witness the receipt and safe deposit of voted and counted ballots.

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

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

173 (39) "Local district" means a local government entity under Title 17B, Limited Purpose
174 Local Government Entities - Local Districts, and includes a special service district under Title
175 17D, Chapter 1, Special Service District Act.

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

178 (41) "Local election" means a regular county election, a regular municipal election, a
179 municipal primary election, a local special election, a local district election, and a bond
180 election.

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

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

186 (44) "Municipal executive" means:

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

188 (b) the mayor in the council-manager form of government defined in Subsection

189 10-3b-103(7); or

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

191 (45) "Municipal general election" means the election held in municipalities and, as
192 applicable, local districts on the first Tuesday after the first Monday in November of each

193 odd-numbered year for the purposes established in Section 20A-1-202.

194 (46) "Municipal legislative body" means:

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

196 (b) the council of a metro township.

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

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

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

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

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

205 (52) "Official endorsement" means:

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

207 (i) the ballot as an official ballot;

208 (ii) the date of the election; and

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

211 (B) for a ballot prepared by a county clerk, the words required by Subsection

212 20A-6-301(1)(c)(iii); and

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

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

215 (ii) the ballot number.

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

218 (54) "Paper ballot" means a paper that contains:

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

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

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

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

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

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

231 (b) "Poll worker" includes election judges.

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

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

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

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

238 (a) is built into a voting machine; and

239 (b) records the total number of movements of the operating lever.

240 (62) "Provider election officer" means an election officer who enters into a contract or
241 interlocal agreement with a contracting election officer to conduct an election for the
242 contracting election officer's local political subdivision in accordance with Section

243 20A-5-400.1.

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

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

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

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

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

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

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

256 (67) "Registration form" means a book voter registration form and a by-mail voter
257 registration form.

258 (68) "Regular ballot" means a ballot that is not a provisional ballot.

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

262 (70) "Regular primary election" means the election on the fourth Tuesday of June of
263 each even-numbered year, to nominate candidates of political parties and candidates for
264 nonpartisan local school board positions to advance to the regular general election.

265 (71) "Resident" means a person who resides within a specific voting precinct in Utah.

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

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

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

274 (75) (a) "Secure voter registration record" means the information in, and obtained
 275 from, a voter registration form other than the voter's:

276 (i) driver license or identification card number;

277 (ii) Social Security number, or last four digits of the social security number; ~~or~~

278 (iii) email address ~~;~~

279 ~~_____ (iv) date of birth~~ ~~;~~

280 (b) "Secure voter registration record" includes an individual's voting history
 280a ~~and age~~ .

281 (c) "Secure voter registration record" does not include information described in
 282 Subsection (75)(a) that pertains to an individual who is less than 18 years of age.

283 ~~[(75)]~~ (76) "Special election" means an election held as authorized by Section
 284 20A-1-203.

285 ~~[(76)]~~ (77) "Spoiled ballot" means each ballot that:

286 (a) is spoiled by the voter;

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

288 (c) lacks the official endorsement.

289 ~~[(77)]~~ (78) "Statewide special election" means a special election called by the governor
 290 or the Legislature in which all registered voters in Utah may vote.

291 ~~[(78)]~~ (79) "Stub" means the detachable part of each ballot.

292 ~~[(79)]~~ (80) "Substitute ballots" means replacement ballots provided by an election
 293 officer to the poll workers when the official ballots are lost or stolen.

294 ~~[(80)]~~ (81) "Ticket" means a list of:

295 (a) political parties;

296 (b) candidates for an office; or

297 (c) ballot propositions.

298 ~~[(81)]~~ (82) "Transfer case" means the sealed box used to transport voted ballots to the
 299 counting center.

300 ~~[(82)]~~ (83) "Vacancy" means the absence of a person to serve in any position created
 301 by statute, whether that absence occurs because of death, disability, disqualification,
 302 resignation, or other cause.

303 ~~[(83)]~~ (84) "Valid voter identification" means:

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

305 include:

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

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

338 (xiii) a current Utah vehicle registration.

339 [~~84~~] (85) "Valid write-in candidate" means a candidate who has qualified as a
340 write-in candidate by following the procedures and requirements of this title.

341 [~~85~~] (86) "Voter" means a person who:

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

343 (b) meets the requirements of election registration;

344 (c) is registered to vote; and

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

346 [~~86~~] (87) "Voter registration deadline" means the registration deadline provided in
347 Section [20A-2-102.5](#).

348 [~~87~~] (88) "Voting area" means the area within six feet of the voting booths, voting
349 machines, and ballot box.

350 [~~88~~] (89) "Voting booth" means:

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

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

354 [~~89~~] (90) "Voting device" means:

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

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

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

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

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

363 [~~90~~] (91) "Voting machine" means a machine designed for the sole purpose of
364 recording and tabulating votes cast by voters at an election.

365 [~~91~~] (92) "Voting poll watcher" means a person appointed as provided in this title to
366 witness the distribution of ballots and the voting process.

367 [~~(92)~~] (93) "Voting precinct" means the smallest voting unit established as provided by
368 law within which qualified voters vote at one polling place.

369 [~~(93)~~] (94) "Watcher" means a voting poll watcher, a counting poll watcher, an
370 inspecting poll watcher, and a testing watcher.

371 [~~(94)~~] (95) "Western States Presidential Primary" means the election established in
372 Chapter 9, Part 8, Western States Presidential Primary.

373 [~~(95)~~] (96) "Write-in ballot" means a ballot containing any write-in votes.

374 [~~(96)~~] (97) "Write-in vote" means a vote cast for a person whose name is not printed on
375 the ballot according to the procedures established in this title.

376 Section 2. Section **20A-2-101.1** is amended to read:

377 **20A-2-101.1. Preregistering to vote.**

378 (1) An individual may preregister to vote if the individual:

379 (a) is 16 or 17 years of age;

380 (b) will not be 18 years of age before the next election;

381 (c) is a citizen of the United States;

382 (d) has been a resident of Utah for at least 30 days; and

383 (e) currently resides within the voting district or precinct in which the individual
384 preregisters to vote.

385 (2) An individual described in Subsection (1) may not vote in an election and is not
386 registered to vote until:

387 (a) the individual is at least 18 years of age; and

388 (b) the county clerk registers the individual to vote under Subsection (4).

389 (3) An individual who preregisters to vote shall:

390 (a) complete a voter registration form, including an indication that the individual is
391 preregistering to vote; and

392 (b) submit the voter registration form to a county clerk in person, by mail, or in any
393 other manner authorized by this chapter for the submission of a voter registration form.

394 (4) (a) A county clerk shall:

395 (i) retain the voter registration form of an individual who meets the qualifications for
396 preregistration and who submits a completed voter registration form to the county clerk under
397 Subsection (3)(b);

398 (ii) register the individual to vote in the next election in which the individual will be
399 eligible to vote, before the voter registration deadline established in Section 20A-2-102.5 for
400 that election; and

401 (iii) send a notice to the individual that:

402 (A) informs the individual that the individual's voter registration form has been
403 accepted as an application for preregistration;

404 (B) informs the individual that the individual will be registered to vote in the next
405 election in which the individual will be eligible to vote; and

406 (C) indicates in which election the individual will be registered to vote.

407 (b) An individual who the county clerk registers under Subsection (4)(a)(ii) is
408 considered to have applied for voter registration on the earlier of:

409 (i) the day of the voter registration deadline immediately preceding the election day on
410 which the individual will be at least 18 years of age; or

411 (ii) the day on which the individual turns 18 years of age.

412 (c) A county clerk shall refer a voter registration form to the county attorney for
413 investigation and possible prosecution if the clerk or the clerk's designee believes the
414 individual is attempting to preregister to vote in an election:

415 (i) that will be held on or after the day on which the individual turns 18 years of age;
416 and

417 (ii) in which the individual will not be legally entitled to vote.

418 ~~[(5) (a) The lieutenant governor or a county clerk shall classify the voter registration
419 record of an individual who preregisters to vote as a private record until the day on which the
420 individual turns 18 years of age.]~~

421 ~~[(b) On the day on which the individual described in Subsection (5)(a) turns 18 years of
422 age, the lieutenant governor or county clerk shall classify the individual's voter registration
423 record as a public record in accordance with Subsection 63G-2-301(2)(1).]~~

424 ~~[(6)]~~ (5) If an individual who is at least 18 years of age erroneously indicates on the
425 voter registration form that the individual is preregistering to vote, the county clerk shall
426 consider the form as a voter registration form and shall process the form in accordance with
427 this chapter.

428 Section 3. Section 20A-2-104 is amended to read:

429 **20A-2-104. Voter registration form -- Registered voter lists.**

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

432 -----

433 UTAH ELECTION REGISTRATION FORM

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

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

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

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

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

440 Name of Voter

441 _____

442 First Middle Last

443 Utah Driver License or Utah Identification Card Number _____

444 Date of Birth _____

445 Street Address of Principal Place of Residence

446 _____

447 City County State Zip Code

448 Telephone Number (optional) _____

449 Last four digits of Social Security Number _____

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

452 _____

453 City County State Zip Code

454 Political Party

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

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

458 I do swear (or affirm), subject to penalty of law for false statements, that the
459 information contained in this form is true, and that I am a citizen of the United States and a

460 resident of the state of Utah, residing at the above address. Unless I have indicated above that I
461 am preregistering to vote in a later election, I will be at least 18 years of age and will have
462 resided in Utah for 30 days immediately before the next election. I am not a convicted felon
463 currently incarcerated for commission of a felony.

464 Signed and sworn

465 _____

466 Voter's Signature

467 _____ (month/day/year).

468 "The portion of a voter registration form that lists a person's driver license or
469 identification card number, Social Security number, ~~H→ [H]~~ and ~~[H] ←H~~ email address ~~H→ [,~~**and**
469a **date of birth]** ~~←H~~ is a
470 private record. The ~~[portion of a voter registration form that lists a person's date of birth]~~
471 ~~remainder of a person's voter registration record~~ ~~H→ [,~~**including a person's age,** ~~←H~~ is a private
471a record,
472 the use of which is restricted to government officials, government employees, political parties,
473 or certain other persons.

474 If you are a peace officer, a current or former foreign service officer or military service
475 member, or if you believe that disclosure of any information contained in this voter registration
476 form to a person other than a government official or government employee is likely to put you
477 or a member of your household's life or safety at risk, or to put you or a member of your
478 household at risk of being stalked or harassed, you may apply to the lieutenant governor or your
479 county clerk to [have your entire voter registration record classified as private.]" prohibit a
480 person, other than the government, from accessing any part of your voter registration record.

481 CITIZENSHIP AFFIDAVIT

482 Name:

483 Name at birth, if different:

484 Place of birth:

485 Date of birth:

486 Date and place of naturalization (if applicable):

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

490 _____

491 Signature of Applicant

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

495 NOTICE: IN ORDER TO BE ALLOWED TO VOTE, YOU MUST PRESENT VALID
496 VOTER IDENTIFICATION TO THE POLL WORKER BEFORE VOTING, WHICH MUST
497 BE A VALID FORM OF PHOTO IDENTIFICATION THAT SHOWS YOUR NAME AND
498 PHOTOGRAPH; OR
499 TWO DIFFERENT FORMS OF IDENTIFICATION THAT SHOW YOUR NAME AND
500 CURRENT ADDRESS.

501 FOR OFFICIAL USE ONLY

502 Type of I.D. _____
503 Voting Precinct _____
504 Voting I.D. Number _____

505 -----
506 (2) (a) Except as provided under Subsection (2)(b), the county clerk shall retain a copy
507 of each voter registration form in a permanent countywide alphabetical file, which may be
508 electronic or some other recognized system.

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

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

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

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

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

518 ~~[(4) (a) As used in this Subsection (4), "qualified person" means:]~~

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

521 ~~[(ii) a health care provider, as defined in Section 26-33a-102, or an agent, employee, or~~

522 independent contractor of a health care provider;]

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

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

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

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

530 [~~(A) provides the date of birth of a registered voter that is obtained from the list of~~
531 registered voters only to a person who is a qualified person;]

532 [~~(B) verifies that a person, described in Subsection (4)(a)(vi)(A), to whom a date of~~
533 birth that is obtained from the list of registered voters is provided, is a qualified person;]

534 [~~(C) ensures, using industry standard security measures, that the date of birth of a~~
535 registered voter that is obtained from the list of registered voters may not be accessed by a
536 person other than a qualified person;]

537 [~~(D) verifies that each qualified person, other than a qualified person described in~~
538 Subsection (4)(a)(i) or (v), to whom the person provides the date of birth of a registered voter
539 that is obtained from the list of registered voters, will only use the date of birth to verify the
540 accuracy of personal information submitted by an individual or to confirm the identity of a
541 person in order to prevent fraud, waste, or abuse;]

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

546 [~~(F) verifies that each qualified person described in Subsection (4)(a)(v), to whom the~~
547 person provides the date of birth of a registered voter that is obtained from the list of registered
548 voters, will only use the date of birth for a political purpose.]

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

553 ~~[(i) the lieutenant governor or a county clerk verifies the identity of the person and that~~
554 ~~the person is a qualified person; and]~~

555 ~~[(ii) the qualified person signs a document that includes the following:]~~

556 ~~[(A) the name, address, and telephone number of the person requesting the list of~~
557 ~~registered voters;]~~

558 ~~[(B) an indication of the type of qualified person that the person requesting the list~~
559 ~~claims to be;]~~

560 ~~[(C) a statement regarding the purpose for which the person desires to obtain the dates~~
561 ~~of birth;]~~

562 ~~[(D) a list of the purposes for which the date of birth of a registered voter that is~~
563 ~~obtained from the list of registered voters may be used;]~~

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

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

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

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

576 ~~[(c) The lieutenant governor or a county clerk may not disclose the date of birth of a~~
577 ~~registered voter to a person that the lieutenant governor or county clerk reasonably believes:]~~

578 ~~[(i) is not a qualified person or a person described in Subsection (4)(k); or]~~

579 ~~[(ii) will provide or use the date of birth in a manner prohibited by law.]~~

580 ~~[(d) The lieutenant governor or a county clerk may not disclose the voter registration~~
581 ~~form of a person, or information included in the person's voter registration form, whose voter~~
582 ~~registration form is classified as private under Subsection (4)(f) to a person other than a~~
583 ~~government official or government employee acting in the government official's or government~~

584 ~~employee's capacity as a government official or government employee.]~~
585 ~~[(e) A person is guilty of a class A misdemeanor if the person:]~~
586 ~~[(i) obtains the date of birth of a registered voter from the list of registered voters under~~
587 ~~false pretenses; or]~~
588 ~~[(ii) uses or provides the date of birth of a registered voter that is obtained from the list~~
589 ~~of registered voters, in a manner that is not permitted by law.]~~
590 ~~[(f) The lieutenant governor or a county clerk shall classify the voter registration record~~
591 ~~of a voter as a private record if the voter submits:]~~
592 ~~[(i) a written application, created by the lieutenant governor, requesting that the voter's~~
593 ~~voter registration record be classified as private; and]~~
594 ~~[(ii) provides evidence to the lieutenant governor or a county clerk establishing that~~
595 ~~release of the information on the voter's voter registration record is likely to put the voter or a~~
596 ~~member of the voter's household's life or safety at risk, or to put the voter or a member of the~~
597 ~~voter's household at risk of being stalked or harassed.]~~
598 ~~[(g) The evidence described in Subsection (4)(f) may include:]~~
599 ~~[(i) a protective order;]~~
600 ~~[(ii) a police report; or]~~
601 ~~[(iii) other evidence designated by rule, made in accordance with Title 63G, Chapter 3,~~
602 ~~Utah Administrative Rulemaking Act, by the director of elections within the Office of the~~
603 ~~Lieutenant Governor.]~~
604 ~~[(h) In addition to any criminal penalty that may be imposed under this section, the~~
605 ~~lieutenant governor may impose a civil fine against a person who obtains the date of birth of a~~
606 ~~registered voter from the list of registered voters under false pretenses, or provides or uses a~~
607 ~~date of birth of a registered voter that is obtained from the list of registered voters in a manner~~
608 ~~that is not permitted by law, in an amount equal to the greater of:]~~
609 ~~[(i) the product of 30 and the square root of the total number of dates of birth obtained,~~
610 ~~provided, or used unlawfully, rounded to the nearest whole dollar; or]~~
611 ~~[(ii) \$200.]~~
612 ~~[(i) A qualified person may not obtain, provide, or use the date of birth of a registered~~
613 ~~voter, if the date of birth is obtained from the list of registered voters or from a voter~~
614 ~~registration record, unless the person:]~~

615 ~~[(i) is a government official or government employee who obtains, provides, or uses~~
616 ~~the date of birth in the government official's or government employee's capacity as a~~
617 ~~government official or government employee;]~~

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

621 ~~[(iii) is a qualified person described in Subsection (4)(a)(v) and obtains, provides, or~~
622 ~~uses the date of birth for a political purpose; or]~~

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

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

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

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

635 ~~[(k) The lieutenant governor or a county clerk may provide a date of birth to a member~~
636 ~~of the media, in relation to an individual designated by the member of the media, in order for~~
637 ~~the member of the media to verify the identity of the individual.]~~

638 ~~[(5)] (4) When a political [parties] party that is not listed on the voter registration form~~
639 ~~[qualify as registered political parties] qualifies as a registered political party under Title 20A,~~
640 ~~Chapter 8, Political Party Formation and Procedures, the lieutenant governor shall inform the~~
641 ~~county clerks [about] of the name of the new political party and direct the county clerks to~~
642 ~~ensure that the voter registration form is modified to include the name of that political party.~~

643 ~~[(6)] (5) Upon receipt of a voter registration form from an [applicant] individual, the~~
644 ~~county clerk or the clerk's designee shall:~~

645 (a) review [each] the voter registration form for completeness and accuracy; and

646 (b) if the county clerk believes, based upon a review of the form, that ~~an~~ the
 647 individual may be seeking to register or preregister to vote ~~who~~ and is not legally entitled to
 648 register or preregister to vote, refer the form to the county attorney for investigation and
 649 possible prosecution. Section 4. Section **20A-2-104.5** is enacted to read:

650 **20A-2-104.5. Access to voter registration records - Penalties.**

651 (1) As used in this section, "qualified person" means:

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

654 (b) (i) a political party, or an agent, employee, or independent contractor of the political
 655 party; ~~H→ [or] ←H~~

656 (ii) a candidate, or an agent of a candidate, who has filed a declaration of candidacy or
 657 a certificate of nomination for elective office;

657a ~~H→~~ **(iii) a political action committee that has filed a statement of organization with the**
 657b **lieutenant governor under Section 20A-11-601;**

657c **(iv) a political issues committee that has filed a statement of organization with the**
 657d **lieutenant governor under Section 20A-11-801; or**

657e **(v) other group described in Subsection 20A-11-101(37)(b)(vi) that is allowed to engage**
 657f **in political activity; ←H**

658 (c) an organization that, under Section 501(c)(3) or 501(c)(4), Internal Revenue Code:

659 (i) is currently exempt from federal income tax;

660 (ii) has been exempt from federal income tax for at least one year immediately
 661 preceding the day on which the organization signs the document described in Subsection
 662 (3)(b); and

663 (iii) has clearly stated that a major purpose of the organization is to prevent voter fraud,
 664 protect the integrity of elections, or perform a similar function related to the administration of
 665 an election, in each of the organization's applications for exemption from federal income tax
 666 that was current at any time in the year immediately preceding the day on which the
 667 organization signs the document described in Subsection (3)(b); or

668 (d) a person, or an agent, employee, or independent contractor of the person, who:

669 (i) provides a secure voter registration record only to a person who is a qualified
 670 person;

671 (ii) verifies that a person, described in Subsection (1)(d)(i), to whom a secure voter
 672 registration record is provided, is a qualified person;

673 (iii) ensures, using industry standard security measures, that the secure voter
 674 registration record may not be accessed by a person other than a qualified person;

675 (iv) verifies that each qualified person described in Subsection (1)(a), to whom the
 676 person provides a secure voter registration record, will only use the secure voter registration

677 record in the qualified person's capacity as a government official or government employee;

678 (v) verifies that each qualified person described in Subsection (1)(b), to whom the
679 person provides a secure voter registration record, will only use the secure voter registration
680 record for a political purpose; and

681 (vi) verifies that each qualified person described in Subsection (1)(c), to whom the
682 person provides a secure voter registration record, will only use the secure voter registration
683 record to prevent voter fraud, protect the integrity of elections, or for a similar purpose related
684 to the administration of an election.

685 (2) The lieutenant governor or a county clerk may only provide a secure voter
686 registration record to another person as provided in this section or in Title 63G, Chapter 2,
687 Government Records Access and Management Act.

688 (3) Notwithstanding Subsections 63G-2-302(1)(j)(i) and 63G-2-302(1)(j)(ii)(D), and
689 except as provided in Subsections (4) and (5), the lieutenant governor or a county clerk may
690 provide a secure voter registration record to a qualified person under this section if:

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

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

694 (i) the name, address, and telephone number of the person requesting the secure voter
695 registration record;

696 (ii) an indication of the type of qualified person that the person requesting the secure
697 voter registration record claims to be;

698 (iii) a statement regarding the purpose for which the person desires to obtain a secure
699 voter registration record;

700 (iv) a list of the purposes for which a secure voter registration record may be used;

701 (v) a statement that a secure voter registration record may not be provided or used for a
702 purpose other than a purpose described under Subsection (3)(b)(iv);

703 (vi) a statement that if the person obtains a secure voter registration record from the list
704 of registered voters under false pretenses, or provides or uses a secure voter registration record
705 in a manner that is prohibited by law, the person is guilty of a class A misdemeanor and is
706 subject to a civil fine;

707 (vii) an assertion from the person that the person will not provide or use a secure voter

708 registration record in a manner that is prohibited by law; and

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

711 (4) The lieutenant governor or a county clerk may not disclose a secure voter
712 registration record to a person that the lieutenant governor or county clerk reasonably believes:

713 (a) is not a qualified person or a person described in Subsection (6)(c); or

714 (b) will provide or use the secure voter registration record in a manner prohibited by
715 law.

716 (5) The lieutenant governor or a county clerk may not disclose any part of an
717 individual's secure voter registration record, except to a government official or government
718 employee acting in the government official's or government employee's capacity as a
719 government official or government employee, if the individual:

720 (a) (i) is a peace officer certified in accordance with Title 53, Chapter 13, Peace Officer
721 Classifications;

722 (ii) is a current or former foreign service officer;

723 (iii) is on active duty as a member of the armed forces;

724 (iv) is separated or retired from the armed forces;

725 (v) is a member or former member of the Utah National Guard;

726 (vi) is a member or former member of a reserve component; or

727 (vii) believes that release of the information on the individual's voter registration

728 record is likely to put the individual or a member of the individual's household's life or safety at
729 risk, or to put the individual or a member of the individual's household at risk of being stalked
730 or harassed;

731 (b) submits a written application, on a form created by the lieutenant governor,
732 requesting that the individual's voter registration record not be disclosed; and

733 (c) for an individual described in Subsection (5)(a)(vii), provides evidence to the
734 lieutenant governor or county clerk establishing the risk described in Subsection (5)(a)(vii),
735 which evidence may include:

736 (i) a protective order;

737 (ii) a police report; or

738 (iii) other evidence designated by rule, made in accordance with Title 63G, Chapter 3,

739 Utah Administrative Rulemaking Act, by the director of elections within the Office of the
740 Lieutenant Governor.

741 (6) (a) A qualified person may not obtain, provide, or use a secure voter registration
742 record unless the person:

743 (i) is a government official or government employee who obtains, provides, or uses the
744 secure voter registration record in the government official's or government employee's capacity
745 as a government official or government employee;

746 (ii) is a qualified person described in Subsection (1)(b) and obtains, provides, or uses
747 the secure voter registration record for a political purpose;

748 (iii) is a qualified person described in Subsection (1)(c), and obtains or uses the secure
749 voter registration record only to prevent voter fraud, protect the integrity of elections, or for a
750 similar purpose related to the administration of an election; or

751 (iv) is a qualified person described in Subsection (1)(d) and obtains, provides, or uses
752 the secure voter registration record to provide the secure voter registration record to another
753 person described in Subsection (6)(a)(i), (ii), or (iii).

754 (b) Except as provided in Subsection (6)(c), a person who is not a qualified person may
755 not obtain, provide, or use the secure voter registration record of a registered voter.

756 (c) The lieutenant governor or a county clerk may provide a secure voter registration
757 record to a member of the media, in relation to an individual designated by the member of the
758 media, in order for the member of the media to verify the identity of the individual.

759 (7) (a) A person is guilty of a class A misdemeanor if the person:

760 (i) obtains a secure voter registration record under false pretenses; or

761 (ii) uses or provides a secure voter registration record in a manner that is not permitted
762 by law.

763 (b) In addition to any criminal penalty that may be imposed under this section, the
764 lieutenant governor may impose a civil fine against a person who obtains a secure voter
765 registration record under false pretenses, or provides or uses a secure voter registration record
766 in a manner that is not permitted by law, in an amount equal to the greater of:

767 (i) the product of 30 and the square root of the total number of secure voter registration
768 records obtained, provided, or used unlawfully, rounded to the nearest whole dollar; or

769 (ii) \$200.

770 Section 5. Section 20A-2-108 is amended to read:

771 **20A-2-108. Driver license registration form -- Transmittal of information.**

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

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

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

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

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

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

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

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

789 Signed and sworn

790 _____

791 Voter's Signature

792 _____(month\day\year)";

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

794 "CITIZENSHIP AFFIDAVIT

795 Name:

796 Name at birth, if different:

797 Place of birth:

798 Date of birth:

799 Date and place of naturalization (if applicable):

800 I hereby swear and affirm, under penalties for voting fraud set forth below, that I am a

801 citizen and that to the best of my knowledge and belief the information above is true and
802 correct.

803 _____
804 Signature of Applicant

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

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

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

814 (vi) the following statement:

815 "The portion of a voter registration form that lists a person's driver license or
816 identification card number, Social Security number, ~~H~~→ [H] and [H] ←~~H~~ email address ~~H~~→ [~~and~~
816a ~~date of birth~~] ←~~H~~ is a
817 private record. The [~~portion of a voter registration form that lists a person's date of birth~~]
818 ~~remainder of a person's voter registration record~~ ~~H~~→ [~~including a person's age,~~] ←~~H~~ is a
818a private record,
819 the use of which is restricted to government officials, government employees, political parties,
820 or certain other persons.

821 If you are a peace officer, a current or former foreign service officer or military service
822 member, or if you believe that disclosure of any information contained in this voter registration
823 form to a person other than a government official or government employee is likely to put you
824 or a member of your household's life or safety at risk, or to put you or a member of your
825 household at risk of being stalked or harassed, you may apply to the lieutenant governor or your
826 county clerk to [have your entire voter registration record classified as private] prohibit a
827 person, other than the government, from accessing any part of your voter registration record."

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

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

831 (b) if the county clerk believes, based upon a review of the form, that [a person] the

832 individual may be seeking to register or preregister to vote [~~who~~] and is not legally entitled to
833 register or preregister to vote, refer the form to the county attorney for investigation and
834 possible prosecution.

835 Section 6. Section **20A-2-306** is amended to read:

836 **20A-2-306. Removing names from the official register -- Determining and**
837 **confirming change of residence.**

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

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

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

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

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

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

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

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

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

857 "VOTER REGISTRATION NOTICE

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

861 _____
862 Street City County State Zip

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

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

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

873

874 _____
 Signature of Voter"

875 "The portion of a voter registration form that lists a person's driver license or
 876 identification card number, social security number, ~~H~~→ [H] and [H] ←~~H~~ email address ~~H~~→ [~~;~~and

876a ~~date of birth~~] ←~~H~~ is a

877 private record. The [~~portion of a voter registration form that lists a person's date of birth~~]

878 ~~remainder of a person's voter registration record~~ ~~H~~→ [~~;~~including a person's age,] ←~~H~~ is a

878a private record,

879 the use of which is restricted to government officials, government employees, political parties,
 880 or certain other persons.

881 If you are a peace officer, a current or former foreign service officer or military service
 882 member, or if you believe that disclosure of any information contained in this voter registration
 883 form to a person other than a government official or government employee is likely to put you
 884 or a member of your household's life or safety at risk, or to put you or a member of your
 885 household at risk of being stalked or harassed, you may apply to the lieutenant governor or your
 886 county clerk to [have your entire voter registration record classified as private] prohibit a
 887 person, other than the government, from accessing any part of your voter registration record."

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

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

- 894 (i) the voter requests, in writing, that the voter's name be removed; or
- 895 (ii) the voter has died.
- 896 (c) (i) After a county clerk mails a notice as required in this section, the clerk may list
- 897 that voter as inactive.
- 898 (ii) An inactive voter shall be allowed to vote, sign petitions, and have all other
- 899 privileges of a registered voter.
- 900 (iii) A county is not required to send routine mailings to inactive voters and is not
- 901 required to count inactive voters when dividing precincts and preparing supplies.

902 Section 7. Section **20A-2-308** is amended to read:

903 **20A-2-308. Lieutenant governor and county clerks to preserve records.**

904 (1) As used in this section:

905 (a) "Voter registration record" means a record concerning the implementation of

906 programs and activities conducted for the purpose of ensuring that the official register is

907 accurate and current.

908 (b) "Voter registration record" does not include a record that:

- 909 (i) relates to a person's decision to decline to register to vote; or
- 910 (ii) identifies the particular public assistance agency, discretionary voter registration
- 911 agency, or Driver License Division through which a particular voter registered to vote.

912 (2) The lieutenant governor and each county clerk shall~~[(a)]~~ preserve for at least two

913 years all records relating to voter registration, including:

914 ~~[(i)]~~ (a) the official register; and

915 ~~[(ii)]~~ (b) the names and addresses of all persons to whom the notice required by Section

916 **20A-2-306** was sent and a notation as to whether ~~[or not]~~ the person responded to the notice~~;~~].

917 ~~[(b) make a voter registration record available for public inspection, except for a voter~~

918 ~~registration record, or part of a voter registration record that is classified as private under~~

919 ~~Section **63G-2-302**; and]~~

920 ~~[(c) allow a record or part of a record described in Subsection (2)(b) that is not~~

921 ~~classified as a private record to be photocopied for a reasonable cost.]~~

922 Section 8. Section **20A-6-105** is amended to read:

923 **20A-6-105. Provisional ballot envelopes.**

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

925 substantially the following form:

926 "AFFIRMATION

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

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

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

931 Name of Voter _____

932 First Middle Last

933 Driver License or Identification Card Number _____

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

935 Date of Birth _____

936 Street Address of Principal Place of Residence

937 _____

938 City County State Zip Code

939 Telephone Number (optional) _____

940 Last four digits of Social Security Number _____

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

942 _____

943 City County State Zip Code

944 Voting Precinct (if known)

945 _____

946 I, (please print your full name) _____ do solemnly swear or
947 affirm:

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

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

955 Signed _____

956 Dated _____

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

959 "The portion of a voter registration form that lists a person's driver license or
 960 identification card number, social security number, ~~H~~→ [H] and [H] ←~~H~~ email address ~~H~~→ [~~and~~
 960a ~~date of birth~~] ←~~H~~ is a

961 private record. The [~~portion of a voter registration form that lists a person's date of birth~~]

962 ~~remainder of a person's voter registration record~~ ~~H~~→ [~~including a person's age,~~] ←~~H~~ is a

962a private record,

963 the use of which is restricted to government officials, government employees, political parties,
 964 or certain other persons.

965 If you are a peace officer, a current or former foreign service officer or military service
 966 member, or if you believe that disclosure of any information contained in this voter registration
 967 form to a person other than a government official or government employee is likely to put you
 968 or a member of your household's life or safety at risk, or to put you or a member of your
 969 household at risk of being stalked or harassed, you may apply to the lieutenant governor or your
 970 county clerk to [have your entire voter registration record classified as private] prohibit a
 971 person, other than the government, from accessing any part of your voter registration record."

972 "CITIZENSHIP AFFIDAVIT

973 Name:

974 Name at birth, if different:

975 Place of birth:

976 Date of birth:

977 Date and place of naturalization (if applicable):

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

981 _____

982 Signature of Applicant

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

986 (2) The provisional ballot envelope shall include:

- 987 (a) a unique number;
- 988 (b) a detachable part that includes the unique number; and
- 989 (c) a telephone number, internet address, or other indicator of a means, in accordance
- 990 with Section [20A-6-105.5](#), where the voter can find out if the provisional ballot was counted.

991 Section 9. Section **63G-2-202** is amended to read:

992 **63G-2-202. Access to private, controlled, and protected documents.**

993 (1) Upon request, and except as provided in Subsection (11)(a), a governmental entity

994 shall disclose a private record to:

- 995 (a) the subject of the record;
- 996 (b) the parent or legal guardian of an unemancipated minor who is the subject of the
- 997 record;
- 998 (c) the legal guardian of a legally incapacitated individual who is the subject of the
- 999 record;

1000 (d) any other ~~[individual]~~ person who:

- 1001 (i) has a power of attorney from the subject of the record;
- 1002 (ii) submits a notarized release from the subject of the record or the individual's legal
- 1003 representative dated no more than 90 days before the date the request is made; ~~[or]~~
- 1004 (iii) if the record is a medical record described in Subsection [63G-2-302\(1\)\(b\)](#), is a
- 1005 health care provider, as defined in Section [26-33a-102](#), if releasing the record or information in
- 1006 the record is consistent with normal professional practice and medical ethics; or

1007 (iv) if the record is a secure voter registration record as defined in Section [20A-1-102](#),

1008 is authorized to receive the secure voter registration record under Section [20A-2-104.5](#); or

1009 (e) any person to whom the record must be provided pursuant to:

- 1010 (i) court order as provided in Subsection (7); or
- 1011 (ii) a legislative subpoena as provided in Title 36, Chapter 14, Legislative Subpoena
- 1012 Powers.

1013 (2) (a) Upon request, a governmental entity shall disclose a controlled record to:

1014 (i) a physician, psychologist, certified social worker, insurance provider or producer, or

1015 a government public health agency upon submission of:

1016 (A) a release from the subject of the record that is dated no more than 90 days prior to

1017 the date the request is made; and

1018 (B) a signed acknowledgment of the terms of disclosure of controlled information as
1019 provided by Subsection (2)(b); and

1020 (ii) any person to whom the record must be disclosed pursuant to:

1021 (A) a court order as provided in Subsection (7); or

1022 (B) a legislative subpoena as provided in Title 36, Chapter 14, Legislative Subpoena
1023 Powers.

1024 (b) A person who receives a record from a governmental entity in accordance with
1025 Subsection (2)(a)(i) may not disclose controlled information from that record to any person,
1026 including the subject of the record.

1027 (3) If there is more than one subject of a private or controlled record, the portion of the
1028 record that pertains to another subject shall be segregated from the portion that the requester is
1029 entitled to inspect.

1030 (4) Upon request, and except as provided in Subsection (10) or (11)(b), a governmental
1031 entity shall disclose a protected record to:

1032 (a) the person that submitted the record;

1033 (b) any other individual who:

1034 (i) has a power of attorney from all persons, governmental entities, or political
1035 subdivisions whose interests were sought to be protected by the protected classification; or

1036 (ii) submits a notarized release from all persons, governmental entities, or political
1037 subdivisions whose interests were sought to be protected by the protected classification or from
1038 their legal representatives dated no more than 90 days prior to the date the request is made;

1039 (c) any person to whom the record must be provided pursuant to:

1040 (i) a court order as provided in Subsection (7); or

1041 (ii) a legislative subpoena as provided in Title 36, Chapter 14, Legislative Subpoena
1042 Powers; or

1043 (d) the owner of a mobile home park, subject to the conditions of Subsection
1044 [41-1a-116\(5\)](#).

1045 (5) A governmental entity may disclose a private, controlled, or protected record to
1046 another governmental entity, political subdivision, state, the United States, or a foreign
1047 government only as provided by Section [63G-2-206](#).

1048 (6) Before releasing a private, controlled, or protected record, the governmental entity

1049 shall obtain evidence of the requester's identity.

1050 (7) A governmental entity shall disclose a record pursuant to the terms of a court order
1051 signed by a judge from a court of competent jurisdiction, provided that:

1052 (a) the record deals with a matter in controversy over which the court has jurisdiction;

1053 (b) the court has considered the merits of the request for access to the record;

1054 (c) the court has considered and, where appropriate, limited the requester's use and
1055 further disclosure of the record in order to protect:

1056 (i) privacy interests in the case of private or controlled records;

1057 (ii) business confidentiality interests in the case of records protected under Subsection
1058 63G-2-305(1), (2), (40)(a)(ii), or (40)(a)(vi); and

1059 (iii) privacy interests or the public interest in the case of other protected records;

1060 (d) to the extent the record is properly classified private, controlled, or protected, the
1061 interests favoring access, considering limitations thereon, are greater than or equal to the
1062 interests favoring restriction of access; and

1063 (e) where access is restricted by a rule, statute, or regulation referred to in Subsection
1064 63G-2-201(3)(b), the court has authority independent of this chapter to order disclosure.

1065 (8) (a) Except as provided in Subsection (8)(d), a governmental entity may disclose or
1066 authorize disclosure of private or controlled records for research purposes if the governmental
1067 entity:

1068 (i) determines that the research purpose cannot reasonably be accomplished without
1069 use or disclosure of the information to the researcher in individually identifiable form;

1070 (ii) determines that:

1071 (A) the proposed research is bona fide; and

1072 (B) the value of the research is greater than or equal to the infringement upon personal
1073 privacy;

1074 (iii) (A) requires the researcher to assure the integrity, confidentiality, and security of
1075 the records; and

1076 (B) requires the removal or destruction of the individual identifiers associated with the
1077 records as soon as the purpose of the research project has been accomplished;

1078 (iv) prohibits the researcher from:

1079 (A) disclosing the record in individually identifiable form, except as provided in

1080 Subsection (8)(b); or

1081 (B) using the record for purposes other than the research approved by the governmental
1082 entity; and

1083 (v) secures from the researcher a written statement of the researcher's understanding of
1084 and agreement to the conditions of this Subsection (8) and the researcher's understanding that
1085 violation of the terms of this Subsection (8) may subject the researcher to criminal prosecution
1086 under Section 63G-2-801.

1087 (b) A researcher may disclose a record in individually identifiable form if the record is
1088 disclosed for the purpose of auditing or evaluating the research program and no subsequent use
1089 or disclosure of the record in individually identifiable form will be made by the auditor or
1090 evaluator except as provided by this section.

1091 (c) A governmental entity may require indemnification as a condition of permitting
1092 research under this Subsection (8).

1093 (d) A governmental entity may not disclose or authorize disclosure of a private record
1094 for research purposes as described in this Subsection (8) if the private record is a record
1095 described in Subsection 63G-2-302(1)~~(t)~~(t).

1096 (9) (a) Under Subsections 63G-2-201(5)(b) and 63G-2-401(6), a governmental entity
1097 may disclose to persons other than those specified in this section records that are:

1098 (i) private under Section 63G-2-302; or

1099 (ii) protected under Section 63G-2-305, subject to Section 63G-2-309 if a claim for
1100 business confidentiality has been made under Section 63G-2-309.

1101 (b) Under Subsection 63G-2-403(11)(b), the records committee may require the
1102 disclosure to persons other than those specified in this section of records that are:

1103 (i) private under Section 63G-2-302;

1104 (ii) controlled under Section 63G-2-304; or

1105 (iii) protected under Section 63G-2-305, subject to Section 63G-2-309 if a claim for
1106 business confidentiality has been made under Section 63G-2-309.

1107 (c) Under Subsection 63G-2-404(7), the court may require the disclosure of records
1108 that are private under Section 63G-2-302, controlled under Section 63G-2-304, or protected
1109 under Section 63G-2-305 to persons other than those specified in this section.

1110 (10) A record contained in the Management Information System, created in Section

1111 62A-4a-1003, that is found to be unsubstantiated, unsupported, or without merit may not be
1112 disclosed to any person except the person who is alleged in the report to be a perpetrator of
1113 abuse, neglect, or dependency.

1114 (11) (a) A private record described in Subsection 63G-2-302(2)(f) may only be
1115 disclosed as provided in Subsection (1)(e).

1116 (b) A protected record described in Subsection 63G-2-305(43) may only be disclosed
1117 as provided in Subsection (4)(c) or Section 62A-3-312.

1118 (12) (a) A private, protected, or controlled record described in Section 62A-16-301
1119 shall be disclosed as required under:

1120 (i) Subsections 62A-16-301(1)(b), (2), and (4)(c); and

1121 (ii) Subsections 62A-16-302(1) and (6).

1122 (b) A record disclosed under Subsection (12)(a) shall retain its character as private,
1123 protected, or controlled.

1124 Section 10. Section 63G-2-203 is amended to read:

1125 **63G-2-203. Fees.**

1126 (1) A governmental entity may charge a reasonable fee to cover the governmental
1127 entity's actual cost of providing a record. This fee shall be approved by the governmental
1128 entity's executive officer.

1129 (2) (a) When a governmental entity compiles a record in a form other than that
1130 normally maintained by the governmental entity, the actual costs under this section may include
1131 the following:

1132 (i) the cost of staff time for compiling, formatting, manipulating, packaging,
1133 summarizing, or tailoring the record either into an organization or media to meet the person's
1134 request;

1135 (ii) the cost of staff time for search, retrieval, and other direct administrative costs for
1136 complying with a request; and

1137 (iii) in the case of fees for a record that is the result of computer output other than word
1138 processing, the actual incremental cost of providing the electronic services and products
1139 together with a reasonable portion of the costs associated with formatting or interfacing the
1140 information for particular users, and the administrative costs as set forth in Subsections
1141 (2)(a)(i) and (ii).

1142 (b) An hourly charge under Subsection (2)(a) may not exceed the salary of the lowest
1143 paid employee who, in the discretion of the custodian of records, has the necessary skill and
1144 training to perform the request.

1145 (c) Notwithstanding Subsections (2)(a) and (b), no charge may be made for the first
1146 quarter hour of staff time.

1147 (3) (a) Fees shall be established as provided in this Subsection (3).

1148 (b) A governmental entity with fees established by the Legislature:

1149 (i) shall establish the fees defined in Subsection (2), or other actual costs associated
1150 with this section through the budget process; and

1151 (ii) may use the procedures of Section 63J-1-504 to set fees until the Legislature
1152 establishes fees through the budget process.

1153 (c) Political subdivisions shall establish fees by ordinance or written formal policy
1154 adopted by the governing body.

1155 (d) The judiciary shall establish fees by rules of the judicial council.

1156 (4) A governmental entity may fulfill a record request without charge and is
1157 encouraged to do so if it determines that:

1158 (a) releasing the record primarily benefits the public rather than a person;

1159 (b) the individual requesting the record is the subject of the record, or an individual
1160 specified in Subsection 63G-2-202(1) or (2); or

1161 (c) the requester's legal rights are directly implicated by the information in the record,
1162 and the requester is impecunious.

1163 (5) A governmental entity may not charge a fee for:

1164 (a) reviewing a record to determine whether it is subject to disclosure, except as
1165 permitted by Subsection (2)(a)(ii); or

1166 (b) inspecting a record.

1167 (6) (a) A person who believes that there has been an unreasonable denial of a fee
1168 waiver under Subsection (4) may appeal the denial in the same manner as a person appeals
1169 when inspection of a public record is denied under Section 63G-2-205.

1170 (b) The adjudicative body hearing the appeal:

1171 (i) shall review the fee waiver de novo, but shall review and consider the governmental
1172 entity's denial of the fee waiver and any determination under Subsection (4); and

1173 (ii) has the same authority when a fee waiver or reduction is denied as it has when the
1174 inspection of a public record is denied.

1175 (7) (a) All fees received under this section by a governmental entity subject to
1176 Subsection (3)(b) shall be retained by the governmental entity as a dedicated credit.

1177 (b) Those funds shall be used to recover the actual cost and expenses incurred by the
1178 governmental entity in providing the requested record or record series.

1179 (8) (a) A governmental entity may require payment of past fees and future estimated
1180 fees before beginning to process a request if:

1181 (i) fees are expected to exceed \$50; or

1182 (ii) the requester has not paid fees from previous requests.

1183 (b) Any prepaid amount in excess of fees due shall be returned to the requester.

1184 (9) This section does not alter, repeal, or reduce fees established by other statutes or
1185 legislative acts.

1186 (10) ~~[(a)]~~ Notwithstanding Subsection (3)(c), ~~[fees for]~~ the lieutenant governor shall:

1187 (a) after consulting with the county clerks, establish uniform fees for providing a
1188 person, under Section 20A-2-104.5, a secure voter registration [records shall be set as provided
1189 in this Subsection (10):] record, as defined in Section 20A-1-102; and

1190 ~~[(b) The lieutenant governor shall:]~~

1191 ~~[(i) after consultation with county clerks, establish uniform fees for voter registration~~
1192 ~~and voter history records that meet the requirements of this section; and]~~

1193 ~~[(ii) (b) obtain legislative approval [of those fees by following the procedures and~~
1194 ~~requirements of Section 63J-1-504], under Section 63J-1-504, of the fees.~~

1195 Section 11. Section 63G-2-301 is amended to read:

1196 **63G-2-301. Public records.**

1197 (1) As used in this section:

1198 (a) "Business address" means a single address of a governmental agency designated for
1199 the public to contact an employee or officer of the governmental agency.

1200 (b) "Business email address" means a single email address of a governmental agency
1201 designated for the public to contact an employee or officer of the governmental agency.

1202 (c) "Business telephone number" means a single telephone number of a governmental
1203 agency designated for the public to contact an employee or officer of the governmental agency.

1204 (2) The following records are public except to the extent they contain information
1205 expressly permitted to be treated confidentially under the provisions of Subsections
1206 63G-2-201(3)(b) and (6)(a):

1207 (a) laws;

1208 (b) the name, gender, gross compensation, job title, job description, business address,
1209 business email address, business telephone number, number of hours worked per pay period,
1210 dates of employment, and relevant education, previous employment, and similar job
1211 qualifications of a current or former employee or officer of the governmental entity, excluding:

1212 (i) undercover law enforcement personnel; and

1213 (ii) investigative personnel if disclosure could reasonably be expected to impair the
1214 effectiveness of investigations or endanger any individual's safety;

1215 (c) final opinions, including concurring and dissenting opinions, and orders that are
1216 made by a governmental entity in an administrative, adjudicative, or judicial proceeding except
1217 that if the proceedings were properly closed to the public, the opinion and order may be
1218 withheld to the extent that they contain information that is private, controlled, or protected;

1219 (d) final interpretations of statutes or rules by a governmental entity unless classified as
1220 protected as provided in Subsection 63G-2-305(17) or (18);

1221 (e) information contained in or compiled from a transcript, minutes, or report of the
1222 open portions of a meeting of a governmental entity as provided by Title 52, Chapter 4, Open
1223 and Public Meetings Act, including the records of all votes of each member of the
1224 governmental entity;

1225 (f) judicial records unless a court orders the records to be restricted under the rules of
1226 civil or criminal procedure or unless the records are private under this chapter;

1227 (g) unless otherwise classified as private under Section 63G-2-303, records or parts of
1228 records filed with or maintained by county recorders, clerks, treasurers, surveyors, zoning
1229 commissions, the Division of Forestry, Fire, and State Lands, the School and Institutional Trust
1230 Lands Administration, the Division of Oil, Gas, and Mining, the Division of Water Rights, or
1231 other governmental entities that give public notice of:

1232 (i) titles or encumbrances to real property;

1233 (ii) restrictions on the use of real property;

1234 (iii) the capacity of persons to take or convey title to real property; or

- 1235 (iv) tax status for real and personal property;
- 1236 (h) records of the Department of Commerce that evidence incorporations, mergers,
1237 name changes, and uniform commercial code filings;
- 1238 (i) data on individuals that would otherwise be private under this chapter if the
1239 individual who is the subject of the record has given the governmental entity written
1240 permission to make the records available to the public;
- 1241 (j) documentation of the compensation that a governmental entity pays to a contractor
1242 or private provider;
- 1243 (k) summary data;
- 1244 ~~[(l) voter registration records, including an individual's voting history, except for a
1245 voter registration record or those parts of a voter registration record that are classified as
1246 private under Subsection 63G-2-302(1)(j) or (k);]~~
- 1247 ~~[(m)]~~ (l) for an elected official, as defined in Section 11-47-102, a telephone number, if
1248 available, and email address, if available, where that elected official may be reached as required
1249 in Title 11, Chapter 47, Access to Elected Officials;
- 1250 ~~[(n)]~~ (m) for a school community council member, a telephone number, if available,
1251 and email address, if available, where that elected official may be reached directly as required
1252 in Section 53A-1a-108.1;
- 1253 ~~[(o)]~~ (n) annual audited financial statements of the Utah Educational Savings Plan
1254 described in Section 53B-8a-111; and
- 1255 ~~[(p)]~~ (o) an initiative packet, as defined in Section 20A-7-101, and a referendum
1256 packet, as defined in Section 20A-7-101, after the packet is submitted to a county clerk.
- 1257 (3) The following records are normally public, but to the extent that a record is
1258 expressly exempt from disclosure, access may be restricted under Subsection 63G-2-201(3)(b),
1259 Section 63G-2-302, 63G-2-304, or 63G-2-305:
- 1260 (a) administrative staff manuals, instructions to staff, and statements of policy;
- 1261 (b) records documenting a contractor's or private provider's compliance with the terms
1262 of a contract with a governmental entity;
- 1263 (c) records documenting the services provided by a contractor or a private provider to
1264 the extent the records would be public if prepared by the governmental entity;
- 1265 (d) contracts entered into by a governmental entity;

- 1266 (e) any account, voucher, or contract that deals with the receipt or expenditure of funds
1267 by a governmental entity;
- 1268 (f) records relating to government assistance or incentives publicly disclosed,
1269 contracted for, or given by a governmental entity, encouraging a person to expand or relocate a
1270 business in Utah, except as provided in Subsection [63G-2-305\(35\)](#);
- 1271 (g) chronological logs and initial contact reports;
- 1272 (h) correspondence by and with a governmental entity in which the governmental entity
1273 determines or states an opinion upon the rights of the state, a political subdivision, the public,
1274 or any person;
- 1275 (i) empirical data contained in drafts if:
- 1276 (i) the empirical data is not reasonably available to the requester elsewhere in similar
1277 form; and
- 1278 (ii) the governmental entity is given a reasonable opportunity to correct any errors or
1279 make nonsubstantive changes before release;
- 1280 (j) drafts that are circulated to anyone other than:
- 1281 (i) a governmental entity;
- 1282 (ii) a political subdivision;
- 1283 (iii) a federal agency if the governmental entity and the federal agency are jointly
1284 responsible for implementation of a program or project that has been legislatively approved;
- 1285 (iv) a government-managed corporation; or
- 1286 (v) a contractor or private provider;
- 1287 (k) drafts that have never been finalized but were relied upon by the governmental
1288 entity in carrying out action or policy;
- 1289 (l) original data in a computer program if the governmental entity chooses not to
1290 disclose the program;
- 1291 (m) arrest warrants after issuance, except that, for good cause, a court may order
1292 restricted access to arrest warrants prior to service;
- 1293 (n) search warrants after execution and filing of the return, except that a court, for good
1294 cause, may order restricted access to search warrants prior to trial;
- 1295 (o) records that would disclose information relating to formal charges or disciplinary
1296 actions against a past or present governmental entity employee if:

1297 (i) the disciplinary action has been completed and all time periods for administrative
1298 appeal have expired; and

1299 (ii) the charges on which the disciplinary action was based were sustained;

1300 (p) records maintained by the Division of Forestry, Fire, and State Lands, the School
1301 and Institutional Trust Lands Administration, or the Division of Oil, Gas, and Mining that
1302 evidence mineral production on government lands;

1303 (q) final audit reports;

1304 (r) occupational and professional licenses;

1305 (s) business licenses; and

1306 (t) a notice of violation, a notice of agency action under Section 63G-4-201, or similar
1307 records used to initiate proceedings for discipline or sanctions against persons regulated by a
1308 governmental entity, but not including records that initiate employee discipline.

1309 (4) The list of public records in this section is not exhaustive and should not be used to
1310 limit access to records.

1311 Section 12. Section 63G-2-302 is amended to read:

1312 **63G-2-302. Private records.**

1313 (1) The following records are private:

1314 (a) records concerning an individual's eligibility for unemployment insurance benefits,
1315 social services, welfare benefits, or the determination of benefit levels;

1316 (b) records containing data on individuals describing medical history, diagnosis,
1317 condition, treatment, evaluation, or similar medical data;

1318 (c) records of publicly funded libraries that when examined alone or with other records
1319 identify a patron;

1320 (d) records received by or generated by or for:

1321 (i) the Independent Legislative Ethics Commission, except for:

1322 (A) the commission's summary data report that is required under legislative rule; and

1323 (B) any other document that is classified as public under legislative rule; or

1324 (ii) a Senate or House Ethics Committee in relation to the review of ethics complaints,
1325 unless the record is classified as public under legislative rule;

1326 (e) records received by, or generated by or for, the Independent Executive Branch

1327 Ethics Commission, except as otherwise expressly provided in Title 63A, Chapter 14, Review

1328 of Executive Branch Ethics Complaints;

1329 (f) records received or generated for a Senate confirmation committee concerning
 1330 character, professional competence, or physical or mental health of an individual:

1331 (i) if, prior to the meeting, the chair of the committee determines release of the records:

1332 (A) reasonably could be expected to interfere with the investigation undertaken by the
 1333 committee; or

1334 (B) would create a danger of depriving a person of a right to a fair proceeding or
 1335 impartial hearing; and

1336 (ii) after the meeting, if the meeting was closed to the public;

1337 (g) employment records concerning a current or former employee of, or applicant for
 1338 employment with, a governmental entity that would disclose that individual's home address,
 1339 home telephone number, social security number, insurance coverage, marital status, or payroll
 1340 deductions;

1341 (h) records or parts of records under Section 63G-2-303 that a current or former
 1342 employee identifies as private according to the requirements of that section;

1343 (i) that part of a record indicating a person's social security number or federal employer
 1344 identification number if provided under Section 31A-23a-104, 31A-25-202, 31A-26-202,
 1345 58-1-301, 58-55-302, 61-1-4, or 61-2f-203;

1346 (j) (i) a secure voter registration record, as defined in Section 20A-1-102; and

1347 [(j)] (ii) that part of a voter registration record identifying a voter's:

1348 [(i)] (A) driver license or identification card number;

1349 [(i)] (B) social security number, or last four digits of the social security number;

1349a ~~H~~→ or ←~~H~~

1350 [(iii)] (C) email address; ~~H~~→ [or

1351 ~~— [(iv)] (D) date of birth or age]~~ ←~~H~~ ;

1352 [(k) a voter registration record that is classified as a private record by the lieutenant
 1353 governor or a county clerk under Subsection 20A-2-104(4)(f) or 20A-2-101.1(5)(a);]

1354 [(H)] (k) a record that:

1355 (i) contains information about an individual;

1356 (ii) is voluntarily provided by the individual; and

1357 (iii) goes into an electronic database that:

1358 (A) is designated by and administered under the authority of the Chief Information

1359 Officer; and

1360 (B) acts as a repository of information about the individual that can be electronically
1361 retrieved and used to facilitate the individual's online interaction with a state agency;

1362 ~~[(m)]~~ (l) information provided to the Commissioner of Insurance under:

1363 (i) Subsection 31A-23a-115(2)(a);

1364 (ii) Subsection 31A-23a-302(3); or

1365 (iii) Subsection 31A-26-210(3);

1366 ~~[(n)]~~ (m) information obtained through a criminal background check under Title 11,
1367 Chapter 40, Criminal Background Checks by Political Subdivisions Operating Water Systems;

1368 ~~[(o)]~~ (n) information provided by an offender that is:

1369 (i) required by the registration requirements of Title 77, Chapter 41, Sex and Kidnap
1370 Offender Registry; and

1371 (ii) not required to be made available to the public under Subsection 77-41-110(4);

1372 ~~[(p)]~~ (o) a statement and any supporting documentation filed with the attorney general
1373 in accordance with Section 34-45-107, if the federal law or action supporting the filing
1374 involves homeland security;

1375 ~~[(q)]~~ (p) electronic toll collection customer account information received or collected
1376 under Section 72-6-118 and customer information described in Section 17B-2a-815 received or
1377 collected by a public transit district, including contact and payment information and customer
1378 travel data;

1379 ~~[(r)]~~ (q) an email address provided by a military or overseas voter under Section
1380 20A-16-501;

1381 ~~[(s)]~~ (r) a completed military-overseas ballot that is electronically transmitted under
1382 Title 20A, Chapter 16, Uniform Military and Overseas Voters Act;

1383 ~~[(t)]~~ (s) records received by or generated by or for the Political Subdivisions Ethics
1384 Review Commission established in Section 11-49-201, except for:

1385 (i) the commission's summary data report that is required in Section 11-49-202; and

1386 (ii) any other document that is classified as public in accordance with Title 11, Chapter
1387 49, Political Subdivisions Ethics Review Commission;

1388 ~~[(u)]~~ (t) a record described in Subsection 53A-11a-203(3) that verifies that a parent was
1389 notified of an incident or threat; and

1390 [~~(v)~~] (u) a criminal background check or credit history report conducted in accordance
1391 with Section 63A-3-201.

1392 (2) The following records are private if properly classified by a governmental entity:

1393 (a) records concerning a current or former employee of, or applicant for employment
1394 with a governmental entity, including performance evaluations and personal status information
1395 such as race, religion, or disabilities, but not including records that are public under Subsection
1396 63G-2-301(2)(b) or 63G-2-301(3)(o) or private under Subsection (1)(b);

1397 (b) records describing an individual's finances, except that the following are public:

1398 (i) records described in Subsection 63G-2-301(2);

1399 (ii) information provided to the governmental entity for the purpose of complying with
1400 a financial assurance requirement; or

1401 (iii) records that must be disclosed in accordance with another statute;

1402 (c) records of independent state agencies if the disclosure of those records would
1403 conflict with the fiduciary obligations of the agency;

1404 (d) other records containing data on individuals the disclosure of which constitutes a
1405 clearly unwarranted invasion of personal privacy;

1406 (e) records provided by the United States or by a government entity outside the state
1407 that are given with the requirement that the records be managed as private records, if the
1408 providing entity states in writing that the record would not be subject to public disclosure if
1409 retained by it;

1410 (f) any portion of a record in the custody of the Division of Aging and Adult Services,
1411 created in Section 62A-3-102, that may disclose, or lead to the discovery of, the identity of a
1412 person who made a report of alleged abuse, neglect, or exploitation of a vulnerable adult; and

1413 (g) audio and video recordings created by a body-worn camera, as defined in Section
1414 77-7a-103, that record sound or images inside a home or residence except for recordings that:

1415 (i) depict the commission of an alleged crime;

1416 (ii) record any encounter between a law enforcement officer and a person that results in
1417 death or bodily injury, or includes an instance when an officer fires a weapon;

1418 (iii) record any encounter that is the subject of a complaint or a legal proceeding
1419 against a law enforcement officer or law enforcement agency;

1420 (iv) contain an officer involved critical incident as defined in Section 76-2-408(1)(d);

1421 or

1422 (v) have been requested for reclassification as a public record by a subject or
1423 authorized agent of a subject featured in the recording.

1424 (3) (a) As used in this Subsection (3), "medical records" means medical reports,
1425 records, statements, history, diagnosis, condition, treatment, and evaluation.

1426 (b) Medical records in the possession of the University of Utah Hospital, its clinics,
1427 doctors, or affiliated entities are not private records or controlled records under Section
1428 [63G-2-304](#) when the records are sought:

1429 (i) in connection with any legal or administrative proceeding in which the patient's
1430 physical, mental, or emotional condition is an element of any claim or defense; or

1431 (ii) after a patient's death, in any legal or administrative proceeding in which any party
1432 relies upon the condition as an element of the claim or defense.

1433 (c) Medical records are subject to production in a legal or administrative proceeding
1434 according to state or federal statutes or rules of procedure and evidence as if the medical
1435 records were in the possession of a nongovernmental medical care provider.