

GRAMA - VOTER REGISTRATION FORM

AMENDMENTS

1999 GENERAL SESSION

STATE OF UTAH

Sponsor: Lowell A. Nelson

AN ACT RELATING TO VOTER REGISTRATION RECORDS; DEFINING WHICH VOTER REGISTRATION RECORDS ARE PUBLIC AND WHICH ARE PRIVATE; PROVIDING FOR UNIFORM FEES; AND MAKING TECHNICAL CORRECTIONS.

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

20A-2-104, as last amended by Chapter 266, Laws of Utah 1998

63-2-203, as last amended by Chapter 20, Laws of Utah 1995

63-2-301, as last amended by Chapter 159, Laws of Utah 1996

63-2-302, as last amended by Chapter 303, Laws of Utah 1998

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

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

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

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

UTAH ELECTION REGISTRATION FORM

Name of Voter _____

 First Middle Last

Driver License or Identification Card Number (optional) _____

Date of Birth _____

Street Address of Principal Place of Residence _____

28 City County State Zip Code

29 Telephone Number (optional) _____

30 Last four digits of Social Security Number (optional) _____

31 Place of Birth _____

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

33 _____

34 City County State Zip Code

35 _____

36 Voting Precinct (if known)

37 Political Party (optional) _____

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

43 Signed and sworn

44 _____

45 Voter's Signature

46 Date _____, 19 _____.

47 NOTICE: IN ORDER TO VOTE, YOUR NAME MUST APPEAR IN THE OFFICIAL
48 REGISTER.

49 FOR OFFICIAL USE ONLY

50 Voting Precinct _____

51 Voting I.D. Number _____

52 -----
-

53 (2) The county clerk shall retain a copy in a permanent countywide alphabetical file, which
54 may be electronic or some other recognized system.

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

56 (b) ~~[(i) Voter registration lists are public information and shall be made available for the~~
57 ~~public to view in the clerk's office.~~ (ii) The lieutenant governor shall maintain a list of registered
58 voters in electronic form.

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

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

64 ~~[(i) Any registered voter may submit a written request to the county clerk to have their~~
65 ~~voter registration record secured.]~~

66 ~~[(ii) After receipt of a written request, the county clerk and the lieutenant governor may~~
67 ~~not provide that voter's information on the lists that are sold to the public.]~~

68 Section 2. Section **63-2-203** is amended to read:

69 **63-2-203. Fees.**

70 (1) A governmental entity may charge a reasonable fee to cover the governmental entity's
71 actual cost of duplicating a record. This fee shall be approved by the governmental entity's
72 executive officer.

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

76 (a) the cost of staff time for summarizing, compiling, or tailoring the record either into an
77 organization or media to meet the person's request;

78 (b) the cost of staff time for search, retrieval, and other direct administrative costs for
79 complying with a request. The hourly charge may not exceed the salary of the lowest paid
80 employee who, in the discretion of the custodian of records, has the necessary skill and training
81 to perform the request; provided, however, that no charge may be made for the first quarter hour
82 of staff time; and

83 (c) in the case of fees for a record that is the result of computer output other than word
84 processing, the actual incremental cost of providing the electronic services and products together
85 with a reasonable portion of the costs associated with formatting or interfacing the information for
86 particular users, and the administrative costs as set forth in Subsections (2)(a) and (b).

87 (3) Fees shall be established as follows:

88 (a) Governmental entities with fees established by the Legislature shall establish the fees
89 defined in Subsection (2), or other actual costs associated with this section through the budget

90 process. Governmental entities with fees established by the Legislature may use the procedures
91 of Section 63-38-3.2 to set fees until the Legislature establishes fees through the budget process.
92 A fee set by a governmental entity in accordance with Section 63-38-3.2 expires on May 1, 1995.

93 (b) Political subdivisions shall establish fees by ordinance or written formal policy adopted
94 by the governing body.

95 (c) The judiciary shall establish fees by rules of the judicial council.

96 (4) A governmental entity may fulfill a record request without charge and is encouraged
97 to do so when it determines that:

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

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

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

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

104 (a) reviewing a record to determine whether it is subject to disclosure, except as permitted
105 by Subsection (2)(b); or

106 (b) inspecting a record.

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

110 (b) The adjudicative body hearing the appeal has the same authority when a fee waiver or
111 reduction is denied as it has when the inspection of a public record is denied.

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

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

116 (8) A governmental entity may require payment of past fees and future estimated fees
117 before beginning to process a request if fees are expected to exceed \$50, or if the requester has not
118 paid fees from previous requests. Any prepaid amount in excess of fees due shall be returned to
119 the requester.

120 (9) This section does not alter, repeal, or reduce fees established by other statutes or

121 legislative acts.

122 (10) (a) Notwithstanding Subsection (3)(b), fees for voter registration records shall be set
123 as provided in this Subsection (10).

124 (b) The lieutenant governor shall:

125 (i) after consultation with county clerks, establish uniform fees for voter registration and
126 voter history records that meet the requirements of this section; and

127 (ii) obtain legislative approval of those fees by following the procedures and requirements
128 of Section 63-38-3.2.

129 Section 3. Section **63-2-301** is amended to read:

130 **63-2-301. Records that must be disclosed.**

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

134 (a) laws;

135 (b) names, gender, gross compensation, job titles, job descriptions, business addresses,
136 business telephone numbers, number of hours worked per pay period, dates of employment, and
137 relevant education, previous employment, and similar job qualifications of the governmental
138 entity's former and present employees and officers excluding:

139 (i) undercover law enforcement personnel; and

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

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

146 (d) final interpretations of statutes or rules by a governmental entity unless classified as
147 protected as provided in Subsections 63-2-304(15), (16), and (17);

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

151 (f) judicial records unless a court orders the records to be restricted under the rules of civil

152 or criminal procedure or unless the records are private under this chapter;

153 (g) records filed with or maintained by county recorders, clerks, treasurers, surveyors,
154 zoning commissions, the Division of Forestry, Fire and State Lands, the School and Institutional
155 Trust Lands Administration, the Division of Oil, Gas and Mining, the Division of Water Rights,
156 or other governmental entities that give public notice of:

- 157 (i) titles or encumbrances to real property;
- 158 (ii) restrictions on the use of real property;
- 159 (iii) the capacity of persons to take or convey title to real property; or
- 160 (iv) tax status for real and personal property;

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

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

166 (j) documentation of the compensation that a governmental entity pays to a contractor or
167 private provider; [and]

168 (k) summary data; and

169 (l) voter registration records, including an individual's voting history, except for those parts
170 of the record that are classified as private in Subsection 63-2-302(1)(h).

171 (2) The following records are normally public, but to the extent that a record is expressly
172 exempt from disclosure, access may be restricted under Subsection 63-2-201(3)(b), Section
173 63-2-302, 63-2-303, or 63-2-304:

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

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

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

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

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

182 (f) records relating to government assistance or incentives publicly disclosed, contracted

183 for, or given by a governmental entity, encouraging a person to expand or relocate a business in
184 Utah, except as provided in Subsection 63-2-304(34);

185 (g) chronological logs and initial contact reports;

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

189 (i) empirical data contained in drafts if:

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

191 and

192 (ii) the governmental entity is given a reasonable opportunity to correct any errors or make
193 nonsubstantive changes before release;

194 (j) drafts that are circulated to anyone other than:

195 (i) a governmental entity;

196 (ii) a political subdivision;

197 (iii) a federal agency if the governmental entity and the federal agency are jointly
198 responsible for implementation of a program or project that has been legislatively approved;

199 (iv) a government-managed corporation; or

200 (v) a contractor or private provider;

201 (k) drafts that have never been finalized but were relied upon by the governmental entity
202 in carrying out action or policy;

203 (l) original data in a computer program if the governmental entity chooses not to disclose
204 the program;

205 (m) arrest warrants after issuance, except that, for good cause, a court may order restricted
206 access to arrest warrants prior to service;

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

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

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

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

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

217 (q) final audit reports;

218 (r) occupational and professional licenses;

219 (s) business licenses; and

220 (t) a notice of violation, a notice of agency action under Section 63-46b-3, or similar
221 records used to initiate proceedings for discipline or sanctions against persons regulated by a
222 governmental entity, but not including records that initiate employee discipline.

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

225 Section 4. Section **63-2-302** is amended to read:

226 **63-2-302. Private records.**

227 (1) The following records are private:

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

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

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

234 (d) records received or generated for a Senate or House Ethics Committee concerning any
235 alleged violation of the rules on legislative ethics, prior to the meeting, and after the meeting, if
236 the ethics committee meeting was closed to the public;

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

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

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

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

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

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

248 (g) that part of a record indicating a person's social security number if provided under
249 Section 31A-23-202, 31A-26-202, 58-1-301, 61-1-4, or 61-2-6; and

250 (h) that part of a voter registration record identifying a voter's driver license or
251 identification card number, Social Security number, or last four digits of the Social Security
252 number.

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

254 (a) records concerning a current or former employee of, or applicant for employment with
255 a governmental entity, including performance evaluations and personal status information such as
256 race, religion, or disabilities, but not including records that are public under Subsection
257 63-2-301(1)(b) or 63-2-301(2)(o), or private under Subsection 63-2-302(1)(b);

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

259 (i) records described in Subsection 63-2-301(1);

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

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

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

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

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

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

272 (b) Medical records in the possession of the University of Utah Hospital, its clinics,
273 doctors, or affiliated entities are not private records or controlled records under Section 63-2-303
274 when the records are sought:

275 (i) in connection with any legal or administrative proceeding in which the patient's

276 physical, mental, or emotional condition is an element of any claim or defense; or

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

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

Legislative Review Note**as of 11-20-98 4:36 PM**

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel

Committee Note

The Government Operations Interim Committee recommended this bill.