

Senator Benjamin M. McAdams proposes the following substitute bill:

**REMOVING SIGNATURE FROM INITIATIVE AND
REFERENDUM PETITION**

2010 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Howard A. Stephenson

House Sponsor: _____

LONG TITLE

General Description:

This bill modifies the Election Code by amending provisions related to removing signatures for a statewide initiative and referendum.

Highlighted Provisions:

This bill:

- ▶ repeals the requirement that a voter must submit a notarized statement to the county clerk to have the voter's signature removed from a statewide initiative and referendum petition;
- ▶ provides that to remove a voter's name from a statewide initiative or referendum petition, a voter shall sign a statement requesting removal, including the voter's address and identification information;
- ▶ requires a county clerk to deliver to the lieutenant governor a voter statement requesting removal of a voter's name from a statewide initiative or referendum petition;
- ▶ provides that the lieutenant governor, instead of the county clerk, remove the name of a voter who requests removal from a statewide initiative or referendum petition;
- ▶ designates an initiative or referendum packet as a protected record;



26 ▶ provides that the lieutenant governor does not count a name removed from the
27 petition; and

28 ▶ makes technical changes.

29 **Monies Appropriated in this Bill:**

30 None

31 **Other Special Clauses:**

32 This bill provides an immediate effective date.

33 **Utah Code Sections Affected:**

34 **AMENDS:**

35 **20A-7-205**, as last amended by Laws of Utah 2000, Chapter 3

36 **20A-7-206**, as last amended by Laws of Utah 2008, Chapter 237

37 **20A-7-207**, as last amended by Laws of Utah 2008, Chapter 237

38 **20A-7-305**, as last amended by Laws of Utah 2000, Chapter 3

39 **20A-7-306**, as last amended by Laws of Utah 2007, Chapter 78

40 **20A-7-307**, as last amended by Laws of Utah 1995, Chapters 153 and 165

41 **63G-2-305**, as last amended by Laws of Utah 2009, Chapters 64 and 121



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

44 Section 1. Section **20A-7-205** is amended to read:

45 **20A-7-205. Obtaining signatures -- Verification -- Removal of signature.**

46 (1) ~~[Any]~~ A Utah voter may sign an initiative petition if the voter is a legal voter.

47 (2) The sponsors shall ensure that the person in whose presence each signature sheet
48 was signed:

49 (a) is at least 18 years old and meets the residency requirements of Section 20A-2-105;

50 and

51 (b) verifies each signature sheet by completing the verification printed on the last page
52 of each initiative packet.

53 (3) (a) ~~[(i) Any]~~ A voter who has signed an initiative petition may have ~~[his]~~ the
54 voter's signature removed from the petition by submitting ~~[a notarized statement to that effect]~~
55 to the county clerk[-] a statement requesting that the voter's signature be removed.

56 (b) The statement shall include:

- 57 (i) the name of the voter;
 58 (ii) the resident address at which the voter is registered to vote;
 59 (iii) the last four digits of the voter's Social Security number;
 60 (iv) the driver license or identification card number; and
 61 (v) the signature of the voter.
 62 (c) A voter may not submit a statement by email or other electronic means.

63 ~~[(ii)]~~ (d) In order for the signature to be removed, the statement must be received by the
 64 county clerk before ~~[he delivers the petition to the lieutenant governor]~~ May 15.

65 ~~[(b)]~~ (e) ~~[Upon receipt of the statement, the]~~ The county clerk shall ~~[remove the~~
 66 signature of the person submitting the statement from] deliver all statements received under
 67 this Subsection (3):

- 68 (i) with the initiative petition[-] packets delivered to the lieutenant governor; or
 69 (ii) in a supplemental delivery to the lieutenant governor for a statement submitted
 70 after the county clerk delivered the initiative packets.

71 ~~[(c)]~~ (f) ~~[No one may remove signatures]~~ A person may only remove a signature from
 72 an initiative petition ~~[after the petition is submitted to the lieutenant governor]~~ in accordance
 73 with this Subsection (3).

74 Section 2. Section **20A-7-206** is amended to read:

75 **20A-7-206. Submitting the initiative petition -- Certification of signatures by the**
 76 **county clerks -- Transfer to lieutenant governor.**

77 (1) In order to qualify an initiative petition for placement on the regular general
 78 election ballot, the sponsors shall deliver each signed and verified initiative packet to the
 79 county clerk of the county in which the packet was circulated no later than April 15 before the
 80 regular general election.

81 (2) No later than May 1 before the regular general election, the county clerk shall:

82 (a) check the names of all persons completing the verification for the initiative packet
 83 to determine whether or not those persons are residents of Utah and are at least 18 years old;
 84 and

85 (b) submit the name of each of those persons who is not a Utah resident or who is not
 86 at least 18 years old to the attorney general and county attorney.

87 (3) No later than May 15 before the regular general election, the county clerk shall:

88 (a) determine whether or not each signer is a registered voter according to the
89 requirements of Section 20A-7-206.3;

90 (b) certify on the petition whether or not each name is that of a registered voter; and

91 (c) deliver all of the packets to the lieutenant governor.

92 (4) Upon receipt of an initiative packet under Subsection (3) and any statement
93 submitted under Subsection 20A-7-205(3), the lieutenant governor shall remove from the
94 initiative petition a voter's signature if the voter has requested the removal in accordance with
95 Subsection 20A-7-205(3).

96 [~~(4)~~] (5) In order to qualify an initiative petition for submission to the Legislature, the
97 sponsors shall deliver each signed and verified initiative packet to the county clerk of the
98 county in which the packet was circulated by the November 15 before the annual general
99 session of the Legislature.

100 [~~(5)~~] (6) No later than December 1 before the annual general session of the Legislature,
101 the county clerk shall:

102 (a) check the names of all persons completing the verification for the initiative packet
103 to determine whether or not those persons are Utah residents and are at least 18 years old; and

104 (b) submit the name of each of those persons who is not a Utah resident or who is not
105 at least 18 years old to the attorney general and county attorney.

106 [~~(6)~~] (7) No later than December 15 before the annual general session of the
107 Legislature, the county clerk shall:

108 (a) determine whether or not each signer is a registered voter according to the
109 requirements of Section 20A-7-206.3;

110 (b) certify on the petition whether or not each name is that of a registered voter; and

111 (c) deliver all of the packets to the lieutenant governor.

112 [~~(7)~~] (8) Initiative packets are [~~public~~] protected records under Section 63G-2-305:

113 (a) once [~~they~~] the initiative packets are delivered to the county clerks[-]; and

114 (b) until May 15.

115 [~~(8)~~] (9) The sponsor or their representatives may not retrieve initiative packets from
116 the county clerks once they have submitted them.

117 Section 3. Section **20A-7-207** is amended to read:

118 **20A-7-207. Evaluation by the lieutenant governor.**

119 (1) When each initiative packet is received from a county clerk, the lieutenant governor
120 shall check off from ~~his~~ the record the number of each initiative packet filed.

121 (2) (a) After all of the initiative packets have been received by the lieutenant governor
122 and the lieutenant governor has removed the signatures as required by Section 20A-7-206, the
123 lieutenant governor shall:

124 (i) count the number of the names certified by the county clerks that ~~appear~~ remain on
125 each verified signature sheet; and

126 (ii) declare the petition to be sufficient or insufficient by June 1 before the regular
127 general election.

128 (b) If the total number of ~~certified names from each verified signature sheet~~ names
129 counted under Subsection (2)(a)(i) equals or exceeds the number of names required by Section
130 20A-7-201, the lieutenant governor shall mark upon the front of the petition the word
131 "sufficient."

132 (c) If the total number of ~~certified names from each verified signature sheet~~ names
133 counted under Subsection (2)(a)(i) does not equal or exceed the number of names required by
134 Section 20A-7-201, the lieutenant governor shall mark upon the front of the petition the word
135 "insufficient."

136 (d) The lieutenant governor shall immediately notify any one of the sponsors of his
137 finding.

138 (3) Once a petition is declared insufficient, the sponsors may not submit additional
139 signatures to qualify the petition for the pending regular general election.

140 (4) (a) If the lieutenant governor refuses to accept and file any initiative petition that a
141 sponsor believes is legally sufficient, any voter may, by June 15, apply to the supreme court for
142 an extraordinary writ to compel the lieutenant governor to do so.

143 (b) The supreme court shall:

144 (i) determine whether or not the initiative petition is legally sufficient; and

145 (ii) certify its findings to the lieutenant governor by July 30.

146 (c) If the supreme court certifies that the initiative petition is legally sufficient, the
147 lieutenant governor shall file it, with a verified copy of the judgment attached to it, as of the
148 date on which it was originally offered for filing in his office.

149 (d) If the supreme court determines that any petition filed is not legally sufficient, the

150 supreme court may enjoin the lieutenant governor and all other officers from certifying or
151 printing the ballot title and numbers of that measure on the official ballot for the next election.

152 Section 4. Section **20A-7-305** is amended to read:

153 **20A-7-305. Obtaining signatures -- Verification -- Removal of signature.**

154 (1) ~~[Any]~~ A Utah voter may sign a referendum petition if the voter is a legal voter.

155 (2) The sponsors shall ensure that the person in whose presence each signature sheet
156 was signed:

157 (a) is at least 18 years old and meets the residency requirements of Section 20A-2-105;
158 and

159 (b) verifies each signature sheet by completing the verification printed on the last page
160 of each signature sheet.

161 (3) (a) (i) ~~[Any]~~ A voter who has signed a referendum petition may have ~~[his]~~ the
162 voter's signature removed from the petition by submitting ~~[a notarized statement to that effect]~~
163 to the county clerk[-] a statement requesting that the voter's signature be removed.

164 (b) The statement shall include:

165 (i) the name of the voter;

166 (ii) the resident address at which the voter is registered to vote;

167 (iii) the last four digits of the voter's Social Security number;

168 (iv) the driver license or identification card number; and

169 (v) the signature of the voter.

170 (c) A voter may not submit a statement by email or other electronic means.

171 ~~[(ii)]~~ (d) In order for the signature to be removed, the statement must be received by the
172 county clerk before [he delivers the petition to the lieutenant governor] the day which is 55
173 days after the end of the legislative session at which the law passed.

174 ~~[(b) Upon receipt of the statement, the]~~

175 (e) The county clerk shall [remove the signature of the person submitting the statement
176 from] deliver all statements received under this Subsection (3):

177 (i) with the referendum petition[-] packets to the lieutenant governor; or

178 (ii) in a supplemental delivery to the lieutenant governor for a statement submitted
179 after the county clerk delivered the referendum petition packets.

180 ~~[(c) No one may remove signatures]~~

181 (f) A person may only remove a signature from a referendum petition [after the petition
182 is submitted to the lieutenant governor] in accordance with this Subsection (3).

183 Section 5. Section **20A-7-306** is amended to read:

184 **20A-7-306. Submitting the referendum petition -- Certification of signatures by**
185 **the county clerks -- Transfer to lieutenant governor.**

186 (1) No later than 40 days after the end of the legislative session at which the law
187 passed, the sponsors shall deliver each signed and verified referendum packet to the county
188 clerk of the county in which the packet was circulated.

189 (2) No later than 55 days after the end of the legislative session at which the law
190 passed, the county clerk shall:

191 (a) check the names of all persons completing the verification on the back of each
192 signature sheet to determine whether or not those persons are Utah residents and are at least 18
193 years old; and

194 (b) submit the name of each of those persons who is not a Utah resident or who is not
195 at least 18 years old to the attorney general and county attorney.

196 (3) No later than 55 days after the end of the legislative session at which the law
197 passed, the county clerk shall:

198 (a) determine whether or not each signer is a registered voter according to the
199 requirements of Section 20A-7-306.3;

200 (b) certify on the referendum petition whether or not each name is that of a registered
201 voter; and

202 (c) deliver all of the referendum packets to the lieutenant governor.

203 (4) Upon receipt of an referendum packet under Subsection (3) and any statement
204 submitted under Subsection 20A-7-305(3), the lieutenant governor shall remove from the
205 referendum petition a voter's signature if the voter has requested the removal in accordance
206 with Subsection 20A-7-305(3).

207 (5) A referendum packet is a protected record under Section 63G-2-305:

208 (a) once the referendum packet is delivered to the county clerk; and

209 (b) until the day which is 55 days after the end of the legislative session at which the
210 law passed.

211 Section 6. Section **20A-7-307** is amended to read:

212 **20A-7-307. Evaluation by the lieutenant governor.**

213 (1) When each referendum packet is received from a county clerk, the lieutenant
214 governor shall check off from [~~his~~] the record the number of each referendum packet filed.

215 (2) (a) After all of the referendum packets have been received by the lieutenant
216 governor and the lieutenant governor has removed the signatures as required by Section
217 20A-7-306, the lieutenant governor shall:

218 (i) count the number of the names certified by the county clerks that [~~appear~~] remain on
219 each verified signature sheet; and

220 (ii) declare the petition to be sufficient or insufficient no later than 60 days after the
221 end of the legislative session at which the law passed.

222 (b) If the total number of [~~certified names from each verified signature sheet~~] names
223 counted under Subsection (2)(a)(i) equals or exceeds the number of names required by Section
224 20A-7-301, the lieutenant governor shall mark upon the front of the petition the word
225 "sufficient."

226 (c) If the total number of [~~certified names from each verified signature sheet~~] names
227 counted under Subsection (2)(a)(i) does not equal or exceed the number of names required by
228 Section 20A-7-301, the lieutenant governor shall mark upon the front of the petition the word
229 "insufficient."

230 (d) The lieutenant governor shall immediately notify any one of the sponsors of his
231 finding.

232 (3) (a) If the lieutenant governor refuses to accept and file any referendum petition, any
233 voter may apply to the supreme court for an extraordinary writ to compel him to do so within
234 10 days after the refusal.

235 (b) If the supreme court determines that the referendum petition is legally sufficient,
236 the lieutenant governor shall file it, with a verified copy of the judgment attached to it, as of the
237 date on which it was originally offered for filing in his office.

238 (c) If the supreme court determines that any petition filed is not legally sufficient, the
239 supreme court may enjoin the lieutenant governor and all other officers from certifying or
240 printing the ballot title and numbers of that measure on the official ballot for the next election.

241 Section 7. Section **63G-2-305** is amended to read:

242 **63G-2-305. Protected records.**

243 The following records are protected if properly classified by a governmental entity:

244 (1) trade secrets as defined in Section 13-24-2 if the person submitting the trade secret
245 has provided the governmental entity with the information specified in Section 63G-2-309;

246 (2) commercial information or nonindividual financial information obtained from a
247 person if:

248 (a) disclosure of the information could reasonably be expected to result in unfair
249 competitive injury to the person submitting the information or would impair the ability of the
250 governmental entity to obtain necessary information in the future;

251 (b) the person submitting the information has a greater interest in prohibiting access
252 than the public in obtaining access; and

253 (c) the person submitting the information has provided the governmental entity with
254 the information specified in Section 63G-2-309;

255 (3) commercial or financial information acquired or prepared by a governmental entity
256 to the extent that disclosure would lead to financial speculations in currencies, securities, or
257 commodities that will interfere with a planned transaction by the governmental entity or cause
258 substantial financial injury to the governmental entity or state economy;

259 (4) records the disclosure of which could cause commercial injury to, or confer a
260 competitive advantage upon a potential or actual competitor of, a commercial project entity as
261 defined in Subsection 11-13-103(4);

262 (5) test questions and answers to be used in future license, certification, registration,
263 employment, or academic examinations;

264 (6) records the disclosure of which would impair governmental procurement
265 proceedings or give an unfair advantage to any person proposing to enter into a contract or
266 agreement with a governmental entity, except, subject to Subsections (1) and (2), that this
267 Subsection (6) does not restrict the right of a person to have access to, once the contract or
268 grant has been awarded, a bid, proposal, or application submitted to or by a governmental
269 entity in response to:

270 (a) a request for bids;

271 (b) a request for proposals;

272 (c) a grant; or

273 (d) other similar document;

274 (7) records that would identify real property or the appraisal or estimated value of real
275 or personal property, including intellectual property, under consideration for public acquisition
276 before any rights to the property are acquired unless:

277 (a) public interest in obtaining access to the information outweighs the governmental
278 entity's need to acquire the property on the best terms possible;

279 (b) the information has already been disclosed to persons not employed by or under a
280 duty of confidentiality to the entity;

281 (c) in the case of records that would identify property, potential sellers of the described
282 property have already learned of the governmental entity's plans to acquire the property;

283 (d) in the case of records that would identify the appraisal or estimated value of
284 property, the potential sellers have already learned of the governmental entity's estimated value
285 of the property; or

286 (e) the property under consideration for public acquisition is a single family residence
287 and the governmental entity seeking to acquire the property has initiated negotiations to acquire
288 the property as required under Section 78B-6-505;

289 (8) records prepared in contemplation of sale, exchange, lease, rental, or other
290 compensated transaction of real or personal property including intellectual property, which, if
291 disclosed prior to completion of the transaction, would reveal the appraisal or estimated value
292 of the subject property, unless:

293 (a) the public interest in access outweighs the interests in restricting access, including
294 the governmental entity's interest in maximizing the financial benefit of the transaction; or

295 (b) when prepared by or on behalf of a governmental entity, appraisals or estimates of
296 the value of the subject property have already been disclosed to persons not employed by or
297 under a duty of confidentiality to the entity;

298 (9) records created or maintained for civil, criminal, or administrative enforcement
299 purposes or audit purposes, or for discipline, licensing, certification, or registration purposes, if
300 release of the records:

301 (a) reasonably could be expected to interfere with investigations undertaken for
302 enforcement, discipline, licensing, certification, or registration purposes;

303 (b) reasonably could be expected to interfere with audits, disciplinary, or enforcement
304 proceedings;

305 (c) would create a danger of depriving a person of a right to a fair trial or impartial
306 hearing;

307 (d) reasonably could be expected to disclose the identity of a source who is not
308 generally known outside of government and, in the case of a record compiled in the course of
309 an investigation, disclose information furnished by a source not generally known outside of
310 government if disclosure would compromise the source; or

311 (e) reasonably could be expected to disclose investigative or audit techniques,
312 procedures, policies, or orders not generally known outside of government if disclosure would
313 interfere with enforcement or audit efforts;

314 (10) records the disclosure of which would jeopardize the life or safety of an
315 individual;

316 (11) records the disclosure of which would jeopardize the security of governmental
317 property, governmental programs, or governmental recordkeeping systems from damage, theft,
318 or other appropriation or use contrary to law or public policy;

319 (12) records that, if disclosed, would jeopardize the security or safety of a correctional
320 facility, or records relating to incarceration, treatment, probation, or parole, that would interfere
321 with the control and supervision of an offender's incarceration, treatment, probation, or parole;

322 (13) records that, if disclosed, would reveal recommendations made to the Board of
323 Pardons and Parole by an employee of or contractor for the Department of Corrections, the
324 Board of Pardons and Parole, or the Department of Human Services that are based on the
325 employee's or contractor's supervision, diagnosis, or treatment of any person within the board's
326 jurisdiction;

327 (14) records and audit workpapers that identify audit, collection, and operational
328 procedures and methods used by the State Tax Commission, if disclosure would interfere with
329 audits or collections;

330 (15) records of a governmental audit agency relating to an ongoing or planned audit
331 until the final audit is released;

332 (16) records prepared by or on behalf of a governmental entity solely in anticipation of
333 litigation that are not available under the rules of discovery;

334 (17) records disclosing an attorney's work product, including the mental impressions or
335 legal theories of an attorney or other representative of a governmental entity concerning

336 litigation;

337 (18) records of communications between a governmental entity and an attorney
338 representing, retained, or employed by the governmental entity if the communications would be
339 privileged as provided in Section 78B-1-137;

340 (19) (a) (i) personal files of a state legislator, including personal correspondence to or
341 from a member of the Legislature; and

342 (ii) notwithstanding Subsection (19)(a)(i), correspondence that gives notice of
343 legislative action or policy may not be classified as protected under this section; and

344 (b) (i) an internal communication that is part of the deliberative process in connection
345 with the preparation of legislation between:

346 (A) members of a legislative body;

347 (B) a member of a legislative body and a member of the legislative body's staff; or

348 (C) members of a legislative body's staff; and

349 (ii) notwithstanding Subsection (19)(b)(i), a communication that gives notice of
350 legislative action or policy may not be classified as protected under this section;

351 (20) (a) records in the custody or control of the Office of Legislative Research and
352 General Counsel, that, if disclosed, would reveal a particular legislator's contemplated
353 legislation or contemplated course of action before the legislator has elected to support the
354 legislation or course of action, or made the legislation or course of action public; and

355 (b) notwithstanding Subsection (20)(a), the form to request legislation submitted to the
356 Office of Legislative Research and General Counsel is a public document unless a legislator
357 asks that the records requesting the legislation be maintained as protected records until such
358 time as the legislator elects to make the legislation or course of action public;

359 (21) research requests from legislators to the Office of Legislative Research and
360 General Counsel or the Office of the Legislative Fiscal Analyst and research findings prepared
361 in response to these requests;

362 (22) drafts, unless otherwise classified as public;

363 (23) records concerning a governmental entity's strategy about collective bargaining or
364 pending litigation;

365 (24) records of investigations of loss occurrences and analyses of loss occurrences that
366 may be covered by the Risk Management Fund, the Employers' Reinsurance Fund, the

367 Uninsured Employers' Fund, or similar divisions in other governmental entities;
368 (25) records, other than personnel evaluations, that contain a personal recommendation
369 concerning an individual if disclosure would constitute a clearly unwarranted invasion of
370 personal privacy, or disclosure is not in the public interest;
371 (26) records that reveal the location of historic, prehistoric, paleontological, or
372 biological resources that if known would jeopardize the security of those resources or of
373 valuable historic, scientific, educational, or cultural information;
374 (27) records of independent state agencies if the disclosure of the records would
375 conflict with the fiduciary obligations of the agency;
376 (28) records of an institution within the state system of higher education defined in
377 Section 53B-1-102 regarding tenure evaluations, appointments, applications for admissions,
378 retention decisions, and promotions, which could be properly discussed in a meeting closed in
379 accordance with Title 52, Chapter 4, Open and Public Meetings Act, provided that records of
380 the final decisions about tenure, appointments, retention, promotions, or those students
381 admitted, may not be classified as protected under this section;
382 (29) records of the governor's office, including budget recommendations, legislative
383 proposals, and policy statements, that if disclosed would reveal the governor's contemplated
384 policies or contemplated courses of action before the governor has implemented or rejected
385 those policies or courses of action or made them public;
386 (30) records of the Office of the Legislative Fiscal Analyst relating to budget analysis,
387 revenue estimates, and fiscal notes of proposed legislation before issuance of the final
388 recommendations in these areas;
389 (31) records provided by the United States or by a government entity outside the state
390 that are given to the governmental entity with a requirement that they be managed as protected
391 records if the providing entity certifies that the record would not be subject to public disclosure
392 if retained by it;
393 (32) transcripts, minutes, or reports of the closed portion of a meeting of a public body
394 except as provided in Section 52-4-206;
395 (33) records that would reveal the contents of settlement negotiations but not including
396 final settlements or empirical data to the extent that they are not otherwise exempt from
397 disclosure;

398 (34) memoranda prepared by staff and used in the decision-making process by an
399 administrative law judge, a member of the Board of Pardons and Parole, or a member of any
400 other body charged by law with performing a quasi-judicial function;

401 (35) records that would reveal negotiations regarding assistance or incentives offered
402 by or requested from a governmental entity for the purpose of encouraging a person to expand
403 or locate a business in Utah, but only if disclosure would result in actual economic harm to the
404 person or place the governmental entity at a competitive disadvantage, but this section may not
405 be used to restrict access to a record evidencing a final contract;

406 (36) materials to which access must be limited for purposes of securing or maintaining
407 the governmental entity's proprietary protection of intellectual property rights including patents,
408 copyrights, and trade secrets;

409 (37) the name of a donor or a prospective donor to a governmental entity, including an
410 institution within the state system of higher education defined in Section 53B-1-102, and other
411 information concerning the donation that could reasonably be expected to reveal the identity of
412 the donor, provided that:

413 (a) the donor requests anonymity in writing;

414 (b) any terms, conditions, restrictions, or privileges relating to the donation may not be
415 classified protected by the governmental entity under this Subsection (37); and

416 (c) except for an institution within the state system of higher education defined in
417 Section 53B-1-102, the governmental unit to which the donation is made is primarily engaged
418 in educational, charitable, or artistic endeavors, and has no regulatory or legislative authority
419 over the donor, a member of the donor's immediate family, or any entity owned or controlled
420 by the donor or the donor's immediate family;

421 (38) accident reports, except as provided in Sections 41-6a-404, 41-12a-202, and
422 73-18-13;

423 (39) a notification of workers' compensation insurance coverage described in Section
424 34A-2-205;

425 (40) (a) the following records of an institution within the state system of higher
426 education defined in Section 53B-1-102, which have been developed, discovered, disclosed to,
427 or received by or on behalf of faculty, staff, employees, or students of the institution:

428 (i) unpublished lecture notes;

- 429 (ii) unpublished notes, data, and information:
- 430 (A) relating to research; and
- 431 (B) of:
- 432 (I) the institution within the state system of higher education defined in Section
- 433 53B-1-102; or
- 434 (II) a sponsor of sponsored research;
- 435 (iii) unpublished manuscripts;
- 436 (iv) creative works in process;
- 437 (v) scholarly correspondence; and
- 438 (vi) confidential information contained in research proposals;
- 439 (b) Subsection (40)(a) may not be construed to prohibit disclosure of public
- 440 information required pursuant to Subsection 53B-16-302(2)(a) or (b); and
- 441 (c) Subsection (40)(a) may not be construed to affect the ownership of a record;
- 442 (41) (a) records in the custody or control of the Office of Legislative Auditor General
- 443 that would reveal the name of a particular legislator who requests a legislative audit prior to the
- 444 date that audit is completed and made public; and
- 445 (b) notwithstanding Subsection (41)(a), a request for a legislative audit submitted to the
- 446 Office of the Legislative Auditor General is a public document unless the legislator asks that
- 447 the records in the custody or control of the Office of Legislative Auditor General that would
- 448 reveal the name of a particular legislator who requests a legislative audit be maintained as
- 449 protected records until the audit is completed and made public;
- 450 (42) records that provide detail as to the location of an explosive, including a map or
- 451 other document that indicates the location of:
- 452 (a) a production facility; or
- 453 (b) a magazine;
- 454 (43) information:
- 455 (a) contained in the statewide database of the Division of Aging and Adult Services
- 456 created by Section 62A-3-311.1; or
- 457 (b) received or maintained in relation to the Identity Theft Reporting Information
- 458 System (IRIS) established under Section 67-5-22;
- 459 (44) information contained in the Management Information System and Licensing

460 Information System described in Title 62A, Chapter 4a, Child and Family Services;
461 (45) information regarding National Guard operations or activities in support of the
462 National Guard's federal mission;
463 (46) records provided by any pawn or secondhand business to a law enforcement
464 agency or to the central database in compliance with Title 13, Chapter 32a, Pawnshop and
465 Secondhand Merchandise Transaction Information Act;
466 (47) information regarding food security, risk, and vulnerability assessments performed
467 by the Department of Agriculture and Food;
468 (48) except to the extent that the record is exempt from this chapter pursuant to Section
469 63G-2-106, records related to an emergency plan or program prepared or maintained by the
470 Division of Homeland Security the disclosure of which would jeopardize:
471 (a) the safety of the general public; or
472 (b) the security of:
473 (i) governmental property;
474 (ii) governmental programs; or
475 (iii) the property of a private person who provides the Division of Homeland Security
476 information;
477 (49) records of the Department of Agriculture and Food relating to the National
478 Animal Identification System or any other program that provides for the identification, tracing,
479 or control of livestock diseases, including any program established under Title 4, Chapter 24,
480 Utah Livestock Brand and Anti-theft Act or Title 4, Chapter 31, Livestock Inspection and
481 Quarantine;
482 (50) as provided in Section 26-39-501:
483 (a) information or records held by the Department of Health related to a complaint
484 regarding a child care program or residential child care which the department is unable to
485 substantiate; and
486 (b) information or records related to a complaint received by the Department of Health
487 from an anonymous complainant regarding a child care program or residential child care;
488 (51) unless otherwise classified as public under Section 63G-2-301 and except as
489 provided under Section 41-1a-116, an individual's home address, home telephone number, or
490 personal mobile phone number, if:

491 (a) the individual is required to provide the information in order to comply with a law,
492 ordinance, rule, or order of a government entity; and

493 (b) the subject of the record has a reasonable expectation that this information will be
494 kept confidential due to:

495 (i) the nature of the law, ordinance, rule, or order; and

496 (ii) the individual complying with the law, ordinance, rule, or order;

497 (52) the name, home address, work addresses, and telephone numbers of an individual
498 that is engaged in, or that provides goods or services for, medical or scientific research that is:

499 (a) conducted within the state system of higher education, as defined in Section
500 53B-1-102; and

501 (b) conducted using animals;

502 (53) an initial proposal under Title 63M, Chapter 1, Part 26, Government Procurement
503 Private Proposal Program, to the extent not made public by rules made under that chapter;

504 (54) information collected and a report prepared by the Judicial Performance
505 Evaluation Commission concerning a judge, unless Section 20A-7-702 or Title 78A, Chapter
506 12, Judicial Performance Evaluation Commission Act, requires disclosure of, or makes public,
507 the information or report;

508 (55) (a) records of the Utah Educational Savings Plan Trust created under Section
509 53B-8a-103 if the disclosure of the records would conflict with its fiduciary obligations;

510 (b) proposals submitted to the Utah Educational Savings Plan Trust; and

511 (c) contracts entered into by the Utah Educational Savings Plan Trust and the related
512 payments;

513 (56) records contained in the Management Information System created in Section
514 62A-4a-1003;

515 (57) records provided or received by the Public Lands Policy Coordinating Office in
516 furtherance of any contract or other agreement made in accordance with Section 63J-4-603;

517 [~~and~~]

518 (58) information requested by and provided to the Utah State 911 Committee under
519 Section 53-10-602[-]; and

520 (59) an initiative packet:

521 (a) once the initiative packet is delivered to the county clerk; and

522 (b) until May 15; and
523 (60) a referendum packet:
524 (a) once the referendum packet is delivered to the county clerk; and
525 (b) until the day which is 55 days after the end of the legislative session at which the
526 law that is subject to the referendum passed.

527 Section 8. **Effective date.**

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