

59 specified in Subsection 63G-2-202(1) or (2); or

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

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

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

65 (b) inspecting a record.

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

69 (b) The adjudicative body hearing the appeal:

70 (i) shall review the fee waiver de novo ~~H→~~ **, but shall review and consider**
70a **the governmental entity's denial of the fee waiver and any determination under**
70b **Subsection (4)** ~~←H~~ **; and**

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

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

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

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

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

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

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

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

84 (10) (a) Notwithstanding Subsection (3)(c), fees for voter registration records shall be
85 set as provided in this Subsection (10).

86 (b) The lieutenant governor shall:

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

89 (ii) obtain legislative approval of those fees by following the procedures and