

**Representative Joel K. Briscoe** proposes the following substitute bill:

**VOTER ELIGIBILITY AMENDMENTS**

2016 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Joel K. Briscoe**

Senate Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill modifies provisions of the Election Code relating to voter age requirements.

**Highlighted Provisions:**

This bill:

- ▶ provides that an individual who is 17 years of age may register for and vote in a primary election if the individual will be 18 years of age by the general election;
- ▶ addresses the classification of a 17-year-old's voter registration record for purposes of the Government Records Access and Management Act; and
- ▶ makes technical and conforming changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**20A-2-101**, as last amended by Laws of Utah 2011, Chapter 395

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

**63G-2-302**, as last amended by Laws of Utah 2015, Chapters 43 and 130



26 ENACTS:

27 **20A-3-101.5**, Utah Code Annotated 1953

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

30 Section 1. Section **20A-2-101** is amended to read:

31 **20A-2-101. Eligibility for registration.**

32 (1) Except as provided in Subsection (2), [~~any person~~] an individual may apply to  
33 register to vote in an election who:

34 (a) is a citizen of the United States;

35 (b) has been a resident of Utah for at least the 30 days immediately before the election;

36 (c) will be:

37 (i) at least 18 years [~~old~~] of age on the day of the election; [~~and~~] or

38 (ii) if the election is a regular primary election, a municipal primary election, or a

39 Western States Presidential Primary:

40 (A) 17 years of age on or before the day of the regular primary election, municipal  
41 primary election, or Western States Presidential Primary; and

42 (B) 18 years of age on or before the general election that immediately follows the  
43 regular primary election, municipal primary election, or Western States Presidential Primary;

44 and

45 (d) currently resides within the voting district or precinct in which the [~~person~~]  
46 individual applies to register to vote.

47 (2) (a) (i) [~~A person~~] An individual who is involuntarily confined or incarcerated in a  
48 jail, prison, or other facility within a voting precinct is not a resident of that voting precinct and  
49 may not register to vote in that voting precinct unless the [~~person~~] individual was a resident of  
50 that voting precinct before the confinement or incarceration.

51 (ii) [~~A person~~] An individual who is involuntarily confined or incarcerated in a jail or  
52 prison is a resident of the voting precinct in which the [~~person~~] individual resided before the  
53 confinement or incarceration.

54 (b) [~~A person~~] An individual who has been convicted of a felony or a misdemeanor for  
55 an offense under this title may not register to vote or remain registered to vote unless the  
56 [~~person's~~] individual's right to vote has been restored as provided in Section **20A-2-101.3** or

57 [20A-2-101.5](#).

58 (c) [~~A person~~] An individual whose right to vote has been restored, as provided in  
59 Section [20A-2-101.3](#) or [20A-2-101.5](#), is eligible to register to vote.

60 (3) [~~A person~~] An individual who is eligible to vote and who resides within the  
61 geographic boundaries of the entity in which the election is held may register to vote in a:

- 62 (a) regular general election;
- 63 (b) regular primary election;
- 64 (c) municipal general election;
- 65 (d) municipal primary election;
- 66 (e) statewide special election;
- 67 (f) local special election;
- 68 (g) local district election; [~~and~~]
- 69 (h) bond election[~~-~~]; and
- 70 (i) Western States Presidential Primary.

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

72 **20A-2-101.1. Preregistering to vote.**

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

- 74 (a) is 16 or 17 years of age;
- 75 (b) will not be 18 years of age before the next election;
- 76 (c) is a citizen of the United States;
- 77 (d) has been a resident of Utah for at least 30 days; and
- 78 (e) currently resides within the voting district or precinct in which the individual  
79 preregisters to vote.

80 (2) [~~An~~] (a) Except as provided in Subsection (2)(b), an individual described in  
81 Subsection (1) may not vote in an election and is not registered to vote until:

- 82 [~~(a)~~] (i) the individual is at least 18 years of age; and
- 83 [~~(b)~~] (ii) the county clerk registers the individual to vote under Subsection (4).

84 (b) An individual described in Subsection (1) may, in accordance with Section  
85 [20A-3-101.5](#), vote in a regular primary election, municipal primary election, or Western States  
86 Presidential Primary if the individual:

- 87 (i) satisfies the requirements described in Subsections [20A-3-101.5\(1\)](#); and

88 (ii) the county clerk registers the individual to vote under Subsection (4).

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

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

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

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

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

98 (ii) register the individual to vote in the next election in which the individual will be  
99 eligible to vote, before the voter registration deadline established in Section [20A-2-102.5](#) for  
100 that election; and

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

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

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

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

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

109 (i) the day of the voter registration deadline immediately preceding the earlier of:

110 (A) the election day on which the individual will be at least 18 years of age; or

111 (B) the regular primary election, municipal primary election, or Western States  
112 Presidential Primary in which the individual is eligible to vote under Section [20A-3-101.5](#); or

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

114 (c) A county clerk shall refer a voter registration form to the county attorney for  
115 investigation and possible prosecution if the clerk or the clerk's designee believes the  
116 individual is attempting to preregister to vote in an election[~~:(i) that will be held on or after the~~  
117 ~~day on which the individual turns 18 years of age; and (ii)] in which the individual is old  
118 enough to vote, but will not be legally entitled to vote.~~

119 (5) (a) The lieutenant governor or a county clerk shall classify the voter registration  
120 record of an individual who preregisters to vote as a private record until the day on which the  
121 ~~[individual turns 18 years of age]~~ lieutenant governor or county clerk classifies the individual's  
122 voter registration record or a portion of the individual's voter registration record as a public in  
123 accordance with Subsection (5)(b).

124 (b) (i) On the day on which ~~[the]~~ an individual described in Subsection (5)(a) turns 17  
125 years of age, the lieutenant governor or county clerk shall classify the individual's name,  
126 address, and party affiliation listed on the individual's voter registration as public in accordance  
127 with Subsection 63G-2-301(2)(l).

128 (ii) On the day on which an individual described in Subsection (5)(a) turns 18 years of  
129 age, the lieutenant governor or county clerk shall classify the individual's voter registration  
130 record as a public record in accordance with Subsection 63G-2-301(2)(l).

131 (6) If an individual who ~~[is at least 18 years of age]~~ meets the minimum age  
132 qualification to register to vote erroneously indicates on the voter registration form that the  
133 individual is preregistering to vote, the county clerk shall consider the form as a voter  
134 registration form and shall process the form in accordance with this chapter.

135 Section 3. Section **20A-3-101.5** is enacted to read:

136 **20A-3-101.5. Age requirements for primary elections -- 17-year-olds may vote.**

137 (1) An individual who is 17 years of age and registered to vote in accordance with  
138 Chapter 2, Voter Registration, may only vote in a regular primary election, a municipal primary  
139 election, or a Western States Presidential Primary.

140 (2) An individual described in Subsection (1) may not exercise any other right as a  
141 registered voter until the individual is 18 years of age.

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

143 **63G-2-302. Private records.**

144 (1) The following records are private:

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

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

149 (c) records of publicly funded libraries that when examined alone or with other records

- 150 identify a patron;
- 151 (d) records received by or generated by or for:
- 152 (i) the Independent Legislative Ethics Commission, except for:
- 153 (A) the commission's summary data report that is required under legislative rule; and
- 154 (B) any other document that is classified as public under legislative rule; or
- 155 (ii) a Senate or House Ethics Committee in relation to the review of ethics complaints,
- 156 unless the record is classified as public under legislative rule;
- 157 (e) records received by, or generated by or for, the Independent Executive Branch
- 158 Ethics Commission, except as otherwise expressly provided in Title 63A, Chapter 14, Review
- 159 of Executive Branch Ethics Complaints;
- 160 (f) records received or generated for a Senate confirmation committee concerning
- 161 character, professional competence, or physical or mental health of an individual:
- 162 (i) if, prior to the meeting, the chair of the committee determines release of the records:
- 163 (A) reasonably could be expected to interfere with the investigation undertaken by the
- 164 committee; or
- 165 (B) would create a danger of depriving a person of a right to a fair proceeding or
- 166 impartial hearing; and
- 167 (ii) after the meeting, if the meeting was closed to the public;
- 168 (g) employment records concerning a current or former employee of, or applicant for
- 169 employment with, a governmental entity that would disclose that individual's home address,
- 170 home telephone number, Social Security number, insurance coverage, marital status, or payroll
- 171 deductions;
- 172 (h) records or parts of records under Section [63G-2-303](#) that a current or former
- 173 employee identifies as private according to the requirements of that section;
- 174 (i) that part of a record indicating a person's Social Security number or federal
- 175 employer identification number if provided under Section [31A-23a-104](#), [31A-25-202](#),
- 176 [31A-26-202](#), [58-1-301](#), [58-55-302](#), [61-1-4](#), or [61-2f-203](#);
- 177 (j) that part of a voter registration record identifying a voter's:
- 178 (i) driver license or identification card number;
- 179 (ii) Social Security number, or last four digits of the Social Security number;
- 180 (iii) email address; or

- 181 (iv) date of birth;
- 182 (k) a voter registration record or any portion of a voter registration record that is
- 183 classified as a private record by the lieutenant governor or a county clerk under Subsection
- 184 [20A-2-104\(4\)\(f\)](#) or [20A-2-101.1\(5\)\(a\)](#);
- 185 (l) a record that:
- 186 (i) contains information about an individual;
- 187 (ii) is voluntarily provided by the individual; and
- 188 (iii) goes into an electronic database that:
- 189 (A) is designated by and administered under the authority of the Chief Information
- 190 Officer; and
- 191 (B) acts as a repository of information about the individual that can be electronically
- 192 retrieved and used to facilitate the individual's online interaction with a state agency;
- 193 (m) information provided to the Commissioner of Insurance under:
- 194 (i) Subsection [31A-23a-115\(2\)\(a\)](#);
- 195 (ii) Subsection [31A-23a-302\(3\)](#); or
- 196 (iii) Subsection [31A-26-210\(3\)](#);
- 197 (n) information obtained through a criminal background check under Title 11, Chapter
- 198 40, Criminal Background Checks by Political Subdivisions Operating Water Systems;
- 199 (o) information provided by an offender that is:
- 200 (i) required by the registration requirements of Title 77, Chapter 41, Sex and Kidnap
- 201 Offender Registry; and
- 202 (ii) not required to be made available to the public under Subsection [77-41-110\(4\)](#);
- 203 (p) a statement and any supporting documentation filed with the attorney general in
- 204 accordance with Section [34-45-107](#), if the federal law or action supporting the filing involves
- 205 homeland security;
- 206 (q) electronic toll collection customer account information received or collected under
- 207 Section [72-6-118](#) and customer information described in Section [17B-2a-815](#) received or
- 208 collected by a public transit district, including contact and payment information and customer
- 209 travel data;
- 210 (r) an email address provided by a military or overseas voter under Section
- 211 [20A-16-501](#);

212 (s) a completed military-overseas ballot that is electronically transmitted under Title  
213 20A, Chapter 16, Uniform Military and Overseas Voters Act;

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

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

217 (ii) any other document that is classified as public in accordance with Title 11, Chapter  
218 49, Political Subdivisions Ethics Review Commission;

219 (u) a record described in Subsection 53A-11a-203(3) that verifies that a parent was  
220 notified of an incident or threat; and

221 (v) a criminal background check or credit history report conducted in accordance with  
222 Section 63A-3-201.

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

224 (a) records concerning a current or former employee of, or applicant for employment  
225 with a governmental entity, including performance evaluations and personal status information  
226 such as race, religion, or disabilities, but not including records that are public under Subsection  
227 63G-2-301(2)(b) or 63G-2-301(3)(o) or private under Subsection (1)(b);

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

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

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

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

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

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

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

241 (f) any portion of a record in the custody of the Division of Aging and Adult Services,  
242 created in Section 62A-3-102, that may disclose, or lead to the discovery of, the identity of a



243 person who made a report of alleged abuse, neglect, or exploitation of a vulnerable adult.

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

246 (b) Medical records in the possession of the University of Utah Hospital, its clinics,  
247 doctors, or affiliated entities are not private records or controlled records under Section  
248 [63G-2-304](#) when the records are sought:

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

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

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