

HB0070S01 compared with HB0070

~~deleted text~~ shows text that was in HB0070 but was deleted in HB0070S01.

inserted text shows text that was not in HB0070 but was inserted into HB0070S01.

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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: _____

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:

HB0070S01 compared with HB0070

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

ENACTS:

20A-3-101.5, Utah Code Annotated 1953

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

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

20A-2-101. Eligibility for registration.

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

(a) is a citizen of the United States;

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

(c) will be:

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

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

Western States Presidential Primary:

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

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

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

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

HB0070S01 compared with HB0070

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

(b) [~~A person~~] An individual who has been convicted of a felony or a misdemeanor for an offense under this title may not register to vote or remain registered to vote unless the [~~person's~~] individual's right to vote has been restored as provided in Section 20A-2-101.3 or 20A-2-101.5.

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

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

- (a) regular general election;
- (b) regular primary election;
- (c) municipal general election;
- (d) municipal primary election;
- (e) statewide special election;
- (f) local special election;
- (g) local district election; [~~and~~]
- (h) bond election[-]; and
- (i) Western States Presidential Primary.

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

20A-2-101.1. Preregistering to vote.

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

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

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

HB0070S01 compared with HB0070

~~[(a)]~~ (i) the individual is at least 18 years of age; and

~~[(b)]~~ (ii) the county clerk registers the individual to vote under Subsection (4).

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

(i) satisfies the requirements described in Subsections 20A-3-101.5(1); and

~~[(b)]~~ (ii) the county clerk registers the individual to vote under Subsection (4).

(3) An individual who preregisters to vote shall:

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

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

(4) (a) A county clerk shall:

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

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

(iii) send a notice to the individual that:

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

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

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

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

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

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

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

HB0070S01 compared with HB0070

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

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

~~_____ } (i) { } that will be held on or after the day on which the individual turns 18 years of age; and {~~

~~_____ } (ii) { }]~~ in which the individual is old enough to vote, but will not be legally entitled to vote.

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

~~_____ (b)]~~ lieutenant governor or county clerk classifies the individual's voter registration record or a portion of the individual's voter registration record as a public in accordance with Subsection (5)(b).

(b) (i) On the day on which [the] an individual described in Subsection (5)(a) turns 17 years of age, the lieutenant governor or county clerk shall classify the individual's name, address, and party affiliation listed on the individual's voter registration as public in accordance with Subsection 63G-2-301(2)(1).

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

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

Section ~~{2}3~~. Section **20A-3-101.5** is enacted to read:

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

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

~~{1}2) {the}An individual {will be 18 years of age on or before the general election~~

HB0070S01 compared with HB0070

~~that immediately follows the regular primary election, municipal primary election, or Western States Presidential Primary;~~

~~— (2) } described in Subsection (1) may not exercise any other right as a registered voter until the individual is {registered to vote in accordance with Chapter 2, Voter Registration;~~

~~— (3) } 18 years of age.~~

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

63G-2-302. Private records.

(1) The following records are private:

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

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

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

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

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

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

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

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

(e) records received by, or generated by or for, the Independent Executive Branch Ethics Commission, except as otherwise expressly provided in Title 63A, Chapter 14, Review of Executive Branch Ethics Complaints;

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

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

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

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

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

HB0070S01 compared with HB0070

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

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

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

(j) that part of a voter registration record identifying a voter's:

(i) driver license or identification card number;

(ii) Social Security number, or last four digits of the Social Security number;

(iii) email address; or

(iv) date of birth;

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

(l) a record that:

(i) contains information about an individual;

(ii) is voluntarily provided by the individual; and

(iii) goes into an electronic database that:

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

(B) acts as a repository of information about the individual that can be electronically retrieved and used to facilitate the individual's {political party affiliation, or unaffiliated status, allows the individual to vote in the election; and

——— (4) in the case of a municipal primary election, the individual is a resident of a voting district or precinct within the local entity that is holding the election.

HB0070S01 compared with HB0070

Legislative Review Note

~~Office of Legislative Research and General Counsel~~; online interaction with a state agency;

(m) information provided to the Commissioner of Insurance under:

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

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

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

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

(o) information provided by an offender that is:

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

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

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

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

(r) an email address provided by a military or overseas voter under Section 20A-16-501;

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

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

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

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

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

(v) a criminal background check or credit history report conducted in accordance with

HB0070S01 compared with HB0070

Section 63A-3-201.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

HB0070S01 compared with HB0070

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