

1 **VOTER RECORDS AMENDMENTS**

2 2017 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Rebecca P. Edwards**

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

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7 **LONG TITLE**

8 **General Description:**

9 This bill addresses the accessibility of a voter registration record.

10 **Highlighted Provisions:**

11 This bill:

- 12 ▶ defines terms;
- 13 ▶ specifies that a voter registration record is a private record under the Government

14 Records Access and Management Act except to the extent that an individual

15 indicates otherwise on a voter registration form;

16 ▶ amends the voter registration form to ask an individual whether the individual

17 would like to make a portion of the individual's voter registration record a public

18 record;

19 ▶ allows specified persons to receive certain portions of a private voter registration

20 record from the lieutenant governor or a county clerk;

21 ▶ prohibits the lieutenant governor or a county clerk from providing a political party

22 the voter registration record of an individual who is not affiliated with the political

23 party;

24 ▶ provides direction to a county clerk regarding the classification of the voter

25 registration record of an individual who preregisters to vote;

26 ▶ limits the persons to whom the lieutenant governor may charge a special fee for

27 providing a voter registration record; and



28           ▶ makes technical and conforming changes.

29 **Money Appropriated in this Bill:**

30           None

31 **Other Special Clauses:**

32           None

33 **Utah Code Sections Affected:**

34 AMENDS:

35           **20A-1-102**, as last amended by Laws of Utah 2016, Chapters 28, 66, and 176

36           **20A-2-101.1**, as enacted by Laws of Utah 2015, Chapter 130

37           **20A-2-104**, as last amended by Laws of Utah 2015, Chapter 130

38           **20A-2-108**, as last amended by Laws of Utah 2015, Chapter 130

39           **20A-2-206**, as last amended by Laws of Utah 2015, Chapter 130

40           **20A-2-306**, as last amended by Laws of Utah 2014, Chapter 373

41           **20A-2-308**, as last amended by Laws of Utah 2014, Chapter 373

42           **20A-6-105**, as last amended by Laws of Utah 2014, Chapter 373

43           **63G-2-202**, as last amended by Laws of Utah 2016, Chapter 348

44           **63G-2-203**, as last amended by Laws of Utah 2016, Chapter 90

45           **63G-2-301**, as last amended by Laws of Utah 2014, Chapter 373

46           **63G-2-302**, as last amended by Laws of Utah 2016, Chapter 410

47 ENACTS:

48           **20A-2-104.5**, Utah Code Annotated 1953



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

51           Section 1. Section **20A-1-102** is amended to read:

52           **20A-1-102. Definitions.**

53           As used in this title:

54           (1) "Active voter" means a registered voter who has not been classified as an inactive  
55 voter by the county clerk.

56           (2) "Automatic tabulating equipment" means apparatus that automatically examines  
57 and counts votes recorded on paper ballots or ballot sheets and tabulates the results.

58           (3) (a) "Ballot" means the storage medium, whether paper, mechanical, or electronic,

59 upon which a voter records the voter's votes.

60 (b) "Ballot" includes ballot sheets, paper ballots, electronic ballots, and secrecy  
61 envelopes.

62 (4) "Ballot label" means the cards, papers, booklet, pages, or other materials that:

63 (a) contain the names of offices and candidates and statements of ballot propositions to  
64 be voted on; and

65 (b) are used in conjunction with ballot sheets that do not display that information.

66 (5) "Ballot proposition" means a question, issue, or proposal that is submitted to voters  
67 on the ballot for their approval or rejection including:

68 (a) an opinion question specifically authorized by the Legislature;

69 (b) a constitutional amendment;

70 (c) an initiative;

71 (d) a referendum;

72 (e) a bond proposition;

73 (f) a judicial retention question;

74 (g) an incorporation of a city or town; or

75 (h) any other ballot question specifically authorized by the Legislature.

76 (6) "Ballot sheet":

77 (a) means a ballot that:

78 (i) consists of paper or a card where the voter's votes are marked or recorded; and

79 (ii) can be counted using automatic tabulating equipment; and

80 (b) includes punch card ballots and other ballots that are machine-countable.

81 (7) "Bind," "binding," or "bound" means securing more than one piece of paper  
82 together with a staple or stitch in at least three places across the top of the paper in the blank  
83 space reserved for securing the paper.

84 (8) "Board of canvassers" means the entities established by Sections [20A-4-301](#) and  
85 [20A-4-306](#) to canvass election returns.

86 (9) "Bond election" means an election held for the purpose of approving or rejecting  
87 the proposed issuance of bonds by a government entity.

88 (10) "Book voter registration form" means voter registration forms contained in a  
89 bound book that are used by election officers and registration agents to register persons to vote.

90 (11) "Business reply mail envelope" means an envelope that may be mailed free of  
91 charge by the sender.

92 (12) "By-mail voter registration form" means a voter registration form designed to be  
93 completed by the voter and mailed to the election officer.

94 (13) "Canvass" means the review of election returns and the official declaration of  
95 election results by the board of canvassers.

96 (14) "Canvassing judge" means a poll worker designated to assist in counting ballots at  
97 the canvass.

98 (15) "Contracting election officer" means an election officer who enters into a contract  
99 or interlocal agreement with a provider election officer.

100 (16) "Convention" means the political party convention at which party officers and  
101 delegates are selected.

102 (17) "Counting center" means one or more locations selected by the election officer in  
103 charge of the election for the automatic counting of ballots.

104 (18) "Counting judge" means a poll worker designated to count the ballots during  
105 election day.

106 (19) "Counting poll watcher" means a person selected as provided in Section  
107 [20A-3-201](#) to witness the counting of ballots.

108 (20) "Counting room" means a suitable and convenient private place or room,  
109 immediately adjoining the place where the election is being held, for use by the poll workers  
110 and counting judges to count ballots during election day.

111 (21) "County officers" means those county officers that are required by law to be  
112 elected.

113 (22) "Date of the election" or "election day" or "day of the election":

114 (a) means the day that is specified in the calendar year as the day that the election  
115 occurs; and

116 (b) does not include:

117 (i) deadlines established for absentee voting; or

118 (ii) any early voting or early voting period as provided under Chapter 3, Part 6, Early  
119 Voting.

120 (23) "Elected official" means:

- 121 (a) a person elected to an office under Section 20A-1-303;
- 122 (b) a person who is considered to be elected to a municipal office in accordance with
- 123 Subsection 20A-1-206(1)(c)(ii); or
- 124 (c) a person who is considered to be elected to a local district office in accordance with
- 125 Subsection 20A-1-206(3)(c)(ii).
- 126 (24) "Election" means a regular general election, a municipal general election, a
- 127 statewide special election, a local special election, a regular primary election, a municipal
- 128 primary election, and a local district election.
- 129 (25) "Election Assistance Commission" means the commission established by the Help
- 130 America Vote Act of 2002, Pub. L. No. 107-252.
- 131 (26) "Election cycle" means the period beginning on the first day persons are eligible to
- 132 file declarations of candidacy and ending when the canvass is completed.
- 133 (27) "Election judge" means a poll worker that is assigned to:
- 134 (a) preside over other poll workers at a polling place;
- 135 (b) act as the presiding election judge; or
- 136 (c) serve as a canvassing judge, counting judge, or receiving judge.
- 137 (28) "Election officer" means:
- 138 (a) the lieutenant governor, for all statewide ballots and elections;
- 139 (b) the county clerk for:
- 140 (i) a county ballot and election; and
- 141 (ii) a ballot and election as a provider election officer as provided in Section
- 142 20A-5-400.1 or 20A-5-400.5;
- 143 (c) the municipal clerk for:
- 144 (i) a municipal ballot and election; and
- 145 (ii) a ballot and election as a provider election officer as provided in Section
- 146 20A-5-400.1 or 20A-5-400.5;
- 147 (d) the local district clerk or chief executive officer for:
- 148 (i) a local district ballot and election; and
- 149 (ii) a ballot and election as a provider election officer as provided in Section
- 150 20A-5-400.1 or 20A-5-400.5; or
- 151 (e) the business administrator or superintendent of a school district for:

- 152 (i) a school district ballot and election; and
- 153 (ii) a ballot and election as a provider election officer as provided in Section
- 154 [20A-5-400.1](#) or [20A-5-400.5](#).
- 155 (29) "Election official" means any election officer, election judge, or poll worker.
- 156 (30) "Election results" means:
- 157 (a) for an election other than a bond election, the count of votes cast in the election and
- 158 the election returns requested by the board of canvassers; or
- 159 (b) for bond elections, the count of those votes cast for and against the bond
- 160 proposition plus any or all of the election returns that the board of canvassers may request.
- 161 (31) "Election returns" includes the pollbook, the military and overseas absentee voter
- 162 registration and voting certificates, one of the tally sheets, any unprocessed absentee ballots, all
- 163 counted ballots, all excess ballots, all unused ballots, all spoiled ballots, the ballot disposition
- 164 form, and the total votes cast form.
- 165 (32) "Electronic ballot" means a ballot that is recorded using a direct electronic voting
- 166 device or other voting device that records and stores ballot information by electronic means.
- 167 (33) "Electronic signature" means an electronic sound, symbol, or process attached to
- 168 or logically associated with a record and executed or adopted by a person with the intent to sign
- 169 the record.
- 170 (34) (a) "Electronic voting device" means a voting device that uses electronic ballots.
- 171 (b) "Electronic voting device" includes a direct recording electronic voting device.
- 172 (35) "Inactive voter" means a registered voter who has:
- 173 (a) been sent the notice required by Section [20A-2-306](#); and
- 174 (b) failed to respond to that notice.
- 175 (36) "Inspecting poll watcher" means a person selected as provided in this title to
- 176 witness the receipt and safe deposit of voted and counted ballots.
- 177 (37) "Judicial office" means the office filled by any judicial officer.
- 178 (38) "Judicial officer" means any justice or judge of a court of record or any county
- 179 court judge.
- 180 (39) "Local district" means a local government entity under Title 17B, Limited Purpose
- 181 Local Government Entities - Local Districts, and includes a special service district under Title
- 182 17D, Chapter 1, Special Service District Act.

183 (40) "Local district officers" means those local district board members that are required  
184 by law to be elected.

185 (41) "Local election" means a regular county election, a regular municipal election, a  
186 municipal primary election, a local special election, a local district election, and a bond  
187 election.

188 (42) "Local political subdivision" means a county, a municipality, a local district, or a  
189 local school district.

190 (43) "Local special election" means a special election called by the governing body of a  
191 local political subdivision in which all registered voters of the local political subdivision may  
192 vote.

193 (44) "Municipal executive" means:

194 (a) the mayor in the council-mayor form of government defined in Section 10-3b-102;

195 (b) the mayor in the council-manager form of government defined in Subsection  
196 10-3b-103(7); or

197 (c) the chair of a metro township form of government defined in Section 10-3b-102.

198 (45) "Municipal general election" means the election held in municipalities and, as  
199 applicable, local districts on the first Tuesday after the first Monday in November of each  
200 odd-numbered year for the purposes established in Section 20A-1-202.

201 (46) "Municipal legislative body" means:

202 (a) the council of the city or town in any form of municipal government; or

203 (b) the council of a metro township.

204 (47) "Municipal office" means an elective office in a municipality.

205 (48) "Municipal officers" means those municipal officers that are required by law to be  
206 elected.

207 (49) "Municipal primary election" means an election held to nominate candidates for  
208 municipal office.

209 (50) "Municipality" means a city, town, or metro township.

210 (51) "Official ballot" means the ballots distributed by the election officer to the poll  
211 workers to be given to voters to record their votes.

212 (52) "Official endorsement" means:

213 (a) the information on the ballot that identifies:

- 214 (i) the ballot as an official ballot;
- 215 (ii) the date of the election; and
- 216 (iii) (A) for a ballot prepared by an election officer other than a county clerk, the  
217 facsimile signature required by Subsection 20A-6-401(1)(b)(iii); or
- 218 (B) for a ballot prepared by a county clerk, the words required by Subsection  
219 20A-6-301(1)(c)(iii); and
- 220 (b) the information on the ballot stub that identifies:
  - 221 (i) the poll worker's initials; and
  - 222 (ii) the ballot number.
- 223 (53) "Official register" means the official record furnished to election officials by the  
224 election officer that contains the information required by Section 20A-5-401.
- 225 (54) "Paper ballot" means a paper that contains:
  - 226 (a) the names of offices and candidates and statements of ballot propositions to be  
227 voted on; and
  - 228 (b) spaces for the voter to record the voter's vote for each office and for or against each  
229 ballot proposition.
- 230 (55) "Political party" means an organization of registered voters that has qualified to  
231 participate in an election by meeting the requirements of Chapter 8, Political Party Formation  
232 and Procedures.
- 233 (56) "Pollbook" means a record of the names of voters in the order that they appear to  
234 cast votes.
- 235 (57) "Polling place" means the building where voting is conducted.
- 236 (58) (a) "Poll worker" means a person assigned by an election official to assist with an  
237 election, voting, or counting votes.
  - 238 (b) "Poll worker" includes election judges.
  - 239 (c) "Poll worker" does not include a watcher.
- 240 (59) "Position" means a square, circle, rectangle, or other geometric shape on a ballot  
241 in which the voter marks the voter's choice.
- 242 (60) "Primary convention" means the political party conventions held during the year  
243 of the regular general election.
- 244 (61) "Protective counter" means a separate counter, which cannot be reset, that:



- 245 (a) is built into a voting machine; and
- 246 (b) records the total number of movements of the operating lever.
- 247 (62) "Provider election officer" means an election officer who enters into a contract or
- 248 interlocal agreement with a contracting election officer to conduct an election for the
- 249 contracting election officer's local political subdivision in accordance with Section
- 250 [20A-5-400.1](#).
- 251 (63) "Provisional ballot" means a ballot voted provisionally by a person:
- 252 (a) whose name is not listed on the official register at the polling place;
- 253 (b) whose legal right to vote is challenged as provided in this title; or
- 254 (c) whose identity was not sufficiently established by a poll worker.
- 255 (64) "Provisional ballot envelope" means an envelope printed in the form required by
- 256 Section [20A-6-105](#) that is used to identify provisional ballots and to provide information to
- 257 verify a person's legal right to vote.
- 258 (65) "Qualify" or "qualified" means to take the oath of office and begin performing the
- 259 duties of the position for which the person was elected.
- 260 (66) "Receiving judge" means the poll worker that checks the voter's name in the
- 261 official register, provides the voter with a ballot, and removes the ballot stub from the ballot
- 262 after the voter has voted.
- 263 (67) "Registration form" means a book voter registration form and a by-mail voter
- 264 registration form.
- 265 (68) "Regular ballot" means a ballot that is not a provisional ballot.
- 266 (69) "Regular general election" means the election held throughout the state on the first
- 267 Tuesday after the first Monday in November of each even-numbered year for the purposes
- 268 established in Section [20A-1-201](#).
- 269 (70) "Regular primary election" means the election on the fourth Tuesday of June of
- 270 each even-numbered year, to nominate candidates of political parties and candidates for
- 271 nonpartisan local school board positions to advance to the regular general election.
- 272 (71) "Resident" means a person who resides within a specific voting precinct in Utah.
- 273 (72) "Sample ballot" means a mock ballot similar in form to the official ballot printed
- 274 and distributed as provided in Section [20A-5-405](#).
- 275 (73) "Scratch vote" means to mark or punch the straight party ticket and then mark or

276 punch the ballot for one or more candidates who are members of different political parties or  
277 who are unaffiliated.

278 (74) "Secrecy envelope" means the envelope given to a voter along with the ballot into  
279 which the voter places the ballot after the voter has voted it in order to preserve the secrecy of  
280 the voter's vote.

281 (75) (a) "Secure voter registration record" means the information in, and obtained  
282 from, a voter registration form other than the voter's:

283 (i) driver license or identification card number;

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

285 (iii) email address; or

286 (iv) day and month of birth.

287 (b) "Secure voter registration record" includes an individual's voting history and year of  
288 birth.

289 ~~[(75)]~~ (76) "Special election" means an election held as authorized by Section  
290 20A-1-203.

291 ~~[(76)]~~ (77) "Spoiled ballot" means each ballot that:

292 (a) is spoiled by the voter;

293 (b) is unable to be voted because it was spoiled by the printer or a poll worker; or

294 (c) lacks the official endorsement.

295 ~~[(77)]~~ (78) "Statewide special election" means a special election called by the governor  
296 or the Legislature in which all registered voters in Utah may vote.

297 ~~[(78)]~~ (79) "Stub" means the detachable part of each ballot.

298 ~~[(79)]~~ (80) "Substitute ballots" means replacement ballots provided by an election  
299 officer to the poll workers when the official ballots are lost or stolen.

300 ~~[(80)]~~ (81) "Ticket" means a list of:

301 (a) political parties;

302 (b) candidates for an office; or

303 (c) ballot propositions.

304 ~~[(81)]~~ (82) "Transfer case" means the sealed box used to transport voted ballots to the  
305 counting center.

306 ~~[(82)]~~ (83) "Vacancy" means the absence of a person to serve in any position created

307 by statute, whether that absence occurs because of death, disability, disqualification,  
308 resignation, or other cause.

309 ~~[(83)]~~ (84) "Valid voter identification" means:

310 (a) a form of identification that bears the name and photograph of the voter which may  
311 include:

312 (i) a currently valid Utah driver license;

313 (ii) a currently valid identification card that is issued by:

314 (A) the state; or

315 (B) a branch, department, or agency of the United States;

316 (iii) a currently valid Utah permit to carry a concealed weapon;

317 (iv) a currently valid United States passport; or

318 (v) a currently valid United States military identification card;

319 (b) one of the following identification cards, whether or not the card includes a  
320 photograph of the voter:

321 (i) a valid tribal identification card;

322 (ii) a Bureau of Indian Affairs card; or

323 (iii) a tribal treaty card; or

324 (c) two forms of identification not listed under Subsection ~~[(83)]~~ (84)(a) or (b) but that  
325 bear the name of the voter and provide evidence that the voter resides in the voting precinct,  
326 which may include:

327 (i) a current utility bill or a legible copy thereof, dated within the 90 days before the  
328 election;

329 (ii) a bank or other financial account statement, or a legible copy thereof;

330 (iii) a certified birth certificate;

331 (iv) a valid social security card;

332 (v) a check issued by the state or the federal government or a legible copy thereof;

333 (vi) a paycheck from the voter's employer, or a legible copy thereof;

334 (vii) a currently valid Utah hunting or fishing license;

335 (viii) certified naturalization documentation;

336 (ix) a currently valid license issued by an authorized agency of the United States;

337 (x) a certified copy of court records showing the voter's adoption or name change;

338 (xi) a valid Medicaid card, Medicare card, or Electronic Benefits Transfer Card;

339 (xii) a currently valid identification card issued by:

340 (A) a local government within the state;

341 (B) an employer for an employee; or

342 (C) a college, university, technical school, or professional school located within the  
343 state; or

344 (xiii) a current Utah vehicle registration.

345 [~~84~~] (85) "Valid write-in candidate" means a candidate who has qualified as a  
346 write-in candidate by following the procedures and requirements of this title.

347 [~~85~~] (86) "Voter" means a person who:

348 (a) meets the requirements for voting in an election;

349 (b) meets the requirements of election registration;

350 (c) is registered to vote; and

351 (d) is listed in the official register book.

352 [~~86~~] (87) "Voter registration deadline" means the registration deadline provided in  
353 Section [20A-2-102.5](#).

354 [~~87~~] (88) "Voting area" means the area within six feet of the voting booths, voting  
355 machines, and ballot box.

356 [~~88~~] (89) "Voting booth" means:

357 (a) the space or compartment within a polling place that is provided for the preparation  
358 of ballots, including the voting machine enclosure or curtain; or

359 (b) a voting device that is free standing.

360 [~~89~~] (90) "Voting device" means:

361 (a) an apparatus in which ballot sheets are used in connection with a punch device for  
362 piercing the ballots by the voter;

363 (b) a device for marking the ballots with ink or another substance;

364 (c) an electronic voting device or other device used to make selections and cast a ballot  
365 electronically, or any component thereof;

366 (d) an automated voting system under Section [20A-5-302](#); or

367 (e) any other method for recording votes on ballots so that the ballot may be tabulated  
368 by means of automatic tabulating equipment.

369            [~~(90)~~] (91) "Voting machine" means a machine designed for the sole purpose of  
370 recording and tabulating votes cast by voters at an election.

371            [~~(91)~~] (92) "Voting poll watcher" means a person appointed as provided in this title to  
372 witness the distribution of ballots and the voting process.

373            [~~(92)~~] (93) "Voting precinct" means the smallest voting unit established as provided by  
374 law within which qualified voters vote at one polling place.

375            [~~(93)~~] (94) "Watcher" means a voting poll watcher, a counting poll watcher, an  
376 inspecting poll watcher, and a testing watcher.

377            [~~(94)~~] (95) "Western States Presidential Primary" means the election established in  
378 Chapter 9, Part 8, Western States Presidential Primary.

379            [~~(95)~~] (96) "Write-in ballot" means a ballot containing any write-in votes.

380            [~~(96)~~] (97) "Write-in vote" means a vote cast for a person whose name is not printed on  
381 the ballot according to the procedures established in this title.

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

383            **20A-2-101.1. Preregistering to vote.**

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

385            (a) is 16 or 17 years of age;

386            (b) will not be 18 years of age before the next election;

387            (c) is a citizen of the United States;

388            (d) has been a resident of Utah for at least 30 days; and

389            (e) currently resides within the voting district or precinct in which the individual  
390 preregisters to vote.

391            (2) An individual described in Subsection (1) may not vote in an election and is not  
392 registered to vote until:

393            (a) the individual is at least 18 years of age; and

394            (b) the county clerk registers the individual to vote under Subsection (4).

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

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

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

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

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

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

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

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

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

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

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

415 (i) the day of the voter registration deadline immediately preceding the election day on  
416 which the individual will be at least 18 years of age; or

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

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

421 (i) that will be held on or after the day on which the individual turns 18 years of age;  
422 and

423 (ii) in which the individual will not be legally entitled to vote.

424 (5) (a) ~~[The]~~ Except as provided in Subsection (5)(b), the lieutenant governor or a  
425 county clerk shall classify the voter registration record of an individual who preregisters to vote  
426 as a private record ~~[until the day on which the individual turns 18 years of age].~~

427 ~~(b) [On the day on which the individual described in Subsection (5)(a) turns 18 years of~~  
428 ~~age, the]~~ The lieutenant governor or county clerk shall classify the individual's secure voter  
429 registration record, other than the individual's year of birth, as a public record, in accordance  
430 with Subsection 63G-2-301(2)(l), on the day on which the individual turns 18 years of age if

431 the individual gives consent on a voter registration form under Subsection 20A-2-104(1),  
432 20A-2-108(2)(b), or 20A-6-105(1).

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

436 Section 3. Section 20A-2-104 is amended to read:

437 **20A-2-104. Voter registration form -- Registered voter lists.**

438 (1) An individual may make the individual's secure voter registration record, other than  
439 the individual's year of birth, a public record by indicating the voter's consent to make the  
440 record public on the form described in Subsection (2).

441 [(+)] (2) An individual applying for voter registration, or an individual preregistering to  
442 vote, shall complete a voter registration form in substantially the following form:

443 -----  
444 UTAH ELECTION REGISTRATION FORM

445 Are you a citizen of the United States of America? Yes No

446 If you checked "no" to the above question, do not complete this form.

447 Will you be 18 years of age on or before election day? Yes No

448 If you checked "no" to the above question, are you 16 or 17 years of age and preregistering to  
449 vote? Yes No

450 If you checked "no" to both of the prior two questions, do not complete this form.

451 Name of Voter

452 \_\_\_\_\_

453 First Middle Last

454 Utah Driver License or Utah Identification Card Number \_\_\_\_\_

455 Date of Birth \_\_\_\_\_

456 Street Address of Principal Place of Residence

457 \_\_\_\_\_

458 City County State Zip Code

459 Telephone Number (optional) \_\_\_\_\_

460 Last four digits of Social Security Number \_\_\_\_\_

461 Last former address at which I was registered to vote (if

462 known)\_\_\_\_\_

463 \_\_\_\_\_

464 City County State Zip Code

465 Political Party

466 (a listing of each registered political party, as defined in Section 20A-8-101 and maintained by  
467 the lieutenant governor under Section 67-1a-2, with each party's name preceded by a checkbox)

468 Unaffiliated (no political party preference) Other (Please specify)\_\_\_\_\_

469 The portion of your voter registration form that lists your year of birth is a private  
470 record, the use of which is restricted to government officials, government employees, political  
471 parties, or certain other persons. The portion of your voter registration form that lists your  
472 driver license or identification card number, social security number, email address, and day and  
473 month of birth is a private record. The remainder of your voter registration record is a private  
474 record unless you specify otherwise. Do you wish to make the remaining portions of your voter  
475 registration record a public record?

476 Yes No

477 I do swear (or affirm), subject to penalty of law for false statements, that the  
478 information contained in this form is true, and that I am a citizen of the United States and a  
479 resident of the state of Utah, residing at the above address. Unless I have indicated above that I  
480 am preregistering to vote in a later election, I will be at least 18 years of age and will have  
481 resided in Utah for 30 days immediately before the next election. I am not a convicted felon  
482 currently incarcerated for commission of a felony.

483 Signed and sworn

484 \_\_\_\_\_

485 Voter's Signature

486 \_\_\_\_\_(month/day/year).

487 [~~"The portion of a voter registration form that lists a person's driver license or~~  
488 ~~identification card number, Social Security number, and email address is a private record. The~~  
489 ~~portion of a voter registration form that lists a person's date of birth is a private record, the use~~  
490 ~~of which is restricted to government officials, government employees, political parties, or~~  
491 ~~certain other persons.~~]

492 If you believe that disclosure of any information contained in this voter registration



493 form to a person other than a government official or government employee is likely to put you  
494 or a member of your household's life or safety at risk, or to put you or a member of your  
495 household at risk of being stalked or harassed, you may apply to the lieutenant governor or your  
496 county clerk to ~~[have your entire voter registration record classified as private.]~~ prohibit a  
497 person, other than the government, from accessing any part of your voter registration record.

498 CITIZENSHIP AFFIDAVIT

499 Name:

500 Name at birth, if different:

501 Place of birth:

502 Date of birth:

503 Date and place of naturalization (if applicable):

504 I hereby swear and affirm, under penalties for voting fraud set forth below, that I am a  
505 citizen and that to the best of my knowledge and belief the information above is true and  
506 correct.

507 \_\_\_\_\_

508 Signature of Applicant

509 In accordance with Section 20A-2-401, the penalty for willfully causing, procuring, or  
510 allowing yourself to be registered or preregistered to vote if you know you are not entitled to  
511 register or preregister to vote is up to one year in jail and a fine of up to \$2,500.

512 NOTICE: IN ORDER TO BE ALLOWED TO VOTE, YOU MUST PRESENT VALID  
513 VOTER IDENTIFICATION TO THE POLL WORKER BEFORE VOTING, WHICH MUST  
514 BE A VALID FORM OF PHOTO IDENTIFICATION THAT SHOWS YOUR NAME AND  
515 PHOTOGRAPH; OR  
516 TWO DIFFERENT FORMS OF IDENTIFICATION THAT SHOW YOUR NAME AND  
517 CURRENT ADDRESS.

518 FOR OFFICIAL USE ONLY

519 Type of I.D. \_\_\_\_\_

520 Voting Precinct \_\_\_\_\_

521 Voting I.D. Number \_\_\_\_\_

522 -----

523 ~~[(2)]~~ (3) (a) Except as provided under Subsection (2)(b), the county clerk shall retain a

524 copy of each voter registration form in a permanent countywide alphabetical file, which may be  
525 electronic or some other recognized system.

526 (b) The county clerk may transfer a superseded voter registration form to the Division  
527 of Archives and Records Service created under Section 63A-12-101.

528 ~~[(3)]~~ (4) (a) Each county clerk shall retain lists of currently registered voters.

529 (b) The lieutenant governor shall maintain a list of registered voters in electronic form.

530 (c) If there are any discrepancies between the two lists, the county clerk's list is the  
531 official list.

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

535 ~~[(4) (a) As used in this Subsection (4), "qualified person" means:]~~

536 ~~[(i) a government official or government employee acting in the government official's  
537 or government employee's capacity as a government official or a government employee;]~~

538 ~~[(ii) a health care provider, as defined in Section 26-33a-102, or an agent, employee, or  
539 independent contractor of a health care provider;]~~

540 ~~[(iii) an insurance company, as defined in Section 67-4a-102, or an agent, employee, or  
541 independent contractor of an insurance company;]~~

542 ~~[(iv) a financial institution, as defined in Section 7-1-103, or an agent, employee, or  
543 independent contractor of a financial institution;]~~

544 ~~[(v) a political party, or an agent, employee, or independent contractor of a political  
545 party; or]~~

546 ~~[(vi) a person, or an agent, employee, or independent contractor of the person, who:]~~

547 ~~[(A) provides the date of birth of a registered voter that is obtained from the list of  
548 registered voters only to a person who is a qualified person;]~~

549 ~~[(B) verifies that a person, described in Subsection (4)(a)(vi)(A), to whom a date of  
550 birth that is obtained from the list of registered voters is provided, is a qualified person;]~~

551 ~~[(C) ensures, using industry standard security measures, that the date of birth of a  
552 registered voter that is obtained from the list of registered voters may not be accessed by a  
553 person other than a qualified person;]~~

554 ~~[(D) verifies that each qualified person, other than a qualified person described in~~

555 ~~Subsection (4)(a)(i) or (v), to whom the person provides the date of birth of a registered voter~~  
556 ~~that is obtained from the list of registered voters, will only use the date of birth to verify the~~  
557 ~~accuracy of personal information submitted by an individual or to confirm the identity of a~~  
558 ~~person in order to prevent fraud, waste, or abuse;]~~

559 ~~[(E) verifies that each qualified person described in Subsection (4)(a)(i), to whom the~~  
560 ~~person provides the date of birth of a registered voter that is obtained from the list of registered~~  
561 ~~voters, will only use the date of birth in the qualified person's capacity as a government official~~  
562 ~~or government employee; and]~~

563 ~~[(F) verifies that each qualified person described in Subsection (4)(a)(v), to whom the~~  
564 ~~person provides the date of birth of a registered voter that is obtained from the list of registered~~  
565 ~~voters, will only use the date of birth for a political purpose.]~~

566 ~~[(b) Notwithstanding Subsection 63G-2-302(1)(j)(iv), and except as provided in~~  
567 ~~Subsection 63G-2-302(1)(k), the lieutenant governor or a county clerk shall, when providing~~  
568 ~~the list of registered voters to a qualified person under this section, include, with the list, the~~  
569 ~~dates of birth of the registered voters, if:]~~

570 ~~[(i) the lieutenant governor or a county clerk verifies the identity of the person and that~~  
571 ~~the person is a qualified person; and]~~

572 ~~[(ii) the qualified person signs a document that includes the following:]~~

573 ~~[(A) the name, address, and telephone number of the person requesting the list of~~  
574 ~~registered voters;]~~

575 ~~[(B) an indication of the type of qualified person that the person requesting the list~~  
576 ~~claims to be;]~~

577 ~~[(C) a statement regarding the purpose for which the person desires to obtain the dates~~  
578 ~~of birth;]~~

579 ~~[(D) a list of the purposes for which the date of birth of a registered voter that is~~  
580 ~~obtained from the list of registered voters may be used;]~~

581 ~~[(E) a statement that the date of birth of a registered voter that is obtained from the list~~  
582 ~~of registered voters may not be provided or used for a purpose other than a purpose described~~  
583 ~~under Subsection (4)(b)(ii)(D);]~~

584 ~~[(F) a statement that if the person obtains the date of birth of a registered voter from the~~  
585 ~~list of registered voters under false pretenses, or provides or uses the date of birth of a~~

586 registered voter that is obtained from the list of registered voters in a manner that is prohibited  
587 by law, is guilty of a class A misdemeanor and is subject to a civil fine;]

588 [(G) an assertion from the person that the person will not provide or use the date of  
589 birth of a registered voter that is obtained from the list of registered voters in a manner that is  
590 prohibited by law; and]

591 [(H) notice that if the person makes a false statement in the document, the person is  
592 punishable by law under Section 76-8-504.]

593 [(c) The lieutenant governor or a county clerk may not disclose the date of birth of a  
594 registered voter to a person that the lieutenant governor or county clerk reasonably believes:]

595 [(i) is not a qualified person or a person described in Subsection (4)(k); or]

596 [(ii) will provide or use the date of birth in a manner prohibited by law.]

597 [(d) The lieutenant governor or a county clerk may not disclose the voter registration  
598 form of a person, or information included in the person's voter registration form, whose voter  
599 registration form is classified as private under Subsection (4)(f) to a person other than a  
600 government official or government employee acting in the government official's or government  
601 employee's capacity as a government official or government employee.]

602 [(e) A person is guilty of a class A misdemeanor if the person:]

603 [(i) obtains the date of birth of a registered voter from the list of registered voters under  
604 false pretenses; or]

605 [(ii) uses or provides the date of birth of a registered voter that is obtained from the list  
606 of registered voters, in a manner that is not permitted by law.]

607 [(f) The lieutenant governor or a county clerk shall classify the voter registration record  
608 of a voter as a private record if the voter submits:]

609 [(i) a written application, created by the lieutenant governor, requesting that the voter's  
610 voter registration record be classified as private; and]

611 [(ii) provides evidence to the lieutenant governor or a county clerk establishing that  
612 release of the information on the voter's voter registration record is likely to put the voter or a  
613 member of the voter's household's life or safety at risk, or to put the voter or a member of the  
614 voter's household at risk of being stalked or harassed.]

615 [(g) The evidence described in Subsection (4)(f) may include:]

616 [(i) a protective order;]

617           ~~[(ii) a police report; or]~~  
618           ~~[(iii) other evidence designated by rule, made in accordance with Title 63G, Chapter 3,~~  
619 ~~Utah Administrative Rulemaking Act, by the director of elections within the Office of the~~  
620 ~~Lieutenant Governor.]~~

621           ~~[(h) In addition to any criminal penalty that may be imposed under this section, the~~  
622 ~~lieutenant governor may impose a civil fine against a person who obtains the date of birth of a~~  
623 ~~registered voter from the list of registered voters under false pretenses, or provides or uses a~~  
624 ~~date of birth of a registered voter that is obtained from the list of registered voters in a manner~~  
625 ~~that is not permitted by law, in an amount equal to the greater of:]~~

626           ~~[(i) the product of 30 and the square root of the total number of dates of birth obtained,~~  
627 ~~provided, or used unlawfully, rounded to the nearest whole dollar; or]~~

628           ~~[(ii) \$200.]~~

629           ~~[(i) A qualified person may not obtain, provide, or use the date of birth of a registered~~  
630 ~~voter, if the date of birth is obtained from the list of registered voters or from a voter~~  
631 ~~registration record, unless the person:]~~

632           ~~[(i) is a government official or government employee who obtains, provides, or uses~~  
633 ~~the date of birth in the government official's or government employee's capacity as a~~  
634 ~~government official or government employee;]~~

635           ~~[(ii) is a qualified person described in Subsection (4)(a)(ii), (iii), or (iv) and obtains or~~  
636 ~~uses the date of birth only to verify the accuracy of personal information submitted by an~~  
637 ~~individual or to confirm the identity of a person in order to prevent fraud, waste, or abuse;]~~

638           ~~[(iii) is a qualified person described in Subsection (4)(a)(v) and obtains, provides, or~~  
639 ~~uses the date of birth for a political purpose; or]~~

640           ~~[(iv) is a qualified person described in Subsection (4)(a)(vi) and obtains, provides, or~~  
641 ~~uses the date of birth to provide the date of birth to another qualified person to verify the~~  
642 ~~accuracy of personal information submitted by an individual or to confirm the identity of a~~  
643 ~~person in order to prevent fraud, waste, or abuse.]~~

644           ~~[(j) A person who is not a qualified person may not obtain, provide, or use the date of~~  
645 ~~birth of a registered voter, if the date of birth is obtained from the list of registered voters or~~  
646 ~~from a voter registration record, unless the person:]~~

647           ~~[(i) is a candidate for public office and uses the date of birth only for a political~~

648 purpose; or]

649 ~~[(ii) obtains the date of birth from a political party or a candidate for public office and~~  
650 ~~uses the date of birth only for the purpose of assisting the political party or candidate for public~~  
651 ~~office to fulfill a political purpose.]~~

652 ~~[(k) The lieutenant governor or a county clerk may provide a date of birth to a member~~  
653 ~~of the media, in relation to an individual designated by the member of the media, in order for~~  
654 ~~the member of the media to verify the identity of the individual.]~~

655 (5) When a political ~~[parties]~~ party that is not listed on the voter registration form  
656 ~~[qualify as registered political parties]~~ qualifies as a registered political party under Title 20A,  
657 Chapter 8, Political Party Formation and Procedures, the lieutenant governor shall inform the  
658 county clerks ~~[about]~~ of the name of the new political party and direct the county clerks to  
659 ensure that the voter registration form is modified to include the name of that political party.

660 (6) Upon receipt of a voter registration form from an ~~[applicant]~~ individual, the county  
661 clerk or the clerk's designee shall:

662 (a) review ~~[each]~~ the voter registration form for completeness and accuracy; and

663 (b) if the county clerk believes, based upon a review of the form, that ~~[an]~~ the  
664 individual may be seeking to register or preregister to vote ~~[who]~~ and is not legally entitled to  
665 register or preregister to vote, refer the form to the county attorney for investigation and  
666 possible prosecution.

667 Section 4. Section **20A-2-104.5** is enacted to read:

668 **20A-2-104.5. Access to voter registration records - Penalties.**

669 (1) As used in this section, "qualified person" means:

670 (a) a government official or government employee acting in the government official's  
671 or government employee's capacity as a government official or a government employee;

672 (b) a political party, or an agent, employee, or independent contractor of the political  
673 party;

674 (c) an organization that, under Section 501(c)(3) or 501(c)(4), Internal Revenue Code:

675 (i) is currently exempt from federal income tax;

676 (ii) has been exempt from federal income tax for at least one year immediately  
677 preceding the day on which the organization signs the document described in Subsection

678 (3)(b); and

679 (iii) has clearly stated that a major purpose of the organization is to prevent voter fraud,  
680 protect the integrity of elections, or perform a similar function related to the administration of  
681 an election, in each of the organization's applications for exemption from federal income tax  
682 that was current at any time in the year immediately preceding the day on which the  
683 organization signs the document described in Subsection (3)(b); or

684 (d) a person, or an agent, employee, or independent contractor of the person, who:  
685 (i) provides a secure voter registration record only to a person who is a qualified  
686 person;

687 (ii) verifies that a person, described in Subsection (1)(d)(i), to whom a secure voter  
688 registration record is provided, is a qualified person;

689 (iii) ensures, using industry standard security measures, that the secure voter  
690 registration record may not be accessed by a person other than a qualified person;

691 (iv) verifies that each qualified person described in Subsection (1)(a), to whom the  
692 person provides a secure voter registration record, will only use the secure voter registration  
693 record in the qualified person's capacity as a government official or government employee;

694 (v) verifies that each qualified person described in Subsection (1)(b), to whom the  
695 person provides a secure voter registration record, will only use the secure voter registration  
696 record for a political purpose; and

697 (vi) verifies that each qualified person described in Subsection (1)(c), to whom the  
698 person provides a secure voter registration record, will only use the secure voter registration  
699 record to prevent voter fraud, protect the integrity of elections, or for a similar purpose related  
700 to the administration of an election.

701 (2) The lieutenant governor or a county clerk may only provide the list of registered  
702 voters or a secure voter registration record to another person as provided in this section or in  
703 Title 63G, Chapter 2, Government Records Access and Management Act.

704 (3) Notwithstanding Subsections 63G-2-302(1)(j)(i) and 63G-2-302(1)(j)(ii)(D), and  
705 except as provided in Subsection (4), the lieutenant governor or a county clerk may provide a  
706 secure voter registration record to a qualified person under this section if:

707 (a) the lieutenant governor or county clerk verifies the identity of the person and that  
708 the person is a qualified person; and

709 (b) the qualified person signs a document that includes the following:

710 (i) the name, address, and telephone number of the person requesting the secure voter  
711 registration record;

712 (ii) an indication of the type of qualified person that the person requesting the secure  
713 voter registration record claims to be;

714 (iii) a statement regarding the purpose for which the person desires to obtain a secure  
715 voter registration record;

716 (iv) a list of the purposes for which a secure voter registration record may be used;

717 (v) a statement that a secure voter registration record may not be provided or used for a  
718 purpose other than a purpose described under Subsection (3)(b)(iv);

719 (vi) a statement that if the person obtains a secure voter registration record from the list  
720 of registered voters under false pretenses, or provides or uses a secure voter registration record  
721 in a manner that is prohibited by law, the person is guilty of a class A misdemeanor and is  
722 subject to a civil fine;

723 (vii) an assertion from the person that the person will not provide or use a secure voter  
724 registration record in a manner that is prohibited by law; and

725 (viii) notice that if the person makes a false statement in the document, the person is  
726 punishable by law under Section [76-8-504](#).

727 (4) The lieutenant governor or a county clerk:

728 (a) may not disclose a secure voter registration record to a person that the lieutenant  
729 governor or county clerk reasonably believes:

730 (i) is not a qualified person or a person described in Subsection (6)(c); or

731 (ii) will provide or use the secure voter registration record in a manner prohibited by  
732 law; and

733 (b) may only disclose to a qualified person described in Subsection (1)(b) the secure  
734 voter registration record of an individual who is politically affiliated with the political party  
735 described in Subsection (1)(b), as indicated on the individual's voter registration record.

736 (5) (a) The lieutenant governor or a county clerk may not disclose any part of an  
737 individual's secure voter registration record, except to a government official or government  
738 employee acting in the government official's or government employee's capacity as a  
739 government official or government employee, if the individual:

740 (i) submits a written application, on a form created by the lieutenant governor,



741 requesting that the individual's voter registration record not be disclosed; and

742 (ii) provides evidence to the lieutenant governor or a county clerk establishing that  
743 release of the information on the individual's voter registration record is likely to put the  
744 individual or a member of the individual's household's life or safety at risk, or to put the  
745 individual or a member of the individual's household at risk of being stalked or harassed.

746 (b) The evidence described in Subsection (5)(a)(ii) may include:

747 (i) a protective order;

748 (ii) a police report; or

749 (iii) other evidence designated by rule, made in accordance with Title 63G, Chapter 3,  
750 Utah Administrative Rulemaking Act, by the director of elections within the Office of the  
751 Lieutenant Governor.

752 (6) (a) A qualified person may not obtain, provide, or use a secure voter registration  
753 record unless the person:

754 (i) is a government official or government employee who obtains, provides, or uses the  
755 secure voter registration record in the government official's or government employee's capacity  
756 as a government official or government employee;

757 (ii) is a qualified person described in Subsection (1)(b) and obtains, provides, or uses  
758 the secure voter registration record for a political purpose;

759 (iii) is a qualified person described in Subsection (1)(c), and obtains or uses the secure  
760 voter registration record only to prevent voter fraud, protect the integrity of elections, or for a  
761 similar purpose related to the administration of an election; or

762 (iv) is a qualified person described in Subsection (1)(d) and obtains, provides, or uses  
763 the secure voter registration record to provide the secure voter registration record to another  
764 qualified person to prevent voter fraud, protect the integrity of elections, or for a similar  
765 purpose related to the administration of an election.

766 (b) A person who is not a qualified person may not obtain, provide, or use the secure  
767 voter registration record of a registered voter, unless the person:

768 (i) is a candidate for public office and uses the secure voter registration record only for  
769 a political purpose; or

770 (ii) obtains the secure voter registration record from a political party or a candidate for  
771 public office and uses the secure voter registration record only for the purpose of assisting the

772 political party or candidate for public office to fulfill a political purpose.

773 (c) The lieutenant governor or a county clerk may provide a secure voter registration  
774 record to a member of the media, in relation to an individual designated by the member of the  
775 media, in order for the member of the media to verify the identity of the individual.

776 (7) (a) A person is guilty of a class A misdemeanor if the person:

777 (i) obtains a secure voter registration record under false pretenses; or

778 (ii) uses or provides a secure voter registration record in a manner that is not permitted  
779 by law.

780 (b) In addition to any criminal penalty that may be imposed under this section, the  
781 lieutenant governor may impose a civil fine against a person who obtains a secure voter  
782 registration record under false pretenses, or provides or uses a secure voter registration record  
783 in a manner that is not permitted by law, in an amount equal to the greater of:

784 (i) the product of 30 and the square root of the total number of secure voter registration  
785 records obtained, provided, or used unlawfully, rounded to the nearest whole dollar; or

786 (ii) \$200.

787 Section 5. Section **20A-2-108** is amended to read:

788 **20A-2-108. Driver license registration form -- Transmittal of information.**

789 (1) The lieutenant governor and the Driver License Division shall design the driver  
790 license application and renewal forms to include the following questions:

791 (a) "If you are not registered to vote where you live now, would you like to register to  
792 vote today?"; and

793 (b) "If you are 16 or 17 years of age, and will not be 18 years of age before the date of  
794 the next election, would you like to preregister to vote today?"

795 (2) (a) The lieutenant governor and the Driver License Division shall design a motor  
796 voter registration form to be used in conjunction with driver license application and renewal  
797 forms.

798 (b) An individual may make the individual's secure voter registration record, other than  
799 the individual's year of birth, a public record by indicating the voter's consent to make the  
800 record public on the form described in Subsection (1)(c).

801 [~~(b)~~] (c) Each driver license application and renewal form shall contain:

802 (i) a place for the applicant to decline to register or preregister to vote;

803 (ii) the following statement and question:

804 "The portion of your voter registration form that lists your year of birth is a private  
805 record, the use of which is restricted to government officials, government employees, political  
806 parties, or certain other persons. The portion of your voter registration form that lists your  
807 driver license or identification card number, social security number, email address, and day and  
808 month of birth is a private record. The remainder of your voter registration record is a private  
809 record unless you specify otherwise. Do you wish to make the remaining portions of your voter  
810 registration record a public record?

811 Yes No";

812 [(ii)] (iii) an eligibility statement in substantially the following form:

813 "I do swear (or affirm), subject to penalty of law for false statements, that the  
814 information contained in this form is true, and that I am a citizen of the United States and a  
815 resident of the state of Utah, residing at the above address. Unless I have indicated above that I  
816 am preregistering to vote in a later election, I will be at least 18 years of age and will have  
817 resided in Utah for 30 days immediately before the next election.

818 Signed and sworn

819 \_\_\_\_\_

820 Voter's Signature

821 \_\_\_\_\_(month\day\year)";

822 [(iii)] (iv) a citizenship affidavit in substantially the following form:

823 "CITIZENSHIP AFFIDAVIT

824 Name:

825 Name at birth, if different:

826 Place of birth:

827 Date of birth:

828 Date and place of naturalization (if applicable):

829 I hereby swear and affirm, under penalties for voting fraud set forth below, that I am a  
830 citizen and that to the best of my knowledge and belief the information above is true and  
831 correct.

832 \_\_\_\_\_

833 Signature of Applicant

834 In accordance with Section [20A-2-401](#), the penalty for willfully causing, procuring, or  
835 allowing yourself to be registered or preregistered to vote if you know you are not entitled to  
836 register or preregister to vote is up to one year in jail and a fine of up to \$2,500";

837 ~~[(iv)]~~ (v) a statement that if an applicant declines to register or preregister to vote, the  
838 fact that the applicant has declined to register or preregister will remain confidential and will be  
839 used only for voter registration purposes;

840 ~~[(v)]~~ (vi) a statement that if an applicant does register or preregister to vote, the office  
841 at which the applicant submits a voter registration application will remain confidential and will  
842 be used only for voter registration purposes; and

843 ~~[(vi)]~~ (vii) the following statement:

844 "~~[The portion of a voter registration form that lists a person's driver license or~~  
845 ~~identification card number, Social Security number, and email address is a private record. The~~  
846 ~~portion of a voter registration form that lists a person's date of birth is a private record, the use~~  
847 ~~of which is restricted to government officials, government employees, political parties, or~~  
848 ~~certain other persons.]~~

849 If you believe that disclosure of any information contained in this voter registration  
850 form to a person other than a government official or government employee is likely to put you  
851 or a member of your household's life or safety at risk, or to put you or a member of your  
852 household at risk of being stalked or harassed, you may apply to the lieutenant governor or your  
853 county clerk to ~~[have your entire voter registration record classified as private]~~ prohibit a  
854 person, other than the government, from accessing any part of your voter registration record."

855 (3) Upon receipt of a voter registration form from an ~~[applicant]~~ individual, the county  
856 clerk or the clerk's designee shall:

857 (a) review the voter registration form for completeness and accuracy; and

858 (b) if the county clerk believes, based upon a review of the form, that ~~[a person]~~ the  
859 individual may be seeking to register or preregister to vote ~~[who]~~ and is not legally entitled to  
860 register or preregister to vote, refer the form to the county attorney for investigation and  
861 possible prosecution.

862 Section 6. Section [20A-2-206](#) is amended to read:

863 **20A-2-206. Electronic registration -- Requests for absentee ballot application.**

864 (1) The lieutenant governor may create and maintain an electronic system that is

865 publicly available on the Internet for an individual to apply for voter registration or  
866 preregistration and for an individual to request an absentee ballot.

867 (2) An electronic system for voter registration or preregistration shall require:

868 (a) that an applicant have a valid driver license or identification card, issued under Title  
869 53, Chapter 3, Uniform Driver License Act, that reflects the applicant's current principal place  
870 of residence;

871 (b) that the applicant provide the information required by Section 20A-2-104, except  
872 that the applicant's signature may be obtained in the manner described in Subsections (2)(d)  
873 and (4);

874 (c) that the applicant attest to the truth of the information provided; and

875 (d) that the applicant authorize the lieutenant governor's and county clerk's use of the  
876 applicant's:

877 (i) driver license or identification card signature, obtained under Title 53, Chapter 3,  
878 Uniform Driver License Act, for voter registration purposes; or

879 (ii) signature on file in the lieutenant governor's statewide voter registration database  
880 developed under Section 20A-2-109.

881 (3) Notwithstanding Section 20A-2-104, an applicant using the electronic system for  
882 voter registration or preregistration created under this section is not required to complete a  
883 printed registration form.

884 (4) A system created and maintained under this section shall provide the notices  
885 concerning a voter's presentation of identification contained in Subsection 20A-2-104~~(f)~~(2).

886 (5) The lieutenant governor shall:

887 (a) obtain a digital copy of the applicant's driver license or identification card signature  
888 from the Driver License Division; or

889 (b) ensure that the applicant's signature is already on file in the lieutenant governor's  
890 statewide voter registration database developed under Section 20A-2-109.

891 (6) The lieutenant governor shall send the information to the county clerk for the  
892 county in which the applicant's principal place of residence is found for further action as  
893 required by Section 20A-2-304 after:

894 (a) receiving all information from an applicant; and

895 (b) (i) receiving all information from the Driver License Division; or

896 (ii) ensuring that the applicant's signature is already on file in the lieutenant governor's  
897 statewide voter registration database developed under Section 20A-2-109.

898 (7) The lieutenant governor may use additional security measures to ensure the  
899 accuracy and integrity of an electronically submitted voter registration.

900 (8) (a) If an individual applies to register under this section during the period beginning  
901 on the date after the voter registration deadline and ending on the date that is 15 calendar days  
902 before the date of an election, the county clerk shall, unless the individual is preregistering to  
903 vote:

904 (i) accept the application for registration if the individual, on the date of the election,  
905 will be legally qualified and entitled to vote in a voting precinct in the state; and

906 (ii) inform the individual that the individual is registered to vote in the pending  
907 election.

908 (b) If an individual applies to register under this section during the period beginning on  
909 the date that is 14 calendar days before the election and ending on the date that is seven  
910 calendar days before the election, the county clerk shall, unless the individual is preregistering  
911 to vote:

912 (i) accept the application for registration if the individual, on the date of the election,  
913 will be legally qualified and entitled to vote in a voting precinct in the state; and

914 (ii) inform the individual that:

915 (A) the individual is registered to vote in the pending election; and

916 (B) for the pending election, the individual must vote on the day of the election and is  
917 not eligible to vote using early voting under Chapter 3, Part 6, Early Voting, because the  
918 individual registered too late.

919 (c) If an individual applies to register under this section during the six calendar days  
920 before an election, the county clerk shall, unless the individual is preregistering to vote:

921 (i) accept the application for registration if the individual, on the date of the election,  
922 will be legally qualified and entitled to vote in a voting precinct in the state; and

923 (ii) inform the individual that the individual is registered to vote but may not vote in  
924 the pending election because the individual registered too late.

925 (9) (a) A registered voter may file an application for an absentee ballot in accordance  
926 with Section 20A-3-304 on the electronic system for voter registration established under this

927 section.

928 (b) The lieutenant governor shall provide a means by which a registered voter shall  
929 sign the application form as provided in Section 20A-3-304.

930 Section 7. Section 20A-2-306 is amended to read:

931 **20A-2-306. Removing names from the official register -- Determining and**  
932 **confirming change of residence.**

933 (1) A county clerk may not remove a voter's name from the official register on the  
934 grounds that the voter has changed residence unless the voter:

935 (a) confirms in writing that the voter has changed residence to a place outside the  
936 county; or

937 (b) (i) has not voted in an election during the period beginning on the date of the notice  
938 required by Subsection (3), and ending on the day after the date of the second regular general  
939 election occurring after the date of the notice; and

940 (ii) has failed to respond to the notice required by Subsection (3).

941 (2) (a) When a county clerk obtains information that a voter's address has changed and  
942 it appears that the voter still resides within the same county, the county clerk shall:

943 (i) change the official register to show the voter's new address; and

944 (ii) send to the voter, by forwardable mail, the notice required by Subsection (3)  
945 printed on a postage prepaid, preaddressed return form.

946 (b) When a county clerk obtains information that a voter's address has changed and it  
947 appears that the voter now resides in a different county, the county clerk shall verify the  
948 changed residence by sending to the voter, by forwardable mail, the notice required by  
949 Subsection (3) printed on a postage prepaid, preaddressed return form.

950 (3) Each county clerk shall use substantially the following form to notify voters whose  
951 addresses have changed:

952 "VOTER REGISTRATION NOTICE

953 We have been notified that your residence has changed. Please read, complete, and  
954 return this form so that we can update our voter registration records. What is your current  
955 street address?

956 \_\_\_\_\_  
957 Street City County State Zip

958 If you have not changed your residence or have moved but stayed within the same  
959 county, you must complete and return this form to the county clerk so that it is received by the  
960 county clerk no later than 30 days before the date of the election. If you fail to return this form  
961 within that time:

962 - you may be required to show evidence of your address to the poll worker before being  
963 allowed to vote in either of the next two regular general elections; or

964 - if you fail to vote at least once from the date this notice was mailed until the passing  
965 of two regular general elections, you will no longer be registered to vote. If you have changed  
966 your residence and have moved to a different county in Utah, you may register to vote by  
967 contacting the county clerk in your county.

968 \_\_\_\_\_  
969 Signature of Voter"

970 "[~~The portion of a voter registration form that lists a person's driver license or~~  
971 ~~identification card number, social security number, and email address is a private record. The~~  
972 ~~portion of a voter registration form that lists a person's date of birth is a private record, the use~~  
973 ~~of which is restricted to government officials, government employees, political parties, or~~  
974 ~~certain other persons.] The portion of your voter registration form that lists your year of birth is  
975 a private record, the use of which is restricted to government officials, government employees,  
976 political parties, or certain other persons. The portion of your voter registration form that lists  
977 your driver license or identification card number, social security number, email address, and  
978 day and month of birth is a private record. The remainder of your voter registration record is a  
979 private record unless you indicate otherwise on a voter registration form.~~

980 If you believe that disclosure of any information contained in this voter registration  
981 form to a person other than a government official or government employee is likely to put you  
982 or a member of your household's life or safety at risk, or to put you or a member of your  
983 household at risk of being stalked or harassed, you may apply to the lieutenant governor or your  
984 county clerk to [~~have your entire voter registration record classified as private~~] prohibit a  
985 person, other than the government, from accessing any part of your voter registration record."

986 (4) (a) Except as provided in Subsection (4)(b), the county clerk may not remove the  
987 names of any voters from the official register during the 90 days before a regular primary  
988 election and the 90 days before a regular general election.



989 (b) The county clerk may remove the names of voters from the official register during  
 990 the 90 days before a regular primary election and the 90 days before a regular general election  
 991 if:

992 (i) the voter requests, in writing, that the voter's name be removed; or

993 (ii) the voter has died.

994 (c) (i) After a county clerk mails a notice as required in this section, the clerk may list  
 995 that voter as inactive.

996 (ii) An inactive voter shall be allowed to vote, sign petitions, and have all other  
 997 privileges of a registered voter.

998 (iii) A county is not required to send routine mailings to inactive voters and is not  
 999 required to count inactive voters when dividing precincts and preparing supplies.

1000 Section 8. Section **20A-2-308** is amended to read:

1001 **20A-2-308. Lieutenant governor and county clerks to preserve records.**

1002 (1) As used in this section:

1003 (a) "Voter registration record" means a record concerning the implementation of  
 1004 programs and activities conducted for the purpose of ensuring that the official register is  
 1005 accurate and current.

1006 (b) "Voter registration record" does not include a record that:

1007 (i) relates to a person's decision to decline to register to vote; or

1008 (ii) identifies the particular public assistance agency, discretionary voter registration  
 1009 agency, or Driver License Division through which a particular voter registered to vote.

1010 (2) The lieutenant governor and each county clerk shall~~[(a)]~~ preserve for at least two  
 1011 years all records relating to voter registration, including:

1012 ~~[(i)]~~ (a) the official register; and

1013 ~~[(ii)]~~ (b) the names and addresses of all persons to whom the notice required by Section  
 1014 **20A-2-306** was sent and a notation as to whether ~~[or not]~~ the person responded to the notice~~;~~].

1015 ~~[(b)]~~ make a voter registration record available for public inspection, except for a voter  
 1016 registration record, or part of a voter registration record that is classified as private under  
 1017 Section **63G-2-302**; and]

1018 ~~[(c)]~~ allow a record or part of a record described in Subsection (2)(b) that is not  
 1019 classified as a private record to be photocopied for a reasonable cost.]

1020 Section 9. Section 20A-6-105 is amended to read:

1021 **20A-6-105. Provisional ballot envelopes.**

1022 (1) An individual may make the individual's secure voter registration record, other than  
1023 the individual's year of birth, a public record by indicating the voter's consent to make the  
1024 record public on the form described in Subsection (2).

1025 ~~(1)~~ (2) Each election officer shall ensure that provisional ballot envelopes are printed  
1026 in substantially the following form:

1027 "AFFIRMATION

1028 Are you a citizen of the United States of America? Yes No

1029 Will you be 18 years old on or before election day? Yes No

1030 If you checked "no" in response to either of the two above questions, do not complete this  
1031 form.

1032 Name of Voter \_\_\_\_\_

1033 First Middle Last

1034 Driver License or Identification Card Number \_\_\_\_\_

1035 State of Issuance of Driver License or Identification Card Number \_\_\_\_\_

1036 Date of Birth \_\_\_\_\_

1037 Street Address of Principal Place of Residence

1038 \_\_\_\_\_

1039 City County State Zip Code

1040 Telephone Number (optional) \_\_\_\_\_

1041 Last four digits of Social Security Number \_\_\_\_\_

1042 Last former address at which I was registered to vote (if known)

1043 \_\_\_\_\_

1044 City County State Zip Code

1045 Voting Precinct (if known)

1046 \_\_\_\_\_

1047 The portion of your voter registration form that lists your year of birth is a private  
1048 record, the use of which is restricted to government officials, government employees, political  
1049 parties, or certain other persons. The portion of your voter registration form that lists your  
1050 driver license or identification card number, social security number, email address, and day and

1051 month of birth is a private record. The remainder of your voter registration record is a private  
1052 record unless you specify otherwise. Do you wish to make the remaining portions of your voter  
1053 registration record a public record?

1054 Yes No

1055 I, (please print your full name) \_\_\_\_\_ do solemnly swear or  
1056 affirm:

1057 That I am currently registered to vote in the state of Utah and am eligible to vote in this  
1058 election; that I have not voted in this election in any other precinct; that I am eligible to vote in  
1059 this precinct; and that I request that I be permitted to vote in this precinct; and

1060 Subject to penalty of law for false statements, that the information contained in this  
1061 form is true, and that I am a citizen of the United States and a resident of Utah, residing at the  
1062 above address; and that I am at least 18 years old and have resided in Utah for the 30 days  
1063 immediately before this election.

1064 Signed \_\_\_\_\_

1065 Dated \_\_\_\_\_

1066 In accordance with Section 20A-3-506, wilfully providing false information above is a  
1067 class B misdemeanor under Utah law and is punishable by imprisonment and by fine."

1068 ~~"[The portion of a voter registration form that lists a person's driver license or~~  
1069 ~~identification card number, social security number, and email address is a private record. The~~  
1070 ~~portion of a voter registration form that lists a person's date of birth is a private record, the use~~  
1071 ~~of which is restricted to government officials, government employees, political parties, or~~  
1072 ~~certain other persons.]~~

1073 If you believe that disclosure of any information contained in this voter registration  
1074 form to a person other than a government official or government employee is likely to put you  
1075 or a member of your household's life or safety at risk, or to put you or a member of your  
1076 household at risk of being stalked or harassed, you may apply to the lieutenant governor or your  
1077 county clerk to ~~[have your entire voter registration record classified as private]~~ prohibit a  
1078 person, other than the government, from accessing any part of your voter registration record."

1079 "CITIZENSHIP AFFIDAVIT

1080 Name:

1081 Name at birth, if different:

1082 Place of birth:

1083 Date of birth:

1084 Date and place of naturalization (if applicable):

1085 I hereby swear and affirm, under penalties for voting fraud set forth below, that I am a  
1086 citizen and that to the best of my knowledge and belief the information above is true and  
1087 correct.

1088 \_\_\_\_\_  
1089 Signature of Applicant

1090 In accordance with Section 20A-2-401, the penalty for willfully causing, procuring, or  
1091 allowing yourself to be registered to vote if you know you are not entitled to register to vote is  
1092 up to one year in jail and a fine of up to \$2,500."

1093 ~~[(2)]~~ (3) The provisional ballot envelope shall include:

1094 (a) a unique number;

1095 (b) a detachable part that includes the unique number; and

1096 (c) a telephone number, internet address, or other indicator of a means, in accordance  
1097 with Section 20A-6-105.5, where the voter can find out if the provisional ballot was counted.

1098 Section 10. Section 63G-2-202 is amended to read:

1099 **63G-2-202. Access to private, controlled, and protected documents.**

1100 (1) Upon request, and except as provided in Subsection (11)(a), a governmental entity  
1101 shall disclose a private record to:

1102 (a) the subject of the record;

1103 (b) the parent or legal guardian of an unemancipated minor who is the subject of the  
1104 record;

1105 (c) the legal guardian of a legally incapacitated individual who is the subject of the  
1106 record;

1107 (d) any other ~~[individual]~~ person who:

1108 (i) has a power of attorney from the subject of the record;

1109 (ii) submits a notarized release from the subject of the record or the individual's legal  
1110 representative dated no more than 90 days before the date the request is made; ~~[or]~~

1111 (iii) if the record is a medical record described in Subsection 63G-2-302(1)(b), is a  
1112 health care provider, as defined in Section 26-33a-102, if releasing the record or information in

1113 the record is consistent with normal professional practice and medical ethics; or  
1114 (iv) if the record is a secure voter registration record, as defined in Section [20A-1-102](#),  
1115 is authorized to receive the secure voter registration record under Section [20A-2-104.5](#); or  
1116 (e) any person to whom the record must be provided pursuant to:  
1117 (i) court order as provided in Subsection (7); or  
1118 (ii) a legislative subpoena as provided in Title 36, Chapter 14, Legislative Subpoena  
1119 Powers.  
1120 (2) (a) Upon request, a governmental entity shall disclose a controlled record to:  
1121 (i) a physician, psychologist, certified social worker, insurance provider or producer, or  
1122 a government public health agency upon submission of:  
1123 (A) a release from the subject of the record that is dated no more than 90 days prior to  
1124 the date the request is made; and  
1125 (B) a signed acknowledgment of the terms of disclosure of controlled information as  
1126 provided by Subsection (2)(b); and  
1127 (ii) any person to whom the record must be disclosed pursuant to:  
1128 (A) a court order as provided in Subsection (7); or  
1129 (B) a legislative subpoena as provided in Title 36, Chapter 14, Legislative Subpoena  
1130 Powers.  
1131 (b) A person who receives a record from a governmental entity in accordance with  
1132 Subsection (2)(a)(i) may not disclose controlled information from that record to any person,  
1133 including the subject of the record.  
1134 (3) If there is more than one subject of a private or controlled record, the portion of the  
1135 record that pertains to another subject shall be segregated from the portion that the requester is  
1136 entitled to inspect.  
1137 (4) Upon request, and except as provided in Subsection (10) or (11)(b), a governmental  
1138 entity shall disclose a protected record to:  
1139 (a) the person that submitted the record;  
1140 (b) any other individual who:  
1141 (i) has a power of attorney from all persons, governmental entities, or political  
1142 subdivisions whose interests were sought to be protected by the protected classification; or  
1143 (ii) submits a notarized release from all persons, governmental entities, or political

1144 subdivisions whose interests were sought to be protected by the protected classification or from  
1145 their legal representatives dated no more than 90 days prior to the date the request is made;

1146 (c) any person to whom the record must be provided pursuant to:

1147 (i) a court order as provided in Subsection (7); or

1148 (ii) a legislative subpoena as provided in Title 36, Chapter 14, Legislative Subpoena  
1149 Powers; or

1150 (d) the owner of a mobile home park, subject to the conditions of Subsection  
1151 41-1a-116(5).

1152 (5) A governmental entity may disclose a private, controlled, or protected record to  
1153 another governmental entity, political subdivision, state, the United States, or a foreign  
1154 government only as provided by Section 63G-2-206.

1155 (6) Before releasing a private, controlled, or protected record, the governmental entity  
1156 shall obtain evidence of the requester's identity.

1157 (7) A governmental entity shall disclose a record pursuant to the terms of a court order  
1158 signed by a judge from a court of competent jurisdiction, provided that:

1159 (a) the record deals with a matter in controversy over which the court has jurisdiction;

1160 (b) the court has considered the merits of the request for access to the record;

1161 (c) the court has considered and, where appropriate, limited the requester's use and  
1162 further disclosure of the record in order to protect:

1163 (i) privacy interests in the case of private or controlled records;

1164 (ii) business confidentiality interests in the case of records protected under Subsection  
1165 63G-2-305(1), (2), (40)(a)(ii), or (40)(a)(vi); and

1166 (iii) privacy interests or the public interest in the case of other protected records;

1167 (d) to the extent the record is properly classified private, controlled, or protected, the  
1168 interests favoring access, considering limitations thereon, are greater than or equal to the  
1169 interests favoring restriction of access; and

1170 (e) where access is restricted by a rule, statute, or regulation referred to in Subsection  
1171 63G-2-201(3)(b), the court has authority independent of this chapter to order disclosure.

1172 (8) (a) Except as provided in Subsection (8)(d), a governmental entity may disclose or  
1173 authorize disclosure of private or controlled records for research purposes if the governmental  
1174 entity:

- 1175 (i) determines that the research purpose cannot reasonably be accomplished without  
1176 use or disclosure of the information to the researcher in individually identifiable form;
- 1177 (ii) determines that:
- 1178 (A) the proposed research is bona fide; and
- 1179 (B) the value of the research is greater than or equal to the infringement upon personal  
1180 privacy;
- 1181 (iii) (A) requires the researcher to assure the integrity, confidentiality, and security of  
1182 the records; and
- 1183 (B) requires the removal or destruction of the individual identifiers associated with the  
1184 records as soon as the purpose of the research project has been accomplished;
- 1185 (iv) prohibits the researcher from:
- 1186 (A) disclosing the record in individually identifiable form, except as provided in  
1187 Subsection (8)(b); or
- 1188 (B) using the record for purposes other than the research approved by the governmental  
1189 entity; and
- 1190 (v) secures from the researcher a written statement of the researcher's understanding of  
1191 and agreement to the conditions of this Subsection (8) and the researcher's understanding that  
1192 violation of the terms of this Subsection (8) may subject the researcher to criminal prosecution  
1193 under Section [63G-2-801](#).
- 1194 (b) A researcher may disclose a record in individually identifiable form if the record is  
1195 disclosed for the purpose of auditing or evaluating the research program and no subsequent use  
1196 or disclosure of the record in individually identifiable form will be made by the auditor or  
1197 evaluator except as provided by this section.
- 1198 (c) A governmental entity may require indemnification as a condition of permitting  
1199 research under this Subsection (8).
- 1200 (d) A governmental entity may not disclose or authorize disclosure of a private record  
1201 for research purposes as described in this Subsection (8) if the private record is a record  
1202 described in Subsection [63G-2-302\(1\)\(~~u~~\)\(t\)](#).
- 1203 (9) (a) Under Subsections [63G-2-201\(5\)\(b\)](#) and [63G-2-401\(6\)](#), a governmental entity  
1204 may disclose to persons other than those specified in this section records that are:
- 1205 (i) private under Section [63G-2-302](#); or

1206 (ii) protected under Section 63G-2-305, subject to Section 63G-2-309 if a claim for  
1207 business confidentiality has been made under Section 63G-2-309.

1208 (b) Under Subsection 63G-2-403(11)(b), the records committee may require the  
1209 disclosure to persons other than those specified in this section of records that are:

1210 (i) private under Section 63G-2-302;

1211 (ii) controlled under Section 63G-2-304; or

1212 (iii) protected under Section 63G-2-305, subject to Section 63G-2-309 if a claim for  
1213 business confidentiality has been made under Section 63G-2-309.

1214 (c) Under Subsection 63G-2-404(7), the court may require the disclosure of records  
1215 that are private under Section 63G-2-302, controlled under Section 63G-2-304, or protected  
1216 under Section 63G-2-305 to persons other than those specified in this section.

1217 (10) A record contained in the Management Information System, created in Section  
1218 62A-4a-1003, that is found to be unsubstantiated, unsupported, or without merit may not be  
1219 disclosed to any person except the person who is alleged in the report to be a perpetrator of  
1220 abuse, neglect, or dependency.

1221 (11) (a) A private record described in Subsection 63G-2-302(2)(f) may only be  
1222 disclosed as provided in Subsection (1)(e).

1223 (b) A protected record described in Subsection 63G-2-305(43) may only be disclosed  
1224 as provided in Subsection (4)(c) or Section 62A-3-312.

1225 (12) (a) A private, protected, or controlled record described in Section 62A-16-301  
1226 shall be disclosed as required under:

1227 (i) Subsections 62A-16-301(1)(b), (2), and (4)(c); and

1228 (ii) Subsections 62A-16-302(1) and (6).

1229 (b) A record disclosed under Subsection (12)(a) shall retain its character as private,  
1230 protected, or controlled.

1231 Section 11. Section 63G-2-203 is amended to read:

1232 **63G-2-203. Fees.**

1233 (1) A governmental entity may charge a reasonable fee to cover the governmental  
1234 entity's actual cost of providing a record. This fee shall be approved by the governmental  
1235 entity's executive officer.

1236 (2) (a) When a governmental entity compiles a record in a form other than that



1237 normally maintained by the governmental entity, the actual costs under this section may include  
1238 the following:

1239 (i) the cost of staff time for compiling, formatting, manipulating, packaging,  
1240 summarizing, or tailoring the record either into an organization or media to meet the person's  
1241 request;

1242 (ii) the cost of staff time for search, retrieval, and other direct administrative costs for  
1243 complying with a request; and

1244 (iii) in the case of fees for a record that is the result of computer output other than word  
1245 processing, the actual incremental cost of providing the electronic services and products  
1246 together with a reasonable portion of the costs associated with formatting or interfacing the  
1247 information for particular users, and the administrative costs as set forth in Subsections  
1248 (2)(a)(i) and (ii).

1249 (b) An hourly charge under Subsection (2)(a) may not exceed the salary of the lowest  
1250 paid employee who, in the discretion of the custodian of records, has the necessary skill and  
1251 training to perform the request.

1252 (c) Notwithstanding Subsections (2)(a) and (b), no charge may be made for the first  
1253 quarter hour of staff time.

1254 (3) (a) Fees shall be established as provided in this Subsection (3).

1255 (b) A governmental entity with fees established by the Legislature:

1256 (i) shall establish the fees defined in Subsection (2), or other actual costs associated  
1257 with this section through the budget process; and

1258 (ii) may use the procedures of Section [63J-1-504](#) to set fees until the Legislature  
1259 establishes fees through the budget process.

1260 (c) Political subdivisions shall establish fees by ordinance or written formal policy  
1261 adopted by the governing body.

1262 (d) The judiciary shall establish fees by rules of the judicial council.

1263 (4) A governmental entity may fulfill a record request without charge and is  
1264 encouraged to do so if it determines that:

1265 (a) releasing the record primarily benefits the public rather than a person;

1266 (b) the individual requesting the record is the subject of the record, or an individual  
1267 specified in Subsection [63G-2-202](#)(1) or (2); or

1268 (c) the requester's legal rights are directly implicated by the information in the record,  
1269 and the requester is impecunious.

1270 (5) A governmental entity may not charge a fee for:

1271 (a) reviewing a record to determine whether it is subject to disclosure, except as  
1272 permitted by Subsection (2)(a)(ii); or

1273 (b) inspecting a record.

1274 (6) (a) A person who believes that there has been an unreasonable denial of a fee  
1275 waiver under Subsection (4) may appeal the denial in the same manner as a person appeals  
1276 when inspection of a public record is denied under Section [63G-2-205](#).

1277 (b) The adjudicative body hearing the appeal:

1278 (i) shall review the fee waiver de novo, but shall review and consider the governmental  
1279 entity's denial of the fee waiver and any determination under Subsection (4); and

1280 (ii) has the same authority when a fee waiver or reduction is denied as it has when the  
1281 inspection of a public record is denied.

1282 (7) (a) All fees received under this section by a governmental entity subject to  
1283 Subsection (3)(b) shall be retained by the governmental entity as a dedicated credit.

1284 (b) Those funds shall be used to recover the actual cost and expenses incurred by the  
1285 governmental entity in providing the requested record or record series.

1286 (8) (a) A governmental entity may require payment of past fees and future estimated  
1287 fees before beginning to process a request if:

1288 (i) fees are expected to exceed \$50; or

1289 (ii) the requester has not paid fees from previous requests.

1290 (b) Any prepaid amount in excess of fees due shall be returned to the requester.

1291 (9) This section does not alter, repeal, or reduce fees established by other statutes or  
1292 legislative acts.

1293 (10) ~~[(a)]~~ Notwithstanding Subsection (3)(c), ~~[fees for]~~ the lieutenant governor shall:

1294 (a) after consulting with the county clerks, establish uniform fees for providing a  
1295 person, under Section [20A-2-104.5](#), a secure voter registration ~~[records shall be set as provided~~  
1296 ~~in this Subsection (10).]~~ record, as defined in Section [20A-1-102](#); and

1297 ~~[(b) The lieutenant governor shall:]~~

1298 ~~[(i) after consultation with county clerks, establish uniform fees for voter registration~~

1299 and voter history records that meet the requirements of this section; and]

1300        [(ii)] (b) obtain legislative approval [~~of those fees by following the procedures and~~  
1301 requirements of Section ~~63J-1-504~~], under Section 63J-1-504, of the fees.

1302        Section 12. Section **63G-2-301** is amended to read:

1303        **63G-2-301. Public records.**

1304        (1) As used in this section:

1305        (a) "Business address" means a single address of a governmental agency designated for  
1306 the public to contact an employee or officer of the governmental agency.

1307        (b) "Business email address" means a single email address of a governmental agency  
1308 designated for the public to contact an employee or officer of the governmental agency.

1309        (c) "Business telephone number" means a single telephone number of a governmental  
1310 agency designated for the public to contact an employee or officer of the governmental agency.

1311        (2) The following records are public except to the extent they contain information  
1312 expressly permitted to be treated confidentially under the provisions of Subsections  
1313 63G-2-201(3)(b) and (6)(a):

1314        (a) laws;

1315        (b) the name, gender, gross compensation, job title, job description, business address,  
1316 business email address, business telephone number, number of hours worked per pay period,  
1317 dates of employment, and relevant education, previous employment, and similar job  
1318 qualifications of a current or former employee or officer of the governmental entity, excluding:

1319        (i) undercover law enforcement personnel; and

1320        (ii) investigative personnel if disclosure could reasonably be expected to impair the  
1321 effectiveness of investigations or endanger any individual's safety;

1322        (c) final opinions, including concurring and dissenting opinions, and orders that are  
1323 made by a governmental entity in an administrative, adjudicative, or judicial proceeding except  
1324 that if the proceedings were properly closed to the public, the opinion and order may be  
1325 withheld to the extent that they contain information that is private, controlled, or protected;

1326        (d) final interpretations of statutes or rules by a governmental entity unless classified as  
1327 protected as provided in Subsection 63G-2-305(17) or (18);

1328        (e) information contained in or compiled from a transcript, minutes, or report of the  
1329 open portions of a meeting of a governmental entity as provided by Title 52, Chapter 4, Open

1330 and Public Meetings Act, including the records of all votes of each member of the  
1331 governmental entity;

1332 (f) judicial records unless a court orders the records to be restricted under the rules of  
1333 civil or criminal procedure or unless the records are private under this chapter;

1334 (g) unless otherwise classified as private under Section 63G-2-303, records or parts of  
1335 records filed with or maintained by county recorders, clerks, treasurers, surveyors, zoning  
1336 commissions, the Division of Forestry, Fire, and State Lands, the School and Institutional Trust  
1337 Lands Administration, the Division of Oil, Gas, and Mining, the Division of Water Rights, or  
1338 other governmental entities that give public notice of:

1339 (i) titles or encumbrances to real property;

1340 (ii) restrictions on the use of real property;

1341 (iii) the capacity of persons to take or convey title to real property; or

1342 (iv) tax status for real and personal property;

1343 (h) records of the Department of Commerce that evidence incorporations, mergers,  
1344 name changes, and uniform commercial code filings;

1345 (i) data on individuals that would otherwise be private under this chapter if the  
1346 individual who is the subject of the record has given the governmental entity written  
1347 permission to make the records available to the public;

1348 (j) documentation of the compensation that a governmental entity pays to a contractor  
1349 or private provider;

1350 (k) summary data;

1351 (l) ~~[voter registration records, including an individual's voting history, except for a~~  
1352 ~~voter registration record or] except for those parts of a voter registration record that are~~  
1353 ~~classified as private under Subsection 63G-2-302(1)(j)[or (k)](ii), the voter registration form~~  
1354 ~~and the voting history of an individual who indicates on the individual's voter registration form~~  
1355 ~~that the individual wishes to make the remainder of the individual's voter registration record a~~  
1356 ~~public record;~~

1357 (m) for an elected official, as defined in Section 11-47-102, a telephone number, if  
1358 available, and email address, if available, where that elected official may be reached as required  
1359 in Title 11, Chapter 47, Access to Elected Officials;

1360 (n) for a school community council member, a telephone number, if available, and

1361 email address, if available, where that elected official may be reached directly as required in  
1362 Section 53A-1a-108.1;

1363 (o) annual audited financial statements of the Utah Educational Savings Plan described  
1364 in Section 53B-8a-111; and

1365 (p) an initiative packet, as defined in Section 20A-7-101, and a referendum packet, as  
1366 defined in Section 20A-7-101, after the packet is submitted to a county clerk.

1367 (3) The following records are normally public, but to the extent that a record is  
1368 expressly exempt from disclosure, access may be restricted under Subsection 63G-2-201(3)(b),  
1369 Section 63G-2-302, 63G-2-304, or 63G-2-305:

1370 (a) administrative staff manuals, instructions to staff, and statements of policy;

1371 (b) records documenting a contractor's or private provider's compliance with the terms  
1372 of a contract with a governmental entity;

1373 (c) records documenting the services provided by a contractor or a private provider to  
1374 the extent the records would be public if prepared by the governmental entity;

1375 (d) contracts entered into by a governmental entity;

1376 (e) any account, voucher, or contract that deals with the receipt or expenditure of funds  
1377 by a governmental entity;

1378 (f) records relating to government assistance or incentives publicly disclosed,  
1379 contracted for, or given by a governmental entity, encouraging a person to expand or relocate a  
1380 business in Utah, except as provided in Subsection 63G-2-305(35);

1381 (g) chronological logs and initial contact reports;

1382 (h) correspondence by and with a governmental entity in which the governmental entity  
1383 determines or states an opinion upon the rights of the state, a political subdivision, the public,  
1384 or any person;

1385 (i) empirical data contained in drafts if:

1386 (i) the empirical data is not reasonably available to the requester elsewhere in similar  
1387 form; and

1388 (ii) the governmental entity is given a reasonable opportunity to correct any errors or  
1389 make nonsubstantive changes before release;

1390 (j) drafts that are circulated to anyone other than:

1391 (i) a governmental entity;

- 1392 (ii) a political subdivision;
- 1393 (iii) a federal agency if the governmental entity and the federal agency are jointly
- 1394 responsible for implementation of a program or project that has been legislatively approved;
- 1395 (iv) a government-managed corporation; or
- 1396 (v) a contractor or private provider;
- 1397 (k) drafts that have never been finalized but were relied upon by the governmental
- 1398 entity in carrying out action or policy;
- 1399 (l) original data in a computer program if the governmental entity chooses not to
- 1400 disclose the program;
- 1401 (m) arrest warrants after issuance, except that, for good cause, a court may order
- 1402 restricted access to arrest warrants prior to service;
- 1403 (n) search warrants after execution and filing of the return, except that a court, for good
- 1404 cause, may order restricted access to search warrants prior to trial;
- 1405 (o) records that would disclose information relating to formal charges or disciplinary
- 1406 actions against a past or present governmental entity employee if:
- 1407 (i) the disciplinary action has been completed and all time periods for administrative
- 1408 appeal have expired; and
- 1409 (ii) the charges on which the disciplinary action was based were sustained;
- 1410 (p) records maintained by the Division of Forestry, Fire, and State Lands, the School
- 1411 and Institutional Trust Lands Administration, or the Division of Oil, Gas, and Mining that
- 1412 evidence mineral production on government lands;
- 1413 (q) final audit reports;
- 1414 (r) occupational and professional licenses;
- 1415 (s) business licenses; and
- 1416 (t) a notice of violation, a notice of agency action under Section [63G-4-201](#), or similar
- 1417 records used to initiate proceedings for discipline or sanctions against persons regulated by a
- 1418 governmental entity, but not including records that initiate employee discipline.
- 1419 (4) The list of public records in this section is not exhaustive and should not be used to
- 1420 limit access to records.

1421 Section 13. Section **63G-2-302** is amended to read:

1422 **63G-2-302. Private records.**

- 1423 (1) The following records are private:
- 1424 (a) records concerning an individual's eligibility for unemployment insurance benefits,  
1425 social services, welfare benefits, or the determination of benefit levels;
- 1426 (b) records containing data on individuals describing medical history, diagnosis,  
1427 condition, treatment, evaluation, or similar medical data;
- 1428 (c) records of publicly funded libraries that when examined alone or with other records  
1429 identify a patron;
- 1430 (d) records received by or generated by or for:
- 1431 (i) the Independent Legislative Ethics Commission, except for:
- 1432 (A) the commission's summary data report that is required under legislative rule; and  
1433 (B) any other document that is classified as public under legislative rule; or
- 1434 (ii) a Senate or House Ethics Committee in relation to the review of ethics complaints,  
1435 unless the record is classified as public under legislative rule;
- 1436 (e) records received by, or generated by or for, the Independent Executive Branch  
1437 Ethics Commission, except as otherwise expressly provided in Title 63A, Chapter 14, Review  
1438 of Executive Branch Ethics Complaints;
- 1439 (f) records received or generated for a Senate confirmation committee concerning  
1440 character, professional competence, or physical or mental health of an individual:
- 1441 (i) if, prior to the meeting, the chair of the committee determines release of the records:  
1442 (A) reasonably could be expected to interfere with the investigation undertaken by the  
1443 committee; or
- 1444 (B) would create a danger of depriving a person of a right to a fair proceeding or  
1445 impartial hearing; and
- 1446 (ii) after the meeting, if the meeting was closed to the public;
- 1447 (g) employment records concerning a current or former employee of, or applicant for  
1448 employment with, a governmental entity that would disclose that individual's home address,  
1449 home telephone number, social security number, insurance coverage, marital status, or payroll  
1450 deductions;
- 1451 (h) records or parts of records under Section [63G-2-303](#) that a current or former  
1452 employee identifies as private according to the requirements of that section;
- 1453 (i) that part of a record indicating a person's social security number or federal employer

1454 identification number if provided under Section [31A-23a-104](#), [31A-25-202](#), [31A-26-202](#),  
1455 [58-1-301](#), [58-55-302](#), [61-1-4](#), or [61-2f-203](#);

1456 (j) (i) a secure voter registration record, as defined in Section [20A-1-102](#), except to the  
1457 extent that the secure voter registration record is classified as public under Subsection  
1458 [63G-2-301\(2\)\(l\)](#); and

1459 ~~[(j)]~~ (ii) that part of a voter registration record identifying a voter's:  
1460 ~~[(j)]~~ (A) driver license or identification card number;  
1461 ~~[(j)]~~ (B) social security number, or last four digits of the social security number;  
1462 ~~[(j)]~~ (C) email address; or  
1463 ~~[(j)]~~ (D) date of birth;

1464 ~~[(k) a voter registration record that is classified as a private record by the lieutenant~~  
1465 ~~governor or a county clerk under Subsection [20A-2-104\(4\)\(f\)](#) or [20A-2-101.1\(5\)\(a\)](#)];~~

1466 ~~[(j)]~~ (k) a record that:  
1467 (i) contains information about an individual;  
1468 (ii) is voluntarily provided by the individual; and  
1469 (iii) goes into an electronic database that:  
1470 (A) is designated by and administered under the authority of the Chief Information  
1471 Officer; and  
1472 (B) acts as a repository of information about the individual that can be electronically  
1473 retrieved and used to facilitate the individual's online interaction with a state agency;

1474 ~~[(m)]~~ (l) information provided to the Commissioner of Insurance under:  
1475 (i) Subsection [31A-23a-115\(2\)\(a\)](#);  
1476 (ii) Subsection [31A-23a-302\(3\)](#); or  
1477 (iii) Subsection [31A-26-210\(3\)](#);

1478 ~~[(n)]~~ (m) information obtained through a criminal background check under Title 11,  
1479 Chapter 40, Criminal Background Checks by Political Subdivisions Operating Water Systems;

1480 ~~[(o)]~~ (n) information provided by an offender that is:  
1481 (i) required by the registration requirements of Title 77, Chapter 41, Sex and Kidnap  
1482 Offender Registry; and  
1483 (ii) not required to be made available to the public under Subsection [77-41-110\(4\)](#);

1484 ~~[(p)]~~ (o) a statement and any supporting documentation filed with the attorney general



1485 in accordance with Section 34-45-107, if the federal law or action supporting the filing  
1486 involves homeland security;

1487        ~~(p)~~ (p) electronic toll collection customer account information received or collected  
1488 under Section 72-6-118 and customer information described in Section 17B-2a-815 received or  
1489 collected by a public transit district, including contact and payment information and customer  
1490 travel data;

1491        ~~(q)~~ (q) an email address provided by a military or overseas voter under Section  
1492 20A-16-501;

1493        ~~(r)~~ (r) a completed military-overseas ballot that is electronically transmitted under  
1494 Title 20A, Chapter 16, Uniform Military and Overseas Voters Act;

1495        ~~(s)~~ (s) records received by or generated by or for the Political Subdivisions Ethics  
1496 Review Commission established in Section 11-49-201, except for:

1497        (i) the commission's summary data report that is required in Section 11-49-202; and  
1498        (ii) any other document that is classified as public in accordance with Title 11, Chapter  
1499 49, Political Subdivisions Ethics Review Commission;

1500        ~~(t)~~ (t) a record described in Subsection 53A-11a-203(3) that verifies that a parent was  
1501 notified of an incident or threat; and

1502        ~~(u)~~ (u) a criminal background check or credit history report conducted in accordance  
1503 with Section 63A-3-201.

1504        (2) The following records are private if properly classified by a governmental entity:

1505        (a) records concerning a current or former employee of, or applicant for employment  
1506 with a governmental entity, including performance evaluations and personal status information  
1507 such as race, religion, or disabilities, but not including records that are public under Subsection  
1508 63G-2-301(2)(b) or 63G-2-301(3)(o) or private under Subsection (1)(b);

1509        (b) records describing an individual's finances, except that the following are public:

1510        (i) records described in Subsection 63G-2-301(2);  
1511        (ii) information provided to the governmental entity for the purpose of complying with  
1512 a financial assurance requirement; or

1513        (iii) records that must be disclosed in accordance with another statute;

1514        (c) records of independent state agencies if the disclosure of those records would  
1515 conflict with the fiduciary obligations of the agency;

1516 (d) other records containing data on individuals the disclosure of which constitutes a  
1517 clearly unwarranted invasion of personal privacy;

1518 (e) records provided by the United States or by a government entity outside the state  
1519 that are given with the requirement that the records be managed as private records, if the  
1520 providing entity states in writing that the record would not be subject to public disclosure if  
1521 retained by it;

1522 (f) any portion of a record in the custody of the Division of Aging and Adult Services,  
1523 created in Section 62A-3-102, that may disclose, or lead to the discovery of, the identity of a  
1524 person who made a report of alleged abuse, neglect, or exploitation of a vulnerable adult; and

1525 (g) audio and video recordings created by a body-worn camera, as defined in Section  
1526 77-7a-103, that record sound or images inside a home or residence except for recordings that:

1527 (i) depict the commission of an alleged crime;

1528 (ii) record any encounter between a law enforcement officer and a person that results in  
1529 death or bodily injury, or includes an instance when an officer fires a weapon;

1530 (iii) record any encounter that is the subject of a complaint or a legal proceeding  
1531 against a law enforcement officer or law enforcement agency;

1532 (iv) contain an officer involved critical incident as defined in Section 76-2-408(1)(d);

1533 or

1534 (v) have been requested for reclassification as a public record by a subject or  
1535 authorized agent of a subject featured in the recording.

1536 (3) (a) As used in this Subsection (3), "medical records" means medical reports,  
1537 records, statements, history, diagnosis, condition, treatment, and evaluation.

1538 (b) Medical records in the possession of the University of Utah Hospital, its clinics,  
1539 doctors, or affiliated entities are not private records or controlled records under Section  
1540 63G-2-304 when the records are sought:

1541 (i) in connection with any legal or administrative proceeding in which the patient's  
1542 physical, mental, or emotional condition is an element of any claim or defense; or

1543 (ii) after a patient's death, in any legal or administrative proceeding in which any party  
1544 relies upon the condition as an element of the claim or defense.

1545 (c) Medical records are subject to production in a legal or administrative proceeding  
1546 according to state or federal statutes or rules of procedure and evidence as if the medical

1547 records were in the possession of a nongovernmental medical care provider.

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**Legislative Review Note**  
**Office of Legislative Research and General Counsel**