

HB0348S01 compared with HB0348

~~{deleted text}~~ shows text that was in HB0348 but was deleted in HB0348S01.

Inserted text shows text that was not in HB0348 but was inserted into HB0348S01.

DISCLAIMER: This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

Representative Rebecca P. Edwards proposes the following substitute bill:

VOTER RECORDS AMENDMENTS

2017 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Rebecca P. Edwards

Senate Sponsor: _____

LONG TITLE

General Description:

This bill addresses the accessibility of a voter registration record.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ specifies that a voter registration record is a private record under the Government Records Access and Management Act ~~{except to the extent that an individual indicates otherwise on a voter registration form}~~;
- ▶ amends notifications on the voter registration form ~~{to ask an individual whether the individual would like to make a portion of the individual's voter registration record a public record}~~;
- ▶ allows specified persons to receive certain portions of a private voter registration

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record from the lieutenant governor or a county clerk;

- ▶ ~~{prohibits the lieutenant governor or a county clerk from providing a political party the}~~ expands the type of individuals who may to apply to prohibit any person, other than the government, from accessing the individual's voter registration record ~~{of an individual who is not affiliated with the political party}~~;
- ▶ provides direction to a county clerk regarding the classification of the voter registration record of an individual who preregisters to vote; ~~{~~
 - ▶ ~~limits the persons to whom the lieutenant governor may charge a special fee for providing a voter registration record;}~~ and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

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

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

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

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

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

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

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

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

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

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

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

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

ENACTS:

20A-2-104.5, Utah Code Annotated 1953

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

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

20A-1-102. Definitions.

As used in this title:

- (1) "Active voter" means a registered voter who has not been classified as an inactive voter by the county clerk.
- (2) "Automatic tabulating equipment" means apparatus that automatically examines and counts votes recorded on paper ballots or ballot sheets and tabulates the results.
- (3) (a) "Ballot" means the storage medium, whether paper, mechanical, or electronic, upon which a voter records the voter's votes.
 - (b) "Ballot" includes ballot sheets, paper ballots, electronic ballots, and secrecy envelopes.
 - (4) "Ballot label" means the cards, papers, booklet, pages, or other materials that:
 - (a) contain the names of offices and candidates and statements of ballot propositions to be voted on; and
 - (b) are used in conjunction with ballot sheets that do not display that information.
 - (5) "Ballot proposition" means a question, issue, or proposal that is submitted to voters on the ballot for their approval or rejection including:
 - (a) an opinion question specifically authorized by the Legislature;
 - (b) a constitutional amendment;
 - (c) an initiative;
 - (d) a referendum;
 - (e) a bond proposition;
 - (f) a judicial retention question;
 - (g) an incorporation of a city or town; or
 - (h) any other ballot question specifically authorized by the Legislature.
 - (6) "Ballot sheet":
 - (a) means a ballot that:
 - (i) consists of paper or a card where the voter's votes are marked or recorded; and
 - (ii) can be counted using automatic tabulating equipment; and
 - (b) includes punch card ballots and other ballots that are machine-countable.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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elected.

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

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

(b) does not include:

(i) deadlines established for absentee voting; or

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

(23) "Elected official" means:

(a) a person elected to an office under Section 20A-1-303;

(b) a person who is considered to be elected to a municipal office in accordance with Subsection 20A-1-206(1)(c)(ii); or

(c) a person who is considered to be elected to a local district office in accordance with Subsection 20A-1-206(3)(c)(ii).

(24) "Election" means a regular general election, a municipal general election, a statewide special election, a local special election, a regular primary election, a municipal primary election, and a local district election.

(25) "Election Assistance Commission" means the commission established by the Help America Vote Act of 2002, Pub. L. No. 107-252.

(26) "Election cycle" means the period beginning on the first day persons are eligible to file declarations of candidacy and ending when the canvass is completed.

(27) "Election judge" means a poll worker that is assigned to:

(a) preside over other poll workers at a polling place;

(b) act as the presiding election judge; or

(c) serve as a canvassing judge, counting judge, or receiving judge.

(28) "Election officer" means:

(a) the lieutenant governor, for all statewide ballots and elections;

(b) the county clerk for:

(i) a county ballot and election; and

(ii) a ballot and election as a provider election officer as provided in Section 20A-5-400.1 or 20A-5-400.5;

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- (c) the municipal clerk for:
 - (i) a municipal ballot and election; and
 - (ii) a ballot and election as a provider election officer as provided in Section 20A-5-400.1 or 20A-5-400.5;
 - (d) the local district clerk or chief executive officer for:
 - (i) a local district ballot and election; and
 - (ii) a ballot and election as a provider election officer as provided in Section 20A-5-400.1 or 20A-5-400.5; or
 - (e) the business administrator or superintendent of a school district for:
 - (i) a school district ballot and election; and
 - (ii) a ballot and election as a provider election officer as provided in Section 20A-5-400.1 or 20A-5-400.5.
- (29) "Election official" means any election officer, election judge, or poll worker.
- (30) "Election results" means:
- (a) for an election other than a bond election, the count of votes cast in the election and the election returns requested by the board of canvassers; or
 - (b) for bond elections, the count of those votes cast for and against the bond proposition plus any or all of the election returns that the board of canvassers may request.
- (31) "Election returns" includes the pollbook, the military and overseas absentee voter registration and voting certificates, one of the tally sheets, any unprocessed absentee ballots, all counted ballots, all excess ballots, all unused ballots, all spoiled ballots, the ballot disposition form, and the total votes cast form.
- (32) "Electronic ballot" means a ballot that is recorded using a direct electronic voting device or other voting device that records and stores ballot information by electronic means.
- (33) "Electronic signature" means an electronic sound, symbol, or process attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record.
- (34) (a) "Electronic voting device" means a voting device that uses electronic ballots.
- (b) "Electronic voting device" includes a direct recording electronic voting device.
- (35) "Inactive voter" means a registered voter who has:
- (a) been sent the notice required by Section 20A-2-306; and

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(b) failed to respond to that notice.

(36) "Inspecting poll watcher" means a person selected as provided in this title to witness the receipt and safe deposit of voted and counted ballots.

(37) "Judicial office" means the office filled by any judicial officer.

(38) "Judicial officer" means any justice or judge of a court of record or any county court judge.

(39) "Local district" means a local government entity under Title 17B, Limited Purpose Local Government Entities - Local Districts, and includes a special service district under Title 17D, Chapter 1, Special Service District Act.

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

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

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

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

(44) "Municipal executive" means:

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

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

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

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

(46) "Municipal legislative body" means:

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

(b) the council of a metro township.

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

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

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

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

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

(52) "Official endorsement" means:

(a) the information on the ballot that identifies:

(i) the ballot as an official ballot;

(ii) the date of the election; and

(iii) (A) for a ballot prepared by an election officer other than a county clerk, the facsimile signature required by Subsection 20A-6-401(1)(b)(iii); or

(B) for a ballot prepared by a county clerk, the words required by Subsection 20A-6-301(1)(c)(iii); and

(b) the information on the ballot stub that identifies:

(i) the poll worker's initials; and

(ii) the ballot number.

(53) "Official register" means the official record furnished to election officials by the election officer that contains the information required by Section 20A-5-401.

(54) "Paper ballot" means a paper that contains:

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

(b) spaces for the voter to record the voter's vote for each office and for or against each ballot proposition.

(55) "Political party" means an organization of registered voters that has qualified to participate in an election by meeting the requirements of Chapter 8, Political Party Formation and Procedures.

(56) "Pollbook" means a record of the names of voters in the order that they appear to cast votes.

(57) "Polling place" means the building where voting is conducted.

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(58) (a) "Poll worker" means a person assigned by an election official to assist with an election, voting, or counting votes.

(b) "Poll worker" includes election judges.

(c) "Poll worker" does not include a watcher.

(59) "Position" means a square, circle, rectangle, or other geometric shape on a ballot in which the voter marks the voter's choice.

(60) "Primary convention" means the political party conventions held during the year of the regular general election.

(61) "Protective counter" means a separate counter, which cannot be reset, that:

(a) is built into a voting machine; and

(b) records the total number of movements of the operating lever.

(62) "Provider election officer" means an election officer who enters into a contract or interlocal agreement with a contracting election officer to conduct an election for the contracting election officer's local political subdivision in accordance with Section 20A-5-400.1.

(63) "Provisional ballot" means a ballot voted provisionally by a person:

(a) whose name is not listed on the official register at the polling place;

(b) whose legal right to vote is challenged as provided in this title; or

(c) whose identity was not sufficiently established by a poll worker.

(64) "Provisional ballot envelope" means an envelope printed in the form required by Section 20A-6-105 that is used to identify provisional ballots and to provide information to verify a person's legal right to vote.

(65) "Qualify" or "qualified" means to take the oath of office and begin performing the duties of the position for which the person was elected.

(66) "Receiving judge" means the poll worker that checks the voter's name in the official register, provides the voter with a ballot, and removes the ballot stub from the ballot after the voter has voted.

(67) "Registration form" means a book voter registration form and a by-mail voter registration form.

(68) "Regular ballot" means a ballot that is not a provisional ballot.

(69) "Regular general election" means the election held throughout the state on the first

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Tuesday after the first Monday in November of each even-numbered year for the purposes established in Section 20A-1-201.

(70) "Regular primary election" means the election on the fourth Tuesday of June of each even-numbered year, to nominate candidates of political parties and candidates for nonpartisan local school board positions to advance to the regular general election.

(71) "Resident" means a person who resides within a specific voting precinct in Utah.

(72) "Sample ballot" means a mock ballot similar in form to the official ballot printed and distributed as provided in Section 20A-5-405.

(73) "Scratch vote" means to mark or punch the straight party ticket and then mark or punch the ballot for one or more candidates who are members of different political parties or who are unaffiliated.

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

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

(i) driver license or identification card number;

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

(iii) email address; or

(iv) ~~{day and month}~~date of birth.

(b) "Secure voter registration record" includes an individual's voting history and ~~{year}~~age.

(c) "Secure voter registration record" does not include information described in Subsection (75)(a) that pertains to an individual who is less than 18 years of ~~{birth}~~age.

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

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

(a) is spoiled by the voter;

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

(c) lacks the official endorsement.

~~[(77)]~~ (78) "Statewide special election" means a special election called by the governor

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or the Legislature in which all registered voters in Utah may vote.

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

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

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

- (a) political parties;
- (b) candidates for an office; or
- (c) ballot propositions.

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

~~[(82)]~~ (83) "Vacancy" means the absence of a person to serve in any position created by statute, whether that absence occurs because of death, disability, disqualification, resignation, or other cause.

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

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

- (i) a currently valid Utah driver license;
- (ii) a currently valid identification card that is issued by:
 - (A) the state; or
 - (B) a branch, department, or agency of the United States;
- (iii) a currently valid Utah permit to carry a concealed weapon;
- (iv) a currently valid United States passport; or
- (v) a currently valid United States military identification card;

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

- (i) a valid tribal identification card;
- (ii) a Bureau of Indian Affairs card; or
- (iii) a tribal treaty card; or

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

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

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

(iii) a certified birth certificate;

(iv) a valid social security card;

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

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

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

(viii) certified naturalization documentation;

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

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

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

(xii) a currently valid identification card issued by:

(A) a local government within the state;

(B) an employer for an employee; or

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

(xiii) a current Utah vehicle registration.

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

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

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

(b) meets the requirements of election registration;

(c) is registered to vote; and

(d) is listed in the official register book.

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

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

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

(a) the space or compartment within a polling place that is provided for the preparation

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of ballots, including the voting machine enclosure or curtain; or

(b) a voting device that is free standing.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

20A-2-101.1. Preregistering to vote.

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

(a) is 16 or 17 years of age;

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

(c) is a citizen of the United States;

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

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

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

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

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

(3) An individual who preregisters to vote shall:

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

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

(4) (a) A county clerk shall:

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

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

(iii) send a notice to the individual that:

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

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

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

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

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

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

(c) A county clerk shall refer a voter registration form to the county attorney for investigation and possible prosecution if the clerk or the clerk's designee believes the

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individual is attempting to preregister to vote in an election:

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

and

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

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

~~[(b) {} On the day on which the individual described in Subsection (5)(a) turns 18 years of age, the {} The] lieutenant governor or county clerk shall classify the individual's {secure} voter registration record {, other than the individual's year of birth,} as a public record {,} in accordance with Subsection 63G-2-301(2)(1) {, on the day on which the individual turns 18 years of age if the individual gives consent on a voter registration form under Subsection 20A-2-104(1), 20A-2-108(2)(b), or 20A-6-105(1).}~~

~~———(6) {}]~~

~~[(6) (5)]~~ If an individual who is at least 18 years of age erroneously indicates on the voter registration form that the individual is preregistering to vote, the county clerk shall consider the form as a voter registration form and shall process the form in accordance with this chapter.

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

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

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

~~{ {} (1) {} (2) }~~ An individual applying for voter registration, or an individual preregistering to vote, shall complete a voter registration form in substantially the following form:

UTAH ELECTION REGISTRATION FORM

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

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

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

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

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

Name of Voter

First Middle Last

Utah Driver License or Utah Identification Card Number _____

Date of Birth _____

Street Address of Principal Place of Residence

City County State Zip Code

Telephone Number (optional) _____

Last four digits of Social Security Number _____

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

City County State Zip Code

Political Party

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

Unaffiliated (no political party preference) Other (Please specify) _____

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

~~_____ Yes No~~

~~{ I do swear (or affirm), subject to penalty of law for false statements, that the information contained in this form is true, and that I am a citizen of the United States and a~~

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resident of the state of Utah, residing at the above address. Unless I have indicated above that I am preregistering to vote in a later election, I will be at least 18 years of age and will have resided in Utah for 30 days immediately before the next election. I am not a convicted felon currently incarcerated for commission of a felony.

Signed and sworn

Voter's Signature

_____ (month/day/year).

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

If you are a peace officer, a current or former foreign service officer or military service member, or if you believe that disclosure of any information contained in this voter registration form to a person other than a government official or government employee is likely to put you or a member of your household's life or safety at risk, or to put you or a member of your household at risk of being stalked or harassed, you may apply to the lieutenant governor or your county clerk to ~~[have your entire voter registration record classified as private.]~~ prohibit a person, other than the government, from accessing any part of your voter registration record.

CITIZENSHIP AFFIDAVIT

Name:

Name at birth, if different:

Place of birth:

Date of birth:

Date and place of naturalization (if applicable):

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

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Signature of Applicant

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

NOTICE: IN ORDER TO BE ALLOWED TO VOTE, YOU MUST PRESENT VALID VOTER IDENTIFICATION TO THE POLL WORKER BEFORE VOTING, WHICH MUST BE A VALID FORM OF PHOTO IDENTIFICATION THAT SHOWS YOUR NAME AND PHOTOGRAPH; OR

TWO DIFFERENT FORMS OF IDENTIFICATION THAT SHOW YOUR NAME AND CURRENT ADDRESS.

FOR OFFICIAL USE ONLY

Type of I.D. _____

Voting Precinct _____

Voting I.D. Number _____

~~[(2)]~~ ~~[(3)]~~ (a) Except as provided under Subsection (2)(b), the county clerk shall retain a copy of each voter registration form in a permanent countywide alphabetical file, which may be electronic or some other recognized system.

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

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

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

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

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

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

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

~~[(ii) a health care provider, as defined in Section 26-33a-102, or an agent, employee, or~~

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~~independent contractor of a health care provider;~~

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

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

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

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

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

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

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

~~[(D) verifies that each qualified person, other than a qualified person described in Subsection (4)(a)(i) or (v), to whom the person provides the date of birth of a registered voter that is obtained from the list of registered voters, will only use the date of birth to verify the accuracy of personal information submitted by an individual or to confirm the identity of a person in order to prevent fraud, waste, or abuse;~~

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

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

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

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

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

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

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

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

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

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

~~[(F) a statement that if the person obtains the date of birth of a registered voter from the list of registered voters under false pretenses, or provides or uses the date of birth of a registered voter that is obtained from the list of registered voters in a manner that is prohibited by law, is guilty of a class A misdemeanor and is subject to a civil fine;]~~

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

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

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

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

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

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

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~~employee's capacity as a government official or government employee.]~~

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

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

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

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

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

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

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

~~[(i) a protective order;]~~

~~[(ii) a police report; or]~~

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

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

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

~~[(ii) \$200.]~~

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

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

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

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

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

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

~~[(i) is a candidate for public office and uses the date of birth only for a political purpose; or]~~

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

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

~~[(5)] (4) When a political [parties] party that is not listed on the voter registration form [qualify as registered political parties] qualifies as a registered political party under Title 20A, Chapter 8, Political Party Formation and Procedures, the lieutenant governor shall inform the county clerks [about] of the name of the new political party and direct the county clerks to ensure that the voter registration form is modified to include the name of that political party.~~

~~[(6)] (5) Upon receipt of a voter registration form from an [applicant] individual, the county clerk or the clerk's designee shall:~~

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

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

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

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

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

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

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

(ii) a candidate, or an agent of a candidate, who has filed a declaration of candidacy or a certificate of nomination for elective office;

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

(i) is currently exempt from federal income tax;

(ii) has been exempt from federal income tax for at least one year immediately preceding the day on which the organization signs the document described in Subsection (3)(b); and

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

(d) a person, or an agent, employee, or independent contractor of the person, who:

(i) provides a secure voter registration record only to a person who is a qualified person;

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

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

(iv) verifies that each qualified person described in Subsection (1)(a), to whom the

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person provides a secure voter registration record, will only use the secure voter registration record in the qualified person's capacity as a government official or government employee;

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

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

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

(3) Notwithstanding Subsections 63G-2-302(1)(j)(i) and 63G-2-302(1)(j)(ii)(D), and except as provided in ~~Subsection~~ Subsections (4) and (5), the lieutenant governor or a county clerk may provide a secure voter registration record to a qualified person under this section if:

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

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

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

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

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

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

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

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

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

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

(4) The lieutenant governor or a county clerk ~~is~~

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

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

~~(ii) b } will provide or use the secure voter registration record in a manner prohibited by law ~~is; and~~.~~

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

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

~~(a) (i) } submits a written application, on a form created by the lieutenant governor, requesting that the individual's voter registration record not be disclosed; and~~

~~(ii) provides evidence to the lieutenant governor or a county clerk establishing } is a peace officer certified in accordance with Title 53, Chapter 13, Peace Officer Classifications;~~

~~(ii) is a current or former foreign service officer;~~

~~(iii) is on active duty as a member of the armed forces;~~

~~(iv) is separated or retired from the armed forces;~~

~~(v) is a member or former member of the Utah National Guard;~~

~~(vi) is a member or former member of a reserve component; or~~

~~(vii) believes that release of the information on the individual's voter registration record is likely to put the individual or a member of the individual's household's life or safety at risk, or to put the individual or a member of the individual's household at risk of being stalked or harassed ~~is~~.~~

~~(b) The evidence };~~

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(b) submits a written application, on a form created by the lieutenant governor, requesting that the individual's voter registration record not be disclosed; and

(c) for an individual described in Subsection (5)(a)(~~iii~~vii), provides evidence to the lieutenant governor or county clerk establishing the risk described in Subsection (5)(a)(vii), which evidence may include:

(i) a protective order;

(ii) a police report; or

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

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

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

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

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

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

~~—— (b) A } person described in Subsection (6)(a)(i), (ii), or (iii).~~

(b) Except as provided in Subsection (6)(c), a person who is not a qualified person may not obtain, provide, or use the secure voter registration record of a registered voter ~~unless the person:~~

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

~~—— (ii) obtains the secure voter registration record from a political party or a candidate for~~

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~~public office and uses the secure voter registration record only for the purpose of assisting the political party or candidate for public office to fulfill a political purpose.~~

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

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

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

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

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

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

(ii) \$200.

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

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

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

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

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

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

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

‡ ~~{(b)}{ (c)}~~ Each driver license application and renewal form shall contain:

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

~~{ (ii) the following statement and question:~~

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

~~Yes No"~~

~~{ (ii) (iii) }~~ an eligibility statement in substantially the following form:

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

Signed and sworn

Voter's Signature

_____ (month\day\year)";

~~{ (iii) (iv) }~~ a citizenship affidavit in substantially the following form:

"CITIZENSHIP AFFIDAVIT

Name:

Name at birth, if different:

Place of birth:

Date of birth:

Date and place of naturalization (if applicable):

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

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Signature of Applicant

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

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

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

~~§(vi)§(vii)~~ the following statement:

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

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

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

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

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

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Section 6. Section ~~{20A-2-206}~~ 20A-2-306 is amended to read:

~~{~~ ~~20A-2-206. Electronic registration -- Requests for absentee ballot application.~~

~~———— (1) The lieutenant governor may create and maintain an electronic system that is publicly available on the Internet for an individual to apply for voter registration or preregistration and for an individual to request an absentee ballot.~~

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

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

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

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

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

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

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

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

~~———— (4) A system created and maintained under this section shall provide the notices concerning a voter's presentation of identification contained in Subsection 20A-2-104[(1)](2).~~

~~———— (5) The lieutenant governor shall:~~

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

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

~~———— (6) The lieutenant governor shall send the information to the county clerk for the county in which the applicant's principal place of residence is found for further action as~~

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required by Section 20A-2-304 after:

- ~~—— (a) receiving all information from an applicant; and~~
- ~~—— (b) (i) receiving all information from the Driver License Division; or~~
 - ~~—— (ii) ensuring that the applicant's signature is already on file in the lieutenant governor's statewide voter registration database developed under Section 20A-2-109.~~
- ~~—— (7) The lieutenant governor may use additional security measures to ensure the accuracy and integrity of an electronically submitted voter registration.~~
- ~~—— (8) (a) If an individual applies to register under this section during the period beginning on the date after the voter registration deadline and ending on the date that is 15 calendar days before the date of an election, the county clerk shall, unless the individual is preregistering to vote:
 - ~~—— (i) accept the application for registration if the individual, on the date of the election, will be legally qualified and entitled to vote in a voting precinct in the state; and~~
 - ~~—— (ii) inform the individual that the individual is registered to vote in the pending election:~~
 - ~~—— (b) If an individual applies to register under this section during the period beginning on the date that is 14 calendar days before the election and ending on the date that is seven calendar days before the election, the county clerk shall, unless the individual is preregistering to vote:
 - ~~—— (i) accept the application for registration if the individual, on the date of the election, will be legally qualified and entitled to vote in a voting precinct in the state; and~~
 - ~~—— (ii) inform the individual that:~~
 - ~~—— (A) the individual is registered to vote in the pending election; and~~
 - ~~—— (B) for the pending election, the individual must vote on the day of the election and is not eligible to vote using early voting under Chapter 3, Part 6, Early Voting, because the individual registered too late.~~~~~~
- ~~—— (c) If an individual applies to register under this section during the six calendar days before an election, the county clerk shall, unless the individual is preregistering to vote:
 - ~~—— (i) accept the application for registration if the individual, on the date of the election, will be legally qualified and entitled to vote in a voting precinct in the state; and~~
 - ~~—— (ii) inform the individual that the individual is registered to vote but may not vote in~~~~

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~~the pending election because the individual registered too late.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

"VOTER REGISTRATION NOTICE

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

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street address?

Street	City	County	State	Zip
--------	------	--------	-------	-----

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

- you may be required to show evidence of your address to the poll worker before being allowed to vote in either of the next two regular general elections; or
- if you fail to vote at least once from the date this notice was mailed until the passing of two regular general elections, you will no longer be registered to vote. If you have changed your residence and have moved to a different county in Utah, you may register to vote by contacting the county clerk in your county.

Signature of Voter"

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

~~—— If }~~

If you are a peace officer, a current or former foreign service officer or military service member, or if you believe that disclosure of any information contained in this voter registration form to a person other than a government official or government employee is likely to put you

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

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

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

- (i) the voter requests, in writing, that the voter's name be removed; or
- (ii) the voter has died.

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

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

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

Section ~~8~~7. Section **20A-2-308** is amended to read:

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

(1) As used in this section:

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

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

- (i) relates to a person's decision to decline to register to vote; or
- (ii) identifies the particular public assistance agency, discretionary voter registration agency, or Driver License Division through which a particular voter registered to vote.

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

~~[(+)]~~ (a) the official register; and

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

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

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

Section ~~{9}~~8. Section **20A-6-105** is amended to read:

20A-6-105. Provisional ballot envelopes.

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

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

"AFFIRMATION

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

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

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

Name of Voter _____

First

Middle

Last

Driver License or Identification Card Number _____

State of Issuance of Driver License or Identification Card Number _____

Date of Birth _____

Street Address of Principal Place of Residence

City County State Zip Code

Telephone Number (optional) _____

Last four digits of Social Security Number _____

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

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City County State Zip Code
Voting Precinct (if known)

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

~~_____~~ Yes ~~_____~~ No

{ I, (please print your full name) _____ do solemnly swear or affirm:

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

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

Signed _____

Dated _____

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

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

If you are a peace officer, a current or former foreign service officer or military service

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

"CITIZENSHIP AFFIDAVIT

Name:

Name at birth, if different:

Place of birth:

Date of birth:

Date and place of naturalization (if applicable):

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

Signature of Applicant

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

~~§§(2) §(3)~~ The provisional ballot envelope shall include:

- (a) a unique number;
- (b) a detachable part that includes the unique number; and
- (c) a telephone number, internet address, or other indicator of a means, in accordance with Section 20A-6-105.5, where the voter can find out if the provisional ballot was counted.

Section ~~§10~~9. Section **63G-2-202** is amended to read:

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

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

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

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record;

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

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

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

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

(iii) if the record is a medical record described in Subsection 63G-2-302(1)(b), is a health care provider, as defined in Section 26-33a-102, if releasing the record or information in the record is consistent with normal professional practice and medical ethics; or

(iv) if the record is a secure voter registration record ~~is~~ as defined in Section 20A-1-102, is authorized to receive the secure voter registration record under Section 20A-2-104.5; or

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

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

(ii) a legislative subpoena as provided in Title 36, Chapter 14, Legislative Subpoena Powers.

(2) (a) Upon request, a governmental entity shall disclose a controlled record to:

(i) a physician, psychologist, certified social worker, insurance provider or producer, or a government public health agency upon submission of:

(A) a release from the subject of the record that is dated no more than 90 days prior to the date the request is made; and

(B) a signed acknowledgment of the terms of disclosure of controlled information as provided by Subsection (2)(b); and

(ii) any person to whom the record must be disclosed pursuant to:

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

(B) a legislative subpoena as provided in Title 36, Chapter 14, Legislative Subpoena Powers.

(b) A person who receives a record from a governmental entity in accordance with Subsection (2)(a)(i) may not disclose controlled information from that record to any person, including the subject of the record.

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(3) If there is more than one subject of a private or controlled record, the portion of the record that pertains to another subject shall be segregated from the portion that the requester is entitled to inspect.

(4) Upon request, and except as provided in Subsection (10) or (11)(b), a governmental entity shall disclose a protected record to:

(a) the person that submitted the record;

(b) any other individual who:

(i) has a power of attorney from all persons, governmental entities, or political subdivisions whose interests were sought to be protected by the protected classification; or

(ii) submits a notarized release from all persons, governmental entities, or political subdivisions whose interests were sought to be protected by the protected classification or from their legal representatives dated no more than 90 days prior to the date the request is made;

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

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

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

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

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

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

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

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

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

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

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

(ii) business confidentiality interests in the case of records protected under Subsection

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63G-2-305(1), (2), (40)(a)(ii), or (40)(a)(vi); and

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

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

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

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

(i) determines that the research purpose cannot reasonably be accomplished without use or disclosure of the information to the researcher in individually identifiable form;

(ii) determines that:

(A) the proposed research is bona fide; and

(B) the value of the research is greater than or equal to the infringement upon personal privacy;

(iii) (A) requires the researcher to assure the integrity, confidentiality, and security of the records; and

(B) requires the removal or destruction of the individual identifiers associated with the records as soon as the purpose of the research project has been accomplished;

(iv) prohibits the researcher from:

(A) disclosing the record in individually identifiable form, except as provided in Subsection (8)(b); or

(B) using the record for purposes other than the research approved by the governmental entity; and

(v) secures from the researcher a written statement of the researcher's understanding of and agreement to the conditions of this Subsection (8) and the researcher's understanding that violation of the terms of this Subsection (8) may subject the researcher to criminal prosecution under Section 63G-2-801.

(b) A researcher may disclose a record in individually identifiable form if the record is disclosed for the purpose of auditing or evaluating the research program and no subsequent use

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or disclosure of the record in individually identifiable form will be made by the auditor or evaluator except as provided by this section.

(c) A governmental entity may require indemnification as a condition of permitting research under this Subsection (8).

(d) A governmental entity may not disclose or authorize disclosure of a private record for research purposes as described in this Subsection (8) if the private record is a record described in Subsection 63G-2-302(1)[~~(t)~~](t).

(9) (a) Under Subsections 63G-2-201(5)(b) and 63G-2-401(6), a governmental entity may disclose to persons other than those specified in this section records that are:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Section ~~411~~10. Section **63G-2-203** is amended to read:

63G-2-203. Fees.

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

(2) (a) When a governmental entity compiles a record in a form other than that normally maintained by the governmental entity, the actual costs under this section may include the following:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) inspecting a record.

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

(b) The adjudicative body hearing the appeal:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Section ~~{12}~~11. Section **63G-2-301** is amended to read:

63G-2-301. Public records.

(1) As used in this section:

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

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

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

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

(a) laws;

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

(i) undercover law enforcement personnel; and

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

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

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

(e) information contained in or compiled from a transcript, minutes, or report of the open portions of a meeting of a governmental entity as provided by Title 52, Chapter 4, Open and Public Meetings Act, including the records of all votes of each member of the governmental entity;

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

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

(i) titles or encumbrances to real property;

(ii) restrictions on the use of real property;

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

(iv) tax status for real and personal property;

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

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

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

(k) summary data;

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

~~— (m); or (k);]~~

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

~~[(m)] (m)~~ for a school community council member, a telephone number, if available, and email address, if available, where that elected official may be reached directly as required in Section 53A-1a-108.1;

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

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

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

- (a) administrative staff manuals, instructions to staff, and statements of policy;
- (b) records documenting a contractor's or private provider's compliance with the terms of a contract with a governmental entity;
- (c) records documenting the services provided by a contractor or a private provider to the extent the records would be public if prepared by the governmental entity;
- (d) contracts entered into by a governmental entity;
- (e) any account, voucher, or contract that deals with the receipt or expenditure of funds by a governmental entity;
- (f) records relating to government assistance or incentives publicly disclosed, contracted for, or given by a governmental entity, encouraging a person to expand or relocate a business in Utah, except as provided in Subsection 63G-2-305(35);

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- (g) chronological logs and initial contact reports;
- (h) correspondence by and with a governmental entity in which the governmental entity determines or states an opinion upon the rights of the state, a political subdivision, the public, or any person;
- (i) empirical data contained in drafts if:
 - (i) the empirical data is not reasonably available to the requester elsewhere in similar form; and
 - (ii) the governmental entity is given a reasonable opportunity to correct any errors or make nonsubstantive changes before release;
- (j) drafts that are circulated to anyone other than:
 - (i) a governmental entity;
 - (ii) a political subdivision;
 - (iii) a federal agency if the governmental entity and the federal agency are jointly responsible for implementation of a program or project that has been legislatively approved;
 - (iv) a government-managed corporation; or
 - (v) a contractor or private provider;
- (k) drafts that have never been finalized but were relied upon by the governmental entity in carrying out action or policy;
- (l) original data in a computer program if the governmental entity chooses not to disclose the program;
- (m) arrest warrants after issuance, except that, for good cause, a court may order restricted access to arrest warrants prior to service;
- (n) search warrants after execution and filing of the return, except that a court, for good cause, may order restricted access to search warrants prior to trial;
- (o) records that would disclose information relating to formal charges or disciplinary actions against a past or present governmental entity employee if:
 - (i) the disciplinary action has been completed and all time periods for administrative appeal have expired; and
 - (ii) the charges on which the disciplinary action was based were sustained;
- (p) records maintained by the Division of Forestry, Fire, and State Lands, the School and Institutional Trust Lands Administration, or the Division of Oil, Gas, and Mining that

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evidence mineral production on government lands;

(q) final audit reports;

(r) occupational and professional licenses;

(s) business licenses; and

(t) a notice of violation, a notice of agency action under Section 63G-4-201, or similar records used to initiate proceedings for discipline or sanctions against persons regulated by a governmental entity, but not including records that initiate employee discipline.

(4) The list of public records in this section is not exhaustive and should not be used to limit access to records.

Section ~~63G-2-12~~12. Section **63G-2-302** is amended to read:

63G-2-302. Private records.

(1) The following records are private:

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

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

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

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

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

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

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

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

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

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

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

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

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committee; or

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

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

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

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

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

(j) (i) a secure voter registration record, as defined in Section 20A-1-102, ~~except to the extent that the secure voter registration record is classified as public under Subsection 63G-2-301(2)(f)~~; and

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

~~(j)~~ (A) driver license or identification card number;

~~(j)~~ (B) social security number, or last four digits of the social security number;

~~(j)~~ (C) email address; or

~~(j)~~ (D) date of birth or age;

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

~~(j)~~ (k) a record that:

(i) contains information about an individual;

(ii) is voluntarily provided by the individual; and

(iii) goes into an electronic database that:

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

(B) acts as a repository of information about the individual that can be electronically retrieved and used to facilitate the individual's online interaction with a state agency;

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

- (i) Subsection 31A-23a-115(2)(a);
- (ii) Subsection 31A-23a-302(3); or
- (iii) Subsection 31A-26-210(3);

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

~~(o)~~ (n) information provided by an offender that is:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(i) depict the commission of an alleged crime;

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

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

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

or

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

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

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

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

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

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

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Legislative Review Note

Office of Legislative Research and General Counsel†