

BALLOT TRACKING AMENDMENTS

2021 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Dan N. Johnson

Senate Sponsor: Scott D. Sandall

Cosponsors:	Suzanne Harrison	Douglas V. Sagers
Melissa G. Ballard	Steven J. Lund	Steve Waldrip
Joel Ferry	Michael J. Petersen	
Craig Hall	Paul Ray	

LONG TITLE

General Description:

This bill makes changes to the Election Code regarding the tracking of certain ballots.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ requires the lieutenant governor to create a system that:
 - tracks all ballots that are mailed or deposited in ballot drop boxes; and
 - allows a voter to choose to receive text message or email notifications regarding the status of the voter's trackable ballot;
- ▶ requires the lieutenant governor to maintain a website by which a voter may confirm the status of the voter's trackable ballot; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

29 AMENDS:

30 **20A-2-104**, as last amended by Laws of Utah 2020, Chapter 255

31 **20A-2-108**, as last amended by Laws of Utah 2020, Chapters 31 and 255

32 **20A-2-304**, as last amended by Laws of Utah 2020, Chapter 31

33 **20A-2-306**, as last amended by Laws of Utah 2020, Chapter 255

34 **20A-3a-202**, as last amended by Laws of Utah 2020, Chapter 354 and renumbered and
35 amended by Laws of Utah 2020, Chapter 31

36 **20A-6-105**, as last amended by Laws of Utah 2020, Chapters 31 and 255

37 **20A-7-801**, as last amended by Laws of Utah 2020, Chapters 31 and 401

38 **20A-16-501**, as enacted by Laws of Utah 2011, Chapter 327

39 **63G-2-302**, as last amended by Laws of Utah 2020, Fifth Special Session, Chapter 4

40 ENACTS:

41 **20A-3a-401.5**, Utah Code Annotated 1953



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

44 Section 1. Section **20A-2-104** is amended to read:

45 **20A-2-104. Voter registration form -- Registered voter lists -- Fees for copies.**

46 (1) (a) As used in this section:

47 (i) "Candidate for public office" means an individual:

48 (A) who files a declaration of candidacy for a public office;

49 (B) who files a notice of intent to gather signatures under Section **20A-9-408**; or

50 (C) employed by, under contract with, or a volunteer of, an individual described in

51 Subsection (1)(a)(i)(A) or (B) for political campaign purposes.

52 (ii) "Dating violence" means the same as that term is defined in Section **78B-7-402** and
53 the federal Violence Against Women Act of 1994, as amended.

54 (iii) "Domestic violence" means the same as that term is defined in Section **77-36-1**
55 and the federal Violence Against Women Act of 1994, as amended.

56 (b) An individual applying for voter registration, or an individual preregistering to

57 vote, shall complete a voter registration form in substantially the following form:

58 -----

59 UTAH ELECTION REGISTRATION FORM

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

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

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

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

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

66 Name of Voter

67 _____

68 First Middle Last

69 Utah Driver License or Utah Identification Card Number _____

70 Date of Birth _____

71 Street Address of Principal Place of Residence

72 _____

73 City County State Zip Code

74 Telephone Number (optional) _____

75 Email Address (optional) _____

76 Last four digits of Social Security Number _____

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

79 _____

80 City County State Zip Code

81 Political Party

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

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

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

91 Signed and sworn

92 _____

93 Voter's Signature

94 _____ (month/day/year).

95 **PRIVACY INFORMATION**

96 Voter registration records contain some information that is available to the public, such
 97 as your name and address, some information that is available only to government entities, and
 98 some information that is available only to certain third parties in accordance with the
 99 requirements of law.

100 Your driver license number, identification card number, social security number, email
 101 address, ~~and~~ full date of birth, and phone number are available only to government entities.
 102 Your year of birth is available to political parties, candidates for public office, certain third
 103 parties, and their contractors, employees, and volunteers, in accordance with the requirements
 104 of law.

105 You may request that all information on your voter registration records be withheld
 106 from all persons other than government entities, political parties, candidates for public office,
 107 and their contractors, employees, and volunteers, by indicating here:

108 Yes, I request that all information on my voter registration records be withheld
 109 from all persons other than government entities, political parties, candidates for public office,
 110 and their contractors, employees, and volunteers.

111 **REQUEST FOR ADDITIONAL PRIVACY PROTECTION**

112 In addition to the protections provided above, you may request that all information on

113 your voter registration records be withheld from all political parties, candidates for public
114 office, and their contractors, employees, and volunteers, by submitting a withholding request
115 form, and any required verification, as described in the following paragraphs.

116 A person may request that all information on the person's voter registration records be
117 withheld from all political parties, candidates for public office, and their contractors,
118 employees, and volunteers, by submitting a withholding request form with this registration
119 record, or to the lieutenant governor or a county clerk, if the person is or is likely to be, or
120 resides with a person who is or is likely to be, a victim of domestic violence or dating violence.

121 A person may request that all information on the person's voter registration records be
122 withheld from all political parties, candidates for public office, and their contractors,
123 employees, and volunteers, by submitting a withholding request form and any required
124 verification with this registration form, or to the lieutenant governor or a county clerk, if the
125 person is, or resides with a person who is, a law enforcement officer, a member of the armed
126 forces, a public figure, or protected by a protective order or a protection order.

127 **CITIZENSHIP AFFIDAVIT**

128 Name:

129 Name at birth, if different:

130 Place of birth:

131 Date of birth:

132 Date and place of naturalization (if applicable):

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

136 _____

137 Signature of Applicant

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

141 NOTICE: IN ORDER TO BE ALLOWED TO VOTE, YOU MUST PRESENT VALID
142 VOTER IDENTIFICATION TO THE POLL WORKER BEFORE VOTING, WHICH MUST
143 BE A VALID FORM OF PHOTO IDENTIFICATION THAT SHOWS YOUR NAME AND
144 PHOTOGRAPH; OR
145 TWO DIFFERENT FORMS OF IDENTIFICATION THAT SHOW YOUR NAME AND
146 CURRENT ADDRESS.

147 FOR OFFICIAL USE ONLY

148 Type of I.D. _____

149 Voting Precinct _____

150 Voting I.D. Number _____

151 -----

152 (c) Beginning May 1, 2022, the voter registration form described in Subsection (1)(b)
153 shall include a section in substantially the following form:

154 -----

155 BALLOT NOTIFICATIONS

156 If you have provided a phone number or email address, you can receive notifications by
157 text message or email regarding the status of a ballot that is mailed to you or a ballot that you
158 deposit in the mail or in a ballot drop box, by indicating here:

159 Yes, I would like to receive electronic notifications regarding the status of my
160 ballot.

161 -----

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

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

167 (3) (a) Each county clerk shall retain lists of currently registered voters.

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

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

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

174 (4) (a) As used in this Subsection (4), "qualified person" means:

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

177 (ii) a health care provider, as defined in Section 26-33a-102, or an agent, employee, or
178 independent contractor of a health care provider;

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

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

183 (v) a political party, or an agent, employee, or independent contractor of a political
184 party;

185 (vi) a candidate for public office, or an employee, independent contractor, or volunteer
186 of a candidate for public office; or

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

188 (A) provides the year of birth of a registered voter that is obtained from the list of
189 registered voters only to a person who is a qualified person;

190 (B) verifies that a person, described in Subsection (4)(a)(vii)(A), to whom a year of
191 birth that is obtained from the list of registered voters is provided, is a qualified person;

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

195 (D) verifies that each qualified person, other than a qualified person described in
196 Subsection (4)(a)(i), (v), or (vi), to whom the person provides the year of birth of a registered

197 voter that is obtained from the list of registered voters, will only use the year of birth to verify
198 the accuracy of personal information submitted by an individual or to confirm the identity of a
199 person in order to prevent fraud, waste, or abuse;

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

204 (F) verifies that each qualified person described in Subsection (4)(a)(v) or (vi), to
205 whom the person provides the year of birth of a registered voter that is obtained from the list of
206 registered voters, will only use the year of birth for a political purpose of the political party or
207 candidate for public office.

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

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

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

215 (A) the name, address, and telephone number of the person requesting the list of
216 registered voters;

217 (B) an indication of the type of qualified person that the person requesting the list
218 claims to be;

219 (C) a statement regarding the purpose for which the person desires to obtain the years
220 of birth;

221 (D) a list of the purposes for which the qualified person may use the year of birth of a
222 registered voter that is obtained from the list of registered voters;

223 (E) a statement that the year of birth of a registered voter that is obtained from the list
224 of registered voters may not be provided or used for a purpose other than a purpose described

225 under Subsection (4)(b)(ii)(D);

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

230 (G) an assertion from the person that the person will not provide or use the year of
231 birth of a registered voter that is obtained from the list of registered voters in a manner that is
232 prohibited by law; and

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

235 (c) The lieutenant governor or a county clerk may not disclose the year of birth of a
236 registered voter to a person that the lieutenant governor or county clerk reasonably believes:

237 (i) is not a qualified person or a person described in Subsection (4)(l); or

238 (ii) will provide or use the year of birth in a manner prohibited by law.

239 (d) The lieutenant governor or a county clerk may not disclose the voter registration
240 form of a person, or information included in the person's voter registration form, whose voter
241 registration form is classified as private under Subsection (4)(h) to a person other than:

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

244 (ii) except as provided in Subsection (7) and subject to Subsection (4)(e), a person
245 described in Subsection (4)(a)(v) or (vi) for a political purpose.

246 (e) When disclosing a record or information under Subsection (4)(d)(ii), the lieutenant
247 governor or county clerk shall exclude the information described in Subsection
248 63G-2-302(1)(j), other than the year of birth.

249 (f) The lieutenant governor or a county clerk may not disclose a withholding request
250 form, described in Subsections (7) and (8), submitted by an individual, or information obtained
251 from that form, to a person other than a government official or government employee acting in
252 the government official's or government employee's capacity as a government official or

253 government employee.

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

255 (i) obtains the year of birth of a registered voter from the list of registered voters under
256 false pretenses;

257 (ii) uses or provides the year of birth of a registered voter that is obtained from the list
258 of registered voters in a manner that is not permitted by law;

259 (iii) obtains a voter registration record described in Subsection 63G-2-302(1)(k) under
260 false pretenses;

261 (iv) uses or provides information obtained from a voter registration record described in
262 Subsection 63G-2-302(1)(k) in a manner that is not permitted by law;

263 (v) unlawfully discloses or obtains a voter registration record withheld under
264 Subsection (7) or a withholding request form described in Subsections (7) and (8); or

265 (vi) unlawfully discloses or obtains information from a voter registration record
266 withheld under Subsection (7) or a withholding request form described in Subsections (7) and
267 (8).

268 (h) The lieutenant governor or a county clerk shall classify the voter registration record
269 of a voter as a private record if the voter:

270 (i) submits a written application, created by the lieutenant governor, requesting that the
271 voter's voter registration record be classified as private;

272 (ii) requests on the voter's voter registration form that the voter's voter registration
273 record be classified as a private record; or

274 (iii) submits a withholding request form described in Subsection (7) and any required
275 verification.

276 (i) The lieutenant governor or a county clerk may not disclose to a person described in
277 Subsection (4)(a)(v) or (vi) a voter registration record, or information obtained from a voter
278 registration record, if the record is withheld under Subsection (7).

279 (j) In addition to any criminal penalty that may be imposed under this section, the
280 lieutenant governor may impose a civil fine against a person who violates a provision of this

281 section, in an amount equal to the greater of:

282 (i) the product of 30 and the square root of the total number of:

283 (A) records obtained, provided, or used unlawfully, rounded to the nearest whole
284 dollar; or

285 (B) records from which information is obtained, provided, or used unlawfully, rounded
286 to the nearest whole dollar; or

287 (ii) \$200.

288 (k) A qualified person may not obtain, provide, or use the year of birth of a registered
289 voter, if the year of birth is obtained from the list of registered voters or from a voter
290 registration record, unless the person:

291 (i) is a government official or government employee who obtains, provides, or uses the
292 year of birth in the government official's or government employee's capacity as a government
293 official or government employee;

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

297 (iii) is a qualified person described in Subsection (4)(a)(v) or (vi) and obtains,
298 provides, or uses the year of birth for a political purpose of the political party or candidate for
299 public office; or

300 (iv) is a qualified person described in Subsection (4)(a)(vii) and obtains, provides, or
301 uses the year of birth to provide the year of birth to another qualified person to verify the
302 accuracy of personal information submitted by an individual or to confirm the identity of a
303 person in order to prevent fraud, waste, or abuse.

304 (l) The lieutenant governor or a county clerk may provide a year of birth to a member
305 of the media, in relation to an individual designated by the member of the media, in order for
306 the member of the media to verify the identity of the individual.

307 (m) A person described in Subsection (4)(a)(v) or (vi) may not use or disclose
308 information from a voter registration record for a purpose other than a political purpose.

309 (5) When political parties not listed on the voter registration form qualify as registered
310 political parties under Title 20A, Chapter 8, Political Party Formation and Procedures, the
311 lieutenant governor shall inform the county clerks of the name of the new political party and
312 direct the county clerks to ensure that the voter registration form is modified to include that
313 political party.

314 (6) Upon receipt of a voter registration form from an applicant, the county clerk or the
315 clerk's designee shall:

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

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

321 (7) The lieutenant governor or a county clerk shall withhold from a person, other than a
322 person described in Subsection (4)(a)(i), the voter registration record, and information obtained
323 from the voter registration record, of an individual:

324 (a) who submits a withholding request form, with the voter registration record or to the
325 lieutenant governor or a county clerk, if:

326 (i) the individual indicates on the form that the individual, or an individual who resides
327 with the individual, is a victim of domestic violence or dating violence or is likely to be a
328 victim of domestic violence or dating violence; or

329 (ii) the individual indicates on the form and provides verification that the individual, or
330 an individual who resides with the individual, is:

331 (A) a law enforcement officer;

332 (B) a member of the armed forces, as defined in Section [20A-1-513](#);

333 (C) a public figure; or

334 (D) protected by a protective order or protection order; or

335 (b) whose voter registration record was classified as a private record at the request of
336 the individual before May 12, 2020.

337 (8) (a) The lieutenant governor shall design and distribute the withholding request form
338 described in Subsection (7) to each election officer and to each agency that provides a voter
339 registration form.

340 (b) An individual described in Subsection (7)(a)(i) is not required to provide
341 verification, other than the individual's attestation and signature on the withholding request
342 form, that the individual, or an individual who resides with the individual, is a victim of
343 domestic violence or dating violence or is likely to be a victim of domestic violence or dating
344 violence.

345 (c) The director of elections within the Office of the Lieutenant Governor shall make
346 rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
347 establishing requirements for providing the verification described in Subsection (7)(a)(ii).

348 (9) An election officer or an employee of an election officer may not encourage an
349 individual to submit, or discourage an individual from submitting, a withholding request form.

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

351 **20A-2-108. Driver license or state identification card registration form --**
352 **Transmittal of information.**

353 (1) As used in this section, "qualifying form" means:

- 354 (a) a driver license application form; or
- 355 (b) a state identification card application form.

356 (2) The lieutenant governor and the Driver License Division shall design each
357 qualifying form to include:

358 (a) the following question, which an applicant is required to answer: "Do you authorize
359 the use of information in this form for voter registration purposes? YES ___ NO ___"; [~~and~~]

360 (b) the following statement:

361 "PRIVACY INFORMATION

362 Voter registration records contain some information that is available to the public, such
363 as your name and address, some information that is available only to government entities, and
364 some information that is available only to certain third parties in accordance with the

365 requirements of law.

366 Your driver license number, identification card number, social security number, email
367 address, ~~and~~ full date of birth, and phone number are available only to government entities.

368 Your year of birth is available to political parties, candidates for public office, certain third
369 parties, and their contractors, employees, and volunteers, in accordance with the requirements
370 of law.

371 You may request that all information on your voter registration records be withheld
372 from all persons other than government entities, political parties, candidates for public office,
373 and their contractors, employees, and volunteers, by indicating here:

374 Yes, I request that all information on my voter registration records be withheld
375 from all persons other than government entities, political parties, candidates for public office,
376 and their contractors, employees, and volunteers.

377 REQUEST FOR ADDITIONAL PRIVACY PROTECTION

378 In addition to the protections provided above, you may request that all information on
379 your voter registration records be withheld from all political parties, candidates for public
380 office, and their contractors, employees, and volunteers, by submitting a withholding request
381 form, and any required verification, as described in the following paragraphs.

382 A person may request that all information on the person's voter registration records be
383 withheld from all political parties, candidates for public office, and their contractors,
384 employees, and volunteers, by submitting a withholding request form with this registration
385 record, or to the lieutenant governor or a county clerk, if the person is or is likely to be, or
386 resides with a person who is or is likely to be, a victim of domestic violence or dating violence.

387 A person may request that all information on the person's voter registration records be
388 withheld from all political parties, candidates for public office, and their contractors,
389 employees, and volunteers, by submitting a withholding request form and any required
390 verification with this registration form, or to the lieutenant governor or a county clerk, if the
391 person is, or resides with a person who is, a law enforcement officer, a member of the armed
392 forces, a public figure, or protected by a protective order or a protection order."; and

393 (c) beginning May 1, 2022, a section in substantially the following form:

394 -----

395 BALLOT NOTIFICATIONS

396 If you have provided a phone number or email address, you can receive notifications by
397 text message or email regarding the status of a ballot that is mailed to you or a ballot that you
398 deposit in the mail or in a ballot drop box, by indicating here:

399 Yes, I would like to receive electronic notifications regarding the status of my
400 ballot.

401 -----

402 (3) The lieutenant governor and the Driver License Division shall ensure that a
403 qualifying form contains:

404 (a) a place for an individual to affirm the individual's citizenship, voting eligibility, and
405 Utah residency, and that the information provided in the form is true;

406 (b) a records disclosure that is similar to the records disclosure on a voter registration
407 form described in Section 20A-2-104;

408 (c) a statement that if an applicant declines to register or preregister to vote, the fact
409 that the applicant has declined to register or preregister will remain confidential and will be
410 used only for voter registration purposes;

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

414 (e) if the applicant answers "yes" to the question described in Subsection (2)(a), a space
415 where an individual may, if desired:

416 (i) indicate the individual's desired political affiliation from a listing of each registered
417 political party, as defined in Section 20A-8-101;

418 (ii) specify a political party that is not listed under Subsection (3)(e)(i) with which the
419 individual desires to affiliate; or

420 (iii) indicate that the individual does not wish to affiliate with a political party.

421 Section 3. Section 20A-2-304 is amended to read:

422 **20A-2-304. County clerk's responsibilities -- Notice of disposition.**

423 Each county clerk shall:

424 (1) register to vote each individual who meets the requirements for registration and

425 who:

426 (a) submits a completed voter registration form to the county clerk;

427 (b) submits a completed voter registration form, as defined in Section 20A-2-204, to
428 the Driver License Division;

429 (c) submits a completed voter registration form to a public assistance agency or a
430 discretionary voter registration agency; or

431 (d) mails a completed voter registration form to the county clerk; and

432 (2) within 30 days after the day on which the county clerk processes a voter registration
433 form, send a notice to the individual who submits the form that:

434 (a) (i) informs the individual that the individual's voter registration form has been
435 accepted and that the individual is registered to vote;

436 (ii) informs the individual of the procedure for designating or changing the individual's
437 political affiliation; ~~and~~

438 (iii) informs the individual of the procedure to cancel a voter registration; and

439 (iv) after May 1, 2022:

440 (A) confirms that the individual has chosen to receive electronic ballot status
441 notifications if the individual opted to receive electronic ballot status notifications on the voter
442 registration form; or

443 (B) notifies the individual how to receive electronic ballot status notifications if the
444 individual did not opt to receive electronic ballot status notifications on the voter registration
445 form;

446 (b) informs the individual that the individual's voter registration form has been rejected
447 and the reason for the rejection; or

448 (c) (i) informs the individual that the individual's voter registration form is being

449 returned to the individual for further action because the form is incomplete; and

450 (ii) gives instructions to the individual on how to properly complete the form.

451 Section 4. Section **20A-2-306** is amended to read:

452 **20A-2-306. Removing names from the official register -- Determining and**
453 **confirming change of residence.**

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

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

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

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

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

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

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

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

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

473 "VOTER REGISTRATION NOTICE

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

477

478 Street City County State Zip

479 What is your current phone number (optional)?

480 What is your current email address (optional)?

481 If you have not changed your residence or have moved but stayed within the same
482 county, you must complete and return this form to the county clerk so that it is received by the
483 county clerk before 5 p.m. no later than 30 days before the date of the election. If you fail to
484 return this form within that time:

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

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

491 _____

492 Signature of Voter

493 PRIVACY INFORMATION

494 Voter registration records contain some information that is available to the public, such
495 as your name and address, some information that is available only to government entities, and
496 some information that is available only to certain third parties in accordance with the
497 requirements of law.

498 Your driver license number, identification card number, social security number, email
499 address, ~~and~~ full date of birth, and phone number are available only to government entities.

500 Your year of birth is available to political parties, candidates for public office, certain third
501 parties, and their contractors, employees, and volunteers, in accordance with the requirements
502 of law.

503 You may request that all information on your voter registration records be withheld
504 from all persons other than government entities, political parties, candidates for public office,

505 and their contractors, employees, and volunteers, by indicating here:

506 _____ Yes, I request that all information on my voter registration records be withheld
507 from all persons other than government entities, political parties, candidates for public office,
508 and their contractors, employees, and volunteers.

509 REQUEST FOR ADDITIONAL PRIVACY PROTECTION

510 In addition to the protections provided above, you may request that all information on
511 your voter registration records be withheld from all political parties, candidates for public
512 office, and their contractors, employees, and volunteers, by submitting a withholding request
513 form, and any required verification, as described in the following paragraphs.

514 A person may request that all information on the person's voter registration records be
515 withheld from all political parties, candidates for public office, and their contractors,
516 employees, and volunteers, by submitting a withholding request form with this registration
517 record, or to the lieutenant governor or a county clerk, if the person is or is likely to be, or
518 resides with a person who is or is likely to be, a victim of domestic violence or dating violence.

519 A person may request that all information on the person's voter registration records be
520 withheld from all political parties, candidates for public office, and their contractors,
521 employees, and volunteers, by submitting a withholding request form and any required
522 verification with this registration form, or to the lieutenant governor or a county clerk, if the
523 person is, or resides with a person who is, a law enforcement officer, a member of the armed
524 forces, a public figure, or protected by a protective order or a protection order."

525 (b) Beginning May 1, 2022, the form described in Subsection (3)(a) shall also include a
526 section in substantially the following form:

527 -----

528 BALLOT NOTIFICATIONS

529 If you have provided a phone number or email address, you can receive notifications by
530 text message or email regarding the status of a ballot that is mailed to you or a ballot that you
531 deposit in the mail or in a ballot drop box, by indicating here:

532 _____ Yes, I would like to receive electronic notifications regarding the status of my

533 ballot.

534 -----

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

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

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

542 (ii) the voter has died.

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

545 (ii) If a county clerk receives a returned voter identification card, determines that there
546 was no clerical error causing the card to be returned, and has no further information to contact
547 the voter, the county clerk may list that voter as inactive.

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

550 (iv) A county is not required to send routine mailings to an inactive voter and is not
551 required to count inactive voters when dividing precincts and preparing supplies.

552 Section 5. Section **20A-3a-202** is amended to read:

553 **20A-3a-202. Conducting election by mail.**

554 (1) Except as otherwise provided for an election conducted entirely by mail under
555 Section [20A-7-609.5](#), an election officer shall administer an election primarily by mail, in
556 accordance with this section.

557 (2) An election officer who administers an election:

558 (a) shall in accordance with Subsection (3), no sooner than 21 days before election day
559 and no later than seven days before election day, mail to each active voter within a voting
560 precinct:

561 (i) a manual ballot;

562 (ii) a return envelope;

563 (iii) instructions for returning the ballot that include an express notice about any

564 relevant deadlines that the voter must meet in order for the voter's vote to be counted;

565 (iv) for an election administered by a county clerk, information regarding the location

566 and hours of operation of any election day voting center at which the voter may vote or a

567 website address where the voter may view this information; ~~and~~

568 (v) for an election administered by an election officer other than a county clerk, if the

569 election officer does not operate a polling location or an election day voting center, a warning,

570 on a separate page of colored paper in bold face print, indicating that if the voter fails to follow

571 the instructions included with the ballot, the voter will be unable to vote in that election

572 because there will be no polling place for the voting precinct on the day of the election; and

573 (vi) after May 1, 2022, instructions on how a voter may sign up to receive electronic

574 ballot status notifications via the ballot tracking system described in Section [20A-3a-401.5](#); and

575 (b) may not mail a ballot under this section to:

576 (i) an inactive voter, unless the inactive voter requests a manual ballot; or

577 (ii) a voter whom the election officer is prohibited from sending a ballot under

578 Subsection (10)(c)(ii).

579 (3) (a) An election officer who mails a manual ballot under Subsection (2) shall mail

580 the manual ballot to the address:

581 (i) provided at the time of registration; or

582 (ii) if, at or after the time of registration, the voter files an alternate address request

583 form described in Subsection (3)(b), the alternate address indicated on the form.

584 (b) The lieutenant governor shall make available to voters an alternate address request

585 form that permits a voter to request that the election officer mail the voter's ballot to a location

586 other than the voter's residence.

587 (c) A voter shall provide the completed alternate address request form to the election

588 officer no later than 11 days before the day of the election.

589 (4) The return envelope shall include:

590 (a) the name, official title, and post office address of the election officer on the front of
591 the envelope;

592 (b) a space where a voter may write an email address and phone number by which the
593 election officer may contact the voter if the voter's ballot is rejected;

594 (c) a printed affidavit in substantially the following form:

595 "County of ____ State of ____

596 I, ____, solemnly swear that: I am a qualified resident voter of the ____ voting precinct
597 in ____ County, Utah and that I am entitled to vote in this election. I am not a convicted felon
598 currently incarcerated for commission of a felony.

599 _____

600 Signature of Voter"; and

601 (d) a warning that the affidavit must be signed by the individual to whom the ballot
602 was sent and that the ballot will not be counted if the signature on the affidavit does not match
603 the signature on file with the election officer of the individual to whom the ballot was sent.

604 (5) If the election officer determines that the voter is required to show valid voter
605 identification, the election officer may:

606 (a) mail a ballot to the voter; and

607 (b) instruct the voter to include a copy of the voter's valid voter identification with the
608 return ballot.

609 (6) An election officer who administers an election shall:

610 (a) (i) before the election, obtain the signatures of each voter qualified to vote in the
611 election; or

612 (ii) obtain the signature of each voter within the voting precinct from the county clerk;
613 and

614 (b) maintain the signatures on file in the election officer's office.

615 (7) Upon receipt of a returned ballot, the election officer shall review and process the
616 ballot under Section [20A-3a-401](#).

617 (8) A county that administers an election:
618 (a) shall provide at least one election day voting center in accordance with Chapter 3a,
619 Part 7, Election Day Voting Center, and at least one additional election day voting center for
620 every 5,000 active voters in the county who have requested to not receive a ballot by mail;
621 (b) shall ensure that each election day voting center operated by the county has at least
622 one voting device that is accessible, in accordance with the Help America Vote Act of 2002,
623 Pub. L. No. 107-252, for individuals with disabilities;
624 (c) may reduce the early voting period described in Section 20A-3a-601, if:
625 (i) the county clerk conducts early voting on at least four days;
626 (ii) the early voting days are within the period beginning on the date that is 14 days
627 before the date of the election and ending on the day before the election; and
628 (iii) the county clerk provides notice of the reduced early voting period in accordance
629 with Section 20A-3a-604;
630 (d) is not required to pay return postage for a ballot; and
631 (e) is subject to an audit conducted under Subsection (9).
632 (9) (a) The lieutenant governor shall:
633 (i) develop procedures for conducting an audit of affidavit signatures on ballots cast in
634 an election conducted under this section; and
635 (ii) after each primary, general, or special election conducted under this section, select
636 a number of ballots, in varying jurisdictions, to audit in accordance with the procedures
637 developed under Subsection (9)(a)(i).
638 (b) The lieutenant governor shall post the results of an audit conducted under this
639 Subsection (9) on the lieutenant governor's website.
640 (10) (a) An individual may request that the election officer not send the individual a
641 ballot by mail in the next and subsequent elections by submitting a written request to the
642 election officer.
643 (b) An individual shall submit the request described in Subsection (10)(a) to the
644 election officer before 5 p.m. no later than 60 days before an election if the individual does not

645 wish to receive a ballot by mail in that election.

646 (c) An election officer who receives a request from an individual under Subsection
647 (10)(a):

648 (i) shall remove the individual's name from the list of voters who will receive a ballot
649 by mail; and

650 (ii) may not send the individual a ballot by mail for:

651 (A) the next election, if the individual submits the request described in Subsection
652 (10)(a) before the deadline described in Subsection (10)(b); or

653 (B) an election after the election described in Subsection (10)(c)(ii)(A).

654 (d) An individual who submits a request under Subsection (10)(a) may resume the
655 individual's receipt of a ballot by mail by submitting a written request to the election officer.

656 Section 6. Section **20A-3a-401.5** is enacted to read:

657 **20A-3a-401.5. Ballot tracking system.**

658 (1) As used in this section:

659 (a) "Ballot tracking system" means the system described in this section to track and
660 confirm the status of trackable ballots.

661 (b) "Change in the status" includes:

662 (i) when a trackable ballot is mailed to a voter;

663 (ii) when an election official receives a voted trackable ballot; and

664 (iii) when a voted trackable ballot is counted.

665 (c) "Trackable ballot" means a manual ballot that is:

666 (i) mailed to a voter in accordance with Section [20A-3a-202](#);

667 (ii) deposited in the mail by a voter in accordance with Section [20A-3a-204](#); or

668 (iii) deposited in a ballot drop box by a voter in accordance with Section [20A-3a-204](#).

669 (d) "Voter registration database" means the statewide voter registration database
670 described in Section [20A-2-109](#).

671 (2) (a) The lieutenant governor shall develop and maintain a statewide or locally based
672 system to track and confirm when there is a change in the status of a trackable ballot.

673 (b) The ballot tracking system shall be operational on or before May 1, 2022.
 674 (3) Beginning on May 1, 2022, if a voter elects to receive electronic notifications
 675 regarding the status of the voter's trackable ballot, the ballot tracking system shall, when there
 676 is a change in the status of the voter's trackable ballot:
 677 (a) send a text message notification to the voter if the voter's information in the voter
 678 registration database includes a mobile telephone number;
 679 (b) send an email notification to the voter if the voter's information in the voter
 680 registration database includes an email address; and
 681 (c) send a notification by another electronic means directed by the lieutenant governor.
 682 (4) The lieutenant governor shall ensure that the ballot tracking system and the
 683 state-provided website described in Section 20A-7-801 automatically share appropriate
 684 information to ensure that a voter is able to confirm the status of the voter's trackable ballot via
 685 the state-provided website free of charge.

686 (5) The ballot tracking system shall include a toll-free telephone number or other
 687 offline method by which a voter can confirm the status of the voter's trackable ballot.

688 (6) The lieutenant governor shall ensure that the ballot tracking system:
 689 (a) is secure from unauthorized use by employing data encryption or other security
 690 measures; and

691 (b) is only used for the purposes described in this section.

692 Section 7. Section **20A-6-105** is amended to read:

693 **20A-6-105. Provisional ballot envelopes.**

694 (1) Each election officer shall ensure that provisional ballot envelopes are printed in
 695 substantially the following form:

696 "AFFIRMATION

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

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

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

701 Name of Voter _____

702 First Middle Last

703 Driver License or Identification Card Number _____

704 State of Issuance of Driver License or Identification Card Number _____

705 Date of Birth _____

706 Street Address of Principal Place of Residence

707 _____

708 City County State Zip Code

709 Telephone Number (optional) _____

710 Email Address (optional) _____

711 Last four digits of Social Security Number _____

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

713 _____

714 City County State Zip Code

715 Voting Precinct (if known)

716 _____

717 I, (please print your full name) _____ do solemnly swear or

718 affirm:

719 That I am eligible to vote in this election; that I have not voted in this election in any
720 other precinct; that I am eligible to vote in this precinct; and that I request that I be permitted to
721 vote in this precinct; and

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

726 Signed _____

727 Dated _____

728 In accordance with Section [20A-3a-506](#), wilfully providing false information above is a

729 class B misdemeanor under Utah law and is punishable by imprisonment and by fine.

730 **PRIVACY INFORMATION**

731 Voter registration records contain some information that is available to the public, such
732 as your name and address, some information that is available only to government entities, and
733 some information that is available only to certain third parties in accordance with the
734 requirements of law.

735 Your driver license number, identification card number, social security number, email
736 address, ~~and~~ full date of birth, and phone number are available only to government entities.

737 Your year of birth is available to political parties, candidates for public office, certain third
738 parties, and their contractors, employees, and volunteers, in accordance with the requirements
739 of law.

740 You may request that all information on your voter registration records be withheld
741 from all persons other than government entities, political parties, candidates for public office,
742 and their contractors, employees, and volunteers, by indicating here:

743 _____ Yes, I request that all information on my voter registration records be withheld
744 from all persons other than government entities, political parties, candidates for public office,
745 and their contractors, employees, and volunteers.

746 **REQUEST FOR ADDITIONAL PRIVACY PROTECTION**

747 In addition to the protections provided above, you may request that all information on
748 your voter registration records be withheld from all political parties, candidates for public
749 office, and their contractors, employees, and volunteers, by submitting a withholding request
750 form, and any required verification, as described in the following paragraphs.

751 A person may request that all information on the person's voter registration records be
752 withheld from all political parties, candidates for public office, and their contractors,
753 employees, and volunteers, by submitting a withholding request form with this registration
754 record, or to the lieutenant governor or a county clerk, if the person is or is likely to be, or
755 resides with a person who is or is likely to be, a victim of domestic violence or dating violence.

756 A person may request that all information on the person's voter registration records be

757 withheld from all political parties, candidates for public office, and their contractors,
758 employees, and volunteers, by submitting a withholding request form and any required
759 verification with this registration form, or to the lieutenant governor or a county clerk, if the
760 person is, or resides with a person who is, a law enforcement officer, a member of the armed
761 forces, a public figure, or protected by a protective order or a protection order.

762 CITIZENSHIP AFFIDAVIT

763 Name:

764 Name at birth, if different:

765 Place of birth:

766 Date of birth:

767 Date and place of naturalization (if applicable):

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

771 _____
772 Signature of Applicant

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

776 (2) The provisional ballot envelope shall include:

777 (a) a unique number;

778 (b) a detachable part that includes the unique number; [~~and~~]

779 (c) a telephone number, internet address, or other indicator of a means, in accordance
780 with Section 20A-6-105.5, where the voter can find out if the provisional ballot was counted[-];
781 and

782 (d) beginning May 1, 2022, an insert containing written instructions on how a voter
783 may sign up to receive ballot status notifications via the ballot tracking system described in
784 Section 20A-3a-401.5.

785 Section 8. Section **20A-7-801** is amended to read:

786 **20A-7-801. Statewide Electronic Voter Information Website Program -- Duties of**
787 **the lieutenant governor -- Content -- Duties of local election officials -- Deadlines --**
788 **Frequently asked voter questions -- Other elections.**

789 (1) There is established the Statewide Electronic Voter Information Website Program
790 administered by the lieutenant governor in cooperation with the county clerks for general
791 elections and municipal authorities for municipal elections.

792 (2) In accordance with this section, and as resources become available, the lieutenant
793 governor, in cooperation with county clerks, shall develop, establish, and maintain a
794 state-provided Internet website designed to help inform the voters of the state of:

795 (a) the offices and candidates up for election; [~~and~~]

796 (b) the content, effect, operation, fiscal impact, and supporting and opposing arguments
797 of ballot propositions submitted to the voters[:]; and

798 (c) the status of a voter's trackable ballot, in accordance with Section [20A-3a-401.5](#),
799 accessible only by the voter.

800 (3) Except as provided under Subsection (6), the website shall include:

801 (a) all information currently provided in the Utah voter information pamphlet under
802 Chapter 7, Part 7, Voter Information Pamphlet, including a section prepared, analyzed, and
803 submitted by the Judicial Performance Evaluation Commission describing the judicial selection
804 and retention process;

805 (b) on the homepage of the website, a link to the Judicial Performance Evaluation
806 Commission's website, judges.utah.gov;

807 (c) a link to the retention recommendation made by the Judicial Performance
808 Evaluation Commission in accordance with Title 78A, Chapter 12, Part 2, Judicial
809 Performance Evaluation, for each judicial appointee to a court that is subject to a retention
810 election, in accordance with Section [20A-12-201](#), for the upcoming general election;

811 (d) all information submitted by election officers under Subsection (4) on local office
812 races, local office candidates, and local ballot propositions;

813 (e) a list that contains the name of a political subdivision that operates an election day
814 voting center under Section [20A-3a-703](#) and the location of the election day voting center;

815 (f) other information determined appropriate by the lieutenant governor that is
816 currently being provided by law, rule, or ordinance in relation to candidates and ballot
817 questions; [~~and~~]

818 (g) any differences in voting method, time, or location designated by the lieutenant
819 governor under Subsection [20A-1-308\(2\)](#)[~~;~~]; and

820 (h) an online ballot tracking system by which a voter can view the status of the voter's
821 trackable ballot, in accordance with Section [20A-3a-401.5](#), including:

822 (i) when a ballot has been mailed to the voter;

823 (ii) when an election official has received the voter's ballot; and

824 (iii) when the voter's ballot has been counted.

825 (4) (a) An election official shall submit the following information for each ballot under
826 the election official's direct responsibility under this title:

827 (i) a list of all candidates for each office;

828 (ii) if submitted by the candidate to the election official's office before 5 p.m. no later
829 than 45 days before the primary election or before 5 p.m. no later than 60 days before the
830 general election:

831 (A) a statement of qualifications, not exceeding 200 words in length, for each
832 candidate;

833 (B) the following current biographical information if desired by the candidate, current:

834 (I) age;

835 (II) occupation;

836 (III) city of residence;

837 (IV) years of residence in current city; and

838 (V) email address; and

839 (C) a single web address where voters may access more information about the
840 candidate and the candidate's views; and

841 (iii) factual information pertaining to all ballot propositions submitted to the voters,
842 including:

843 (A) a copy of the number and ballot title of each ballot proposition;

844 (B) the final vote cast for each ballot proposition, if any, by a legislative body if the
845 vote was required to place the ballot proposition on the ballot;

846 (C) a complete copy of the text of each ballot proposition, with all new language
847 underlined and all deleted language placed within brackets; and

848 (D) other factual information determined helpful by the election official.

849 (b) The information under Subsection (4)(a) shall be submitted to the lieutenant
850 governor no later than one business day after the deadline under Subsection (4)(a) for each
851 general election year and each municipal election year.

852 (c) The lieutenant governor shall:

853 (i) review the information submitted under this section, to determine compliance under
854 this section, prior to placing it on the website;

855 (ii) refuse to post information submitted under this section on the website if it is not in
856 compliance with the provisions of this section; and

857 (iii) organize, format, and arrange the information submitted under this section for the
858 website.

859 (d) The lieutenant governor may refuse to include information the lieutenant governor
860 determines is not in keeping with:

861 (i) Utah voter needs;

862 (ii) public decency; or

863 (iii) the purposes, organization, or uniformity of the website.

864 (e) A refusal under Subsection (4)(d) is subject to appeal in accordance with
865 Subsection (5).

866 (5) (a) A person whose information is refused under Subsection (4), and who is
867 aggrieved by the determination, may appeal by submitting a written notice of appeal to the
868 lieutenant governor before 5 p.m. within 10 business days after the date of the determination.

869 A notice of appeal submitted under this Subsection (5)(a) shall contain:

870 (i) a listing of each objection to the lieutenant governor's determination; and

871 (ii) the basis for each objection.

872 (b) The lieutenant governor shall review the notice of appeal and shall issue a written
873 response within 10 business days after the day on which the notice of appeal is submitted.

874 (c) An appeal of the response of the lieutenant governor shall be made to the district
875 court, which shall review the matter de novo.

876 (6) (a) The lieutenant governor shall ensure that each voter will be able to conveniently
877 enter the voter's address information on the website to retrieve information on which offices,
878 candidates, and ballot propositions will be on the voter's ballot at the next general election or
879 municipal election.

880 (b) The information on the website will anticipate and answer frequent voter questions
881 including the following:

882 (i) what offices are up in the current year for which the voter may cast a vote;

883 (ii) who is running for what office and who is the incumbent, if any;

884 (iii) what address each candidate may be reached at and how the candidate may be
885 contacted;

886 (iv) for partisan races only, what, if any, is each candidate's party affiliation;

887 (v) what qualifications have been submitted by each candidate;

888 (vi) where additional information on each candidate may be obtained;

889 (vii) what ballot propositions will be on the ballot; and

890 (viii) what judges are up for retention election.

891 (7) The lieutenant governor shall ensure that each voter may conveniently enter the
892 voter's name, date of birth, and address information on the website to retrieve information on
893 the status of the voter's ballot if the voter's ballot is trackable under Section [20A-3a-401.5](#).

894 ~~(7)~~ (8) As resources are made available and in cooperation with the county clerks, the
895 lieutenant governor may expand the electronic voter information website program to include
896 the same information as provided under this section for special elections and primary elections.

897 Section 9. Section **20A-16-501** is amended to read:

898 **20A-16-501. Use of voter's email address.**

899 (1) An election officer shall request an email address from each covered voter who
900 registers to vote after January 1, 2012.

901 (2) An email address provided by a covered voter:

902 (a) is a private record under Section [63G-2-302](#); and

903 (b) may be used only for official communication with the covered voter about the
904 voting process, including transmitting military-overseas ballots and election materials if the
905 voter has requested electronic transmission, ~~and~~ verifying the voter's mailing address and
906 physical location, and informing the voter of the status of the voter's ballot in accordance with
907 Section [20A-3a-401.5](#).

908 (3) The request for an email address shall:

909 (a) describe the purposes for which the email address may be used; ~~and~~

910 (b) include a statement that any other use or disclosure of the email address is
911 prohibited~~[-]; and~~

912 (c) describe how a voter may sign up to receive ballot status notifications via the ballot
913 tracking system described in Section [20A-3a-401.5](#).

914 (4) (a) A covered voter who provides an email address may request that the covered
915 voter's application for a military-overseas ballot be considered a standing request for electronic
916 delivery of a ballot for all elections held through December 31 of the year following the
917 calendar year of the date of the application or another shorter period the covered voter
918 specifies.

919 (b) An election official shall provide a military-overseas ballot to a covered voter who
920 makes a standing request for each election to which the request is applicable.

921 (c) A covered voter who is entitled to receive a military-overseas ballot for a primary
922 election under this Subsection (4) is entitled to receive a military-overseas ballot for the general
923 election.

924 Section 10. Section **63G-2-302** is amended to read:

925 **63G-2-302. Private records.**

926 (1) The following records are private:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

953 deductions;

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

956 (i) that part of a record indicating a person's social security number or federal employer
957 identification number if provided under Section 31A-23a-104, 31A-25-202, 31A-26-202,
958 58-1-301, 58-55-302, 61-1-4, or 61-2f-203;

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

960 (i) driver license or identification card number;

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

962 (iii) email address; ~~or~~

963 (iv) date of birth; or

964 (v) phone number;

965 (k) a voter registration record that is classified as a private record by the lieutenant
966 governor or a county clerk under Subsection 20A-2-101.1(5)(a), 20A-2-104(4)(h), or
967 20A-2-204(4)(b);

968 (l) a voter registration record that is withheld under Subsection 20A-2-104(7);

969 (m) a withholding request form described in Subsections 20A-2-104(7) and (8) and any
970 verification submitted in support of the form;

971 (n) a record that:

972 (i) contains information about an individual;

973 (ii) is voluntarily provided by the individual; and

974 (iii) goes into an electronic database that:

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

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

979 (o) information provided to the Commissioner of Insurance under:

980 (i) Subsection 31A-23a-115(3)(a);

- 981 (ii) Subsection 31A-23a-302(4); or
982 (iii) Subsection 31A-26-210(4);
983 (p) information obtained through a criminal background check under Title 11, Chapter
984 40, Criminal Background Checks by Political Subdivisions Operating Water Systems;
985 (q) information provided by an offender that is:
986 (i) required by the registration requirements of Title 77, Chapter 41, Sex and Kidnap
987 Offender Registry or Title 77, Chapter 43, Child Abuse Offender Registry; and
988 (ii) not required to be made available to the public under Subsection 77-41-110(4) or
989 77-43-108(4);
990 (r) a statement and any supporting documentation filed with the attorney general in
991 accordance with Section 34-45-107, if the federal law or action supporting the filing involves
992 homeland security;
993 (s) electronic toll collection customer account information received or collected under
994 Section 72-6-118 and customer information described in Section 17B-2a-815 received or
995 collected by a public transit district, including contact and payment information and customer
996 travel data;
997 (t) an email address provided by a military or overseas voter under Section
998 20A-16-501;
999 (u) a completed military-overseas ballot that is electronically transmitted under Title
1000 20A, Chapter 16, Uniform Military and Overseas Voters Act;
1001 (v) records received by or generated by or for the Political Subdivisions Ethics Review
1002 Commission established in Section 63A-15-201, except for:
1003 (i) the commission's summary data report that is required in Section 63A-15-202; and
1004 (ii) any other document that is classified as public in accordance with Title 63A,
1005 Chapter 15, Political Subdivisions Ethics Review Commission;
1006 (w) a record described in Section 53G-9-604 that verifies that a parent was notified of
1007 an incident or threat;
1008 (x) a criminal background check or credit history report conducted in accordance with

- 1009 Section [63A-3-201](#);
- 1010 (y) a record described in Subsection [53-5a-104\(7\)](#);
- 1011 (z) the following portions of a record maintained by a county for the purpose of
- 1012 administering property taxes, an individual's:
- 1013 (i) email address;
- 1014 (ii) phone number; or
- 1015 (iii) personal financial information related to a person's payment method; and
- 1016 (aa) a record concerning an individual's eligibility for an exemption, deferral,
- 1017 abatement, or relief under:
- 1018 (i) Title 59, Chapter 2, Part 11, Exemptions, Deferrals, and Abatements;
- 1019 (ii) Title 59, Chapter 2, Part 12, Property Tax Relief;
- 1020 (iii) Title 59, Chapter 2, Part 18, Tax Deferral and Tax Abatement; or
- 1021 (iv) Title 59, Chapter 2, Part 19, Armed Forces Exemptions.
- 1022 (2) The following records are private if properly classified by a governmental entity:
- 1023 (a) records concerning a current or former employee of, or applicant for employment
- 1024 with a governmental entity, including performance evaluations and personal status information
- 1025 such as race, religion, or disabilities, but not including records that are public under Subsection
- 1026 [63G-2-301\(2\)\(b\)](#) or [63G-2-301\(3\)\(o\)](#) or private under Subsection (1)(b);
- 1027 (b) records describing an individual's finances, except that the following are public:
- 1028 (i) records described in Subsection [63G-2-301\(2\)](#);
- 1029 (ii) information provided to the governmental entity for the purpose of complying with
- 1030 a financial assurance requirement; or
- 1031 (iii) records that must be disclosed in accordance with another statute;
- 1032 (c) records of independent state agencies if the disclosure of those records would
- 1033 conflict with the fiduciary obligations of the agency;
- 1034 (d) other records containing data on individuals the disclosure of which constitutes a
- 1035 clearly unwarranted invasion of personal privacy;
- 1036 (e) records provided by the United States or by a government entity outside the state

1037 that are given with the requirement that the records be managed as private records, if the
1038 providing entity states in writing that the record would not be subject to public disclosure if
1039 retained by it;

1040 (f) any portion of a record in the custody of the Division of Aging and Adult Services,
1041 created in Section 62A-3-102, that may disclose, or lead to the discovery of, the identity of a
1042 person who made a report of alleged abuse, neglect, or exploitation of a vulnerable adult; and

1043 (g) audio and video recordings created by a body-worn camera, as defined in Section
1044 77-7a-103, that record sound or images inside a home or residence except for recordings that:

1045 (i) depict the commission of an alleged crime;

1046 (ii) record any encounter between a law enforcement officer and a person that results in
1047 death or bodily injury, or includes an instance when an officer fires a weapon;

1048 (iii) record any encounter that is the subject of a complaint or a legal proceeding
1049 against a law enforcement officer or law enforcement agency;

1050 (iv) contain an officer involved critical incident as defined in Subsection
1051 76-2-408(1)(f); or

1052 (v) have been requested for reclassification as a public record by a subject or
1053 authorized agent of a subject featured in the recording.

1054 (3) (a) As used in this Subsection (3), "medical records" means medical reports,
1055 records, statements, history, diagnosis, condition, treatment, and evaluation.

1056 (b) Medical records in the possession of the University of Utah Hospital, its clinics,
1057 doctors, or affiliated entities are not private records or controlled records under Section
1058 63G-2-304 when the records are sought:

1059 (i) in connection with any legal or administrative proceeding in which the patient's
1060 physical, mental, or emotional condition is an element of any claim or defense; or

1061 (ii) after a patient's death, in any legal or administrative proceeding in which any party
1062 relies upon the condition as an element of the claim or defense.

1063 (c) Medical records are subject to production in a legal or administrative proceeding
1064 according to state or federal statutes or rules of procedure and evidence as if the medical

1065 records were in the possession of a nongovernmental medical care provider.