

Representative Dan N. Johnson proposes the following substitute bill:

BALLOT TRACKING AMENDMENTS

2021 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Dan N. Johnson

Senate Sponsor: Scott D. Sandall

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:

AMENDS:



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

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

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

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

62 Name of Voter

63 _____

64 First Middle Last

65 Utah Driver License or Utah Identification Card Number _____

66 Date of Birth _____

67 Street Address of Principal Place of Residence

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69 City County State Zip Code

70 Telephone Number (optional) _____

71 Email Address (optional) _____

72 Last four digits of Social Security Number _____

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

75 _____

76 City County State Zip Code

77 Political Party

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

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

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

87 Signed and sworn

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Voter's Signature
_____(month/day/year).

PRIVACY INFORMATION

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

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

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

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

REQUEST FOR ADDITIONAL PRIVACY PROTECTION

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

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

A person may request that all information on the person's voter registration records be withheld from all political parties, candidates for public office, and their contractors,

119 employees, and volunteers, by submitting a withholding request form and any required
120 verification with this registration form, or to the lieutenant governor or a county clerk, if the
121 person is, or resides with a person who is, a law enforcement officer, a member of the armed
122 forces, a public figure, or protected by a protective order or a protection order.

123 CITIZENSHIP AFFIDAVIT

124 Name:

125 Name at birth, if different:

126 Place of birth:

127 Date of birth:

128 Date and place of naturalization (if applicable):

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

132 _____

133 Signature of Applicant

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

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

143 FOR OFFICIAL USE ONLY

144 Type of I.D. _____

145 Voting Precinct _____

146 Voting I.D. Number _____

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

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BALLOT NOTIFICATIONS
If you have provided a phone number or email address, you can receive notifications by text message or email regarding the status of a ballot that is mailed to you or a ballot that you deposit in the mail or in a ballot drop box, by indicating here:
Yes, I would like to receive electronic notifications regarding the status of my ballot.

(2) (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) (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 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;

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

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

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

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

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

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

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

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

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

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

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

211 (A) the name, address, and telephone number of the person requesting the list of

212 registered voters;

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

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

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

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

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

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

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

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

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

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

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

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

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

242 (e) When disclosing a record or information under Subsection (4)(d)(ii), the lieutenant

243 governor or county clerk shall exclude the information described in Subsection
244 63G-2-302(1)(j), other than the year of birth.

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

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

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

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

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

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

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

261 (vi) unlawfully discloses or obtains information from a voter registration record
262 withheld under Subsection (7) or a withholding request form described in Subsections (7) and
263 (8).

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

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

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

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

272 (i) The lieutenant governor or a county clerk may not disclose to a person described in
273 Subsection (4)(a)(v) or (vi) a voter registration record, or information obtained from a voter

274 registration record, if the record is withheld under Subsection (7).

275 (j) In addition to any criminal penalty that may be imposed under this section, the
276 lieutenant governor may impose a civil fine against a person who violates a provision of this
277 section, in an amount equal to the greater of:

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

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

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

283 (ii) \$200.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

327 (A) a law enforcement officer;

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

329 (C) a public figure; or

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

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

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

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

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

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

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

347 **20A-2-108. Driver license or state identification card registration form --**
348 **Transmittal of information.**

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

- 350 (a) a driver license application form; or
- 351 (b) a state identification card application form.

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

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

356 (b) the following statement:

357 "PRIVACY INFORMATION

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

362 Your driver license number, identification card number, social security number, email
363 address, [~~and~~] full date of birth, and phone number are available only to government entities.
364 Your year of birth is available to political parties, candidates for public office, certain third
365 parties, and their contractors, employees, and volunteers, in accordance with the requirements
366 of law.

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

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

373 REQUEST FOR ADDITIONAL PRIVACY PROTECTION

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

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

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

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

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391 BALLOT NOTIFICATIONS

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

395 _____ Yes, I would like to receive electronic notifications regarding the status of my
396 ballot.

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

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

402 (b) a records disclosure that is similar to the records disclosure on a voter registration
403 form described in Section [20A-2-104](#);

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

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

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

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

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

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

417 Section 3. Section [20A-2-304](#) is amended to read:

418 **20A-2-304. County clerk's responsibilities -- Notice of disposition.**

419 Each county clerk shall:

420 (1) register to vote each individual who meets the requirements for registration and
421 who:

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

423 (b) submits a completed voter registration form, as defined in Section [20A-2-204](#), to
424 the Driver License Division;

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

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

428 (2) within 30 days after the day on which the county clerk processes a voter registration

429 form, send a notice to the individual who submits the form that:

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

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

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

435 (iv) after May 1, 2022:

436 (A) confirms that the individual has chosen to receive electronic ballot status
437 notifications if the individual opted to receive electronic ballot status notifications on the voter
438 registration form; or

439 (B) notifies the individual how to receive electronic ballot status notifications if the
440 individual did not opt to receive electronic ballot status notifications on the voter registration
441 form;

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

444 (c) (i) informs the individual that the individual's voter registration form is being
445 returned to the individual for further action because the form is incomplete; and

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

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

448 **20A-2-306. Removing names from the official register -- Determining and**
449 **confirming change of residence.**

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

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

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

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

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

460 (i) change the official register to show the voter's new address; and
461 (ii) send to the voter, by forwardable mail, the notice required by Subsection (3)
462 printed on a postage prepaid, preaddressed return form.

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

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

469 "VOTER REGISTRATION NOTICE

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

473 _____

474 Street City County State Zip

475 What is your current phone number (optional)?

476 What is your current email address (optional)?

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

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

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

487 _____

488 Signature of Voter

489 PRIVACY INFORMATION

490 Voter registration records contain some information that is available to the public, such

491 as your name and address, some information that is available only to government entities, and
492 some information that is available only to certain third parties in accordance with the
493 requirements of law.

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

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

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

505 REQUEST FOR ADDITIONAL PRIVACY PROTECTION

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

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

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

521 (b) Beginning May 1, 2022, the form described in Subsection (3)(a) shall also include a

522 section in substantially the following form:

523 -----

524 BALLOT NOTIFICATIONS

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

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

530 -----

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

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

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

538 (ii) the voter has died.

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

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

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

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

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

549 **20A-3a-202. Conducting election by mail.**

550 (1) Except as otherwise provided for an election conducted entirely by mail under
551 Section **20A-7-609.5**, an election officer shall administer an election primarily by mail, in
552 accordance with this section.

- 553 (2) An election officer who administers an election:
554 (a) shall in accordance with Subsection (3), no sooner than 21 days before election day
555 and no later than seven days before election day, mail to each active voter within a voting
556 precinct:
- 557 (i) a manual ballot;
 - 558 (ii) a return envelope;
 - 559 (iii) instructions for returning the ballot that include an express notice about any
560 relevant deadlines that the voter must meet in order for the voter's vote to be counted;
 - 561 (iv) for an election administered by a county clerk, information regarding the location
562 and hours of operation of any election day voting center at which the voter may vote or a
563 website address where the voter may view this information; [~~and~~]
 - 564 (v) for an election administered by an election officer other than a county clerk, if the
565 election officer does not operate a polling location or an election day voting center, a warning,
566 on a separate page of colored paper in bold face print, indicating that if the voter fails to follow
567 the instructions included with the ballot, the voter will be unable to vote in that election
568 because there will be no polling place for the voting precinct on the day of the election; and
569 (vi) after May 1, 2022, instructions on how a voter may sign up to receive electronic
570 ballot status notifications via the ballot tracking system described in Section [20A-3a-401.5](#); and
 - 571 (b) may not mail a ballot under this section to:
 - 572 (i) an inactive voter, unless the inactive voter requests a manual ballot; or
 - 573 (ii) a voter whom the election officer is prohibited from sending a ballot under
574 Subsection (10)(c)(ii).
- 575 (3) (a) An election officer who mails a manual ballot under Subsection (2) shall mail
576 the manual ballot to the address:
- 577 (i) provided at the time of registration; or
 - 578 (ii) if, at or after the time of registration, the voter files an alternate address request
579 form described in Subsection (3)(b), the alternate address indicated on the form.
- 580 (b) The lieutenant governor shall make available to voters an alternate address request
581 form that permits a voter to request that the election officer mail the voter's ballot to a location
582 other than the voter's residence.
- 583 (c) A voter shall provide the completed alternate address request form to the election

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

585 (4) The return envelope shall include:

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

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

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

591 "County of ____ State of ____

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

595 _____

596 Signature of Voter"; and

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

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

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

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

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

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

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

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

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

613 (8) A county that administers an election:

614 (a) shall provide at least one election day voting center in accordance with Chapter 3a,

615 Part 7, Election Day Voting Center, and at least one additional election day voting center for
616 every 5,000 active voters in the county who have requested to not receive a ballot by mail;

617 (b) shall ensure that each election day voting center operated by the county has at least
618 one voting device that is accessible, in accordance with the Help America Vote Act of 2002,
619 Pub. L. No. 107-252, for individuals with disabilities;

620 (c) may reduce the early voting period described in Section 20A-3a-601, if:

621 (i) the county clerk conducts early voting on at least four days;

622 (ii) the early voting days are within the period beginning on the date that is 14 days
623 before the date of the election and ending on the day before the election; and

624 (iii) the county clerk provides notice of the reduced early voting period in accordance
625 with Section 20A-3a-604;

626 (d) is not required to pay return postage for a ballot; and

627 (e) is subject to an audit conducted under Subsection (9).

628 (9) (a) The lieutenant governor shall:

629 (i) develop procedures for conducting an audit of affidavit signatures on ballots cast in
630 an election conducted under this section; and

631 (ii) after each primary, general, or special election conducted under this section, select
632 a number of ballots, in varying jurisdictions, to audit in accordance with the procedures
633 developed under Subsection (9)(a)(i).

634 (b) The lieutenant governor shall post the results of an audit conducted under this
635 Subsection (9) on the lieutenant governor's website.

636 (10) (a) An individual may request that the election officer not send the individual a
637 ballot by mail in the next and subsequent elections by submitting a written request to the
638 election officer.

639 (b) An individual shall submit the request described in Subsection (10)(a) to the
640 election officer before 5 p.m. no later than 60 days before an election if the individual does not
641 wish to receive a ballot by mail in that election.

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

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

- 646 (ii) may not send the individual a ballot by mail for:
- 647 (A) the next election, if the individual submits the request described in Subsection
- 648 (10)(a) before the deadline described in Subsection (10)(b); or
- 649 (B) an election after the election described in Subsection (10)(c)(ii)(A).
- 650 (d) An individual who submits a request under Subsection (10)(a) may resume the
- 651 individual's receipt of a ballot by mail by submitting a written request to the election officer.

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

653 **20A-3a-401.5. Ballot tracking system.**

654 (1) As used in this section:

655 (a) "Ballot tracking system" means the system described in this section to track and

656 confirm the status of trackable ballots.

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

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

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

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

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

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

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

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

665 (d) "Voter registration database" means the statewide voter registration database

666 described in Section [20A-2-109](#).

667 (2) (a) The lieutenant governor shall develop and maintain a statewide or locally based

668 system to track and confirm when there is a change in the status of a trackable ballot.

669 (b) The ballot tracking system shall be operational on or before May 1, 2022.

670 (3) Beginning on May 1, 2022, if a voter elects to receive electronic notifications

671 regarding the status of the voter's trackable ballot, the ballot tracking system shall, when there

672 is a change in the status of the voter's trackable ballot:

673 (a) send a text message notification to the voter if the voter's information in the voter

674 registration database includes a mobile telephone number;

675 (b) send an email notification to the voter if the voter's information in the voter

676 registration database includes an email address; and

677 (c) send a notification by another electronic means directed by the lieutenant governor.

678 (4) The lieutenant governor shall ensure that the ballot tracking system and the
679 state-provided website described in Section 20A-7-801 automatically share appropriate
680 information to ensure that a voter is able to confirm the status of the voter's trackable ballot via
681 the state-provided website free of charge.

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

684 (6) The lieutenant governor shall ensure that the ballot tracking system:

685 (a) is secure from unauthorized use by employing data encryption or other security
686 measures; and

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

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

689 **20A-6-105. Provisional ballot envelopes.**

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

692 "AFFIRMATION

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

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

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

697 Name of Voter _____

698 First Middle Last

699 Driver License or Identification Card Number _____

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

701 Date of Birth _____

702 Street Address of Principal Place of Residence

703 _____

704 City County State Zip Code

705 Telephone Number (optional) _____

706 Email Address (optional) _____

707 Last four digits of Social Security Number _____

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

709 _____

710 City County State Zip Code

711 Voting Precinct (if known)

712 _____

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

714 affirm:

715 That I am eligible to vote in this election; that I have not voted in this election in any
716 other precinct; that I am eligible to vote in this precinct; and that I request that I be permitted to
717 vote in this precinct; and

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

722 Signed _____

723 Dated _____

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

726 PRIVACY INFORMATION

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

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

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

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

742 REQUEST FOR ADDITIONAL PRIVACY PROTECTION

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

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

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

758 CITIZENSHIP AFFIDAVIT

759 Name:

760 Name at birth, if different:

761 Place of birth:

762 Date of birth:

763 Date and place of naturalization (if applicable):

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

767 _____
768 Signature of Applicant

769 In accordance with Section 20A-2-401, the penalty for willfully causing, procuring, or

770 allowing yourself to be registered to vote if you know you are not entitled to register to vote is
771 up to one year in jail and a fine of up to \$2,500."

772 (2) The provisional ballot envelope shall include:

773 (a) a unique number;

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

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

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

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

782 **20A-7-801. Statewide Electronic Voter Information Website Program -- Duties of**
783 **the lieutenant governor -- Content -- Duties of local election officials -- Deadlines --**
784 **Frequently asked voter questions -- Other elections.**

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

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

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

792 (b) the content, effect, operation, fiscal impact, and supporting and opposing arguments
793 of ballot propositions submitted to the voters[-]; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

830 (I) age;

831 (II) occupation;

- 832 (III) city of residence;
- 833 (IV) years of residence in current city; and
- 834 (V) email address; and
- 835 (C) a single web address where voters may access more information about the
- 836 candidate and the candidate's views; and
- 837 (iii) factual information pertaining to all ballot propositions submitted to the voters,
- 838 including:
- 839 (A) a copy of the number and ballot title of each ballot proposition;
- 840 (B) the final vote cast for each ballot proposition, if any, by a legislative body if the
- 841 vote was required to place the ballot proposition on the ballot;
- 842 (C) a complete copy of the text of each ballot proposition, with all new language
- 843 underlined and all deleted language placed within brackets; and
- 844 (D) other factual information determined helpful by the election official.
- 845 (b) The information under Subsection (4)(a) shall be submitted to the lieutenant
- 846 governor no later than one business day after the deadline under Subsection (4)(a) for each
- 847 general election year and each municipal election year.
- 848 (c) The lieutenant governor shall:
- 849 (i) review the information submitted under this section, to determine compliance under
- 850 this section, prior to placing it on the website;
- 851 (ii) refuse to post information submitted under this section on the website if it is not in
- 852 compliance with the provisions of this section; and
- 853 (iii) organize, format, and arrange the information submitted under this section for the
- 854 website.
- 855 (d) The lieutenant governor may refuse to include information the lieutenant governor
- 856 determines is not in keeping with:
- 857 (i) Utah voter needs;
- 858 (ii) public decency; or
- 859 (iii) the purposes, organization, or uniformity of the website.
- 860 (e) A refusal under Subsection (4)(d) is subject to appeal in accordance with
- 861 Subsection (5).
- 862 (5) (a) A person whose information is refused under Subsection (4), and who is

863 aggrieved by the determination, may appeal by submitting a written notice of appeal to the
864 lieutenant governor before 5 p.m. within 10 business days after the date of the determination.

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

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

867 (ii) the basis for each objection.

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

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

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

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

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

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

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

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

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

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

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

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

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

890 [(7)] (8) As resources are made available and in cooperation with the county clerks, the
891 lieutenant governor may expand the electronic voter information website program to include
892 the same information as provided under this section for special elections and primary elections.

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

894 **20A-16-501. Use of voter's email address.**

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

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

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

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

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

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

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

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

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

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

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

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

921 **63G-2-302. Private records.**

922 (1) The following records are private:

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

- 925 (b) records containing data on individuals describing medical history, diagnosis,
926 condition, treatment, evaluation, or similar medical data;
- 927 (c) records of publicly funded libraries that when examined alone or with other records
928 identify a patron;
- 929 (d) records received by or generated by or for:
- 930 (i) the Independent Legislative Ethics Commission, except for:
- 931 (A) the commission's summary data report that is required under legislative rule; and
932 (B) any other document that is classified as public under legislative rule; or
- 933 (ii) a Senate or House Ethics Committee in relation to the review of ethics complaints,
934 unless the record is classified as public under legislative rule;
- 935 (e) records received by, or generated by or for, the Independent Executive Branch
936 Ethics Commission, except as otherwise expressly provided in Title 63A, Chapter 14, Review
937 of Executive Branch Ethics Complaints;
- 938 (f) records received or generated for a Senate confirmation committee concerning
939 character, professional competence, or physical or mental health of an individual:
- 940 (i) if, prior to the meeting, the chair of the committee determines release of the records:
- 941 (A) reasonably could be expected to interfere with the investigation undertaken by the
942 committee; or
- 943 (B) would create a danger of depriving a person of a right to a fair proceeding or
944 impartial hearing; and
- 945 (ii) after the meeting, if the meeting was closed to the public;
- 946 (g) employment records concerning a current or former employee of, or applicant for
947 employment with, a governmental entity that would disclose that individual's home address,
948 home telephone number, social security number, insurance coverage, marital status, or payroll
949 deductions;
- 950 (h) records or parts of records under Section [63G-2-303](#) that a current or former
951 employee identifies as private according to the requirements of that section;
- 952 (i) that part of a record indicating a person's social security number or federal employer
953 identification number if provided under Section [31A-23a-104](#), [31A-25-202](#), [31A-26-202](#),
954 [58-1-301](#), [58-55-302](#), [61-1-4](#), or [61-2f-203](#);
- 955 (j) that part of a voter registration record identifying a voter's:

- 956 (i) driver license or identification card number;
- 957 (ii) social security number, or last four digits of the social security number;
- 958 (iii) email address; [or]
- 959 (iv) date of birth; or
- 960 (v) phone number;
- 961 (k) a voter registration record that is classified as a private record by the lieutenant
- 962 governor or a county clerk under Subsection 20A-2-101.1(5)(a), 20A-2-104(4)(h), or
- 963 20A-2-204(4)(b);
- 964 (l) a voter registration record that is withheld under Subsection 20A-2-104(7);
- 965 (m) a withholding request form described in Subsections 20A-2-104(7) and (8) and any
- 966 verification submitted in support of the form;
- 967 (n) a record that:
- 968 (i) contains information about an individual;
- 969 (ii) is voluntarily provided by the individual; and
- 970 (iii) goes into an electronic database that:
- 971 (A) is designated by and administered under the authority of the Chief Information
- 972 Officer; and
- 973 (B) acts as a repository of information about the individual that can be electronically
- 974 retrieved and used to facilitate the individual's online interaction with a state agency;
- 975 (o) information provided to the Commissioner of Insurance under:
- 976 (i) Subsection 31A-23a-115(3)(a);
- 977 (ii) Subsection 31A-23a-302(4); or
- 978 (iii) Subsection 31A-26-210(4);
- 979 (p) information obtained through a criminal background check under Title 11, Chapter
- 980 40, Criminal Background Checks by Political Subdivisions Operating Water Systems;
- 981 (q) information provided by an offender that is:
- 982 (i) required by the registration requirements of Title 77, Chapter 41, Sex and Kidnap
- 983 Offender Registry or Title 77, Chapter 43, Child Abuse Offender Registry; and
- 984 (ii) not required to be made available to the public under Subsection 77-41-110(4) or
- 985 77-43-108(4);
- 986 (r) a statement and any supporting documentation filed with the attorney general in

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

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

993 (t) an email address provided by a military or overseas voter under Section
994 20A-16-501;

995 (u) a completed military-overseas ballot that is electronically transmitted under Title
996 20A, Chapter 16, Uniform Military and Overseas Voters Act;

997 (v) records received by or generated by or for the Political Subdivisions Ethics Review
998 Commission established in Section 63A-15-201, except for:

999 (i) the commission's summary data report that is required in Section 63A-15-202; and

1000 (ii) any other document that is classified as public in accordance with Title 63A,
1001 Chapter 15, Political Subdivisions Ethics Review Commission;

1002 (w) a record described in Section 53G-9-604 that verifies that a parent was notified of
1003 an incident or threat;

1004 (x) a criminal background check or credit history report conducted in accordance with
1005 Section 63A-3-201;

1006 (y) a record described in Subsection 53-5a-104(7);

1007 (z) the following portions of a record maintained by a county for the purpose of
1008 administering property taxes, an individual's:

1009 (i) email address;

1010 (ii) phone number; or

1011 (iii) personal financial information related to a person's payment method; and

1012 (aa) a record concerning an individual's eligibility for an exemption, deferral,
1013 abatement, or relief under:

1014 (i) Title 59, Chapter 2, Part 11, Exemptions, Deferrals, and Abatements;

1015 (ii) Title 59, Chapter 2, Part 12, Property Tax Relief;

1016 (iii) Title 59, Chapter 2, Part 18, Tax Deferral and Tax Abatement; or

1017 (iv) Title 59, Chapter 2, Part 19, Armed Forces Exemptions.

- 1018 (2) The following records are private if properly classified by a governmental entity:
- 1019 (a) records concerning a current or former employee of, or applicant for employment
- 1020 with a governmental entity, including performance evaluations and personal status information
- 1021 such as race, religion, or disabilities, but not including records that are public under Subsection
- 1022 [63G-2-301\(2\)\(b\)](#) or [63G-2-301\(3\)\(o\)](#) or private under Subsection (1)(b);
- 1023 (b) records describing an individual's finances, except that the following are public:
- 1024 (i) records described in Subsection [63G-2-301\(2\)](#);
- 1025 (ii) information provided to the governmental entity for the purpose of complying with
- 1026 a financial assurance requirement; or
- 1027 (iii) records that must be disclosed in accordance with another statute;
- 1028 (c) records of independent state agencies if the disclosure of those records would
- 1029 conflict with the fiduciary obligations of the agency;
- 1030 (d) other records containing data on individuals the disclosure of which constitutes a
- 1031 clearly unwarranted invasion of personal privacy;
- 1032 (e) records provided by the United States or by a government entity outside the state
- 1033 that are given with the requirement that the records be managed as private records, if the
- 1034 providing entity states in writing that the record would not be subject to public disclosure if
- 1035 retained by it;
- 1036 (f) any portion of a record in the custody of the Division of Aging and Adult Services,
- 1037 created in Section [62A-3-102](#), that may disclose, or lead to the discovery of, the identity of a
- 1038 person who made a report of alleged abuse, neglect, or exploitation of a vulnerable adult; and
- 1039 (g) audio and video recordings created by a body-worn camera, as defined in Section
- 1040 [77-7a-103](#), that record sound or images inside a home or residence except for recordings that:
- 1041 (i) depict the commission of an alleged crime;
- 1042 (ii) record any encounter between a law enforcement officer and a person that results in
- 1043 death or bodily injury, or includes an instance when an officer fires a weapon;
- 1044 (iii) record any encounter that is the subject of a complaint or a legal proceeding
- 1045 against a law enforcement officer or law enforcement agency;
- 1046 (iv) contain an officer involved critical incident as defined in Subsection
- 1047 [76-2-408\(1\)\(f\)](#); or
- 1048 (v) have been requested for reclassification as a public record by a subject or

1049 authorized agent of a subject featured in the recording.

1050 (3) (a) As used in this Subsection (3), "medical records" means medical reports,
1051 records, statements, history, diagnosis, condition, treatment, and evaluation.

1052 (b) Medical records in the possession of the University of Utah Hospital, its clinics,
1053 doctors, or affiliated entities are not private records or controlled records under Section
1054 [63G-2-304](#) when the records are sought:

1055 (i) in connection with any legal or administrative proceeding in which the patient's
1056 physical, mental, or emotional condition is an element of any claim or defense; or

1057 (ii) after a patient's death, in any legal or administrative proceeding in which any party
1058 relies upon the condition as an element of the claim or defense.

1059 (c) Medical records are subject to production in a legal or administrative proceeding
1060 according to state or federal statutes or rules of procedure and evidence as if the medical
1061 records were in the possession of a nongovernmental medical care provider.