

ELECTIONS RECORD AMENDMENTS

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Norman K Thurston

Senate Sponsor: Jacob L. Anderegg

LONG TITLE

General Description:

This bill amends provisions relating to election records.

Highlighted Provisions:

This bill:

► provides that, beginning January 1, 2024, a voter registration record classified as a private record before May 12, 2020, will no longer be classified as a private record in its entirety and will, as with all other voter registration records, be subject to the following:

- certain information in the record will, by default, always be classified as private;
- certain other information in the record may be classified as private upon request of the voter; and
- under certain circumstances, the entire record may be classified as private upon request of the voter;

► requires a county clerk to provide to a voter impacted by the change in classification described above:

- notice of the change and when the change goes into effect; and
- a description of the information in the voter registration record that will be classified as private by default, a description of how a voter may request that additional information be classified as private, and a description of how, and the circumstances under which, a voter may request that the entire record be



28 classified as private;

29 ▶ classifies as protected a record that discloses, by name, address, or other identifying
30 information, that a particular voter's ballot has been rejected; and

31 ▶ makes technical changes.

32 **Money Appropriated in this Bill:**

33 None

34 **Other Special Clauses:**

35 None

36 **Utah Code Sections Affected:**

37 AMENDS:

38 **20A-2-104**, as last amended by Laws of Utah 2021, Chapter 100

39 **20A-3a-401**, as last amended by Laws of Utah 2022, Chapter 392

40 **63G-2-305**, as last amended by Laws of Utah 2022, Chapters 11, 109, 198, 201, 303,
41 335, 388, 391, and 415



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, full date of birth, and phone number are available only to government entities. Your
102 year of birth is available to political parties, candidates for public office, certain third parties,
103 and their contractors, employees, and volunteers, in accordance with the requirements of law.

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

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

110 **REQUEST FOR ADDITIONAL PRIVACY PROTECTION**

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

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

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

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

126 CITIZENSHIP AFFIDAVIT

127 Name:

128 Name at birth, if different:

129 Place of birth:

130 Date of birth:

131 Date and place of naturalization (if applicable):

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

135 _____

136 Signature of Applicant

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

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

146 FOR OFFICIAL USE ONLY

147 Type of I.D. _____

148 Voting Precinct _____

149 Voting I.D. Number _____

150 -----

151 (c) [~~Beginning May 1, 2022, the~~] The voter registration form described in Subsection

152 (1)(b) shall include a section in substantially the following form:

153 -----

154 BALLOT NOTIFICATIONS

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

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

160 -----

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

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

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

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

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

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

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

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

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

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

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

182 (v) a political party, or an agent, employee, or independent contractor of a political

183 party;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 236 (i) is not a qualified person or a person described in Subsection (4)(l); or
- 237 (ii) will provide or use the year of birth in a manner prohibited by law.

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

- 241 (i) a government official or government employee acting in the government official's or
242 government employee's capacity as a government official or government employee; or
- 243 (ii) except as provided in Subsection (7) and subject to Subsection (4)(e), a person
244 described in Subsection (4)(a)(v) or (vi) for a political purpose.

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

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

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

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

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

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

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

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

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

267 (h) The lieutenant governor or a county clerk shall, to the extent required by law,
268 classify the voter registration record of a voter as a private record if the voter:

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

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

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

275 (i) The lieutenant governor or a county clerk may not disclose to a person described in

276 Subsection (4)(a)(v) or (vi) a voter registration record, or information obtained from a voter
277 registration record, if the record is withheld under Subsection (7).

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

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

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

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

286 (ii) \$200.

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

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

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

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

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

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

306 (m) A person described in Subsection (4)(a)(v) or (vi) may not use or disclose

307 information from a voter registration record for a purpose other than a political purpose.

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

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

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

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

320 (7) The lieutenant governor or a county clerk shall:

321 (a) withhold from a person, other than a person described in Subsection (4)(a)(i), the
322 voter registration record, and information obtained from the voter registration record, of an
323 individual[~~-(a)~~] who submits a withholding request form, with the voter registration record or
324 to the lieutenant governor or a county clerk, if:

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

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

330 (A) a law enforcement officer;

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

332 (C) a public figure; or

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

334 (b) until January 1, 2024, withhold from a person, other than a person described in
335 Subsection (4)(a)(i), the voter registration record, and information obtained from the voter
336 registration record, of an individual whose voter registration record was classified as a private
337 record at the request of the individual before May 12, 2020.

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

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

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

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

351 (10) On or before June 16, 2023, a county clerk shall:

352 (a) provide written notice to each voter registered in the county whose voter
353 registration record was classified as a private record at the request of the individual before May
354 12, 2020, that, beginning on January 1, 2024:

355 (i) the voter's voter registration record will no longer be classified as a private record in
356 its entirety;

357 (ii) the following information in the voter's voter registration record will, by default, be
358 classified as private:

359 (A) the voter's driver license or identification card number;

360 (B) the voter's social security number, or last four digits of the social security number;

361 (C) the voter's email address;

362 (D) the voter's full date of birth; and

363 (E) the voter's phone number;

364 (iii) if the voter desires to classify additional information in the voter registration
365 record as private, the voter must submit:

366 (A) the form described in Subsection (10)(b); or

367 (B) to the extent applicable, the withholding request form described in Subsection (8)
368 with the required attestation, signature, or other verification; and

369 (iv) if a county clerk does not receive the applicable items described in Subsection
370 (10)(a)(iii) on or before December 15, 2023, action on the request may be delayed, potentially
371 resulting in disclosure of the information for which the voter is seeking privacy classification;
372 and

373 (b) with the notice described in Subsection (10)(a), include, with a return mailing
374 envelope addressed to the county clerk's office:

375 (i) a document in substantially the following form:

376 "PRIVACY INFORMATION

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

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

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

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

391 REQUEST FOR ADDITIONAL PRIVACY PROTECTION

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

396 A person may request that all information on the person's voter registration records be
397 withheld from all political parties, candidates for public office, and their contractors,
398 employees, and volunteers, by submitting a withholding request form with this registration
399 record, or to the lieutenant governor or a county clerk, if the person is or is likely to be, or

400 resides with a person who is or is likely to be, a victim of domestic violence or dating violence.

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

407 (ii) the withholding request form described in Subsection (8) or information on
408 obtaining a copy of the form.

409 (11) A county clerk shall comply with Subsection (10) by:

410 (a) mailing the notice and forms required under Subsection (10) in a separate mailing
411 to the voter or with any other mailing sent to the voter by the county; and

412 (b) if the county clerk has an email address for the voter, sending the notice and forms
413 to the voter via email.

414 (12) A county clerk who receives a request described in Subsection (10)(b) shall:

415 (a) process the request as soon as possible; and

416 (b) if the county clerk receives the request on or before December 15, 2023, process the
417 request before January 1, 2024.

418 (13) The lieutenant governor shall coordinate with the judicial branch and advocacy
419 groups for victims of domestic violence to further disseminate the information described in
420 Subsection (10).

421 Section 2. Section **20A-3a-401** is amended to read:

422 **20A-3a-401. Custody of voted ballots mailed or deposited in a ballot drop box --**
423 **Disposition -- Notice.**

424 (1) This section governs ballots returned by mail or via a ballot drop box.

425 (2) (a) Poll workers shall open return envelopes containing manual ballots that are in
426 the custody of the poll workers in accordance with Subsection (2)(b).

427 (b) The poll workers shall, first, compare the signature of the voter on the affidavit of
428 the return envelope to the signature of the voter in the voter registration records.

429 (3) After complying with Subsection (2), the poll workers shall determine whether:

430 (a) the signatures correspond;

- 431 (b) the affidavit is sufficient;
- 432 (c) the voter is registered to vote in the correct precinct;
- 433 (d) the voter's right to vote the ballot has been challenged;
- 434 (e) the voter has already voted in the election;
- 435 (f) the voter is required to provide valid voter identification; and
- 436 (g) if the voter is required to provide valid voter identification, whether the voter has
- 437 provided valid voter identification.
- 438 (4) (a) The poll workers shall take the action described in Subsection (4)(b) if the poll
- 439 workers determine that:
 - 440 (i) the signatures correspond;
 - 441 (ii) the affidavit is sufficient;
 - 442 (iii) the voter is registered to vote in the correct precinct;
 - 443 (iv) the voter's right to vote the ballot has not been challenged;
 - 444 (v) the voter has not already voted in the election; and
 - 445 (vi) for a voter required to provide valid voter identification, that the voter has
 - 446 provided valid voter identification.
- 447 (b) If the poll workers make all of the findings described in Subsection (4)(a), the poll
- 448 workers shall:
 - 449 (i) remove the manual ballot from the return envelope in a manner that does not
 - 450 destroy the affidavit on the return envelope;
 - 451 (ii) ensure that the ballot does not unfold and is not otherwise examined in connection
 - 452 with the return envelope; and
 - 453 (iii) place the ballot with the other ballots to be counted.
- 454 (c) If the poll workers do not make all of the findings described in Subsection (4)(a),
- 455 the poll workers shall:
 - 456 (i) disallow the vote;
 - 457 (ii) without opening the return envelope, mark across the face of the return envelope:
 - 458 (A) "Rejected as defective"; or
 - 459 (B) "Rejected as not a registered voter"; and
 - 460 (iii) place the return envelope, unopened, with the other rejected return envelopes.
- 461 (5) (a) If the poll workers reject an individual's ballot because the poll workers

462 determine that the signature on the return envelope does not match the individual's signature in
463 the voter registration records, the election officer shall contact the individual in accordance
464 with Subsection (7) by mail, email, text message, or phone, and inform the individual:

- 465 (i) that the individual's signature is in question;
- 466 (ii) how the individual may resolve the issue; and
- 467 (iii) that, in order for the ballot to be counted, the individual is required to deliver to
468 the election officer a correctly completed affidavit, provided by the county clerk, that meets the
469 requirements described in Subsection (5)(b).

470 (b) An affidavit described in Subsection (5)(a)(iii) shall include:

- 471 (i) an attestation that the individual voted the ballot;
- 472 (ii) a space for the individual to enter the individual's name, date of birth, and driver
473 license number or the last four digits of the individual's social security number;
- 474 (iii) a space for the individual to sign the affidavit; and
- 475 (iv) a statement that, by signing the affidavit, the individual authorizes the lieutenant
476 governor's and county clerk's use of the individual's signature on the affidavit for voter
477 identification purposes.

478 (c) In order for an individual described in Subsection (5)(a) to have the individual's
479 ballot counted, the individual shall deliver the affidavit described in Subsection (5)(b) to the
480 election officer.

481 (d) An election officer who receives a signed affidavit under Subsection (5)(c) shall
482 immediately:

- 483 (i) scan the signature on the affidavit electronically and keep the signature on file in the
484 statewide voter registration database developed under Section [20A-2-109](#); and
- 485 (ii) if the election officer receives the affidavit no later than 5 p.m. three days before
486 the day on which the canvass begins, count the individual's ballot.

487 (6) If the poll workers reject an individual's ballot for any reason, other than the reason
488 described in Subsection (5)(a), the election officer shall notify the individual of the rejection in
489 accordance with Subsection (7) by mail, email, text message, or phone and specify the reason
490 for the rejection.

491 (7) An election officer who is required to give notice under Subsection (5) or (6) shall
492 give the notice no later than:

- 493 (a) if the election officer rejects the ballot before election day:
- 494 (i) one business day after the day on which the election officer rejects the ballot, if the
- 495 election officer gives the notice by email or text message; or
- 496 (ii) two business days after the day on which the election officer rejects the ballot, if
- 497 the election officer gives the notice by postal mail or phone;
- 498 (b) seven days after election day if the election officer rejects the ballot on election day;
- 499 or
- 500 (c) seven days after the canvass if the election officer rejects the ballot after election
- 501 day and before the end of the canvass.

502 (8) An election officer may not count the ballot of an individual whom the election
503 officer contacts under Subsection (5) or (6) unless:

504 (a) the election officer receives a signed affidavit from the individual under Subsection
505 (5)(b) or is otherwise able to establish contact with the individual to confirm the individual's
506 identity; and

507 (b) the affidavit described in Subsection (8)(a) is received, or the confirmation
508 described in Subsection (8)(a) occurs, no later than 5 p.m. three days before the day on which
509 the canvass begins.

510 (9) The election officer shall retain and preserve the return envelopes in the manner
511 provided by law for the retention and preservation of ballots voted at that election.

512 (10) A record that discloses, by name, address, or other identifying information, that a
513 particular voter's ballot has been rejected is a protected record under Subsection
514 63G-2-305(86), regardless of whether the rejection is resolved.

515 Section 3. Section **63G-2-305** is amended to read:

516 **63G-2-305. Protected records.**

517 The following records are protected if properly classified by a governmental entity:

518 (1) trade secrets as defined in Section **13-24-2** if the person submitting the trade secret
519 has provided the governmental entity with the information specified in Section **63G-2-309**;

520 (2) commercial information or nonindividual financial information obtained from a
521 person if:

522 (a) disclosure of the information could reasonably be expected to result in unfair
523 competitive injury to the person submitting the information or would impair the ability of the

524 governmental entity to obtain necessary information in the future;

525 (b) the person submitting the information has a greater interest in prohibiting access
526 than the public in obtaining access; and

527 (c) the person submitting the information has provided the governmental entity with
528 the information specified in Section [63G-2-309](#);

529 (3) commercial or financial information acquired or prepared by a governmental entity
530 to the extent that disclosure would lead to financial speculations in currencies, securities, or
531 commodities that will interfere with a planned transaction by the governmental entity or cause
532 substantial financial injury to the governmental entity or state economy;

533 (4) records, the disclosure of which could cause commercial injury to, or confer a
534 competitive advantage upon a potential or actual competitor of, a commercial project entity as
535 defined in Subsection [11-13-103\(4\)](#);

536 (5) test questions and answers to be used in future license, certification, registration,
537 employment, or academic examinations;

538 (6) records, the disclosure of which would impair governmental procurement
539 proceedings or give an unfair advantage to any person proposing to enter into a contract or
540 agreement with a governmental entity, except, subject to Subsections (1) and (2), that this
541 Subsection (6) does not restrict the right of a person to have access to, after the contract or
542 grant has been awarded and signed by all parties:

543 (a) a bid, proposal, application, or other information submitted to or by a governmental
544 entity in response to:

545 (i) an invitation for bids;

546 (ii) a request for proposals;

547 (iii) a request for quotes;

548 (iv) a grant; or

549 (v) other similar document; or

550 (b) an unsolicited proposal, as defined in Section [63G-6a-712](#);

551 (7) information submitted to or by a governmental entity in response to a request for
552 information, except, subject to Subsections (1) and (2), that this Subsection (7) does not restrict
553 the right of a person to have access to the information, after:

554 (a) a contract directly relating to the subject of the request for information has been

555 awarded and signed by all parties; or

556 (b) (i) a final determination is made not to enter into a contract that relates to the
557 subject of the request for information; and

558 (ii) at least two years have passed after the day on which the request for information is
559 issued;

560 (8) records that would identify real property or the appraisal or estimated value of real
561 or personal property, including intellectual property, under consideration for public acquisition
562 before any rights to the property are acquired unless:

563 (a) public interest in obtaining access to the information is greater than or equal to the
564 governmental entity's need to acquire the property on the best terms possible;

565 (b) the information has already been disclosed to persons not employed by or under a
566 duty of confidentiality to the entity;

567 (c) in the case of records that would identify property, potential sellers of the described
568 property have already learned of the governmental entity's plans to acquire the property;

569 (d) in the case of records that would identify the appraisal or estimated value of
570 property, the potential sellers have already learned of the governmental entity's estimated value
571 of the property; or

572 (e) the property under consideration for public acquisition is a single family residence
573 and the governmental entity seeking to acquire the property has initiated negotiations to acquire
574 the property as required under Section [78B-6-505](#);

575 (9) records prepared in contemplation of sale, exchange, lease, rental, or other
576 compensated transaction of real or personal property including intellectual property, which, if
577 disclosed prior to completion of the transaction, would reveal the appraisal or estimated value
578 of the subject property, unless:

579 (a) the public interest in access is greater than or equal to the interests in restricting
580 access, including the governmental entity's interest in maximizing the financial benefit of the
581 transaction; or

582 (b) when prepared by or on behalf of a governmental entity, appraisals or estimates of
583 the value of the subject property have already been disclosed to persons not employed by or
584 under a duty of confidentiality to the entity;

585 (10) records created or maintained for civil, criminal, or administrative enforcement

586 purposes or audit purposes, or for discipline, licensing, certification, or registration purposes, if
587 release of the records:

588 (a) reasonably could be expected to interfere with investigations undertaken for
589 enforcement, discipline, licensing, certification, or registration purposes;

590 (b) reasonably could be expected to interfere with audits, disciplinary, or enforcement
591 proceedings;

592 (c) would create a danger of depriving a person of a right to a fair trial or impartial
593 hearing;

594 (d) reasonably could be expected to disclose the identity of a source who is not
595 generally known outside of government and, in the case of a record compiled in the course of
596 an investigation, disclose information furnished by a source not generally known outside of
597 government if disclosure would compromise the source; or

598 (e) reasonably could be expected to disclose investigative or audit techniques,
599 procedures, policies, or orders not generally known outside of government if disclosure would
600 interfere with enforcement or audit efforts;

601 (11) records the disclosure of which would jeopardize the life or safety of an
602 individual;

603 (12) records the disclosure of which would jeopardize the security of governmental
604 property, governmental programs, or governmental recordkeeping systems from damage, theft,
605 or other appropriation or use contrary to law or public policy;

606 (13) records that, if disclosed, would jeopardize the security or safety of a correctional
607 facility, or records relating to incarceration, treatment, probation, or parole, that would interfere
608 with the control and supervision of an offender's incarceration, treatment, probation, or parole;

609 (14) records that, if disclosed, would reveal recommendations made to the Board of
610 Pardons and Parole by an employee of or contractor for the Department of Corrections, the
611 Board of Pardons and Parole, or the Department of Health and Human Services that are based
612 on the employee's or contractor's supervision, diagnosis, or treatment of any person within the
613 board's jurisdiction;

614 (15) records and audit workpapers that identify audit, collection, and operational
615 procedures and methods used by the State Tax Commission, if disclosure would interfere with
616 audits or collections;

617 (16) records of a governmental audit agency relating to an ongoing or planned audit
618 until the final audit is released;

619 (17) records that are subject to the attorney client privilege;

620 (18) records prepared for or by an attorney, consultant, surety, indemnitor, insurer,
621 employee, or agent of a governmental entity for, or in anticipation of, litigation or a judicial,
622 quasi-judicial, or administrative proceeding;

623 (19) (a) (i) personal files of a state legislator, including personal correspondence to or
624 from a member of the Legislature; and

625 (ii) notwithstanding Subsection (19)(a)(i), correspondence that gives notice of
626 legislative action or policy may not be classified as protected under this section; and

627 (b) (i) an internal communication that is part of the deliberative process in connection
628 with the preparation of legislation between:

629 (A) members of a legislative body;

630 (B) a member of a legislative body and a member of the legislative body's staff; or

631 (C) members of a legislative body's staff; and

632 (ii) notwithstanding Subsection (19)(b)(i), a communication that gives notice of
633 legislative action or policy may not be classified as protected under this section;

634 (20) (a) records in the custody or control of the Office of Legislative Research and
635 General Counsel, that, if disclosed, would reveal a particular legislator's contemplated
636 legislation or contemplated course of action before the legislator has elected to support the
637 legislation or course of action, or made the legislation or course of action public; and

638 (b) notwithstanding Subsection (20)(a), the form to request legislation submitted to the
639 Office of Legislative Research and General Counsel is a public document unless a legislator
640 asks that the records requesting the legislation be maintained as protected records until such
641 time as the legislator elects to make the legislation or course of action public;

642 (21) research requests from legislators to the Office of Legislative Research and
643 General Counsel or the Office of the Legislative Fiscal Analyst and research findings prepared
644 in response to these requests;

645 (22) drafts, unless otherwise classified as public;

646 (23) records concerning a governmental entity's strategy about:

647 (a) collective bargaining; or

- 648 (b) imminent or pending litigation;
- 649 (24) records of investigations of loss occurrences and analyses of loss occurrences that
650 may be covered by the Risk Management Fund, the Employers' Reinsurance Fund, the
651 Uninsured Employers' Fund, or similar divisions in other governmental entities;
- 652 (25) records, other than personnel evaluations, that contain a personal recommendation
653 concerning an individual if disclosure would constitute a clearly unwarranted invasion of
654 personal privacy, or disclosure is not in the public interest;
- 655 (26) records that reveal the location of historic, prehistoric, paleontological, or
656 biological resources that if known would jeopardize the security of those resources or of
657 valuable historic, scientific, educational, or cultural information;
- 658 (27) records of independent state agencies if the disclosure of the records would
659 conflict with the fiduciary obligations of the agency;
- 660 (28) records of an institution within the state system of higher education defined in
661 Section [53B-1-102](#) regarding tenure evaluations, appointments, applications for admissions,
662 retention decisions, and promotions, which could be properly discussed in a meeting closed in
663 accordance with Title 52, Chapter 4, Open and Public Meetings Act, provided that records of
664 the final decisions about tenure, appointments, retention, promotions, or those students
665 admitted, may not be classified as protected under this section;
- 666 (29) records of the governor's office, including budget recommendations, legislative
667 proposals, and policy statements, that if disclosed would reveal the governor's contemplated
668 policies or contemplated courses of action before the governor has implemented or rejected
669 those policies or courses of action or made them public;
- 670 (30) records of the Office of the Legislative Fiscal Analyst relating to budget analysis,
671 revenue estimates, and fiscal notes of proposed legislation before issuance of the final
672 recommendations in these areas;
- 673 (31) records provided by the United States or by a government entity outside the state
674 that are given to the governmental entity with a requirement that they be managed as protected
675 records if the providing entity certifies that the record would not be subject to public disclosure
676 if retained by it;
- 677 (32) transcripts, minutes, recordings, or reports of the closed portion of a meeting of a
678 public body except as provided in Section [52-4-206](#);

679 (33) records that would reveal the contents of settlement negotiations but not including
680 final settlements or empirical data to the extent that they are not otherwise exempt from
681 disclosure;

682 (34) memoranda prepared by staff and used in the decision-making process by an
683 administrative law judge, a member of the Board of Pardons and Parole, or a member of any
684 other body charged by law with performing a quasi-judicial function;

685 (35) records that would reveal negotiations regarding assistance or incentives offered
686 by or requested from a governmental entity for the purpose of encouraging a person to expand
687 or locate a business in Utah, but only if disclosure would result in actual economic harm to the
688 person or place the governmental entity at a competitive disadvantage, but this section may not
689 be used to restrict access to a record evidencing a final contract;

690 (36) materials to which access must be limited for purposes of securing or maintaining
691 the governmental entity's proprietary protection of intellectual property rights including patents,
692 copyrights, and trade secrets;

693 (37) the name of a donor or a prospective donor to a governmental entity, including an
694 institution within the state system of higher education defined in Section 53B-1-102, and other
695 information concerning the donation that could reasonably be expected to reveal the identity of
696 the donor, provided that:

697 (a) the donor requests anonymity in writing;

698 (b) any terms, conditions, restrictions, or privileges relating to the donation may not be
699 classified protected by the governmental entity under this Subsection (37); and

700 (c) except for an institution within the state system of higher education defined in
701 Section 53B-1-102, the governmental unit to which the donation is made is primarily engaged
702 in educational, charitable, or artistic endeavors, and has no regulatory or legislative authority
703 over the donor, a member of the donor's immediate family, or any entity owned or controlled
704 by the donor or the donor's immediate family;

705 (38) accident reports, except as provided in Sections 41-6a-404, 41-12a-202, and
706 73-18-13;

707 (39) a notification of workers' compensation insurance coverage described in Section
708 34A-2-205;

709 (40) (a) the following records of an institution within the state system of higher

710 education defined in Section [53B-1-102](#), which have been developed, discovered, disclosed to,
711 or received by or on behalf of faculty, staff, employees, or students of the institution:

712 (i) unpublished lecture notes;

713 (ii) unpublished notes, data, and information:

714 (A) relating to research; and

715 (B) of:

716 (I) the institution within the state system of higher education defined in Section
717 [53B-1-102](#); or

718 (II) a sponsor of sponsored research;

719 (iii) unpublished manuscripts;

720 (iv) creative works in process;

721 (v) scholarly correspondence; and

722 (vi) confidential information contained in research proposals;

723 (b) Subsection (40)(a) may not be construed to prohibit disclosure of public
724 information required pursuant to Subsection [53B-16-302\(2\)\(a\)](#) or (b); and

725 (c) Subsection (40)(a) may not be construed to affect the ownership of a record;

726 (41) (a) records in the custody or control of the Office of the Legislative Auditor
727 General that would reveal the name of a particular legislator who requests a legislative audit
728 prior to the date that audit is completed and made public; and

729 (b) notwithstanding Subsection (41)(a), a request for a legislative audit submitted to the
730 Office of the Legislative Auditor General is a public document unless the legislator asks that
731 the records in the custody or control of the Office of the Legislative Auditor General that would
732 reveal the name of a particular legislator who requests a legislative audit be maintained as
733 protected records until the audit is completed and made public;

734 (42) records that provide detail as to the location of an explosive, including a map or
735 other document that indicates the location of:

736 (a) a production facility; or

737 (b) a magazine;

738 (43) information contained in the statewide database of the Division of Aging and
739 Adult Services created by Section [62A-3-311.1](#);

740 (44) information contained in the Licensing Information System described in Title 80,

741 Chapter 2, Child Welfare Services;

742 (45) information regarding National Guard operations or activities in support of the

743 National Guard's federal mission;

744 (46) records provided by any pawn or secondhand business to a law enforcement

745 agency or to the central database in compliance with Title 13, Chapter 32a, Pawnshop,

746 Secondhand Merchandise, and Catalytic Converter Transaction Information Act;

747 (47) information regarding food security, risk, and vulnerability assessments performed

748 by the Department of Agriculture and Food;

749 (48) except to the extent that the record is exempt from this chapter pursuant to Section

750 [63G-2-106](#), records related to an emergency plan or program, a copy of which is provided to or

751 prepared or maintained by the Division of Emergency Management, and the disclosure of

752 which would jeopardize:

753 (a) the safety of the general public; or

754 (b) the security of:

755 (i) governmental property;

756 (ii) governmental programs; or

757 (iii) the property of a private person who provides the Division of Emergency

758 Management information;

759 (49) records of the Department of Agriculture and Food that provides for the

760 identification, tracing, or control of livestock diseases, including any program established under

761 Title 4, Chapter 24, Utah Livestock Brand and Anti-Theft Act, or Title 4, Chapter 31, Control

762 of Animal Disease;

763 (50) as provided in Section [26-39-501](#):

764 (a) information or records held by the Department of Health and Human Services

765 related to a complaint regarding a child care program or residential child care which the

766 department is unable to substantiate; and

767 (b) information or records related to a complaint received by the Department of Health

768 and Human Services from an anonymous complainant regarding a child care program or

769 residential child care;

770 (51) unless otherwise classified as public under Section [63G-2-301](#) and except as

771 provided under Section [41-1a-116](#), an individual's home address, home telephone number, or

772 personal mobile phone number, if:

773 (a) the individual is required to provide the information in order to comply with a law,
774 ordinance, rule, or order of a government entity; and

775 (b) the subject of the record has a reasonable expectation that this information will be
776 kept confidential due to:

777 (i) the nature of the law, ordinance, rule, or order; and

778 (ii) the individual complying with the law, ordinance, rule, or order;

779 (52) the portion of the following documents that contains a candidate's residential or
780 mailing address, if the candidate provides to the filing officer another address or phone number
781 where the candidate may be contacted:

782 (a) a declaration of candidacy, a nomination petition, or a certificate of nomination,
783 described in Section 20A-9-201, 20A-9-202, 20A-9-203, 20A-9-404, 20A-9-405, 20A-9-408,
784 20A-9-408.5, 20A-9-502, or 20A-9-601;

785 (b) an affidavit of impecuniosity, described in Section 20A-9-201; or

786 (c) a notice of intent to gather signatures for candidacy, described in Section
787 20A-9-408;

788 (53) the name, home address, work addresses, and telephone numbers of an individual
789 that is engaged in, or that provides goods or services for, medical or scientific research that is:

790 (a) conducted within the state system of higher education, as defined in Section
791 53B-1-102; and

792 (b) conducted using animals;

793 (54) in accordance with Section 78A-12-203, any record of the Judicial Performance
794 Evaluation Commission concerning an individual commissioner's vote, in relation to whether a
795 judge meets or exceeds minimum performance standards under Subsection 78A-12-203(4), and
796 information disclosed under Subsection 78A-12-203(5)(e);

797 (55) information collected and a report prepared by the Judicial Performance
798 Evaluation Commission concerning a judge, unless Section 20A-7-702 or Title 78A, Chapter
799 12, Judicial Performance Evaluation Commission Act, requires disclosure of, or makes public,
800 the information or report;

801 (56) records provided or received by the Public Lands Policy Coordinating Office in
802 furtherance of any contract or other agreement made in accordance with Section 63L-11-202;

803 (57) information requested by and provided to the 911 Division under Section
804 [63H-7a-302](#);

805 (58) in accordance with Section [73-10-33](#):

806 (a) a management plan for a water conveyance facility in the possession of the Division
807 of Water Resources or the Board of Water Resources; or

808 (b) an outline of an emergency response plan in possession of the state or a county or
809 municipality;

810 (59) the following records in the custody or control of the Office of Inspector General
811 of Medicaid Services, created in Section [63A-13-201](#):

812 (a) records that would disclose information relating to allegations of personal
813 misconduct, gross mismanagement, or illegal activity of a person if the information or
814 allegation cannot be corroborated by the Office of Inspector General of Medicaid Services
815 through other documents or evidence, and the records relating to the allegation are not relied
816 upon by the Office of Inspector General of Medicaid Services in preparing a final investigation
817 report or final audit report;

818 (b) records and audit workpapers to the extent they would disclose the identity of a
819 person who, during the course of an investigation or audit, communicated the existence of any
820 Medicaid fraud, waste, or abuse, or a violation or suspected violation of a law, rule, or
821 regulation adopted under the laws of this state, a political subdivision of the state, or any
822 recognized entity of the United States, if the information was disclosed on the condition that
823 the identity of the person be protected;

824 (c) before the time that an investigation or audit is completed and the final
825 investigation or final audit report is released, records or drafts circulated to a person who is not
826 an employee or head of a governmental entity for the person's response or information;

827 (d) records that would disclose an outline or part of any investigation, audit survey
828 plan, or audit program; or

829 (e) requests for an investigation or audit, if disclosure would risk circumvention of an
830 investigation or audit;

831 (60) records that reveal methods used by the Office of Inspector General of Medicaid
832 Services, the fraud unit, or the Department of Health and Human Services, to discover
833 Medicaid fraud, waste, or abuse;

834 (61) information provided to the Department of Health and Human Services or the
835 Division of Professional Licensing under Subsections 58-67-304(3) and (4) and Subsections
836 58-68-304(3) and (4);

837 (62) a record described in Section 63G-12-210;

838 (63) captured plate data that is obtained through an automatic license plate reader
839 system used by a governmental entity as authorized in Section 41-6a-2003;

840 (64) any record in the custody of the Utah Office for Victims of Crime relating to a
841 victim, including:

842 (a) a victim's application or request for benefits;

843 (b) a victim's receipt or denial of benefits; and

844 (c) any administrative notes or records made or created for the purpose of, or used to,
845 evaluate or communicate a victim's eligibility for or denial of benefits from the Crime Victim
846 Reparations Fund;

847 (65) an audio or video recording created by a body-worn camera, as that term is
848 defined in Section 77-7a-103, that records sound or images inside a hospital or health care
849 facility as those terms are defined in Section 78B-3-403, inside a clinic of a health care
850 provider, as that term is defined in Section 78B-3-403, or inside a human service program as
851 that term is defined in Section 62A-2-101, except for recordings that:

852 (a) depict the commission of an alleged crime;

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

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

857 (d) contain an officer involved critical incident as defined in Subsection
858 76-2-408(1)(f); or

859 (e) have been requested for reclassification as a public record by a subject or
860 authorized agent of a subject featured in the recording;

861 (66) a record pertaining to the search process for a president of an institution of higher
862 education described in Section 53B-2-102, except for application materials for a publicly
863 announced finalist;

864 (67) an audio recording that is:

865 (a) produced by an audio recording device that is used in conjunction with a device or
866 piece of equipment designed or intended for resuscitating an individual or for treating an
867 individual with a life-threatening condition;

868 (b) produced during an emergency event when an individual employed to provide law
869 enforcement, fire protection, paramedic, emergency medical, or other first responder service:

870 (i) is responding to an individual needing resuscitation or with a life-threatening
871 condition; and

872 (ii) uses a device or piece of equipment designed or intended for resuscitating an
873 individual or for treating an individual with a life-threatening condition; and

874 (c) intended and used for purposes of training emergency responders how to improve
875 their response to an emergency situation;

876 (68) records submitted by or prepared in relation to an applicant seeking a
877 recommendation by the Research and General Counsel Subcommittee, the Budget
878 Subcommittee, or the Audit Subcommittee, established under Section 36-12-8, for an
879 employment position with the Legislature;

880 (69) work papers as defined in Section 31A-2-204;

881 (70) a record made available to Adult Protective Services or a law enforcement agency
882 under Section 61-1-206;

883 (71) a record submitted to the Insurance Department in accordance with Section
884 31A-37-201;

885 (72) a record described in Section 31A-37-503;

886 (73) any record created by the Division of Professional Licensing as a result of
887 Subsection 58-37f-304(5) or 58-37f-702(2)(a)(ii);

888 (74) a record described in Section 72-16-306 that relates to the reporting of an injury
889 involving an amusement ride;

890 (75) except as provided in Subsection 63G-2-305.5(1), the signature of an individual
891 on a political petition, or on a request to withdraw a signature from a political petition,
892 including a petition or request described in the following titles:

893 (a) Title 10, Utah Municipal Code;

894 (b) Title 17, Counties;

895 (c) Title 17B, Limited Purpose Local Government Entities - Local Districts;

- 896 (d) Title 17D, Limited Purpose Local Government Entities - Other Entities; and
- 897 (e) Title 20A, Election Code;
- 898 (76) except as provided in Subsection [63G-2-305.5\(2\)](#), the signature of an individual in
- 899 a voter registration record;
- 900 (77) except as provided in Subsection [63G-2-305.5\(3\)](#), any signature, other than a
- 901 signature described in Subsection (75) or (76), in the custody of the lieutenant governor or a
- 902 local political subdivision collected or held under, or in relation to, Title 20A, Election Code;
- 903 (78) a Form I-918 Supplement B certification as described in Title 77, Chapter 38, Part
- 904 5, Victims Guidelines for Prosecutors Act;
- 905 (79) a record submitted to the Insurance Department under Section [31A-48-103](#);
- 906 (80) personal information, as defined in Section [63G-26-102](#), to the extent disclosure is
- 907 prohibited under Section [63G-26-103](#);
- 908 (81) an image taken of an individual during the process of booking the individual into
- 909 jail, unless:
 - 910 (a) the individual is convicted of a criminal offense based upon the conduct for which
 - 911 the individual was incarcerated at the time the image was taken;
 - 912 (b) a law enforcement agency releases or disseminates the image:
 - 913 (i) after determining that the individual is a fugitive or an imminent threat to an
 - 914 individual or to public safety and releasing or disseminating the image will assist in
 - 915 apprehending the individual or reducing or eliminating the threat; or
 - 916 (ii) to a potential witness or other individual with direct knowledge of events relevant
 - 917 to a criminal investigation or criminal proceeding for the purpose of identifying or locating an
 - 918 individual in connection with the criminal investigation or criminal proceeding; or
 - 919 (c) a judge orders the release or dissemination of the image based on a finding that the
 - 920 release or dissemination is in furtherance of a legitimate law enforcement interest;
- 921 (82) a record:
 - 922 (a) concerning an interstate claim to the use of waters in the Colorado River system;
 - 923 (b) relating to a judicial proceeding, administrative proceeding, or negotiation with a
 - 924 representative from another state or the federal government as provided in Section
 - 925 [63M-14-205](#); and
 - 926 (c) the disclosure of which would:

927 (i) reveal a legal strategy relating to the state's claim to the use of the water in the
928 Colorado River system;

929 (ii) harm the ability of the Colorado River Authority of Utah or river commissioner to
930 negotiate the best terms and conditions regarding the use of water in the Colorado River
931 system; or

932 (iii) give an advantage to another state or to the federal government in negotiations
933 regarding the use of water in the Colorado River system;

934 (83) any part of an application described in Section [63N-16-201](#) that the Governor's
935 Office of Economic Opportunity determines is nonpublic, confidential information that if
936 disclosed would result in actual economic harm to the applicant, but this Subsection (83) may
937 not be used to restrict access to a record evidencing a final contract or approval decision;

938 (84) the following records of a drinking water or wastewater facility:

939 (a) an engineering or architectural drawing of the drinking water or wastewater facility;
940 and

941 (b) except as provided in Section [63G-2-106](#), a record detailing tools or processes the
942 drinking water or wastewater facility uses to secure, or prohibit access to, the records described
943 in Subsection (84)(a); ~~and~~

944 (85) a statement that an employee of a governmental entity provides to the
945 governmental entity as part of the governmental entity's personnel or administrative
946 investigation into potential misconduct involving the employee if the governmental entity:

947 (a) requires the statement under threat of employment disciplinary action, including
948 possible termination of employment, for the employee's refusal to provide the statement; and
949 (b) provides the employee assurance that the statement cannot be used against the
950 employee in any criminal proceeding[-]; and

951 (86) a record that discloses, by name, address, or other identifying information, that a
952 particular voter's ballot has been rejected under Section [20A-3a-401](#) or any other provision of
953 law, regardless of whether the rejection is resolved.