

HB0303S01 compared with HB0303

~~text~~ shows text that was in HB0303 but was deleted in HB0303S01.

text shows text that was not in HB0303 but was inserted into HB0303S01.

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

Representative Norman K Thurston proposes the following substitute bill:

ELECTIONS RECORD AMENDMENTS

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Norman K Thurston

Senate Sponsor: ~~_____~~ Curtis S. Bramble

LONG TITLE

General Description:

This bill amends provisions relating to ~~election~~elections records.

Highlighted Provisions:

This bill:

- ▶ provides that ~~{, beginning January 1, 2024,}~~ certain non-identifying information from a withheld 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:~~
 - be provided to political parties and candidates, to be used for a political purpose;
 - ▶ provides penalties for obtaining, providing, or using information described in the preceding paragraph in a manner that is prohibited by law;

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▶ modifies the form used to request additional privacy protection to be consistent with the changes made in this bill:

▶ addresses the disclosure of 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 classified as private;~~

~~— classifies as protected a record that discloses, by name, address, or other identifying information, that a particular voter's ballot has been} relating to a voter whose ballot is rejected; and~~

▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

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

20A-2-108, as last amended by Laws of Utah 2021, Chapter 100

20A-2-306, as last amended by Laws of Utah 2022, Chapter 121

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

~~{63G-2-305}~~ 20A-6-105, as last amended by Laws of Utah ~~{2022}~~ 2021, ~~{Chapters 11,~~

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~~109, 198, 201, 303, 335, 388, 391, and 415~~ Chapter 100

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

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

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

(1) ~~[(a)]~~ As used in this section:

~~[(+)]~~ (a) "Candidate for public office" means an individual:

~~[(A)]~~ (i) who files a declaration of candidacy for a public office;

~~[(B)]~~ (ii) who files a notice of intent to gather signatures under Section 20A-9-408; or

~~[(C)]~~ (iii) employed by, under contract with, or a volunteer of, an individual described in Subsection ~~[(+)(a)(i)(A) or (B)]~~ (1)(a)(i) or (ii) for political campaign purposes.

~~[(+)]~~ (b) "Dating violence" means the same as that term is defined in Section 78B-7-402 and the federal Violence Against Women Act of 1994, as amended.

~~[(+)]~~ (c) "Domestic violence" means the same as that term is defined in Section 77-36-1 and the federal Violence Against Women Act of 1994, as amended.

(d) "Hash Code" means a code generated by applying an algorithm to a set of data to produce a code that:

(i) uniquely represents the set of data;

(ii) is always the same if the same algorithm is applied to the same set of data; and

(iii) cannot be reversed to reveal the data applied to the algorithm.

(e) "Protected individual" means an individual:

(i) who submits a withholding request form with the individual's voter registration record, or to the lieutenant governor or a county clerk, if the individual indicates on the form that the individual, or an individual who resides with the individual, is a victim of domestic violence or dating violence or is likely to be a victim of domestic violence or dating violence;

(ii) who submits a withholding request form with the individual's voter registration record, or to the lieutenant governor or a county clerk, if the individual indicates on the form and provides verification that the individual, or an individual who resides with the individual, is a law enforcement officer, a member of the armed forces as defined in Section 20A-1-513, a public figure, or protected by a protective order or protection order; or

(iii) whose voter registration record was classified as a private record at the request of

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the individual before May 12, 2020.

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

UTAH ELECTION REGISTRATION FORM

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

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

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

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

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

Name of Voter

First Middle Last

Utah Driver License or Utah Identification Card Number _____

Date of Birth _____

Street Address of Principal Place of Residence

City County State Zip Code

Telephone Number (optional) _____

Email Address (optional) _____

Last four digits of Social Security Number _____

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

City County State Zip Code

Political Party

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

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

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

Signed and sworn

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, 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

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

CITIZENSHIP AFFIDAVIT

Name:

Name at birth, if different:

Place of birth:

Date of birth:

Date and place of naturalization (if applicable):

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

Signature of Applicant

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

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

FOR OFFICIAL USE ONLY

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Type of I.D. _____

Voting Precinct _____

Voting I.D. Number _____

~~[(c)]~~ [(b)] ~~[Beginning May 1, 2022, the]~~ The voter registration form described in Subsection ~~[(1)(b)]~~ [(2)(a)] shall include a section in substantially the following form:

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)]~~ [(c)] ~~[(a)]~~ [(i)] Except as provided under Subsection ~~[(2)(b)]~~ [(2)(c)(ii)], 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)]~~ [(ii)] 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;

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(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;

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

(vii) a person described in Subsections (4)(a)(i) through (vi); ~~or an agent, employee, or independent contractor of the person;~~ who, after obtaining a year of birth from the list of registered voters:

(A) provides the year of birth ~~of a registered voter that is obtained from the list of registered voters~~ only to a person ~~who is a qualified person~~ described in Subsections (4)(a)(i) through (vii);

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

(C) ensures, using industry standard security measures, that the year of birth ~~of a registered voter that is obtained from the list of registered voters~~ may not be accessed by a person other than a ~~qualified person~~ person described in Subsections (4)(a)(i) through (vii);

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

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

(F) verifies that each ~~qualified~~ person described in Subsection (4)(a)(v) or (vi) ~~;~~ to

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whom the person provides the year of birth ~~[of a registered voter that is obtained from the list of registered voters;]~~ will only use the year of birth for a political purpose of the political party or candidate for public office~~[-];~~ or

(viii) a person described in Subsection (4)(a)(v) or (vi) who, after obtaining information under Subsections (4)(n) and (o):

(A) provides the information only to another person described in Subsection (4)(a)(v) or (vi);

(B) verifies that the other person described in Subsection (4)(a)(viii)(A) is a person described in Subsection (4)(a)(v) or (vi);

(C) ensures, using industry standard security measures, that the information may not be accessed by a person other than a person described in Subsection (4)(a)(v) or (vi); and

(D) verifies that each person described in Subsection (4)(a)(v) or (vi) to whom the person provides the information will only use the information for a political purpose of the political party or candidate for public office.

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

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

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

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

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

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

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

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

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

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

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

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

(c) The lieutenant governor or a county clerk:

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

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

(ii) (B) will provide or use the year of birth in a manner prohibited by law[-]; and

(ii) may not disclose information under Subsections (4)(n) or (o) to a person that the lieutenant governor or county clerk reasonably believes:

(A) is not a person described in Subsection (4)(a)(v) or (vi); or

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

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

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

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

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

(ii) If disclosing a record or information under Subsection (4)(d)(ii) in relation to the

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voter registration record of a protected individual, the lieutenant governor or county clerk shall comply with Subsections (4)(n) through (p).

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

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

(i) obtains [the year of birth of a registered voter] from the list of registered voters, under false pretenses, the year of birth of a registered voter {from the list of registered voters under false pretenses} or information described in Subsection (4)(n) or (o);

(ii) uses or provides the year of birth of a registered voter, or information described in Subsection (4)(n) or (o), that is obtained from the list of registered voters in a manner that is not permitted by law;

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

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

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

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

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

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

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

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

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(i) [The] Except as provided in Subsections (4)(d)(ii) and (e)(ii), the lieutenant governor or a county clerk may not disclose to a person described in Subsection (4)(a)(v) or (vi) a voter registration record, or information obtained from a voter registration record, if the record is withheld under Subsection (7).

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

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

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

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

(ii) \$200.

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

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

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

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

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

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

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the member of the media to verify the identity of the individual.

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

(n) Notwithstanding Subsection 63G-2-302(1)(k) or (l), the lieutenant governor or a county clerk shall, when providing the list of registered voters to a qualified person described in Subsection (4)(a)(v) or (vi), include, from the record of a voter whose record is withheld under Subsection (7), the information described in Subsection (4)(o), if:

(i) the lieutenant governor or a county clerk verifies the identity of the person and that the person is a qualified person described in Subsection (4)(a)(v) or (vi); and

(ii) the qualified person described in Subsection (4)(a)(v) or (vi) signs a document that includes the following:

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

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

(C) a statement regarding the purpose for which the person desires to obtain the information;

(D) a list of the purposes for which the qualified person may use the information;

(E) a statement that the information may not be provided or used for a purpose other than a purpose described under Subsection (4)(n)(ii)(D);

(F) a statement that if the person obtains the information under false pretenses, or provides or uses the information in a manner that is prohibited by law, the person is guilty of a class A misdemeanor and is subject to a civil fine;

(G) an assertion from the person that the person will not provide or use the information in a manner that is prohibited by law; and

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

(o) Except as provided in Subsection (4)(p), the information that the lieutenant governor or a county clerk is required to provide, under Subsection (4)(n), from the record of a protected individual is:

(i) a single hash code, generated from a string of data that includes both the voter's

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voter identification number and residential address;

(ii) the voter's residential address;

(iii) the voter's mailing address, if different from the voter's residential address;

(iv) the party affiliation of the voter;

(v) the precinct number for the voter's residential address;

(vi) the voter's voting history; and

(vii) a designation of which age group, of the following age groups, the voter falls

within:

(A) 25 or younger;

(B) 26 through 35;

(C) 36 through 45;

(D) 46 through 55;

(E) 56 through 65;

(F) 66 through 75; or

(G) 76 or older.

(p) The lieutenant governor or a county clerk may not disclose:

(i) information described in Subsection (4)(o) that, due to a small number of voters affiliated with a particular political party, or due to another reason, would likely reveal the identity of a voter if disclosed; or

(ii) the address described in Subsection (4)(o)(iii) if the lieutenant governor or the county clerk determines that the nature of the address would directly reveal sensitive information about the voter.

(q) A qualified person described in Subsection (4)(a)(v) or (vi), may not obtain, provide, or use the information described in Subsections (4)(n) or (o), except to the extent that the qualified person uses the information for a political purpose of a political party or candidate for public office.

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

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

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

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

(7) The lieutenant governor or a county clerk shall ~~to~~

~~(a)~~ withhold from a person, other than a person described in Subsection (4)(a)(i), the voter registration record, and information obtained from the voter registration record, of ~~an individual;~~ a protected individual.

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

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

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

~~(A) a law enforcement officer;~~

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

~~(C) a public figure; or~~

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

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

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

(b) An individual described in Subsection ~~{(7)(a)(i)}~~ (1)(e)(i) is not required to provide verification, other than the individual's attestation and signature on the withholding request

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form, that the individual, or an individual who resides with the individual, is a victim of domestic violence or dating violence or is likely to be a victim of domestic violence or dating violence.

(c) The director of elections within the Office of the Lieutenant Governor shall make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, establishing requirements for providing the verification described in Subsection ~~[(7)(a)(ii)]~~ (1)(e)(ii).

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

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

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

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

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

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

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

~~—— (C) the voter's email address;~~

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

~~—— (E) the voter's phone number;~~

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

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

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

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

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

~~_____ (i) a document in substantially the following form:~~

"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, 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, employees, and volunteers, by submitting a withholding request form and any required~~

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~~verification with this registration form, or to the lieutenant governor or a county clerk, if the person is, or resides with a person who is, a law enforcement officer, a member of the armed forces, a public figure, or protected by a protective order or a protection order."; and~~

~~—— (ii) the withholding request form described in Subsection (8) or information on obtaining a copy of the form;~~

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

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

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

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

~~—— (a) process the request as soon as possible; and~~

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

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

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

20A-2-108. Driver license or state identification card registration form --

Transmittal of information.

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

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

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

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

(b) the following statement:

"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

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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, 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 [aH] identifying 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 [aH] identifying 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 [aH] identifying 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 and any required verification with this registration form, or to the lieutenant governor or a county clerk, if the person is, or resides with a person who is, a law enforcement officer, a member of the armed forces, a public figure, or protected by a protective order or a protection order."; and

(c) [beginning May 1, 2022,] 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.

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

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

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

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

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

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

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

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

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

Section 3. Section 20A-2-306 is amended to read:

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

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

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

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

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

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

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

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

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

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

"VOTER REGISTRATION NOTICE

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

Street	City	County	State	Zip
What is your current phone number (optional)? _____				
What is your current email address (optional)? _____				

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

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

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

Signature of Voter

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, 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] identifying 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] identifying 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

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violence.

A person may request that ~~all~~ identifying 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 and any required verification with this registration form, or to the lieutenant governor or a county clerk, if the person is, or resides with a person who is, a law enforcement officer, a member of the armed forces, a public figure, or protected by a protective order or a protection order."

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

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.

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

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

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

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

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

- (iii) An inactive voter shall be allowed to vote, sign petitions, and have all other

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privileges of a registered voter.

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

(5) Beginning on or before January 1, 2022, the lieutenant governor shall make available to a county clerk United States Social Security Administration data received by the lieutenant governor regarding deceased individuals.

(6) A county clerk shall, within ten business days after the day on which the county clerk receives the information described in Subsection (5) or Subsections 26-2-13(11) and (12) relating to a decedent whose name appears on the official register, remove the decedent's name from the official register.

(7) Ninety days before each primary and general election the lieutenant governor shall compare the information the lieutenant governor has received under Subsection 26-2-13(11) with the official register of voters to ensure that all deceased voters have been removed from the official register.

Section ~~{2}~~4. Section **20A-3a-401** is amended to read:

20A-3a-401. Custody of voted ballots mailed or deposited in a ballot drop box --

Disposition -- Notice.

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

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

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

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

(a) the signatures correspond;

(b) the affidavit is sufficient;

(c) the voter is registered to vote in the correct precinct;

(d) the voter's right to vote the ballot has been challenged;

(e) the voter has already voted in the election;

(f) the voter is required to provide valid voter identification; and

(g) if the voter is required to provide valid voter identification, whether the voter has provided valid voter identification.

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(4) (a) The poll workers shall take the action described in Subsection (4)(b) if the poll workers determine that:

- (i) the signatures correspond;
- (ii) the affidavit is sufficient;
- (iii) the voter is registered to vote in the correct precinct;
- (iv) the voter's right to vote the ballot has not been challenged;
- (v) the voter has not already voted in the election; and
- (vi) for a voter required to provide valid voter identification, that the voter has

provided valid voter identification.

(b) If the poll workers make all of the findings described in Subsection (4)(a), the poll workers shall:

- (i) remove the manual ballot from the return envelope in a manner that does not destroy the affidavit on the return envelope;
- (ii) ensure that the ballot does not unfold and is not otherwise examined in connection with the return envelope; and
- (iii) place the ballot with the other ballots to be counted.

(c) If the poll workers do not make all of the findings described in Subsection (4)(a), the poll workers shall:

- (i) disallow the vote;
- (ii) without opening the return envelope, mark across the face of the return envelope:
 - (A) "Rejected as defective"; or
 - (B) "Rejected as not a registered voter"; and
- (iii) place the return envelope, unopened, with the other rejected return envelopes.

(5) (a) If the poll workers reject an individual's ballot because the poll workers determine that the signature on the return envelope does not match the individual's signature in the voter registration records, the election officer shall contact the individual in accordance with Subsection (7) by mail, email, text message, or phone, and inform the individual:

- (i) that the individual's signature is in question;
- (ii) how the individual may resolve the issue; and
- (iii) that, in order for the ballot to be counted, the individual is required to deliver to

the election officer a correctly completed affidavit, provided by the county clerk, that meets the

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requirements described in Subsection (5)(b).

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

(i) an attestation that the individual voted the ballot;

(ii) a space for the individual to enter the individual's name, date of birth, and driver license number or the last four digits of the individual's social security number;

(iii) a space for the individual to sign the affidavit; and

(iv) a statement that, by signing the affidavit, the individual authorizes the lieutenant governor's and county clerk's use of the individual's signature on the affidavit for voter identification purposes.

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

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

(i) scan the signature on the affidavit electronically and keep the signature on file in the statewide voter registration database developed under Section 20A-2-109; and

(ii) if the election officer receives the affidavit no later than 5 p.m. three days before the day on which the canvass begins, count the individual's ballot.

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

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

(a) if the election officer rejects the ballot before election day:

(i) one business day after the day on which the election officer rejects the ballot, if the election officer gives the notice by email or text message; or

(ii) two business days after the day on which the election officer rejects the ballot, if the election officer gives the notice by postal mail or phone;

(b) seven days after election day if the election officer rejects the ballot on election day;

or

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(c) seven days after the canvass if the election officer rejects the ballot after election day and before the end of the canvass.

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

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

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

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

(10) ~~{A record that discloses, by name, address, or other identifying information, that a particular voter's ballot has been rejected is a protected record under Subsection 63G-2-305(86), regardless of whether the rejection is resolved.}~~ If, in response to a request, and in accordance with the requirements of law, an election officer discloses the name or address of voters whose ballots have been rejected and not yet resolved, the election officer shall:

(a) make the disclosure within two business days after the day on which the request is made;

(b) respond to each request in the order the requests were made; and

(c) make each disclosure in a manner, and within a period of time, that does not reflect favoritism to one requestor over another.

Section 5. Section 20A-6-105 is amended to read:

20A-6-105. Provisional ballot envelopes.

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

"AFFIRMATION

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

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

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

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Name of Voter _____

First Middle Last

Driver License or Identification Card Number _____

State of Issuance of Driver License or Identification Card Number _____

Date of Birth _____

Street Address of Principal Place of Residence

City County State Zip Code

Telephone Number (optional) _____

Email Address (optional) _____

Last four digits of Social Security Number _____

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

City County State Zip Code

Voting Precinct (if known)

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

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

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

Signed _____

Dated _____

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

PRIVACY INFORMATION

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

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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, 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 [aH] identifying 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 [aH] identifying 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 [aH] identifying 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 and any required verification with this registration form, or to the lieutenant governor or a county clerk, if the person is, or resides with a person who is, a law enforcement officer, a member of the armed forces, a public figure, or protected by a protective order or a protection order.

CITIZENSHIP AFFIDAVIT

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Name:

Name at birth, if different:

Place of birth:

Date of birth:

Date and place of naturalization (if applicable):

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

Signature of Applicant

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

(2) The provisional ballot envelope shall include:

(a) a unique number;

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

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

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

~~{ Section 3. Section 63G-2-305 is amended to read:~~

~~63G-2-305. Protected records.~~

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

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

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

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

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~~governmental entity to obtain necessary information in the future;~~

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

~~—— (c) the person submitting the information has provided the governmental entity with the information specified in Section 63G-2-309;~~

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

~~—— (4) records, the disclosure of which could cause commercial injury to, or confer a competitive advantage upon a potential or actual competitor of, a commercial project entity as defined in Subsection 11-13-103(4);~~

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

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

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

~~—— (i) an invitation for bids;~~

~~—— (ii) a request for proposals;~~

~~—— (iii) a request for quotes;~~

~~—— (iv) a grant; or~~

~~—— (v) other similar document; or~~

~~—— (b) an unsolicited proposal, as defined in Section 63G-6a-712;~~

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

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

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awarded and signed by all parties; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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- ~~—— (16) records of a governmental audit agency relating to an ongoing or planned audit until the final audit is released;~~
- ~~—— (17) records that are subject to the attorney client privilege;~~
- ~~—— (18) records prepared for or by an attorney, consultant, surety, indemnitor, insurer, employee, or agent of a governmental entity for, or in anticipation of, litigation or a judicial, quasi-judicial, or administrative proceeding;~~
- ~~—— (19) (a) (i) personal files of a state legislator, including personal correspondence to or from a member of the Legislature; and~~
- ~~—— (ii) notwithstanding Subsection (19)(a)(i), correspondence that gives notice of legislative action or policy may not be classified as protected under this section; and~~
- ~~—— (b) (i) an internal communication that is part of the deliberative process in connection with the preparation of legislation between:~~
 - ~~—— (A) members of a legislative body;~~
 - ~~—— (B) a member of a legislative body and a member of the legislative body's staff; or~~
 - ~~—— (C) members of a legislative body's staff; and~~
- ~~—— (ii) notwithstanding Subsection (19)(b)(i), a communication that gives notice of legislative action or policy may not be classified as protected under this section;~~
- ~~—— (20) (a) records in the custody or control of the Office of Legislative Research and General Counsel, that, if disclosed, would reveal a particular legislator's contemplated legislation or contemplated course of action before the legislator has elected to support the legislation or course of action, or made the legislation or course of action public; and~~
- ~~—— (b) notwithstanding Subsection (20)(a), the form to request legislation submitted to the Office of Legislative Research and General Counsel is a public document unless a legislator asks that the records requesting the legislation be maintained as protected records until such time as the legislator elects to make the legislation or course of action public;~~
- ~~—— (21) research requests from legislators to the Office of Legislative Research and General Counsel or the Office of the Legislative Fiscal Analyst and research findings prepared in response to these requests;~~
- ~~—— (22) drafts, unless otherwise classified as public;~~
- ~~—— (23) records concerning a governmental entity's strategy about:~~
 - ~~—— (a) collective bargaining; or~~

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

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

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

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

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

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

~~—— (a) the donor requests anonymity in writing;~~

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

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

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

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

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

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~~education defined in Section 53B-1-102, which have been developed, discovered, disclosed to, or received by or on behalf of faculty, staff, employees, or students of the institution:~~

~~—— (i) unpublished lecture notes;~~

~~—— (ii) unpublished notes, data, and information:~~

~~—— (A) relating to research; and~~

~~—— (B) of:~~

~~—— (I) the institution within the state system of higher education defined in Section 53B-1-102; or~~

~~—— (II) a sponsor of sponsored research;~~

~~—— (iii) unpublished manuscripts;~~

~~—— (iv) creative works in process;~~

~~—— (v) scholarly correspondence; and~~

~~—— (vi) confidential information contained in research proposals;~~

~~—— (b) Subsection (40)(a) may not be construed to prohibit disclosure of public information required pursuant to Subsection 53B-16-302(2)(a) or (b); and~~

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

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

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

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

~~—— (a) a production facility; or~~

~~—— (b) a magazine;~~

~~—— (43) information contained in the statewide database of the Division of Aging and Adult Services created by Section 62A-3-311.1;~~

~~—— (44) information contained in the Licensing Information System described in Title 80;~~

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~~Chapter 2, Child Welfare Services;~~

~~—— (45) information regarding National Guard operations or activities in support of the National Guard's federal mission;~~

~~—— (46) records provided by any pawn or secondhand business to a law enforcement agency or to the central database in compliance with Title 13, Chapter 32a, Pawnshop, Secondhand Merchandise, and Catalytic Converter Transaction Information Act;~~

~~—— (47) information regarding food security, risk, and vulnerability assessments performed by the Department of Agriculture and Food;~~

~~—— (48) except to the extent that the record is exempt from this chapter pursuant to Section 63G-2-106, records related to an emergency plan or program, a copy of which is provided to or prepared or maintained by the Division of Emergency Management, and the disclosure of which would jeopardize:~~

~~—— (a) the safety of the general public; or~~

~~—— (b) the security of:~~

~~—— (i) governmental property;~~

~~—— (ii) governmental programs; or~~

~~—— (iii) the property of a private person who provides the Division of Emergency Management information;~~

~~—— (49) records of the Department of Agriculture and Food that provides for the identification, tracing, or control of livestock diseases, including any program established under Title 4, Chapter 24, Utah Livestock Brand and Anti-Theft Act, or Title 4, Chapter 31, Control of Animal Disease;~~

~~—— (50) as provided in Section 26-39-501:~~

~~—— (a) information or records held by the Department of Health and Human Services related to a complaint regarding a child care program or residential child care which the department is unable to substantiate; and~~

~~—— (b) information or records related to a complaint received by the Department of Health and Human Services from an anonymous complainant regarding a child care program or residential child care;~~

~~—— (51) unless otherwise classified as public under Section 63G-2-301 and except as provided under Section 41-1a-116, an individual's home address, home telephone number, or~~

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~~personal mobile phone number, if:~~

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

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

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

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

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

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

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

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

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

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

~~—— (b) conducted using animals;~~

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

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

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

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~~—— (57) information requested by and provided to the 911 Division under Section 63H-7a-302;~~

~~—— (58) in accordance with Section 73-10-33;~~

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

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

~~—— (59) the following records in the custody or control of the Office of Inspector General of Medicaid Services, created in Section 63A-13-201:~~

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

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

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

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

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

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

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- ~~—— (61) information provided to the Department of Health and Human Services or the Division of Professional Licensing under Subsections 58-67-304(3) and (4) and Subsections 58-68-304(3) and (4);~~
- ~~—— (62) a record described in Section 63G-12-210;~~
- ~~—— (63) captured plate data that is obtained through an automatic license plate reader system used by a governmental entity as authorized in Section 41-6a-2003;~~
- ~~—— (64) any record in the custody of the Utah Office for Victims of Crime relating to a victim, including:
 - ~~—— (a) a victim's application or request for benefits;~~
 - ~~—— (b) a victim's receipt or denial of benefits; and~~
 - ~~—— (c) any administrative notes or records made or created for the purpose of, or used to, evaluate or communicate a victim's eligibility for or denial of benefits from the Crime Victim Reparations Fund;~~~~
- ~~—— (65) an audio or video recording created by a body-worn camera, as that term is defined in Section 77-7a-103, that records sound or images inside a hospital or health care facility as those terms are defined in Section 78B-3-403, inside a clinic of a health care provider, as that term is defined in Section 78B-3-403, or inside a human service program as that term is defined in Section 62A-2-101, except for recordings that:
 - ~~—— (a) depict the commission of an alleged crime;~~
 - ~~—— (b) record any encounter between a law enforcement officer and a person that results in death or bodily injury, or includes an instance when an officer fires a weapon;~~
 - ~~—— (c) record any encounter that is the subject of a complaint or a legal proceeding against a law enforcement officer or law enforcement agency;~~
 - ~~—— (d) contain an officer involved critical incident as defined in Subsection 76-2-408(1)(f); or~~
 - ~~—— (e) have been requested for reclassification as a public record by a subject or authorized agent of a subject featured in the recording;~~~~
- ~~—— (66) a record pertaining to the search process for a president of an institution of higher education described in Section 53B-2-102, except for application materials for a publicly announced finalist;~~
- ~~—— (67) an audio recording that is:~~

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

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

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

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

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

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

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

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

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

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

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

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

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

~~—— (a) Title 10, Utah Municipal Code;~~

~~—— (b) Title 17, Counties;~~

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

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

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

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

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

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

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

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

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

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

~~—— (a) requires the statement under threat of employment disciplinary action, including possible termination of employment, for the employee's refusal to provide the statement; and~~

~~—— (b) provides the employee assurance that the statement cannot be used against the employee in any criminal proceeding[.]; and~~

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

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