

VOTER PREREGISTRATION AMENDMENTS

2015 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jon Cox

Senate Sponsor: Deidre M. Henderson

LONG TITLE

General Description:

This bill allows an individual who is 16 or 17 years of age to preregister to vote in an election.

Highlighted Provisions:

This bill:

- ▶ allows an individual who is 16 or 17 years of age to preregister to vote in an election;
- ▶ prohibits an individual who preregisters to vote from voting in an election until the individual is at least 18 years of age;
- ▶ establishes processing requirements for a county clerk;
- ▶ amends the voter registration form;
- ▶ establishes preregistration procedures and methods;
- ▶ establishes penalties;
- ▶ designates as a private record the voter registration record of an individual who preregisters to vote until the individual turns 18 years of age; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

30 **20A-2-104**, as last amended by Laws of Utah 2014, Chapter 373
 31 **20A-2-108**, as last amended by Laws of Utah 2014, Chapter 373
 32 **20A-2-201**, as last amended by Laws of Utah 2014, Chapters 98, 231 and last amended
 33 by Coordination Clause, Laws of Utah 2014, Chapter 231
 34 **20A-2-202**, as last amended by Laws of Utah 2014, Chapter 231
 35 **20A-2-204**, as last amended by Laws of Utah 2014, Chapter 231
 36 **20A-2-205**, as last amended by Laws of Utah 2014, Chapter 231
 37 **20A-2-206**, as last amended by Laws of Utah 2014, Chapters 95, 98, 231 and last
 38 amended by Coordination Clause, Laws of Utah 2014, Chapter 231
 39 **20A-2-302**, as last amended by Laws of Utah 2008, Chapter 103
 40 **20A-2-401**, as last amended by Laws of Utah 2008, Chapter 276
 41 **20A-4-108**, as enacted by Laws of Utah 2014, Chapter 231 and last amended by
 42 Coordination Clause, Laws of Utah 2014, Chapter 231
 43 **63G-2-302**, as last amended by Laws of Utah 2014, Chapter 373

44 ENACTS:

45 **20A-2-101.1**, Utah Code Annotated 1953

46

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

48 Section 1. Section **20A-2-101.1** is enacted to read:

49 **20A-2-101.1. Preregistering to vote.**

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

51 (a) is 16 or 17 years of age;

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

53 (c) is a citizen of the United States;

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

55 (e) currently resides within the voting district or precinct in which the individual

56 preregisters to vote.

57 (2) An individual described in Subsection (1) may not vote in an election and is not

58 registered to vote until:

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

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

61 (3) An individual who preregisters to vote shall:

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

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

66 (4) (a) A county clerk shall:

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

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

73 (iii) send a notice to the individual that:

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

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

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

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

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

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

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

86 individual is attempting to preregister to vote in an election:

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

88 and

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

90 (5) (a) The lieutenant governor or a county clerk shall classify the voter registration
91 record of an individual who preregisters to vote as a private record until the day on which the
92 individual turns 18 years of age.

93 (b) On the day on which the individual described in Subsection (5)(a) turns 18 years of
94 age, the lieutenant governor or county clerk shall classify the individual's voter registration
95 record as a public record in accordance with Subsection 63G-2-301(2)(l).

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

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

100 **20A-2-104. Voter registration form -- Registered voter lists -- Fees for copies.**

101 (1) [~~Every person applying to be registered~~] An individual applying for voter
102 registration, or an individual preregistering to vote, shall complete a voter registration form
103 [~~printed~~] in substantially the following form:

104 -----

105 UTAH ELECTION REGISTRATION FORM

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

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

108 Will you be 18 years [~~old~~] of age on or before election day? Yes No

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

111 If you checked "no" to [~~either~~] both of the [~~above~~] prior two questions, do not complete this
112 form.

113 Name of Voter

114 _____
115 First Middle Last
116 Utah Driver License or Utah Identification Card Number _____

117 Date of Birth _____

118 Street Address of Principal Place of Residence
119 _____

120 City County State Zip Code

121 Telephone Number (optional) _____

122 Last four digits of Social Security Number _____

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

126 City County State Zip Code

127 Political Party
128 (a listing of each registered political party, as defined in Section 20A-8-101 and maintained by
129 the lieutenant governor under Section 67-1a-2, with each party's name preceded by a checkbox)
130 Unaffiliated (no political party preference) Other (Please specify) _____

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

137 Signed and sworn
138 _____

139 Voter's Signature

140 _____ (month/day/year).

141 "The portion of a voter registration form that lists a person's driver license or

170 CURRENT ADDRESS.

171 FOR OFFICIAL USE ONLY

172 Type of I.D. _____

173 Voting Precinct _____

174 Voting I.D. Number _____

175 -----

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

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

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

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

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

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

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

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

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

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

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

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

198 party; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

248 (i) is not a qualified person or a person described in Subsection (4)(k); or

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

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

254 employee's capacity as a government official or government employee.

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

256 (i) obtains the date of birth of a registered voter from the list of registered voters under
257 false pretenses; or

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

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

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

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

268 (g) The evidence described in Subsection (4)(f) may include:

269 (i) a protective order;

270 (ii) a police report; or

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

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

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

281 (ii) \$200.

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

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

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

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

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

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

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

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

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

308 (5) When political parties not listed on the voter registration form qualify as registered
309 political parties under Title 20A, Chapter 8, Political Party Formation and Procedures, the

310 lieutenant governor shall inform the county clerks about the name of the new political party
311 and direct the county clerks to ensure that the voter registration form is modified to include that
312 political party.

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

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

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

320 Section 3. Section **20A-2-108** is amended to read:

321 **20A-2-108. Driver license registration form -- Transmittal of information.**

322 (1) The lieutenant governor and the Driver License Division shall design the driver
323 license application and renewal forms to include the ~~[question]~~ following questions:

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

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

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

331 (b) Each driver license application and renewal form shall contain:

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

333 (ii) an eligibility statement in substantially the following form:

334 "I do swear (or affirm), subject to penalty of law for false statements, that the
335 information contained in this form is true, and that I am a citizen of the United States and a
336 resident of the state of Utah, residing at the above address. Unless I have indicated above that I
337 am preregistering to vote in a later election, I will be at least 18 years ~~[old]~~ of age and will have

338 resided in Utah for 30 days immediately before the next election.

339 Signed and sworn

340 _____

341 Voter's Signature

342 _____(month\day\year)";

343 (iii) a citizenship affidavit in substantially the following form:

344 "CITIZENSHIP AFFIDAVIT

345 Name:

346 Name at birth, if different:

347 Place of birth:

348 Date of birth:

349 Date and place of naturalization (if applicable):

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

353 _____

354 Signature of Applicant

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

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

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

364 (vi) the following statement:

365 "The portion of a voter registration form that lists a person's driver license or

366 identification card number, Social Security number, and email address is a private record. The
367 portion of a voter registration form that lists a person's date of birth is a private record, the use
368 of which is restricted to government officials, government employees, political parties, or
369 certain other persons.

370 If you believe that disclosure of any information contained in this voter registration
371 form to a person other than a government official or government employee is likely to put you
372 or a member of your household's life or safety at risk, or to put you or a member of your
373 household at risk of being stalked or harassed, you may apply to the lieutenant governor or your
374 county clerk to have your entire voter registration record classified as private."

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

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

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

381 Section 4. Section **20A-2-201** is amended to read:

382 **20A-2-201. Registering to vote at office of county clerk.**

383 (1) Except as provided in Subsection (3), the county clerk shall register to vote each
384 individual who registers in person at the county clerk's office during designated office hours if
385 the individual will, on the date of the election, be legally eligible to vote in a voting precinct in
386 the county in accordance with Section [20A-2-101](#).

387 (2) If an individual who is registering to vote submits a registration form in person at
388 the office of the county clerk during designated office hours, during the period beginning on
389 the date after the voter registration deadline and ending on the date that is 15 calendar days
390 before the date of the election, the county clerk shall:

391 (a) accept [~~a registration form from each individual who submits a registration form in~~
392 ~~person at the clerk's office during designated office hours~~] the form if the individual, on the
393 date of the election, will be legally qualified and entitled to vote in a voting precinct in the

394 county; and

395 (b) inform the individual that the individual will be registered to vote in the pending
396 election.

397 (3) If an individual who is registering to vote and who will be legally qualified and
398 entitled to vote in a voting precinct in the county on the date of an election appears in person,
399 during designated office hours, and submits a registration form on the date of the election or
400 during the 14 calendar days before an election, the county clerk shall:

401 (a) accept the registration form; and

402 (b) (i) if it is more than seven calendar days before the date of an election:

403 (A) inform the individual that the individual is registered to vote in the pending
404 election; and

405 (B) for the pending election, the individual must vote on the day of the election and is
406 not eligible to vote using early voting under Chapter 3, Part 6, Early Voting, because the
407 individual registered too late; or

408 (ii) except as provided in Subsection 20A-4-108(5), if it is on the date of an election or
409 during the seven calendar days before an election, inform the individual that the individual will
410 be registered to vote but may not vote in the pending election because the individual registered
411 too late.

412 Section 5. Section 20A-2-202 is amended to read:

413 **20A-2-202. Registration by mail.**

414 (1) (a) A citizen who will be qualified to vote at the next election may register by mail.

415 (b) To register by mail, a citizen shall complete and sign the by-mail registration form
416 and mail or deliver it to the county clerk of the county in which the citizen resides.

417 (c) In order to register to vote in a particular election, the citizen shall:

418 (i) address the by-mail voter registration form to the county clerk; and

419 (ii) ensure that it is postmarked on or before the voter registration deadline.

420 (d) The citizen has effectively registered to vote under this section only when the
421 county clerk's office has received a correctly completed by-mail voter registration form.

422 (2) Upon receipt of a correctly completed by-mail voter registration form, the county
423 clerk shall, unless the individual named in the form is preregistering to vote:

424 (a) enter the applicant's name on the list of registered voters for the voting precinct in
425 which the applicant resides; and

426 (b) mail confirmation of registration to the newly registered voter after entering the
427 applicant's voting precinct number on that copy.

428 (3) (a) Except as provided in Subsection 20A-4-108(6), if the county clerk receives a
429 correctly completed by-mail voter registration form that is postmarked after the voter
430 registration deadline, the county clerk shall, unless the individual named in the form is
431 preregistering to vote:

432 (i) register the applicant after the next election; and

433 (ii) if possible, promptly phone or mail a notice to the applicant before the election,
434 informing the applicant that his registration will not be effective until after the election.

435 (b) When the county clerk receives a correctly completed by-mail voter registration
436 form at least seven days before an election that is postmarked on or before the date of the voter
437 registration deadline, the county clerk shall:

438 (i) process the by-mail voter registration form; and

439 (ii) record the new voter in the official register.

440 (4) If the county clerk determines that a registration form received by mail or otherwise
441 is incorrect because of an error or because it is incomplete, the county clerk shall mail notice to
442 the person attempting to register or preregister, stating that the person has not been registered
443 or preregistered because of an error or because the form is incomplete.

444 Section 6. Section 20A-2-204 is amended to read:

445 **20A-2-204. Registering to vote when applying for or renewing a driver license.**

446 (1) As used in this section, "voter registration form" means the driver license
447 application/voter registration form and the driver license renewal/voter registration form
448 required by Section 20A-2-108.

449 (2) Any citizen who is qualified to vote may register to vote, and any citizen who is

450 qualified to preregister to vote may preregister to vote, by completing the voter registration
451 form.

452 (3) The Driver License Division shall:

453 (a) assist applicants in completing the voter registration form unless the applicant
454 refuses assistance;

455 (b) accept a completed [forms for transmittal to the appropriate election official] voter
456 registration form and transmit the form to the county clerk of the county in which the applicant
457 resides within five days after the day on which the division receives the form;

458 ~~[(c) transmit a copy of each voter registration form to the appropriate election official~~
459 ~~within five days after it is received by the division;]~~

460 ~~[(d)] (c) transmit each address change within five days after [it is received by the~~
461 ~~division] the day on which the division receives the address change; and~~

462 ~~[(e)] (d) transmit electronically to the lieutenant governor's office the name, address,~~
463 ~~birth date, and driver license number of each [person] individual who answers "yes" to [the] a~~
464 ~~question [on the driver license form about registering to vote] described in Subsection~~
465 ~~20A-2-108(1), and indicate whether the individual is registering or preregistering to vote.~~

466 (4) (a) Upon receipt of a correctly completed voter registration form from an individual
467 who is registering to vote, the county clerk shall:

468 ~~[(a)] (i) enter the applicant's name on the list of registered voters for the voting precinct~~
469 ~~in which the applicant resides; and~~

470 ~~[(b)] (ii) notify the applicant of registration.~~

471 (b) Upon receipt of a correctly completed voter registration form from an individual
472 who is preregistering to vote, the county clerk shall process the form in accordance with the
473 requirements of Section [20A-2-101.1](#).

474 (5) (a) Except as provided in Subsection [20A-4-108\(7\)](#), if the county clerk receives a
475 correctly completed voter registration form that is dated after the voter registration deadline,
476 the county clerk shall, unless the individual named in the form is preregistering to vote:

477 (i) register the applicant after the next election; and

478 (ii) if possible, promptly phone or mail a notice to the applicant before the election,
479 informing the applicant that his registration will not be effective until after the election.

480 (b) When the county clerk receives a correctly completed voter registration form at
481 least seven days before an election that is dated on or before the voter registration deadline, the
482 county clerk shall, unless the individual named in the form is preregistering to vote:

483 (i) process the voter registration form; and

484 (ii) record the new voter in the official register.

485 (6) If the county clerk determines that a voter registration form received from the
486 Driver License Division is incorrect because of an error or because it is incomplete, the county
487 clerk shall mail notice to the ~~[person]~~ individual attempting to register or preregister to vote,
488 stating that the ~~[person]~~ individual has not been registered or preregistered because of an error
489 or because the form is incomplete.

490 Section 7. Section **20A-2-205** is amended to read:

491 **20A-2-205. Registration at voter registration agencies.**

492 (1) As used in this section:

493 (a) "Discretionary voter registration agency" means ~~[each office designated by the~~
494 ~~county clerk under Part 3, County Clerk's Voter Registration Responsibilities, to provide~~
495 ~~by-mail voter registration forms to the public]~~ the same as that term is defined in Section
496 [20A-2-300.5](#).

497 (b) "Public assistance agency" means each office in Utah that provides:

498 (i) public assistance; or

499 (ii) state funded programs primarily engaged in providing services to people with
500 disabilities.

501 (2) ~~[Any person]~~ An individual may obtain and complete a by-mail registration form at
502 a public assistance agency or discretionary voter registration agency.

503 (3) Each public assistance agency and discretionary voter registration agency shall
504 provide, either as part of existing forms or on a separate form, the following information in
505 substantially the following form:

506 "REGISTERING TO VOTE

507 If you are not registered to vote where you live now, would you like to apply to register
508 or preregister to vote here today? [~~Applying to register to vote or declining to register to vote~~]
509 (The decision of whether to register or preregister to vote will not affect the amount of
510 assistance that you will be provided by this agency.) Yes ___ No ___ IF YOU DO NOT
511 CHECK EITHER BOX, YOU WILL BE CONSIDERED TO HAVE DECIDED NOT TO
512 REGISTER OR PREREGISTER TO VOTE AT THIS TIME. If you would like help in filling
513 out the voter registration [~~application~~] form, we will help you. The decision about whether [~~or~~
514 ~~not~~] to seek or accept help is yours. You may fill out the application form in private. If you
515 believe that someone has interfered with your right to register or preregister or to decline to
516 register or preregister to vote, your right to privacy in deciding whether [~~or not~~] to register or
517 preregister, or in applying to register or preregister to vote, or your right to choose your own
518 political party or other political preference, you may file a complaint with the Office of the
519 Lieutenant Governor, State Capitol Building, Salt Lake City, Utah 84114. (The phone number
520 of the Office of the Lieutenant Governor)."

521 (4) Unless a person applying for service or assistance from a public assistance agency
522 or discretionary voter registration agency declines, in writing, to register or preregister to vote,
523 each public assistance agency and discretionary voter registration agency shall:

524 (a) distribute a by-mail voter registration form with each application for service or
525 assistance provided by the agency or office;

526 (b) assist applicants in completing the voter registration form unless the applicant
527 refuses assistance;

528 (c) accept completed forms for transmittal to the appropriate election official; and

529 (d) transmit a copy of each voter registration form to the appropriate election official
530 within five days after it is received by the division.

531 (5) A person in a public assistance agency or a discretionary voter registration agency
532 that helps a person complete the voter registration form may not:

533 (a) seek to influence an applicant's political preference or party registration;

- 534 (b) display any political preference or party allegiance;
- 535 (c) make any statement to an applicant or take any action that has the purpose or effect
536 of discouraging the applicant from registering to vote; or
- 537 (d) make any statement to an applicant or take any action that has the purpose or effect
538 of leading the applicant to believe that a decision [~~to register or not to register~~] of whether to
539 register or preregister has any bearing upon the availability of services or benefits.
- 540 (6) Upon receipt of a correctly completed voter registration form, the county clerk
541 shall, unless the individual named in the form is preregistering to vote:
- 542 (a) enter the applicant's name on the list of registered voters for the voting precinct in
543 which the applicant resides; and
- 544 (b) notify the applicant of registration.
- 545 (7) (a) Except as provided in Subsection 20A-4-108(8), if the county clerk receives a
546 correctly completed voter registration form that is dated after the voter registration deadline,
547 the county clerk shall, unless the individual named in the form is preregistering to vote:
- 548 (i) register the applicant after the next election; and
- 549 (ii) if possible, promptly phone or mail a notice to the applicant before the election,
550 informing the applicant that his registration will not be effective until after the election.
- 551 (b) When the county clerk receives a correctly completed voter registration form at
552 least seven days before an election that is dated on or before the voter registration deadline, the
553 county clerk shall:
- 554 (i) process the voter registration form; and
- 555 (ii) record the new voter in the official register.
- 556 (8) If the county clerk determines that a voter registration form received from a public
557 assistance agency or discretionary voter registration agency is incorrect because of an error or
558 because it is incomplete, the county clerk shall mail notice to the [~~person~~] individual
559 attempting to register or preregister to vote, stating that the [~~person~~] individual has not been
560 registered or preregistered to vote because of an error or because the form is incomplete.
- 561 Section 8. Section 20A-2-206 is amended to read:

562 **20A-2-206. Electronic registration -- Requests for absentee ballot application.**

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

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

568 (a) that an applicant have a valid driver license or identification card, issued under Title
569 53, Chapter 3, Uniform Driver License Act, that reflects the [~~person's~~] applicant's current
570 principal place of residence;

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

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

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

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

579 (ii) signature on file in the lieutenant governor's statewide voter registration database
580 developed under Section [20A-2-109](#).

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

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

586 (5) The lieutenant governor shall:

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

589 (b) ensure that the applicant's signature is already on file in the lieutenant governor's

590 statewide voter registration database developed under Section 20A-2-109.

591 (6) The lieutenant governor shall send the information to the county clerk for the county
592 in which the applicant's principal place of residence is found for further action as required by
593 Section 20A-2-304 after:

594 (a) receiving all information from an applicant; and

595 (b) (i) receiving all information from the Driver License Division; or

596 (ii) ensuring that the applicant's signature is already on file in the lieutenant governor's
597 statewide voter registration database developed under Section 20A-2-109.

598 (7) The lieutenant governor may use additional security measures to ensure the
599 accuracy and integrity of an electronically submitted voter registration.

600 (8) (a) If an individual applies to register under this section during the period beginning
601 on the date after the voter registration deadline and ending on the date that is 15 calendar days
602 before the date of an election, the county clerk shall, unless the individual is preregistering to
603 vote:

604 (i) accept the application for registration if the individual, on the date of the election,
605 will be legally qualified and entitled to vote in a voting precinct in the state; and

606 (ii) inform the individual that the individual is registered to vote in the pending
607 election.

608 (b) If an individual applies to register under this section during the period beginning on
609 the date that is 14 calendar days before the election and ending on the date that is seven
610 calendar days before the election, the county clerk shall, unless the individual is preregistering
611 to vote:

612 (i) accept the application for registration if the individual, on the date of the election,
613 will be legally qualified and entitled to vote in a voting precinct in the state; and

614 (ii) inform the individual that:

615 (A) the individual is registered to vote in the pending election; and

616 (B) for the pending election, the individual must vote on the day of the election and is
617 not eligible to vote using early voting under Chapter 3, Part 6, Early Voting, because the

618 individual registered too late.

619 (c) Except as provided in Subsection 20A-4-108(9), if an individual applies to register
620 under this section during the six calendar days before an election, the county clerk shall, unless
621 the individual is preregistering to vote:

622 (i) accept the application for registration if the individual, on the date of the election,
623 will be legally qualified and entitled to vote in a voting precinct in the state; and

624 (ii) inform the individual that the individual is registered to vote but may not vote in
625 the pending election because the individual registered too late.

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

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

631 Section 9. Section 20A-2-302 is amended to read:

632 **20A-2-302. Voter registration forms for high school students.**

633 (1) (a) ~~[The]~~ A county clerk may:

634 (i) contact each high school and each accredited nonpublic high school in the county;

635 (ii) determine the number of high school seniors; and

636 (iii) distribute by-mail voter registration forms to each accredited public or private high
637 school in an amount sufficient for distribution to each high school senior.

638 (b) The county clerk shall ~~[keep on file the returned high school student by-mail voter~~
639 ~~registration forms until the applicant turns 18 years old and then register the applicant to vote]~~
640 process a voter registration form received from an individual under this section in accordance
641 with Section 20A-2-101.1.

642 (2) Each public school and accredited nonpublic school may:

643 (a) include the by-mail voter registration form in the senior registration packet; and

644 (b) collect and forward completed by-mail voter registration forms to the county clerk.

645 Section 10. Section 20A-2-401 is amended to read:

646 **20A-2-401. Fraudulent registration -- Penalty.**

647 (1) ~~[A person]~~ (a) An individual may not willfully register to vote, or cause, procure,
648 or allow himself or herself to be registered to vote, knowing that ~~[he]~~ the individual is not
649 eligible to register to vote under Section [20A-2-101](#).

650 ~~[(2)]~~ (b) A person may not willfully cause, procure, advise, encourage, or assist any
651 ~~[other person]~~ individual to be registered to vote, knowing or believing that the ~~[person]~~
652 individual is not eligible to register to vote under Section [20A-2-101](#).

653 (2) (a) An individual may not willfully preregister to vote, or allow himself or herself
654 to be preregistered to vote, knowing that the individual is not eligible to preregister to vote
655 under Section [20A-2-101.1](#).

656 (b) A person may not willfully cause, advise, encourage, or assist an individual to
657 preregister to vote, knowing or believing that the individual is not eligible to preregister to vote
658 under Section [20A-2-101.1](#).

659 (3) ~~[Any]~~ A person who violates this section is guilty of a class A misdemeanor.

660 Section 11. Section **20A-4-108** is amended to read:

661 **20A-4-108. Election Day Voter Registration Pilot Project.**

662 (1) There is created, beginning on June 1, 2014, and ending on January 1, 2017, an
663 election day voter registration pilot project, as described in this section.

664 (2) A county may participate in the pilot project if the county clerk submits to the
665 lieutenant governor a written application to participate in the pilot project that contains:

666 (a) the name of the county;

667 (b) a request that the county be permitted to participate in the pilot project;

668 (c) an estimate of the extent to which election day voter registration may increase voter
669 participation; and

670 (d) any other reasons that the county desires to participate in the project.

671 (3) A municipality may participate in the pilot project for a municipal election if the
672 municipal clerk submits to the lieutenant governor a written application to participate in the
673 pilot project that contains:

- 674 (a) the name of the municipality;
- 675 (b) a request that the municipality be permitted to participate in the pilot project;
- 676 (c) an estimate of the extent to which election day voter registration may increase voter
677 participation; and
- 678 (d) any other reasons that the municipality desires to participate in the project.
- 679 (4) Within 10 business days after the day on which the lieutenant governor receives an
680 application described in Subsection (2) or (3), the lieutenant governor shall approve the
681 application if:
- 682 (a) the application complies with the requirements described in Subsection (2) or (3),
683 as applicable; and
- 684 (b) the lieutenant governor determines, based on the information contained in the
685 application, that implementing the pilot project in the county or municipality:
- 686 (i) will yield valuable information to determine whether election day voter registration
687 should be implemented on a permanent, statewide basis; and
- 688 (ii) will not adversely affect the rights of voters or candidates.
- 689 (5) For a county or municipality that is approved by the lieutenant governor to
690 participate in the pilot project, if, under Subsection 20A-2-201(3)(b)(ii), a registration form is
691 submitted to the county clerk on the date of the election or during the seven calendar days
692 before an election, the county clerk shall, unless the individual named in the form is
693 preregistering to vote:
- 694 (a) if the person desires to vote in the pending election, inform the person that the
695 person must, on election day, register to vote by casting a provisional ballot in accordance with
696 Subsection (10); or
- 697 (b) if the person does not desire to vote in the pending election:
- 698 (i) accept a registration form from the person if, on the date of the election, the person
699 will be legally qualified and entitled to vote in a voting precinct in the county or municipality;
700 and
- 701 (ii) inform the person that the person will be registered to vote but may not vote in the

702 pending election because the person registered too late and chose not to register and vote as
703 described in Subsection (5)(a).

704 (6) For a county or municipality that is approved by the lieutenant governor to
705 participate in the pilot project, if, under Subsection 20A-2-202(3)(a), the county clerk receives
706 a correctly completed by-mail voter registration form that is postmarked after the voter
707 registration deadline, the county clerk shall, unless the individual named in the form is
708 preregistering to vote:

709 (a) unless the applicant registers on election day by casting a provisional ballot in
710 accordance with Subsection (10), register the applicant for the next election; and

711 (b) if possible, promptly phone, mail, or email a notice to the applicant before the
712 election, informing the applicant that:

713 (i) the applicant's registration will not be effective until after the election; and

714 (ii) the applicant may register to vote on election day by casting a provisional ballot in
715 accordance with Subsection (10).

716 (7) For a county or municipality that is approved by the lieutenant governor to
717 participate in the pilot project, if, under Subsection 20A-2-204(5)(a), the county clerk receives
718 a correctly completed voter registration form that is dated after the voter registration deadline,
719 the county clerk shall, unless the individual named in the form is preregistering to vote:

720 (a) unless the applicant registers to vote on election day by casting a provisional ballot
721 in accordance with Subsection (10), register the applicant after the next election; and

722 (b) if possible, promptly phone, mail, or email a notice to the applicant before the
723 election, informing the applicant that:

724 (i) the applicant's registration will not be effective until after the election; and

725 (ii) the applicant may register to vote on election day by casting a provisional ballot in
726 accordance with Subsection (10).

727 (8) For a county or municipality that is approved by the lieutenant governor to
728 participate in the pilot project, if, under Subsection 20A-2-205(7)(a), the county clerk receives
729 a correctly completed voter registration form that is dated after the voter registration deadline,

730 the county clerk shall, unless the individual named in the form is preregistering to vote:

731 (a) unless the applicant registers to vote on election day by casting a provisional ballot
732 in accordance with Subsection (10), register the applicant after the next election; and

733 (b) if possible, promptly phone, mail, or email a notice to the applicant before the
734 election, informing the applicant that:

735 (i) the applicant's registration will not be effective until after the election; and

736 (ii) the applicant may register to vote on election day by casting a provisional ballot in
737 accordance with Subsection (10).

738 (9) For a county or municipality that is approved by the lieutenant governor to
739 participate in the pilot project, if, under Subsection 20A-2-206(8)(c), an individual applies to
740 register to vote under this section during the six calendar days before an election, the county
741 clerk shall:

742 (a) if the individual desires to vote in the pending election, inform the individual that
743 the individual must, on election day, register to vote by casting a provisional ballot in
744 accordance with Subsection (10); or

745 (b) if the individual does not desire to vote in the pending election:

746 (i) accept the application for registration if the individual, on the date of the election,
747 will be legally qualified and entitled to vote in a voting precinct in the state; and

748 (ii) inform the individual that the individual is registered to vote but may not vote in
749 the pending election because the individual registered too late and chose not to register and
750 vote as described in Subsection (9)(a).

751 (10) For a county or municipality that is approved by the lieutenant governor to
752 participate in the pilot project:

753 (a) the election officer shall take the action described in Subsection (10)(b) in relation
754 to a provisional ballot if the election officer determines that:

755 (i) the person who voted the ballot is not registered to vote, but is otherwise legally
756 entitled to vote the ballot;

757 (ii) the ballot that the person voted is identical to the ballot for the precinct in which

758 the person resides;

759 (iii) the information on the ballot is complete; and

760 (iv) the person provided valid voter identification and proof of residence to the poll

761 worker;

762 (b) if a provisional ballot and the person who voted the provisional ballot comply with

763 the requirements described in Subsection (10)(a), the election officer shall:

764 (i) consider the provisional ballot a voter registration form;

765 (ii) place the ballot with the absentee ballots, to be counted with those ballots at the

766 canvass; and

767 (iii) as soon as reasonably possible, register the person to vote; and

768 (c) except as provided in Subsection (11), the election officer shall retain a provisional

769 ballot envelope, unopened, for the period specified in Section 20A-4-202, if the election officer

770 determines that the person who voted the ballot:

771 (i) (A) is not registered to vote in this state; and

772 (B) is not eligible for registration under Subsection (10); or

773 (ii) is not legally entitled to vote the ballot that the person voted.

774 (11) Subsection (10)(c) does not apply if a court orders the election officer to produce

775 or count the provisional ballot.

776 (12) For a county or municipality that is approved by the lieutenant governor to

777 participate in the pilot project, if, under Subsection 20A-4-107(4), the election officer

778 determines that the person is not registered to vote in this state, that the person is otherwise

779 legally entitled to vote, that the information on the provisional ballot envelope is complete, and

780 that the provisional ballot and the person who voted the provisional ballot do not comply with

781 the requirements described in Subsection (10)(a), the election officer shall:

782 (a) consider the provisional ballot envelope a voter registration form for the person's

783 county of residence; and

784 (b) (i) register the person if the voter's county of residence is within the county; or

785 (ii) forward the voter registration form to the election officer of the person's county of

786 residence, which election officer shall register the person.

787 (13) (a) The county clerk of a county that is approved to participate in the pilot project,
788 and the municipal clerk of a municipality that is approved to participate in the pilot project,
789 shall provide training for the poll workers of the county or municipality on administering the
790 pilot program.

791 (b) The lieutenant governor shall, for a county or municipality that is approved to
792 participate in the pilot project, provide information relating to the pilot project in accordance
793 with the provisions of Subsection 67-1a-2(2)(a)(iv).

794 (14) The lieutenant governor and each county and municipality that is approved by the
795 lieutenant governor to participate in the pilot project shall:

796 (a) report to the Government Operations Interim Committee, on or before October 31
797 of each year that the pilot project is in effect, regarding:

- 798 (i) the implementation of the pilot project;
- 799 (ii) the number of ballots cast by voters who registered on election day;
- 800 (iii) any difficulties resulting from the pilot project; and
- 801 (iv) whether, in the opinion of the lieutenant governor, the county, or the municipality,
802 the state would benefit from implementing election day voter registration permanently and on a
803 statewide basis; and

804 (b) on or before December 31, 2016, report to the Legislative Management Committee
805 regarding the matters described in Subsection (14)(a).

806 (15) During the 2016 interim, the Government Operations Interim Committee shall
807 study and make a recommendation to the Legislature regarding whether to implement statewide
808 election day voter registration on a permanent, statewide basis.

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

810 **63G-2-302. Private records.**

811 (1) The following records are private:

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

- 814 (b) records containing data on individuals describing medical history, diagnosis,
815 condition, treatment, evaluation, or similar medical data;
- 816 (c) records of publicly funded libraries that when examined alone or with other records
817 identify a patron;
- 818 (d) records received by or generated by or for:
- 819 (i) the Independent Legislative Ethics Commission, except for:
- 820 (A) the commission's summary data report that is required under legislative rule; and
821 (B) any other document that is classified as public under legislative rule; or
- 822 (ii) a Senate or House Ethics Committee in relation to the review of ethics complaints,
823 unless the record is classified as public under legislative rule;
- 824 (e) records received by, or generated by or for, the Independent Executive Branch
825 Ethics Commission, except as otherwise expressly provided in Title 63A, Chapter 14, Review
826 of Executive Branch Ethics Complaints;
- 827 (f) records received or generated for a Senate confirmation committee concerning
828 character, professional competence, or physical or mental health of an individual:
- 829 (i) if, prior to the meeting, the chair of the committee determines release of the records:
- 830 (A) reasonably could be expected to interfere with the investigation undertaken by the
831 committee; or
- 832 (B) would create a danger of depriving a person of a right to a fair proceeding or
833 impartial hearing; and
- 834 (ii) after the meeting, if the meeting was closed to the public;
- 835 (g) employment records concerning a current or former employee of, or applicant for
836 employment with, a governmental entity that would disclose that individual's home address,
837 home telephone number, Social Security number, insurance coverage, marital status, or payroll
838 deductions;
- 839 (h) records or parts of records under Section [63G-2-303](#) that a current or former
840 employee identifies as private according to the requirements of that section;
- 841 (i) that part of a record indicating a person's Social Security number or federal

842 employer identification number if provided under Section [31A-23a-104](#), [31A-25-202](#),
 843 [31A-26-202](#), [58-1-301](#), [58-55-302](#), [61-1-4](#), or [61-2f-203](#);

844 (j) that part of a voter registration record identifying a voter's:
 845 (i) driver license or identification card number;
 846 (ii) Social Security number, or last four digits of the Social Security number;
 847 (iii) email address; or
 848 (iv) date of birth;

849 (k) a voter registration record that is classified as a private record by the lieutenant
 850 governor or a county clerk under Subsection [20A-2-104\(4\)\(f\)](#) or [20A-1-101.1\(5\)\(a\)](#);

851 (l) a record that:
 852 (i) contains information about an individual;
 853 (ii) is voluntarily provided by the individual; and
 854 (iii) goes into an electronic database that:
 855 (A) is designated by and administered under the authority of the Chief Information
 856 Officer; and
 857 (B) acts as a repository of information about the individual that can be electronically
 858 retrieved and used to facilitate the individual's online interaction with a state agency;

859 (m) information provided to the Commissioner of Insurance under:
 860 (i) Subsection [31A-23a-115\(2\)\(a\)](#);
 861 (ii) Subsection [31A-23a-302\(3\)](#); or
 862 (iii) Subsection [31A-26-210\(3\)](#);

863 (n) information obtained through a criminal background check under Title 11, Chapter
 864 40, Criminal Background Checks by Political Subdivisions Operating Water Systems;

865 (o) information provided by an offender that is:
 866 (i) required by the registration requirements of Title 77, Chapter 41, Sex and Kidnap
 867 Offender Registry; and
 868 (ii) not required to be made available to the public under Subsection [77-41-110\(4\)](#);

869 (p) a statement and any supporting documentation filed with the attorney general in

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

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

876 (r) an email address provided by a military or overseas voter under Section
877 20A-16-501;

878 (s) a completed military-overseas ballot that is electronically transmitted under Title
879 20A, Chapter 16, Uniform Military and Overseas Voters Act;

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

882 (i) the commission's summary data report that is required in Section 11-49-202; and

883 (ii) any other document that is classified as public in accordance with Title 11, Chapter
884 49, Political Subdivisions Ethics Review Commission; and

885 (u) a record described in Subsection 53A-11a-203(3) that verifies that a parent was
886 notified of an incident or threat.

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

888 (a) records concerning a current or former employee of, or applicant for employment
889 with a governmental entity, including performance evaluations and personal status information
890 such as race, religion, or disabilities, but not including records that are public under Subsection
891 63G-2-301(2)(b) or 63G-2-301(3)(o) or private under Subsection (1)(b);

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

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

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

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

897 (c) records of independent state agencies if the disclosure of those records would

898 conflict with the fiduciary obligations of the agency;

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

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

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

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

910 (b) Medical records in the possession of the University of Utah Hospital, its clinics,
911 doctors, or affiliated entities are not private records or controlled records under Section
912 [63G-2-304](#) when the records are sought:

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

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

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