

1                                   **COMMUNICATIONS OF GOVERNMENTAL**  
2                                   **ENTITY EMPLOYEES AND OFFICERS**

3                                   2018 GENERAL SESSION

4                                   STATE OF UTAH

5                                   **Chief Sponsor: Justin L. Fawson**

6                                   Senate Sponsor: Daniel Hemmert

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8 **LONG TITLE**

9 **General Description:**

10           This bill addresses a provision relating to what constitutes a record under the  
11 Government Records Access and Management Act.

12 **Highlighted Provisions:**

13           This bill:

14           ▶ provides that an email, otherwise excluded from the definition of "record," is a  
15 "record" if it meets certain criteria.

16 **Money Appropriated in this Bill:**

17           None

18 **Other Special Clauses:**

19           None

20 **Utah Code Sections Affected:**

21 AMENDS:

22           **20A-11-1205**, as last amended by Laws of Utah 2017, Chapter 68

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

25           Section 1. Section **20A-11-1205** is amended to read:

26           **20A-11-1205. Use of public email for a political purpose.**

27           (1) Except as provided in Subsection (5), a person may not send an email using the  
28 email of a public entity:

- 29 (a) for a political purpose;
- 30 (b) to advocate for or against a ballot proposition; or
- 31 (c) to solicit a campaign contribution.
- 32 (2) The applicable election officer shall impose a civil fine against a person who
- 33 violates Subsection (1) as follows:
- 34 (a) up to \$250 for a first violation; and
- 35 (b) except as provided in Subsection (3), for each subsequent violation committed after
- 36 any applicable election officer imposes a fine against the person for a first violation, \$1,000
- 37 multiplied by the number of violations committed by the person.
- 38 (3) The applicable election officer shall consider a violation of this section as a first
- 39 violation if the violation is committed more than seven years after the day on which the person
- 40 last committed a violation of this section.
- 41 (4) For purposes of this section, one violation means one act of sending an email,
- 42 regardless of the number of recipients of the email.
- 43 (5) A person does not violate this section if the lieutenant governor finds that the email
- 44 described in Subsection (1) was inadvertently sent by the person described in Subsection (1),
- 45 using the email of a public entity.
- 46 (6) A violation of this section does not invalidate an otherwise valid election.
- 47 (7) An email sent in violation of Subsection (1), as determined by the records officer,
- 48 constitutes a record, as defined in Section 63G-2-103, that is subject to the provisions of Title
- 49 63G, Chapter 2, Government Records Access and Management Act, notwithstanding any
- 50 applicability of Subsection 63G-2-103(22)(b)(i).