

119 ~~[(2) Nothing in this chapter prohibits a public official from speaking, campaigning,~~
 120 ~~contributing personal money, or otherwise exercising the public official's individual First~~
 121 ~~Amendment rights for political purposes.]~~

122 ~~[(3) Nothing in this chapter prohibits a public entity from providing factual information~~
 123 ~~about a ballot proposition to the public, so long as the information grants equal access to both~~
 124 ~~the opponents and proponents of the ballot proposition.]~~

125 ~~[(4) Nothing in this chapter prohibits a public entity from the neutral encouragement of~~
 126 ~~voters to vote.]~~

127 ~~[(5) Nothing in this chapter prohibits an elected official from campaigning or~~
 128 ~~advocating for or against a ballot proposition.]~~

129 [(6)] (2) A violation of this section does not invalidate an otherwise valid election.

130 Section 4. Section **20A-11-1204** is amended to read:

131 **20A-11-1204. Criminal penalty.**

132 Each public official who violates ~~[this part]~~ Section 20A-11-1203 is guilty of a class B
 133 misdemeanor.

134 Section 5. Section **20A-11-1205** is enacted to read:

135 **20A-11-1205. Use of public email for a political purpose.**

136 (1) Except as provided in Subsection (5), a person may not send an email ~~H→~~ [;] ~~←H~~ using
 136a the
 137 email of a public entity, for a political purpose or to advocate for or against a ballot
 138 proposition.

139 (2) The applicable election officer shall impose a civil fine against a person who
 140 violates Subsection (1) as follows:

141 (a) up to \$250 for a first violation; and

142 (b) except as provided in Subsection (3), for each subsequent violation committed after
 143 any applicable election officer imposes a fine against the person for a first violation, \$1,000
 144 multiplied by the number of violations committed by the person.

145 (3) The applicable election officer shall consider a violation of this section as a first
 146 violation if the violation is committed more than seven years after the day on which the person
 147 last committed a violation of this section.

148 (4) For purposes of this section, one violation means one act of sending an email,
 149 regardless of the number of recipients of the email.