

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) ~~H~~→ , as determined by the records  
47a officer, ←H constitutes a record, as defined in  
48 Section 63G-2-103, that is subject to the provisions of Title 63G, Chapter 2, Government  
49 Records Access and Management Act, notwithstanding any applicability of Subsection  
50 63G-2-103(22)(b)(i).