

Representative Justin L. Fawson proposes the following substitute bill:

**COMMUNICATIONS OF GOVERNMENTAL
ENTITY EMPLOYEES AND OFFICERS**

2018 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Justin L. Fawson

Senate Sponsor: Daniel Hemmert

LONG TITLE

General Description:

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

Highlighted Provisions:

This bill:

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

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

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

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

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) ~~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).