

2165 Section 40. Section **20A-11-1205** is amended to read:

2166 **20A-11-1205. Use of public email for a political purpose.**

2167 (1) Except as provided in Subsection (5), a person may not send an email using the  
2168 email of a public entity:

2169 (a) for a political purpose;

2170 (b) to advocate for or against a [~~ballot proposition~~] proposed initiative, initiative,  
2171 proposed referendum, or referendum; or

2172 (c) to solicit a campaign contribution.

2173 (2) (a) The [~~applicable election officer shall~~] lieutenant governor shall, after giving the  
2174 person and the complainant notice and ~~H→~~ an ~~←H~~ opportunity to be heard, impose a civil fine  
2174a against a

2175 person who violates Subsection (1) as follows:

2176 [~~(a)~~] (i) up to \$250 for a first violation; and

2177 [~~(b)~~] (ii) except as provided in Subsection (3), for each subsequent violation committed  
2178 after ~~H→~~ [~~any applicable election officer~~] the lieutenant governor ~~←H~~ imposes a fine against the  
2178a person for a first violation,

2179 \$1,000 multiplied by the number of violations committed by the person.

2180 (b) A person may, within 30 days after the day on which the lieutenant governor  
2181 imposes a fine against the person under this Subsection (2), appeal the fine to a district court.

2182 (3) The ~~H→~~ [~~applicable election officer~~] lieutenant governor ~~←H~~ shall consider a violation  
2182a of this section as a first  
2183 violation if the violation is committed more than seven years after the day on which the person  
2184 last committed a violation of this section.

2185 (4) For purposes of this section, one violation means one act of sending an email,  
2186 regardless of the number of recipients of the email.

2187 (5) A person does not violate this section if:

2188 (a) the lieutenant governor finds that the email described in Subsection (1) was  
2189 inadvertently sent by the person [~~described in Subsection (1);~~] using the email of a public  
2190 entity[-];

2191 (b) the person is directly providing information solely to another person or a group of  
2192 people in response to a question asked by the other person or group of people;

2193 (c) the information the person emails is an argument or rebuttal argument prepared  
2194 under Section 20A-7-401.5 or 20A-7-402, and the email includes each opposing argument and  
2195 rebuttal argument that: