

Use of District Email for Political Purposes

Definitions—

1. A “political purpose” means an act done with the intent or in a way to influence, or intend to influence, directly or indirectly, any person to refrain from voting or to vote for or against (a) any candidate for public office at any caucus, political convention, primary, or election, or (b) any judge standing for retention at any election.
2. An initiative means a new law proposed for adoption by the public as provided in Utah Code Title 20A, Chapter 7.
3. A “proposed initiative” means an initiative proposed in an application filed under Utah Code § 20A-7-202 or Utah Code § 20A-7-502.
4. A “referendum” means a process by which a law passed by the Legislature or by a local legislative body is referred to the voters for their approval or rejection.
5. A “proposed referendum” means a referendum proposed in an application filed under Utah Code § 20A-7-302 or Utah Code § 20A-7-602.
6. A “campaign contribution” means any of the following when done for a political purpose or to advocate for or against a ballot proposition:
 - a. a gift, subscription, donation, loan, advance, deposit of money, or anything of value given to a filing entity (an entity subject to campaign and campaign finance reporting requirements);
 - b. an express, legally enforceable contract, promise, or agreement to make a gift, subscription, donation, unpaid or partially unpaid loan, advance, deposit of money, or anything of value to a filing entity;
 - c. any transfer of funds from a reporting entity (a candidate, a candidate’s personal campaign committee, a judge, a judge’s personal campaign committee, an officeholder, a party committee, a political action committee, a political issues committee, a corporation, or a labor organization) to a filing entity;
 - d. compensation paid by any person or reporting entity other than the filing entity for personal services provided without charge to the filing entity;
 - e. remuneration from:
 - i. any organization or the organization’s directly affiliated organization that has a registered lobbyist; or
 - ii. any agency or subdivision of the state, including a school district; or

f. an in-kind contribution.

Utah Code §20A-7-101(7), (20) (2019)

Utah Code § 20A-11-101(3), (17), (41) (2019)

Utah Code § 20A-11-1202, (3), (6), (11), (12), (13) (17) (2019)

District Email May Not be Used for Political Purposes—

No person may use any District email system or service for a political purpose, or to solicit a campaign contribution, or to advocate for or against a proposed initiative, initiative, proposed referendum, or referendum. An email sent in violation of this restriction is a record subject to the Government Records Access and Management Act and is not considered a personal note or personal communication.

Utah Code § 20A-11-1205(1), (7) (2019)

This prohibition does not apply in any of the following circumstances:

1. The person sending the email is directly providing information solely to another person or group of people in response to a question asked by the other person or group of people.
2. The information that the person emails is an argument or rebuttal argument prepared under Utah Code § 20A-7-401.5 or [Utah Code § 20A-7-402](#) and the email satisfies all of the requirements of [Utah Code § 20A-11-1205\(5\)\(c\)](#).
3. The person is engaging in:
 - a. Communication solely within the District (with persons who have email accounts in the District's email system); or
 - b. Communication solely with another public entity; or
 - c. Communication solely with the District's legal counsel; or
 - d. Communication solely with the sponsors of the initiative or referendum that the email relates to.

Utah Code § 20A-11-1205(5)(b), (c) (2019)