

# House panel OKs bill to make political emails on government accounts public records

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SALT LAKE CITY — A House committee on Friday approved a scaled-back version of a bill that would make politically-related personal communications on government-issued resources subject to open records requests.

Rep. Justin Fawson, R-North Ogden, drafted HB72 with the intent to discourage state and local officials and employees from using taxpayer-funded resources for personal political communications, such as campaigning.

"Their (government) email shouldn't be used for political purpose," Fawson said in an interview Friday. "The problem is, there's no method to discover (records) in violation of the law or not." It's already against the law to use government resources to campaign, but Fawson said because personal communication is protected under the Government Records Access and Management Act, politically-related texts or emails could still be classified as private.

Fawson originally drafted the bill to modify the definition of "record" in the GRAMA law to include personal communication of a political nature that is "prepared, owned, received, or retained by a governmental entity or political subdivision."

But after several groups including the Utah Association of Counties and Utah League of Cities and Towns expressed concern that the bill was too broad — perhaps including even emails sent on a library computer or text messages sent on a private cellphone over government wifi — Fawson changed the bill to only include emails sent from government email accounts for a political purpose.

If an email is sent in violation of the law violating the use of public email for a political purpose, as determined by the records officer, it would be subject to public records laws, the substituted bill states.

In a committee hearing earlier this week, Layton City Attorney Gary Crane, who was also representing the Utah League of Cities and Towns, said city recorders across the state had been "unsettled and freaking out" about the first version of Fawson's bill, raising concerns of how recorders would even sift through the records.

"We're prohibited from doing any type of political activity from within our workplace, but when you start to get into people's homes and their private lives after hours and look at exactly what they're looking at or what they're sending, I think you've gone over the top and it makes it impossible for our recorders to be able to get ahold of that information," Crane said.

Marina Lowe, a spokeswoman for the American Civil Liberties Union of Utah, said the bill could also create a "chilling" effect on the "ability of public employees to engage in political speech," which could violate the First Amendment. The Utah Media Coalition had similar concerns. Fawson acknowledged on Friday the first version of his bill was "problematic," but after he substituted the bill to narrow its definition, groups supported moving forward with his proposal.

The new version of the bill "strikes an appropriate balance and compromise," said Renee Cowley of the Utah Media Coalition.

The bill now goes to the House floor for consideration.