

**Superseded 5/10/2016**

**11-49-501 Ethics complaints -- Who may file -- Form.**

- (1)
  - (a) Notwithstanding any other provision, the following may file a complaint, subject to the requirements of Subsections (1)(b) and (c) and Section 11-49-301, against a political subdivision officer or employee:
    - (i) two or more registered voters who reside within the boundaries of a political subdivision;
    - (ii) two or more registered voters who pay a fee or tax to a political subdivision; or
    - (iii) one or more registered voters who reside within the boundaries of a political subdivision and one or more registered voters who pay a fee or tax to the political subdivision.
  - (b) A person described in Subsection (1)(a) may not file a complaint unless at least one person described in Subsection (1)(a)(i), (ii), or (iii) has actual knowledge of the facts and circumstances supporting the alleged ethics violation.
  - (c) A complainant may file a complaint only against an individual who, on the date that the complaint is filed, is serving as a political subdivision officer or is a political subdivision employee.
- (2)
  - (a)
    - (i) A complainant shall file a complaint with the Office of the Lieutenant Governor.
    - (ii) The lieutenant governor shall forward the complaint to the chair of the commission no later than five days after the day on which the complaint is filed.
  - (b) An individual may not file a complaint during the 60 calendar days immediately preceding:
    - (i) a regular primary election, if the accused political subdivision officer is a candidate in the primary election; or
    - (ii) a regular general election in which an accused political subdivision officer is a candidate, unless the accused political subdivision officer is unopposed in the election.
- (3) A complainant shall ensure that each complaint filed under this section is in writing and contains the following information:
  - (a) the name and position of the political subdivision officer or employee alleged to be in violation;
  - (b) the name, address, and telephone number of each individual who is filing the complaint;
  - (c) a description of each alleged ethics violation, as applicable of:
    - (i) Title 10, Chapter 3, Part 13, Municipal Officers' and Employees' Ethics Act;
    - (ii) Title 17, Chapter 16a, County Officers and Employees Disclosure Act; or
    - (iii) Title 67, Chapter 16, Utah Public Officers' and Employees' Ethics Act;
  - (d) include for each alleged ethics violation:
    - (i) a reference to the section of the code alleged to have been violated;
    - (ii) the name of the complainant who has actual knowledge of the facts and circumstances supporting each allegation; and
    - (iii) with reasonable specificity, the facts and circumstances supporting each allegation, which shall be provided by:
      - (A) copies of official records or documentary evidence; or
      - (B) one or more affidavits that include the information required in Subsection (4);
  - (e) a list of the witnesses that a complainant wishes to have called, including for each witness:
    - (i) the name, address, and, if available, one or more telephone numbers of the witness;
    - (ii) a brief summary of the testimony to be provided by the witness; and
    - (iii) a specific description of any documents or evidence a complainant desires the witness to produce;
  - (f) a statement that each complainant:

- (i) has reviewed the allegations contained in the complaint and the sworn statements and documents attached to the complaint;
  - (ii) believes that the complaint is submitted in good faith and not for any improper purpose such as for the purpose of harassing the respondent, causing unwarranted harm to the respondent's reputation, or causing unnecessary expenditure of public funds; and
  - (iii) believes the allegations contained in the complaint to be true and accurate; and
  - (g) the signature of each complainant.
- (4) An affidavit described in Subsection (3)(d)(iii)(B) shall include:
- (a) the name, address, and telephone number of the signer;
  - (b) a statement that the signer has actual knowledge of the facts and circumstances alleged in the affidavit;
  - (c) the facts and circumstances testified by the signer;
  - (d) a statement that the affidavit is believed to be true and correct and that false statements are subject to penalties of perjury; and
  - (e) the signature of the signer.