

## Part 4 Ethics Complaints

### 63A-14-401 Title.

This part is known as "Ethics Complaints."

Enacted by Chapter 426, 2013 General Session

### 63A-14-402 Ethics complaints -- Filing -- Form.

- (1)
  - (a) The following individuals may file an ethics complaint against an executive branch elected official if the complaint meets the requirements of Section 63A-14-302 and Subsection (1)(b):
    - (i) two or more executive branch elected officials, deputies of elected officials, executive directors of departments in the executive branch, or directors of divisions in the executive branch, if the complaint contains evidence or sworn testimony that:
      - (A) describes the facts and circumstances supporting the alleged violation; and
      - (B) is generally admissible under the Utah Rules of Evidence; or
    - (ii) two or more registered voters who currently reside in Utah and are not individuals described in Subsection (1)(a)(i), if, for each alleged violation pled in the complaint, at least one of those registered voters has actual knowledge of the facts and circumstances supporting the alleged violation.
  - (b) Complainants may file a complaint only against an individual who is serving as an executive branch elected official on the date that the complaint is filed.
- (2)
  - (a) The lieutenant governor shall post, on the home page of the lieutenant governor's website, a conspicuous and clearly identified link to the name and address of a person authorized to accept a complaint on behalf of the commission.
  - (b) Complainants shall file a complaint with the person described in Subsection (2)(a).
  - (c) An individual may not file a complaint during the 60 calendar days immediately preceding:
    - (i) a regular primary election in which the accused executive branch elected official is a candidate; or
    - (ii) a regular general election in which the accused executive branch elected official is a candidate, unless the accused executive branch elected official is unopposed in the election.
- (3) The complainants shall ensure that each complaint filed under this rule is in writing and contains the following information:
  - (a) the name and position or title of the respondent;
  - (b) the name, address, and telephone number of each individual who is filing the complaint;
  - (c) a description of each alleged violation, including for each alleged violation:
    - (i) a reference to any criminal provision that the respondent is alleged to have violated;
    - (ii) a reference to any other provision of law that the respondent is alleged to have violated or failed to comply with;
    - (iii) the name of the complainant or complainants who have actual knowledge of the supporting facts and circumstances; and
    - (iv) the facts and circumstances supporting the allegation, which shall be provided by:
      - (A) copies of official records or documentary evidence; or

- (B) one or more affidavits, each of which shall comply with the format described in Subsection (4);
  - (d) a list of the witnesses that the complainants desire to call, 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 the complainants desire the witness to produce;
  - (e) a statement that each complainant:
    - (i) has reviewed the allegations contained in the complaint and the affidavits and documents attached to the complaint;
    - (ii) believes that the complaint is submitted in good faith and not for any improper purpose; and
    - (iii) believes the allegations contained in the complaint to be true and accurate; and
  - (f) the signature of each complainant.
- (4) An affidavit described in Subsection (3)(c)(iv)(B) shall include:
- (a) the name, address, and telephone number of the affiant;
  - (b) a statement that the affiant has actual knowledge of the facts and circumstances described in the affidavit;
  - (c) the facts and circumstances testified to by the affiant;
  - (d) a statement that the affidavit is believed to be true and correct and that false statements are subject to penalties for perjury; and
  - (e) the signature of the affiant.

Enacted by Chapter 426, 2013 General Session

**63A-14-403 Privacy of ethics complaint -- Dismissal -- Contempt.**

- (1)
- (a) Except as provided in Subsection (2) or (3), a person, including the complainant, the respondent, a commission member, or staff to the commission may not disclose the existence of a complaint, a response, or any information concerning an alleged violation that is the subject of a complaint.
  - (b) A person that violates this Subsection (1) may be held in contempt of the commission in accordance with Section 63A-14-705.
- (2) The restrictions described in Subsection (1) do not apply to:
- (a) a complaint or response that is publicly released by the commission and referred to the Legislature; or
  - (b) the respondent's voluntary disclosure that the commission determined that all allegations in a complaint are without merit, after the commission issues an order dismissing the complaint under Section 63A-14-605.
- (3) Nothing in this section prevents a person from disclosing facts or allegations regarding potential criminal violations to law enforcement authorities.
- (4) If the existence of an ethics complaint is publicly disclosed by a person, other than the respondent or an agent of the respondent, during the period that the commission is reviewing the complaint, the commission shall summarily dismiss the complaint without prejudice.

Enacted by Chapter 426, 2013 General Session