

Part 1 Ethical Standards for Legislators

JR6-1-101 Legislative ethics.

- (1) The Utah Legislature consists of people who work part-time and must necessarily earn their living in other jobs and professions.
- (2) It is necessary to reconcile the functions of privately employed legislators who have their own private interests with the maintenance of high ethical standards and public confidence.
- (3) In seeking to balance these interests, it is necessary to avoid controls that might be so strict that they discourage capable and honorable persons from entering legislative service.
- (4) It is recognized that public confidence in the Legislature should be promoted and that competent members should serve in the Legislature even though most of them have private interests of various types.
- (5) It is also recognized that a citizen legislator is in a different position in doing business with the state and its political subdivisions than a public servant whose chief source of livelihood is derived from public funds.

JR6-1-102 Code of official conduct.

- (1) Each legislator shall comply with the guidelines established in Subsection (2).
- (2) In judging members of its house charged with an ethical violation, the Senate and House Ethics Committees shall consider whether or not the member has violated any of the following guidelines:
 - (a) Members of the Senate and House shall not engage in any employment or other activity that would destroy or impair their independence of judgment.
 - (b) Members of the Senate and House shall not be paid by a person, as defined in JR6-1-202, to lobby, consult, or to further the interests of any legislation or legislative matter.
 - (c) Members of the Senate and House shall not exercise any undue influence on any governmental entity. "Undue influence" means deceit or threat of violence.
 - (d) Members of the Senate and House shall not engage in any activity that would be an abuse of official position or a violation of trust.
 - (e) Members of the Senate and House shall not use any nonpublic information obtained by reason of their official position to gain advantage over any business or professional competition for activities with the state and its political subdivisions.
 - (f) Members of the Senate and House shall not engage in any business relationship or activity that would require the disclosure of confidential information obtained because of their official position.
 - (g) Members of the Senate and House shall not use their official position to secure privileges for themselves or others.
 - (h) While in session, members of the Senate and House shall disclose any conflict of interest on any legislation or legislative matter as provided in JR6-1-201.
 - (i) Members of the Senate and House may accept small gifts, awards, or contributions if these favors do not influence them in the discharge of official duties.
 - (j) Except as provided in Subsection (3), members of the Senate and the House may engage in business or professional activities with the state or its political subdivisions if the activities are entered into under the same conditions and in the same manner applicable to any private citizen or company engaged in similar activities.

- (k) Legislators may enter into transactions with the state by contract by following the procedures and requirements of Utah Code Title 63G, Chapter 6a, Utah Procurement Code.
- (3)
- (a) As also required by Section 36-19-1, a legislator, member of the legislator's household, or client may not be a party to or have an interest in the profits or benefits of a state contract when the state contract is the direct result of a bill sponsored by the legislator, unless the contract is let in compliance with state procurement policies and is open to the general public.
 - (b) Besides the penalties authorized by these rules, Section 36-19-1 also provides that any person violating this section is guilty of a class B misdemeanor.

JR6-1-103 Receipt of campaign donations.

- (1) As used in this section:
- (a) "Campaign contribution" means cash or a negotiable instrument contributed for a political purpose to a campaigner.
 - (b) "Campaigner" means:
 - (i) a legislative office candidate;
 - (ii) an individual who holds a legislative office;
 - (iii) a personal campaign committee of a person described in Subsection (1)(b)(i) or (ii);
 - (iv) a political action committee controlled by a person described in Subsection (1)(b)(i) or (ii); or
 - (v) a person acting on behalf of a person described in Subsections (1)(b)(i) through (iv).
 - (c) "Capitol hill" is as defined in Utah Code Section 36-5-1.
 - (d) "Indirect campaign contribution" means a campaign contribution that is delivered to a campaigner:
 - (i) when the campaigner is not present; or
 - (ii) via a third party or delivery service.
 - (e) "Political purpose" has the same meaning as "political purposes" as defined in Utah Code Section 20A-11-101.
- (2)
- (a) A campaigner may not accept receipt of a campaign contribution on capitol hill.
 - (b) A legislator who is in violation of this section is subject to an ethics complaint regardless of whether the violation occurred while the legislator was a legislative office holder or a legislative office candidate.
- (3) Notwithstanding Subsection (2), a campaigner shall not be considered to have accepted receipt of a campaign contribution if:
- (a) the campaign contribution is an indirect campaign contribution; and
 - (b) the campaigner promptly:
 - (i) returns the campaign contribution to the donor; or
 - (ii) refuses the campaign contribution in a written communication or other verifiable manner.