

1 **JOINT RULES RESOLUTION ON CAMPAIGN**

2 **CONTRIBUTIONS**

3 2013 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Gregory H. Hughes**

6 Senate Sponsor: John L. Valentine

7 Cosponsor: Craig Hall

8

9 **LONG TITLE**

10 **General Description:**

11 This rules resolution amends the joint legislative rules on ethics.

12 **Highlighted Provisions:**

13 This rules resolution:

- 14 ▶ provides definitions;
- 15 ▶ establishes that it is a violation of legislative ethics for a legislator to accept a
- 16 campaign contribution on capitol hill; and
- 17 ▶ provides that a violation of the prohibition is subject to the ethics review and
- 18 complaint process.

19 **Special Clauses:**

20 None

21 **Legislative Rules Affected:**

22 AMENDS:

23 **JR6-2-201**

24 ENACTS:

25 **JR6-1-103**

26

27 *Be it resolved by the Legislature of the state of Utah:*

28 Section 1. **JR6-1-103** is enacted to read:

29 JR6-1-103. Receipt of campaign donations.

30 (1) As used in this section:

31 (a) "Campaign contribution" means cash or a negotiable instrument contributed for a
32 political purpose to a campaigner.

33 (b) "Campaigner" means:

34 (i) a legislative office candidate;

35 (ii) an individual who holds a legislative office;

36 (iii) a personal campaign committee of a person described in Subsection (1)(b)(i) or
37 (ii);

38 (iv) a political action committee controlled by a person described in Subsection
39 (1)(b)(i) or (ii); or

40 (v) a person acting on behalf of a person described in Subsections (1)(b)(i) through
41 (iv).

42 (c) "Capitol hill" is as defined in Section 36-5-1.

43 (d) "Indirect campaign contribution" means a campaign contribution that is delivered to
44 a campaigner:

45 (i) when the campaigner is not present; or

46 (ii) via a third party or delivery service.

47 (e) "Political purpose" has the same meaning as "political purposes" as defined in
48 section 20A-11-101.

49 (2) (a) A campaigner may not accept receipt of a campaign contribution on capitol hill.

50 (b) A legislator who is in violation of this section is subject to an ethics complaint
51 regardless of whether the violation occurred while the legislator was a legislative office holder
52 or a legislative office candidate.

53 (3) Notwithstanding Subsection (2), a campaigner shall not be considered to have
54 accepted receipt of a campaign contribution if:

55 (a) the campaign contribution is an indirect campaign contribution; and

56 (b) the campaigner promptly:

- 57 (i) returns the campaign contribution to the donor; or
- 58 (ii) refuses the campaign contribution in a written communication or other verifiable
- 59 manner.

60 Section 2. **JR6-2-201** is amended to read:

61 **JR6-2-201. Authority to Review Complaint -- Grounds for Complaint --**
62 **Limitations on Filings.**

63 (1) Subject to the requirements of this chapter, the Senate Ethics Committee, the House
64 Ethics Committee, and the Independent Legislative Ethics Commission are authorized to
65 review an ethics complaint against a legislator if the complaint alleges:

- 66 (a) a violation of the Code of Official Conduct as provided in JR6-1-102;
- 67 (b) a violation of JR6-1-103;
- 68 ~~[(b)]~~ (c) a conviction of, or a plea of guilty to, a crime involving moral turpitude; or
- 69 ~~[(c)]~~ (d) a plea of no contest or a plea in abeyance to a crime involving moral turpitude.

70 (2) (a) For an alleged violation under Subsection (1)(a), the complaint must be filed
71 within two years of the date that the action or omission that forms the basis of the alleged
72 violation occurred or within two years of the date that the action or omission would have been
73 discovered by a reasonable person.

74 (b) For an alleged violation under Subsection (1)~~[(b)]~~(c) or ~~[(c)]~~ (d), the complaint
75 shall be filed within two years of the date that the plea or conviction that forms the basis of the
76 allegation was entered.

77 (3) (a) A complaint may not contain an allegation if that allegation and the general
78 facts and circumstances supporting that allegation have been previously reviewed by the
79 commission or an ethics committee unless:

80 (i) the allegation was previously reviewed by the commission and dismissed without
81 being referred to an ethics committee for review;

82 (ii) the allegation is accompanied by material facts or circumstances supporting the
83 allegation that were not raised or pled to the commission when the allegation was previously
84 reviewed; and

85 (iii) the allegation and the general facts and circumstances supporting that allegation
86 have only been reviewed by the commission on one previous occasion.

87 (b) If an allegation in the complaint does not comply with the requirements of
88 Subsection (3)(a), the allegation shall be summarily dismissed with prejudice by:

89 (i) the chair of the Independent Legislative Ethics Commission, when reviewing the
90 complaint under JR6-4-101; or

91 (ii) the commission, when reviewing the complaint under JR6-4-201.