

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

8 **LONG TITLE**

9 **General Description:**

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

11 **Highlighted Provisions:**

12 This rules resolution:

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

18 **Special Clauses:**

19 None

20 **Legislative Rules Affected:**

21 AMENDS:

22 **JR6-2-201**

23 ENACTS:

24 **JR6-1-103**

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

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



28 **JR6-1-103. Receipt of campaign donations.**

29 (1) As used in this section:

30 (a) "Campaign contribution" has the same meaning as "contribution" as defined in
31 Section 20A-11-101.

32 (b) "Capitol hill" is as defined in Section 36-5-1.

33 (c) "Indirect campaign contribution" means a campaign contribution that is delivered to
34 a legislator:

35 (i) when the legislator is not present; or

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

37 (2) It is an ethical violation for a legislator to accept receipt of a campaign contribution
38 on capitol hill.

39 (3) Notwithstanding Subsection (2), a legislator shall not be considered to have
40 accepted receipt of a campaign contribution if:

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

42 (b) the legislator promptly:

43 (i) returns the campaign contribution to the donor; or

44 (ii) refuses the campaign contribution in a written communication or other verifiable
45 manner.

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

47 **JR6-2-201. Authority to Review Complaint -- Grounds for Complaint --**

48 **Limitations on Filings.**

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

52 (a) a violation of the Code of Official Conduct as provided in JR6-1-102;

53 (b) a violation of JR6-1-103;

54 ~~(c)~~ (c) a conviction of, or a plea of guilty to, a crime involving moral turpitude; or

55 ~~(d)~~ (d) a plea of no contest or a plea in abeyance to a crime involving moral turpitude.

56 (2) (a) For an alleged violation under Subsection (1)(a), the complaint must be filed
57 within two years of the date that the action or omission that forms the basis of the alleged
58 violation occurred or within two years of the date that the action or omission would have been

59 discovered by a reasonable person.

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

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

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

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

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

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

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

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

Legislative Review Note
as of 2-1-13 2:57 PM

Office of Legislative Research and General Counsel