

POLITICAL SUBDIVISION ETHICS COMMISSION

AMENDMENTS

2016 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jack R. Draxler

Senate Sponsor: Margaret Dayton

LONG TITLE

General Description:

This bill modifies provisions related to filing a complaint with the Political Subdivisions Ethics Review Commission.

Highlighted Provisions:

This bill:

► addresses the individual with whom a complainant may file a complaint against a political subdivision officer or employee.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

11-49-501, as enacted by Laws of Utah 2012, Chapter 202

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **11-49-501** is amended to read:

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:

30 (i) two or more registered voters who reside within the boundaries of a political
31 subdivision;

32 (ii) two or more registered voters who pay a fee or tax to a political subdivision; or

33 (iii) one or more registered voters who reside within the boundaries of a political
34 subdivision and one or more registered voters who pay a fee or tax to the political subdivision.

35 (b) A person described in Subsection (1)(a) may not file a complaint unless at least one
36 person described in Subsection (1)(a)(i), (ii), or (iii) has actual knowledge of the facts and
37 circumstances supporting the alleged ethics violation.

38 (c) A complainant may file a complaint only against an individual who, on the date that
39 the complaint is filed, is serving as a political subdivision officer or is a political subdivision
40 employee.

41 ~~[(2) (a) (i) A complainant shall file a complaint with the Office of the Lieutenant
42 Governor.]~~

43 ~~[(ii) The lieutenant governor shall forward the complaint to the chair of the
44 commission no later than five days after the day on which the complaint is filed.]~~

45 (2) (a) The lieutenant governor shall post, on the homepage of the lieutenant governor's
46 website, a conspicuous and clearly identified link to the name and address of an individual
47 authorized to accept a complaint on behalf of the commission.

48 (b) A complainant shall file a complaint with the individual described in Subsection
49 (2)(a).

50 ~~[(b)]~~ (c) An individual may not file a complaint during the 60 calendar days
51 immediately preceding:

52 (i) a regular primary election, if the accused political subdivision officer is a candidate
53 in the primary election; or

54 (ii) a regular general election in which an accused political subdivision officer is a
55 candidate, unless the accused political subdivision officer is unopposed in the election.

56 (3) A complainant shall ensure that each complaint filed under this section is in writing
57 and contains the following information:

58 (a) the name and position of the political subdivision officer or employee alleged to be
59 in violation;

60 (b) the name, address, and telephone number of each individual who is filing the
61 complaint;

62 (c) a description of each alleged ethics violation, as applicable of:

63 (i) Title 10, Chapter 3, Part 13, Municipal Officers' and Employees' Ethics Act;

64 (ii) Title 17, Chapter 16a, County Officers and Employees Disclosure Act; or

65 (iii) Title 67, Chapter 16, Utah Public Officers' and Employees' Ethics Act;

66 (d) include for each alleged ethics violation:

67 (i) a reference to the section of the code alleged to have been violated;

68 (ii) the name of the complainant who has actual knowledge of the facts and
69 circumstances supporting each allegation; and

70 (iii) with reasonable specificity, the facts and circumstances supporting each allegation,
71 which shall be provided by:

72 (A) copies of official records or documentary evidence; or

73 (B) one or more affidavits that include the information required in Subsection (4);

74 (e) a list of the witnesses that a complainant wishes to have called, including for each
75 witness:

76 (i) the name, address, and, if available, one or more telephone numbers of the witness;

77 (ii) a brief summary of the testimony to be provided by the witness; and

78 (iii) a specific description of any documents or evidence a complainant desires the
79 witness to produce;

80 (f) a statement that each complainant:

81 (i) has reviewed the allegations contained in the complaint and the sworn statements
82 and documents attached to the complaint;

83 (ii) believes that the complaint is submitted in good faith and not for any improper
84 purpose such as for the purpose of harassing the respondent, causing unwarranted harm to the
85 respondent's reputation, or causing unnecessary expenditure of public funds; and

- 86 (iii) believes the allegations contained in the complaint to be true and accurate; and
87 (g) the signature of each complainant.
- 88 (4) An affidavit described in Subsection (3)(d)(iii)(B) shall include:
89 (a) the name, address, and telephone number of the signer;
90 (b) a statement that the signer has actual knowledge of the facts and circumstances
91 alleged in the affidavit;
92 (c) the facts and circumstances testified by the signer;
93 (d) a statement that the affidavit is believed to be true and correct and that false
94 statements are subject to penalties of perjury; and
95 (e) the signature of the signer.