

Utah State Board of Education Ethics Amendments

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Sahara Hayes

Senate Sponsor: John D. Johnson

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LONG TITLE

General Description:

This bill establishes comprehensive ethics standards, complaint procedures, and enforcement mechanisms for members of the State Board of Education.

Highlighted Provisions:

This bill:

- ▶ establishes a code of official conduct for State Board of Education members in statute;
- ▶ creates requirements for conflict of interest disclosures and ethics training;
- ▶ establishes procedures for filing ethics complaints against board members;
- ▶ creates an independent ethics commission to investigate complaints;
- ▶ establishes hearing procedures, evidentiary standards, and due process protections;
- ▶ provides for disciplinary actions for violations;
- ▶ establishes confidentiality requirements and contempt provisions; and
- ▶ provides authority for subpoenas and witness examination.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:

53E-3-1301, Utah Code Annotated 1953

53E-3-1302, Utah Code Annotated 1953

53E-3-1303, Utah Code Annotated 1953

53E-3-1304, Utah Code Annotated 1953

53E-3-1305, Utah Code Annotated 1953

28        **53E-3-1306**, Utah Code Annotated 1953  
 29        **53E-3-1307**, Utah Code Annotated 1953  
 30        **53E-3-1308**, Utah Code Annotated 1953  
 31        **53E-3-1309**, Utah Code Annotated 1953  
 32        **53E-3-1310**, Utah Code Annotated 1953  
 33        **53E-3-1311**, Utah Code Annotated 1953  
 34        **53E-3-1312**, Utah Code Annotated 1953  
 35        **53E-3-1313**, Utah Code Annotated 1953  
 36        **53E-3-1314**, Utah Code Annotated 1953  
 37        **53E-3-1315**, Utah Code Annotated 1953  
 38        **53E-3-1316**, Utah Code Annotated 1953  
 39        **53E-3-1317**, Utah Code Annotated 1953  
 40        **53E-3-1318**, Utah Code Annotated 1953  
 41        **53E-3-1319**, Utah Code Annotated 1953

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

44            Section 1. Section **53E-3-1301** is enacted to read:

45                    **Part 13. State Board Member Ethics and Adjudication of Ethics Complaints**

46                    **53E-3-1301 . General provisions -- Definitions.**

- 47        (1) The State Board of Education consists of individuals who serve part-time and must  
 48            necessarily earn their living in other jobs and professions.  
 49        (2) It is necessary to reconcile the functions of board members who have private interests  
 50            with the maintenance of high ethical standards and public confidence.  
 51        (3) In seeking to balance these interests, it is necessary to avoid controls that might be so  
 52            strict that they discourage capable and honorable persons from seeking election to the  
 53            board.  
 54        (4) It is recognized that public confidence in the board should be promoted and that  
 55            competent members should serve on the board even though most have private interests  
 56            of various types.  
 57        (5) It is also recognized that an elected board member is in a different position in doing  
 58            business with the state and its political subdivisions than a public servant whose chief  
 59            source of livelihood is derived from public funds.  
 60        (6) As used in this part:  
 61            (a) "Board" means the State Board of Education.

- 62 (b) "Board leadership" means the chair and vice chair of the State Board of Education.
- 63 (c) "Board member" means an individual who is elected to serve as a member of the
- 64 State Board of Education.
- 65 (d) "Commission" means the independent ethics commission established under Section
- 66 53E-3-1303.
- 67 (e) "Complainant" means an individual who files an ethics complaint under this part.
- 68 (f) "Complaint" means an ethics complaint filed under Section 53E-3-1305.
- 69 (g) "Conflict of interest" means the same as that term is defined in Section 20A-11-1602.
- 70 (h) "Final decision or order" means a decision or order that determines the rights of the
- 71 parties and concerns which appellate remedies have been exhausted or that the time
- 72 for appeal has expired.
- 73 (i) "Person" includes an individual, a partnership, an association, an organization, a
- 74 company, and a body politic and corporate, or a lobbyist, but does not include an
- 75 individual or entity that provides the board member's primary source of income.
- 76 (j) "Respondent" means a board member against whom an ethics complaint is filed.

77 Section 2. Section **53E-3-1302** is enacted to read:

78 **53E-3-1302 . Code of official conduct.**

- 79 (1) Each board member shall comply with the requirements established in Subsection (2).
- 80 (2) Board members shall not engage in conduct that violates any of the following standards:
- 81 (a) a board member may not engage in any employment or other activity that would
- 82 destroy or impair the board member's independence of judgment;
- 83 (b) a board member may not be paid by a person to lobby, consult, or to further the
- 84 interests of any matter before the board, except that a person may pay a board
- 85 member to lobby, as defined in Section 36-11-102, for the purpose of influencing
- 86 federal legislative or federal executive action;
- 87 (c) a board member may not exercise any undue influence on any governmental entity,
- 88 where "undue influence" means deceit or threat of violence;
- 89 (d) a board member may not engage in any activity that would be an abuse of official
- 90 position or a violation of trust;
- 91 (e) a board member may not use any nonpublic information obtained by reason of the
- 92 board member's official position to gain advantage over any business or professional
- 93 competition for activities with the state and its political subdivisions;
- 94 (f) a board member may not engage in any business relationship or activity that would
- 95 require the disclosure of confidential information obtained because of the board

- 96            member's official position;
- 97            (g) a board member may not use the board member's official position to secure
- 98            privileges for the board member or others;
- 99            (h) a board member shall disclose any conflict of interest on any matter before the board
- 100           as provided in Section 53E-3-1309;
- 101           (i) a board member may accept small gifts, awards, or contributions if these favors do
- 102           not influence the board member in the discharge of official duties;
- 103           (j) a board member may engage in business or professional activities with the state or its
- 104           political subdivisions if the activities are entered into under the same conditions and
- 105           in the same manner applicable to any private citizen or company engaged in similar
- 106           activities; and
- 107           (k) a board member may enter into transactions with the state by contract by following
- 108           the procedures and requirements of Title 63G, Chapter 6a, Utah Procurement Code.
- 109        (3) A board member may not engage in conduct that:
- 110           (a) violates student privacy rights under the Family Educational Rights and Privacy Act,
- 111           20 U.S.C. Sec. 1232g, or Title 53E, Chapter 9, Student Privacy and Data Protection;
- 112           (b) constitutes discrimination, harassment, or retaliation against students, educators, or
- 113           members of the public;
- 114           (c) involves improper use of board resources for personal or political purposes; or
- 115           (d) undermines the board's constitutional and statutory responsibilities for general
- 116           supervision and control over public education.
- 117        (4) Nothing in this section shall be construed to limit a board member's freedom of speech
- 118           or ability to represent constituents' interests in board deliberations.
- 119        (5) A violation of this section may result in disciplinary action as provided in Section
- 120           53E-3-1313, but only the Legislature may remove an elected board member from office
- 121           through impeachment proceedings under Utah Constitution, Article VI, Section 19.
- 122           Section 3. Section **53E-3-1303** is enacted to read:
- 123           **53E-3-1303 . Independent ethics commission -- Membership -- Terms.**
- 124        (1) There is established an independent ethics commission to review ethics complaints
- 125           against board members.
- 126        (2) The commission consists of five persons, each of whom is registered to vote in this
- 127           state, appointed as follows:
- 128           (a) two members, who have served as judges of a court of record in this state, each of
- 129           whom the board leadership shall nominate and the board shall appoint by a majority

- 130 vote;
- 131 (b) two members, who have served as a member of the board no more recently than four
- 132 years before the date of appointment, each of whom the board leadership shall
- 133 nominate and the board shall appoint by a majority vote; and
- 134 (c) one member, who has served as a school district superintendent or charter school
- 135 director no more recently than two years before the date of appointment, whom the
- 136 board leadership shall nominate and the board shall appoint by a majority vote.
- 137 (3) A member of the commission may not, during the member's term of office on the
- 138 commission, act or serve as:
- 139 (a) an officeholder as defined in Section 20A-11-101;
- 140 (b) an agency head as defined in Section 67-16-3;
- 141 (c) a lobbyist as defined in Section 36-11-102; or
- 142 (d) a principal as defined in Section 36-11-102.
- 143 (4)(a) Except as provided in Subsection (4)(b), each member of the commission shall
- 144 serve a four-year term.
- 145 (b) When appointing the initial members upon formation of the commission, one
- 146 member nominated under Subsection (2)(a) and one member nominated under
- 147 Subsection (2)(b) shall be appointed to a two-year term so that approximately half of
- 148 the commission is appointed every two years.
- 149 (c)(i) When a vacancy occurs in the commission's membership for any reason, a
- 150 replacement member shall be appointed for the unexpired term of the vacating
- 151 member using the procedures and requirements of Subsection (2).
- 152 (ii) For the purposes of this section, an appointment for an unexpired term of a
- 153 vacating member is not considered a full term.
- 154 (d) A member may not be appointed to serve for more than two full terms, whether those
- 155 terms are two or four years.
- 156 (e) A member of the commission may resign from the commission by giving one
- 157 month's written notice of the resignation to the board chair and board leadership.
- 158 (f) The board chair shall remove a member from the commission if the member:
- 159 (i) is convicted of, or enters a plea of guilty to, a crime involving moral turpitude;
- 160 (ii) enters a plea of no contest or a plea in abeyance to a crime involving moral
- 161 turpitude; or
- 162 (iii) fails to meet the qualifications of office as provided in this section.
- 163 (g) If a commission member is accused of wrongdoing in a complaint, or if a

164 commission member is found, under Section 53E-3-1304, to have a conflict of  
165 interest in relation to a complaint, a temporary commission member shall be  
166 appointed to serve in that member's place for the purposes of reviewing that  
167 complaint using the procedures and requirements of Subsection (2).

168 (5)(a) A member of the commission may not receive compensation or benefits for the  
169 member's service, but may receive per diem and expenses incurred in the  
170 performance of the member's official duties as allowed in:

171 (i) Section 63A-3-106; and

172 (ii) rules made by the Division of Finance according to Sections 63A-3-106.

173 (b) A member may decline to receive per diem and expenses for the member's service.

174 (6)(a) The commission members shall convene a meeting biennially in January and  
175 elect, by a majority vote, a commission chair from among the commission members.

176 (b) A person may not serve as chair for more than two consecutive terms.

177 Section 4. Section **53E-3-1304** is enacted to read:

178 **53E-3-1304 . Motion to disqualify commission member for conflict of interest.**

179 (1) A complainant may file a motion to disqualify one or more members of the commission  
180 from participating in proceedings relating to an ethics complaint if the individual files  
181 the motion within 20 days after the later of:

182 (a) the day on which the individual files the ethics complaint; or

183 (b) the day on which the individual knew or should have known of the grounds upon  
184 which the motion is based.

185 (2) A respondent may file a motion to disqualify one or more members of the commission  
186 from participating in proceedings relating to an ethics complaint if the respondent files  
187 the motion within 20 days after the later of:

188 (a) the day on which the respondent receives delivery of the ethics complaint; or

189 (b) the day on which the respondent knew or should have known of the grounds upon  
190 which the motion is based.

191 (3) A motion filed under this section shall include:

192 (a) a statement that the members to whom the motion relates have a conflict of interest  
193 that, under the circumstances, would lead a reasonable person to question the  
194 impartiality of the members;

195 (b) a detailed description of the grounds supporting the statement described in  
196 Subsection (3)(a); and

197 (c) a statement that the motion is filed in good faith, supported by an affidavit or

- 198 declaration under penalty of Title 78B, Chapter 18a, Uniform Unsworn Declarations  
199 Act, stating that the motion and all accompanying statements and documents are true  
200 and correct to the best of the complainant's or respondent's knowledge.
- 201 (4) A party may not file more than one motion to disqualify, unless the second or  
202 subsequent motion:
- 203 (a) is based on grounds of which the party was not aware, and could not have been  
204 aware, at the time of the earlier motion; and
- 205 (b) is accompanied by a statement, included in the affidavit or declaration described in  
206 Subsection (3)(c), explaining how and when the party first became aware of the  
207 grounds described in Subsection (4)(a).
- 208 (5) The commission shall dismiss a motion filed under this section, with prejudice, if the  
209 motion:
- 210 (a) is not timely filed; or
- 211 (b) does not comply with the requirements of this section.
- 212 (6) A member of the commission may:
- 213 (a) on the member's own motion, disqualify the member from participating in  
214 proceedings relating to an ethics complaint if the member believes that the member  
215 has a conflict of interest that, under the circumstances, would lead a reasonable  
216 person to question the impartiality of the member; or
- 217 (b) ask the commission to disqualify another member of the commission if the member  
218 believes that the member has a conflict of interest that, under the circumstances,  
219 would lead a reasonable person to question the impartiality of the member.
- 220 (7)(a) When a party files a motion under this section, or when a commission member  
221 makes a request under Subsection (6)(b), the commission member for whom  
222 disqualification is sought may make the initial determination regarding whether the  
223 commission member has a conflict of interest.
- 224 (b) If a commission member described in Subsection (7)(a) determines that the  
225 commission member has a conflict of interest, the commission member shall  
226 disqualify the commission member from participating in the matter.
- 227 (c) If a commission member described in Subsection (7)(a) determines that the  
228 commission member does not have a conflict of interest, or declines to make the  
229 determination, the remainder of the commission shall, by majority vote, determine  
230 whether the commission member has a conflict of interest.
- 231 (d) A vote of the commission, under Subsection (7)(c), constitutes a final decision on the

232 issue of a conflict of interest.

233 (8) In making a determination under Subsection (7)(c), the commission may:

234 (a) gather additional evidence;

235 (b) hear testimony; or

236 (c) request that the commission member who is the subject of the motion or request file  
 237 an affidavit or declaration responding to questions posed by the commission.

238 Section 5. Section **53E-3-1305** is enacted to read:

239 **53E-3-1305 . Filing ethics complaints -- Form -- Time limitations.**

240 (1)(a) The following individuals, who shall be referred to as complainants, may file a  
 241 complaint against a board member if the complaint meets the requirements of this  
 242 section:

243 (i) two or more members of the board, provided that the complaint contains evidence  
 244 or sworn testimony that:

245 (A) sets forth facts and circumstances supporting the alleged violation; and

246 (B) is evidence or sworn testimony of the type that would generally be admissible  
 247 under the Utah Rules of Evidence; or

248 (ii) two or more registered voters currently residing within Utah, if, for each alleged  
 249 violation pled in the complaint, at least one of those registered voters has personal  
 250 knowledge of the facts and circumstances supporting the alleged violation.

251 (b) A complainant may file a complaint only against an individual who is serving as a  
 252 board member on the date that the complaint is filed.

253 (2)(a) Complainants shall file a complaint with the chair of the commission.

254 (b) Except as provided in Subsection (2)(c), an individual may not file a complaint  
 255 during the 60 calendar days immediately preceding:

256 (i) a regular primary election, if the accused board member is a candidate in the  
 257 primary election; or

258 (ii) a regular general election in which the accused board member is a candidate,  
 259 unless the accused board member is unopposed in the election.

260 (c) Notwithstanding Subsection (2)(b), an individual may file a complaint within the  
 261 time frame provided in Subsection (2)(b) if:

262 (i) the complaint includes evidence that the subject of the complaint has been  
 263 convicted of, pled guilty to, entered a plea of no contest to, or entered a plea in  
 264 abeyance to a crime of moral turpitude; and

265 (ii) the crime of moral turpitude is one of the allegations contained in the complaint.

- 266 (3) The commission and the board are authorized to review an ethics complaint against a  
267 board member if the complaint alleges:
- 268 (a) a violation of the code of official conduct as provided in Section 53E-3-1302;  
269 (b) a conviction of, or a plea of guilty to, a crime involving moral turpitude; or  
270 (c) a plea of no contest or a plea in abeyance to a crime involving moral turpitude.
- 271 (4)(a) For an alleged violation under Subsection (3)(a), the complaint must be filed  
272 within two years of the date that the action or omission that forms the basis of the  
273 alleged violation occurred or within two years of the date that the action or omission  
274 would have been discovered by a reasonable person.
- 275 (b) For an alleged violation under Subsection (3)(b) or (c), the complaint shall be filed  
276 within two years of the date that the plea or conviction that forms the basis of the  
277 allegation was entered.
- 278 (5)(a) A complaint may not contain an allegation if that allegation and the general facts  
279 and circumstances supporting that allegation have been previously reviewed by the  
280 commission or the board unless:
- 281 (i) the allegation was previously reviewed by the commission and dismissed without  
282 being referred to the board for review;
- 283 (ii) the allegation is accompanied by material facts or circumstances supporting the  
284 allegation that were not raised or pled to the commission when the allegation was  
285 previously reviewed; and
- 286 (iii) the allegation and the general facts and circumstances supporting that allegation  
287 have only been reviewed by the commission on one previous occasion.
- 288 (b) If an allegation in the complaint does not comply with the requirements of  
289 Subsection (5)(a), the allegation shall be summarily dismissed with prejudice by the  
290 chair of the commission when reviewing the complaint under Section 53E-3-1306.
- 291 (6) The complainants shall ensure that each complaint filed under this section is in writing  
292 and contains the following information:
- 293 (a) the name and position of the board member alleged to be in violation, who shall be  
294 referred to as the respondent;
- 295 (b) the name, address, and telephone number of each individual who is filing the  
296 complaint;
- 297 (c) a description of each alleged violation, including for each alleged violation:
- 298 (i) a reference to:
- 299 (A) the section of the code of conduct alleged to have been violated; or

- 300           (B) the criminal provision violated and the docket number of the case involving  
 301           the board member;
- 302           (ii) the name of the complainant or complainants who have personal knowledge of  
 303           the facts and circumstances supporting each allegation; and
- 304           (iii) the facts and circumstances supporting each allegation, which shall be provided  
 305           by:
- 306           (A) copies of official records or documentary evidence; or
- 307           (B) one or more affidavits;
- 308           (d) a list of the witnesses that the complainants wish to have called, including for each  
 309           witness:
- 310           (i) the name, address, and, if available, one or more telephone numbers of the witness;
- 311           (ii) a brief summary of the testimony to be provided by the witness; and
- 312           (iii) a specific description of any documents or evidence complainants desire the  
 313           witness to produce;
- 314           (e) a statement that each complainant:
- 315           (i) has reviewed the allegations contained in the complaint and the sworn statements  
 316           and documents attached to the complaint;
- 317           (ii) believes that the complaint is submitted in good faith and not for any improper  
 318           purpose such as for the purpose of harassing the respondent, causing unwarranted  
 319           harm to the respondent's reputation, or causing unnecessary expenditure of public  
 320           funds; and
- 321           (iii) believes the allegations contained in the complaint to be true and accurate; and
- 322           (f) the signature of each complainant.

323           Section 6. Section **53E-3-1306** is enacted to read:

324           **53E-3-1306 . Initial review of ethics complaint -- Commission staff duties --**

325           **Notice.**

- 326           (1) Within five business days after receipt of a complaint, the staff of the commission, in  
 327           consultation with the chair of the commission, shall examine the complaint to determine  
 328           if it is in compliance with Section 53E-3-1305.
- 329           (2)(a) If the chair determines that the complaint does not comply with Section  
 330           53E-3-1305, the chair shall:
- 331           (i) return the complaint to the first complainant named on the complaint with:
- 332           (A) a statement detailing the reason for the non-compliance; and
- 333           (B) a copy of the applicable provisions of this part; and

- 334           (ii) notify the board chair and board leadership that:  
335                (A) a complaint was filed against a board member but was returned for  
336                non-compliance; and  
337                (B) the fact that a complaint was filed and returned shall be kept confidential.  
338       (b) If a complaint is returned for non-compliance with the requirements of this part, the  
339           complainants may file another complaint if the new complaint independently meets  
340           the requirements of Section 53E-3-1305, including any requirements for timely filing.  
341       (3) If the chair determines that the complaint complies with the requirements of Section  
342           53E-3-1305, the chair shall:  
343           (a) accept the complaint;  
344           (b) notify the board chair and board leadership:  
345                (i) that a complaint has been filed against a board member;  
346                (ii) of the identity of the board member who is the subject of the complaint and the  
347                identity of the person or persons filing the complaint;  
348                (iii) of the nature of the allegations contained in the complaint; and  
349                (iv) of the fact that a complaint was filed, the nature of the allegations raised in the  
350                complaint, and the identity of the board member and that the complainants shall  
351                be kept confidential until the commission publicly discloses the existence of the  
352                complaint;  
353           (c) notify each member of the commission that the complaint has been filed and  
354                accepted and that the existence of and contents of the complaint and the identities of  
355                the parties shall be kept confidential; and  
356           (d) promptly forward the complaint to the board member who is the subject of the ethics  
357                complaint via personal delivery or a delivery method that provides verification of  
358                receipt, together with:  
359                (i) notice that the existence of and contents of the complaint, and the identities of the  
360                parties, are confidential and should not be publicly disclosed;  
361                (ii) a copy of the applicable provisions of this part; and  
362                (iii) notice of the board member's deadline for filing a response to the complaint.

363       Section 7. Section **53E-3-1307** is enacted to read:

364       **53E-3-1307 . Response to ethics complaint -- Filing -- Form.**

- 365       (1) The board member that is the subject of the complaint may file a response to the  
366           complaint no later than 30 days after the day on which the board member receives  
367           delivery of the complaint.

- 368     (2) The respondent shall file the response with the commission and shall ensure that the  
369     response is in writing and contains the following information:
- 370     (a) the name, address, and telephone number of the respondent;  
371     (b) for each alleged violation in the complaint:
- 372         (i) each affirmative defense asserted in response to the allegation, including a general  
373             description of each affirmative defense and the facts and circumstances supporting  
374             the defense to be provided by one or more affidavits, each of which shall comply  
375             with the following format:
- 376                 (A) the name, address, and telephone number of the signer;  
377                 (B) a statement that the signer has personal knowledge of the facts and  
378                 circumstances alleged in the affidavit;  
379                 (C) the facts and circumstances testified to by the signer;  
380                 (D) a statement that the affidavit is believed to be true and correct and that false  
381                 statements are subject to penalties of perjury; and  
382                 (E) the signature of the signer; and
- 383             (ii) the facts and circumstances refuting the allegation, which shall be provided by:  
384                 (A) copies of official records or documentary evidence; or  
385                 (B) one or more affidavits;
- 386     (c) a list of the witnesses that the respondent wishes to have called, including for each  
387     witness:
- 388         (i) the name, address, and, if available, telephone number of the witness;  
389         (ii) a brief summary of the testimony to be provided by the witness; and  
390         (iii) a specific description of any documents or evidence the respondent desires the  
391             witness to produce;
- 392     (d) a statement that the respondent:
- 393         (i) has reviewed the allegations contained in the complaint and the sworn statements  
394             and documents attached to the response; and  
395         (ii) believes the contents of the response to be true and accurate; and
- 396     (e) the signature of the respondent.
- 397     (3) Promptly after receiving the response, the commission shall provide copies of the  
398     response to:
- 399     (a) each member of the commission; and  
400     (b) the first named complainant on the complaint.

401     Section 8. Section **53E-3-1308** is enacted to read:

402 **53E-3-1308 . Privacy of ethics complaints -- Contempt -- Dismissal.**

403 (1)(a) Except as provided in Subsection (1)(b), a person, including the complainants, the  
404 respondent, commission members, commission staff, the board chair, board  
405 leadership, or board staff, may not disclose the existence of a complaint, a response,  
406 or any information concerning any alleged violation that is the subject of a complaint.

407 (b) The restrictions in Subsection (1)(a) do not apply to:

408 (i) a complaint or response that is publicly released by the commission and referred  
409 to the board for review under the procedures and requirements of Section  
410 53E-3-1310, and the allegations contained in the publicly released complaint or  
411 response;

412 (ii) the respondent's voluntary disclosure of a finding by the commission that no  
413 allegations in a complaint were proved, after that finding is issued by the  
414 commission under the procedures and requirements of Section 53E-3-1310;

415 (iii) disclosing facts or allegations about potential criminal violations to law  
416 enforcement authorities;

417 (iv) a disclosure by a respondent that is made solely for the purpose of, and only to  
418 the extent necessary for, retaining counsel or conducting an interview, seeking  
419 evidence, or taking other action to prepare to defend against a complaint;

420 (v) a communication between a commission member and the commission's attorneys  
421 or staff; or

422 (vi) a disclosure to a person that is determined necessary, by a majority vote of the  
423 commission, to conduct the duties of the commission.

424 (2) When a person makes a disclosure under Subsection (1)(b)(iv) or (vi), the person  
425 making the disclosure shall inform the person to whom the disclosure is made of the  
426 nondisclosure requirements described in this section.

427 (3) A person who violates the provisions of Subsection (1)(a) is in contempt of the  
428 Legislature and proceedings may be initiated to enforce the finding of contempt using  
429 the procedures provided in Section 36-14-5.

430 (4) If the identity of the board member who is the subject of an ethics complaint or the  
431 identity of the filer of an ethics complaint is publicly disclosed during the period that the  
432 commission is reviewing the complaint, the complaint shall be summarily dismissed  
433 without prejudice.

434 Section 9. Section **53E-3-1309** is enacted to read:

435 **53E-3-1309 . Declaring conflicts of interest.**

- 436 (1) As used in this section, "conflict of interest disclosure" means the same as that term is  
 437 defined in Section 20A-11-1602.
- 438 (2) A board member shall file a conflict of interest disclosure by complying with the  
 439 requirements of Title 20A, Chapter 11, Part 16, Conflict of Interest Disclosures.
- 440 (3) Board staff shall ensure that a link to a board member's conflict of interest disclosure is  
 441 available to the public on the board's website.
- 442 (4) If a board member has actual knowledge that the board member has a conflict of  
 443 interest that is not stated on the board member's financial disclosure form filed under  
 444 Subsection (2), that board member shall, before or during a vote on any matter before  
 445 the board, orally declare to the board:
- 446 (a) that the board member may have a conflict of interest; and  
 447 (b) what that conflict is.
- 448 (5) A verbal declaration of a conflict of interest under Subsection (4) shall be recorded in  
 449 the minutes of the meeting.
- 450 (6) The requirements of this section do not prohibit a board member from voting on any  
 451 matter before the board.

452 Section 10. Section **53E-3-1310** is enacted to read:

453 **53E-3-1310 . Commission review procedures -- Investigation -- Recommendation.**

- 454 (1) By no later than 10 calendar days after the day on which the complaint is accepted  
 455 under Section 53E-3-1306, the commission chair shall:
- 456 (a) schedule a commission meeting on a date no later than 60 calendar days after the  
 457 date on which the chair accepts the complaint;
- 458 (b) place the complaint on the agenda for consideration at that meeting;
- 459 (c) provide notice of the date, time, and location of the meeting to:
- 460 (i) the members of the commission;
- 461 (ii) the first complainant named in the complaint; and
- 462 (iii) the respondent; and
- 463 (d) provide a copy of the complaint to each member of the commission.
- 464 (2) The scope of the commission's review is limited to the alleged violations stated in the  
 465 complaint.
- 466 (3)(a) Before holding the meeting for review of the complaint, the commission chair  
 467 may schedule a separate meeting of the commission for the purposes of:
- 468 (i) hearing motions or arguments from the parties, including hearing motions or  
 469 arguments relating to dismissal of a complaint, admission of evidence, or

- 470                   procedures;
- 471                   (ii) holding a vote of the commission, with or without the attendance of the parties,
- 472                   on procedural or commission business matters relating to a complaint; or
- 473                   (iii) reviewing a complaint, with or without the attendance of the parties, to determine
- 474                   if the complaint should be dismissed in whole or in part, by means of a majority
- 475                   vote of the commission, because it pleads facts or circumstances against a board
- 476                   member that have already been reviewed by the commission or the board as
- 477                   provided in Section 53E-3-1305.
- 478                   (b) Notwithstanding Subsection (1), the commission may, by a majority vote, change the
- 479                   date of the meeting for review of the complaint in order to accommodate:
- 480                   (i) a meeting authorized under Subsection (3)(a); or
- 481                   (ii) necessary scheduling requirements.
- 482                   (4)(a) The commission shall comply with the Utah Rules of Evidence except where the
- 483                   commission determines, by majority vote, that a rule is not compatible with the
- 484                   requirements of this part.
- 485                   (b) The chair shall make rulings on admissibility of evidence, subject to being overruled
- 486                   by a majority vote of the commission.
- 487                   (5)(a) All meetings and hearings authorized in this section are closed to the public.
- 488                   (b) The following individuals may be present during the presentation of testimony and
- 489                   evidence to the commission:
- 490                   (i) the complainants, except that no more than three complainants may be present at
- 491                   one time;
- 492                   (ii) complainants' counsel, if applicable;
- 493                   (iii) the respondent;
- 494                   (iv) the respondent's counsel, if applicable;
- 495                   (v) members of the commission;
- 496                   (vi) staff to the commission;
- 497                   (vii) a witness, while testifying before the commission; and
- 498                   (viii) necessary security personnel.
- 499                   (c) The complainants, respondent, and their respective counsel may be excluded from a
- 500                   portion of the meeting when the commission discusses administrative, procedural,
- 501                   legal, or evidentiary issues by:
- 502                   (i) the order of the chair, subject to override by a majority vote of the commission; or
- 503                   (ii) a majority vote of the commission.

- 504           (d) When the commission deliberates at the conclusion of presentation of testimony and  
505           evidence, the commission shall ensure that those deliberations are closed to all  
506           persons except for the members of the commission and commission staff.
- 507       (6) If a majority of the commission determines that a continuance is necessary to obtain  
508           further evidence and testimony, to accommodate administrative needs, or to  
509           accommodate the attendance of commission members, witnesses, or a party, the  
510           commission shall:
- 511           (a) adjourn and continue the meeting at a future date and time after notice to the parties;  
512           and
- 513           (b) establish that future date and time by majority vote.
- 514       (7)(a) Except as provided in Subsection (7)(b), an individual may not use a camera or  
515           other recording device in any meeting authorized by this section.
- 516           (b) The commission shall keep an audio or video recording of all portions of each  
517           meeting authorized by this section.
- 518       (8) In addition to the recording required in Subsection (7), the chair shall ensure that a  
519           record of the meeting is made, which shall include:
- 520           (a) official minutes taken during the meeting, if any;
- 521           (b) copies of all documents or other items admitted into evidence by the commission;
- 522           (c) copies of any documents or written orders or rulings issued by the chair or the  
523           commission; and
- 524           (d) any other information that a majority of the commission or the chair directs.
- 525       (9) Except for the recommendation prepared by the commission under Subsection (13), any  
526           recording, testimony, evidence, or other record of a meeting authorized by this section is  
527           a private record under Section 63G-2-302 and may not be disclosed.
- 528       (10) The commission shall conduct meetings and hearings in the following order:
- 529           (a) introduction and instructions for procedure and process, at the discretion of the chair;
- 530           (b) complainants' opening argument, to be presented by a complainant or complainants'  
531           counsel;
- 532           (c) complainants' presentation of evidence and witnesses in support of allegations in the  
533           complaint;
- 534           (d) consideration of motions to dismiss the complaint or motions for a directed verdict,  
535           as applicable;
- 536           (e) respondent's opening argument, to be presented by the respondent or respondent's  
537           counsel;

- 538 (f) respondent's presentation of evidence and witnesses refuting allegations in the  
539 complaint;
- 540 (g) presentation of rebuttal evidence and witnesses by the complainants, at the discretion  
541 of the chair;
- 542 (h) presentation of rebuttal evidence and witnesses by the respondent, at the discretion of  
543 the chair;
- 544 (i) complainants' closing argument, to be presented by a complainant or complainants'  
545 counsel;
- 546 (j) respondent's closing argument, to be presented by the respondent or respondent's  
547 counsel;
- 548 (k) deliberations by the commission; and
- 549 (l) adoption of the commission's findings and recommendation.
- 550 (11) The commission or an ethics committee may, in extraordinary circumstances, vary the  
551 order contained in Subsection (10) by majority vote and by providing notice to the  
552 parties.
- 553 (12)(a) After each party has presented a closing argument, the commission shall, at the  
554 direction of the chair, begin its private deliberations:
- 555 (i) immediately after conclusion of the closing arguments; or  
556 (ii) at a future meeting of the commission, on a date and time determined by a  
557 majority of the members of the commission.
- 558 (b) The chair of the commission shall conduct the deliberations.
- 559 (c) Upon a motion made by a commission member, the commission may exclude  
560 commission staff from all or a portion of the deliberations by a majority vote of the  
561 commission.
- 562 (d)(i) During deliberations, for each allegation reviewed by the commission, each  
563 member shall determine and cast a vote stating whether the allegation is:
- 564 (A) proven by a preponderance of the evidence; or  
565 (B) not proven.
- 566 (ii) A verbal roll call vote shall be taken on each allegation and each member's vote  
567 shall be recorded.
- 568 (e)(i) A count is not considered to be proven unless four of the five members of the  
569 commission vote that the count is proven.
- 570 (ii) A count that is not considered to be proven is dismissed.
- 571 (f)(i) Before the commission issues its recommendation under Subsection (13), the

572 commission may, upon a majority vote, reconsider and hold a new vote on an  
573 allegation.

574 (ii) A motion to reconsider a vote may only be made by a member of the commission  
575 who voted that the allegation was not proved.

576 (13)(a) If the commission determines that no allegations in the complaint were proved,  
577 the commission shall:

578 (i) issue and enter into the record an order that the complaint is dismissed because no  
579 allegations in the complaint were found to have been proved;

580 (ii) classify all recordings, testimony, evidence, orders, findings, and other records  
581 directly relating to the meetings authorized by this section as private records under  
582 Section 63G-2-302;

583 (iii) provide notice of the determination, in a manner determined by a majority vote  
584 of the commission, to:

585 (A) the respondent; and

586 (B) the first complainant named on the complaint; and

587 (iv) provide notice to each person named in Subsection (13)(a)(iii) that a person who  
588 discloses the findings of the commission in violation of any provision of this part  
589 is in contempt and is subject to penalties for contempt.

590 (b) If the commission determines that one or more of the allegations in the complaint  
591 were proved, the commission shall:

592 (i) if one or more allegations were not found to have been proven, enter into the  
593 record an order dismissing those unproven allegations;

594 (ii) prepare a written recommendation to the board that:

595 (A) lists the name of each complainant;

596 (B) lists the name of the respondent;

597 (C) states the date of the recommendation;

598 (D) for each allegation found to be proven, the information described in  
599 Subsection (13)(b)(iii);

600 (E) contains any general statement that is adopted for inclusion in the  
601 recommendation by a majority of the members of the commission;

602 (F) contains a statement referring the allegations found to have been proved to the  
603 board for review and appropriate disciplinary action;

604 (G) states the name of each member of the commission; and

605 (H) is signed by each commission member;

- 606            (iii) prepare a written recommendation to the board for each allegation described in  
607            Subsection (13)(b)(ii)(D) that:
- 608            (A) provides a reference to the code of conduct provision or criminal provision  
609            allegedly violated;
- 610            (B) states the number and names of commission members voting that the  
611            allegation was proved and the number and names of commission members  
612            voting that the allegation was not proved;
- 613            (C) at the option of those members voting that the allegation was proved, includes  
614            a statement by one or all of those members stating the reasons for voting that  
615            the allegation was proved, provided that the statement does not cite specific  
616            evidence, specific testimony, or specific witnesses; and
- 617            (D) at the option of those members voting that the allegation was not proved,  
618            includes a statement by one or all of those members stating the reasons for  
619            voting that the allegation was not proved, provided that the statement does not  
620            cite specific evidence, specific testimony, or specific witnesses;
- 621            (iv) direct staff to publicly release the recommendation, the complaint, and the  
622            response, subject to the redaction of any allegations that were dismissed by the  
623            commission; and
- 624            (v) classify all other recordings, testimony, evidence, orders, findings, and other  
625            records directly relating to the meetings authorized by this section as private  
626            records under Section 63G-2-302.
- 627            (14) The commission shall ensure that a copy of the recommendation is made publicly  
628            available and promptly provided to:
- 629            (a) the respondent, together with notice that the respondent may amend the respondent's  
630            witness list;
- 631            (b) the first complainant named on the complaint, together with notice that the  
632            complainants may amend their witness list; and
- 633            (c) the board chair and board leadership.
- 634            (15) The commission shall ensure that, within five business days of the date of issuance of  
635            the recommendation:
- 636            (a) the complaint and the response are redacted to remove references to those allegations  
637            found not to have been proven by the commission, if one or more allegations were  
638            found not to have been proven; and
- 639            (b) the following documents are made publicly available and are provided to the board

- 640 chair and board leadership:
- 641 (i) a cover letter referring the allegations contained in the edited complaint to the
- 642 board for the board's review;
- 643 (ii) a copy of the edited complaint;
- 644 (iii) a copy of the edited response; and
- 645 (iv) a copy of the recommendation.
- 646 (16) The complainant and respondent may file with the board, within 10 days of the date of
- 647 issuance of the commission's recommendation, an amended list of witnesses and
- 648 evidence that they wish to have subpoenaed by the board.
- 649 Section 11. Section **53E-3-1311** is enacted to read:
- 650 **53E-3-1311 . Subpoena powers -- Contempt.**
- 651 (1) For all proceedings authorized by this part, the commission may issue a subpoena to:
- 652 (a) require the attendance of a witness;
- 653 (b) direct the production of evidence; or
- 654 (c) require both the attendance of a witness and the production of evidence.
- 655 (2) The commission shall issue a subpoena under this section:
- 656 (a) at the direction of the commission chair, if the chair determines that the testimony or
- 657 evidence is relevant to the review of a complaint; or
- 658 (b) upon a vote of a majority of the commission members.
- 659 (3)(a) The chair shall ensure that each witness listed in the complaint and response is
- 660 subpoenaed for appearance at the hearing unless:
- 661 (i) the witness is unable to be properly identified or located; or
- 662 (ii) service is otherwise determined to be impracticable.
- 663 (b) The chair shall determine the scheduling and order of witnesses and presentation of
- 664 evidence.
- 665 (c) The commission may, by majority vote:
- 666 (i) overrule the chair's decision not to subpoena a witness under Subsection (3)(a);
- 667 (ii) modify the chair's determination on the scheduling and order of witnesses under
- 668 Subsection (3)(b);
- 669 (iii) decline to hear or call a witness that has been requested by the complainant or
- 670 respondent;
- 671 (iv) decline to review or consider evidence submitted in relation to an ethics
- 672 complaint; or
- 673 (v) request and subpoena witnesses or evidence.

- 674 (4)(a) Each witness shall testify under oath.
- 675 (b) The chair or the chair's designee shall administer the oath to each witness.
- 676 (5) After the oath has been administered to the witness, the chair shall direct testimony as  
677 follows:
- 678 (a) allow the party that has called the witness, or that party's counsel, to question the  
679 witness;
- 680 (b) allow the opposing party, or that party's counsel, to cross-examine the witness;
- 681 (c) allow additional questioning by a party or a party's counsel as appropriate;
- 682 (d) give commission members the opportunity to question the witness; and
- 683 (e) as appropriate, allow further examination of the witness by the commission, or the  
684 parties or their counsel.
- 685 (6)(a) If the witness, a party, or a party's counsel objects to a question, the chair shall:
- 686 (i) direct the witness to answer; or
- 687 (ii) rule that the witness is not required to answer the question.
- 688 (b) If the witness declines to answer a question after the chair or a majority of the  
689 commission determines that the witness is required to answer the question, the  
690 witness may be held in contempt as provided in Subsection (8).
- 691 (7)(a) The chair or a majority of the members of the commission may direct a witness to  
692 furnish any relevant evidence for consideration if the witness has brought the  
693 material voluntarily or has been required to bring it by subpoena.
- 694 (b) If the witness declines to provide evidence in response to a subpoena, the witness  
695 may be held in contempt as provided in Subsection (8).
- 696 (8)(a) The following actions constitute contempt in relation to actions and proceedings  
697 under this part:
- 698 (i) disobedience to a direction of the commission chair;
- 699 (ii) failure to answer a question during a hearing when directed to do so by:
- 700 (A) the commission chair, unless the direction is overridden by the commission; or  
701 (B) a majority of the commission;
- 702 (iii) failure to comply with a subpoena or other order issued under authority of this  
703 part;
- 704 (iv) violation of privacy provisions established by Section 53E-3-1308;
- 705 (v) violation of the communication provisions established by Section 53E-3-1312; or
- 706 (vi) any other ground that is specified in statute or recognized as common law.
- 707 (b) Because the purpose of the privilege granted by the Fifth Amendment to the United

708 States Constitution is not to incriminate oneself is to prevent prosecution for criminal  
 709 action, it is improper for a witness to invoke this privilege if the witness cannot be  
 710 prosecuted for the crime to which the witness's testimony relates.

711 (c) The commission chair, subject to override by a majority vote of the commission, or  
 712 members of the commission by means of a majority vote may authorize an  
 713 enforcement action against a person in contempt.

714 (d) In initiating and pursuing an action against an individual for contempt, the plaintiff  
 715 shall comply with the procedures and requirements of Section 36-14-5.

716 Section 12. Section **53E-3-1312** is enacted to read:

717 **53E-3-1312 . Communications of commission members.**

718 (1) As used in this section, "third party" means a person who is not a member of the  
 719 commission or staff to the commission.

720 (2) While a complaint is under review by the commission, a member of the commission  
 721 may not initiate or consider any communications concerning the complaint with a third  
 722 party unless:

723 (a) the communication is expressly permitted under the procedures established by this  
 724 part; or

725 (b) the communication is made by the third party, in writing, simultaneously to:

726 (i) all members of the commission; and

727 (ii) a staff member of the commission.

728 (3) While the commission is reviewing a complaint under this part, a commission member  
 729 may communicate outside of the meetings, hearing, or deliberations with another  
 730 member of, or staff to, the commission, only if the member's communication does not  
 731 materially compromise the member's responsibility to independently review and make  
 732 decisions in relation to the complaint.

733 Section 13. Section **53E-3-1313** is enacted to read:

734 **53E-3-1313 . Board review and action on commission recommendation.**

735 (1) Within five calendar days of the date that the board chair receives the commission's  
 736 recommendation as provided under Section 53E-3-1310, the board chair and board  
 737 leadership shall:

738 (a) schedule a board meeting to review the complaint on a date no later than 30 days  
 739 after the day on which the board receives the recommendation; and

740 (b) place the ethics complaint on the agenda for consideration at that meeting.

741 (2) The scope of the board's review is limited to the alleged violations found to have been

- 742 proven by the commission, as pled in the edited complaint and the edited response  
743 provided by the commission.
- 744 (3)(a) Before holding the meeting for review of the complaint as scheduled in  
745 Subsection (1), the board chair may schedule a separate meeting of the board to:  
746 (i) hear motions or arguments from the parties, including hearing motions or  
747 arguments relating to dismissal of a complaint, admission of evidence, or  
748 procedures; or  
749 (ii) hold a vote of the board, with or without the attendance of the parties, on  
750 procedural or board business matters relating to a complaint.
- 751 (b) Notwithstanding Subsection (1), the board may, by a majority vote, change the date  
752 of the meeting scheduled in Subsection (1) in order to accommodate:  
753 (i) a meeting authorized under Subsection (3)(a); or  
754 (ii) necessary scheduling requirements.
- 755 (4)(a) The board shall comply with the Utah Rules of Evidence, except where the board  
756 determines, by majority vote, that a rule is not compatible with the requirements of  
757 this part.
- 758 (b) The board chair shall make rulings on admissibility of evidence, subject to being  
759 overruled by a majority vote of the board.
- 760 (5)(a) A meeting or hearing held under this section:  
761 (i) is subject to the requirements of Title 52, Chapter 4, Open and Public Meetings  
762 Act; and  
763 (ii) may be closed by a majority vote of the board, held in the public portion of the  
764 meeting, for:  
765 (A) any purpose permitted under Section 52-4-205;  
766 (B) the purpose of discussing legal, evidentiary, or procedural matters with the  
767 board or staff; or  
768 (C) deliberations, as provided in Subsection (9).
- 769 (b) Only board members, board staff, and necessary security personnel may attend a  
770 closed meeting.
- 771 (6)(a) Except as provided in Subsection (6)(b), an individual may not use a camera or  
772 other recording device in any meeting authorized by this section.
- 773 (b) The board shall keep an audio or video recording of all portions of each meeting  
774 authorized by this section.
- 775 (7) In addition to the recording required in Subsection (6), the board chair shall ensure that

- 776 a record of each meeting is made, which shall include:
- 777 (a) official minutes taken during the meeting, if any;
- 778 (b) copies of all documents or other items admitted into evidence;
- 779 (c) copies of any documents, written orders, or written rulings issued by the board chair
- 780 or the board; and
- 781 (d) any other information that a majority of the board or the board chair directs.
- 782 (8)(a) Except as provided in Subsection (8)(b), all recordings, testimony, evidence, and
- 783 other records of meetings and hearings authorized by this section are public records.
- 784 (b) All recordings, minutes, and other records produced during a closed meeting
- 785 authorized under this section are classified as private records under Section
- 786 63G-2-302.
- 787 (9)(a) After each party has presented a closing argument, the board shall deliberate in a
- 788 closed meeting:
- 789 (i) immediately after conclusion of the closing arguments; or
- 790 (ii) at a future meeting of the board, on a date and time determined by a majority of
- 791 the members of the board.
- 792 (b) The board chair shall conduct the deliberations.
- 793 (c) During the deliberations, board members may:
- 794 (i) discuss evidence and testimony;
- 795 (ii) discuss and debate whether an allegation was proven or not proven;
- 796 (iii) discuss and debate what actions should be taken or not taken against the
- 797 respondent in relation to each allegation;
- 798 (iv) discuss and debate any other matter related to the allegations in the complaint
- 799 that is before the board; and
- 800 (v) conduct, at the call of the chair or a majority of the members of the board, a
- 801 non-binding straw poll on any matter related to the complaint.
- 802 (d) Deliberations shall continue until they are concluded or continued to another date
- 803 and time:
- 804 (i) at the direction of the chair, subject to override by a majority vote of the board; or
- 805 (ii) upon a motion approved by a majority of the board members.
- 806 (10) After conclusion of the deliberations, the board shall meet in public and, for each
- 807 allegation reviewed by the board, vote on whether the allegation is:
- 808 (a) proven by clear and convincing evidence; or
- 809 (b) not proven.

- 810 (11)(a) Votes shall be taken by verbal roll call and each member's vote shall be recorded.  
811 (b) A count is not considered to be proven unless a majority of the board votes that the  
812 count is proven.  
813 (c) A count that is not voted as "proven" by a majority of the members of the board is  
814 dismissed.
- 815 (12) The board, by a motion approved by a majority of the board, may reconsider and hold  
816 a new vote provided that:  
817 (a) a motion to reconsider a vote on whether an allegation was proven or not proven may  
818 only be made by a member of the board who voted that the allegation was not  
819 proven; and  
820 (b) a motion to reconsider a vote recommending an action against the respondent may  
821 only be made by a member of the board who voted against the recommendation.
- 822 (13) The board may close the meeting for the purposes of further deliberations:  
823 (a) at the direction of the chair, subject to being overruled by the board; or  
824 (b) upon a motion approved by a majority of the members of the board.
- 825 (14) For any count that has been voted as proven, the board shall, by a motion approved by  
826 a majority of the members of the board, take one or more of the following actions:  
827 (a) issue a public censure;  
828 (b) issue a written reprimand;  
829 (c) remove the board member from any board leadership positions;  
830 (d) deny or limit any non-constitutional right, power, or privilege of the respondent that  
831 the board has authority to grant or restrict, if the violation bears upon the exercise of  
832 that right, power, or privilege;  
833 (e) recommend to the Legislature that impeachment proceedings be initiated under Utah  
834 Constitution, Article VI, Section 19, if the board finds by a two-thirds vote that:  
835 (i) the violation constitutes high crimes, misdemeanors, or malfeasance in office; and  
836 (ii) the seriousness of the violation warrants removal from office; or  
837 (f) refer the matter to appropriate authorities, including:  
838 (i) the attorney general, if there is evidence of criminal conduct;  
839 (ii) law enforcement, if there is evidence of criminal conduct;  
840 (iii) the lieutenant governor's office, if there are election law violations; or  
841 (iv) other appropriate regulatory or oversight bodies.
- 842 (15) If the board votes in accordance with Subsection (14)(e) to recommend impeachment  
843 proceedings, the board shall:

- 844 (a) prepare a formal written recommendation to the speaker of the House of  
845 Representatives and the president of the Senate that includes:  
846 (i) the name of the board member;  
847 (ii) a detailed statement of the proven violations;  
848 (iii) the factual basis supporting the violations;  
849 (iv) the board's findings regarding why the violations constitute grounds for  
850 impeachment;  
851 (v) copies of all relevant public records from the proceedings; and  
852 (vi) the vote count and names of board members voting for and against the  
853 recommendation;
- 854 (b) make the recommendation publicly available; and  
855 (c) provide a copy to the respondent.
- 856 (16) A recommendation for impeachment under Subsection (15) does not preclude the  
857 board from also taking other disciplinary actions authorized under Subsection (14).
- 858 (17) Nothing in this section authorizes the board to remove an elected board member from  
859 office, such authority being reserved exclusively to the Legislature through  
860 impeachment proceedings as provided in Utah Constitution, Article VI, Sections 17  
861 through 21.
- 862 (18) The board shall make a copy of the finding and the order shall be made publicly  
863 available.
- 864 (19) The board shall provide a written copy of the finding and order to:  
865 (a) the respondent;  
866 (b) the first complainant named on the complaint; and  
867 (c) the board chair and board leadership.
- 868 (20) The board shall maintain a record of any actions taken, which shall be classified as a  
869 public record.
- 870 Section 14. Section **53E-3-1314** is enacted to read:  
871 **53E-3-1314 . Attorney fees and costs.**
- 872 (1) A person filing a complaint under this part:  
873 (a) may, but is not required to, retain legal representation during the complaint review  
874 process; and  
875 (b) is responsible for payment of complainants' attorney fees and costs incurred.
- 876 (2)(a) A board member against whom a complaint is filed under this part:  
877 (i) may, but is not required to, retain legal representation during the complaint review

- 878 process; and
- 879 (ii) is responsible for that board member's own attorney fees and costs involved,
- 880 except as provided in Subsection (2)(b).
- 881 (b) The board shall pay the reasonable attorney fees and costs incurred by a board
- 882 member against whom a complaint is filed under this part if:
- 883 (i) the commission declines to recommend that any allegation in the complaint be
- 884 reviewed by the board; or
- 885 (ii) the board determines that none of the allegations in the complaint that were
- 886 recommended for review by the commission have been proved.
- 887 (3)(a) An attorney participating in a hearing before the commission or the board shall
- 888 comply with:
- 889 (i) the Rules of Professional Conduct established by the Utah Supreme Court;
- 890 (ii) the procedures and requirements of this part; and
- 891 (iii) the directions of the chairs, commission, and board.
- 892 (b) Violations of Subsection (3)(a) may constitute:
- 893 (i) contempt, subject to enforcement as provided in Section 53E-3-1311; or
- 894 (ii) a violation of the Rules of Professional Conduct subject to enforcement by the
- 895 Utah State Bar.

896 Section 15. Section **53E-3-1315** is enacted to read:

897 **53E-3-1315 . Ethics training course.**

- 898 (1) The board, in consultation with the attorney general's office, shall develop and maintain
- 899 an ethics training course for board members.
- 900 (2) The ethics training course shall include training materials and exercises that are
- 901 available on the internet to board members and to the public.
- 902 (3) The ethics training course shall be designed to assist board members in understanding
- 903 and complying with current ethical requirements under state law, board rules, and
- 904 federal law.
- 905 (4) The ethics training course shall include provisions for verifying when a board member
- 906 has successfully completed key training exercises.
- 907 (5) A board member shall successfully complete the key training exercises of the ethics
- 908 training course once each year.

909 Section 16. Section **53E-3-1316** is enacted to read:

910 **53E-3-1316 . Communications with the judiciary.**

- 911 (1) As used in this section, "final decision or order" means a decision or order that

912 determines the rights of the parties and concerns which appellate remedies have been  
 913 exhausted or that the time for appeal has expired.

914 (2)(a) A board member may not communicate, either verbally or in writing, with a judge  
 915 in reference to a particular judicial case or proceeding until a final decision or order  
 916 has been made on the matter.

917 (b) Inquiries to the judiciary that are merely technical or logistical in nature should be  
 918 made with the Administrative Office of the Courts or a clerk of the court.

919 (c) The restrictions in this section shall not apply to a communication that a board  
 920 member makes with the judiciary in the normal course of the board member's private  
 921 employment, provided that the board member does not use his or her status as a  
 922 board member in an attempt to unduly influence the judiciary.

923 Section 17. Section **53E-3-1317** is enacted to read:

924 **53E-3-1317 . Jurisdiction and dismissal.**

925 (1) The commission and the board have jurisdiction only over an individual who is  
 926 currently serving on the board.

927 (2) The commission and the board shall dismiss an ethics complaint if the respondent board  
 928 member resigns from the board.

929 Section 18. Section **53E-3-1318** is enacted to read:

930 **53E-3-1318 . Impeachment proceedings -- Cooperation with Legislature.**

931 (1) If the board recommends impeachment proceedings under Section 53E-3-1313, the  
 932 board shall:

933 (a) designate legal counsel to communicate with the Legislature regarding the  
 934 recommendation;

935 (b) make available all public records from the ethics proceedings;

936 (c) authorize commission members and board members to testify before the Legislature  
 937 if requested; and

938 (d) provide any additional information or assistance reasonably requested by the  
 939 Legislature.

940 (2) If the House of Representatives votes to impeach a board member, or the Senate  
 941 conducts an impeachment trial, all confidentiality provisions in this part are suspended  
 942 to the extent necessary to provide the Legislature with access to relevant information,  
 943 provided that:

944 (a) the Legislature shall maintain appropriate confidentiality for materials classified as  
 945 private records under Section 63G-2-302; and

- 946 (b) the respondent's due process rights are protected.
- 947 (3) During any impeachment proceedings, the board may suspend the board member from:
- 948 (a) board leadership positions;
- 949 (b) committee assignments; and
- 950 (c) other discretionary appointments or assignments, but may not prevent the board
- 951 member from attending meetings, participating in debate, or casting votes unless
- 952 ordered by a court of competent jurisdiction.
- 953 (4) If a board member is impeached by the House of Representatives but not yet tried by the
- 954 Senate, the board may request that the Senate expedite proceedings.
- 955 (5) This section does not limit the Legislature's constitutional authority to establish its own
- 956 procedures for impeachment proceedings.
- 957 Section 19. Section **53E-3-1319** is enacted to read:
- 958 **53E-3-1319 . Constitutional limitations on removal.**
- 959 (1) This part does not authorize the board or the commission to remove an elected board
- 960 member from office.
- 961 (2) Removal of an elected board member may only occur through:
- 962 (a) impeachment by the Legislature as provided in Utah Constitution, Article VI, Section
- 963 19; or
- 964 (b) operation of law based on criminal conviction or other disqualifying events as
- 965 provided by statute or the Utah Constitution.
- 966 (3) The disciplinary actions authorized in this part are limited to those within the board's
- 967 authority and do not include removal from elected office.
- 968 (4) If uncertainty exists about whether a proposed disciplinary action would constitute
- 969 removal from office or otherwise exceed the board's constitutional authority, the board
- 970 shall:
- 971 (a) seek an advisory opinion from the attorney general; or
- 972 (b) seek declaratory judgment from a court of competent jurisdiction before taking such
- 973 action.

974 Section 20. **Effective Date.**

975 This bill takes effect on May 6, 2026.