

1 **Joint Rules Resolution - Legislative Ethics Amendments**

2026 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Ann Millner**

House Sponsor: Tyler Clancy

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2  
3 **LONG TITLE**

4 **General Description:**

5 This joint rules resolution amends Joint Rules, Title 6, Legislative Ethics and Adjudication  
6 of Ethics Complaints.

7 **Highlighted Provisions:**

8 This resolution:

- 9 ▶ removes term limits for a member of the Independent Legislative Ethics Commission  
10 (commission);
- 11 ▶ modifies the circumstances under which the commission may dismiss a complaint;
- 12 ▶ authorizes, under certain circumstances, the chair of the commission or the chair of the  
13 House or Senate Ethics Committee (committee) to designate a member of the  
14 commission or committee to preside;
- 15 ▶ clarifies provisions related to the commission's and a committee's subpoena powers;
- 16 ▶ requires an affidavit from the complainants, respondent, and each witness involved in a  
17 complaint;
- 18 ▶ clarifies commission staff's role in reviewing a complaint;
- 19 ▶ clarifies provisions related to the privacy of an ethics complaint;
- 20 ▶ clarifies that the commission's recommendation is a private record; and
- 21 ▶ makes technical and conforming changes.

22 **Money Appropriated in this Bill:**

23 None

24 **Other Special Clauses:**

25 None

26 **Legislative Rules Affected:**

27 AMENDS:

28        **JR6-2-103**  
 29        **JR6-2-201**  
 30        **JR6-2-302**  
 31        **JR6-2-303**  
 32        **JR6-3-101**  
 33        **JR6-3-102**  
 34        **JR6-4-101**  
 35        **JR6-4-102**  
 36        **JR6-4-103**  
 37        **JR6-4-204**  
 38        **JR6-4-302**

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

41            Section 1. **JR6-2-103** is amended to read:

42            **JR6-2-103 . Independent Legislative Ethics Commission -- Membership.**

43        (1) There is established an Independent Legislative Ethics Commission.

44        (2) The commission is composed of five [persons] individuals, each of whom is registered  
 45        to vote in this state, appointed as follows:

46            (a) two members, who have served as judges of a court of record in this state, each of  
 47            whom shall be nominated by the mutual consent of the president of the Senate and  
 48            the speaker of the House, and appointed by a majority vote of the president of the  
 49            Senate, speaker of the House, Senate minority leader, and House minority leader;

50            (b) one member, who has served as a judge of a court of record in this state, nominated  
 51            by the mutual consent of the Senate minority leader and the House minority leader,  
 52            and appointed by a majority vote of the president of the Senate, speaker of the House,  
 53            Senate minority leader, and House minority leader;

54            (c) one member, who has served as a member of the Legislature in this state no more  
 55            recently than four years before the date of appointment, appointed by the mutual  
 56            consent of the president of the Senate and the speaker of the House of  
 57            Representatives; and

58            (d) one member, who has served as a member of the Legislature in this state no more  
 59            recently than four years before the date of appointment, appointed by the mutual  
 60            consent of the Senate minority leader and House minority leader.

61        (3) A member of the commission may not, during the member's term of office on the

62 commission, act or serve as:

63 (a) an officeholder as defined in Utah Code Section 20A-11-101;

64 (b) an agency head as defined in Utah Code Section 67-16-3;

65 (c) a lobbyist as defined in Utah Code Section 36-11-102; or

66 (d) a principal as defined in Utah Code Section 36-11-102.

67 (4)(a)(i) Except as provided in Subsection (4)(a)(ii), each member of the commission  
68 shall serve a four-year term.

69 (ii) When appointing the initial members upon formation of the commission, one  
70 member nominated by the president of the Senate and the speaker of the House of  
71 Representatives and one member nominated by the Senate minority leader and  
72 House minority leader shall be appointed to a two-year term so that approximately  
73 half of the commission is appointed every two years.

74 (b)(i) When a vacancy occurs in the commission's membership for any reason, a  
75 replacement member shall be appointed for the unexpired term of the vacating  
76 member using the procedures and requirements of Subsection (2).

77 (ii) For the purposes of this rule, an appointment for an unexpired term of a vacating  
78 member is not considered a full term.

79 [~~(e)~~] A member may not be appointed to serve for more than two full terms, whether  
80 those terms are two or four years.]

81 [~~(d)~~] (c) A member of the commission may resign from the commission by giving one  
82 month's written notice of the resignation to the president of the Senate, speaker of the  
83 House, Senate minority leader, and House minority leader.

84 [~~(e)~~] (d) The chair of the Legislative Management Committee shall remove a member  
85 from the commission if the member:

86 (i) is convicted of, or enters a plea of guilty to, a crime involving moral turpitude;

87 (ii) enters a plea of no contest or a plea in abeyance to a crime involving moral  
88 turpitude; or

89 (iii) fails to meet the qualifications of office as provided in this rule.

90 [~~(f)~~] (e) If a commission member is accused of wrongdoing in a complaint, or if a  
91 commission member is found, under JR6-2-103.5, to have a conflict of interest in  
92 relation to a complaint, a temporary commission member shall be appointed to serve  
93 in that member's place for the purposes of reviewing that complaint using the  
94 procedures and requirements of Subsection (2).

95 (5)(a) A member of the commission may not receive compensation or benefits for the

96 member's service, but may receive per diem and expenses incurred in the  
97 performance of the member's official duties as allowed in:

98 (i) Utah Code Section 63A-3-106;

99 (ii) Utah Code Section 63A-3-107; and

100 (iii) rules made by the Division of Finance according to Utah Code Sections  
101 63A-3-106 and 63A-3-107.

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

103 (6)(a) The commission members shall convene a meeting annually each January and  
104 elect, by a majority vote, a commission chair from among the commission members.

105 (b) A [person] member may not serve as chair for more than two consecutive years.

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

107 **JR6-2-201 . Authority to review complaint -- Grounds for complaint --**

108 **Limitations on filings.**

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

112 (a) a violation of the code of official conduct as provided in JR6-1-102;

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

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

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

116 (2)(a) For an alleged violation under Subsection (1)(a), the complaint must be filed,  
117 subject to JR6-3-101(2), within two years of the date:

118 (i) [-]that the action or omission that forms the basis of the alleged violation occurred;

119 or

120 (ii) [-or within two years of the date-]that the action or omission would have been  
121 discovered by a reasonable person.

122 (b) For an alleged violation under Subsection (1)(c) or (d), the complaint shall be filed,  
123 subject to JR6-3-101(2), within two years of the date that the plea or conviction that  
124 forms the basis of the allegation was entered.

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

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

- 130 (ii) the allegation is accompanied by material facts or circumstances supporting the  
131 allegation that were not raised or pled to the commission when the allegation was  
132 previously reviewed; and
- 133 (iii) the allegation and the general facts and circumstances supporting that allegation  
134 have only been reviewed by the commission on one previous occasion.
- 135 (b) If an allegation in the complaint does not comply with the requirements of  
136 Subsection (3)(a), the allegation shall be summarily dismissed with prejudice by:
- 137 (i) the chair of the Independent Legislative Ethics Commission, when reviewing the  
138 complaint under JR6-4-101; or
- 139 (ii) the commission, when reviewing the complaint under JR6-4-201.
- 140 (4) The Independent Legislative Ethics Commission shall dismiss a complaint when:
- 141 (a) the allegations in the complaint:
- 142 (i) lack merit; or
- 143 (ii) do not constitute a violation of this title; or
- 144 (b) the Independent Legislative Ethics Commission lacks jurisdiction.
- 145 (5)(a) The Independent Legislative Ethics Commission may dismiss a complaint if, after  
146 negotiating in good faith, the complainant and respondent agree to corrective actions.
- 147 (b) The Independent Legislative Ethics Commission may reopen and review a complaint  
148 dismissed under Subsection (5)(a) if a complainant or respondent fails to comply  
149 with the terms of the agreement.
- 150 Section 3. **JR6-2-302** is amended to read:
- 151 **JR6-2-302 . Chair as presiding judge.**
- 152 (1)(a) Except as expressly provided otherwise in this title, the chair of the Independent  
153 Legislative Ethics Commission and the chair of the Senate or House Ethics  
154 Committee is vested with the power to direct the commission or committee during  
155 meetings authorized by this title.
- 156 (b) When ruling on an evidentiary matter, the chair may designate another member who  
157 has legal expertise to preside.
- 158 (2) Unless expressly prohibited from doing so under this title, the commission or committee  
159 may overrule a decision of the chair by using the following procedure:
- 160 (a) If a member objects to a decision of the chair, that member may appeal the decision  
161 by stating:
- 162 (i) "I appeal the decision of the chair."; and
- 163 (ii) the basis for the objection.

- 164 (b) This motion is nondebatable.
- 165 (c) The chair shall direct a roll call vote to determine if the commission or committee
- 166 supports the decision of the chair.
- 167 (d) A majority vote of the commission or committee is necessary to overrule the
- 168 decision of the chair.
- 169 (3) The chair may set time limitations on any part of a meeting or hearing authorized by this
- 170 title.

171 Section 4. **JR6-2-303** is amended to read:

172 **JR6-2-303 . Subpoena powers.**

- 173 (1) For all proceedings authorized by this title, the Independent Legislative Ethics
- 174 Commission or the Senate or House Ethics Committee may issue a subpoena to:
- 175 (a) require the attendance of a witness;
- 176 (b) direct the production of evidence; or
- 177 (c) require both the attendance of a witness and the production of evidence.
- 178 (2) The commission shall issue a subpoena under this rule:
- 179 (a) as required under JR6-2-305;
- 180 (b) at the direction of the commission chair, if the chair determines that the testimony or
- 181 evidence is relevant to the review of a complaint under Chapter 4, Part 2, Review of
- 182 Ethics Complaint by the Independent Legislative Ethics Commission; or
- 183 (c) upon a vote of a majority of the commission members.
- 184 (3) An ethics committee shall issue a subpoena under this rule:
- 185 (a)(i) as required under JR6-2-305;
- 186 [~~(b)~~] (ii) at the direction of the committee chair or vice chair, if the chair or vice chair
- 187 determines that the testimony or evidence is relevant to review of a complaint
- 188 under Chapter 4, Part 3, Review of Ethics Complaint by Ethics Committee; or
- 189 [~~(e)~~] (iii) upon a vote of a majority of the committee members; and
- 190 (b) in accordance with Utah Code Title 36, Chapter 14, Legislative Subpoena Powers.
- 191 (4) The director of the Office of Legislative Research and General Counsel shall issue a
- 192 subpoena on behalf of an ethics committee when requested to do so by [~~one of the~~
- 193 ~~persons or entities~~] a person authorized to do so under Subsection (3).

194 Section 5. **JR6-3-101** is amended to read:

195 **JR6-3-101 . Ethics complaints -- Filing -- Form.**

- 196 (1)(a) The following individuals, who shall be referred to as the complainants, may file a
- 197 complaint against an individual legislator if the complaint meets the requirements of

- 198 JR6-2-201 and Subsection (1)(b):
- 199 (i) two or more members of the House of Representatives, for a complaint against a  
200 representative, provided that the complaint contains evidence or sworn testimony  
201 that:
- 202 (A) sets forth facts and circumstances supporting the alleged violation; and  
203 (B) is evidence or sworn testimony of the type that would generally be admissible  
204 under the Utah Rules of Evidence;
- 205 (ii) two or more members of the Senate, for a complaint against a senator, provided  
206 that the complaint contains evidence or sworn testimony that:
- 207 (A) sets forth facts and circumstances supporting the alleged violation; and  
208 (B) is evidence or sworn testimony of the type that would generally be admissible  
209 under the Utah Rules of Evidence; or
- 210 (iii) two or more registered voters currently residing within Utah, if, for each alleged  
211 violation pled in the complaint, at least one of those registered voters has personal  
212 knowledge of the facts and circumstances supporting the alleged violation.
- 213 (b) A complainant may file a complaint only against an individual who is serving as a  
214 member of the Legislature on the date that the complaint is filed.
- 215 (2)(a) Complainants shall file a complaint with the chair of the Independent Legislative  
216 Ethics Commission.
- 217 (b) Except as provided in Subsection (2)(c), an individual may not file a complaint  
218 during the 60 calendar days immediately preceding:
- 219 (i) a regular primary election, if the accused legislator is a candidate in the primary  
220 election; or
- 221 (ii) a regular general election in which the accused legislator is a candidate, unless the  
222 accused legislator is unopposed in the election.
- 223 (c) Notwithstanding Subsection (2)(b), an individual may file a complaint within the  
224 time frame provided in ~~[that subsection]~~ Subsection (2)(b) if:
- 225 (i) the complaint includes evidence that the subject of the complaint has been  
226 convicted of, plead guilty to, entered a plea of no contest to, or entered a plea in  
227 abeyance to a crime of moral turpitude; and
- 228 (ii) the crime of moral turpitude is one of the allegations contained in the complaint.
- 229 (3) The complainants shall ensure that each complaint filed under this rule is in writing and  
230 contains the following information:
- 231 (a) the name and position or title of the legislator alleged to be in violation, who shall be

- 232 referred to as the respondent;
- 233 (b) the name, address, and telephone number of each individual who is filing the  
234 complaint;
- 235 (c) a description of each alleged violation, including for each alleged violation:
- 236 (i) a reference to:
- 237 (A) the section of the code of conduct alleged to have been violated; or
- 238 (B) the criminal provision violated and the docket number of the case involving  
239 the legislator;
- 240 (ii) the name of the complainant or complainants who have personal knowledge of  
241 the facts and circumstances supporting each allegation; and
- 242 (iii) the facts and circumstances supporting each allegation, which shall be provided  
243 by:
- 244 (A) copies of official records or documentary evidence; or
- 245 (B) one or more affidavits~~[, each of which shall comply with the following format]~~  
246 that include the following:
- 247 (I) the name, address, and telephone number of the signer;
- 248 (II) a statement that the signer has personal knowledge of the facts and  
249 circumstances alleged in the affidavit;
- 250 (III) the facts and circumstances testified to by the signer;
- 251 (IV) a statement that the affidavit is ~~[believed to be]~~ true and correct~~[and that~~  
252 ~~false statements are subject to penalties]~~ , under penalty of perjury; and
- 253 (V) the signature of the signer;
- 254 (d) a list of the witnesses that the complainants wish to have called, including an  
255 affidavit for each witness that includes the following:
- 256 (i) the witness's name, address, and~~[, if available, one or more telephone numbers of~~  
257 ~~the witness]~~ telephone number;
- 258 (ii) a brief summary of the testimony ~~[to be provided by the witness; and]~~ the witness  
259 will provide;
- 260 (iii) a specific description of any documents or evidence complainants desire the  
261 witness to produce;
- 262 (iv) a statement that the affidavit is true and correct, under penalty of perjury; and
- 263 (v) the witness's signature; and
- 264 (e) an affidavit for each complainant that includes the following:
- 265 (i) a statement that ~~[each]~~ the complainant:

266            [(†)] (A) has reviewed the allegations contained in the complaint and the sworn  
 267            statements and documents attached to the complaint; and  
 268            [(†)] (B) believes that the complaint is submitted in good faith and not for any  
 269            improper purpose such as for the purpose of harassing the respondent, causing  
 270            unwarranted harm to the respondent's reputation, or causing unnecessary  
 271            expenditure of public funds; ~~and~~  
 272            [(iii) believes the allegations contained in the complaint to be true and accurate; and]  
 273            [(f)] (ii) a statement that the affidavit is true and correct, under penalty of perjury; and  
 274            (iii) ~~the[-signature of each complainant]~~ complainant's signature.

275            Section 6. **JR6-3-102** is amended to read:

276            **JR6-3-102 . Privacy of ethics complaints -- Contempt -- Enforcement of finding**  
 277            **of contempt -- Dismissal.**

278            (1)(a) Except as provided in Subsection (1)(b), ~~[a person]~~ an individual, including the  
 279            complainants, the respondent, commission members, a committee chair or vice chair,  
 280            or staff to the commission or a committee, may not disclose:

- 281            (i) the identity of any complainant or the respondent;
- 282            (ii) the existence of a complaint~~[-a response, nor]~~ or a response; or
- 283            (iii) any information concerning any alleged violation that is the subject of a  
 284            complaint.

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

- 286            (i) a complaint or response that is ~~[publicly released by the commission and]~~referred  
 287            to an ethics committee for review under the procedures and requirements of  
 288            JR6-4-204~~[-and the allegations contained in the publicly released complaint or~~  
 289            ~~response];~~
- 290            [(ii) the respondent's voluntary disclosure of a finding by the commission that no  
 291            allegations in a complaint were proved, after that finding is issued by the  
 292            commission under the procedures and requirements of JR6-4-204;]
- 293            [(††) (ii) disclosing facts or allegations about potential criminal violations to law  
 294            enforcement authorities;
- 295            [(†v) (iii) a disclosure by a respondent that is made solely for the purpose of, and only  
 296            to the extent necessary for, retaining counsel~~[-or conducting an interview]~~, seeking  
 297            evidence, or taking other action to prepare to defend against a complaint;
- 298            [(v) (iv) a communication between a commission or committee member and the  
 299            commission's or committee's attorneys or staff; or

300           ~~[(vi)]~~ (v) a disclosure to a person that is determined necessary, by a majority vote of  
 301           the commission or committee, to conduct the duties of the commission or  
 302           committee.

303       (2) When ~~[a person]~~ an individual makes a disclosure under Subsection ~~[(1)(b)(iv) or (vi),]~~  
 304       (1)(b)(iii) or (v), the ~~[person]~~ individual making the disclosure shall inform the person to  
 305       whom the disclosure is made of the nondisclosure requirements described in this section.

306       (3) ~~[A person]~~ An individual who violates the provisions of Subsection (1)(a) is in  
 307       contempt of the Legislature and proceedings may be initiated to enforce the finding of  
 308       contempt using the procedures provided in JR6-2-304 and Utah Code Section 36-14-5.

309       (4) Except as provided in JR6-4-101(3), if the identity of the legislator who is the subject of  
 310       an ethics complaint or the identity of the filer of an ethics complaint is publicly  
 311       disclosed during the period that the Independent Legislative Ethics Commission is  
 312       reviewing the complaint, the complaint shall be summarily dismissed without prejudice.

313       Section 7. **JR6-4-101** is amended to read:

314       **JR6-4-101 . Review of ethics complaint for compliance with form requirements --**  
 315       **Independent requirements for complaint -- Notice.**

316       (1) Within five business days after receipt of a complaint, ~~[the staff of the Independent~~  
 317       ~~Legislative Ethics Commission]~~ commission staff, in consultation with the ~~[chair of the]~~  
 318       commission chair and vice-chair, shall examine the complaint to determine if it is in  
 319       compliance with JR6-2-201 or JR6-3-101.

320       (2)(a) If the chair determines that the complaint does not comply with JR6-2-201 or  
 321       JR6-3-101, the chair shall:

322           (i) return the complaint to the first complainant named on the complaint with:

323                   (A) a statement detailing the reason for the non-compliance; and

324                   (B) a copy of the applicable legislative rules; and

325           (ii) notify the president of the Senate and the chair and vice-chair of the Senate Ethics  
 326           Committee, if the legislator named in the complaint is a senator, or the speaker of  
 327           the House of Representatives and the chair and vice-chair of the House Ethics  
 328           Committee, if the legislator named in the complaint is a representative, that:

329                   (A) a complaint was filed against a member of the Senate or House, respectively,  
 330                   but was returned for non-compliance with legislative rule; and

331                   (B) the fact that a complaint was filed and returned shall be kept confidential until  
 332                   the commission submits its annual summary data report as required by  
 333                   JR6-2-104.

- 334 (b) If a complaint is returned for non-compliance with the requirements of this title, the  
335 complainants may file another complaint if the new complaint independently meets  
336 the requirements of JR6-3-101, including any requirements for timely filing.
- 337 (3) If the chair determines that the complaint complies with the requirements of this rule,  
338 the chair shall:
- 339 (a) accept the complaint;
- 340 (b) notify the president of the Senate and the chair and vice-chair of the Senate Ethics  
341 Committee, if the legislator named in the complaint is a senator, or the speaker of the  
342 House of Representatives and the chair and vice-chair of the House Ethics  
343 Committee, if the legislator named in the complaint is a representative:
- 344 (i) that a complaint has been filed against a member of the Senate or House,  
345 respectively;
- 346 (ii) of the identity of the legislator who is the subject of the complaint and the identity  
347 of the ~~[person or persons]~~ individuals 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 and the nature of the allegations raised in  
350 the complaint shall be kept confidential until the commission discloses the  
351 existence of the complaint via:
- 352 (A) a recommendation to a legislative ethics committee under JR6-4-204; or  
353 (B) the commission's submission of the annual summary data report under  
354 JR6-2-104;
- 355 ~~[(iv) that the fact that a complaint was filed, the nature of the allegations raised in the~~  
356 ~~complaint, and the identity of the legislator and the complainants shall be kept~~  
357 ~~confidential until the commission publicly discloses the existence of the complaint~~  
358 ~~via:]~~
- 359 ~~[(A) a recommendation that an allegation in the complaint be heard by a~~  
360 ~~legislative ethics committee; or]~~
- 361 ~~[(B) submission of the commission's annual summary data report as required by~~  
362 ~~JR6-2-104;]~~
- 363 (c) notify each member of the Independent Legislative Ethics Commission that the  
364 complaint has been filed and accepted and that the existence of and contents of the  
365 complaint and the identities of the parties shall be kept confidential; and
- 366 (d) promptly forward the complaint to the legislator who is the subject of the ethics  
367 complaint via personal delivery or a delivery method that provides verification of

368 receipt, together with:

- 369 (i) notice that the existence of and contents of the complaint, and the identities of the  
 370 parties, are confidential and should not be publicly disclosed;  
 371 (ii) a copy of the applicable legislative rules; and  
 372 (iii) notice of the legislator's deadline for filing a response to the complaint.

373 Section 8. **JR6-4-102** is amended to read:

374 **JR6-4-102 . Meeting of the Independent Legislative Ethics Commission for**  
 375 **review of complaint -- Procedures.**

376 By no later than 10 calendar days after the day on which the complaint is accepted under  
 377 JR6-4-101, the commission chair shall:

- 378 (1) schedule a commission meeting on a date no later than 60 calendar days after the date  
 379 on which ~~[the committee]~~ commission staff, in consultation with the commission chair  
 380 and ~~[vice chair]~~ vice-chair, accept the complaint;  
 381 (2) place the complaint on the agenda for consideration at that meeting;  
 382 (3) provide notice of the date, time, and location of the meeting to:  
 383 (a) the members of the commission;  
 384 (b) the first complainant named in the complaint; and  
 385 (c) the respondent; and  
 386 (4) provide a copy of the complaint to each member of the commission.

387 Section 9. **JR6-4-103** is amended to read:

388 **JR6-4-103 . Response to ethics complaint -- Filing -- Form.**

- 389 (1) The legislator that is the subject of the complaint may file a response to the complaint  
 390 no later than 30 days after the day on which the legislator receives delivery of the  
 391 complaint.  
 392 (2) The respondent shall file the response with the commission and shall ensure that the  
 393 response is in writing and contains the following information:  
 394 (a) the respondent's name, address, and telephone number~~[-of the respondent]~~;  
 395 (b) for each alleged violation in the complaint:  
 396 (i) each affirmative defense asserted in response to the allegation, including a general  
 397 description of each affirmative defense and the facts and circumstances supporting  
 398 the defense to be provided by one or more affidavits~~[- each of which shall comply~~  
 399 ~~with the following format]~~ that include the following:  
 400 (A) the name, address, and telephone number of the signer;  
 401 (B) a statement that the signer has personal knowledge of the facts and

- 402 circumstances alleged in the affidavit;
- 403 (C) the facts and circumstances testified to by the signer;
- 404 (D) a statement that the affidavit is [~~believed to be~~]true and correct[~~and that false~~  
405 ~~statements are subject to penalties~~] , under penalty of perjury; and
- 406 (E) the signature of the signer; and
- 407 (ii) the facts and circumstances refuting the allegation, which shall be provided by:
- 408 (A) copies of official records or documentary evidence; or
- 409 (B) one or more affidavits[~~, each of which shall comply with the following format~~  
410 that include the following:
- 411 (I) the name, address, and telephone number of the signer;
- 412 (II) a statement that the signer has personal knowledge of the facts and  
413 circumstances alleged in the affidavit;
- 414 (III) the facts and circumstances testified to by the signer;
- 415 (IV) a statement that the affidavit is [~~believed to be~~]true and correct[~~and that~~  
416 ~~false statements are subject to penalties~~] , under penalty of perjury; and
- 417 (V) the signature of the signer;
- 418 (c) a list of the witnesses that the respondent wishes to have called, including an  
419 affidavit for each witness that includes the following:
- 420 (i) the witness's name, address, and[~~, if available, telephone number of the witness~~  
421 telephone number;
- 422 (ii) a brief summary of the testimony [~~to be provided by the witness; and~~] the witness  
423 will provide;
- 424 (iii) a specific description of any documents or evidence the respondent desires the  
425 witness to produce;
- 426 (iv) a statement that the affidavit is true and correct, under penalty of perjury; and
- 427 (v) the witness's signature; and
- 428 (d) an affidavit that includes the following:
- 429 (i) a statement that the respondent:
- 430 [(i)] (A) has reviewed the allegations contained in the complaint and the sworn  
431 statements and documents attached to the response; and
- 432 [(ii)] (B) believes the contents of the response to be true and accurate;[~~and~~
- 433 (ii) a statement that the affidavit is true and correct, under penalty of perjury; and
- 434 [(e)] (iii) the [~~signature of the respondent~~] respondent's signature.
- 435 (3) Promptly after receiving the response, [~~the~~]commission staff shall provide [copies] a

436 copy of the response to:

- 437 (a) each member of the commission; and  
438 (b) the first named complainant on the complaint.

439 Section 10. **JR6-4-204** is amended to read:

440 **JR6-4-204 . Recommendations of commission.**

441 (1) If the commission determines that no allegations in the complaint were proved, the  
442 commission shall:

- 443 (a) issue and enter into the record an order that the complaint is dismissed because no  
444 allegations in the complaint were found to have been proved;  
445 (b) classify all recordings, testimony, evidence, orders, findings, and other records  
446 directly relating to the meetings authorized by this part as private records under Utah  
447 Code Section 63G-2-302;  
448 (c) provide notice of the determination, in a manner determined by a majority vote of the  
449 commission, to:  
450 (i) the respondent; and  
451 (ii) the first complainant named on the complaint; and  
452 (d) provide notice to each [~~person~~] individual named in Subsection (1)(c) that, under the  
453 provisions of JR6-3-102 and other provisions of this title, a person who discloses the  
454 findings of the commission in violation of any provision of this chapter is in  
455 contempt of the Legislature and is subject to penalties for contempt.

456 (2) If the commission determines that one or more of the allegations in the complaint were  
457 proved, the commission shall:

- 458 (a) if one or more allegations were not found to have been proven, enter into the record  
459 an order dismissing those unproven allegations;  
460 (b) prepare a written recommendation to the Senate Ethics Committee, if the respondent  
461 is a senator, or to the House Ethics Committee, if the respondent is a representative,  
462 that:  
463 (i) lists the name of each complainant;  
464 (ii) lists the name of the respondent;  
465 (iii) states the date of the recommendation;  
466 (iv) for each allegation that was found to be proven:  
467 (A) provides a reference to the code of conduct or criminal provision allegedly  
468 violated;  
469 (B) states the number and names of commission members voting that the

- 470 allegation was proved and the number and names of commission members  
471 voting that the allegation was not proved;
- 472 (C) at the option of those members voting that the allegation was proved, includes  
473 a statement by one or all of those members stating the reasons for voting that  
474 the allegation was proved, provided that the statement does not cite specific  
475 evidence, specific testimony, or specific witnesses; and
- 476 (D) at the option of those members voting that the allegation was not proved,  
477 includes a statement by one or all of those members stating the reasons for  
478 voting that the allegation was not proved, provided that the statement does not  
479 cite specific evidence, specific testimony, or specific witnesses;
- 480 (v) contains any general statement that is adopted for inclusion in the  
481 recommendation by a majority of the members of the commission;
- 482 (vi) contains a statement referring the allegations found to have been proved to the  
483 appropriate ethics committee for review;
- 484 (vii) states the name of each member of the commission; and
- 485 (viii) is signed by each commission member; and
- 486 ~~[(e) direct staff to publicly release the recommendation, the complaint, and the response,~~  
487 ~~subject to the redaction of any allegations that were dismissed by the commission; and]~~
- 488 ~~[(d)]~~ (c) classify all other recordings, testimony, evidence, orders, findings, and other  
489 records directly relating to the meetings and hearings authorized by this part as  
490 private records under Utah Code Section 63G-2-302.
- 491 (3) The commission shall ensure that a copy of the recommendation is ~~[made publicly~~  
492 ~~available and]~~ promptly provided to:
- 493 (a) the respondent, together with notice that the respondent may amend the respondent's  
494 witness list as provided in JR6-4-301;
- 495 (b) the first complainant named on the complaint, together with notice that the  
496 complainants may amend their witness list as provided in JR6-4-301; and
- 497 (c) the chair and vice chair of the Senate Ethics Committee, if the respondent is a  
498 senator, or the chair and vice chair of the House Ethics Committee, if the respondent  
499 is a representative.
- 500 (4) The commission shall ensure that, within five business days of the date of issuance of  
501 the recommendation:
- 502 (a) the complaint and the response are redacted to remove references to those allegations  
503 found not to have been proven by the commission, if one or more allegations were

- 504 found not to have been proven; and
- 505 (b) the following documents are [~~made publicly available and are~~] provided to the chair
- 506 and vice chair of the Senate Ethics Committee, if the respondent is a senator, or the
- 507 chair and vice chair of the House Ethics Committee, if the respondent is a
- 508 representative:
- 509 (i) a cover letter referring the allegations contained in the [edited] redacted complaint
- 510 to the ethics committee for the committee's review;
- 511 (ii) a copy of the [edited] redacted complaint;
- 512 (iii) a copy of the [edited] redacted response; and
- 513 (iv) a copy of the recommendation.

514 Section 11. **JR6-4-302** is amended to read:

515 **JR6-4-302 . Review of ethics complaint by Ethics Committee.**

- 516 (1) The scope of the committee's review is limited to the alleged violations found to have
- 517 been proven by the commission, as pled in the [edited] redacted complaint and the [
- 518 ~~edited~~] redacted response provided by the commission.
- 519 (2)(a) Before holding the hearing for review of the complaint as scheduled in JR6-4-301,
- 520 the chair may schedule a separate meeting of the committee to:
- 521 (i) hear motions or arguments from the parties, including hearing motions or
- 522 arguments relating to dismissal of a complaint, admission of evidence, or
- 523 procedures; or
- 524 (ii) hold a vote of the committee, with or without the attendance of the parties, on
- 525 procedural or committee business matters relating to a complaint.
- 526 (b) Notwithstanding JR6-4-301, the committee may, by a majority vote, change the date
- 527 of the hearing scheduled in JR6-4-301 in order to accommodate:
- 528 (i) a meeting authorized under Subsection (2)(a); or
- 529 (ii) necessary scheduling requirements.
- 530 (3)(a) The committee shall comply with the Utah Rules of Evidence, except where the
- 531 committee determines, by majority vote, that a rule is not compatible with the
- 532 requirements of this title.
- 533 (b)(i) [~~The~~] Except as provided in Subsection (3)(b)(ii), the chair shall make rulings
- 534 on admissibility of evidence consistent with the provisions of JR6-4-202.
- 535 (ii) When ruling on an evidentiary matter, the chair may designate a member of the
- 536 committee who has legal expertise to preside.
- 537 (4)(a) A meeting or hearing held under this Chapter 4, Part 3, Review of Ethics

- 538 Complaint by Ethics Committee:
- 539 (i) is subject to the requirements of Utah Code Title 52, Chapter 4, Open and Public
- 540 Meetings Act; and
- 541 (ii) may be closed by a majority vote of the committee, held in the public portion of
- 542 the meeting, for:
- 543 (A) any purpose permitted under Utah Code Section 52-4-205;
- 544 (B) the purpose of discussing legal, evidentiary, or procedural matters with the
- 545 committee or staff; or
- 546 (C) deliberations, as provided in JR6-4-304.
- 547 (b) Only committee members, committee staff, and necessary security personnel may
- 548 attend a closed meeting.
- 549 (5) If a majority of the committee determines that a continuance of a meeting or hearing is
- 550 necessary to obtain further evidence and testimony, to accommodate administrative
- 551 needs, or to accommodate the attendance of committee members, witnesses, or a party,
- 552 the chair or committee shall:
- 553 (a) adjourn and continue the hearing or meeting to a future date and time; and
- 554 (b) establish [that] the future date and time by majority vote.

555 Section 12. **Effective Date.**

556 This resolution takes effect upon a successful vote for final passage.