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- 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**

39

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 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 whom shall be nominated by the mutual consent of the president of the Senate and the speaker of the House, and appointed by a majority vote of the president of the Senate, speaker of the House, Senate minority leader, and House minority leader;

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- 50 (b) one member, who has served as a judge of a court of record in this state, nominated by the mutual
consent of the Senate minority leader and the House minority leader, and appointed by a majority
vote of the president of the Senate, speaker of the House, 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 recently than four
years before the date of appointment, appointed by the mutual consent of the president of the Senate
and the speaker of the House of Representatives; and
- 58 (d) one member, who has served as a member of the Legislature in this state no more recently than four
years before the date of appointment, appointed by the mutual 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 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 shall serve a four-
year term.
- 69 (ii) When appointing the initial members upon formation of the commission, one member
nominated by the president of the Senate and the speaker of the House of Representatives
and one member nominated by the Senate minority leader and House minority leader shall be
appointed to a two-year term so that approximately 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 replacement member shall
be appointed for the unexpired term of the vacating 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 member is not
considered a full term.

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- 79 [~~(e)~~] A member may not be appointed to serve for more than two full terms, whether those terms are two
or four years.]
- 81 [~~(d)~~] (c) A member of the commission may resign from the commission by giving one month's written
notice of the resignation to the president of the Senate, speaker of the House, Senate minority leader,
and House minority leader.
- 84 [~~(e)~~] (d) The chair of the Legislative Management Committee shall remove a member 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 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 commission member
is found, under JR6-2-103.5, to have a conflict of interest in relation to a complaint, a temporary
commission member shall be appointed to serve in that member's place for the purposes of
reviewing that complaint using the procedures and requirements of Subsection (2).
- 95 (5)
- (a) A member of the commission may not receive compensation or benefits for the member's service,
but may receive per diem and expenses incurred in the 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 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 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 -- Limitations on filings.**
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- (1) Subject to the requirements of this chapter, the Senate Ethics Committee, the House Ethics Committee, and the Independent Legislative Ethics Commission are authorized to 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, 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; or
- 120 (ii) [~~or within two years of the date~~]that the action or omission would have been discovered by a reasonable person.
- (b) For an alleged violation under Subsection (1)(c) or (d), the complaint shall be filed, subject to JR6-3-101(2),{-} within two years of the date that the plea or conviction that 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 and circumstances supporting that allegation have been previously reviewed by the commission or an ethics committee unless:
- 128 (i) the allegation was previously reviewed by the commission and dismissed without being referred to an ethics committee for review;
- 130 (ii) the allegation is accompanied by material facts or circumstances supporting the allegation that were not raised or pled to the commission when the allegation was previously reviewed; and
- 133 (iii) the allegation and the general facts and circumstances supporting that allegation have only been reviewed by the commission on one previous occasion.
- (b) If an allegation in the complaint does not comply with the requirements of 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 complaint under JR6-4-101; or
- 139 (ii) the commission, when reviewing the complaint under JR6-4-201.

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- 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 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 dismissed
under Subsection (5)(a) if a complainant or respondent fails to comply 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 Legislative Ethics
Commission and the chair of the Senate or House Ethics Committee is vested with the power to
direct the commission or committee during meetings authorized by this title.
156 (b) When ruling on an evidentiary matter, the chair may designate another member who has legal
expertise to preside.
- 158 (2) Unless expressly prohibited from doing so under this title, the commission or committee 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 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 supports the
decision of the chair.
167 (d) A majority vote of the commission or committee is necessary to overrule the decision of the chair.
169 (3) The chair may set time limitations on any part of a meeting or hearing authorized by this title.
- 171 Section 4. **JR6-2-303** is amended to read:
172 **JR6-2-303. Subpoena powers.**

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- 173 (1) For all proceedings authorized by this title, the Independent Legislative Ethics 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 evidence is
relevant to the review of a complaint under Chapter 4, Part 2, Review of 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)
- 186 ~~(b)~~ (i) as required under JR6-2-305;
- 187 ~~(b)~~ (ii) at the direction of the committee chair or vice chair, if the chair or vice chair determines that
the testimony or evidence is relevant to review of a complaint under Chapter 4, Part 3, Review of
Ethics Complaint by Ethics Committee; or
- 189 ~~(c)~~ (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 subpoena on
behalf of an ethics committee when requested to do so by ~~[one of the 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)
- 197 (a) The following individuals, who shall be referred to as the complainants, may file a complaint against
an individual legislator if the complaint meets the requirements of JR6-2-201 and Subsection (1)(b):
- 199 (i) two or more members of the House of Representatives, for a complaint against a representative,
provided that the complaint contains evidence or sworn testimony that:
- 202 (A) sets forth facts and circumstances supporting the alleged violation; and
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- (B) is evidence or sworn testimony of the type that would generally be admissible under the Utah Rules of Evidence;
- 205 (ii) two or more members of the Senate, for a complaint against a senator, provided 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 under the Utah Rules of Evidence; or
- 210 (iii) two or more registered voters currently residing within Utah, if, for each alleged violation pled in the complaint, at least one of those registered voters has personal 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 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 Ethics Commission.
- 217 (b) Except as provided in Subsection (2)(c), an individual may not file a complaint during the 60 calendar days immediately preceding:
- 219 (i) a regular primary election, if the accused legislator is a candidate in the primary election; or
- 221 (ii) a regular general election in which the accused legislator is a candidate, unless the accused legislator is unopposed in the election.
- 223 (c) Notwithstanding Subsection (2)(b), an individual may file a complaint within the time frame provided in ~~[that subsection]~~ Subsection (2)(b) if:
- 225 (i) the complaint includes evidence that the subject of the complaint has been convicted of, plead guilty to, entered a plea of no contest to, or entered a plea in 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 contains the following information:
- 231 (a) the name and position or title of the legislator alleged to be in violation, who shall be referred to as the respondent;
- 233 (b) the name, address, and telephone number of each individual who is filing the complaint;
- 235 (c) a description of each alleged violation, including for each alleged violation:

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- 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 the legislator;
- 240 (ii) the name of the complainant or complainants who have personal knowledge of the facts and
circumstances supporting each allegation; and
- 242 (iii) the facts and circumstances supporting each allegation, which shall be provided 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]~~ 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 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 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 affidavit for each
witness that includes the following:
- 256 (i) the witness's name, address, and~~[, if available, one or more telephone numbers of the witness]~~
telephone number;
- 258 (ii) a brief summary of the testimony ~~[to be provided by the witness; and]~~ the witness will provide;
- 260 (iii) a specific description of any documents or evidence complainants desire the 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 [(i)] (A) has reviewed the allegations contained in the complaint and the sworn statements and
documents attached to the complaint; and
- 268 [(ii)] (B) believes that the complaint is submitted in good faith and not for any improper purpose
such as for the purpose of harassing the respondent, causing unwarranted harm to the respondent's
reputation, or causing unnecessary expenditure of public funds; ~~[{ } and]~~

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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 of contempt**
-- Dismissal.

278 (1)

(a) Except as provided in Subsection (1)(b), [~~a person~~] an individual, including the complainants, the respondent, commission members, a committee chair or vice chair, 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 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 to an ethics committee for review under the procedures and requirements of JR6-4-204~~[-, and the allegations contained in the publicly released complaint or response];~~

290 [~~(ii) the respondent's voluntary disclosure of a finding by the commission that no allegations in a complaint were proved, after that finding is issued by the commission under the procedures and requirements of JR6-4-204;~~]

293 [~~(iii)~~] (ii) disclosing facts or allegations about potential criminal violations to law enforcement authorities;

295 [~~(iv)~~] (iii) a disclosure by a respondent that is made solely for the purpose of, and only to the extent necessary for, retaining counsel~~[-or conducting an interview]~~, seeking 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 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 the commission or committee, to conduct the duties of the commission or committee.

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(2) When [~~a person~~] an individual makes a disclosure under Subsection [~~(1)(b)(iv) or (vi),~~] (1)(b)(iii) or (v), the [~~person~~] individual making the disclosure shall inform the person to 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 contempt of the Legislature and proceedings may be initiated to enforce the finding of 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 an ethics complaint or the identity of the filer of an ethics complaint is publicly disclosed during the period that the Independent Legislative Ethics Commission is 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 -- Independent requirements for complaint -- Notice.**

316 (1) Within five business days after receipt of a complaint, [~~the staff of the Independent Legislative Ethics Commission~~] commission staff, in consultation with the [~~chair of the~~] commission chair and vice-chair, shall examine the complaint to determine if it is in 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 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 Committee, if the legislator named in the complaint is a senator, or the speaker of the House of Representatives and the chair and vice-chair of the House Ethics 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, 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 the commission submits its annual summary data report as required by JR6-2-104.

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- 334 (b) If a complaint is returned for non-compliance with the requirements of this title, the complainants
may file another complaint if the new complaint independently meets 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, 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 Committee, if the
legislator named in the complaint is a senator, or the speaker of the House of Representatives and
the chair and vice-chair of the House Ethics 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, respectively;
- 346 (ii) of the identity of the legislator who is the subject of the complaint and the identity 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 the complaint shall
be kept confidential until the commission discloses the 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 JR6-2-104;
- 355 ~~[(iv) that the fact that a complaint was filed, the nature of the allegations raised in the complaint, and
the identity of the legislator and the complainants shall be kept confidential until the commission
publicly discloses the existence of the complaint via:]~~
- 359 ~~[(A) a recommendation that an allegation in the complaint be heard by a legislative ethics committee;
or]~~
- 361 ~~[(B) submission of the commission's annual summary data report as required by JR6-2-104;]~~
- 363 (c) notify each member of the Independent Legislative Ethics Commission that the complaint has been
filed and accepted and that the existence of and contents of the 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 complaint via
personal delivery or a delivery method that provides verification of receipt, together with:
- 369 (i) notice that the existence of and contents of the complaint, and the identities of the parties, are
confidential and should not be publicly disclosed;
- 371 (ii) a copy of the applicable legislative rules; and

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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 review of
complaint -- Procedures.**

By no later than 10 calendar days after the day on which the complaint is accepted under
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 on which [the
committee] commission staff, in consultation with the commission chair 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 no later than
30 days after the day on which the legislator receives delivery of the complaint.
- 392 (2) The respondent shall file the response with the commission and shall ensure that the 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 description of
each affirmative defense and the facts and circumstances supporting the defense to be provided by
one or more affidavits[~~each of which shall comply 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 circumstances alleged in the
affidavit;
- 403 (C) the facts and circumstances testified to by the signer;

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- 404 (D) a statement that the affidavit is ~~[believed to be]~~true and correct~~[-and that false 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]~~ 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 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 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 affidavit for each
witness that includes the following:
- 420 (i) the witness's name, address, and~~[-if available, telephone number of the witness]~~ telephone number;
- 422 (ii) a brief summary of the testimony ~~[to be provided by the witness; and]~~ the witness will provide;
- 424 (iii) a specific description of any documents or evidence the respondent desires the 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 ~~[(+)]~~ (A) has reviewed the allegations contained in the complaint and the sworn statements and
documents attached to the response; and
- 432 ~~[(+)]~~ (B) believes the contents of the response to be true and accurate;~~[-{f} 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 {f}~~ ~~]~~ commission staff shall provide ~~[copies]~~ a copy of
the response to:
- 437 (a) each member of the commission; and

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- 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 commission shall:
- 443 (a) issue and enter into the record an order that the complaint is dismissed because no allegations in the complaint were found to have been proved;
- 445 (b) classify all recordings, testimony, evidence, orders, findings, and other records directly relating to the meetings authorized by this part as private records under Utah Code Section 63G-2-302;
- 448 (c) provide notice of the determination, in a manner determined by a majority vote of the 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 provisions of JR6-3-102 and other provisions of this title, a person who discloses the findings of the commission in violation of any provision of this chapter is in 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 proved, the commission shall:
- 458 (a) if one or more allegations were not found to have been proven, enter into the record an order dismissing those unproven allegations;
- 460 (b) prepare a written recommendation to the Senate Ethics Committee, if the respondent is a senator, or to the House Ethics Committee, if the respondent is a representative, 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 violated;
469 (B) states the number and names of commission members voting that the allegation was proved and the number and names of commission members voting that the allegation was not proved;
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- (C) at the option of those members voting that the allegation was proved, includes a statement by one or all of those members stating the reasons for voting that the allegation was proved, provided that the statement does not cite specific evidence, specific testimony, or specific witnesses; and
- 476 (D) at the option of those members voting that the allegation was not proved, includes a statement by one or all of those members stating the reasons for voting that the allegation was not proved, provided that the statement does not cite specific evidence, specific testimony, or specific witnesses;
- 480 (v) contains any general statement that is adopted for inclusion in the 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 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, 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 records directly relating to the meetings and hearings authorized by this part as private records under Utah Code Section 63G-2-302.
- 491 (3) The commission shall ensure that a copy of the recommendation is [~~made publicly available and~~] promptly provided to:
- 493 (a) the respondent, together with notice that the respondent may amend the respondent's witness list as provided in JR6-4-301;
- 495 (b) the first complainant named on the complaint, together with notice that the 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 senator, or the chair and vice chair of the House Ethics Committee, if the respondent is a representative.
- 500 (4) The commission shall ensure that, within five business days of the date of issuance of the recommendation:
- 502 (a) the complaint and the response are redacted to remove references to those allegations found not to have been proven by the commission, if one or more allegations were found not to have been proven; and

505

SJR016 compared with SJR016S02

(b) the following documents are [~~made publicly available and are~~] provided to the chair and vice chair of the Senate Ethics Committee, if the respondent is a senator, or the chair and vice chair of the House Ethics Committee, if the respondent is a representative:

- 509 (i) a cover letter referring the allegations contained in the [~~edited~~] redacted complaint 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 been proven
by the commission, as pled in the [~~edited~~] redacted complaint and the [~~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, the chair may
schedule a separate meeting of the committee to:

- 521 (i) hear motions or arguments from the parties, including hearing motions or arguments relating to
dismissal of a complaint, admission of evidence, or procedures; or
- 524 (ii) hold a vote of the committee, with or without the attendance of the parties, on 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 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 committee
determines, by majority vote, that a rule is not compatible with the requirements of this title.

533 (b)

(i) [~~The~~] Except as provided in Subsection (3)(b)(ii), the chair shall make rulings on admissibility of
evidence consistent with the provisions of JR6-4-202.

535

SJR016 compared with SJR016S02

(ii) When ruling on an evidentiary matter, the chair may designate a member of the committee who has legal expertise to preside.

537

(4)

(a) A meeting or hearing held under this Chapter 4, Part 3, Review of Ethics Complaint by Ethics Committee:

539

(i) is subject to the requirements of Utah Code Title 52, Chapter 4, Open and Public Meetings Act; and

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(ii) may be closed by a majority vote of the committee, held in the public portion of 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 committee or staff; or

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(C) deliberations, as provided in JR6-4-304.

547

(b) Only committee members, committee staff, and necessary security personnel may attend a closed meeting.

549

(5) If a majority of the committee determines that a continuance of a meeting or hearing is necessary to obtain further evidence and testimony, to accommodate administrative needs, or to accommodate the attendance of committee members, witnesses, or a party, the chair or committee shall:

553

(a) adjourn and continue the hearing or meeting to a future date and time; and

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(b) establish [~~that~~] the future date and time by majority vote.

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Section 12. **Effective date.**

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

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