

Part 3 General Powers and Procedures

63A-14-301 Title.

This part is known as "General Powers and Procedures."

Enacted by Chapter 426, 2013 General Session

63A-14-302 Authority to review complaint -- Grounds for complaint -- Limitations on filings.

- (1) Subject to the requirements of this chapter, the commission may review an ethics complaint against an executive branch elected official if the complaint alleges that the executive branch elected official has committed a violation.
- (2) Individuals who file a complaint for an alleged violation shall file the complaint within two years after the later of:
 - (a) the day on which the action or omission that forms the basis for the alleged violation occurs or would have been discovered by a reasonable person; or
 - (b) the day on which a plea or conviction that forms the basis for the allegation is entered.
- (3)
 - (a) A complaint may not contain an allegation that was previously reviewed by the commission, unless:
 - (i) 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
 - (ii) the allegation and the general facts and circumstances supporting the allegation were only reviewed by the commission on one previous occasion.
 - (b) If an allegation in a complaint does not comply with the requirements of Subsection (3)(a), the commission or the chair shall dismiss the allegation with prejudice.

Enacted by Chapter 426, 2013 General Session

63A-14-303 General powers -- Jurisdiction.

- (1) The commission has jurisdiction only over an individual who is currently serving as an executive branch elected official.
- (2) The commission or the chair shall dismiss an ethics complaint if:
 - (a) the respondent resigns from the respondent's position as an executive branch elected official; or
 - (b) the House of Representatives convenes to consider impeachment of the executive branch elected official.
- (3)
 - (a) The commission may suspend commission proceedings during a period of time when a criminal investigation or prosecution, based in whole or in part on an allegation in the complaint, is pending.
 - (b) The time periods and deadlines described in this chapter are tolled during a suspension described in Subsection (3)(a).
- (4) The commission does not have jurisdiction over a violation that occurs before March 14, 2013.

Enacted by Chapter 426, 2013 General Session

