

1                                   **JOINT RULES RESOLUTION ON CAMPAIGN**  
2   **CONTRIBUTIONS**

3   2013 GENERAL SESSION

4   STATE OF UTAH

5   **Chief Sponsor: Gregory H. Hughes**

6   Senate Sponsor: John L. Valentine

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8   **LONG TITLE**

9   **General Description:**

10           This rules resolution amends the joint legislative rules on ethics.

11   **Highlighted Provisions:**

12           This rules resolution:

- 13           ▶ provides definitions;
- 14           ▶ establishes that it is a violation of legislative ethics for a legislator to accept a
- 15 campaign contribution on capitol hill; and
- 16           ▶ provides that a violation of the prohibition is subject to the ethics review and

17 complaint process.

18   **Special Clauses:**

19           None

20   **Legislative Rules Affected:**

21   AMENDS:

22           **JR6-2-201**

23   ENACTS:

24           **JR6-1-103**

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

27           Section 1. **JR6-1-103** is enacted to read:



28 **JR6-1-103. Receipt of campaign donations.**

29 (1) As used in this section:

30 (a) "Campaign contribution" ~~§→~~ [has the same meaning as "contribution" as defined in  
31 Section 20A-11-101.

32 ~~——(b)~~ means cash or a negotiable instrument contributed for a political purpose to a  
32a campaigner.

32b (b) "Campaigner" means:

32c (i) a legislative office candidate;

32d (ii) an individual who holds a legislative office;

32e (iii) a personal campaign committee of a person described in Subsection (1)(b)(i) or (ii);

32f (iv) a political action committee controlled by a person described in Subsection (1)(b)(i)  
32g or (ii); or

32h (v) a person acting on behalf of a person described in Subsections (1)(b)(i) through (iv).

32i (c) ~~←§~~ "Capitol hill" is as defined in Section 36-5-1.

33 ~~§→~~ ~~(c)~~ (d) ~~←§~~ "Indirect campaign contribution" means a campaign contribution that is  
33a delivered to

34 a ~~§→~~ ~~[legislator]~~ campaigner ~~←§~~ :

35 (i) when the ~~§→~~ ~~[legislator]~~ campaigner ~~←§~~ is not present; or

36 (ii) via a third party or delivery service.

36a ~~§→~~ (e) "Political purpose" has the same meaning as "political purposes" as defined in  
36b Section 20A-11-101. ←§

37 (2) ~~§→~~ ~~[It is an ethical violation for a legislator to]~~ (a) A campaigner may not ←§ accept  
37a receipt of a campaign contribution  
38 on capitol hill.

38a ~~§→~~ (b) A legislator who is in violation of this section is subject to an ethics complaint  
38b regardless of whether the violation occurred while the legislator was a legislative office holder  
38c or a legislative office candidate. ←§

39 (3) Notwithstanding Subsection (2), a ~~§→~~ ~~[legislator]~~ campaigner ~~←§~~ shall not be  
39a considered to have

40 accepted receipt of a campaign contribution if:

41 (a) the campaign contribution is an indirect campaign contribution; and

42 (b) the ~~§→~~ ~~[legislator]~~ campaigner ~~←§~~ promptly:

43 (i) returns the campaign contribution to the donor; or

44 (ii) refuses the campaign contribution in a written communication or other verifiable

45 manner.

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

47 **JR6-2-201. Authority to Review Complaint -- Grounds for Complaint --**

48 **Limitations on Filings.**

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

52 (a) a violation of the Code of Official Conduct as provided in JR6-1-102;

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

54 [~~(b)~~] (c) a conviction of, or a plea of guilty to, a crime involving moral turpitude; or

55 [~~(c)~~] (d) a plea of no contest or a plea in abeyance to a crime involving moral turpitude.

56 (2) (a) For an alleged violation under Subsection (1)(a), the complaint must be filed  
57 within two years of the date that the action or omission that forms the basis of the alleged  
58 violation occurred or within two years of the date that the action or omission would have been

59 discovered by a reasonable person.

60 (b) For an alleged violation under Subsection (1)~~(b)~~(c) or ~~(c)~~ (d), the complaint  
61 shall be filed within two years of the date that the plea or conviction that forms the basis of the  
62 allegation was entered.

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

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

68 (ii) the allegation is accompanied by material facts or circumstances supporting the  
69 allegation that were not raised or pled to the commission when the allegation was previously  
70 reviewed; and

71 (iii) the allegation and the general facts and circumstances supporting that allegation  
72 have only been reviewed by the commission on one previous occasion.

73 (b) If an allegation in the complaint does not comply with the requirements of  
74 Subsection (3)(a), the allegation shall be summarily dismissed with prejudice by:

75 (i) the chair of the Independent Legislative Ethics Commission, when reviewing the  
76 complaint under JR6-4-101; or

77 (ii) the commission, when reviewing the complaint under JR6-4-201.

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**Legislative Review Note**  
**as of 2-1-13 2:57 PM**

**Office of Legislative Research and General Counsel**