

1 **JOINT RULES RESOLUTION ON LEGISLATIVE ETHICS**

2 2015 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Mike K. McKell**

5 Senate Sponsor: _____

6

7 **LONG TITLE**

8 **General Description:**

9 This rules resolution modifies the legislative rule that governs the filing of legislative
10 ethics complaints.

11 **Highlighted Provisions:**

12 This resolution:

13 ▶ allows one legislator, rather than the current requirement of two or more legislators,
14 to file a legislative ethics complaint.

15 **Special Clauses:**

16 None

17 **Legislative Rules Affected:**

18 AMENDS:

19 **JR6-3-101**

20

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

22 Section 1. **JR6-3-101** is amended to read:

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

24 (1) (a) The following individual or individuals, who [~~shall be~~] are referred to as the
25 complainants, may file a complaint against an individual legislator if the complaint meets the
26 requirements of **JR6-2-201** and Subsection (1)(b):

27 (i) [~~two~~] one or more members of the House of Representatives, for a complaint



28 against a representative, provided that the complaint contains evidence or sworn testimony that:

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

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

32 (ii) [~~two~~] one or more members of the Senate, for a complaint against a senator,
33 provided that the complaint contains evidence or sworn testimony that:

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

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

37 (iii) two or more registered voters currently residing within Utah, if, for each alleged
38 violation pled in the complaint, at least one of those registered voters has actual knowledge of
39 the facts and circumstances supporting the alleged violation.

40 (b) A complainant may file a complaint only against an individual who is serving as a
41 member of the Legislature on the date that the complaint is filed.

42 (2) (a) Complainants shall file a complaint with the chair of the Independent
43 Legislative Ethics Commission.

44 (b) An individual may not file a complaint during the 60 calendar days immediately
45 preceding:

46 (i) a regular primary election, if the accused legislator is a candidate in the primary
47 election; or

48 (ii) a regular general election in which the accused legislator is a candidate, unless the
49 accused legislator is unopposed in the election.

50 (3) The complainants shall ensure that each complaint filed under this rule is in writing
51 and contains the following information:

52 (a) the name and position or title of the legislator alleged to be in violation, who shall
53 be referred to as the respondent;

54 (b) the name, address, and telephone number of each individual who is filing the
55 complaint;

56 (c) a description of each alleged violation, including for each alleged violation:

57 (i) a reference to:

58 (A) the section of the code of conduct alleged to have been violated; or

- 59 (B) the criminal provision violated and the docket number of the case involving the
60 legislator;
- 61 (ii) the name of the complainant or complainants who have actual knowledge of the
62 facts and circumstances supporting each allegation;
- 63 (iii) the facts and circumstances supporting each allegation, which shall be provided
64 by:
- 65 (A) copies of official records or documentary evidence; or
66 (B) one or more affidavits, each of which shall comply with the following format:
- 67 (I) the name, address, and telephone number of the signer;
68 (II) a statement that the signer has actual knowledge of the facts and circumstances
69 alleged in the affidavit;
70 (III) the facts and circumstances testified to by the signer;
71 (IV) a statement that the affidavit is believed to be true and correct and that false
72 statements are subject to penalties of perjury; and
73 (V) the signature of the signer;
- 74 (d) a list of the witnesses that the complainants wish to have called, including for each
75 witness:
- 76 (i) the name, address, and, if available, one or more telephone numbers of the witness;
77 (ii) a brief summary of the testimony to be provided by the witness; and
78 (iii) a specific description of any documents or evidence complainants desire the
79 witness to produce;
- 80 (e) a statement that each complainant:
- 81 (i) has reviewed the allegations contained in the complaint and the sworn statements
82 and documents attached to the complaint;
- 83 (ii) believes that the complaint is submitted in good faith and not for any improper
84 purpose such as for the purpose of harassing the respondent, causing unwarranted harm to the
85 respondent's reputation, or causing unnecessary expenditure of public funds; and
86 (iii) believes the allegations contained in the complaint to be true and accurate; and
87 (f) the signature of each complainant.

Legislative Review Note
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Office of Legislative Research and General Counsel