

1 **JOINT RULES RESOLUTION - LEGISLATIVE ETHICS**

2 2023 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Jordan D. Teuscher**

5 Senate Sponsor: _____

6

7 **LONG TITLE**

8 **General Description:**

9 This resolution modifies provisions related to legislative ethics committees.

10 **Highlighted Provisions:**

11 This resolution:

- 12 ▶ clarifies the president's and speaker's authority to convene the Senate Ethics
- 13 Committee or the House Ethics Committee for the purpose of exercising the
- 14 Senate's or House's authority under Utah Constitution Article VI, Section 10, to
- 15 judge the election and qualifications of its members or to punish its members for
- 16 disorderly conduct;
- 17 ▶ addresses procedural requirements for an ethics committee convened by the
- 18 president or the speaker; and
- 19 ▶ makes technical and conforming changes.

20 **Special Clauses:**

21 None

22 **Legislative Rules Affected:**

23 AMENDS:

24 **JR6-2-102**

25 **JR6-2-201**

26 **JR6-3-102**

27 ENACTS:



59 (c) the discretion of the president or speaker in accordance with Chapter 4a, Ethics
60 Committees.

61 (3) A majority of the committee is a quorum.

62 (4) The staff of each committee consists of:

63 (a) the director of the Office of Legislative Research and General Counsel;

64 (b) the legislative general counsel; and

65 (c) any other staff designated by the director or the legislative general counsel.

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

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

68 **Limitations on filings.**

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

72 (a) a violation of the code of official conduct as provided in [JR6-1-102](#);

73 (b) a violation of [JR6-1-103](#);

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

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

76 (2) (a) For an alleged violation under Subsection (1)(a), the complaint must be filed
77 within two years of the date that the action or omission that forms the basis of the alleged
78 violation occurred or within two years of the date that the action or omission would have been
79 discovered by a reasonable person.

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

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

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

88 (ii) the allegation is accompanied by material facts or circumstances supporting the
89 allegation that were not raised or pled to the commission when the allegation was previously

90 reviewed; and

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

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

95 (i) the chair of the Independent Legislative Ethics Commission, when reviewing the
96 complaint under [~~JR6-4-101~~] [JR6-3-201](#); or

97 (ii) the commission, when reviewing the complaint under [~~JR6-4-201~~] [JR6-3-301](#).

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

99 **CHAPTER 3. ADJUDICATION OF ETHICS COMPLAINTS**

100 **Part 1. Filing a Complaint Alleging a Violation of Legislative Ethics**

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

103 (1) (a) Except as provided in Subsection (1)(b), a person, including the complainants,
104 the respondent, commission members, a committee chair or vice chair, or staff to the
105 commission or a committee, may not disclose the existence of a complaint, a response, nor any
106 information concerning any alleged violation that is the subject of a complaint.

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

108 (i) a complaint or response that is publicly released by the commission and referred to
109 an ethics committee for review under the procedures and requirements of [~~JR6-4-204~~]

110 [JR6-3-304](#), and the allegations contained in the publicly released complaint or response;

111 (ii) the respondent's voluntary disclosure of a finding by the commission that no
112 allegations in a complaint were proved, after that finding is issued by the commission under the
113 procedures and requirements of [~~JR6-4-204~~] [JR6-3-304](#);

114 (iii) disclosing facts or allegations about potential criminal violations to law
115 enforcement authorities;

116 (iv) a disclosure by a respondent that is made solely for the purpose of, and only to the
117 extent necessary for, retaining counsel or conducting an interview, seeking evidence, or taking
118 other action to prepare to defend against a complaint;

119 (v) a communication between a commission or committee member and the
120 commission's or committee's attorneys or staff; or

121 (vi) a disclosure to a person that is determined necessary, by a majority vote of the
122 commission or committee, to conduct the duties of the commission or committee.

123 (2) When a person makes a disclosure under Subsection (1)(b)(iv) or (vi), the person
124 making the disclosure shall inform the person to whom the disclosure is made of the
125 nondisclosure requirements described in this section.

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

129 (4) Except as provided in [~~JR6-4-101~~(3)] [JR6-3-201](#)(3), if the identity of the legislator
130 who is the subject of an ethics complaint or the identity of the filer of an ethics complaint is
131 publicly disclosed during the period that the Independent Legislative Ethics Commission is
132 reviewing the complaint, the complaint shall be summarily dismissed without prejudice.

133 Section 4. **JR6-3-201**, which is renumbered from Section JR6-4-101

134 **Part 2. Initial Review of Ethics Complaint and Response**

135 [~~JR6-4-101~~]. **JR6-3-201. Review of ethics complaint for compliance with**
136 **form requirements -- Independent requirements for complaint -- Notice.**

137 (1) Within five business days after receipt of a complaint, the staff of the Independent
138 Legislative Ethics Commission, in consultation with the chair of the commission, shall
139 examine the complaint to determine if it is in compliance with [JR6-2-201](#) or [JR6-3-101](#).

140 (2) (a) If the chair determines that the complaint does not comply with [JR6-2-201](#) or
141 [JR6-3-101](#), the chair shall:

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

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

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

145 (ii) notify the president of the Senate and the chair and vice-chair of the Senate Ethics
146 Committee, if the legislator named in the complaint is a senator, or the speaker of the House of
147 Representatives and the chair and vice-chair of the House Ethics Committee, if the legislator
148 named in the complaint is a representative, that:

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

151 (B) the fact that a complaint was filed and returned shall be kept confidential until the

152 commission submits its annual summary data report as required by [JR6-2-104](#).

153 (b) If a complaint is returned for non-compliance with the requirements of this title, the
154 complainants may file another complaint if the new complaint independently meets the
155 requirements of [JR6-3-101](#), including any requirements for timely filing.

156 (3) If the chair determines that the complaint complies with the requirements of this
157 rule, the chair shall:

158 (a) accept the complaint;

159 (b) notify the president of the Senate and the chair and vice-chair of the Senate Ethics
160 Committee, if the legislator named in the complaint is a senator, or the speaker of the House of
161 Representatives and the chair and vice-chair of the House Ethics Committee, if the legislator
162 named in the complaint is a representative:

163 (i) that a complaint has been filed against a member of the Senate or House,
164 respectively;

165 (ii) of the identity of the legislator who is the subject of the complaint and the identity
166 of the person or persons filing the complaint;

167 (iii) of the nature of the allegations contained in the complaint; and

168 (iv) that the fact that a complaint was filed, the nature of the allegations raised in the
169 complaint, and the identity of the legislator and the complainants shall be kept confidential
170 until the commission publicly discloses the existence of the complaint via:

171 (A) a recommendation that an allegation in the complaint be heard by a legislative
172 ethics committee; or

173 (B) submission of the commission's annual summary data report as required by
174 [JR6-2-104](#);

175 (c) notify each member of the Independent Legislative Ethics Commission that the
176 complaint has been filed and accepted and that the existence of and contents of the complaint
177 and the identities of the parties shall be kept confidential; and

178 (d) promptly forward the complaint to the legislator who is the subject of the ethics
179 complaint via personal delivery or a delivery method that provides verification of receipt,
180 together with:

181 (i) notice that the existence of and contents of the complaint, and the identities of the
182 parties, are confidential and should not be publicly disclosed;

- 183 (ii) a copy of the applicable legislative rules; and
- 184 (iii) notice of the legislator's deadline for filing a response to the complaint.

185 Section 5. **JR6-3-202**, which is renumbered from Section JR6-4-102

186 ~~[JR6-4-102]~~. **JR6-3-202**. **Meeting of the Independent Legislative Ethics**
187 **Commission for review of complaint -- Procedures.**

188 By no later than 10 calendar days after the day on which the complaint is accepted
189 under ~~[JR6-4-101]~~ JR6-3-201, the commission chair shall:

- 190 (1) schedule a commission meeting on a date no later than 60 calendar days after the
191 date on which the committee chair and vice chair accept the complaint;
- 192 (2) place the complaint on the agenda for consideration at that meeting;
- 193 (3) provide notice of the date, time, and location of the meeting to:
 - 194 (a) the members of the commission;
 - 195 (b) the first complainant named in the complaint; and
 - 196 (c) the respondent; and
- 197 (4) provide a copy of the complaint to each member of the commission.

198 Section 6. **JR6-3-203**, which is renumbered from Section JR6-4-103

199 ~~[JR6-4-103]~~. **JR6-3-203**. **Response to ethics complaint -- Filing -- Form.**

- 200 (1) The legislator that is the subject of the complaint may file a response to the
201 complaint no later than 30 days after the day on which the legislator receives delivery of the
202 complaint.
- 203 (2) The respondent shall file the response with the commission and shall ensure that
204 the response is in writing and contains the following information:
 - 205 (a) the name, address, and telephone number of the respondent;
 - 206 (b) for each alleged violation in the complaint:
 - 207 (i) each affirmative defense asserted in response to the allegation, including a general
208 description of each affirmative defense and the facts and circumstances supporting the defense
209 to be provided by one or more affidavits, each of which shall comply with the following
210 format:
 - 211 (A) the name, address, and telephone number of the signer;
 - 212 (B) a statement that the signer has personal knowledge of the facts and circumstances
213 alleged in the affidavit;

- 214 (C) the facts and circumstances testified to by the signer;
- 215 (D) a statement that the affidavit is believed to be true and correct and that false
- 216 statements are subject to penalties of perjury; and
- 217 (E) the signature of the signer;
- 218 (ii) the facts and circumstances refuting the allegation, which shall be provided by:
- 219 (A) copies of official records or documentary evidence; or
- 220 (B) one or more affidavits, each of which shall comply with the following format:
- 221 (I) the name, address, and telephone number of the signer;
- 222 (II) a statement that the signer has personal knowledge of the facts and circumstances
- 223 alleged in the affidavit;
- 224 (III) the facts and circumstances testified to by the signer;
- 225 (IV) a statement that the affidavit is believed to be true and correct and that false
- 226 statements are subject to penalties of perjury; and
- 227 (V) the signature of the signer;
- 228 (c) a list of the witnesses that the respondent wishes to have called, including for each
- 229 witness:
- 230 (i) the name, address, and, if available, telephone number of the witness;
- 231 (ii) a brief summary of the testimony to be provided by the witness; and
- 232 (iii) a specific description of any documents or evidence the respondent desires the
- 233 witness to produce;
- 234 (d) a statement that the respondent:
- 235 (i) has reviewed the allegations contained in the complaint and the sworn statements
- 236 and documents attached to the response; and
- 237 (ii) believes the contents of the response to be true and accurate; and
- 238 (e) the signature of the respondent.
- 239 (3) Promptly after receiving the response, the commission shall provide copies of the
- 240 response to:
- 241 (a) each member of the commission; and
- 242 (b) the first named complainant on the complaint.

243 Section 7. **JR6-3-301**, which is renumbered from Section JR6-4-201

244 **Part 3. Review of Ethics Complaint by the Independent Legislative Ethics Commission**

245 ~~[JR6-4-201]~~. JR6-3-301. **Review of ethics complaint by the Independent**
246 **Legislative Ethics Commission.**

247 (1) The scope of the Independent Legislative Ethics Commission's review is limited to
248 the alleged violations stated in the complaint.

249 (2) (a) Before holding the meeting for review of the complaint, the commission chair
250 may schedule a separate meeting of the commission for the purposes of:

251 (i) hearing motions or arguments from the parties, including hearing motions or
252 arguments relating to dismissal of a complaint, admission of evidence, or procedures;

253 (ii) holding a vote of the commission, with or without the attendance of the parties, on
254 procedural or commission business matters relating to a complaint; or

255 (iii) reviewing a complaint, with or without the attendance of the parties, to determine
256 if the complaint should be dismissed in whole or in part, by means of a majority vote of the
257 commission, because it pleads facts or circumstances against a legislator that have already been
258 reviewed by the commission or an ethics committee as provided in [JR6-2-201](#).

259 (b) Notwithstanding ~~[JR6-4-102]~~ [JR6-3-202](#), the commission may, by a majority vote,
260 change the date of the meeting for review of the complaint in order to accommodate:

261 (i) a meeting authorized under Subsection (2)(a); or

262 (ii) necessary scheduling requirements.

263 (3) (a) The commission shall comply with the Utah Rules of Evidence except where
264 the commission determines, by majority vote, that a rule is not compatible with the
265 requirements of this title.

266 (b) The chair shall make rulings on admissibility of evidence consistent with the
267 provisions of [JR6-2-302](#).

268 (4) (a) All meetings and hearings authorized in this part are closed to the public.

269 (b) The following individuals may be present during the presentation of testimony and
270 evidence to the commission:

271 (i) the complainants, except that no more than three complainants may be present at
272 one time;

273 (ii) complainants' counsel, if applicable;

274 (iii) the respondent;

275 (iv) the respondent's counsel, if applicable;

- 276 (v) members of the commission;
- 277 (vi) staff to the commission;
- 278 (vii) a witness, while testifying before the commission; and
- 279 (viii) necessary security personnel.

280 (c) The complainants, respondent, and their respective counsel may be excluded from a
281 portion of the meeting when the commission discusses administrative, procedural, legal, or
282 evidentiary issues by:

- 283 (i) the order of the chair, subject to override as provided in [JR6-2-302](#); or
- 284 (ii) a majority vote of the commission.

285 (d) When the commission deliberates at the conclusion of presentation of testimony
286 and evidence, the commission shall ensure that those deliberations are closed to all persons
287 except for the members of the commission and commission staff.

288 (5) If a majority of the commission determines that a continuance is necessary to obtain
289 further evidence and testimony, to accommodate administrative needs, or to accommodate the
290 attendance of commission members, witnesses, or a party, the commission shall:

- 291 (a) adjourn and continue the meeting to a future date and time after notice to the
292 parties; and
- 293 (b) establish that future date and time by majority vote.

294 Section 8. **JR6-3-302**, which is renumbered from Section JR6-4-202

295 [~~JR6-4-202~~]. **JR6-3-302. Record -- Recording of meetings.**

296 (1) (a) Except as provided in Subsection (1)(b), an individual may not use a camera or
297 other recording device in any meeting authorized by this part.

298 (b) (i) The commission shall keep an audio or video recording of all portions of each
299 meeting authorized by this part.

300 (ii) If the commission elects, by a majority vote, to release the commission's
301 recommendation in a public meeting, the meeting may, upon a majority vote of the
302 commission, be opened to cameras or other recording devices.

303 (2) In addition to the recording required in Subsection (1), the chair shall ensure that a
304 record of the meeting or hearing is made, which shall include:

- 305 (a) official minutes taken during the meeting or hearing, if any;
- 306 (b) copies of all documents or other items admitted into evidence by the commission;

307 (c) copies of any documents or written orders or rulings issued by the chair or the
308 commission; and

309 (d) any other information that a majority of the commission or the chair directs.

310 (3) Except for the recommendation prepared by the commission, which shall be either
311 a private or public record as determined in [~~JR6-4-204~~] [JR6-3-304](#), any recording, testimony,
312 evidence, or other record of a meeting authorized by this part is a private record under Utah
313 Code Section [63G-2-302](#) and may not be disclosed.

314 Section 9. **JR6-3-303**, which is renumbered from Section JR6-4-203

315 [~~JR6-4-203~~]. **JR6-3-303. Process for making a decision -- Deliberations.**

316 (1) After each party has presented a closing argument, the commission shall, at the
317 direction of the chair, begin its private deliberations:

318 (a) immediately after conclusion of the closing arguments; or

319 (b) at a future meeting of the commission, on a date and time determined by a majority
320 of the members of the commission.

321 (2) (a) The chair of the commission shall conduct the deliberations.

322 (b) Upon a motion made by a commission member, the commission may exclude
323 commission staff from all or a portion of the deliberations by a majority vote of the
324 commission.

325 (3) (a) During deliberations, for each allegation reviewed by the commission, each
326 member shall determine and cast a vote stating whether the allegation is:

327 (i) proven by a preponderance of the evidence; or

328 (ii) not proven.

329 (b) A verbal roll call vote shall be taken on each allegation and each member's vote
330 shall be recorded.

331 (4) (a) A count is not considered to be proven unless four of the five members of the
332 commission vote that the count is proven.

333 (b) A count that is not considered to be proven is dismissed.

334 (c) (i) Before the commission issues its recommendation under [~~JR6-4-204~~]

335 [JR6-3-304](#), the commission may, upon a majority vote, reconsider and hold a new vote on an
336 allegation.

337 (ii) A motion to reconsider a vote may only be made by a member of the commission

338 who voted that the allegation was not proved.

339 (5) At the conclusion of deliberations, the commission shall prepare its
340 recommendations as provided in [~~JR6-4-204~~] JR6-3-304.

341 Section 10. ~~JR6-3-304~~, which is renumbered from Section JR6-4-204
342 [~~JR6-4-204~~]. **JR6-3-304. Recommendations of commission.**

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

345 (a) issue and enter into the record an order that the complaint is dismissed because no
346 allegations in the complaint were found to have been proved;

347 (b) classify all recordings, testimony, evidence, orders, findings, and other records
348 directly relating to the meetings authorized by this part as private records under Utah Code
349 Section 63G-2-302;

350 (c) provide notice of the determination, in a manner determined by a majority vote of
351 the commission, to:

352 (i) the respondent; and

353 (ii) the first complainant named on the complaint; and

354 (d) provide notice to each person named in Subsection (1)(c) that, under the provisions
355 of JR6-3-102 and other provisions of this title, a person who discloses the findings of the
356 commission in violation of any provision of this chapter is in contempt of the Legislature and is
357 subject to penalties for contempt.

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

360 (a) if one or more allegations were not found to have been proven, enter into the record
361 an order dismissing those unproven allegations;

362 (b) prepare a written recommendation to the Senate Ethics Committee, if the
363 respondent is a senator, or to the House Ethics Committee, if the respondent is a representative,
364 that:

365 (i) lists the name of each complainant;

366 (ii) lists the name of the respondent;

367 (iii) states the date of the recommendation;

368 (iv) for each allegation that was found to be proven:

- 369 (A) provides a reference to the code of conduct or criminal provision allegedly
370 violated;
- 371 (B) states the number and names of commission members voting that the allegation
372 was proved and the number and names of commission members voting that the allegation was
373 not proved;
- 374 (C) at the option of those members voting that the allegation was proved, includes a
375 statement by one or all of those members stating the reasons for voting that the allegation was
376 proved, provided that the statement does not cite specific evidence, specific testimony, or
377 specific witnesses; and
- 378 (D) at the option of those members voting that the allegation was not proved, includes
379 a statement by one or all of those members stating the reasons for voting that the allegation was
380 not proved, provided that the statement does not cite specific evidence, specific testimony, or
381 specific witnesses;
- 382 (v) contains any general statement that is adopted for inclusion in the recommendation
383 by a majority of the members of the commission;
- 384 (vi) contains a statement referring the allegations found to have been proved to the
385 appropriate ethics committee for review;
- 386 (vii) states the name of each member of the commission; and
387 (viii) is signed by each commission member;
- 388 (c) direct staff to publicly release the recommendation, the complaint, and the
389 response, subject to the redaction of any allegations that were dismissed by the commission;
390 and
- 391 (d) classify all other recordings, testimony, evidence, orders, findings, and other
392 records directly relating to the meetings and hearings authorized by this part as private records
393 under Utah Code Section [63G-2-302](#).
- 394 (3) The commission shall ensure that a copy of the recommendation is made publicly
395 available and promptly provided to:
- 396 (a) the respondent, together with notice that the respondent may amend the
397 respondent's witness list as provided in [~~JR6-4-301~~] [JR6-3-401](#);
- 398 (b) the first complainant named on the complaint, together with notice that the
399 complainants may amend their witness list as provided in [~~JR6-4-301~~] [JR6-3-401](#); and

400 (c) the chair and vice chair of the Senate Ethics Committee, if the respondent is a
401 senator, or the chair and vice chair of the House Ethics Committee, if the respondent is a
402 representative.

403 (4) The commission shall ensure that, within five business days of the date of issuance
404 of the recommendation:

405 (a) the complaint and the response are redacted to remove references to those
406 allegations found not to have been proven by the commission, if one or more allegations were
407 found not to have been proven; and

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

411 (i) a cover letter referring the allegations contained in the edited complaint to the ethics
412 committee for the committee's review;

413 (ii) a copy of the edited complaint;

414 (iii) a copy of the edited response; and

415 (iv) a copy of the recommendation.

416 Section 11. **JR6-3-401**, which is renumbered from Section JR6-4-301

417 **Part 4. Procedures for Reviewing Ethics Complaints**

418 ~~[JR6-4-301]~~. **JR6-3-401. Receipt of recommendation from Independent**

419 **Legislative Ethics Commission -- Scheduling of Ethics Committee hearing --**

420 **Amendments.**

421 (1) Within five calendar days of the date that the chair of the Senate Ethics or House
422 Ethics Committee receives the commission's recommendation as provided under ~~[JR6-4-204]~~
423 JR6-3-304, the chair and vice chair of the committee shall:

424 (a) schedule a committee hearing to review the complaint on a date no later than 30
425 days after the day on which the committee receives the recommendation; and

426 (b) place the ethics complaint on the agenda for consideration at that hearing.

427 (2) (a) The complainants may not amend the complaint.

428 (b) The respondent may not amend the response.

429 (c) The complainant and respondent may file with the committee, within 10 days of the
430 date of issuance of the commission's recommendations, an amended list of witnesses and

431 evidence that they wish to have subpoenaed by the committee.

432 Section 12. **JR6-3-402**, which is renumbered from Section JR6-4-302

433 ~~[JR6-4-302]~~. **JR6-3-402. Review of ethics complaint by Ethics Committee.**

434 (1) The scope of the committee's review is limited to the alleged violations found to
435 have been proven by the commission, as pled in the edited complaint and the edited response
436 provided by the commission.

437 (2) (a) Before holding the hearing for review of the complaint as scheduled in
438 ~~[JR6-4-301]~~ JR6-3-401, the chair may schedule a separate meeting of the committee to:

439 (i) hear motions or arguments from the parties, including hearing motions or arguments
440 relating to dismissal of a complaint, admission of evidence, or procedures; or

441 (ii) hold a vote of the committee, with or without the attendance of the parties, on
442 procedural or committee business matters relating to a complaint.

443 (b) Notwithstanding ~~[JR6-4-301]~~ JR6-3-401, the committee may, by a majority vote,
444 change the date of the hearing scheduled in ~~[JR6-4-301]~~ JR6-3-401 in order to accommodate:

445 (i) a meeting authorized under Subsection (2)(a); or

446 (ii) necessary scheduling requirements.

447 (3) (a) The committee shall comply with the Utah Rules of Evidence, except where the
448 committee determines, by majority vote, that a rule is not compatible with the requirements of
449 this title.

450 (b) The chair shall make rulings on admissibility of evidence consistent with the
451 provisions of ~~[JR6-4-202]~~ JR6-3-302.

452 (4) (a) A meeting or hearing held under this ~~[Chapter 4, Part 3, Review of Ethics~~
453 ~~Complaint by Ethics Committee]~~ Part 4, Procedures for Reviewing Ethics Complaints:

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

456 (ii) may be closed by a majority vote of the committee, held in the public portion of the
457 meeting, for:

458 (A) any purpose permitted under Utah Code Section 52-4-205;

459 (B) the purpose of discussing legal, evidentiary, or procedural matters with the
460 committee or staff; or

461 (C) deliberations, as provided in ~~[JR6-4-304]~~ JR6-3-404.

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

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

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

469 (b) establish that future date and time by majority vote.

470 Section 13. ~~JR6-3-403~~, which is renumbered from Section JR6-4-303

471 ~~[JR6-4-303]~~. **JR6-3-403. Record -- Recording of meetings.**

472 (1) (a) Except as provided in Subsection (1)(b), an individual may not use a camera or
473 other recording device in any meeting authorized by this part.

474 (b) (i) The committee shall keep an audio or video recording of all portions of each
475 meeting authorized by this part.

476 (ii) If the committee elects, by a majority vote, to release the committee's finding and
477 order in a public meeting, that meeting may, upon a majority vote of the committee, be opened
478 to cameras or other recording devices.

479 (2) In addition to the recording required in Subsection (1), the chair shall ensure that a
480 record of each hearing or meeting is made, which shall include:

481 (a) official minutes taken during the meeting or hearing, if any;

482 (b) copies of all documents or other items admitted into evidence;

483 (c) copies of any documents, written orders, or written rulings issued by the chair or the
484 committee; and

485 (d) any other information that a majority of the committee or the chair directs.

486 (3) (a) Except as provided in Subsection (3)(b), all recordings, testimony, evidence,
487 and other records of meetings and hearings authorized by this part are public records.

488 (b) All recordings, minutes, and other records produced during a closed meeting
489 authorized under this part are classified as private records under Utah Code Section [63G-2-302](#).

490 Section 14. ~~JR6-3-404~~, which is renumbered from Section JR6-4-304

491 ~~[JR6-4-304]~~. **JR6-3-404. Process for making a decision -- Deliberations -- Voting**
492 **in public meeting.**

493 (1) After each party has presented a closing argument, the committee shall deliberate in
494 a closed meeting:

495 (a) immediately after conclusion of the closing arguments; or

496 (b) at a future meeting of the committee, on a date and time determined by a majority
497 of the members of the committee.

498 (2) The chair of the committee shall conduct the deliberations.

499 (3) During the deliberations, committee members may:

500 (a) discuss evidence and testimony;

501 (b) discuss and debate whether an allegation was proven or not proven;

502 (c) discuss and debate what actions should be taken or not taken against the respondent
503 in relation to each allegation;

504 (d) discuss and debate any other matter related to the allegations in the complaint that
505 is before the committee; and

506 (e) conduct, at the call of the chair or a majority of the members of the committee, a
507 non-binding straw poll on any matter related to the complaint.

508 (4) (a) Notwithstanding [JR6-2-306](#), and except as provided in Subsection (4)(b), from
509 the time of completion of closing arguments through the time that the written finding and order
510 are publicly issued, a committee member may not discuss any of the following matters with any
511 other person outside of official committee deliberations:

512 (i) the substance or specifics of the allegations, testimony, or evidence of the complaint
513 under review;

514 (ii) a committee member's intended vote;

515 (iii) a committee member's recommendation for actions to be taken or not taken against
516 the respondent in relation to the complaint; or

517 (iv) any other non-administrative matter related to the complaint.

518 (b) During deliberations, committee members may privately consult with staff for the
519 purpose of discussing legal, evidentiary, or procedural matters.

520 (5) Deliberations shall continue until they are concluded or continued to another date
521 and time:

522 (a) at the direction of the chair, subject to [JR6-2-302](#); or

523 (b) upon a motion approved by a majority of the committee members.

524 Section 15. ~~JR6-3-405~~, which is renumbered from Section JR6-4-305
525 [~~JR6-4-305~~]. JR6-3-405. **Vote on allegations and recommendations -- Public**
526 **meeting -- Standards -- Reconsideration.**

527 (1) After conclusion of the deliberations, the committee shall meet in public and, for
528 each allegation reviewed by the committee, vote on whether the allegation is:

- 529 (a) proven by clear and convincing evidence; or
- 530 (b) not proven.

531 (2) For any count that has been voted as proven, the committee shall, by a motion
532 approved by a majority of the members of the committee, recommend one or more of the
533 following actions:

- 534 (a) censure;
- 535 (b) expulsion;
- 536 (c) denial or limitation of any right, power, or privilege of the respondent, if, under the
537 Utah Constitution, the Senate or House may impose that denial or limitation, and if the
538 violation bears upon the exercise or holding of any right, power, or privilege; or
- 539 (d) any other action that the committee determines is appropriate.

540 (3) Votes shall be taken by verbal roll call and each member's vote shall be recorded.

541 (4) A count is not considered to be proven unless a majority of the committee votes
542 that the count is proven.

543 (5) The committee, by a motion for reconsideration that is approved by a majority of
544 the committee, may reconsider and hold a new vote provided that:

545 (a) a motion to reconsider a vote on whether an allegation was proven or not proven
546 may only be made by a member of the committee who voted that the allegation was not proven;
547 and

548 (b) a motion to reconsider a vote recommending an action against the respondent may
549 only be made by a member of the committee who voted against the recommendation.

550 (6) A count that is not voted as "proven" by a majority of the members of the
551 committee is dismissed.

552 (7) The committee may close the meeting for the purposes of further deliberations,
553 subject to the requirements of [~~JR6-4-304~~] JR6-3-404:

554 (a) at the direction of the chair, subject to being overruled by the committee as

555 provided in [JR6-2-302](#); or

556 (b) upon a motion approved by a majority of the members of the committee.

557 (8) After a final vote has been cast on each allegation and recommendation, the
558 committee shall prepare the finding and order as provided in [~~JR6-4-306~~] [JR6-3-406](#).

559 Section 16. **JR6-3-406**, which is renumbered from Section JR6-4-306

560 [~~JR6-4-306~~]. **JR6-3-406. Finding and order.**

561 (1) (a) If the committee determines that no allegations in the complaint were proved,
562 the committee shall prepare a finding and order that:

563 (i) lists the name of each complainant;

564 (ii) lists the name of the respondent;

565 (iii) states the date of the finding and order;

566 (iv) for each allegation contained in the complaint:

567 (A) provides a reference to the code of conduct or criminal provision alleged to have
568 been violated; and

569 (B) states the number and names of committee members voting that the allegation was
570 proved and the number and names of committee members voting that the allegation was not
571 proved;

572 (v) order that the complaint is dismissed because no allegations in the complaint were
573 found to have been proved;

574 (vi) provide any general statement that is adopted for inclusion in the recommendation
575 by a majority of the committee members; and

576 (vii) states the name of each committee member.

577 (b) Each committee member shall sign the finding and order.

578 (2) (a) If the committee determines that one or more allegations in the complaint were
579 proved, the committee shall issue a finding and order that:

580 (i) lists the name of each complainant;

581 (ii) lists the name of the respondent;

582 (iii) states the date of the finding and order;

583 (iv) for each allegation contained in the complaint:

584 (A) provides a reference to the code of conduct or criminal provision alleged to have
585 been violated;

586 (B) states the number and names of committee members voting that the allegation was
587 proved and the number and names of committee members voting that the allegation was not
588 proved;

589 (C) if the allegation was not found to have been proven, orders that the allegation be
590 dismissed; and

591 (D) if the allegation was found to have been proven, contains:

592 (I) a description of any actions that the committee recommended be taken;

593 (II) the number and names of committee members voting in favor of each
594 recommendation and the number and names of committee members voting against each
595 recommendation;

596 (III) at the option of those members voting in favor of a recommendation, a statement
597 by one or all of those members stating the reasons for making the recommendation; and

598 (IV) at the option of those members against a recommendation, a statement by one or
599 all of those members stating the reasons for opposing the recommendation;

600 (v) contains any general statement that is adopted for inclusion in the finding and order
601 by a majority of the committee members;

602 (vi) contains a statement directing that the finding be delivered to:

603 (A) for the Senate Ethics Committee, to the president of the Senate, the Senate
604 majority leader, and the Senate minority leader; or

605 (B) for the House Ethics Committee, to the speaker of the House of Representatives,
606 the House majority leader, and the House minority leader; and

607 (vii) states the name of each committee member.

608 (b) Each committee member shall sign the finding and order.

609 (3) A copy of the finding and order shall be made publicly available.

610 (4) A written copy of the finding and order shall be provided to:

611 (a) the respondent;

612 (b) the first complainant named on the complaint; and

613 (c) any individuals required to receive a copy as stated in the finding and order.

614 Section 17. **JR6-4a-101** is enacted to read:

615 **CHAPTER 4a. ETHICS COMMITTEES**

616 **Part 1. General Provisions**

617 **JR6-4a-101. Definitions.**

618 As used in this chapter:

619 (1) "Committee" means the Senate Ethics Committee or the House Ethics Committee
620 created in [JR6-2-101](#).

621 (2) "Ethics violation" means a legislator's:

622 (a) violation of the code of official conduct as provided in [JR6-1-102](#);

623 (b) a violation of [JR6-1-103](#);

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

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

626 Section 18. **JR6-4a-102** is enacted to read:

627 **JR6-4a-102. Convening an ethics committee.**

628 (1) The president may convene the Senate Ethics Committee or the speaker may
629 convene the House Ethics Committee in the exercise of the Senate's or House's authority under
630 Utah Constitution, Article VI, Section 10, to judge the election and qualifications of its
631 members or to punish its members for disorderly conduct.

632 (2) At the direction of the president or speaker, a committee convened under
633 Subsection (1) may review any information or allegation relevant to the authority described in
634 Utah Constitution, Article VI, Section 10, including an alleged ethics violation.

635 Section 19. **JR6-4a-201** is enacted to read:

636 **Part 2. Ethics Committee Procedures**

637 **JR6-4a-201. Review of allegations by ethics committee.**

638 (1) At a committee's first meeting after being convened by the president or speaker, the
639 committee may adopt procedures relating to the exercise of the committee's duties.

640 (2) In adopting procedures under Subsection (1), the committee shall consider
641 procedures for witness testimony, admission of evidence, argument from affected individuals,
642 and defense presentation.

643 (3) (a) A meeting or hearing held under this Chapter 4a, Ethics Committees:

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

646 (ii) may be closed by a majority vote of the committee, taken in the public portion of
647 the meeting, for:

- 648 (A) any purpose permitted under Utah Code Section [52-4-205](#);
- 649 (B) the purpose of discussing legal, evidentiary, or procedural matters with the
- 650 committee or the committee's staff; or
- 651 (C) deliberations, as provided in [JR6-4a-203](#).
- 652 (b) Only committee members, committee staff, and necessary security personnel may
- 653 attend a closed meeting.
- 654 (c) If a majority of the committee determines that a continuance of a meeting or
- 655 hearing is necessary to obtain further evidence and testimony, to accommodate administrative
- 656 needs, or to accommodate the attendance of committee members, witnesses, or a party, the
- 657 chair or committee shall:

- 658 (i) adjourn and continue the hearing or meeting to a future date and time; and
- 659 (ii) establish that future date and time by majority vote.

660 Section 20. **JR6-4a-202** is enacted to read:

661 **JR6-4a-202. Record -- Recording of meetings.**

662 (1) (a) Except as provided in Subsection (1)(b), an individual may not use a camera or

663 other recording device in any meeting authorized by this part.

664 (b) (i) The committee shall keep an audio or video recording of all portions of each

665 meeting authorized by this part.

666 (ii) If the committee elects to release the committee's finding and order in a public

667 meeting as provided in [JR6-4a-205](#), the committee may by majority vote allow the use of

668 cameras or other recording devices in the meeting.

669 (2) In addition to the recording required in Subsection (1), the chair shall ensure that a

670 record of each hearing or meeting is made and includes:

- 671 (a) official minutes taken during the meeting or hearing, if any;
- 672 (b) copies of all documents or other items admitted into evidence;
- 673 (c) copies of any documents, written orders, or written rulings issued by the chair or the
- 674 committee; and
- 675 (d) any other information that a majority of the committee or the chair directs.

676 (3) (a) Except as provided in Subsection (3)(b), all recordings, testimony, evidence,

677 and other records of meetings and hearings authorized by this part are public records.

678 (b) All recordings, minutes, and other records produced during a closed meeting

679 authorized under this part are classified as private records under Utah Code Section [63G-2-302](#).

680 Section 21. **JR6-4a-203** is enacted to read:

681 **JR6-4a-203. Deliberations.**

682 (1) After the committee concludes the committee's fact finding, the committee shall
683 deliberate in a closed meeting.

684 (2) During deliberations, the committee may:

685 (a) discuss evidence and testimony;

686 (b) discuss and debate whether an allegation was proven or not proven;

687 (c) discuss and debate what actions should be taken or not taken against the respondent
688 in relation to each allegation;

689 (d) discuss and debate any other matter related to the allegations in the complaint that
690 is before the committee; and

691 (e) conduct, at the call of the chair or a majority of the members of the committee, a
692 non-binding straw poll on any issue related to the matter under consideration.

693 Section 22. **JR6-4a-204** is enacted to read:

694 **JR6-4a-204. Recommendations.**

695 (1) After the committee completes deliberations, the committee shall hold a public
696 meeting to:

697 (a) report and adopt the committee's findings and conclusions; and

698 (b) at the committee's discretion, recommend by majority vote one or more of the
699 following actions:

700 (i) censure;

701 (ii) expulsion;

702 (iii) denial or limitation of any right, power, or privilege of the respondent, if, under the
703 Utah Constitution, the Senate or House may impose that denial or limitation, and if the
704 violation bears upon the exercise or holding of any right, power, or privilege; or

705 (iv) any other action that the committee determines is appropriate.

706 (2) At the chair's direction or by majority vote of the committee, the committee may
707 close the meeting for the purpose of further deliberations.

708 Section 23. **JR6-4a-205** is enacted to read:

709 **JR6-4a-205. Finding and order.**

- 710 (1) Based on the committee's report and recommendations under [JR6-4a-204](#), the
711 committee shall issue a finding and order that:
712 (a) reflects the committee's findings and conclusions;
713 (b) includes any recommended action; and
714 (c) states the date of the finding and order.
715 (2) The committee may elect by majority vote to release the committee's finding and
716 order in a public meeting.
717 (3) The chair shall ensure that a copy of the finding and order is publicly available.