

Ann Millner proposes the following substitute bill:

Joint Rules Resolution - Legislative Ethics Amendments

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Ann Millner

House Sponsor: Tyler Clancy

LONG TITLE

General Description:

This joint rules resolution amends Joint Rules, Title 6, Legislative Ethics and Adjudication of Ethics Complaints.

Highlighted Provisions:

This resolution:

- removes term limits for a member of the Independent Legislative Ethics Commission (commission);
- modifies the circumstances under which the commission may dismiss a complaint;
- authorizes, under certain circumstances, the chair of the commission or the chair of the House or Senate Ethics Committee (committee) to designate a member of the commission or committee to preside;
- clarifies provisions related to the commission's and a committee's subpoena powers;
- requires an affidavit from the complainants, respondent, and each witness involved in a complaint;
- clarifies commission staff's role in reviewing a complaint;
- clarifies provisions related to the privacy of an ethics complaint;
- clarifies that the commission's recommendation is a private record; and
- makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Legislative Rules Affected:

AMENDS:

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
 45 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
 47 whom shall be nominated by the mutual consent of the president of the Senate and
 48 the speaker of the House, and appointed by a majority vote of the president of the
 49 Senate, speaker of the House, Senate minority leader, and House minority leader;

50 (b) one member, who has served as a judge of a court of record in this state, nominated
 51 by the mutual consent of the Senate minority leader and the House minority leader,
 52 and appointed by a majority vote of the president of the Senate, speaker of the House,
 53 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
 55 recently than four years before the date of appointment, appointed by the mutual
 56 consent of the president of the Senate and the speaker of the House of
 57 Representatives; and

58 (d) one member, who has served as a member of the Legislature in this state no more
 59 recently than four years before the date of appointment, appointed by the mutual
 60 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
 62 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
68 shall serve a four-year term.
- 69 (ii) When appointing the initial members upon formation of the commission, one
70 member nominated by the president of the Senate and the speaker of the House of
71 Representatives and one member nominated by the Senate minority leader and
72 House minority leader shall be appointed to a two-year term so that approximately
73 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
75 replacement member shall be appointed for the unexpired term of the vacating
76 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
78 member is not considered a full term.
- 79 [~~(c) A member may not be appointed to serve for more than two full terms, whether~~
80 ~~those terms are two or four years.]~~
- 81 [~~(d)~~] (c) A member of the commission may resign from the commission by giving one
82 month's written notice of the resignation to the president of the Senate, speaker of the
83 House, Senate minority leader, and House minority leader.
- 84 [~~(e)~~] (d) The chair of the Legislative Management Committee shall remove a member
85 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
88 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
91 commission member is found, under JR6-2-103.5, to have a conflict of interest in
92 relation to a complaint, a temporary commission member shall be appointed to serve
93 in that member's place for the purposes of reviewing that complaint using the
94 procedures and requirements of Subsection (2).
- 95 (5)(a) A member of the commission may not receive compensation or benefits for the
96 member's service, but may receive per diem and expenses incurred in the

97 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
101 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
104 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 --**

108 **Limitations on filings.**

109 (1) Subject to the requirements of this chapter, the Senate Ethics Committee, the House
110 Ethics Committee, and the Independent Legislative Ethics Commission are authorized to
111 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,
117 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;

119 or

120 (ii) [~~or within two years of the date~~]that the action or omission would have been
121 discovered by a reasonable person.

122 (b) For an alleged violation under Subsection (1)(c) or (d), the complaint shall be filed,
123 subject to JR6-3-101(2), within two years of the date that the plea or conviction that
124 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
126 and circumstances supporting that allegation have been previously reviewed by the
127 commission or an ethics committee unless:

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

130 (ii) the allegation is accompanied by material facts or circumstances supporting the

131 allegation that were not raised or pled to the commission when the allegation was
132 previously reviewed; and

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

135 (b) If an allegation in the complaint does not comply with the requirements of
136 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
138 complaint under JR6-4-101; or

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

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
146 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
148 dismissed under Subsection (5)(a) if a complainant or respondent fails to comply
149 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
153 Legislative Ethics Commission and the chair of the Senate or House Ethics
154 Committee is vested with the power to direct the commission or committee during
155 meetings authorized by this title.

156 (b) When ruling on an evidentiary matter, the chair may designate another member who
157 has legal expertise to preside.

158 (2) Unless expressly prohibited from doing so under this title, the commission or committee
159 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
161 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
 166 supports the decision of the chair.
- 167 (d) A majority vote of the commission or committee is necessary to overrule the
 168 decision of the chair.
- 169 (3) The chair may set time limitations on any part of a meeting or hearing authorized by this
 170 title.

171 Section 4. **JR6-2-303** is amended to read:

172 **JR6-2-303 . Subpoena powers.**

- 173 (1) For all proceedings authorized by this title, the Independent Legislative Ethics
 174 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
 181 evidence is relevant to the review of a complaint under Chapter 4, Part 2, Review of
 182 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)(i) as required under JR6-2-305;
 186 ~~[(b)]~~ (ii) at the direction of the committee chair or vice chair, if the chair or vice chair
 187 determines that the testimony or evidence is relevant to review of a complaint
 188 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
 192 subpoena on behalf of an ethics committee when requested to do so by ~~[one of the~~
 193 ~~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)(a) The following individuals, who shall be referred to as the complainants, may file a
 197 complaint against an individual legislator if the complaint meets the requirements of
 198 JR6-2-201 and Subsection (1)(b):

- 199 (i) two or more members of the House of Representatives, for a complaint against a
200 representative, provided that the complaint contains evidence or sworn testimony
201 that:
- 202 (A) sets forth facts and circumstances supporting the alleged violation; and
203 (B) is evidence or sworn testimony of the type that would generally be admissible
204 under the Utah Rules of Evidence;
- 205 (ii) two or more members of the Senate, for a complaint against a senator, provided
206 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
209 under the Utah Rules of Evidence; or
- 210 (iii) two or more registered voters currently residing within Utah, if, for each alleged
211 violation pled in the complaint, at least one of those registered voters has personal
212 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
214 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
216 Ethics Commission.
- 217 (b) Except as provided in Subsection (2)(c), an individual may not file a complaint
218 during the 60 calendar days immediately preceding:
- 219 (i) a regular primary election, if the accused legislator is a candidate in the primary
220 election; or
- 221 (ii) a regular general election in which the accused legislator is a candidate, unless the
222 accused legislator is unopposed in the election.
- 223 (c) Notwithstanding Subsection (2)(b), an individual may file a complaint within the
224 time frame provided in ~~[that subsection]~~ Subsection (2)(b) if:
- 225 (i) the complaint includes evidence that the subject of the complaint has been
226 convicted of, plead guilty to, entered a plea of no contest to, or entered a plea in
227 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
230 contains the following information:
- 231 (a) the name and position or title of the legislator alleged to be in violation, who shall be
232 referred to as the respondent;

- 233 (b) the name, address, and telephone number of each individual who is filing the
234 complaint;
- 235 (c) a description of each alleged violation, including for each alleged violation:
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
239 the legislator;
- 240 (ii) the name of the complainant or complainants who have personal knowledge of
241 the facts and circumstances supporting each allegation; and
- 242 (iii) the facts and circumstances supporting each allegation, which shall be provided
243 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]~~
246 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
249 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~~
252 ~~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
255 affidavit for each witness that includes the following:
256 (i) the witness's name, address, and~~[, if available, one or more telephone numbers of~~
257 ~~the witness]~~ telephone number;
258 (ii) a brief summary of the testimony ~~[to be provided by the witness; and]~~ the witness
259 will provide;
260 (iii) a specific description of any documents or evidence complainants desire the
261 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 ~~[(†)]~~ (A) has reviewed the allegations contained in the complaint and the sworn

267 statements and documents attached to the complaint; and
 268 [(ii)] (B) believes that the complaint is submitted in good faith and not for any
 269 improper purpose such as for the purpose of harassing the respondent, causing
 270 unwarranted harm to the respondent's reputation, or causing unnecessary
 271 expenditure of public funds;[-and]
 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**
 277 **of contempt -- Dismissal.**

278 (1)(a) Except as provided in Subsection (1)(b), [~~a person~~] an individual, including the
 279 complainants, the respondent, commission members, a committee chair or vice chair,
 280 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
 284 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
 287 to an ethics committee for review under the procedures and requirements of
 288 JR6-4-204[~~, and the allegations contained in the publicly released complaint or~~
 289 ~~response~~];

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

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

295 [(iv)] (iii) a disclosure by a respondent that is made solely for the purpose of, and only
 296 to the extent necessary for, retaining counsel[-or conducting an interview], seeking
 297 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
 299 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

301 the commission or committee, to conduct the duties of the commission or
 302 committee.

303 (2) When [~~a person~~] an individual makes a disclosure under Subsection [~~(1)(b)(iv) or (vi),~~
 304 ~~(1)(b)(iii) or (v),~~ the [~~person~~] individual making the disclosure shall inform the person to
 305 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
 307 contempt of the Legislature and proceedings may be initiated to enforce the finding of
 308 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
 310 an ethics complaint or the identity of the filer of an ethics complaint is publicly
 311 disclosed during the period that the Independent Legislative Ethics Commission is
 312 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 --**
 315 **Independent requirements for complaint -- Notice.**

316 (1) Within five business days after receipt of a complaint, [~~the staff of the Independent~~
 317 ~~Legislative Ethics Commission~~] commission staff, in consultation with the [~~chair of the~~]
 318 commission chair and vice-chair, shall examine the complaint to determine if it is in
 319 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
 321 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
 326 Committee, if the legislator named in the complaint is a senator, or the speaker of
 327 the House of Representatives and the chair and vice-chair of the House Ethics
 328 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,
 330 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
 332 the commission submits its annual summary data report as required by
 333 JR6-2-104.

334 (b) If a complaint is returned for non-compliance with the requirements of this title, the

- 335 complainants may file another complaint if the new complaint independently meets
 336 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,
 338 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
 341 Committee, if the legislator named in the complaint is a senator, or the speaker of the
 342 House of Representatives and the chair and vice-chair of the House Ethics
 343 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,
 345 respectively;
- 346 (ii) of the identity of the legislator who is the subject of the complaint and the identity
 347 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
 350 the complaint shall be kept confidential until the commission discloses the
 351 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
 354 JR6-2-104;
- 355 ~~[(iv) that the fact that a complaint was filed, the nature of the allegations raised in the~~
 356 ~~complaint, and the identity of the legislator and the complainants shall be kept~~
 357 ~~confidential until the commission publicly discloses the existence of the complaint~~
 358 ~~via:]~~
- 359 ~~[(A) a recommendation that an allegation in the complaint be heard by a~~
 360 ~~legislative ethics committee; or]~~
- 361 ~~[(B) submission of the commission's annual summary data report as required by~~
 362 ~~JR6-2-104;]~~
- 363 (c) notify each member of the Independent Legislative Ethics Commission that the
 364 complaint has been filed and accepted and that the existence of and contents of the
 365 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
 367 complaint via personal delivery or a delivery method that provides verification of
 368 receipt, together with:

- 369 (i) notice that the existence of and contents of the complaint, and the identities of the
370 parties, are confidential and should not be publicly disclosed;
- 371 (ii) a copy of the applicable legislative rules; and
- 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**
375 **review of complaint -- Procedures.**

376 By no later than 10 calendar days after the day on which the complaint is accepted under
377 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
379 on which ~~[the committee]~~ commission staff, in consultation with the commission chair
380 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
390 no later than 30 days after the day on which the legislator receives delivery of the
391 complaint.
- 392 (2) The respondent shall file the response with the commission and shall ensure that the
393 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
397 description of each affirmative defense and the facts and circumstances supporting
398 the defense to be provided by one or more affidavits~~[-, each of which shall comply~~
399 ~~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
402 circumstances alleged in the affidavit;

- 403 (C) the facts and circumstances testified to by the signer;
- 404 (D) a statement that the affidavit is ~~[believed to be]~~ true and correct ~~[-and that false~~
 405 ~~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]~~
 410 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
 413 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~~
 416 ~~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
 419 affidavit for each witness that includes the following:
- 420 (i) the witness's name, address, and ~~[-if available, telephone number of the witness]~~
 421 telephone number;
- 422 (ii) a brief summary of the testimony ~~[to be provided by the witness; and]~~ the witness
 423 will provide;
- 424 (iii) a specific description of any documents or evidence the respondent desires the
 425 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
 431 statements and documents attached to the response; and
- 432 ~~[(+)]~~ (B) believes the contents of the response to be true and accurate; ~~[-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-]~~ commission staff shall provide [copies] a
 436 copy of the response to:

- 437 (a) each member of the commission; and
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
442 commission shall:
- 443 (a) issue and enter into the record an order that the complaint is dismissed because no
444 allegations in the complaint were found to have been proved;
 - 445 (b) classify all recordings, testimony, evidence, orders, findings, and other records
446 directly relating to the meetings authorized by this part as private records under Utah
447 Code Section 63G-2-302;
 - 448 (c) provide notice of the determination, in a manner determined by a majority vote of the
449 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
453 provisions of JR6-3-102 and other provisions of this title, a person who discloses the
454 findings of the commission in violation of any provision of this chapter is in
455 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
457 proved, the commission shall:
- 458 (a) if one or more allegations were not found to have been proven, enter into the record
459 an order dismissing those unproven allegations;
 - 460 (b) prepare a written recommendation to the Senate Ethics Committee, if the respondent
461 is a senator, or to the House Ethics Committee, if the respondent is a representative,
462 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
468 violated;
 - 469 (B) states the number and names of commission members voting that the
470 allegation was proved and the number and names of commission members

- 471 voting that the allegation was not proved;
- 472 (C) at the option of those members voting that the allegation was proved, includes
473 a statement by one or all of those members stating the reasons for voting that
474 the allegation was proved, provided that the statement does not cite specific
475 evidence, specific testimony, or specific witnesses; and
- 476 (D) at the option of those members voting that the allegation was not proved,
477 includes a statement by one or all of those members stating the reasons for
478 voting that the allegation was not proved, provided that the statement does not
479 cite specific evidence, specific testimony, or specific witnesses;
- 480 (v) contains any general statement that is adopted for inclusion in the
481 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
483 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,~~
487 ~~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
489 records directly relating to the meetings and hearings authorized by this part as
490 private records under Utah Code Section 63G-2-302.
- 491 (3) The commission shall ensure that a copy of the recommendation is ~~[made publicly~~
492 ~~available and]~~ promptly provided to:
- 493 (a) the respondent, together with notice that the respondent may amend the respondent's
494 witness list as provided in JR6-4-301;
- 495 (b) the first complainant named on the complaint, together with notice that the
496 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
498 senator, or the chair and vice chair of the House Ethics Committee, if the respondent
499 is a representative.
- 500 (4) The commission shall ensure that, within five business days of the date of issuance of
501 the recommendation:
- 502 (a) the complaint and the response are redacted to remove references to those allegations
503 found not to have been proven by the commission, if one or more allegations were
504 found not to have been proven; and

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

- 509 (i) a cover letter referring the allegations contained in the [~~edited~~] redacted complaint
510 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
517 been proven by the commission, as pled in the [~~edited~~] redacted complaint and the [
518 ~~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,
520 the chair may schedule a separate meeting of the committee to:

- 521 (i) hear motions or arguments from the parties, including hearing motions or
522 arguments relating to dismissal of a complaint, admission of evidence, or
523 procedures; or
524 (ii) hold a vote of the committee, with or without the attendance of the parties, on
525 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
527 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
531 committee determines, by majority vote, that a rule is not compatible with the
532 requirements of this title.

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

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

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

- 539 (i) is subject to the requirements of Utah Code Title 52, Chapter 4, Open and Public
540 Meetings Act; and
- 541 (ii) may be closed by a majority vote of the committee, held in the public portion of
542 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
545 committee or staff; or
- 546 (C) deliberations, as provided in JR6-4-304.
- 547 (b) Only committee members, committee staff, and necessary security personnel may
548 attend a closed meeting.
- 549 (5) If a majority of the committee determines that a continuance of a meeting or hearing is
550 necessary to obtain further evidence and testimony, to accommodate administrative
551 needs, or to accommodate the attendance of committee members, witnesses, or a party,
552 the chair or committee shall:
- 553 (a) adjourn and continue the hearing or meeting to a future date and time; and
- 554 (b) establish [~~that~~] the future date and time by majority vote.

555 Section 12. **Effective Date.**

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