

Citizen's Check List for Filing a Legislative Ethical Complaint

- 1) The complaint must be against a sitting legislator. (JR6-3-101(1)(b))**
- 2) The complaint cannot be filed during the 60 calendar days preceding a primary or general election if the accused legislator is a candidate and is opposed by another candidate in either of those elections. (JR6-3-101(2)(b))**
- 3) The alleged ethical violation generally must have occurred within the past two years. (JR6-2-201(2)(a))**
- 4) The alleged ethical violation must fall into one of the following categories: (JR6-1-102)**
 - a. Members of the Senate and House shall not engage in any employment or other activity that would destroy or impair their independence of judgment.
 - b. Members of the Senate and House shall not be paid by a person, as defined in JR6-1-202, to lobby, consult, or to further the interests of any legislation or legislative matter.
 - c. Members of the Senate and House shall not exercise any undue influence on any governmental entity. "Undue influence" means deceit or threat of violence.
 - d. Members of the Senate and House shall not engage in any activity that would be an abuse of official position or a violation of trust.
 - e. Members of the Senate and House shall not use any nonpublic information obtained by reason of their official position to gain advantage over any business or professional competition for activities with the state and its political subdivisions.
 - f. Members of the Senate and House shall not engage in any business relationship or activity that would require the disclosure of confidential information obtained because of their official position.
 - g. Members of the Senate and House shall not use their official position to secure privileges for themselves or others.
 - h. While in session, members of the Senate and House shall disclose any conflict of interest on any legislation or legislative matter as provided in JR6-1-201.
 - i. Members of the Senate and House may accept small gifts, awards, or contributions if these favors do not influence them in the discharge of official duties.
 - j. Members of the Senate and the House may engage in business or professional activities with the state or its political subdivisions if the activities are entered into

under the same conditions and in the same manner applicable to any private citizen or company engaged in similar activities.

- k. Legislators may enter into transactions with the state by contract by following the procedures and requirements of Utah Code Title 63G, Chapter 6a, Utah Procurement Code.
- 5) The complaint may be filed by two or more registered voters currently residing in Utah. (JR6-3-101(1)(a)(i))**
 - 6) The complaint must contain evidence or sworn testimony that sets forth facts and circumstances supporting the alleged violation that would be of a type generally admissible under the Utah Rules of Evidence. (JR6-3-101(1)(a)(iii))**
 - 7) At least one of the citizen complainants must have actual knowledge of the facts and circumstances supporting the alleged violation and include a signed statement to that effect. (JR6-3-101(1)(a)(iii)) and (JR6-3-101(3)(c)(iii)(B)(II)) Actual knowledge is typically defined as “direct understanding of a circumstance or fact, resulting in information that would lead a reasonable, prudent person to investigate further.”**
 - 8) The complaint must be in writing and contain all of the following information; (JR6-3-101(3))**
 - a. the name and position or title of the legislator
 - b. the name, address, and telephone number of each individual who is filing the complaint;
 - c. a description of each alleged violation, including a reference to the section of the code of conduct alleged to have been violated or the criminal provision violated and the docket number of the case involving the legislator.
 - d. the name of the complainant or complainants who have actual knowledge of the facts and circumstances supporting each allegation.
 - e. the facts and circumstances supporting each allegation, including copies of official records or documentary evidence or one or more affidavits.
 - f. a list of the witnesses whom the complainants wish to have called, including each witness’s name, address, and one or more of the witness’s telephone numbers, if available.
 - g. a brief summary of the testimony to be provided by the witness; and a specific description of any documents or evidence complainants desire the witness to produce;
 - h. a statement that each complainant has reviewed the allegations contained in the complaint and the sworn statements and documents attached to the complaint, believes them to be true, and is filing the complaint in good faith.
 - i. the signature of each complainant.

9) The complaint must be kept confidential (JR6-3-102(1)(a))

- a. If the existence of an ethics complaint or any information concerning any alleged violation that is the subject of a complaint is publicly disclosed during the period that the Independent Legislative Ethics Commission is reviewing the complaint, the complaint shall be summarily dismissed without prejudice.

10) Statements made in the complaint and the affidavits supporting the complaint are to be submitted in good faith and are subject to penalties of perjury.

JR6-3-101(3)(c)(iii)(B)(IV) and JR6-3-101(3)(e)(ii).

This guide is for reference only. For actual language and requirements of the rules themselves, see Legislative Joint Rule Title 6, Legislative Ethics and Adjudication of Ethics Complaints at www.ethics.utah.gov.