

Ethical Standards for Utah Legislators

From the Utah Constitution, Legislative Rules, and Utah Code

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Key Provisions

Improper Use of Legislative Office

1. May not use position to:
 - a. disclose or improperly use protected information; (p. 5, 16; *JR6-1-102(2)(f)*; *67-16-4(1)(a) and (b)*)
 - b. further economic interest; (p. 16; *67-16-4(1)(c)(i)*)
 - c. to secure privileges for yourself. (p. 7, 16; *JR6-1-201(2)(g)*; *67-16-4(1)(c)(ii)*)
 - d. exercise undue influence on a governmental entity. (p. 5; *JR6-1-102(2)(c) and (d)*)
2. Threaten to harm or disadvantage a public officer or employee, party official, or voter in order to influence their exercise of discretion. (p. 22; *76-8-104(1)*)
3. Receive compensation to endorse an appointment of a public servant. (p. 23; *76-8-106*)

Employment

5. Failure to file:
 - a. a Declaration of Conflict of Interest Form; (p. 6, 24; *JR6-1-201(2)(a)*; *76-8-109(3)*)
 - b. a written disclosure of any sources of compensation for legislative session time. (p. 7; *JR6-1-202(2)*)
6. Receive income for lobbying or for furthering legislative interests, except from a person that provides the legislator's primary source of income. (p. 5, 7; *JR6-1-102(2)(b)*; *JR6-1-202(1)*)
7. Accept employment that would impair independent judgment or interfere with ethical performance of duties. (p. 5, 16; *JR6-1-102(2)(a)*; *67-16-4(1)(d) and (e)*)
8. Conduct business with the state or a local government:
 - a. On different conditions than others; (p. 5; *JR6-1-102(j)*)
 - b. Without public notice and competitive bidding. (p. 5, 14; *JR6-1-102(3)(a)*; *36-19-1(1)*)

Conflicts of Interest

9. Failure to file written declaration of general legislative conflicts with Senate or House when oath of office is taken and with a change of employment. (p. 6, 24; *JR6-1-201(2)(a)*; *76-8-109(3)*)
10. Oral declaration of conflict prior to a vote required unless a written declaration is on file (except house members must orally declare if they speak to the legislation). (p. 24; *JR6-1-201(3)*; *HR-26.02*; *76-8-109(2)*)
11. Interest in profit or benefits of a state contract resulting from legislation you sponsored:
 - a. Applies to you, household, and clients; (p. 14; *36-19-1(1)*)
 - b. Contracts awarded through open procurement processes are permitted. (p. 5, 14; *JR6-1-102(k)*; *36-19-1(1)*)

Protected Information & Record Keeping

12. Use your position to disclose or improperly use protected information; (p. 5, 16; *JR6-1-102(2)(f)*; *67-16-4(1)(a) and (b)*)
13. Using protected information to further your personal or business interests. (p. 25; *76-8-202*)
14. Altering bills or resolutions outside of the legislative process. (p. 23; *76-8-107*, *76-8-108*)
15. Destruction or withholding of records belonging to the legislative office. (p. 25; *76-8-203(l)(e)*)
16. Engaging in business that would require the disclosure of confidential information. (p. 5, 16; *JR6-1-102(2)(f)*; *67-16-4(1)(a)*)

Gifts & Special Benefits

17. Bribery: Solicit or receive any benefit with the understanding that the benefit is given with the intent of influencing an action or opinion of a public officer or employee, party official, or voter. (p. 23; *76-8-105(1)*)

UTAH CONSTITUTION

ARTICLE VI
LEGISLATIVE DEPARTMENT**Sec. 7. [Ineligibility of member to office created at term for which elected.]**

No member of the Legislature, during the term for which he was elected, shall be appointed or elected to any **civil office of profit** under this State, which shall have been **created**, or the emoluments of which shall have been **increased**, during the term for which he was elected.

Make your own nest

Pad your own nest

"Under this section a member of the Legislature was ineligible for appointment to industrial commission because that was an office "created" by Legislature in 1941. It is evident, therefore, that the constitutional provision was designed and intended to prevent any member of the Legislature from being appointed to any office which is made available to his appointment, by the action of the Legislature of which he is a member." State ex rel. Jugler v. Grover, 125 P.2d 807 (Utah 1942).

Sec. 8. [Privilege from arrest.]

Members of the Legislature, in all cases except treason, felony or breach of the peace, shall be **privileged from arrest during each session of the Legislature**, for fifteen days next preceding each session, and in returning therefrom; and **for words used in any speech or debate in either house, they shall not be questioned in any other place.**

Privilege from arrest

"This section has been interpreted to grant a privilege from suit to legislators, allowing legislators to speak without fear of civil or criminal repercussions, and encouraging full, open, and candid communication and discussion, an inherent necessity in the legislative process." Riddle v. Perry, 40 P.3d 1128 (Utah 2002)

Sec. 9. [Compensation of legislators - Citizens' salary commission.]

The Legislature shall not increase the salaries of its members on its own initiative, but shall provide by law for the appointment by the Governor of a **citizens' salary commission to make recommendations concerning the salaries** of members of the Legislature. Upon submission of the commission's recommendations, the Legislature shall by law accept, reject or lower the salary but may not, in any event, increase the recommendation. The Legislature shall provide by law for the expenses of its members. Until salaries and expenses enacted as authorized by this section become effective, members of the Legislature shall receive compensation of \$25 per diem while actually in session, expenses of \$15 per diem while actually in session, and mileage as provided by law.

Salary commission must initiate salary increase

See Sections 36-2-2 through 36-2-5

Sec. 10. [Each house to be judge of election, and qualifications of its members - Expulsion.]

Each house shall be the **judge of the election and qualifications of its members**, and **may punish them for disorderly** conduct, and with the concurrence of **two-thirds** of all the members elected, **expel a member for cause.**

Each house is the judge of its members and may discipline

LEGISLATIVE RULES - LEGISLATIVE JOINT RULES

Part I. Ethical Standards for Legislators

JR6-1-102. Code of Official Conduct.

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| (1) Each legislator shall comply with the guidelines established in Subsection (2). | Guidelines |
| (2) In judging members of its house charged with an ethical violation, the Senate and House Ethics Committees shall consider whether or not the member has violated any of the following guidelines : | Ethics committee consider violation of guidelines |
| (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. | Employment or activity that impairs independent judgment
<i>See Section 67-16-4(1)(d)</i> |
| (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. | Paid to further interests of legislation. "person" does not include a person who provides the legislator's primary source income. |
| (c) Members of the Senate and House shall not exercise any undue influence on any governmental entity. | Undue influence on governmental entity |
| (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. | Activity that abuses position or violates trust |
| (e) Members of the Senate and House may engage in business or professional activity in competition with others, but shall not use any information obtained by reason of their official position to gain advantage over any competition for activities with the state and its political subdivisions. | Use information to gain competitive advantage with the state or political subdivision <i>See Subsection 67-16-4(c)</i> |
| (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. | Activity requiring disclosure of confidential information
<i>See Subsection 67-16-4(1)(a)</i> |
| (g) Members of the Senate and House shall not use their official position to secure privileges for themselves or others. | Use position to secure privileges |
| (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. | While in session disclose conflict of interest |
| (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. | Small gifts ok if they do not influence
<i>See Section 36-11-304</i> |
| (j) Except as provided in Subsection (3), 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. | Business with government must be the same as for any other private citizen |

- (k) Legislators may enter into transactions with the state by contract by **following the procedures and requirements of Title 63, Chapter 56, Utah Procurement Code.** Must comply with Procurement Code
- (3) (a) As also required by Section 36-19-1, a legislator, member of the legislator's household, or client may **not be a party to or have an interest in the profits or benefits of a state contract when the state contract is the direct result of a bill sponsored by the legislator,** unless the contract is **let in compliance** with state procurement policies and is open to the general public. State contracts resulting from bill sponsored by a legislator
Mirror of Section 36-19-1
- (b) Besides the penalties authorized by these rules, Section 36-19-1 also provides that any person violating this section is guilty of a **class B misdemeanor.** Class B misdemeanor to violate (3)(a)

Part 2. Conflicts of Interest

JR6-1-201. Declaring and Recording Conflicts of Interest.

- (1) As used in this section:
 - (a) (i) "Business in which the legislator is associated" means any business in which a **legislator is a** director, officer, owner, member, partner, **employee,** or is a holder of stocks or bonds in the company that have a fair market value of \$10,000 or more. Business - employed or hold stocks of at least \$10,000
See Subsection 76-8-109(1)(a)
 - (ii) "Business in which the legislator is associated" does not include business associations by members of the legislator's immediate family. Excludes immediate family members
 - (b) "Conflict of interest" means legislation or action by a legislator that the legislator **reasonably believes may cause direct financial benefit or detriment** to him, a member of the legislator's immediate family, or a business in which the legislator is associated, and **that benefit or detriment is distinguishable** from the effects of that action on the public or on the legislator's profession, occupation, or association generally. Conflict of interest - action the legislator believes may cause a direct benefit or detriment that is distinguishable from others
See Subsection 76-8-109(1)(b)
 - (c) "Immediate family" means the legislator's **spouse and children** living in the legislator's immediate **household.** Immediate family - spouse and children living in household
See Subsection 76-8-109(1)(c)
- (2) (a) (i) A legislator shall **file a Declaration of Conflict of Interest form** with the Secretary of the Senate if the legislator is a Senator, or with the Chief Clerk of the House of Representatives if the legislator is a Representative, to satisfy that legislator's disclosure of any conflicts of interest as required by Subsection (1) and Utah Code Section 76-8-109. Must file a declaration of conflict of interest form
See Subsection 76-8-109(3)
- (ii) The legislator shall file the form when:
 - (A) the legislator takes the oath of office; and File form when
Upon taking oath
 - (B) the legislator changes employment. Changes employment or changing employment

Summary/Notes

(b) This Declaration of Conflict of Interest form shall include:	Form includes See Subsection 76-8-109(3)(b)
(i) the businesses in which the legislator is associated; and	Businesses associated
(ii) the general legislative subject areas in which the legislator may have a conflict of interest.	Subject areas the legislature may have a conflict of interest
(c) This Declaration of Conflict of Interest form is available to the public.	Form is public See Subsection 76-8-109(3)(c)
(3)(a) Before or during any vote on legislation or any legislative matter in which a legislator has actual knowledge that he has a conflict of interest which is not stated on the conflict of interest form , that legislator shall orally declare to the committee or body before which the matter is pending that the legislator may have a conflict of interest and what that conflict is.	Orally declare conflict if not stated in form See Subsection 76-8-109(2)
(b) The Secretary of the Senate or the Chief Clerk shall:	
(i) direct committee secretaries to note the declaration of conflict of interest in the minutes of any committee meeting; and	Conflict noted in minutes
(ii) ensure that each declaration of conflict declared on the floor is noted in the Senate Journal or House Journal.	Conflict noted in journal
(4) This requirement of disclosure of any conflict of interest does not prohibit a legislator from voting on any legislation or legislative matter.	OK to vote anyway
JR6-1-202. Disclosure of Outside Remuneration.	
(1) As used in this section:	
(a) "Person" includes an individual, partnership, association, organization, company, and bodies politic and corporate or a lobbyist from any of these.	Person - includes entities
(b) "Person" does not include a person who provides the legislator's primary source of income.	Person - does not include primary employer
(2) If any person provides remuneration to a legislator to compensate that legislator for a loss of salary or income while the Legislature is in session, that legislator shall file a written disclosure identifying:	File written disclosure of remuneration
(a) that the legislator receives remuneration; and	
(b) the name of the person who provides the remuneration.	
(3)(a) The legislator shall file the disclosure by February 1 of each year with:	Remuneration disclosure due February 1 each year
(i) the Secretary of the Senate, if the legislator is a Senator; or	
(ii) the Chief Clerk of the House of Representatives, if the legislator is a Representative.	

Summary/Notes

(b) This disclosure is available to the public.

Disclosure is public

JR6-1-301. Ethics Training Course -- Internet Availability -- Content -- Participation Tracking.

New Section - HJR 14 (2009)

(1) The Office of Legislative Research and General Counsel shall develop and maintain an ethics training course for members of the Legislature and lobbyists.

Develop and maintain an ethics training course for legislators and lobbyists

(2) The ethics training course shall include training materials and exercises that are available on the Internet to legislators, lobbyists, and to the public.

Internet access to public

(3) The ethics training course shall be designed to assist legislators and lobbyists in understanding and complying with current ethical and campaign finance requirements under state law, legislative rules, and federal law.

Help in understanding and complying

(4) The ethics training course shall include provisions for **verifying when a legislator or lobbyist has successfully completed key training exercises.**

Verify completion

(5) **A legislator or lobbyist shall successfully complete the key training exercises of the ethics training course once each year or as directed by the Legislative Management Committee.**

Complete annually

(6) A lobbyist who does not complete the training required by this rule is subject to an ethics complaint under Senate or House rule.

Ethics complaint for failure to complete

JR6-6-101 Communications with the Judiciary.

New Section - SJR 6 (2009)

(1) As used in this section, "final decision or order" means a decision or order that determines the rights of the parties and concerning which appellate remedies have been exhausted or the time for appeal has expired.

(2)(a) A legislator may not communicate, either verbally or in writing, with a judge in reference to a particular judicial case or proceeding until a final decision or order has been made on the matter.

No communication with judges on pending cases

(b) Inquiries to the judiciary that are merely technical or logistical in nature should be made with the Administrative Office of the Courts or a clerk of the court.

Technical inquiries with court clerk OK

JR6-6-102 Exceptions -- Acting in Normal Course of Private Employment

New Section - SJR 6 (2009)

The restrictions in this chapter shall not apply to a communication that a legislator makes with the judiciary in the normal course of the legislator's private employment, provided that the legislator does not use his or her status as a legislator in an attempt to unduly influence the judiciary.

Exception for legislator's private employment communication
See JR6-1-102

LEGISLATIVE RULES -- HOUSE RULES

HR-22.07. Impugning Motives of a Representative.

No Representative shall **impugn the motives** of any other Representative either on the **floor** of the House or **in committee**.

Don't impugn the motives of another representative

26. CONFLICT OF INTEREST

HR-26.01. Declaration of Conflict of Interest Form.

The filing of the Declaration of Conflict of Interest form with the Chief Clerk of the House **each year** and whenever the legislator changes employment **satisfies the requirement** of disclosing a legislator's conflict of interest.

Annual filing of declaration of conflict

HR-26.02. Verbal Disclosure of Conflict of Interest in House Floor Debate.

(1) (a) Before speaking on the floor of the House on any legislation or legislative matter in which a House member reasonably believes that he may have a conflict of interest, the House member should **orally disclose** to the House that he **may have a conflict of interest** and what that conflict is.

If you speak, orally disclose that you may have a conflict of interest

(b) The declaration of the conflict of interest shall be noted in the House Journal.

Noted in House Journal

(2) Nothing in this House rule requires a House member with a conflict of interest on legislation or a legislative matter pending before the House to orally disclose that conflict of interest if the House member **does not speak** on the legislation

or legislative matter **and the conflict has been disclosed** on the legislator's conflict of interest form.

38. LOBBYIST ETHICS AND ENFORCEMENT

HR-38.01. Definitions.

As used in this House Rule:

Government official - does not include a member of the legislative branch

(1) (a) "Government official" means:

(i) an individual elected to a position in state or local government when acting within his official capacity; and

(ii) an individual appointed to or employed in a full-time or part-time position by state or local government when acting within the scope of employment or within his official capacity.

(b) "Government official" does not mean a member of the legislative branch of state government.

(2) "Lobbyist" has the meaning identified in Subsections 36-11-102(9)(a) and (b).

Lobbyist - paid to lobby - to influence

(3) (a) "Volunteer lobbyist" means a person not registered as a lobbyist who engages in lobbying within the meaning of Subsection 36-11-102(8).

- (b) "Volunteer lobbyist" does not mean an individual who appears on the individual's own behalf to engage in lobbying within the meaning of Subsection 36-11-102(8).

HR-38.02. Lobbyist Code of Ethics.

A lobbyist, volunteer lobbyist, or government official **may not**:

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| (1) attempt to influence any legislator, elected or appointed state official, state employee, or legislative employee by means of deceit or by threat of violence or economic or political reprisal against any person or property, with intent by doing so to alter or affect the legislator's, elected or appointed state official's, state employee's, or legislative employee's decision, vote, opinion, or action concerning any matter that is to be considered or performed by him or the agency or body of which he is a member; | Deceit or threat not allowed |
| (2) knowingly provide false information to any legislator, elected or appointed state official, state employee, or legislative employee as to any material fact pertaining to any legislation; | False information not allowed
See Section 36-11-303 |
| (3) knowingly omit, conceal, or falsify in any manner information required by the lobbyist registration and lobbyist disclosure reports; | Falsifying disclosure report |
| (4) participate in committee assignments or leadership races of the House of Representatives; | Participation in leadership races not allowed |
| (5) cause or influence the introduction of any bill or amendment for the purpose of afterwards becoming employed to secure its passage or defeat; | Initiating bill to become employed |
| (6) inappropriate or misuse legislative office supplies; | Misuse of office supplies |
| (7) use legislative reproduction or facsimile machines without paying for that use; | Use of copy machine without paying |
| (8) enter or use a legislator's, elected or appointed state official's, state employee's, or legislative employee's office, phone, computer, or parking space without explicit permission ; | Enter or use office without permission |
| (9) attempt to remove or remove any document from any legislator's or legislative employee's office, desk, file cabinet, reproduction machine, facsimile machine, or any other place without explicit permission; | Remove any document |
| (10) engage in sexually harassing behavior or behavior violative of the Utah Legislature's sexual harassment policy towards legislators or employees of the Legislature; | Sexually harassing behavior forbidden |
| (11) offer employment to any legislator or legislative employee that impairs the legislator's or legislative employee's independence of judgement as to their official duties; | Offer employment |
| (12) offer employment that would require or induce a legislator or legislative employee to disclose records classified as private, protected, or controlled; | Disclose records |

Summary/Notes

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| (13) use or disclose for personal financial gain any records classified as private, protected, or controlled that were obtained from a legislator or legislative employee or conspire with any person for that purpose; or | Disclose for personal financial gain |
| (14) induce or seek to induce any legislator or legislative employee into committing a violation of any provision of this House rule. | Induce violation |

HR-38.03. List of Lobbyists and Clients.

On the first day of each annual general legislative session, the first day of each special session, and on February 15, the Chief Clerk of the House shall inform house members about how to obtain a current list of registered lobbyists and their clients .	Registered lobbyists list
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HR-38.04. Enforcement; Written Complaint.

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| (1) To initiate an ethics complaint against a lobbyist, volunteer lobbyist, or government official who has violated the Lobbyist Code of Ethics established in HR-38.02, three legislators shall file a written complaint with the Speaker of the House, the House minority leader, and the lobbyist, volunteer lobbyist, or government official who is the subject of the complaint. | Ethics complaints against a lobbyist
Three legislators must file complaint |
| (2) The written complaint shall contain:

(a) the name and address of each of the three Representatives who are filing the complaint;

(b) the name of the lobbyist, volunteer lobbyist, or government official who is the subject of the complaint;

(c) the nature of the alleged violation, citing specifically to the provisions of HR-38.02 that the lobbyist, volunteer lobbyist, or government official is alleged to have violated;

(d) all documents that support the complaint as an attachment to it; and

(e) any facts alleged to support the complaint. | Complaint content |
| (3) (a) Any complaint filed under this rule is a protected record under Title 63, Chapter 2, Government Records Access and Management Act, until referred to the House Management Committee for action, because disclosure of the information in the complaint would constitute a clearly unwarranted invasion of personal privacy whose disclosure is not in the public interest.

(b) Any complaint filed under this rule that is dismissed by the Speaker and minority leader is a protected record under Title 63, Chapter 2, Government Records Access and Management Act, because disclosure of the information in the complaint would constitute a clearly unwarranted invasion of personal privacy whose disclosure is not in the public interest. | Complaint is a protected record |

HR-38.05. Enforcement; Speaker Review; Minority Leader Review

- (1) (a) After receiving the complaint, the **Speaker shall meet with the legislators who filed the complaint**, the lobbyist, volunteer lobbyist, or government official who is the subject of the complaint, and any other persons who have relevant information about the complaint. Speaker to meet with the legislators who filed the complaint
- (b) In that meeting, the Speaker may choose to meet with those persons together or separately.
- (2) (a) After the meeting the Speaker shall inform the minority leader that the Speaker recommends that:
- (i) the complaint be dismissed;
 - (ii) the lobbyist, volunteer lobbyist, or government official be privately Chastised and the complaint be dismissed; or
 - (iii) the House Management Committee be convened to hear the complaint.
- (b) (i) After receipt of the Speaker's recommendation, **the minority leader shall meet with the legislators who filed the complaint**, the lobbyist, volunteer lobbyist, or government official who is the subject of the complaint, and any other persons who have relevant information about the complaint. Minority leader to meet with the legislators who filed the complaint
- (ii) In that meeting, the minority leader may choose to meet with those persons together or separately.
- (c) After the meeting, the minority leader shall prepare a letter informing the Speaker that the minority leader:
- (i) concurs in the Speaker's recommendation for disposition of the complaint; or
 - (ii) does not concur in the Speaker's recommendation for disposition of the complaint.
- (d) If the minority leader concurs in the Speaker's recommendation, the Speaker shall implement the decision.
- (e) If the minority leader does not concur in the Speaker's recommendation, the Speaker shall, within 30 days after having received the written complaint, convene the House Management Committee to hear the complaint. House Management Committee to hear complaint

HR-38.06. Enforcement; Hearing; Staff.

- (1) If the Speaker must **convene the House Management Committee**, the Speaker shall, after consultation with the House minority leader, schedule a House Management Committee meeting to adjudicate the complaint. House Management Committee convenes

- (2) (a) The committee must comply with the procedures and requirements of Title 52, Chapter 4, Open and Public Meetings, including the procedures and requirements for closing a meeting.
- (b) The Office of Legislative Research and General Counsel **shall staff the committee.** OLRGC is committee staff
- (3) (a) At the hearing, the committee shall review the complaint. Hearing procedures
- (b) The committee may allow the legislators who filed the complaint to address and be questioned by the committee.
- (c) The committee shall provide the lobbyist, volunteer lobbyist, or government official who is the subject of the complaint with the opportunity to address and be questioned by the committee.
- (d) The committee may allow other persons with information relevant to the complaint to address and be questioned by the committee.
- (e) (i) The complainants, the lobbyist, volunteer lobbyist, or government official, and any witness appearing before the committee may have legal counsel present.
- (ii) That counsel may privately advise their client about the client's legal rights when specifically requested to do so by their client, but may not address the committee, ask questions of any party or witness, or engage in oral arguments with the committee.
- (iii) If counsel fails to abide by any of these rules, the committee may exclude the counsel from the meeting.

HR-38.07. Enforcement; Penalty.

- (1) If the committee determines by a preponderance of the evidence that the lobbyist, volunteer lobbyist, or government official has violated one or more provisions of HR-38.02, the committee may impose any sanction against the lobbyist, volunteer lobbyist, or government official that is not forbidden by the United States or Utah constitution. Impose sanctions
- (2) Appropriate sanctions include, but are not limited to, any, all, or some combination of the following:
- (a) prohibiting the lobbyist, volunteer lobbyist, or government official from access to some or all of the legislative area of the Capitol for a period of time; and
- (b) recommending an adjudicative proceeding be filed with the lieutenant governor against the lobbyist under Title 36, Chapter 11, Part 4, Penalties and Statutory Construction.

LEGISLATIVE RULES -- SENATE RULES

SR-22.07. Impugning Motives of a Senator.

No Senator shall **impugn the motives** of any other Senator either on the floor of the Senate or in committee.

Don't impugn the motives of another senator

38. LOBBYIST ETHICS AND ENFORCEMENT**SR-38.01. Definitions.**

As used in this Senate Rule:

Government official - does not include a member of the legislative branch

(1) (a) "Government official" means:

- (i) an individual elected to a position in state or local government when acting within his official capacity; and
- (ii) an individual appointed to or employed in a full-time or part-time position by state or local government when acting within the scope of employment or within his official capacity.

(b) "Government official" does not mean a member of the legislative branch of state government.

(2) "Lobbyist" has the meaning identified in Subsections 36-11-102(9)(a) and (b).

Lobbyist - paid to lobby - to influence

(3) (a) "Volunteer lobbyist" means a person not registered as a lobbyist who engages in lobbying within the meaning of Subsection 36-11-102(8).

(b) "Volunteer lobbyist" does not mean an individual who appears on the individual's own behalf to engage in lobbying within the meaning of Subsection 36-11-102(8).

SR-38.02. Lobbyist Code of Ethics.

A lobbyist, volunteer lobbyist, or government official may not:

(1) attempt to influence any legislator or legislative employee **by means of deceit or by threat** of violence or economic or political reprisal against any person or property, with intent by doing so to alter or affect the legislator's or legislative employee's decision, vote, opinion, or action concerning any matter that is to be considered or performed by him or the agency or body of which he is a member;

Deceit or threat not allowed

(2) **knowingly provide false information** to any legislator or legislative employee as to any material fact pertaining to any legislation;

False information not allowed

(3) knowingly omit, conceal, or falsify in any manner information required by the lobbyist registration and lobbyist disclosure reports;

Falsify disclosure reports

(4) participate in **leadership races** of the Senate;

Participate in leadership races not allowed

Summary/Notes

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| (5) cause or influence the introduction of any bill or amendment for the purpose of afterwards becoming employed to secure its passage or defeat; | Initiating bill to become employed |
| (6) engage in sexually harassing behavior or behavior violative of the Utah Legislature's sexual harassment policy towards legislators or employees of the Legislature; | Sexually harassing behavior |
| (7) offer employment that would require or induce a legislator or legislative employee to disclose records classified as private, protected, or controlled; | Offer employment to disclose records |
| (8) use or disclose for any purpose any records classified as private, protected, or controlled that were obtained from a legislator or legislative employee or conspire with any person for that purpose; or | Use or disclose records classified as private, protected or controlled |
| (9) induce or seek to induce any legislator or legislative employee into committing a violation of any provision of this Senate rule. | Induce violation |

SR-38.03. Enforcement; Written Complaint.

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| (1) To initiate an ethics complaint against a lobbyist, volunteer lobbyist, or government official who has violated the Lobbyist Code of Ethics established in SR-38.02, two Senators from one party and one Senator from another party shall sign and file a written complaint with the President of the Senate. | Ethics complaints against a lobbyist

Two senators one from each party must file complaint |
| (2) The written complaint shall contain:

(a) the name of each of the Senators who is filing the complaint;

(b) the name of the lobbyist, volunteer lobbyist, or government official who is the subject of the complaint;

(c) the nature of the alleged violation, citing specifically to the provisions of R-38.02 that the lobbyist, volunteer lobbyist, or government official is alleged to have violated;

(d) all documents that support the complaint as an attachment to it; and

(e) any facts alleged to support the complaint. | Complaint content |
| (3) (a) Any complaint filed under this rule is a protected record under Title 63, Chapter 2, Government Records Access and Management Act, until referred to the Investigating Committee for action, because disclosure of the information in the complaint would constitute a clearly unwarranted invasion of personal privacy whose disclosure is not in the public interest.

(b) Any complaint filed under this rule that is withdrawn by the complainants is a protected record under Title 63, Chapter 2, Government Records Access and Management Act, because disclosure of the information in the complaint would constitute a clearly unwarranted invasion of personal privacy whose disclosure is not in the public | Complaint is a protected record |

interest.

SR-38.04. Enforcement; Meeting of the parties and witnesses.

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| (1) After receiving the complaint, the President shall meet with the legislators who filed the complaint , the lobbyist, volunteer lobbyist, or government official who is the subject of the complaint, and any other persons who have relevant information about the complaint. | President to meet with the legislators who filed the complaint |
| (2) If, after that meeting, all three of the Senators who signed the complaint wish to proceed with the complaint, they shall, within 14 calendar days from the date of the meeting, send a letter to the President requesting that the President appoint a committee to investigate the complaint. | Appoint a committee to investigate |

SR-38.05. Enforcement; Investigating Committee.

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| (1) (a) Within 14 calendar days after receipt of a letter requesting the appointment of a committee to investigate the complaint, the President shall: | Investigating committee |
| (i) appoint a committee composed of five members, three from the majority party and two from the minority party, to investigate the complaint; and | |
| (ii) designate one Senator as the committee chair. | |
| (b) The President may not appoint a Senator who signed the complaint to the Investigating Committee. | |
| (2) (a) The chair of the committee shall schedule a committee meeting to investigate the complaint. | |
| (b)(i) The committee shall comply with the procedures and requirements of Title 52, Chapter 4, Open and Public Meetings, including the procedures and requirements for closing a meeting. | |
| (ii) The Office of Legislative Research and General Counsel shall staff the committee. | OLRGC serves as committee staff |
| (c) (i) At the hearing, the committee shall review the complaint. | Hearing procedures |
| (ii) The committee may allow the legislators who filed the complaint to address and be questioned by the committee. | |
| (iii) The committee shall provide the lobbyist, volunteer lobbyist, or government official who is the subject of the complaint with the opportunity to address and be questioned by the committee. | |
| (iv) The committee may allow other persons with information relevant to the complaint to address and be questioned by the committee. | |
| (v) (A) The complainants, the lobbyist, volunteer lobbyist, or government official, and any witness appearing before the | |

committee may have legal counsel present.

- (B) That counsel may privately advise their client about the client's legal rights when specifically requested to do so by their client, but may not address the committee, ask questions of any party or witness, or engage in oral arguments with the committee.
- (C) If counsel fails to abide by any of these rules, the committee may exclude the counsel from the meeting.
- (d) Upon completion of the investigation, the committee shall report to the President recommending what action, if any, should be taken against lobbyist, volunteer lobbyist, or government official.
- (3) The President, after reviewing the committee's recommendation, may take appropriate action. President may take action

UTAH STATE STATUTES

Title 36, Chapter 19, Conflicts of Interest

36-19-1. Conflict of interest -- Prohibition of benefit.

(1) A legislator, member of his household, or client shall **not be a party to or have an interest in the profits or benefits of a state contract when the state contract is the direct result of a bill sponsored by the legislator** unless the contract is **let in compliance** with state procurement policies and is open to the general public.

State contracts resulting from bill sponsored by a legislator
Mirror of JR6-1-102(3)(a)

(2) Any person violating this section shall be guilty of a class B misdemeanor.

Class B misdemeanor

Title 63G, Chapter 6, Part 10, Illegal Activities

63G-6-1001. Felony to accept emolument.

Any person acting as a procurement officer for the state of Utah or any subdivision thereof, or who in any official capacity participates in the procurement of any supplies, services, construction, real property, or insurance for any such political units, is guilty of a felony if the person asks, receives, or offers to receive any emolument, gratuity, contribution, loan, or reward, or any promise thereof, either for the person's own use or the use or benefit of any other person or organization from any person interested in the sale of such supplies, services, construction, real property, or insurance.

Emolument and gratuities - asking or receiving prohibited for procurement officer

63G-6-1002. Felony to offer emolument.

A person who is interested in any way in the sale of any supplies, services, construction, real property, or insurance to the state of Utah or any political subdivision thereof, is guilty of a felony if the person gives or offers to give any emolument, gratuity, contribution, loan or reward, or any promise thereof to any person acting as a procurement officer, or who in any official capacity participates in the procurement of such supplies, services, construction, real property, or insurance, whether it is given for the person's own use or for the use or benefit of any other person or organization.

Emolument and gratuities - offering or giving prohibited for seller

Title 67, Chapter 16, Utah Public Officers' and Employees' Ethics Act

67-16-1. Short title.

This chapter is known as the "Utah Public Officers' and Employees' Ethics Act."

67-16-2. Purpose of chapter.

The purpose of this chapter is to **set forth standards of conduct** for officers and employees of the state of Utah and its political subdivisions in areas where there are actual or potential conflicts of interest between their public duties and their private interests. In this manner the Legislature intends to **promote the public interest and strengthen the faith and confidence of the people of Utah in the integrity of their government**. It does **not intend to deny** any public officer or employee the **opportunities available to all other citizens** of the state to acquire private economic or other interests so long as this **does not interfere** with his full and faithful **discharge of his public duties**.

Purposes: set standards of conduct

Promote the public interest and strengthen confidence

Not deny opportunities available to other citizens if it does not interfere with duties

67-16-3. Definitions.

As used in this chapter:

- (1) "Agency" means any department, division, agency, commission, board, council, committee, authority, or any other institution of the state or any of its political subdivisions.
- (2) "Agency head" means the chief executive or administrative officer of any agency.
- (3) "Assist" means to act, or offer or agree to act, in such a way as to help, represent, aid, advise, furnish information to, or otherwise provide assistance to a person or business entity, believing that such action is of help, aid, advice, or assistance to such person or business entity and with the intent to assist such person or business entity.
- (4) "Business entity" means a sole proprietorship, partnership, association, joint venture, corporation, firm, trust, foundation, or other organization or entity used in carrying on a business.
- (5) "Compensation" means anything of economic value, however designated, which is paid, loaned, granted, given, donated, or transferred to any person or business entity by anyone other than the governmental employer for or in consideration of personal services, materials, property, or any other thing whatsoever.
- (6) "Controlled, private, or protected information" means information classified as controlled, private, or protected in Title 63G, Chapter 2, Government Records Access and Management Act, or other applicable provision of law.
- (7) "Governmental action" means any action on the part of the state, a political subdivision, or an agency, including:
 - (a) any decision, determination, finding, ruling, or order; and
 - (b) any grant, payment, award, license, contract, subcontract, transaction, decision, sanction, or approval, or the denial thereof, or the failure to act in respect to.
- (8) "Improper disclosure" means disclosure of controlled, private, or protected information to any person who does not have the right to receive the information.
- (9) "Legislative employee" means any officer or employee of the Legislature, or any committee of the Legislature, who is appointed or employed to serve, either with or without compensation, for an aggregate of less than 800 hours during any period of 365 days. "Legislative employee" does not include legislators.
- (10) "Legislator" means a member or member-elect of either house of the Legislature of the state of Utah.
- (11) "Political subdivision" means a district, county, school district, or any other political subdivision of the state that is not an agency, but does not include municipalities.

State, state institution, and local political subdivision; excludes municipalities. *See* Subsection (11)

This definition only includes part-time or temporary legislative employees
Does not include regular full-time legislative employees

Excludes municipalities -- Covered under Title 10, Chapter 3, Municipal Officers' and Employees' Ethics Act

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| <p>(12) "Public employee" means a person who is not a public officer who is employed on a full-time, part-time, or contract basis by the state or any of its political subdivisions. "Public employee" does not include legislators or legislative employees.</p> | <p>Does not include municipal employees
Includes full-time legislative employees. <i>See</i> Subsection (9)
Excludes part-time legislative employees. <i>See</i> Subsection (9)</p> |
| <p>(13) "Public officer" means all elected or appointed officers of the state or any of its political subdivisions who occupy policymaking posts. "Public officer" does not include legislators or legislative employees.</p> | <p>Does not include municipal officers
Includes full-time legislative employees <i>See</i> Subsection (9)
Excludes legislators and part-time legislative employees</p> |
| <p>(14) "State" means the state of Utah.</p> | |
| <p>(15) "Substantial interest" means the ownership, either legally or equitably, by an individual, the individual's spouse, or the individual's minor children, of at least 10% of the outstanding capital stock of a corporation or a 10% interest in any other business entity.</p> | <p>Substantial interest = 10% or more</p> |

67-16-4. Improperly disclosing or using private, controlled, or protected information -- Using position to secure privileges or exemptions -- Accepting employment which would impair independence of judgment or ethical performance -- Exceptions.

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| <p>(1) Except as provided in Subsection (3), it is an offense for a public officer, public employee, or legislator, under circumstances not amounting to a violation of Section 63G-6-1001 or 76-8-105, to:</p> | <p>Kickbacks prohibited
Applies to legislators
Does not include part-time legislative employees and municipal officers and employees</p> |
| <p>(a) accept employment or engage in any business or professional activity that he might reasonably expect would require or induce him to improperly disclose controlled information that he has gained by reason of his official position;</p> | <p>Accept employment requiring improper disclosure of controlled information gained by official position
<i>See</i> JR6-1-102(2)(f)</p> |
| <p>(b) disclose or improperly use controlled, private, or protected information acquired by reason of his official position or in the course of official duties in order to further substantially the officer's or employee's personal economic interest or to secure special privileges or exemptions for himself or others;</p> | <p>Gain from protected information</p> |
| <p>(c) use or attempt to use his official position to:</p> | <p>Use position to:</p> |
| <p>(i) further substantially the officer's or employee's personal economic interest; or</p> | <p>Further personal economic gain</p> |
| <p>(ii) secure special privileges or exemptions for himself or others;</p> | <p>Get special privileges, even for others.
<i>See</i> JR6-1-102(2)(g)</p> |
| <p>(d) accept other employment that he might expect would impair his independence of judgment in the performance of his public duties; or</p> | <p>Accept employment expected to impair judgment
<i>See</i> JR6-1-102(2)(a)</p> |
| <p>(e) accept other employment that he might expect would interfere with the ethical performance of his public duties.</p> | <p>Accept employment expected to interfere with ethics
<i>See</i> JR6-1-102(2)(a)</p> |

Summary/Notes

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| (2)(a) Subsection (1) does not apply to the provision of education-related services to public school students by public education employees acting outside their regular employment. | Moonlighting education employees exempted |
| (b) The conduct referred to in Subsection (2)(a) is subject to Section 53A-1-402.5. | State board must make rules for teacher ethics |
| (3) A county legislative body member who does not participate in the process of selecting a mental health or substance abuse service provider does not commit an offense under Subsection (1)(a) or (b) by: | Certain exemptions for county legislative body member |
| (a) serving also as a member of the governing board of the provider of mental health or substance abuse services under contract with the county;
or | |
| (b) discharging, in good faith, the duties and responsibilities of each position. | |
| 67-16-5. Accepting gift, compensation, or loan -- When prohibited. | This section does not apply to legislators
See Section 36-11-304 instead |
| (1) As used in this section, "economic benefit tantamount to a gift" includes: | Gift includes: |
| (a) a loan at an interest rate that is substantially lower than the commercial rate then currently prevalent for similar loans; and | Loan at lower interest rate |
| (b) compensation received for private services rendered at a rate substantially exceeding the fair market value of the services. | Compensation at higher rate |
| (2) It is an offense for a public officer or public employee, under circumstances not amounting to a violation of Section 63G-6-1001 or 76-8-105, to knowingly receive, accept, take, seek, or solicit, directly or indirectly for himself or another a gift of substantial value or a substantial economic benefit tantamount to a gift: | Does not include legislators, part-time legislative employees and municipal officers and employees |
| (a) that would tend improperly to influence a reasonable person in the person's position to depart from the faithful and impartial discharge of the person's public duties; | Tend improperly to influence |
| (b) that the public officer or public employee knows or that a reasonable person in that position should know under the circumstances is primarily for the purpose of rewarding the public officer or public employee for official action taken; or | Rewarding the person for official action taken |
| (c) if the public officer or public employee recently has been, is now, or in the near future may be involved in any governmental action directly affecting the donor or lender, unless a disclosure of the gift, compensation, or loan and other relevant information has been made in the manner provided in Section 67-16-6. | No gifts if you may be involved in an action involving recipient unless the gift is disclosed |
| (3) Subsection (2) does not apply to: | |
| (a) an occasional nonpecuniary gift, having a value of not in excess of \$50; | Gift of \$50 or less OK |
| (b) an award publicly presented in recognition of public services; | Award publicly presented |

<p>(c) any bona fide loan made in the ordinary course of business; or</p>	<p>Bona fide loan</p>
<p>(d) a political campaign contribution.</p>	<p>Campaign contribution</p>
<p>67-16-5.3. Requiring donation, payment, or service to government agency in exchange for approval -- When prohibited.</p>	<p>Applies to a legislator</p>
<p>(1) It is an offense for a public officer, public employee, or legislator, under circumstances not amounting to a violation of Section 63G-6-1001 or 76-8-105, to demand from any person as a condition of granting any application or request for a permit, approval, or other authorization, that the person donate personal property, money, or services to any agency.</p>	<p>Cannot demand donation as a condition for granting application</p>
<p>(2) (a) Subsection (1) does not apply to any donation of property, funds, or services to an agency that is:</p>	<p>Exemptions for donations, etc</p>
<p>(i) expressly required by statute, ordinance, or agency rule;</p>	<p>Required by law</p>
<p>(ii) mutually agreed to between the applicant and the entity issuing the permit, approval, or other authorization;</p>	<p>Mutually agreed</p>
<p>(iii) made voluntarily by the applicant; or</p>	<p>Made voluntarily</p>
<p>(iv) a condition of a consent decree, settlement agreement, or other binding instrument entered into to resolve, in whole or in part, an actual or threatened agency enforcement action.</p>	<p>Settlement agreement</p>
<p>(b) If a person donates property, funds, or services to an agency, the agency shall, as part of the permit or other written authorization:</p>	<p>Agency must identify the donation</p>
<p>(i) identify that a donation has been made;</p>	
<p>(ii) describe the donation;</p>	
<p>(iii) certify, in writing, that the donation was voluntary; and</p>	
<p>(iv) place that information in its files.</p>	
<p>67-16-5.6. Offering donation, payment, or service to government agency in exchange for approval -- When prohibited.</p>	<p>Applies to legislators</p>
<p>(1) It is an offense for any person, under circumstances not amounting to a violation of Section 76-8-103, to donate or offer to donate personal property, money, or services to any agency on the condition that the agency or any other agency approve any application or request for a permit, approval, or other authorization.</p>	<p>Circumstances not amounting to bribery, cannot donate on condition of an approval</p>
<p>(2)(a) Subsection (1) does not apply to any donation of property, funds, or services to an agency that is:</p>	<p>Exemptions for donations, etc.:</p>
<p>(i) otherwise expressly required by statute, ordinance, or agency rule;</p>	<p>Required by law</p>
<p>(ii) mutually agreed to between the applicant and the entity issuing the permit, approval, or other authorization;</p>	<p>Mutually agreed</p>
<p>(iii) a condition of a consent decree, settlement agreement, or other binding instrument entered into to resolve, in whole or in part, an</p>	<p>Settlement agreement</p>

actual or threatened agency enforcement action; or

(iv) made without condition.

Made without condition

(b) The person making the donation of property, funds, or services shall include with the donation a signed written statement certifying that the donation is made without condition.

Statement that donation is without condition

(c) The agency receiving the donation shall place the signed written statement in its files.

Agency keep the statement

67-16-6. Receiving compensation for assistance in transaction involving an agency -- Filing sworn statement.

This section does not apply to legislators. *See* Section 76-8-106 instead

(1) It is an offense for a public officer or public employee, under circumstances not amounting to a violation of Section 63G-6-1001 or 76-8-105, to **receive or agree to receive compensation for assisting** any person or business entity in any transaction involving an agency unless the public officer or public employee files a sworn, written statement containing the information required by Subsection (2) with:

Receive or agree to receive compensation for assisting in an agency transaction unless statement is filed

Does not include legislators, part-time legislative employees and municipal officers and employees

(a) the head of the officer or employee's own agency;

(b) the agency head of the agency with which the transaction is being conducted; and

(c) the state attorney general.

(2) The statement shall contain:

Statement contents

(a) the name and address of the public officer or public employee involved;

(b) the name of the public officer's or public employee's agency;

(c) the name and address of the person or business entity being or to be assisted; and

(d) a brief description of:

(i) the transaction as to which service is rendered or is to be rendered; and

(ii) the nature of the service performed or to be performed.

(3) The statement required to be filed under Subsection (1) shall be filed within ten days after the date of any agreement between the public officer or public employee and the person or business entity being assisted or the receipt of compensation, whichever is earlier.

File statement within ten days of the agreement

(4) The statement is public information and shall be available for examination by the public.

Statement is public

67-16-7. Disclosure of substantial interest in regulated business.

This section does not apply to legislators. *See* Section 76-8-109 instead

- (1) Every public officer or public employee who is an officer, director, agent, employee, or the owner of a substantial interest in any business entity which is subject to the **regulation of the agency by which the officer or employee is employed, shall disclose** any such position held and the precise nature and value of the public officer's or public employee's interest upon first becoming a public officer or public employee, and again whenever the public officer's or public employee's position in the business entity changes significantly or if the value of his interest in the entity is significantly increased.

Employee of business subject to regulation of the agency by which the officer or employee is employed, shall disclose position
Does not include legislators, part-time legislative employees and municipal officers and employees
- (2) The disclosure required under Subsection (1) shall be made in a sworn statement filed with:

Sworn statement

 - (a) the state attorney general in the case of public officers and public employees of the state;
 - (b) the chief governing body of the political subdivision in the case of public officers and public employees of a political subdivision;
 - (c) the head of the agency with which the public officer or public employee is affiliated; and
 - (d) in the case of a public employee, with the immediate supervisor of the public employee.
- (3) This section **does not apply to instances where the total value of the interest does not exceed \$2,000.** Life insurance policies and annuities shall not be considered in determining the value of any such interest.

Does not apply to total value if the interest does not exceed \$2,000
- (4) Disclosures made under this section are public information and shall be available for examination by the public.

Disclosures open to the public

67-16-8. Participation in transaction involving business as to which public officer or employee has interest -- Exceptions.

This section does not apply to legislators. *See* Section JR6-1-102 instead

- (1) No public officer or public employee shall **participate in his official capacity or receive compensation** in respect to any **transaction** between the state or any of its agencies and any business entity as to which such public officer or public employee is also an officer, director, or employee or owns a substantial interest, unless disclosure has been made as provided under Section 67-16-7.

Participation in an official capacity or receiving compensation for a transaction if the person holds an interest in the business unless disclosed
Does not include legislators, part-time legislative employees and municipal officers and employees
- (2) A concession contract between an agency, political subdivision, or the state and a certified professional golf association member who is a public employee or officer does not violate the provisions of Subsection (1) or Title 10, Chapter 3, Part 13.

Does not apply to golf pro

67-16-9. Conflict of interests prohibited.

This section does not apply to legislators. *See* Section JR6-1-109 instead

No public officer or public employee shall have **personal investments** in any business entity which will create a substantial conflict between his private interests and his public duties.

Personal investments that create conflict of interest
Does not include legislators, part-time legislative employees and municipal officers and employees

67-16-10. Inducing others to violate chapter.

No person shall induce or seek to induce any public officer or public employee to violate any of the provisions of this chapter.

Cannot induce a public official to violate chapter

67-16-11. Applicability of provisions.

The provisions of this chapter apply to all public officers and public employees.

This section does not apply to legislators.

Does not include legislators, part-time legislative employees and municipal officers and employees, but some parts of chapter also apply to legislators

67-16-12. Penalties for violation -- Removal from office or dismissal from employment.

In addition to any penalty contained in any other provision of law:

This section does not apply to legislators.

Violation of chapter results in dismissal except for disclosure violation

- (1) any public officer or public employee who knowingly and intentionally violates this chapter, with the exception of Sections 67-16-6 and 67-16-7, shall be dismissed from employment or removed from office as provided by law, rule, or policy within the agency; and
- (2) any public officer, public employee, or person who knowingly and intentionally violates this chapter, with the exception of Sections 67-16-6 and 67-16-7, shall be punished as follows:
 - (a) as a felony of the second degree if the total value of the compensation, conflict of interest, or assistance exceeds \$1,000;
 - (b) as a felony of the third degree if:
 - (i) the total value of the compensation, conflict of interest, or assistance is more than \$250 but not more than \$1,000; or
 - (ii) the public officer or public employee has been twice before convicted of violation of this chapter and the value of the conflict of interest, compensation, or assistance was \$250 or less;
 - (c) as a class A misdemeanor if the value of the compensation or assistance was more than \$100 but does not exceed \$250; or
 - (d) as a class B misdemeanor if the value of the compensation or assistance was \$100 or less.

Violation of chapter except for disclosure violation shall be punished on a graduated basis

67-16-14. Unethical transactions -- Duty to dismiss officer or employee -- Right to rescind or void contract.

This section does not apply to legislators.

If any transaction is entered into in violation of Section 67-16-6, 67-16-7, or

67-16-8, the state, political subdivision, or agency involved:

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| (1) shall dismiss the public officer or public employee who knowingly and intentionally violates this chapter from employment or office as provided by law; and | Dismissal of an officer or employee for intentional violation |
| (2) may rescind or void any contract or subcontract entered into in respect to such transaction without returning any part of the consideration that the state, political subdivision, or agency has received. | Void any contract |

Title 76, Chapter 8, Part 1, Corrupt Practices

76-8-101. Definitions.

For the purposes of this chapter:

All candidates for elected office

- (1) "Candidate for electoral office" means a person who has filed as a candidate for office under the laws of the state.
- (2) "Party official" means any person holding any post in a political party whether by election, appointment, or otherwise.
- (3) "Peace officer" means any employee of a police or law enforcement agency that is part of or administered by the state or any of its political subdivisions, and whose duties consist primarily of the prevention and detection of crime and the enforcement of criminal statutes or ordinances of this state or any of its political subdivisions.
- (4) (a) "Pecuniary benefit" means any advantage in the form of money, property, commercial interest, or anything else, the primary significance of which is economic gain.
- (b) "Pecuniary benefit" does not include economic advantage applicable to the public generally, such as tax reduction or increased prosperity generally.
- (5) (a) "Public servant" means any officer or employee of the state or any political subdivision of the state, including judges, legislators, consultants, and persons otherwise performing a governmental function.
- (b) A person is considered a public servant upon his election, appointment, or other designation as such, although he may not yet officially occupy that position.

Money

Ok if applicable to the public generally

Broadly defined as a person performing a governmental function (no exclusions - all state and local employees, elected officials, and judges)

76-8-102. Campaign contributions not prohibited.

Nothing in this chapter shall be construed to prohibit the giving or receiving of campaign contributions made for the purpose of defraying the costs of a political campaign. No person shall be convicted of an offense solely on the evidence that a campaign contribution was made and that an appointment or nomination was subsequently made by the person to whose campaign or political party the contribution was made.

Campaign contributions okay

76-8-103. Bribery or offering a bribe.

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| <p>(1) A person is guilty of bribery or offering a bribe if that person promises, offers, or agrees to give or gives, directly or indirectly, any benefit to another with the purpose or intent to influence an action, decision, opinion, recommendation, judgment, vote, nomination, or exercise of discretion of a public servant, party official, or voter.</p> | <p>Bribery is a promise given to influence an action</p> |
| <p>(2) It is not a defense to a prosecution under this statute that:</p> <p>(a) the person sought to be influenced was not qualified to act in the desired way, whether because the person had not assumed office, lacked jurisdiction, or for any other reason;</p> <p>(b) the person sought to be influenced did not act in the desired way; or</p> <p>(c) the benefit is not conferred, solicited, or accepted until after:</p> <p style="padding-left: 20px;">(i) the action, decision, opinion, recommendation, judgment, vote, nomination, or exercise of discretion, has occurred; or</p> <p style="padding-left: 20px;">(ii) the public servant ceases to be a public servant.</p> | <p>Invalid excuses:</p> <p>Not qualified to act</p> <p>Did not act in desired way</p> <p>Benefit timing does not matter</p> |
| <p>(3) Bribery or offering a bribe is:</p> <p>(a) a third degree felony when the value of the benefit asked for, solicited, accepted, or conferred is less than \$1,000; and</p> <p>(b) a second degree felony when the value of the benefit asked for, solicited, accepted, or conferred is \$1,000 or more.</p> | <p>3rd degree felony for \$1,000 or less</p> <p>2nd degree felony for \$1,000 or more</p> |

76-8-104. Threats to influence official or political action.

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| <p>(1) A person is guilty of a class A misdemeanor if he threatens any harm to a public servant, party official, or voter with a purpose of influencing his action, decision, opinion, recommendation, nomination, vote, or other exercise of discretion.</p> | <p>Don't threaten any harm to influence a public servant</p> |
| <p>(2) As used in this section:</p> <p>(a) "Harm" means any disadvantage or injury, pecuniary or otherwise, including disadvantage or injury to any other person or entity in whose welfare the public servant, party official, or voter is interested.</p> <p>(b) "Public servant" does not include jurors.</p> | <p>Harm means any disadvantage or injury</p> |

76-8-105. Receiving or soliciting bribe or bribery by public servant.

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| <p>(1) A person is guilty of receiving or soliciting a bribe if that person asks for, solicits, accepts, or receives, directly or indirectly, any benefit with the understanding or agreement that the purpose or intent is to influence an action, decision, opinion, recommendation, judgment, vote, nomination, or exercise of discretion, of a public servant, party official, or voter.</p> | <p>Asks for or receives any benefit to influence an action</p> |
| <p>(2) It is not a defense to a prosecution under this statute that:</p> <p>(a) the person sought to be influenced was not qualified to act in the desired way, whether because the person had not assumed office, lacked</p> | <p>Invalid excuses:</p> <p>Not qualified to act</p> |

jurisdiction, or for any other reason;

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| (b) the person sought to be influenced did not act in the desired way; or | Did not act |
| (c) the benefit is not asked for, conferred, solicited, or accepted until after: | Benefit timing |
| (i) the action, decision, opinion, recommendation, judgment, vote, nomination, or exercise of discretion, has occurred; or | |
| (ii) the public servant ceases to be a public servant. | |

(3) Receiving or soliciting a bribe is:

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|---|---|
| (a) a third degree felony when the value of the benefit asked for, solicited, accepted, or conferred is \$1,000 or less; and | 3rd degree felony for value of \$1,000 or less |
| (b) a second degree felony when the value of the benefit asked for, solicited, accepted, or conferred exceeds \$1,000. | 2nd degree felony for a value exceeding \$1,000 |

76-8-106. Receiving bribe or bribery for endorsement of person as public servant.

A person is guilty of a class B misdemeanor if:

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|---|---|
| (1) He solicits, accepts , agrees to accept for himself, another person, or a political party, money or any other pecuniary benefit as compensation for his endorsement , nomination, appointment, approval, or disapproval of any person for a position as a public servant or for the advancement of any public servant; or | Solicits or accepts compensation for an endorsement or approval |
| (2) He knowingly gives, offers, or promises any pecuniary benefit prohibited by paragraph (1). | Gives, offers, or promises money to endorse |

76-8-107. Alteration of proposed legislative bill or resolution.

Every person who **fraudulently alters the draft of any bill** or resolution which has been presented to either of the houses composing the Legislature to be passed or adopted, with intent **to procure its being passed** or adopted by either house, or certified by the presiding officer of either house in language different from that intended by such house, is guilty of a felony of the third degree.

Fraudulently alters proposed legislation
Penalty

76-8-108. Alteration of enrolled legislative bill or resolution.

Every person who **fraudulently alters the enrolled copy of any bill** or resolution which has been passed or adopted by the Legislature with intent to procure it to be approved by the governor or certified by the Division of Archives, or printed or published by the printer of statutes in language different from that in which it was passed or adopted by the Legislature, is guilty of a felony of the third degree.

Fraudulently alters passed legislation
Penalty

76-8-109. Failure of member of Legislature to disclose interest in measure or bill.

- (1) As used in this section:

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| <p>(a) "Business in which the legislator is associated" means any business in which a legislator is a director, officer, owner, member, partner, employee, or is a holder of stocks or bonds in the company that have a fair market value of \$10,000 or more. This does not include business associations by members of the legislator's immediate family.</p> | <p>Employed or hold stocks of \$10,000 or more
See JR6-1-201(1)(a)</p> |
| <p>(b) "Conflict of interest" means legislation or action by a legislator that the legislator reasonably believes may cause direct financial benefit or detriment to him, a member of the legislator's immediate family, or a business in which the legislator is associated, and that benefit or detriment is distinguishable from the effects of that action on the public or on the legislator's profession, occupation, or association generally.</p> | <p>Direct financial benefit or detriment distinguishable for the effects on the public
See JR6-1-201(1)(b)</p> |
| <p>(c) "Immediate family" means the legislator's spouse and children living in the legislator's immediate household.</p> | <p>See JR6-1-201(1)(c)</p> |
| <p>(2) In addition to the Declaration of Conflict of Interest form provided for in Subsection (3), before or during any vote on legislation or any legislative matter in which a legislator has actual knowledge that he has a conflict of interest which is not stated on the conflict of interest form, that legislator shall orally declare to the committee or body before which the matter is pending that the legislator may have a conflict of interest and what that conflict is. This declaration of conflict of interest shall be noted in the minutes of any committee meeting or in the Senate or House Journal.</p> | <p>Declare conflict if not stated in form before vote and noted in minutes
See JR6-1-201(3)
See HR-26.02</p> |
| <p>(3)(a) A legislator shall file a Declaration of Conflict of Interest form with the Secretary of the Senate if the legislator is a senator or with the Chief Clerk of the House of Representatives if the legislator is a representative to satisfy that legislator's disclosure of any conflict of interest as required by Subsection (2).</p> | <p>Must file a declaration of conflict of interest form
See JR6-1-202(2)(a)</p> |
| <p>(b) This Declaration of Conflict of Interest form shall include the businesses in which the legislator is associated and the general legislative subject areas in which the legislator may have a conflict of interest.</p> | <p>Form includes businesses associated and subject areas the legislator may have a conflict
See JR6-1-201(2)(b)</p> |
| <p>(c) This Declaration of Conflict of Interest form is available to the public.</p> | <p>Forms public
See JR6-1-201(2)(c)</p> |
| <p>(d) This requirement of disclosure of any conflict of interest does not prohibit a legislator from voting on any legislation or legislative matter.</p> | <p>Can still vote
See JR6-1-201(4)</p> |
| <p>(4) Every member of the Legislature who has a conflict of interest in any measure or bill proposed or pending before the Legislature of which he is a member and does not disclose the fact to the house of which he is a member and votes thereon is guilty of a class B misdemeanor.</p> | <p>Failure to disclose and votes class B misdemeanor</p> |

Title 76, Chapter 8, Part 2, Abuse of Office

76-8-201. Official misconduct -- Unauthorized acts or failure of duty.

A public servant is guilty of a class B misdemeanor if, with an **intent to benefit himself or another or to harm another, he knowingly commits an unauthorized act** which purports to be an act of his office, or knowingly refrains from performing a duty imposed on him by law or clearly inherent in the nature of his office.

With intent to benefit or harm commits an unauthorized act or does not perform an act imposed by law

76-8-202. Official misconduct -- Unlawful acts based on "inside" information.

A public servant is guilty of a class A misdemeanor if, knowing that official action is contemplated or in reliance on information which he has **acquired by virtue of his office or from another public servant**, which information has not been made public, he:

Uses information acquired by virtue of his office or from another public servant that is not public to:

- (1) acquires or divests himself of a pecuniary interest in any property, transaction, or enterprise which may be affected by such action or information;
- (2) speculates or wagers on the basis of such action or information; or
- (3) knowingly aids another to do any of the foregoing.

Acquire or divest on interest that may be affected by the information

Speculate on the basis of the information

Help another to acquire or speculate

76-8-203. Unofficial misconduct.

- (1) A person is guilty of unofficial misconduct if he exercises or attempts to exercise any of the functions of a public office when:
 - (a) he has not taken and filed the required oath of office;
 - (b) he has failed to execute and file the required bond;
 - (c) he has not been elected or appointed to office;
 - (d) he exercises any of the functions of his office after his term has expired and the successor has been elected or appointed and has qualified, or after his office has been legally removed; or
 - (e) he knowingly withholds or retains from his successor in office or other person entitled to the official seal or any records, papers, documents, or other writings appertaining or belonging to his office or mutilates or destroys or takes away the same.
- (2) Unofficial misconduct is a class B misdemeanor.

Attempts to exercise functions

Prior to oath of office

Fails to file bond

Not elected or appointed

After term is expired

Withholds records from his successor