



Ethics Commission Panel

Levi Andrist, GA Group PC

Senator Erin Oban, District 35

Representative Shannon Roers-Jones, District 46

Leslie Bakken Oliver, Office of the Governor

Article XIV, Section 3 establishes ethics commission.

Section 3.

- 1. In order to strengthen the confidence of the people of North Dakota in their government, and to support open, ethical, and accountable government, the North Dakota ethics commission is hereby established.
- 2. The ethics commission **may adopt ethics rules related to transparency, corruption, elections, and lobbying to which any lobbyist, public official, or candidate for public office shall be subject, and may investigate alleged violations of such rules, this article, and related state laws. The ethics commission shall maintain a confidential whistleblower hotline through which any person acting in good faith may submit relevant information.** The legislative assembly shall provide adequate funds for the proper carrying out of the functions and duties of the commission.
- 3. The ethics commission shall consist of five members, appointed for four-year terms by consensus agreement of the governor, the majority leader of the senate, and the minority leader of the senate. No member of the ethics commission may hold other public office or be a lobbyist, candidate for public office, or political party official.

Article XIV, Section 4

Section 4.

1. This article is self-executing and all of its provisions are mandatory. Laws may be enacted to facilitate, safeguard, or expand, but not to hamper, restrict, or impair, this article. This article shall take effect sixty days after approval.

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NDCC Chapter 54-66

54-66-05. Making a complaint.

A complaint may be made to the commission orally or in writing. **If a complainant does not provide the complainant's name, address, and telephone number with the complaint, the ethics commission may not investigate, refer, or take other action regarding the complaint.** The commission shall summarize each oral complaint in writing unless the complaint must be disregarded under this section.

54-66-06. Informing the accused individual - Written response permitted.

The commission shall inform an accused individual by registered mail of the identity of the complainant who made the allegation against the accused individual and include the written complaint or written summary of the oral complaint as soon as reasonably possible but no later than twenty calendar days after the commission receives the complaint. The accused individual may respond to the complaint in writing within twenty calendar days of receipt of the complaint or summary of the complaint.

Ethics Commission Rules: Complaints

115-02-01-01. Definitions

2. “Confidential Complaint” means a complaint by a North Dakota resident submitted through the confidential hotline or other methods designated by the commission as confidential. In the case of a confidential complaint within the jurisdiction of the Commission and where there is a reasonable belief that a violation has occurred, the Commission will be the complainant.

3. “Anonymous or non-resident complaint” a person who does not provide their name or contact information or a non-resident will not be considered a complainant for any purpose. The commission may review information provided anonymously or by a non-resident. After review by the Commission the information may be summarily dismissed or, by a majority vote, the Commission may initiate a Commission Complaint and the Commission will be the Complainant.

Article XIV, Section 2: Lobbying and Gifts

1. A lobbyist may not knowingly give, offer, solicit, initiate, or facilitate a gift to a public official. A public official may not knowingly accept a gift from a lobbyist.

"Gift," as used in this subsection, means any item, service, or thing of value not given in exchange for fair market consideration, including gifts of travel or recreation."

Ethics Commission Proposed Rules: Gifts

115-03-01-02.

Gift Prohibitions and Penalties.

1. A lobbyist may not knowingly give, offer, solicit, initiate, or facilitate a gift to a public official **in conjunction with any effort by the lobbyist to lobby the public official**. A public official may not knowingly accept a gift from a lobbyist offered in conjunction with the lobbyist efforts to lobby the public official.

Proposed rules: Gifts

3. “Lobby” means:

- a. Attempts to secure the passage, amendment, or defeat of any legislation by the legislative assembly or the approval or veto of any legislation by the governor of the state.
- b. Attempts to influence decisions made by the legislative management or by an interim committee of the legislative management.
- c. Attempts to secure passage, amendment, or defeat of any administrative rule or regulation by any department, agency or body of the state’s executive branch.
- d. Attempts to otherwise influence public official action or decision.

Proposed Gift Rules: Event Notice

115-03-01-04. Public or Private Event Notice.

- 1. Prior to a public or private social and educational event, the sponsor shall file notice with the Ethics Commission providing details regarding the planned event. Notice does not constitute approval of the event by the Ethics Commission. If the sponsor is concerned with compliance with North Dakota law and these rules, the sponsor may request an advisory opinion from the Ethics Commission.
- 2. No specific format of notice is required; however, it should include the event date, place, sponsor, educational purpose, estimated attendance and estimated cost per attendee.



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