

**Definitions.**

1. “Commission” means the North Dakota Ethics Commission established by article XIV of the Constitution of North Dakota.
2. “Expenses” means money spent on transportation, lodging, and, while traveling, meals.
3. “Immediate family” means a parent; sibling; child by blood, adoption, or marriage; spouse, grandparent; or grandchild.
4. “Policy-monitored travel” means travel expenses reported within the State of North Dakota’s enterprise resource planning system or on the Legislative Assembly’s Report on Out-of-State Meeting form.
5. “Public official” means any elected or appointed official of the state’s executive or legislative branch, including members of the ethics commission, members of the governor’s cabinet, and employees of the legislative branch.
6. “Third party funded travel” means any travel, whether within or outside the state of North Dakota, undertaken by a public official, or a member of the public official’s immediate family, in relation to the public official’s status as a public official, including travel paid with federal, state, tribal, or local public funds. It does not include:
  - a. Travel paid with a public official’s personal or campaign finances;
  - b. Policy-monitored travel;
  - c. Travel, the details of which are confidential under state law as defined in section 44-04-17.1 of the North Dakota Century Code; or
  - d. Travel to actively support or oppose a candidate or political party.

**Travel Disclosure Statement.**

Every public official shall file a travel disclosure statement with the commission for third party funded travel within fifteen days following the conclusion of third party funded travel. The travel disclosure statement required to be filed under this section must include:

1. the purpose of the travel;
2. the destination(s) visited;
3. the dates of travel;
4. the source(s) of funds used to finance all travel-related expenses;
5. an estimate of the amount expended, or if known, the actual amount expended;
6. whether the expenses were for air transportation, ground transportation, lodging, meals, entertainment, or other activities; and

7. the number of any accompanying immediate family members, if any.

**Filing and Format.**

1. The commission shall establish a standardized form for the filing of the travel disclosure statement.
2. The public official shall file the travel disclosure statement in electronic format through the commission’s official website using the standardized form.
3. The public official shall certify in writing that the travel disclosure statement is true, complete, accurate, and of the public official’s own personal knowledge.

**Public Access and Retention.**

The travel disclosure statement must be made publicly accessible through the commission’s website. The commission shall maintain all travel disclosure statements for a complete calendar year for a period of three years.

**Sanctions.**

1. If, after notice and a reasonable opportunity to respond, the commission determines these rules have been violated, the commission may sanction any public official that violated the rules or is responsible for the violation. A sanction imposed under this rule must be limited to what suffices to deter repetition of the conduct or comparable conduct by others similarly situated. The sanction may include nonmonetary directives or an order to pay a penalty.
2. The commission may collect any monetary sanction arising out of this section through processes that provide the public official with notice of the monetary sanction and a reasonable opportunity to respond. These processes include North Dakota Administrative Code chapter 115-02-01, civil action, or by assignment to a collection agency, with any costs of collection to be added to the amount owed and to be paid by the public official. Prior to assigning any payment obligation to a collection agency, the commission shall provide the public official thirty-day written notice and an opportunity to respond to the transfer of debt.
3. Monetary sanctions for violations of these rules must not exceed the amounts set forth below.
  - a. If the travel disclosure statement is not filed within the prescribed time or is voluntarily amended thereafter, the commission may collect a monetary sanction from the public official as follows:
    - (1) within six days after the prescribed time, twenty-five dollars;
    - (2) within eleven days after the prescribed time, fifty dollars; and
    - (3) thereafter, one hundred dollars.

- b. The commission may require an amendment to be filed for any travel disclosure statement that is incorrect or incomplete. The amendment must be filed with the commission within ten business days after the amendment has been requested in writing. If an amendment is not filed within the prescribed time, the commission may collect a monetary sanction from the public official as follows:
    - (1) Within six days after the date the amendment was due, fifty dollars;
    - (2) Within eleven days after the date the amendment was due, one hundred dollars; and
    - (3) Thereafter, two hundred dollars.
  - c. If a public official knowingly fails to file a travel disclosure statement or knowingly falsifies information on the travel disclosure statement, the commission may collect up to a five hundred dollar monetary sanction from the public official. For a second and subsequent violation of this subsection, the commission may collect up to a one thousand dollar monetary sanction from the public official. If warranted for effective deterrence, the commission may also collect all expenses from the public official it incurred in investigating a knowing violation under this subsection.
4. Any monetary sanction, when so collected by the commission, must be paid to the state treasurer and placed to the credit of the general fund.