June 23, 2022

The Honorable Drew Wrigley

Attorney General

Office of the Attorney General

600 E. Boulevard Ave, Dept 125

Bismarck, ND 58505

RE: Request for Attorney General’s Opinion

Dear Attorney General Wrigley:

The North Dakota Ethics Commission (Commission) is requesting an Attorney General’s Opinion to address its authority regarding the language in Article XIV, §3 (2).

In 2018 the voters approved Measure 1, establishing under Article XIV of the Constitution of North Dakota the North Dakota Ethics Commission. Article XIV, §3(2) states that “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**.” (emphasis added).

The Commission is reviewing its authority to investigate violations of state law related to transparency, corruption, elections, and lobbying. The question is whether the Commission would be required to adopt a rule or whether the Commission has independent authority under Article XIV to investigate such violations of state law. For example, if the Commission received a complaint for a possible violation of NDCC 16.1-10 (Corrupt Practices) does the Commission have authority under Article XIV to investigate even if the Commission has not adopted a rule related to the statute. We recognize that if there is evidence of a crime the case may need to be referred to the appropriate prosecutors office.

Accordingly, we respectfully request an Attorney General’s Opinion. POC for this request is Executive Director Dave Thiele, who can be reached at (701) 328-5322 or dthiele@nd.gov.

Sincerely;

Ron Goodman

Chair, North Dakota Ethics Commission