

1. A public official must be aware that a “conflict of interest” may arise in matters affecting circumstances or persons with whom the public official has received a gift; persons or entities or issues with which the public official has a significant pecuniary or financial interest; and persons to whom the public official has a relationship in a private capacity to that person’s interests.
2. A “relationship in a private capacity” with respect to the interests of another person, means a commitment, interest, or relationship of a public official:
 - a. To their spouse;
 - b. To a member of their household;
 - c. To an immediate member of their family;
 - d. To the employer of the public official or the employer of the public official’s immediate family;
 - e. To a person with whom the public official has a substantial and continuing business relationship; or,
 - f. To anyone with whom the public official has any other commitment, interest, or relationship that is substantially to a commitment, interest or relationship described in Section 2 (a)-(e), above.
3. When a matter comes before a public official that affects a gift or a loan, a significant pecuniary interest, or a person to whom the public official has a relationship in a private capacity, the public official must disclose the conflict of interest in a public manner at the time the matter is being considered. The disclosure must provide sufficient information concerning the matter giving rise to the conflict of interest to put the public on notice of the potential effect of the action upon the person who provided the gift or loan to the public official, upon the public official’s significant pecuniary interest , or upon the person to whom the public official has a relationship in a private capacity.
4. A public official shall disclose conflicts of interests as follows:
 - a. If a public official is a member of the legislature, the public official must make the disclosure to the public before the legislative assembly prior to the vote on any matter in which the public official has a conflict of interest. The public official may not participate in the debate or vote on any matter in which the public official has a conflict of interest, provided, however, if approved by a majority of the members of the legislative body in which the public official is a member, the public official may participate in the debate and vote on the matter before the legislative body.
 - b. If a public official is an employee of the legislature, the public official must make the disclosure to his or her department head. The public official may not participate in legislature’s consideration of the matter, provided, however, the public official may participate in the legislature’s consideration of the matter if approved by the employees department head.
 - c. If the public official is an elected or appointed member of the Executive branch, including members of the Governor’s cabinet, commission, board, bureau, department or other administrative unit, the public official must make the disclosure to Governor’s designated ethics officer. The public official may not participate in the consideration or approval of the matter in which the public official has a conflict of interest, provided, however, the public official may participate in the consideration or approval of the matter if approved by the **Governor’s ethics officer? Or board/commission?**

5. It is presumed that a public official does not have a conflict of interest if the public official would not derive any personal benefit which is not greater than that accruing to any other member of any general business, profession, occupation or group affected by the matter.
6. Appropriate weight and proper deference must be given to the expectation that a public official is expected by the citizens of North Dakota to perform the duties of elected or appointed office, including the duty to vote or otherwise act upon a matter, provided the public official has properly disclosed the conflict of interest as provided in this rule. Abstention from consideration of the matter or voting on a matter before the public official should only occur in clear cases where the independence of judgment of a reasonable person in the public official's situation would be materially affected by the conflict of interest.