

Coalition for Integrity

North Dakota Sees Improvement on the Coalition for Integrity's States with Anti-Corruption Measures for Public Officials (S.W.A.M.P.) Index

FOR IMMEDIATE RELEASE

November 18, 2020 – Today, Coalition for Integrity released the second edition of its *States with Anti-Corruption Measures for Public Officials (S.W.A.M.P.) Index*. First published in 2018, the index rates the 50 States and District of Columbia based on the laws and regulations governing ethics and transparency in the executive and legislative branches of individual states.

In 2018, North Dakota was the only jurisdiction to receive a score of 0, due to its lack of an ethics agency, as well as any gift laws whatsoever. With the adoption of Amendment XIV to the State Constitution, North Dakota achieved a score of 42 – a significant improvement. Much work, however, remains to be done for the North Dakota Ethics Commission to meet the standards set by other states.

Currently, the North Dakota Ethics Commission may impose any legally authorized penalties. However, it cannot hold public hearings, does not have subpoena power, and may not issue injunctions against prohibited conduct. Further, it does not accept anonymous complaints or keep the identity of complainants confidential.

In the realm of gift acceptance and disclosure, public officials are now prohibited from accepting gifts from lobbyists. However, there are no further restrictions on gifts, nor are public officials required to disclose any gifts they receive. Additionally, there is no transparency of contributors to independent spenders, nor are legislators required to disclose the names of their clients.

Shruti Shah, President and CEO of the Coalition, pointed out that “North Dakota has improved its ethics regime through the creation of an ethics agency and some restrictions on gift acceptance. However, the mere existence of an ethics agency is not enough. The agency must be equipped with meaningful authority to prevent wrongdoing, and the North Dakota Ethics Commission currently lacks this. Additionally, North Dakota law has significant room for improvement in a variety of fields related to transparency.”

The report, rankings, scoring chart, and the methodology are available at <http://coalitionforintegrity.org/swamp2020/#>.

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