**REQUEST AN ADVISORY OPINION**

**What is an advisory opinion?**

The Ethics Commission may issue advisory opinions upon request in accordance with NDCC §54-66-xx.  Written formal advisory opinions interpret the ethics laws, rules and Article XIV of the North Dakota Constitution to specified hypothetical facts or prospective conduct. An individual who in good faith relies on a formal advisory opinion may not be subject to civil or criminal penalties provided the material facts surrounding the action are substantially the same as the conduct presented in the opinion.

Informal advisory opinions are issued by the Commission’s Executive Director. Informal opinions by the Executive Director are typically provided on a short time frame, usually a few days after a request is received. Evidence that a requester relied on an informal opinion to make a decision is evidence of a good faith effort to comply with the law or rules but does provide absolute protection from civil and criminal penalties and does not bind the Commission.

**Who may request a formal advisory opinion?**

Any public official, candidate for elected office, or lobbyist may request a formal advisory opinion. The request must relate to the requester and not a third party.

**How to request a formal advisory opinion.**

A request for a formal advisory opinion of the Commission shall be made in writing. The request must state each question upon which an opinion is desired, present all relevant facts, be as specific as possible, identify the names of all parties that are pertinent to the question, and include references to pertinent law or rules known to the requestor. Requestor must supply any additional information requested by the Commission in order to issue the opinion. Requests must be submitted to the Commission by mail or email at ethicscommission@nd.gov. Please see the “Contact Us” page for current contact information at (<https://www.ethicscommission.nd.gov/contact-information>).

**How is the request processed?**

Within fourteen days of a written request for a formal advisory opinion the requester will be notified whether an opinion will be provided. Within ninety days of the notice the Commission will issue a written advisory opinion. A formal advisory opinion shall be considered by the Commission at a public meeting. The Commission's written opinion will be provided to the requestor and made public but the requestor’s identity will not be made public and is exempt from open records. Formal advisory opinions are the final opinion of the Commission unless new and material facts are submitted which, in the opinion of staff and upon a majority vote of the Commission, warrant reconsideration.

**Advisory opinions published.**

The Commission will post all written formal advisory opinions at <https://www.ethicscommission.nd.gov>. An individual may rely on a published opinion provided they act in good faith and the facts are substantially the same as the conduct presented in the opinion. Civil or criminal penalties may not be imposed upon an individual for an action taken in accordance with the formal opinion.

**Questions?**

Contact the Ethics Commission at (701) 328-5322 or ethicscommssion@nd.gov.