

**NORTH DAKOTA ETHICS COMMISSION
CODE OF ETHICS**

“The mission of the North Dakota Ethics Commission is to strengthen the confidence of the citizens of North Dakota in their Government by ensuring and promoting transparency and accountability”

The proper operation of democratic government requires that a public official or employee be independent and impartial; that government policy and decisions be made through the established process of government; that a public official or employee not use public office to obtain private benefits; that a public official or employee avoid action which causes the appearance of using public office to obtain a benefit; that a public official or employee administer state programs and laws in a manner that does not give an advantage to a particular business or person; and that the public have confidence in the integrity of its government and public officials and employees. Employees and commissioners will comply with all the laws of the State of North Dakota that apply to them.

In accordance with these principles, this Code of Ethics sets forth the North Dakota Ethics Commission’s standards of conduct and governing statements concerning employment, financial interests, and other matters of Commission members and employees.

The provisions of this Code of Ethics shall be reviewed and signed by each Commission member and Commission employee at the time of completion of the Code or at the time of appointment to office and by each employee at the time of its adoption and annually thereafter.

The provisions of this Code of Ethics are not intended and shall not be construed to deprive an employee or any person or business doing or seeking to do business with the Commission or having contact with the Commission, of the rights and privileges guaranteed or afforded to them by the Constitution and laws of North Dakota and the Constitution and laws of the United States.

An employee or commissioner should avoid any action would which would result in or create the appearance of:

- (A) Using public office for private gain.
- (B) Giving preferential treatment to any business or person.
- (C) Losing independence or impartiality.
- (D) A Commission decision being made outside of official channels.
- (E) Adversely affecting the confidence of the public in the integrity of the Commission or any of its programs.

An employee or commissioner shall not use state owned property for any purpose which is not related to the employee’s or commissioner’s employment or official position.

This section does not prohibit:

- (1) The limited use of state-owned property by an employee or commissioner for a non-governmental purpose if all the following requirements are met:

- (a) The use does not interfere with the performance of the employee's public duties.
 - (b) The cost or value related to the use is nominal.
 - (c) The use does not create the appearance of impropriety.
 - (d) The use is not for political purpose.
- (2) The use of property, records or information lawfully obtained from the state which is available to the general public.

Commissioners and staff have an obligation to report any possible conflict of interest or appearance of conflict that would impair their ability to act in an impartial manner. An employee or commissioner shall not participate in, vote on, or attempt to influence the decision of the Commission with respect to a business or person in which the employee or commissioner or the employee's or commissioner's immediate family has a private interest, or with which the employee or commissioner or the employee's or commissioner's immediate family is associated. For the purpose of this section the term "Private Interest" includes detriment to a business competitor of the business or person with which the employee or the commissioner or the employee's or commissioner's immediate family is associated. This prohibition does not apply to the employee's or commissioner's salary or benefits.

An individual governed by this policy may, in their own discretion, recuse themselves from any official duty, responsibility, or privilege, when a potential conflict of interest exists. "Potential conflict of interest" does not include a merely hypothetical or possible conflict of interest. An individual considering whether to permissively recuse should take into account the particular circumstances giving rise to the potential conflict of interest and whether failure to recuse would erode the public trust or the individual's fairness, impartiality, objectivity, and integrity.

An individual who does not recuse themselves when there exists a potential conflict of interest should disclose that fact to the Commission and, if permitted under the Commission's confidentiality requirements, to the public. Such a disclosure should explain the reasons why fairness, impartiality, objectivity, and integrity will not or are not expected to be adversely impacted.

A potential conflict of interest that ripens into an actual conflict of interest requires mandatory recusal.

Commissioners or staff may not accept gifts of any value if given based on the Commissioners' or staffs' position with the Ethics Commission. Commissioners and staff will assure that their spouses, children and individuals residing in their households do not accept gifts that Commissioners and staff are prohibited from accepting under this Code of Ethics. Nothing in this Code of Ethics prohibits the exchange of gifts between Commissioners or staff, their spouses, children, or individuals residing in their households and their friends, relatives or others based on a personal relationship. Gifts may be accepted or given when it is done so in a cultural context but such gifts will be reported to the Commission.

No member of the Ethics Commission may hold other public office or be a lobbyist, candidate for public office, or political party official. "Public office" or "public official" means any elected or appointed office or official of the state's executive or legislative branch. Nothing in this code prevents Commissioners and staff from participating in boards or commissions outside the jurisdiction of the Ethics Commission. Making monetary and in-kind contributions to candidates or committees of candidates under the jurisdiction of the Ethics Commission is prohibited. This

January 27, 2021

does not prohibit donations contribution to candidates for federal office or taking positions on federal ballot measures since the Commission has no jurisdiction over federal candidates or issues.

Commissioner terms shall be limited to two terms of four years exclusive of an initial appointment of less than a full four-year term. Commissioners should make every effort to provide advance notice of intent to seek reappointment. Commissioner terms shall continue until appointment of a replacement.

Violations of this code may be dealt with as authorized by law or regulation including but not limited to recommending removal in accordance with NDCC 54-66-16.

The Commission may make any exceptions to this Code of Ethics if the exception is approved at a non-confidential meeting of the Commission.