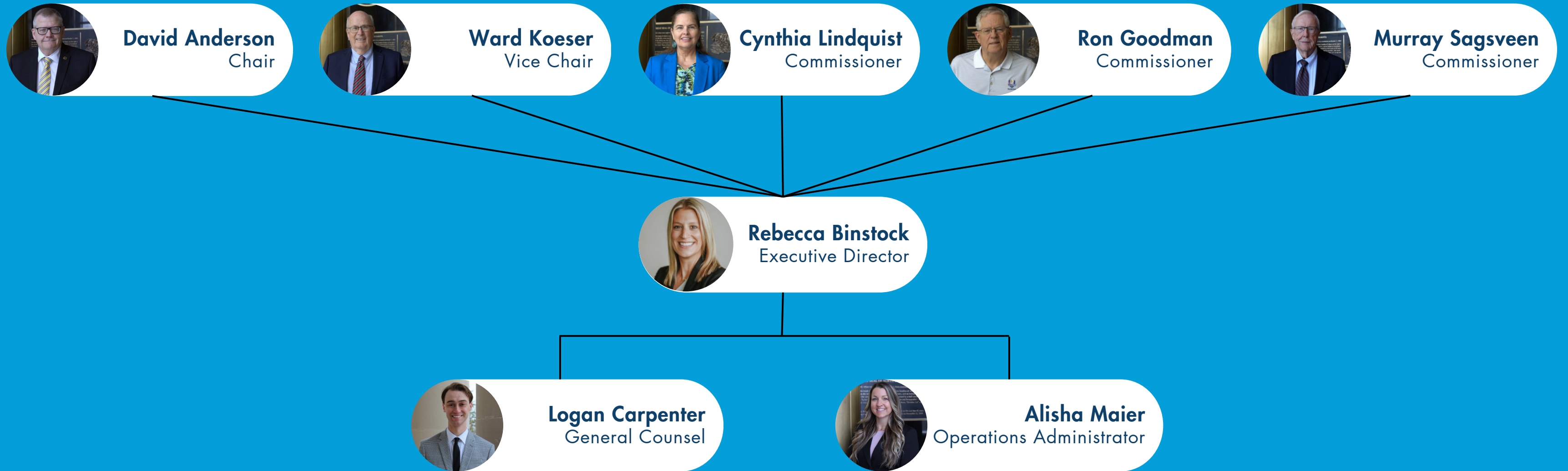


HB 1360

Testimony presented by
Executive Director Rebecca Binstock
House Government & Veteran Affairs Committee
January 31, 2025



Organizational Chart



Goals of Improved Process

Goal 1: The enforcement process will address concerns brought to the Commission through education first.

Goal 2: The enforcement process will reduce red tape.

Goal 3: The enforcement process will bolster due process by allowing more opportunities for a respondent to interact with the five commissioners and defend him or herself publicly.

Goal 4: The enforcement process will address ethics concerns in an efficient way and use taxpayer resources responsibly.

Problems with Current Process

Problem 1: Confidentiality Issues

Problem 2: Complainant Driven

Problem 3: Political Exploitation of Commission's Work

Problem 4: Inefficiencies Prolong Complaint Process

STEP 1 : INITIAL REVIEW

STEP 2: INFORMAL RESOLUTION

STEP 3: INVESTIGATION

Article XIV, § 3(2)

Section 3.

1. In order to strengthen the confidence of the people of North Dakota in their government, and to support open, ethical, and accountable government, the North Dakota ethics commission is hereby established.
2. 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. The ethics commission shall maintain a confidential whistleblower hotline through which any person acting in good faith may submit relevant information. The legislative assembly shall provide adequate funds for the proper carrying out of the functions and duties of the commission.
3. The ethics commission shall consist of five members, appointed for four-year terms by consensus agreement of the governor, the majority leader of the senate, and the minority leader of the senate. No member of the ethics commission may hold other public office or be a lobbyist, candidate for public office, or political party official.

Revision Related to Confidential Information

- Ensures relevant information remains confidential until a final commission order and, if the respondent chooses, appeal.
- Allows a respondent to discuss the enforcement action.
- Allows an individual to discuss relevant information he or she submits to the Commission.
- Allows the Commission to disclose confidential information to the relevant civil and/or criminal enforcement authority.
- Addresses First Amendment concerns of the Commission



PROPOSED
ENFORCEMENT PROCESS

Complaint Resolutions: North Dakota Ethics Commission

Year	Total Complaints Received	Summarily Dismissed		Informally Resolved		Pending	
		Count	Percentage	Count	Percentage	Count	Percentage
2019	2	2	100%	0	0%	0	0%
2020	3	3	100%	0	0%	0	0%
2021	9	9	100%	0	0%	0	0%
2022	14	5	36%	1	7%	8	57%
2023	15	11	73%	1	7%	3	20%
2024	41	21	51%	0	0%	20	49%
Totals	84	51	61%	2	2%	31	37%

Note: This table categorizes resolution by the year in which the complaint was filed and does not necessarily reflect the year in which the resolution occurred.

Complaint Resolutions: Texas Ethics Commission

Sworn Complaints Resolution, FYs 2021-23

Fiscal Year	Total Complaints Received	Dismissed for Lack of Jurisdiction or Insufficient Information		Resolved in Preliminary Review Stage		Resolved at Preliminary Review Hearing		Resolved at Formal Hearing		Still Pending	
		Count	Percentage	Count	Percentage	Count	Percentage	Count	Percentage	Count	Percentage
2021	279	162	58%	106	38%	8	3%	3	1%	0	0%
2022	379	219	58%	155	41%	5	1%	0	0%	0	0%
2023	390	203	52%	176	45%	5	1%	0	0%	6	2%

Note: This table categorizes resolution by the fiscal year in which the sworn complaint was filed and does not necessarily reflect the fiscal year in which the resolution occurred.



Thank
you!

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or

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COMMISSION