



North Dakota Ethics Commission
Senate Bill 2052
Testimony presented by
Rebecca Binstock, Executive Director
Before the Senate Judiciary Committee
January 8, 2025

Good morning, Madam Chair and Committee members, my name is Rebecca Binstock. I serve as the Executive Director of the North Dakota Ethics Commission.

North Dakota citizens created the Ethics Commission in 2018 by passing an initiated measure which created Article XIV of the North Dakota Constitution. The Ethics Commission, an independent constitutional entity, consists of five commissioners:

- Chair Dave Anderson (Bismarck)
- Vice-Chair Ward Koeser (Williston)
- Dr. Cynthia Lindquist (Grand Forks)
- Ron Goodman (Oakes)
- Murray Sagsveen (Bismarck)

SB 2052

Senate Bill 2052 consists of the Ethics Commission's proposed amendment to change the caption of Section 54-66-13 of the North Dakota Century Code. It is a simple one-word addition of the word "elected." This amendment clarifies only elected public officials—and not appointed public officials—are subject to the prohibition on lobbying in the North Dakota Constitution, found in subsection 2 of section 2 of article XIV. This constitutional lobbying prohibition states, "An **elected** public official may not be a lobbyist while holding office or for two years after holding office." Section 54-66-13 makes a knowing violation of this constitutional provision a class A misdemeanor and directs the Ethics Commission to assess a civil penalty up to \$1000.

The Ethics Commission often receives questions on whether the constitutional prohibition applies to appointed public officials. It does not. However, without the word "elected" in the caption of the statute, it has led to some confusion.

Because a caption is not part of the law under N.D.C.C. § 1-02-12, Ethics Commission staff worked with Legislative Council to determine whether a bill is necessary to add "elected" to the caption. Legislative Council recommended the Ethics Commission bring a bill so there is a record of the change. The Ethics Commission is confident this change will minimize confusion in the future.

Madam Chair, that concludes my testimony, and I will gladly stand for any questions you may have.