



TRAVEL REPORTING RULES - THIRD-PARTY-FUNDED TRAVEL

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- What travel must be reported?** Pursuant to the Ethics Commission's travel disclosure rules¹, a public official² must report all travel:
- Undertaken in relation to the public official's **status as a public official**; and
 - For which the expenses (registration fees, transportation, lodging, and meals) are **paid by a third party** (including the state).
- Who must receive the report?** A legislator or legislative branch employee must report third-party-funded travel either to the Legislative Council³ or the Ethics Commission, but never to both entities.⁴
- When is a public official required to file a report with the Legislative Council?** Third-party-funded travel that must be reported to the Legislative Council includes:
- Travel expenses (mileage, transportation, hotel, per diem, etc.) for which you receive reimbursement from the Legislative Council, which are reported on the **expense voucher** related to attending interim meetings of the Legislative Management, sessions of the Legislative Assembly, statutory committees, and other meetings;
 - Travel approved by the Legislative Management and reported on the **out-of-state meeting form**, historically including meetings sponsored by the:
 - National Conference of State Legislatures (NCSL);
 - Council of State Governments (CSG);
 - Education Commission of the States (ECS);
 - Midwestern Higher Education Compact (MHEC);
 - Western Interstate Commission for Higher Education (WICHE);
 - International Legislators' Forum (ILF);
 - Energy Council;
 - State Legislative Leaders Foundation (SLLF);
 - State Government Affairs Council (SGAC);
 - Streamlined Sales Tax Governing Board;
 - National Association of Insurance Commissioners (NAIC); and
 - National Council of Insurance Legislators (NCOIL); and
 - Expenses paid by a third party for a public official's immediate family member.

¹ See [travel disclosure rules of the Ethics Commission](#).

² A public official includes members of the Legislative Assembly and all employees of the legislative branch. For former members of the Legislative Assembly who continue to serve as a public official or as a member of a board or committee to which the individual is statutorily appointed or elected, the requirement continues following the end of the individual's term serving in the Legislative Assembly.

³ "Policy-monitored travel," or travel for which expenses are reported within the state's enterprise resource planning system (currently PeopleSoft) or on the Legislative Assembly's report on out-of-state meeting form, is an exception under the rules of the Ethics Commission. For members of the Legislative Assembly, policy-monitored travel will most often be reported to the Legislative Council. In instances in which a member of the Legislative Assembly is reimbursed by another state agency, the member of the Legislative Assembly should take precautions to ensure travel expenses are being reported in compliance with the Ethics Commission's rules by seeking assurance from the state agency or filing a form with the Ethics Commission.

⁴ The rationale behind the disclosure requirement is to provide the public information about third-party-funded travel that is not otherwise publicly available. Policy-monitored travel is subject to open records laws; therefore, it is publicly available.

Example: You receive approval from the Legislative Management to travel to Dallas for a conference hosted by NCSL. Upon returning, you file the out-of-state meeting form and the expense voucher to claim reimbursement for all of your travel expenses. You do not need to file a report with the Ethics Commission because all information relating to the source of payment for your travel expenses is being reported to the Legislative Council on documents subject to public disclosure through the filing of an open records request.

What if travel is funded by the Legislative Council and another organization?

At times, travel reported to the Legislative Council is funded by the Legislative Council *and* another organization. This type of travel is not required to be reported to the Ethics Commission because, going forward, the Legislative Council will require information related to travel expenses being reimbursed by another organization to be disclosed on the same forms (the expense voucher and out-of-state meeting form) already being submitted to the Legislative Council to ensure complete transparency related to the third-party-funded travel of public officials.

Example: You receive approval from the Legislative Management to travel to Minneapolis for a conference hosted by NCSL. Your conference registration fee was paid by the conference organizer because you served as a presenter on a panel at the conference. Your spouse accompanied you on your trip and was invited to attend one of the dinners hosted by the conference. Upon returning, you file the out-of-state meeting form and the expense voucher to claim reimbursement for all travel expenses except your registration fee.

The Legislative Council will request you provide additional information to document the payment of the registration fee by the conference organizer, the number of immediate family members who accompanied you on your trip, and the estimated cost of the meal provided to your spouse. You do not need to file a travel disclosure form with the Ethics Commission because all information relating to the payment of your travel expenses, and the payment of any expenses for your immediate family members, is being disclosed in the documents provided to the Legislative Council. The act of reporting this information to the Legislative Council results in the travel being classified as "policy-monitored travel," which exempts you from having to report the information to the Ethics Commission.

When is a public official required to file a report with the Ethics Commission?

Travel that must be reported to the Ethics Commission includes any third-party-funded travel **not reported to the Legislative Council**, which may include meetings sponsored by organizations such as the American Legislative Exchange Council (ALEC) or the State Innovation Exchange (SiX).

- The Ethics Commission's [travel disclosure form](#) is available on its website.
- The form must be completed **within 15 days** of the conclusion of third-party-funded travel.
- Reported expenses may be estimated if the actual amount is unknown.
- The number of immediate family members must be included only if the family member's expenses are paid by a third party.
- Receipts are not required.

File with the Ethics Commission only if you answer these questions as follows:

- *Are travel expenses paid for by a third party? **Yes.***
- *Is the travel related to my status as a public official? **Yes.***
- *Have I reported the travel to the Legislative Council? **No.***

What travel is not required to be reported?

Examples of travel not required to be reported:

- Travel paid for by a third party related to **employment unrelated** to a public official's status as a public official (e.g., professional conferences for nursing, electricians, etc.);
- Travel expenses of the **public official** or public official's immediate **family** paid for with **personal or campaign finances**;
- An immediate family member staying in a hotel room or other lodging accommodations, which would have been paid for by a third party regardless of the family member's presence;
- Travel to **actively support or oppose a candidate or political party**; and
- Travel that is **confidential** under North Dakota Century Code Section 44-04-17.1.