



# North Dakota Legislative Council

Prepared for the members of the Legislative Assembly

LC# 27.9209.01000

June 2026

## REQUIRED DISCLOSURE STATEMENTS FOR THIRD-PARTY-FUNDED TRAVEL

### RECENTLY ADOPTED RULES

On April 24, 2026, the Ethics Commission adopted rules<sup>1</sup> requiring the disclosure of third-party-funded travel by public officials. The travel disclosure rules become effective July 1, 2026. Subject to certain exceptions, the rules require a public official to file a disclosure statement with the Ethics Commission for third-party-funded travel. This memorandum explains the rules as they relate to the legislative branch.

### REQUIRED DISCLOSURE STATEMENT

Most simply stated, the rules require a public official to file a disclosure statement with the Ethics Commission when the public official's travel, related to his or her status as a public official, is paid for by a third party. The definitions and exceptions included in the rules outline the contours and provide limitations to the otherwise broad requirement.

Disclosure statements filed with the Ethics Commission will be maintained for 3 years, during which time the statements will be publicly accessible.

### PUBLIC OFFICIAL

Public officials are subject to the travel disclosure rules. A "public official" is defined as an elected or appointed official of the state's executive or legislative branch, including members of the Ethics Commission, members of the Governor's cabinet, and employees of the legislative branch. This term includes all members of the Legislative Assembly and all employees of the Legislative Council, but only when traveling in relation to the individual's status as a member of the Legislative Assembly or employee of the Legislative Council.

### THIRD-PARTY-FUNDED TRAVEL

The details of third-party-funded travel must be reported unless an exception exists. This includes travel paid for by federal, state, tribal, or local public funds. Third-party-funded travel must be reported to the Ethics Commission if:

- Travel takes place, whether within or outside the state;
- Travel is undertaken by a public official or the public official's immediate family;
- Travel relates to the public official's status as a public official; and
- An exception does not exist.

### IMMEDIATE FAMILY MEMBERS

"Immediate family" means a parent; sibling; child by blood, adoption, or marriage; spouse; grandparent; or grandchild.

If a public official's immediate family member accompanies the public official on third-party-funded travel, and the family member's travel is paid for with a public official's personal finances, a public official is not required to disclose the family member's presence. When filing his or her own travel disclosure

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<sup>1</sup> See North Dakota Administrative Code Article 115-06.

statement, a public official should indicate the number of accompanying family members is zero in this instance.

If a third party paid for the travel expenses of the public official's immediate family, in relation to the public official's status as a public official, the public official must indicate on his or her travel disclosure statement the number of immediate family members. This is not necessary when the public official's family member benefits from travel expenses, such as lodging, that would have been provided to the public official regardless of whether the family member joined the public official.

### **STATUS AS A PUBLIC OFFICIAL**

Some travel undertaken by a public official paid for by a third party (e.g., the full-time employer of a member of the Legislative Assembly) is not subject to the rules because it is not undertaken in relation to the individual's status as a member of the Legislative Assembly or employee of the Legislative Council.

### **EXCEPTIONS**

The rules specifically exclude the following types of travel:

- Travel paid with a public official's personal or campaign finances;
- Policy-monitored travel, which is travel for which expenses are reported within the state's enterprise resource planning system (the Legislative Assembly's expense voucher form) or on the Legislative Assembly's "Report on Out-of-State Meeting" form;
- Travel, the details of which are confidential as defined under North Dakota Century Code Section 44-04-17.1; and
- Travel to actively support or oppose a candidate or political party.

### **POLICY-MONITORED TRAVEL - EXEMPT**

Policy-monitored travel does not need to be reported to the Ethics Commission. This includes travel reported on:

- The Legislative Assembly's expense voucher form, including mileage, hotel costs, and per diem payment. The expense voucher form is reported in the state's enterprise resource planning system, which is hosted by PeopleSoft; and
- The Legislative Assembly's "Report on Out-of-State Meeting" form.

Travel undertaken by a member of the Legislative Assembly and paid for by the state is reported to the Legislative Council and the reports are subject to the state's open records laws. The Ethics Commission specifically exempted this type of travel, referred to as "policy-monitored travel," (e.g., travel to attend the Legislative Assembly regular or special sessions, the Legislative Management's interim committee meetings, statutory committee meetings, and conferences hosted by organizations of which the state is a member) to avoid redundancies in reporting requirements for public officials where travel information is already available for public inspection.

### **ETHICS COMMISSION WEBSITE - FORM**

The Ethics Commission has established a standardized form which is available electronically on the Ethics Commission's website. The travel disclosure statements will be publicly accessible on the Ethics Commission's website for 3 years.

The form will require the following information:

- The purpose of the travel;
- The destinations visited;
- The dates of travel;

- The sources of funds, actual or estimated amount of funds, and uses of funds, including whether the funds were used for transportation, lodging, meals, entertainment, or other activities; and
- The number of any accompanying family members (whose travel has been paid for by a third party in relation to the public official's status as a public official).

Public officials also must certify in writing the travel disclosure statement is true, correct, complete, and of the public official's own personal knowledge.

### **15 DAYS TO FILE**

Following the conclusion of third-party-funded travel, a public official has 15 days to file the required disclosure statement.

### **10 DAYS TO AMEND**

The Ethics Commission may require an amendment to a travel disclosure statement that is incomplete or incorrect. The amendment must be filed with the Ethics Commission within 10 days of its request.

### **SANCTIONS**

The Ethics Commission may collect a monetary sanction for a violation of the travel disclosure rules, including a late-filed disclosure statement, after providing a public official with notice and the opportunity to respond.<sup>2</sup> The funds collected will be deposited in the General Fund.

- For a late filing or a filing voluntarily amended after the prescribed time, the Ethics Commission may collect a monetary sanction in an amount not exceeding:
  - \$25 for a travel disclosure statement filed within the first 6 days after the prescribed time;
  - \$50 for a travel disclosure statement filed within the next 5 days; and
  - \$100 for a travel disclosure statement filed after 11 days have elapsed since the prescribed time to file the travel disclosure passed.
- For an amendment required by the Ethics Commission filed after the prescribed time, the Ethics Commission may collect a monetary sanction in an amount not exceeding:
  - \$50 for an amendment filed within the first 6 days after the prescribed time;
  - \$100 for an amendment filed within the next 5 days; and
  - \$200 for an amendment filed after 11 days have elapsed since the prescribed time to file the travel disclosure passed.
- For the knowing failure to file a travel disclosure statement or knowing falsification of information on a travel disclosure statement, the Ethics Commission may collect a monetary sanction in an amount up to \$500 for the first violation, and up to \$1,000 for second and subsequent violations. If warranted for effective deterrence, the commission also may collect from the public official all expenses it incurred in investigating a knowing violation.

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<sup>2</sup> Certain public officials have opined the Ethics Commission does not have authority to adopt rules establishing fees or penalties. There is no binding legal opinion on this issue at the time this memorandum is published. Upon becoming effective on July 1, 2026, the rules adopted by the Ethics Commission have the force and effect of law until amended or repealed by the commission or declared invalid by a final court decision. See North Dakota Century Code Section 28-32-06.

## COMPLETE RULES

The full rules as adopted are as follows:

### **115-06-01-01. Definitions.**

1. "Commission" means the North Dakota ethics commission established by article XIV of the Constitution of North Dakota.
2. "Expenses" means money spent on transportation, lodging, and, while traveling, meals.
3. "Immediate family" means a parent; sibling; child by blood, adoption, or marriage; spouse; grandparent; or grandchild.
4. "Policy-monitored travel" means travel for which expenses are reported within the state's enterprise resource planning system or on the legislative assembly's report on out-of-state meeting form.
5. "Public official" means an elected or appointed official of the state's executive or legislative branch, including members of the commission, members of the governor's cabinet, and employees of the legislative branch.
6. "Third-party-funded travel" means travel, whether within or outside the state, undertaken by a public official, or the public official's immediate family, in relation to the public official's status as a public official, including travel paid with federal, state, tribal, or local public funds. It does not include:
  - a. Travel paid with a public official's personal or campaign finances;
  - b. Policy-monitored travel;
  - c. Travel, the details of which are confidential under state law as defined in North Dakota Century Code section 44-04-17.1; or
  - d. Travel actively to support or oppose a candidate or political party.

### **115-06-01-02. Travel disclosure statement.**

A public official shall file a travel disclosure statement for third-party-funded travel with the commission within fifteen days following the conclusion of third-party-funded travel. The travel disclosure statement required to be filed under this section must include:

1. The purpose of the travel;
2. The destinations visited;
3. The dates of travel;
4. The sources of funds used to finance all travel-related expenses;
5. An estimate of the amount expended, or if known, the actual amount expended;
6. Whether the expenses were for air transportation, ground transportation, lodging, meals, entertainment, or other activities; and
7. The number of any accompanying immediate family members, if any.

### **115-06-01-03. Filing and format.**

1. The commission shall establish a standardized form for filing a travel disclosure statement.
2. The public official shall file the travel disclosure statement in electronic format through the commission's official website using the standardized form.
3. The public official shall certify in writing the travel disclosure statement is true, complete, accurate, and of the public official's own personal knowledge.

**115-06-01-04. Public access and retention.**

The travel disclosure statement must be made publicly accessible through the commission's website. The commission shall maintain all travel disclosure statements for a complete calendar year for a period of three years.

**115-06-01-05. Sanctions.**

1. If, after notice and a reasonable opportunity to respond, the commission determines a rule under this chapter has been violated, the commission may sanction a public official who violated the rule or is responsible for the violation. A sanction imposed under this rule must be limited to what suffices to deter repetition of the conduct or comparable conduct by others similarly situated. The sanction may include nonmonetary directives or an order to pay a penalty.
2. The commission may collect a monetary sanction arising out of this section through processes that provide the public official with notice of the monetary sanction and a reasonable opportunity to respond. These processes include chapter 115-02-01, civil action, or assignment to a collection agency, with any costs of collection added to the amount owed and to be paid by the public official. Before assigning a payment obligation to a collection agency, the commission shall provide the public official a thirty-day written notice and an opportunity to respond to the transfer of debt.
3. Monetary sanctions for violations of these rules may not exceed the following amounts.
  - a. If the travel disclosure statement is not filed within the prescribed time or is voluntarily amended after the prescribed time, the commission may collect a monetary sanction from the public official as follows:
    - (1) Within six days after the prescribed time, twenty-five dollars;
    - (2) Within eleven days after the prescribed time, fifty dollars; and
    - (3) After eleven days, one hundred dollars.
  - b. The commission may require an amendment to be filed for any travel disclosure statement that is incorrect or incomplete. The amendment must be filed with the commission within ten business days after the amendment has been requested in writing. If an amendment is not filed within the prescribed time, the commission may collect a monetary sanction from the public official as follows:
    - (1) Within six days after the date the amendment was due, fifty dollars;
    - (2) Within eleven days after the date the amendment was due, one hundred dollars; and
    - (3) After eleven days, two hundred dollars.
  - c. If a public official knowingly fails to file a travel disclosure statement or knowingly falsifies information on the travel disclosure statement, the commission may collect up to a five hundred dollar monetary sanction from the public official. For a second and subsequent violation of this subdivision, the commission may collect up to a one thousand dollar monetary sanction from the public official. If warranted for effective deterrence, the commission also may collect from the public official all expenses it incurred in investigating a knowing violation under this subdivision.
4. A monetary sanction collected by the commission must be paid to the state treasurer and placed to the credit of the general fund.