

# **SB 312 MDDC Support.pdf**

Uploaded by: Rebecca Snyder

Position: FAV



**Maryland | Delaware | DC Press Association**

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To: Senate Energy, Education & the Environment Committee

From: Rebecca Snyder, Executive Director, MDDC Press Association

Date: January 25, 2023

Re: **SUPPORT SB 312**

The Maryland-Delaware-District of Columbia Press Association represents a diverse membership of news media organizations, from large metro dailies like the Washington Post and the Baltimore Sun, to hometown newspapers such as The Annapolis Capital and the Maryland Gazette to publications such as The Daily Record, the Baltimore Times, and online-only publications such as Maryland Matters and Baltimore Brew.

We write in support of SB 312, which reclassifies the records relating to an administrative or criminal investigation of misconduct by an elected official or a person appointed to fill an elected office.

The public has a right to know the actions of public officials in office, and the outcome of misconduct investigations. This transparency builds trust in government and helps create meaningful steps to open government.

We urge a favorable report.

# **SB 312 - State Ethics Commission - Informational -**

Uploaded by: Kate Thompson

Position: INFO



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## STATE ETHICS COMMISSION

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*Assistant Counsel*

January 19, 2024

### Senate Bill 312 – Public Information Act – Personnel Records of Elected Officials and Joint Ethics Committee Records

#### Testimony Before the Education, Energy, and the Environment Committee

The State Ethics Commission provides this informational written testimony to explain the impact of this proposed legislation as set forth in the agency's fiscal note submitted on this bill. There will be several operational impacts on the State Ethics Commission from this proposed legislation. The State Ethics Commission would have to change existing training programs for State employees/officials and lobbyists, complaint and enforcement forms, enforcement procedures, informational materials, and website information to reflect the changes to confidentiality of complaint enforcement matters in the proposed legislation. The State Ethics Commission would also have to change existing enforcement regulations. In addition, the Commission would have to change existing local government regulations to include the changes from the proposed legislation in its regulations and Model Laws for local governments to consider including in local ethics laws. The anticipated fiscal impact would be approximately \$40,000 for necessary changes to programming and electronic training programs for State employees/officials and lobbyists. This work is completed by outside vendors.

Senate Bill 312 seeks to change the confidentiality provisions of the Public Ethics Law in an impactful way. This legislation will remove any confidentiality restrictions for information related to a complaint investigated by the State Ethics Commission, whether or not that investigation concluded with a finding of a violation of a provision of the Maryland Public Ethics Law. Currently, in instances where the State Ethics Commission does issue a complaint, investigates the complaint and makes a finding of a violation after holding a hearing, the State Ethics Commission issues a finding of facts and conclusions of law with respect to the violations. Information related to findings of a violation of the Public Ethics Law are not confidential and are posted on the State Ethics Commission's website. Settlement agreements in which an individual admits to a violation of a provision of the Public Ethics Law are also public and posted on the State Ethics Commission's website. The proposed legislation will remove confidentiality restrictions for complaints filed with and investigated by the State Ethics Commission that do not result in a finding of a violation. The proposed legislation, as drafted, will impact all individuals over which the State Ethics Commission has conflict of interest enforcement jurisdiction including State employees, public officials who are members of State Boards and Commissions, State elected officials of the Executive Branch and registered lobbyists.

# 1-25 SB312 PIA - Personnel Records of Elected Offi

Uploaded by: Nikki Tyree

Position: INFO



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**Testimony to the Senate Education, Energy, and the Environment Committee**

**Senate Bill 312-Public Information Act-Personnel Records of Elected Officials and Joint Ethics Committee Records.**

**Position: Informational**

**BY: Linda T. Kohn, President**

**Date: January 25, 2024**

The League of Women Voters is a nonpartisan organization that works to increase understanding of major public policy issues and influence public policy through education and advocacy. The League believes that one of the goals of an Ethics Committee is to promptly respond and decide voter complaints of ethics violations.

Under SB312, public access and inspection of an activity or record of JCLE must be available for, among other things, the information relating to a complaint, proceeding, or record of JCLE involving a member of the General Assembly if JCLE has closed the complaint or investigation that is the subject of the record.

LWVMD believes this bill undermines the duties and responsibilities of custodians of records to adopt reasonable rules or regulations designating public records.

Furthermore, LWVMD believes a personal record designated confidential by the custodian of the record cannot be reclassified as a public record without consultation with and approval by the custodian. SB312 also provides for an automatic change in the designation of personal records from personal to public when JCLE has closed the complaint or investigation that is the subject of the record.

LWVMD believes good governance provides for the decisions of the JCLE to close the complaint or investigation to be final and not subject to public review through a PIA request. LWVMD also believes good governance provides for the decision of the JCLE to close the complaint or investigation is insufficient to change the designation of a personal record from confidential to public without consultation and approval of the record's custodian.