

**Department of Legislative Services**  
Maryland General Assembly  
2008 Session

**FISCAL AND POLICY NOTE**

Senate Bill 191 (Chair, Education, Health, and Environmental Affairs Committee)  
(By Request – Departmental – Ethics, State Commission on)

Education, Health, and Environmental Affairs

Environmental Matters

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**State Ethics Commission - Electronic Filing Under Oath or Affirmation -  
Electronic Signature**

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This departmental bill requires that oaths or affirmations accompanying mandated disclosures filed electronically with the State Ethics Commission by State officials, candidates for State office, and registered lobbyists must be made by electronic signatures rather than by signed statements.

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**Fiscal Summary**

**State Effect:** None. The bill conforms State ethics law with existing statutes.

**Local Effect:** None.

**Small Business Effect:** The State Ethics Commission has determined that this bill has minimal or no impact on small business (attached). Legislative Services concurs with this assessment.

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**Analysis**

**Current Law:** Most State officials and candidates for State office are required to file, under oath, annual financial disclosure statements with the commission. In addition, registered lobbyists must file, under oath, several separate reports with the commission detailing their expenses incurred from lobbying activities, gifts provided to State employees or their immediate family members, meals or beverages provided to Executive Branch members or members of their immediate families, business transactions with elected State officials or Secretaries of principal State agencies, campaign contributions

for elected officials, and meals or receptions provided to members of the General Assembly.

If a financial disclosure statement or lobbying report is filed electronically, the oath or affirmation must be made by a signed statement that is in or attached to the financial disclosure statement or lobbying report and is made expressly under the penalties for perjury.

**Background:** The Maryland Uniform Electronic Transactions Act (Chapter 8 of 2000) specified that a record or signature could not be denied legal effect or enforceability solely because it was in electronic form. An electronic signature was defined as “an electronic sound, symbol, or process attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record.” The Act was modeled after the Uniform Electronic Transactions Act (UETA) developed by the National Conference of Commissioners on Uniform State Laws, which has since been adopted by 48 states. The purpose of UETA was to facilitate electronic commerce by giving electronic signatures the same legal force as actual signatures.

Chapter 569 of 2002 sought to conform electronic filing of financial disclosure forms with Maryland’s UETA, but used the term “signed statement” instead of the UETA term “electronic signature.” To avoid confusion, this bill corrects that inconsistency.

In 2007, 71% of financial disclosure statements were filed electronically with the State Ethics Commission.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** State Ethics Commission, Department of Legislative Services

**Fiscal Note History:** First Reader - January 29, 2008  
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