

Chapter 32

(Senate Bill 109)

AN ACT concerning

Public Ethics – Financial Disclosure Statements – Electronic Filing

FOR the purpose of requiring that certain financial disclosure statements be filed electronically with the State Ethics Commission; requiring the Ethics Commission to develop and implement certain procedures for the electronic filing of a financial disclosure statement and for the Ethics Commission to grant exemptions to the mandatory electronic filing requirement; and generally relating to the electronic filing of financial disclosure statements with the State Ethics Commission.

~~BY repealing and reenacting, with amendments,
Article – State Government
Section 15–602(a) and (d)
Annotated Code of Maryland
(2009 Replacement Volume and 2013 Supplement)~~

BY repealing and reenacting, with amendments,
Article – General Provisions
Section 5–602
Annotated Code of Maryland
(As enacted by Chapter 94 (H.B. 270) of the Acts of the General Assembly of
2014)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

~~Article – State Government~~

~~15–602.~~

~~(a) Except as otherwise provided in this subtitle, a statement filed under § 15–601, § 15–603, § 15–604, or § 15–605 of this subtitle shall:~~

- ~~(1) be filed ELECTRONICALLY with the Ethics Commission;~~
- ~~(2) be filed under oath;~~
- ~~(3) be filed on or before April 30 of each year;~~

~~(4) cover the calendar year immediately preceding the year of filing;~~
and

~~(5) contain the information required in § 15-607 of this subtitle.~~

~~(d) (1) The Ethics Commission shall develop AND IMPLEMENT procedures [under which];~~

~~(i) FOR THE ELECTRONIC FILING OF a statement under this subtitle [may be filed electronically and without additional cost to the individual who files the statement]; AND~~

~~(ii) FOR THE ETHICS COMMISSION TO GRANT AN EXEMPTION TO THE REQUIREMENT UNDER SUBSECTION (A)(1) OF THIS SECTION.~~

~~(2) (i) To comply with the requirement of paragraph (1) of this subsection, the Ethics Commission may adopt regulations to modify the format for disclosure of information required under § 15-607 of this subtitle.~~

~~(ii) The regulations adopted under this paragraph shall be consistent with the intent of this title.~~

Article – General Provisions

5-602.

(a) Except as otherwise provided in this subtitle, a statement filed under § 5-601, § 5-603, § 5-604, or § 5-605 of this subtitle shall:

(1) be filed ELECTRONICALLY with the Ethics Commission;

(2) be filed under oath;

(3) be filed on or before April 30 of each year;

(4) cover the calendar year immediately preceding the year of filing;
and

(5) contain the information required in § 5-607 of this subtitle.

(b) A member of the General Assembly shall file the statement with the Ethics Commission and the Joint Ethics Committee.

(c) (1) In addition to the statement filed under § 5–601 of this subtitle, a member of the General Assembly shall file a preliminary disclosure on or before the seventh day of the regular legislative session if there will be a substantial change in the statement covering the calendar year immediately preceding the year of filing, as compared to the next preceding calendar year.

(2) A member of the General Assembly whose statement under § 5–601 of this subtitle will not contain a substantial change is not required to file a preliminary disclosure under paragraph (1) of this subsection.

(3) The Joint Ethics Committee shall determine:

(i) the form of a preliminary disclosure under this subsection;
and

(ii) which aspects of financial disclosure are subject to this subsection.

(4) A preliminary disclosure shall be filed and maintained, and may be disclosed, in the same manner required for a statement filed under § 5–601 of this subtitle.

(d) (1) The Ethics Commission shall develop AND IMPLEMENT procedures [under which]:

(I) FOR THE ELECTRONIC FILING OF a statement under this subtitle [may be filed electronically and without additional cost to the individual who files the statement]; AND

(II) FOR THE ETHICS COMMISSION TO GRANT AN EXEMPTION TO THE REQUIREMENT UNDER SUBSECTION (A)(1) OF THIS SECTION.

(2) (i) To comply with the requirement of paragraph (1) of this subsection, the Ethics Commission may adopt regulations to modify the format for disclosure of information required under § 5–607 of this subtitle.

(ii) The regulations adopted under this paragraph shall be consistent with the intent of this title.

(e) (1) If the financial disclosure statement filed electronically under subsection (d) of this section is required to be made under oath or affirmation, the oath or affirmation shall be made by an electronic signature that is:

(i) in the financial disclosure statement or attached to and made part of the financial disclosure statement; and

(ii) made expressly under the penalties for perjury.

(2) An electronic signature made under paragraph (1) of this subsection subjects the individual making it to the penalties for perjury to the same extent as an oath or affirmation made before an individual authorized to administer oaths.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014.

Approved by the Governor, April 8, 2014.