

SENATE BILL 283

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5r1246
CF 5r1668

By: **Senators Raskin, Eckardt, Feldman, Guzzone, Kagan, King, Madaleno, Peters, Rosapepe, and Young**

Introduced and read first time: February 5, 2015

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Ethics Law – Financial Disclosure Statement by Elected Local Official of a**
3 **Municipal Corporation – Confidential Information**

4 FOR the purpose of altering certain financial disclosure provisions governing an elected
5 local official of a municipal corporation; prohibiting the disclosure of certain
6 information concerning certain relatives, interests in certain real property or
7 business entities, or information concerning certain employment or indebtedness
8 that is included in the financial disclosure statement filed by an elected local official
9 of a municipal corporation; and generally relating to the financial disclosure
10 statement filed by an elected local official of a municipal corporation.

11 BY repealing and reenacting, with amendments,
12 Article – General Provisions
13 Section 5–809
14 Annotated Code of Maryland
15 (2014 Volume)

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

18 **Article – General Provisions**

19 5–809.

20 (a) In this section, “local official” includes an individual who is designated as a
21 local official and whose position is funded wholly or partly by the State.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (b) (1) Except as provided in paragraph (2) of this subsection and [subsection
2 (c)] **SUBSECTIONS (C) AND (D)** of this section, the financial disclosure provisions enacted
3 by a county or municipal corporation under § 5–807 of this subtitle:

4 (i) shall be similar to the provisions of Subtitle 6 of this title; but

5 (ii) shall be modified to the extent necessary to make the provisions
6 relevant to the prevention of conflicts of interest in that jurisdiction.

7 (2) The financial disclosure provisions for elected local officials enacted by
8 a county or municipal corporation under § 5–807 of this subtitle:

9 (i) shall be equivalent to or exceed the requirements of Subtitle 6 of
10 this title; but

11 (ii) shall be modified to the extent necessary to make the provisions
12 relevant to the prevention of conflicts of interest in that jurisdiction.

13 (c) (1) This subtitle does not compel the governing body of a county or
14 municipal corporation to require a local official to file a financial disclosure statement
15 except when the personal interest of the local official will present a potential conflict with
16 the public interest in connection with an anticipated public action of the local official.

17 (2) The governing body of a county or municipal corporation shall require
18 a local official to file a financial disclosure statement at least annually to report on gifts
19 received by the local official.

20 (3) The financial disclosure provisions shall require that a statement be
21 filed:

22 (i) under paragraph (1) of this subsection sufficiently in advance of
23 the action to provide adequate disclosure to the public; and

24 (ii) by an elected local official under subsection (b)(2) of this section
25 on or before April 30 of each year.

26 **(D) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,**
27 **ANY PART OF A FINANCIAL DISCLOSURE STATEMENT FILED BY AN ELECTED LOCAL**
28 **OFFICIAL OF A MUNICIPAL CORPORATION IS CONFIDENTIAL AND MAY NOT BE**
29 **DISCLOSED TO THE EXTENT THAT IT INCLUDES:**

30 **(I) INFORMATION REGARDING A SPOUSE OR A DEPENDENT**
31 **CHILD; OR**

32 **(II) UNLESS THE INTEREST RELATES TO A BUSINESS ENTITY**
33 **THAT IS DOING BUSINESS WITH THE MUNICIPAL CORPORATION OR THAT HAS DONE**

1 BUSINESS WITH THE MUNICIPAL CORPORATION IN THE LAST 10 YEARS, THE
2 FOLLOWING INFORMATION REGARDING AN ELECTED LOCAL OFFICIAL OF THE
3 MUNICIPAL CORPORATION:

4 1. INTERESTS IN REAL PROPERTY LOCATED OUTSIDE
5 THE COUNTY IN WHICH THE MUNICIPAL CORPORATION IS LOCATED;

6 2. INTERESTS IN CORPORATIONS, PARTNERSHIPS, AND
7 LIMITED LIABILITY COMPANIES;

8 3. EMPLOYMENT; AND

9 4. INDEBTEDNESS.

10 (2) PARAGRAPH (1) OF THIS SUBSECTION DOES NOT PROHIBIT
11 DISCLOSURE:

12 (I) TO A LOCAL ETHICS COMMISSION AND ITS STAFF;

13 (II) TO A LOCAL BOARD OF ELECTIONS AND ITS STAFF;

14 (III) TO A COURT OF COMPETENT JURISDICTION; OR

15 (IV) ON A FINDING BY A LOCAL ETHICS COMMISSION OF A
16 VIOLATION OF ANY PART OF THE MUNICIPAL CORPORATION'S CONFLICTS OF
17 INTEREST OR FINANCIAL DISCLOSURE REQUIREMENTS WITH RESPECT TO A
18 STATEMENT COVERED BY PARAGRAPH (1) OF THIS SUBSECTION.

19 [(d)] (E) Financial disclosure provisions applicable to a candidate shall be
20 consistent with the provisions applicable to an incumbent holding the office involved.

21 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
22 October 1, 2015.