

Chapter 370

(House Bill 834)

AN ACT concerning

**Calvert County – Ethics – ~~Consequences of Conflict of Interest Violations and~~
Commissioner Expulsion**

FOR the purpose of requiring that the conflict of interest provisions enacted by Calvert County include certain provisions relating to judicial relief for certain violations of the county's conflict of interest provisions; requiring the ethics provisions enacted by Calvert County to include a provision requiring the Calvert County Ethics Commission to make public any recommendation it makes to expel a Commissioner; requiring Calvert County to enact a law or regulation ~~to require~~ that authorizes the removal of a county elected official from office for violations of certain conflict of interest provisions; and generally relating to conflict of interest and expulsion provisions in Calvert County.

BY repealing and reenacting, without amendments,
 Article – General Provisions
 Section 5–807(a) and 5–902
 Annotated Code of Maryland
 (2019 Replacement Volume and 2023 Supplement)

BY adding to
 Article – General Provisions
 Section 5–811.1
 Annotated Code of Maryland
 (2019 Replacement Volume and 2023 Supplement)

BY repealing and reenacting, with amendments,
 Article – Local Government
 Section 12–107
 Annotated Code of Maryland
 (2013 Volume and 2023 Supplement)

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

Article – General Provisions

5–807.

(a) Subject to § 5–209 of this title, each county and each municipal corporation shall enact provisions to govern the public ethics of local officials relating to:

- (1) conflicts of interest;
- (2) financial disclosure; and
- (3) lobbying.

5-811.1.

(A) THIS SECTION APPLIES ONLY IN CALVERT COUNTY.

(B) THE COUNTY'S CONFLICT OF INTEREST PROVISIONS REQUIRED UNDER § 5-807(A)(1) OF THIS SUBTITLE SHALL INCLUDE A LAW OR REGULATION THAT IS EQUIVALENT TO OR EXCEEDS THE REQUIREMENTS OF § 5-902 OF THIS TITLE.

(C) THE COUNTY'S ETHICS PROVISIONS SHALL INCLUDE A LAW OR REGULATION THAT REQUIRES THE CALVERT COUNTY ETHICS COMMISSION TO MAKE PUBLIC ANY RECOMMENDATION IT MAKES TO EXPEL A COMMISSIONER.

5-902.

(a) The court may compel compliance with the Ethics Commission's order by:

- (1) issuing an order to cease and desist from the violation; or
- (2) granting other injunctive relief.

(b) (1) The court may also:

(i) impose a fine:

- 1. not exceeding \$5,000 for a violation of this title;
- 2. with each day that the violation occurs being a separate offense; and
- 3. which shall be paid to the State Treasurer and deposited

in the General Fund; or

(ii) except as provided in paragraph (2) of this subsection, void an official act of an official or employee if:

- 1. the official or employee had a conflict of interest that is prohibited by this title;

2. the act arose from or concerned the subject matter of the conflict;

3. the proceeding was brought within 90 days after the act occurred; and

4. the court determines that the conflict had an impact on the act.

(2) The court may not void an official act that:

(i) appropriates public funds;

(ii) imposes a tax; or

(iii) provides for the issuance of a bond, a note, or any other evidence of public obligation.

(c) After hearing the case, the court may grant all or part of the relief sought.

Article – Local Government

12–107.

(a) This section applies to all counties except Baltimore City.

(b) The provisions of §§ 9–105 and 9–106 of this article apply to an act, an ordinance, or a resolution adopted by a commission county under this section.

(c) The governing body of a county may enact a law or regulation:

(1) designed to prevent conflicts between the private interests and public duties of county officers or employees, including the governing body; and

(2) to govern the conduct and actions of county officers and employees, including the governing body, in performing their public duties.

(d) **(1) [The] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE** governing body of a county may enact a law or regulation to provide for a penalty, including a fine, a forfeiture, an imprisonment, or a removal from office for violation of any law or regulation enacted under subsection (c) of this section.

(2) THE GOVERNING BODY OF CALVERT COUNTY SHALL ENACT A LAW OR REGULATION ~~TO REQUIRE REMOVAL OF~~ THAT AUTHORIZES THE GOVERNING BODY TO REMOVE A COUNTY ELECTED OFFICIAL FROM OFFICE FOR VIOLATIONS OF ANY LAW OR REGULATION ENACTED UNDER SUBSECTION (C) OF THIS SECTION OR §

5-807(A)(1) OF THE GENERAL PROVISIONS ARTICLE RELATING TO CONFLICTS OF INTEREST.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a yea and nay vote supported by three-fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted.

Approved by the Governor, April 25, 2024.