

May 22, 2026

The Honorable Bill Ferguson  
President of the Senate of Maryland  
H-107 State House  
Annapolis, MD 21401

Dear President Ferguson,

In accordance with Article II, Section 17 of the Maryland Constitution, I have vetoed Senate Bill 426 – *Public Information Act – Divorce Records*.

Senate Bill 426 amends the Maryland Public Information Act (PIA) to require that custodians under the PIA deny access to most records pertaining to divorce proceedings, including applications for divorce, financial records, divorce settlement records, and custody orders. However, the bill exempts final divorce decrees; and custodians are required to provide divorce-related records to an applicant who is a person in interest, an attorney representing a person in interest, or a person authorized by court order to inspect the records.

Inspired by a terrible case of divorce records falling into the wrong hands and misused as part of an online harassment campaign, Senate Bill 426 attempts to protect individuals and families navigating a legal process that is already difficult and complex. Although well-intended, protective measures currently exist to provide for what Senate Bill 426 sets out to accomplish.

If proper procedures had been followed, this painful and unfortunate incident most likely could have been avoided. In divorce and custody proceedings, personal information is shielded and upon filing, a Notice of Restricted Information is required if personal information is included in the pleading. It is also standard procedure in Family Law case orders to incorporate language to shield exhibits and agreements. Furthermore, a party can request that a case file or specific pleading be sealed or shielded.

Senate Bill 426 also presents interpretive challenges that could lead to larger constitutional questions. For instance, the legislation restricts access to most divorce-related court records through the PIA; however, most judicial records are governed by the Maryland Rules on Access to Judicial Records, as opposed to the PIA, and the PIA generally defers to the Rules. The obvious question here is whether the PIA is the right vehicle to implement these changes; or, if the Rules are the better fit.

Under the Maryland Constitution, the Supreme Court of Maryland has the authority to adopt rules governing the practice, procedure, and administration for all state courts. Although these rules carry the force of law unless modified by the legislative

branch, Senate Bill 426 lacks clarity and is open to interpretation. The Attorney General's Office points out, for instance, that the Judiciary may interpret the bill not to apply to judicial records. If, however, the legislation is broadly interpreted to include judicial court records – as opposed to only those records held by non-judicial agencies subject to the PIA – additional concerns then arise regarding the First Amendment, government transparency and accountability, and the public's right to access judicial proceedings.

Personal privacy and safety concerns should never be minimized or ignored. While the events that led to the introduction of Senate Bill 426 were alarming, the legislation's impact of essentially closing all divorce records is too heavy handed and could have the unintended consequence of curtailing public oversight of additional types of legal cases and judicial rulings in the future. A thorough case-by-case examination of safety concerns provides a more balanced approach to respecting the competing interests of an individual's right to privacy and the public's right to information.

While I support the intent of this legislation – keeping people safe by protecting their personal privacy – I am concerned by the bill's redundancy and interpretive challenges, as well as potential confusion while attempting to implement its provisions. In the meantime, this important issue deserves a closer look. I encourage all parties to collaborate during the interim and strive toward finding a more balanced and workable solution.

For these reasons, I have vetoed Senate Bill 426.

Sincerely,

Wes Moore  
Governor