

SB 145 MDDC Support.pdf

Uploaded by: Rebecca Snyder

Position: FAV



Maryland | Delaware | DC Press Association

P.O. Box 26214 | Baltimore, MD 21210

443-768-3281 | rsnyder@mddcpres.com

www.mddcpres.com

To: Senate Energy, Education & the Environment Committee

From: Rebecca Snyder, Executive Director, MDDC Press Association

Date: February 4, 2025

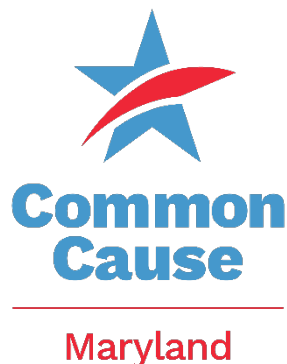
Re: **SUPPORT SB 145**

The Maryland-Delaware-District of Columbia Press Association represents a diverse membership of news media organizations, from large metro dailies like the Washington Post and the Baltimore Sun, to hometown newspapers such as The Annapolis Capital and the Maryland Gazette to publications such as The Daily Record, the Baltimore Times, and online-only publications such as Maryland Matters and Baltimore Brew.

The Press Association, Common Cause MD and the Public Justice Center write in support of SB 145, which reclassifies the records relating to an administrative or criminal investigation of misconduct by an elected official or a person appointed to fill an elected office. Allowing public access to the closed records of the State Ethics board allows the public more visibility into the patterns of behavior of public officials. The State of Maryland provides this level of access to police personnel records and this bill normalizes that access to public officials, which hold a large degree of public trust.

The public has a right to know the actions of public officials in office and the outcome of misconduct investigations. This transparency builds trust in government and helps creates meaningful steps to open government.

We urge a favorable report.



SB0145 Howard Co BOE Testimony 020625 for EEE - EI

Uploaded by: Staff Howard County

Position: UNF



**Board of Education
of Howard County**

Jolene Mosley, *Chair*

Linfeng Chen, Ph.D., *Vice Chair*

Andrea Chamblee, Esq.

Jennifer Swickard Mallo

Jacky McCoy

Meg Ricks

Antonia Watts

James Obasiolu
Student Member

William J. Barnes
*Superintendent,
Secretary/Treasurer*

**Board of Education of Howard County
Testimony Submitted to the Maryland Senate,
Education, Energy, and the Environment Committee
February 6, 2025**

SB0145: UNFAVORABLE

**Public Information Act - Personnel Records of Elected Officials and Joint Ethics
Committee Records**

The Board of Education of Howard County (the Board) opposes **Public Information Act - Personnel Records of Elected Officials and Joint Ethics Committee Records** for the opportunity to create robust participation in governance of the Howard County Public School System (HCPSS) through availability of public campaign funds for Board candidates.

SB0145 alters the provisions of the Maryland Public Information Act under Title 4 of the General Provisions Article by indicating records relating to an administrative or criminal investigation of misconduct by an elected official or a person appointed to fill an elected office are not personnel records which can be withheld from public release. This would not include a technical infraction, which remains a personnel records and is defined as a minor rule violation by an individual solely related to the enforcement of administrative rules that: does not involve an interaction between a member of the public and the individual; does not relate to the individual's investigative, enforcement, training, supervision, or reporting responsibilities; and is not otherwise a matter of public concern.

This language mirrors a section added to the Maryland Public Information Act for police officers in 2021 as part of the Maryland Police Accountability Act which had widespread support from social justice and civil rights advocates. That bill, SB0178 of 2021, also went on to make administrative or criminal investigations of misconduct by a police officer an investigatory record which has discretionary release under General Provisions § 4-351 and made specific redactions required if releasing, including medical information, personal contact information, family information of the person in interest, as well as information about a witness. The changes included notification of the person in interest when a record of this type was inspected by a requester.

Additionally, under existing statute governing the confidentiality of Ethics Commission proceedings, meetings, and activities, including information related to the complaint such as the identity of the complainant and respondent, SB0145 indicates such provisions do not apply in cases where the Ethics Commission has closed the complaint or investigation.

For purposes of the confidentiality of ethics committee complaints and investigations, [HCPSS Ethics Regulations](#) follow the state Ethics Commission provisions. Should confidentiality provisions be removed as called for under SB0145, the loss of anonymity for the person submitting a complaint, even after an investigation is closed, may deter the use of ethics complaints.

For these reasons, we urge an UNFAVORABLE report on SB0145 from this Committee.

SB 145 - State Ethics Commission - Informational O

Uploaded by: Kate Thompson

Position: INFO



COMMISSION MEMBERS:

CRAIG D. ROSWELL, *Chair*
KAREN D. MORGAN
MARIELA OLIVARES
JAMES N. ROBEY, JR.
GENEAU M. THAMES

STATE ETHICS COMMISSION

**45 CALVERT STREET, 3rd FLOOR
ANNAPOLIS, MARYLAND 21401
410-260-7770 / 1-877-669-6085**

JENNIFER K. ALLGAIR
Executive Director
WILLIAM J. COLQUHOUN
General Counsel
KATHERINE P. THOMPSON
Staff Counsel
ANA L. HENRY
Assistant General Counsel
PANSY S. WATSON
Assistant Counsel

February 4, 2025

**Senate Bill 145 – Public Information Act – Personnel Records of Elected Officials and Joint
Ethics Committee Records**

Testimony Before the Education, Energy, and the Environment Committee

The State Ethics Commission provides this informational written testimony to explain the impact of this proposed legislation as set forth in the agency's fiscal note submitted on this bill. There will be several operational impacts on the State Ethics Commission from this proposed legislation. The State Ethics Commission would have to change existing training programs for State employees/officials and lobbyists, complaint and enforcement forms, enforcement procedures, informational materials, and website information to reflect the changes to confidentiality of complaint enforcement matters in the proposed legislation. The State Ethics Commission would also have to change existing enforcement regulations. In addition, the Commission would have to change existing local government regulations to include the changes from the proposed legislation in its regulations and Model Laws for local governments to consider including in local ethics laws. The anticipated fiscal impact would be approximately \$40,000 for necessary changes to programing and electronic training programs for State employees/officials and lobbyists. This work is completed by outside vendors.

Senate Bill 145 seeks to change the confidentiality provisions of the Public Ethics Law in an impactful way. This legislation will remove any confidentiality restrictions for information related to a complaint investigated by the State Ethics Commission, whether or not that investigation concluded with a finding of a violation of a provision of the Maryland Public Ethics Law. Currently, in instances where the State Ethics Commission does issue a complaint, investigates the complaint and makes a finding of a violation after holding a hearing, the State Ethics Commission issues a finding of facts and conclusions of law with respect to the violations. Information related to findings of a violation of the Public Ethics Law are not confidential and are posted on the State Ethics Commission's website. Settlement agreements in which an individual admits to a violation of a provision of the Public Ethics Law are also public and posted on the State Ethics Commission's website. The proposed legislation will remove confidentiality restrictions for complaints filed with and investigated by the State Ethics Commission that do not result in a finding of a violation. The proposed legislation, as drafted, will impact all individuals over which the State Ethics Commission has conflict of interest enforcement jurisdiction including State employees, public officials who are members of State Boards and Commissions, State elected officials of the Executive Branch and registered lobbyists.