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January 10, 2025

Senate Bill 185 – Maryland Public Ethics Law - State Officials of and Candidates to be State Officials of the Judicial Branch - Conflicts of Interest and Financial Disclosure Statements

Testimony Before the Judicial Proceedings Committee

The State Ethics Commission provides testimony in support of Senate Bill 185. This departmental legislation clarifies existing practice related to the financial disclosure statements for State officials of the Judicial Branch and candidates to be State Officials of the Judicial Branch. This legislation also eliminates an administrative burden for both the Judiciary and the State Ethics Commission. The State Ethics Commission consulted with the staff of the Administrative Office of the Courts on this proposed legislation.

Currently, § 5-610(c) of the Public Ethics Law requires that a copy of each financial disclosure statement filed by a State Official of the Judicial Branch be transmitted to the State Ethics Commission. State officials of the Judicial Branch file financial disclosure forms electronically through a system maintained and administered by the Judiciary. This legislation alters the requirement for the Supreme Court of Maryland to transmit copies of these records to the State Ethics Commission. It is administratively burdensome for the Judiciary to provide copies of these financial disclosure statements to the State Ethics Commission. The Judiciary is in the best position to establish both procedures for public inspection of these financial disclosure statements and provide prompt notification to State officials and candidates of the Judicial Branch if their forms are reviewed.

Section 5-104 of the Public Ethics Law establishes that the Commission on Judicial Disabilities, the Judicial Ethics Committee, or another body designated by the Supreme Court of Maryland shall administer and implement Subtitles 5 and 6 as it applies to State officials of the Judicial Branch. These Subtitles include the conflict of interest, financial disclosure, and public record provisions. This includes the authority to accept, maintain, and administer the procedures for inspection and copying of financial disclosure records for State Officials of the Judicial Branch. This legislation amends § 5-104 to include the administration of these provisions for candidates to be State Officials of the Judicial Branch. This legislation also replaces references to the Court of Appeals with the Supreme Court of Maryland due to the recent name changes of the State appellate courts.

The State Ethics Commission thanks the Committee for its consideration of this departmental legislation and seeks a favorable report.