Chapter 277

(Senate Bill 315)

AN ACT concerning

Public Ethics Laws – Elected Local Officials and Board of Education Members – Requirements

FOR the purpose of requiring certain local ethics commissions or other appropriate entities to certify to the State Ethics Commission compliance with certain provisions of law relating to elected local officials on or before a certain date each year; requiring certain conflict of interest and financial disclosure provisions for elected local officials enacted by a county or municipal corporation to be equivalent to or exceed certain requirements under certain provisions of law; requiring that certain financial disclosure statements be filed by a certain date each year; requiring, instead of authorizing, local school boards to adopt certain conflict of interest and financial disclosure provisions for members of the school board; requiring certain regulations enacted by a local school board to be equivalent to or exceed certain requirements under certain provisions of law; and generally relating to public ethics laws for elected local officials and members of boards of education.

BY repealing and reenacting, with amendments,
Article – State Government
Section 15–803, 15–804, 15–805, 15–812, and 15–813
Annotated Code of Maryland
(2009 Replacement Volume)

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

Article – State Government

15–803.

(A) ~~Each~~ SUBJECT TO § 15–209 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.

(B) EACH LOCAL ETHICS COMMISSION OR APPROPRIATE ENTITY SHALL CERTIFY TO THE ETHICS COMMISSION THAT THE COUNTY OR MUNICIPAL CORPORATION IS IN COMPLIANCE WITH THE REQUIREMENTS FOR ELECTED LOCAL OFFICIALS OF THIS PART I ON OR BEFORE OCTOBER 1 OF EACH YEAR.

15–804.

(A) [The] **EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, THE** conflict of interest provisions enacted by a county or municipal corporation under § 15–803 of this subtitle shall be similar to the provisions of Subtitle 5 of this title, but may be modified to the extent necessary to make the provisions relevant to the prevention of conflicts of interest in that jurisdiction.

(B) THE CONFLICT OF INTEREST PROVISIONS FOR ELECTED LOCAL OFFICIALS ENACTED BY A COUNTY OR MUNICIPAL CORPORATION UNDER § 15–803 OF THIS SUBTITLE SHALL BE EQUIVALENT TO OR EXCEED THE REQUIREMENTS OF SUBTITLE 5 OF THIS TITLE, BUT MAY BE MODIFIED TO THE EXTENT NECESSARY TO MAKE THE PROVISIONS RELEVANT TO THE PREVENTION OF CONFLICTS OF INTEREST IN THAT JURISDICTION.

15–805.

(a) **(1)** In this section[,] **THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

(2) "ELECTED LOCAL OFFICIAL" INCLUDES:

(I) ANY INDIVIDUAL WHO HOLDS AN ELECTIVE OFFICE OF A COUNTY OR MUNICIPAL CORPORATION; AND

(II) A CANDIDATE FOR ELECTIVE OFFICE AS A LOCAL OFFICIAL OF A COUNTY OR MUNICIPAL CORPORATION.

(3) ["local] **"LOCAL** official" includes[:

(1) a candidate for elective office as a local official of a county or municipal corporation if the holder of the office is designated as a local official; and

(2)] an individual, designated as a local official, whose position is funded wholly or partly by the State.

(b) **(1)** Except as provided in **PARAGRAPH (2) OF THIS SUBSECTION AND** subsection (c) of this section, the financial disclosure provisions enacted by a

county or municipal corporation under § 15–803 of this subtitle shall be similar to the provisions of Subtitle 6 of this title, but shall be modified to the extent necessary to make the provisions relevant to the prevention of conflicts of interest in that jurisdiction.

(2) THE FINANCIAL DISCLOSURE PROVISIONS FOR ELECTED LOCAL OFFICIALS ENACTED BY A COUNTY OR MUNICIPAL CORPORATION UNDER § 15–803 OF THIS SUBTITLE SHALL BE EQUIVALENT TO OR EXCEED THE REQUIREMENTS OF SUBTITLE 6 OF THIS TITLE, BUT SHALL BE MODIFIED TO THE EXTENT NECESSARY TO MAKE THE PROVISIONS RELEVANT TO THE PREVENTION OF CONFLICTS OF INTEREST IN THAT JURISDICTION.

(c) (1) This subtitle does not compel the governing body of a county or municipal corporation to require a local official to file a financial disclosure statement except:

(i) when the personal interest of the local official will present a potential conflict with the public interest in connection with an anticipated public action of the local official; and

(ii) at least annually to report on gifts received by the local official.

(2) The provisions shall require:

(I) that a statement filed under paragraph (1)(i) of this subsection be filed sufficiently in advance of the action to provide adequate disclosure to the public; **AND**

(II) A STATEMENT FILED BY AN ELECTED LOCAL OFFICIAL UNDER SUBSECTION (B)(2) OF THIS SECTION TO BE FILED ON OR BEFORE APRIL 30 OF EACH YEAR.

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

15–812.

(a) **[**A**] IN ACCORDANCE WITH THIS SECTION, A** school board:

(1) may adopt conflict of interest regulations applicable **[**to members of the school board and**]** to officials and employees of the school system **[**in accordance with this section**]; AND**

(2) SHALL ADOPT CONFLICT OF INTEREST REGULATIONS APPLICABLE TO MEMBERS OF THE SCHOOL BOARD.

(b) **(1)** The conflict of interest regulations adopted by a school board under subsection (a)**(1)** of this section shall be similar to the provisions of Subtitle 5 of this title, but may be modified to the extent necessary to make the regulations relevant to the prevention of conflicts of interest in that school system.

(2) THE CONFLICT OF INTEREST REGULATIONS ADOPTED BY A SCHOOL BOARD UNDER SUBSECTION (A)(2) OF THIS SECTION SHALL BE EQUIVALENT TO OR EXCEED THE REQUIREMENTS OF SUBTITLE 5 OF THIS TITLE, BUT MAY BE MODIFIED TO THE EXTENT NECESSARY TO MAKE THE REGULATIONS RELEVANT TO THE PREVENTION OF CONFLICTS OF INTEREST IN THAT SCHOOL SYSTEM.

(c) Unless a school board adopts and maintains conflict of interest regulations under **SUBSECTION (A)(1) OF** this [subtitle] **SECTION**, the provisions enacted by the county under § 15–804 of this subtitle shall apply to [the members of the school board and to] officials and employees of that school system.

15–813.

(a) (1) [A] **IN ACCORDANCE WITH THIS SECTION, A** school board:

(I) may adopt financial disclosure regulations applicable to [members of the school board and to] officials and employees of that school system [in accordance with this section]**; AND**

(II) SHALL ADOPT FINANCIAL DISCLOSURE REGULATIONS APPLICABLE TO MEMBERS OF THE SCHOOL BOARD.

(2) (i) The regulations adopted under paragraph (1)**(I)** of this subsection shall apply to:

[1. each member of the school board;

2. if the school board is an elected board under Title 3, Subtitle 1, Part III of the Education Article, each candidate for election to the school board;]

[3.] **1.** the superintendent of that school system; and

[4.] **2.** subject to subparagraph [(ii)] **(III)** of this paragraph, those other officials and employees of that school system designated by the school board.

(II) THE REGULATIONS ADOPTED UNDER PARAGRAPH (1)(II) OF THIS SUBSECTION SHALL APPLY TO:

1. EACH MEMBER OF THE SCHOOL BOARD; AND

2. IF THE SCHOOL BOARD IS AN ELECTED BOARD UNDER TITLE 3, SUBTITLE 1, PART III OF THE EDUCATION ARTICLE, EACH CANDIDATE FOR ELECTION TO THE SCHOOL BOARD.

[(ii)] **(III)** The regulations may not apply to a classroom teacher unless the teacher has additional duties, not normally expected of classroom teachers, that cause the teacher for other reasons to be covered by the financial disclosure regulations.

(b) **(1)** Except as provided in subsection (c) of this section, the regulations adopted under subsection (a)**(1)(I)** of this section shall be similar to the provisions of Subtitle 6 of this title, but may be modified to the extent necessary to make the regulations relevant to the prevention of conflicts of interest in that school system.

(2) THE REGULATIONS ADOPTED UNDER SUBSECTION (A)(1)(II) OF THIS SECTION SHALL BE EQUIVALENT TO OR EXCEED THE REQUIREMENTS OF SUBTITLE 6 OF THIS TITLE, BUT MAY BE MODIFIED TO THE EXTENT NECESSARY TO MAKE THE REGULATIONS RELEVANT TO THE PREVENTION OF CONFLICTS OF INTEREST IN THAT SCHOOL SYSTEM.

(c) (1) **(I)** This [section] **PARAGRAPH** does not compel a school board to require an individual to file a financial disclosure statement except:

[(i)] **1.** when the personal interest of the individual will present a potential conflict with the public interest in connection with an anticipated public action of the individual; and

[(ii)] **2.** at least annually to report on gifts received by the individual.

[(2)] **(II)** The regulations **ADOPTED UNDER SUBSECTION (A)(1)(I) OF THIS SECTION** shall require that a statement filed under [paragraph (1)(i)] **SUBPARAGRAPH (I)1** of this [subsection] **PARAGRAPH** be filed sufficiently in advance of the public action to provide adequate disclosure to the public.

(2) THE REGULATIONS ADOPTED UNDER SUBSECTION (A)(1)(II) OF THIS SECTION SHALL REQUIRE THAT A STATEMENT FILED BY A MEMBER OF A BOARD OF EDUCATION BE FILED ON OR BEFORE APRIL 30 OF EACH YEAR.

(d) [Unless] **EXCEPT AS PROVIDED FOR A MEMBER OF A BOARD OF EDUCATION UNDER THIS PART II, UNLESS** a school board adopts and maintains financial disclosure regulations under this subtitle, the provisions enacted by the county under § 15–805 of this subtitle shall apply to:

(1) [each member of the school board;

(2)] the superintendent of that school system; and

[(3)] **(2)** the other officials and employees of the school system that the governing body of that county designates.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2010.

Approved by the Governor, May 4, 2010.