

# SENATE BILL 109

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4lr0071

(PRE-FILED)

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By: **Chair, Education, Health, and Environmental Affairs Committee (By Request – Departmental – Ethics Commission, State)**

Requested: September 30, 2013

Introduced and read first time: January 8, 2014

Assigned to: Education, Health, and Environmental Affairs

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: January 31, 2014

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Public Ethics – Financial Disclosure Statements – Electronic Filing**

3 FOR the purpose of requiring that certain financial disclosure statements be filed  
4 electronically with the State Ethics Commission; requiring the Ethics  
5 Commission to develop and implement certain procedures for the electronic  
6 filing of a financial disclosure statement and for the Ethics Commission to grant  
7 exemptions to the mandatory electronic filing requirement; and generally  
8 relating to the electronic filing of financial disclosure statements with the State  
9 Ethics Commission.

10 ~~BY repealing and reenacting, with amendments,~~  
11 ~~Article – State Government~~  
12 ~~Section 5–602(a) and (d)~~  
13 ~~Annotated Code of Maryland~~  
14 ~~(2009 Replacement Volume and 2013 Supplement)~~

15 BY repealing and reenacting, with amendments,  
16 Article – General Provisions  
17 Section 5–602  
18 Annotated Code of Maryland  
19 (As enacted by Chapter \_\_\_\_\_ (H.B. 270) of the Acts of the General Assembly of  
20 2014)

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



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

~~Article – State Government~~

~~15-602.~~

~~(a) Except as otherwise provided in this subtitle, a statement filed under § 15-601, § 15-603, § 15-604, or § 15-605 of this subtitle shall:~~

~~(1) be filed ELECTRONICALLY with the Ethics Commission;~~

~~(2) be filed under oath;~~

~~(3) be filed on or before April 30 of each year;~~

~~(4) cover the calendar year immediately preceding the year of filing;~~

~~and~~

~~(5) contain the information required in § 15-607 of this subtitle.~~

~~(d) (1) The Ethics Commission shall develop AND IMPLEMENT procedures [under which];~~

~~(i) FOR THE ELECTRONIC FILING OF a statement under this subtitle [may be filed electronically and without additional cost to the individual who files the statement]; AND~~

~~(ii) FOR THE ETHICS COMMISSION TO GRANT AN EXEMPTION TO THE REQUIREMENT UNDER SUBSECTION (A)(1) OF THIS SECTION.~~

~~(2) (i) To comply with the requirement of paragraph (1) of this subsection, the Ethics Commission may adopt regulations to modify the format for disclosure of information required under § 15-607 of this subtitle.~~

~~(ii) The regulations adopted under this paragraph shall be consistent with the intent of this title.~~

Article – General Provisions

5-602.

(a) Except as otherwise provided in this subtitle, a statement filed under § 5-601, § 5-603, § 5-604, or § 5-605 of this subtitle shall:

- 1           (1)   be filed ELECTRONICALLY with the Ethics Commission;  
2           (2)   be filed under oath;  
3           (3)   be filed on or before April 30 of each year;  
4           (4)   cover the calendar year immediately preceding the year of filing;  
5 and  
6           (5)   contain the information required in § 5-607 of this subtitle.

7           (b)   A member of the General Assembly shall file the statement with the  
8 Ethics Commission and the Joint Ethics Committee.

9           (c)   (1)   In addition to the statement filed under § 5-601 of this subtitle, a  
10 member of the General Assembly shall file a preliminary disclosure on or before the  
11 seventh day of the regular legislative session if there will be a substantial change in  
12 the statement covering the calendar year immediately preceding the year of filing, as  
13 compared to the next preceding calendar year.

14           (2)   A member of the General Assembly whose statement under §  
15 5-601 of this subtitle will not contain a substantial change is not required to file a  
16 preliminary disclosure under paragraph (1) of this subsection.

17           (3)   The Joint Ethics Committee shall determine:

18           (i)   the form of a preliminary disclosure under this subsection;  
19 and

20           (ii)  which aspects of financial disclosure are subject to this  
21 subsection.

22           (4)   A preliminary disclosure shall be filed and maintained, and may be  
23 disclosed, in the same manner required for a statement filed under § 5-601 of this  
24 subtitle.

25           (d)   (1)   The Ethics Commission shall develop AND IMPLEMENT  
26 procedures [under which]:

27                    (I)   FOR THE ELECTRONIC FILING OF a statement under this  
28 subtitle [may be filed electronically and without additional cost to the individual who  
29 files the statement]; AND

30                    (II)  FOR THE ETHICS COMMISSION TO GRANT AN  
31 EXEMPTION TO THE REQUIREMENT UNDER SUBSECTION (A)(1) OF THIS  
32 SECTION.

1                   (2)   (i)   To comply with the requirement of paragraph (1) of this  
2 subsection, the Ethics Commission may adopt regulations to modify the format for  
3 disclosure of information required under § 5-607 of this subtitle.

4                               (ii)   The regulations adopted under this paragraph shall be  
5 consistent with the intent of this title.

6           (e)   (1)   If the financial disclosure statement filed electronically under  
7 subsection (d) of this section is required to be made under oath or affirmation, the oath  
8 or affirmation shall be made by an electronic signature that is:

9                               (i)   in the financial disclosure statement or attached to and  
10 made part of the financial disclosure statement; and

11                               (ii)   made expressly under the penalties for perjury.

12                   (2)   An electronic signature made under paragraph (1) of this  
13 subsection subjects the individual making it to the penalties for perjury to the same  
14 extent as an oath or affirmation made before an individual authorized to administer  
15 oaths.

16           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
17 October 1, 2014.

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.