

Department of Legislative Services
Maryland General Assembly
2026 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 80 (Chair, Education, Energy, and the Environment
Committee)(By Request - Departmental - State Ethics
Commission)

Education, Energy, and the Environment

**Maryland Public Ethics Law - Financial Disclosure Statements - State Officials of
and Candidates to Be a State Official of the Judicial Branch**

This departmental bill requires the Administrative Office of the Courts (AOC) or another body designated by the Supreme Court of Maryland to (1) administer and implement the financial disclosure provisions of the Public Ethics Law for State officials of the Judicial Branch and candidates to be State officials of the Judicial Branch and (2) maintain financial disclosure statements of State officials and candidates to be State officials of the Judicial Branch and make those statements available for public inspection. As such, the Commission on Judicial Disabilities, the Judicial Ethics Committee, or another body designated by the Supreme Court of Maryland no longer are required to administer and implement those provisions, but they retain responsibility for administering the conflict of interest provisions of the Maryland Public Ethics Law for State officials of the Judicial Branch and candidates to be State officials of the Judicial Branch. Finally, the bill repeals the requirement that the Supreme Court of Maryland send financial disclosure statements submitted by judges, candidates for judgeships, or judicial appointees to the State Ethics Commission (SEC). **The bill takes effect July 1, 2026.**

Fiscal Summary

State Effect: None. The Judiciary and SEC can implement the bill with existing budgeted resources, as discussed below.

Local Effect: The bill does not materially affect local government operations or finances.

Small Business Effect: SEC has determined that this bill has minimal or no impact on small business (attached). The Department of Legislative Services (DLS) concurs with this assessment.

Analysis

Current Law:

Maryland Public Ethics Law

The Maryland Public Ethics Law sets out requirements, prohibitions, and procedures that affect State officials in the Legislative, Executive, and Judicial branches of government for the purpose of maintaining people's trust in government and protecting against the improper influence and appearance of improper influence of government.

The Public Ethics Law is generally administered and implemented by SEC, with two statutory exceptions. First, the Joint Ethics Committee of the Maryland General Assembly must administer and implement provisions related to conflicts of interest as they apply to members of the General Assembly. Second, the Commission on Judicial Disabilities, Judicial Ethics Committee, or another body designated by the Supreme Court of Maryland, must administer and implement provisions related to conflicts of interest and financial disclosure as they apply to State officials of the Judicial Branch.

Conflict of Interest

The Maryland Public Ethics Law regulating conflicts of interest generally prohibits a State official or employee from (1) participating in a matter if the official, a qualifying relative, or other specified entities have an interest in the matter; (2) being employed or having a financial interest in an entity subject to the authority of that official or employee or of the governmental unit with which the official or employee is affiliated; (3) being employed or having financial interest in an entity that is negotiating or has entered a contract with that governmental unit or an entity that is a subcontractor on a contract with that governmental unit; (4) holding any other employment relationship that would impair the impartiality and independent judgment of the official or employee; (5) soliciting or accepting any gift exceeding \$20 in value, among others; (6) intentionally using the prestige of office for private gain or influence, as specified; (7) disclosing or using confidential information acquired by reason of the individual's public position and not available to the public for personal gain or economic benefit of another; (8) unlawfully harassing or discriminating against certain individuals; or (9) retaliating against an individual for reporting or participating in the investigation of a potential violation of the Maryland Public Ethics Law. SEC may make certain exemptions specified by statute.

Annual Financial Disclosure Statement

Public officials, State officials, and candidates for office as a State official must file, under oath, financial disclosure statements with SEC. Statements generally must disclose (1) interests in real property; (2) interests in corporations and partnerships; (3) interests in and employment by business entities doing business with the State; (4) debts owed to entities doing business with or regulated by an individual's governmental unit; (5) family members employed by the State; (6) sources of earned income; and (7) gifts, as specified. A filer must disclose an interest held by (1) a spouse or child of an individual, if the interest was controlled, directly or indirectly, by the individual at any time during the applicable period; (2) a business entity in which the individual held a 10% or greater interest at any time during the applicable period; or (3) a trust or estate in which, at any time during the applicable period, the individual held a reversionary interest, was a beneficiary, or was a settlor, if a revocable trust.

SEC and the Joint Ethics Committee must maintain the statements made under the financial disclosure requirements and make them available to the public during normal office hours.

Andrew F. Wilkinson Judicial Security Act (2024), Generally

Chapters 414 and 415 of 2024 (Judge Andrew F. Wilkinson Judicial Security Act) created, among other things, the Office of Information Privacy (OIP) in AOC. A "protected individual," or OIP (on behalf of a protected individual), is authorized to make a request for a person or governmental entity to not publish "personal information" of the protected individual (or to remove such information from an existing publication), as specified. In addition, OIP must establish and administer a Judicial Address Confidentiality Program for the general purpose of safeguarding the actual address of a program participant in relation to public records or inspection, including the shielding of real property records, as specified.

"Personal information" means a home address, home telephone number, mobile telephone number, personal email address, Social Security number, driver's license number, federal tax identification number, bank account number, credit or debit card number, license plate number or unique identifier of a vehicle, birth or marital record, child's name, school or daycare, place of worship, or, for specified protected individuals, a place of employment. "Personal information" does not include information that (1) has been publicly disclosed with the consent of the protected individual or (2) is relevant to and displayed as part of a news story, commentary, editorial, or other speech on matters of public concern.

“Protected Individual” means a:

- current or retired justice or judge of a court established under Article IV of the Maryland Constitution;
- current or retired justice or judge of a federal court, including a U.S. Bankruptcy Court, domiciled in the State;
- current or retired magistrate appointed by a circuit court of the State;
- current or retired United States magistrate judge domiciled in the State;
- current or retired Commissioner of the District Court of Maryland; or
- spouse, child, or dependent who resides in the same household as an individual described above.

State Officials of the Judicial Branch

The Judiciary advises that State officials of the Judicial Branch include Supreme Court justices; judges in appellate, circuit, and District Courts; former judges; Orphans’ Court judges; magistrates; commissioners; auditors; and candidates for judicial offices.

Background: SEC advises that the bill is necessary to: (1) clarify responsibilities for administering the Public Ethics Law; (2) streamline the public records inspection and notification process for State Officials and candidates to be State officials of the Judicial Branch; and (3) eliminate an administrative burden on the SEC and Judiciary.

Specifically, SEC advises that the requirement that the Judiciary transmit to SEC copies of financial disclosure statements filed by State officials of the Judicial Branch creates an undue administrative burden for the Judiciary. SEC also suggests that current law lacks clarity regarding the Supreme Court of Maryland’s authority over conflict of interest and financial disclosure provisions of the Public Ethics Law as it pertains to State officials, or candidates to be State officials, of the Judicial Branch.

Repealing the requirement that the Judiciary transmit financial disclosure statements to SEC necessitates the bill’s addition of a statutory requirement that the Judiciary retain the statements and make them available to the public upon request.

State Expenditures: Judiciary advises that AOC is not currently equipped to handle unplanned public visitors who may wish to examine financial statements during normal office hours. Furthermore, AOC advises that, to comply with the regulations established by the Judge Andrew F. Wilkinson Judicial Security Act of 2024, financial statements of judges and judicial appointees must be reviewed by staff prior to being viewed by the public and thus may not be viewable on an on-demand basis. DLS believes that AOC can implement the requirements of the bill with existing budgeted resources.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: HB 269 (Chair, Government, Labor, and Elections Committee)(By Request - Departmental - State Ethics Commission) - Government, Labor, and Elections.

Information Source(s): Judiciary (Administrative Office of the Courts); State Ethics Commission; Department of Legislative Services

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jg/mcr

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ANALYSIS OF ECONOMIC IMPACT ON SMALL BUSINESSES

TITLE OF BILL: Maryland Public Ethics Law - Financial Disclosure Statements - State Officials of and Candidates to Be a State Official of the Judicial Branch

BILL NUMBER: SB 80

PREPARED BY: Jennifer Allgair, Executive Director

PART A. ECONOMIC IMPACT RATING

This agency estimates that the proposed bill:

WILL HAVE MINIMAL OR NO ECONOMIC IMPACT ON MARYLAND SMALL BUSINESS

OR

WILL HAVE MEANINGFUL ECONOMIC IMPACT ON MARYLAND SMALL BUSINESSES

PART B. ECONOMIC IMPACT ANALYSIS

The proposed legislation will have no impact on small businesses.