



September 15, 2017

Michael Lord
Executive Director
State Ethics Commission
45 Calvert Street
Annapolis, MD 21401

Dear Mr. Lord:

The Maryland Association of Counties (MACo) offers the following comments on the proposed regulation changes to COMAR Title 19A found in Volume 44, Issue 16 (August 4, 2017) of the *Maryland Register*. The proposed changes are in response to statutory changes made to Title 5 of the General Provisions Article by the Public Integrity Act of 2017 (HB 879).

With respect to both state and local governments, the proposed regulations would exclude an exchange-traded fund from being counted as a disclosable "interest" as long as the fund: (1) is publicly traded on a national scale; and (2) is not composed primarily of holdings of stocks and interests in a specific sector or area that is regulated by the individual's governmental unit. This change conforms to Maryland's longstanding treatment of ordinary mutual funds and similar composite investment instruments. The proposed regulations also expand the definition of "legislative action" to include testimony or other advocacy in an official capacity as a member of the General Assembly before a unit of state or local government.

The proposed regulations also amend Model Ethics Laws A and B to: (1) add a 1-year "cool down" requirement on specified issues for local elected officials or employees who subsequently become regulated lobbyists and vice versa; (2) expand prohibited conduct by local elected officials or employees under the "prestige of office" sections; (3) specify that a candidate for local office is deemed to have withdrawn the candidacy if the candidate's financial disclosure statement is overdue and not filed within 8 days; (4) modify the financial disclosure requirements for individuals who have lobbyist spouses; and (5) prohibit public access to a local elected official or employee's home address on a financial disclosure form filed after January 1, 2019.

MACo believes all of the proposed changes are consistent with HB 879 and has no concerns with the changes. In particular, MACo is supportive of the home address clarification for the

financial disclosure forms. While the home address of a local government elected official or employee is protected in other areas of the public ethics laws, the lack of an explicit protection for financial disclosures created a “loophole” that raised both privacy and security concerns.

MACo hopes that these comments are helpful and remains committed to having public ethics laws that further government transparency while respecting valid privacy and implementation concerns. Please do not hesitate to contact me at 410.269.0043 or lnapp@mdcounties.org if you have questions or need further clarification.

Sincerely,

A handwritten signature in black ink that reads "Leslie Knapp Jr." in a cursive script.

Leslie Knapp Jr.
Legal and Policy Counsel
MACo

CC: Members, Maryland State Ethics Commission