



## **Testimony to the Senate Education, Energy, and the Environment Committee**

### **Senate Bill 312-Public Information Act-Personnel Records of Elected Officials and Joint Ethics Committee Records.**

**Position: Informational**

**BY: Linda T. Kohn, President**

**Date: January 25, 2024**

The League of Women Voters is a nonpartisan organization that works to increase understanding of major public policy issues and influence public policy through education and advocacy. The League believes that one of the goals of an Ethics Committee is to promptly respond and decide voter complaints of ethics violations.

Under SB312, public access and inspection of an activity or record of JCLE must be available for, among other things, the information relating to a complaint, proceeding, or record of JCLE involving a member of the General Assembly if JCLE has closed the complaint or investigation that is the subject of the record.

LWVMD believes this bill undermines the duties and responsibilities of custodians of records to adopt reasonable rules or regulations designating public records.

Furthermore, LWVMD believes a personal record designated confidential by the custodian of the record cannot be reclassified as a public record without consultation with and approval by the custodian. SB312 also provides for an automatic change in the designation of personal records from personal to public when JCLE has closed the complaint or investigation that is the subject of the record.

LWVMD believes good governance provides for the decisions of the JCLE to close the complaint or investigation to be final and not subject to public review through a PIA request. LWVMD also believes good governance provides for the decision of the JCLE to close the complaint or investigation is insufficient to change the designation of a personal record from confidential to public without consultation and approval of the record's custodian.