

ETHICS

23. Members of city boards and commissions are required to provide a signed Statement of Compliance with the Provisions of Ethics Ordinance, affirming that they understand the provisions of the city code regarding public ethics and financial disclosure. Several members of the advisory boards and city commissions resigned because they took issue with the wording of the statement. Do you support any changes to make the statement non-controversial, and if so, what changes?

I am not primarily concerned with whether the language in the Statement of Compliance is controversial. As a citizen and, if elected as a public official, my first concerns are whether it is legal, and whether it is a helpful government policy. In my view, amending paragraph [2.08.060](#) would not cure its fundamental deficiencies. That paragraph requires outright repeal. The state ethics code explicitly exempts local advisory boards and commissions from filing financial disclosure forms and neither requires nor authorizes anything but the official oath of office. No other locality has an ethics oath, and the one invented in Annapolis is unlawful and unwise. It should be repealed in its entirety.

First, it is unnecessary. This oath covers a single portion of the Annapolis code. Members are already sworn in under the official oath of office covering all provisions in law at all levels of government.

Second, it violates the [Constitution of Maryland, Declaration of Rights](#) Article 37:

“That no religious test ought ever to be required as a qualification for any office of profit or trust in this State, other than a declaration of belief in the existence of God; nor shall the Legislature prescribe any other oath of office than the oath prescribed by this Constitution.”

The “swear and affirm” language of the offending paragraph is unlawful, as settled in case law and by the latest revision of the current official oath of office. “Swear or affirm” is the lawful language.

More importantly, the Declaration of Rights bans any additional oath of office, including the Annapolis Ethics paragraph. There is one and only allowable oath of office under the Maryland Constitution. Because the present Mayor administers the ethics oath as an absolute and non-negotiable requirement for holding office as a member of an advisory board or commission, it is an oath of office.

No other jurisdiction in Maryland requires this kind of oath, for good reason. It applies only to bodies lacking any regulatory or financial authority and therefore serves no discernable purpose.

It is applied unequally, only to advisory commission volunteers. It does not apply to other members of other commissions, employees, or elected officials.

It unlawfully threatens prosecution for perjury for failure to “understand,” but fails to provide objective criteria for what would constitute an acceptable level of “understanding,” or any test to determine whether those criteria have been satisfied.

The paragraph addresses a non-problem. There is no evidence of substantive ethical violations by members of advisory commissions that would requires action of any kind, let alone this mindlessly damaging and unlawful provision.

It is poor public policy. Oaths are a lazy, poor, and harmful substitute for legitimate and effective measures designed to deal with real problems. Good policy includes first validating that a real problem exists, and then providing training, testing, etc. that will cure that problem. This paragraph has needlessly generated controversy and caused removals and resignations of citizen volunteers who have served honorably, generously wishing only to contribute their expertise to the city.