

HOUSE BILL 410

P1

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By: **Delegate Frush**

Introduced and read first time: February 4, 2011

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **State Government – Oath of Office – Administration by Constitutional Officer**

3 FOR the purpose of authorizing any officer whose office is established in the Maryland
4 Constitution to administer the oath of office to certain individuals elected or
5 appointed to an office of trust or profit under the Constitution or laws of the
6 State; requiring a constitutional officer who administers the oath of office to
7 deliver a certain report to the Secretary of State within a certain period of time;
8 making conforming changes; and generally relating to administration of the
9 oath of office by a constitutional officer.

10 BY repealing and reenacting, without amendments,
11 Article – State Government
12 Section 16–101 through 16–104
13 Annotated Code of Maryland
14 (2009 Replacement Volume and 2010 Supplement)

15 BY repealing and reenacting, with amendments,
16 Article – State Government
17 Section 16–105 and 16–108
18 Annotated Code of Maryland
19 (2009 Replacement Volume and 2010 Supplement)

20 BY repealing and reenacting, with amendments,
21 Article – Courts and Judicial Proceedings
22 Section 2–104(e)
23 Annotated Code of Maryland
24 (2006 Replacement Volume and 2010 Supplement)

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **Article – State Government**

2 16–101.

3 (a) The Governor and Lieutenant Governor shall take and subscribe the oath
4 prescribed by Article I, § 9 of the Maryland Constitution:5 (1) on the third Wednesday of January next following the election of
6 the Governor, or as soon thereafter as may be practicable, between the hours of noon
7 and 2:00 p.m. in the chamber of the Senate of Maryland; and

8 (2) before the Chief Judge of the Court of Appeals; or

9 (3) if the Chief Judge is unable to attend, before one of the associate
10 judges of the Court of Appeals.11 (b) The clerk of the Court of Appeals shall maintain a book that records the
12 oaths taken and subscribed under this section.

13 16–102.

14 (a) The oath prescribed by Article I, § 9 of the Maryland Constitution shall
15 be taken and subscribed before the Governor by:

16 (1) the Adjutant General;

17 (2) the Attorney General;

18 (3) the Comptroller;

19 (4) the judges of the Court of Appeals and their clerks;

20 (5) the judges of the Court of Special Appeals and their clerks;

21 (6) the Secretary of State;

22 (7) the State Reporter; and

23 (8) the Treasurer.

24 (b) On or as soon as practicable after the third Monday of January next after
25 the election for Comptroller, the successful candidate for that office shall qualify by
26 taking the oath prescribed by Article I, § 9 of the Maryland Constitution.27 (c) The Secretary of State shall maintain a book that records the oaths taken
28 and subscribed under this section.

29 16–103.

1 (a) (1) A member of the Senate of Maryland shall administer the oath
2 required by Article I, § 9 of the Maryland Constitution to the President of the Senate.

3 (2) The President of the Senate shall administer the oath required by
4 Article I, § 9 of the Maryland Constitution to the other members and officers of the
5 Senate of Maryland.

6 (b) (1) A member of the House of Delegates shall administer the oath
7 required by Article I, § 9 of the Maryland Constitution to the Speaker of the House of
8 Delegates.

9 (2) The Speaker of the House of Delegates shall administer the oath
10 required by Article I, § 9 of the Maryland Constitution to the other members and
11 officers of the House of Delegates.

12 (c) The members of the General Assembly shall subscribe the oath that the
13 members take under subsections (a) and (b) of this section.

14 16–104.

15 Except the mayor or chief magistrate of a municipal corporation, all officers of
16 the municipal corporation shall take an oath before the mayor or chief magistrate of
17 the municipal corporation if an oath is prescribed by law or ordinance.

18 16–105.

19 Except for an officer specified in §§ 16–101 through 16–104 of this title, an
20 officer elected or appointed to any office of trust or profit under the Maryland
21 Constitution or a law of this State, including a mayor or other chief magistrate of a
22 municipal corporation, shall take and subscribe the oath required by Article I, § 9 of
23 the Maryland Constitution before [a clerk of the circuit court or before a sworn deputy
24 of the clerk] **ANY OFFICER WHOSE OFFICE IS ESTABLISHED IN THE MARYLAND
25 CONSTITUTION.**

26 16–108.

27 (a) **(1) [At least once each month, the clerk of each circuit court] AN**
28 **OFFICER WHOSE OFFICE IS ESTABLISHED IN THE MARYLAND CONSTITUTION**
29 **shall report to the Secretary of State the names and offices of all officers who have**
30 **taken and subscribed an oath before [the clerk] THAT CONSTITUTIONAL OFFICER.**

31 **(2) A REPORT REQUIRED UNDER THIS SUBSECTION SHALL BE**
32 **DELIVERED TO THE SECRETARY OF STATE WITHIN 30 DAYS AFTER THE DATE**
33 **THE OATH WAS ADMINISTERED.**

34 (b) The Secretary of State shall:

1 (1) preserve a report required by subsection (a) of this section; and

2 (2) equally with the [clerk of a circuit court] **CONSTITUTIONAL**
3 **OFFICER WHO ADMINISTERED THE OATH**, be competent to certify the character and
4 qualifications of an officer who has taken and subscribed an oath before the [clerk]
5 **CONSTITUTIONAL OFFICER**.

6 **Article – Courts and Judicial Proceedings**

7 2–104.

8 (e) (1) Except as authorized by Article I, § 10 of the Maryland
9 Constitution **OR TITLE 16 OF THE STATE GOVERNMENT ARTICLE**, every officer,
10 except the clerk of the circuit court of a county or an appellate court, shall take the
11 oath before the clerk of the circuit court.

12 (2) Except as provided in Article I, § 10 of the Maryland Constitution
13 **OR IN TITLE 16 OF THE STATE GOVERNMENT ARTICLE**, the clerk of a circuit court
14 shall take the oath before a judge of the court.

15 (3) The clerk of an appellate court shall take the oath before the
16 Governor.

17 **SECTION 2. AND BE IT FURTHER ENACTED**, That this Act shall take effect
18 October 1, 2011.