

Department of Legislative Services
Maryland General Assembly
2011 Session

FISCAL AND POLICY NOTE

House Bill 410 (Delegate Frush)
Health and Government Operations

State Government - Oath of Office - Administration by Constitutional Officer

This bill authorizes any officer whose office is established in the Maryland Constitution to administer the oath of office to certain individuals elected or appointed to an office of trust or profit under the Maryland Constitution or laws of the State. Certain other individuals, such as the Governor, Lieutenant Governor, and members of the General Assembly, must take the oath before another specified constitutional officer and are accordingly excepted under the bill. A constitutional officer must report to the Secretary of State the names and offices of all officers who have taken and subscribed an oath before the constitutional officer within 30 days after the oath was administered.

Fiscal Summary

State Effect: The bill is not expected to materially affect governmental finances.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: Certain elected or appointed officers – such as the Governor, Lieutenant Governor, and members of the General Assembly – must take and subscribe the oath prescribed by Article I, § 9 of the Maryland Constitution before another specified constitutional officer. For example, the Speaker of the House of Delegates must administer the oath to the other members and officers of the House of Delegates.

With the exception of these specified officers, an officer (including a mayor or other chief magistrate of a municipal corporation) elected or appointed to any office of trust or profit under the Maryland Constitution or State law must take and subscribe the required oath before either a clerk of the circuit court or the clerk's sworn deputy. At least once monthly, the clerk of each circuit court must report to the Secretary of State the names and offices of all officers who have taken and subscribed an oath before the clerk. The Secretary of State must (1) preserve the report; and (2) equally with the clerk of a circuit court, be competent to certify the character and qualifications of an officer who has taken and subscribed an oath before the clerk.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Office of the Attorney General, Comptroller's Office, Judiciary (Administrative Office of the Courts), Secretary of State, Maryland State Treasurer's Office, Department of Legislative Services

Fiscal Note History: First Reader - February 20, 2011
mlm/hlb

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