

SENATE BILL 236

P1

6lr0903

By: **Senator Brochin**

Introduced and read first time: January 22, 2016

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **State Government – Notary Public – Appointment and Removal**

3 FOR the purpose of repealing a requirement that a notary public applicant receive certain
4 approval from a certain State Senator; requiring a notary public applicant to receive
5 certain approval from the Secretary of State; repealing a requirement that a certain
6 individual appointed as a notary public be a resident of the senatorial district from
7 which the individual is appointed; authorizing the removal or suspension of a notary
8 public from office based on a request made to the Governor from the Secretary of
9 State instead of from a certain State Senator; making certain conforming changes;
10 and generally relating to the appointment and removal of a notary public.

11 BY repealing and reenacting, with amendments,
12 Article – State Government
13 Section 18–101, 18–102, 18–103(a), and 18–104(a)
14 Annotated Code of Maryland
15 (2014 Replacement Volume and 2015 Supplement)

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

18 **Article – State Government**

19 18–101.

20 (a) [(1) Except as provided in paragraph (2) of this subsection, the] **THE**
21 Governor, on approval of the application by [a Senator representing the senatorial district
22 and subdistrict in which the applicant resides or on approval by any Senator if the
23 senatorial office representing the senatorial district and subdistrict in which the applicant
24 resides is vacant] **THE SECRETARY OF STATE**, may appoint and commission individuals
25 as notaries public as provided in this title.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 [(2) (i) A Senator may delegate the Senator's authority to approve
2 applicants under this subsection to the Secretary of State.

3 (ii) If a Senator has delegated approval authority under
4 subparagraph (i) of this paragraph, the Governor may appoint and commission an
5 individual as a notary public as provided in this title on approval of the application by the
6 Secretary of State.]

7 (b) (1) The Governor, on approval of the application by the Secretary of State
8 [and a member of the Senate of Maryland], shall appoint and commission out-of-state
9 individuals as notaries public as provided in this title.

10 (2) An out-of-state notary shall be deemed to have irrevocably appointed
11 the Secretary of State as the notary's agent upon whom may be served any summons,
12 subpoena, subpoena duces tecum, or other process.

13 18-102.

14 Each individual appointed as a notary public shall:

15 (1) be at least 18 years old;

16 (2) be of good moral character and integrity;

17 (3) live or work in the State; **AND**

18 (4) [if living in the State, be a resident of the senatorial district from which
19 appointed; and

20 (5)] if living outside the State, be a resident of a state that allows Maryland
21 residents working in that state to serve as notaries public in that state.

22 18-103.

23 (a) (1) An application for original appointment as a notary public shall be
24 made on forms prepared by the Secretary of State and shall be sworn to by the applicant.

25 (2) [(i) Except as provided in subparagraph (ii) of this paragraph, an
26 application by a resident of the State shall bear or be accompanied by the written approval
27 of a Senator representing the senatorial district and subdistrict in which the applicant
28 resides or, if that office is vacant, by any Senator's written approval.

29 (ii) If a Senator has delegated approval authority under § 18-101 of
30 this title, the application shall bear or be accompanied by the written approval of the
31 Secretary of State.

1 (3) An application by an out-of-state individual shall bear or be
2 accompanied by the written approval of a Maryland State Senator.

3 (4)] Completed applications shall be filed with the Secretary of State.

4 18-104.

5 (a) (1) A notary public may be removed or suspended from office by the
6 Governor for good cause either on the Governor's own initiative or on a request made to the
7 Governor in writing by the [Senator who approved the appointment] **SECRETARY OF**
8 **STATE.**

9 (2) After notice to the notary and the opportunity for a hearing before the
10 Secretary of State or the Secretary of State's designee, the Secretary of State shall submit
11 a recommendation to the Governor for action as the Governor determines to be required in
12 the case.

13 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
14 October 1, 2016.