

HB0672 Family Law - Marriage Ceremony - Designation of Deputy Clerk
Judiciary Committee – February 22, 2023
Sponsor: Delegate Karen Toles
Position: Favorable

Testimony of Scott Poyer, Clerk of the Circuit Court, Anne Arundel County

Thank you, Chairman Clippinger, Vice Chairman Moon, and members of the committee, for this opportunity to testify in support of House Bill 672. For the record, my name is Scott Poyer, Clerk of the Circuit Court for Anne Arundel County.

The Clerks of the Circuit Court support HB 672, transferring the authority to designate a deputy clerk to perform a marriage ceremony, from the county administrative judge of the circuit court to the clerk of the circuit court in each county.

Currently, Judges, Clerks of the Circuit Court, and Deputy Clerks of the Circuit Court are authorized to perform civil marriage ceremonies in the State of Maryland, under the authority granted in section 2-406 of the Family Law Article. Judges and Clerks have direct authority to perform civil marriage ceremonies, but Deputy Clerks must be designated by the Administrative Judge in each county. This means that even though Clerks have direct authority to perform marriage ceremonies, we must request and receive approval from our local Administrative Judge any time we would like to assign one of our staff to assist us in performing marriage ceremonies in the courthouse. There is seldom, if ever, any disagreement between the Clerks and the Administrative Judges in this matter. However, we believe it is an unnecessary bureaucratic step and an infringement of the authority of the Clerk to direct the work of our own staff. In a jurisdiction such as Anne Arundel, with a staff of over 120, I must request an administrative order requesting the previous order to be rescinded and a new order to be issued designating the current and new deputy clerks who will perform marriage ceremonies. It

should also be noted that the Elected Clerks of the Circuit Courts are not required to seek such designations and approval within our offices for any other matters, such as who can handle confidential filings like search warrants and adoptions.

Therefore, the Circuit Court Clerks hope you will give a favorable report on HB 672, and we would like to thank Delegate Toles for sponsoring this bill. Thank you for the opportunity to comment, and I am available if you have any questions.