

(PRE-FILED)

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By: **Senator Kittleman**  
 Requested: October 28, 2005  
 Introduced and read first time: January 11, 2006  
 Assigned to: Judicial Proceedings

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A BILL ENTITLED

1 AN ACT concerning

2 **State Government - Notary Public - Appointment**

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

12 BY repealing and reenacting, with amendments,  
 13 Article - State Government  
 14 Section 18-101, 18-102, 18-103(a), and 18-104(a)(1)  
 15 Annotated Code of Maryland  
 16 (2004 Replacement Volume and 2005 Supplement)

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

19 **Article - State Government**

20 18-101.

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

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

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

4 18-102.

5     Each individual appointed as a notary public shall:

6           (1)     be at least 18 years old;

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

8           (3)     live or work in the State; AND

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

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

13 18-103.

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

17          (2)     [An application by a resident of the State shall bear or be  
18 accompanied by the written approval of a Senator representing the senatorial district  
19 and subdistrict in which the applicant resides or, if that office is vacant, by any  
20 Senator's written approval.

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

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

24 18-104.

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

29     SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
30 October 1, 2006.