

SENATE BILL 846

P1
SB 126/09 – JPR

0lr2779

By: **Senators Kittleman and Brochin**
Introduced and read first time: February 11, 2010
Assigned to: Judicial Proceedings

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 certain State Senator; requiring a notary public applicant to receive
10 certain approval from the Secretary of State; making certain conforming
11 changes; and generally relating to the appointment of a notary 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 (2009 Replacement Volume)

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.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.



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

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

7 18-102.

8 Each individual appointed as a notary public shall:

9 (1) be at least 18 years old;

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

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

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

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

16 18-103.

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

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

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

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

27 18-104.

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

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2010.