

SENATE BILL 67

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3lr0319

(PRE-FILED)

By: **Senator Beidle**

Requested: August 10, 2022

Introduced and read first time: January 11, 2023

Assigned to: Education, Energy, and the Environment

Re-referred to: Judicial Proceedings, January 31, 2023

Committee Report: Favorable

Senate action: Adopted

Read second time: March 2, 2023

CHAPTER _____

1 AN ACT concerning

2 **Clerks of the Circuit Courts – Civil Commissions – Presentation and Reporting**

3 FOR the purpose of requiring an appointee for a civil commission to contact the clerk of the
4 circuit court to which the commission was delivered by the Governor to coordinate a
5 time and place for the administration of the oath of office and presentation of the
6 commission; altering the frequency with which the clerk of a circuit court must report
7 to the Secretary of State the name and office of each officer who has taken the oath
8 of office; repealing obsolete provisions relating to taxes on commissions; and
9 generally relating to clerks of the circuit courts and civil commissions.

10 BY repealing and reenacting, with amendments,
11 Article – Courts and Judicial Proceedings
12 Section 2–211 and 2–212
13 Annotated Code of Maryland
14 (2020 Replacement Volume and 2022 Supplement)

15 BY repealing and reenacting, with amendments,
16 Article – General Provisions
17 Section 2–302
18 Annotated Code of Maryland
19 (2019 Replacement Volume and 2022 Supplement)

20 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 That the Laws of Maryland read as follows:

2 **Article – Courts and Judicial Proceedings**

3 2–211.

4 [When] **AFTER** the Governor issues a civil commission **FOR AN APPOINTEE** and
5 [the Secretary of State] delivers the commission to the clerk of a circuit court, [the clerk
6 immediately shall deliver the commission to the person to whom the commission is directed
7 and who applies for the commission] **THE APPOINTEE SHALL CONTACT THE CLERK TO
8 COORDINATE A TIME AND PLACE FOR THE CLERK TO ADMINISTER THE APPOINTEE’S
9 OATH OF OFFICE AND PRESENT THE COMMISSION.**

10 2–212.

11 (a) [At least once a month, the] **THE** clerk of a circuit court shall **REGULARLY**
12 report to the Secretary of State the name and office of each officer who has taken, before
13 the clerk, the oath required by the Constitution or another law.

14 (b) [(1) The clerk of a circuit court may not administer the oath of office to any
15 officer until the officer has paid the tax on the officer’s commission that is required by law.

16 (2) On the first Monday of March, June, September, and December, the
17 clerk shall pay to the Treasurer all money that the clerk has received for taxes on
18 commissions.

19 (c)] (1) On request of any person, the clerk of a circuit court shall give a
20 certificate, under the seal of the clerk’s office, of the qualification of any public officer:

21 (i) Who has taken the oath of office before the clerk; or

22 (ii) Whose oath of office is recorded in the clerk’s office.

23 (2) The clerk shall charge \$1 for issuing a certificate under seal of the
24 qualifications of any public official, including justices of the peace and notaries public.

25 **Article – General Provisions**

26 2–302.

27 (a) [At least once each month, the] **THE** clerk of each circuit court shall
28 **REGULARLY** report to the Secretary of State the names and offices of all officers who have
29 taken and subscribed an oath before the clerk.

30 (b) The Secretary of State:

1 (1) shall preserve a report required by subsection (a) of this section; and

2 (2) equally with the clerk of a circuit court, is competent to certify that an
3 officer has qualified by taking and subscribing an oath before the clerk.

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
5 October 1, 2023.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.