

SB0067 WRITTEN TESTIMONY.pdf

Uploaded by: Kevin Tucker

Position: FAV

**SB0067 Clerks of the Circuit Courts – Civil Commissions – Presenting and Reporting
Judicial Proceedings – February 16, 2023**
Sponsor: Senator Pamela Beidle
Position: Favorable

Testimony of Kevin Tucker, President, Maryland Circuit Court Clerks' Association

The Clerk's of the Circuit Court are in support of Senate Bill 67 and request a favorable report from the committee. We feel that the proposed changes as outlined in the bill, when applied to the relevant articles, will cause our offices to operate in a manner more consistent with the current practices of the offices that issue and record these commissions.

Currently, an appointee is notified of their appointment by the Governor's Appointment Office and subsequently contact the Clerk's Office to establish a time to be sworn and receive their commission. Upon receipt of the commission by the Clerk's office, there is no contact information provided that would prompt the Clerk to contact the appointee as required by Courts and Judicial Proceedings §2-211.

After the oath is administered by the Clerk's Office, the appointee and the oath giver sign a postcard that is mailed to the Secretary of State's Office in the normal course of business. These cards are generally mailed daily and are not held to be returned monthly as outlined by Courts and Judicial Proceedings §2-212(a) and General Provisions §2-302(a).

The withholding of an oath of office is no longer controlled by the Clerk's Office as is alluded to in Courts and Judicial Proceedings §2-212(b). Generally, in the event of a commission issued due to an election, the State Board of Elections will not release the commission until all required fees and/or penalties are paid by the candidate.

Each of these three changes more fully reflect the current processes under which the Clerk's Offices operate as related to the procedures of the Governor's Appointment Office, the Secretary of State, and the State Board of Elections.

In closing, many thanks go out to Senator Beidle for sponsoring this bill. I would also like to thank the committee for allowing me the opportunity to provide comments in favor of SB67.

I am here to answer any questions that the committee may have.

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Uploaded by: Matthew Pipkin

Position: FAV

MARYLAND JUDICIAL CONFERENCE
GOVERNMENT RELATIONS AND PUBLIC AFFAIRS

Hon. Matthew J. Fader
Chief Justice

187 Harry S. Truman Parkway
Annapolis, MD 21401

MEMORANDUM

TO: Education, Energy, and the Environment Committee
FROM: Legislative Committee
Matthew Pipkin, Jr.
410-260-1561
RE: Senate Bill 67
Clerks of the Circuit Courts – Civil Commissions – Presentation
and Reports
DATE: January 24, 2023
(2/16)
POSITION: Support

The Maryland Judiciary supports Senate Bill 67. As requested by the Clerks of the Court, this bill requires an appointee for a civil commission to contact the clerk of the circuit court, to which the commission was delivered by the Governor, to coordinate a time and place for the administration of the oath of office and presentation of the commission. This bill also seeks to alter the frequency with which the clerk of a circuit court must report to the Secretary of State the name and office of each officer who has taken the oath of office.

As operating practices have been updated over time, it has become no longer necessary for the Clerks of the Court to send legislatively-mandated monthly updates to the Secretary of State as to who has been sworn in each jurisdiction. A procedure has been established between the Secretary of State, the Governor's office, and the Clerks that renders these updates obsolete. This procedure involves the Governor's office sending a letter to the appointee, advising them of the process to follow, and to contact that jurisdiction clerk's office. Within that letter, a postcard is then provided for the clerk to send to the Secretary of State affirming the proper appointment to the commission. This bill codifies current practice.

cc. Hon. Pamela Biedle
Judicial Council
Legislative Committee
Kelley O'Connor

SB67 Clk of Ct Reporting.pdf

Uploaded by: Pamela Beidle

Position: FAV

PAMELA G. BEIDLE
Legislative District 32
Anne Arundel County

DEPUTY MAJORITY WHIP

Finance Committee

Chair, Executive Nominations Committee

Spending Affordability Committee

Joint Committee on Gaming Oversight

Joint Committee on Management of
Public Funds

Chair, Anne Arundel County
Senate Delegation



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THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

February 16, 2023

SB 67

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

Good Afternoon Chair Smith, Vice Chair Waldstreicher and Members of Judicial Proceedings;

Thank you for the opportunity to present SB 67, Clerks of the Circuit Courts – Civil Commissions – Presentation and Reporting. SB 67 is a very short bill, it makes three changes to the process for oaths of office administered by the clerks on behalf of the Secretary of State, all of which seek to better reflect current practice.

The changes are:

- 1) Updates the requirement for the clerk to contact the appointee and replaces it with a requirement for the appointee to contact the clerk to schedule an appointment to take their oath. This has been the current practice for many years;
- 2) Deletes the requirement for a monthly report to the Secretary. Currently the Clerks send a notice every time an oath is administered; and
- 3) Deletes the requirement for the clerk to withhold the oath until the appointee has paid the tax on their commission. This has not been a requirement for many years.

Thank you for your attention. I respectfully request a favorable report on SB67.