

SENATE BILL 169

P1

2lr1245

By: **Senator Shank**

Introduced and read first time: January 20, 2012

Assigned to: Judicial Proceedings

Committee Report: Favorable

Senate action: Adopted

Read second time: February 20, 2012

CHAPTER _____

1 AN ACT concerning

2 **State Government – Notary Public – Appointment**

3 FOR the purpose of authorizing a State Senator to delegate the Senator’s authority to
4 approve an applicant for notary public to the Secretary of State; authorizing the
5 Governor to appoint and commission, under certain circumstances, an
6 individual as a notary public on the approval of the Secretary; requiring a
7 certain application, under certain circumstances, to bear or be accompanied by
8 the written approval of the Secretary; and generally relating to the appointment
9 of a notary public.

10 BY repealing and reenacting, with amendments,
11 Article – State Government
12 Section 18–101 and 18–103(a)
13 Annotated Code of Maryland
14 (2009 Replacement Volume and 2011 Supplement)

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

17 **Article – State Government**

18 18–101.

19 (a) **(1)** [The] **EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS**
20 **SUBSECTION, THE** Governor, on approval of the application by a Senator representing

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 the senatorial district and subdistrict in which the applicant resides or on approval by
2 any Senator if the senatorial office representing the senatorial district and subdistrict
3 in which the applicant resides is vacant, may appoint and commission individuals as
4 notaries public as provided in this title.

5 **(2) (I) A SENATOR MAY DELEGATE THE SENATOR'S**
6 **AUTHORITY TO APPROVE APPLICANTS UNDER THIS SUBSECTION TO THE**
7 **SECRETARY OF STATE.**

8 **(II) IF A SENATOR DELEGATES APPROVAL AUTHORITY**
9 **UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE GOVERNOR MAY APPOINT**
10 **AND COMMISSION AN INDIVIDUAL AS A NOTARY PUBLIC AS PROVIDED IN THIS**
11 **TITLE ON APPROVAL OF THE APPLICATION BY THE SECRETARY OF STATE.**

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

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

18 18-103.

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

22 (2) (I) [An] **EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF**
23 **THIS PARAGRAPH, AN** application by a resident of the State shall bear or be
24 accompanied by the written approval of a Senator representing the senatorial district
25 and subdistrict in which the applicant resides or, if that office is vacant, by any
26 Senator's written approval.

27 **(II) IF THE SENATOR HAS DELEGATED APPROVAL**
28 **AUTHORITY UNDER § 18-101 OF THIS SUBTITLE, THE APPLICATION SHALL BEAR**
29 **OR BE ACCOMPANIED BY THE WRITTEN APPROVAL OF THE SECRETARY OF**
30 **STATE.**

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

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

34 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
35 October 1, 2012.