

SENATE BILL 190

P1
SB 169/12 – JPR

3lr1394
CF 3lr1716

By: **Senator Shank**

Introduced and read first time: January 18, 2013

Assigned to: Judicial Proceedings

A BILL ENTITLED

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 2012 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
21 the senatorial district and subdistrict in which the applicant resides or on approval by
22 any Senator if the senatorial office representing the senatorial district and subdistrict
23 in which the applicant resides is vacant, may appoint and commission individuals as
24 notaries public as provided in this title.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

4 **(II) IF A SENATOR HAS DELEGATED APPROVAL AUTHORITY**
5 **UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE GOVERNOR MAY APPOINT**
6 **AND COMMISSION AN INDIVIDUAL AS A NOTARY PUBLIC AS PROVIDED IN THIS**
7 **TITLE ON APPROVAL OF THE APPLICATION BY THE SECRETARY OF STATE.**

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

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

14 18-103.

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

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

23 **(II) IF A SENATOR HAS DELEGATED APPROVAL AUTHORITY**
24 **UNDER § 18-101 OF THIS SUBTITLE, THE APPLICATION SHALL BEAR OR BE**
25 **ACCOMPANIED BY THE WRITTEN APPROVAL OF THE SECRETARY OF STATE.**

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

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

29 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
30 October 1, 2013.