

The Commission to Revise the Annotated Code notes, for consideration by the General Assembly, that Article IV, §§ 25 and 26 of the State Constitution provide, respectively, that the clerk of the circuit court for each county is "subject to be removed for wilful neglect of duty or other misdemeanor in office, on conviction in a Court of Law", and that a deputy clerk "shall be removable by the Judges for incompetency, or neglect of duty". Subsection (b) of this section subjects both clerks and deputy clerks to conviction and removal from office for neglect of duty. Article IV, § 25 of the State Constitution, however, suggests that only clerks are subject to criminal conviction, and then only for willful negligence. Article IV, § 25 of the State Constitution also suggests that willful negligence is a misdemeanor, a classification not stated in the statute. Article IV, § 26 of the State Constitution provides that deputy clerks may be removed from office by the judges for neglect of duty, but suggests that such removal would be comparable to dismissal from the job, rather than to conviction of a crime.

Defined terms: "Clerk" § 2-101
 "County" § 1-101

SUBTITLE 5. RECORDS.

2-501. MARRIAGE LICENSE BOOK.

EACH CLERK SHALL KEEP IN THE CLERK'S OFFICE A MARRIAGE LICENSE BOOK, WHICH SHALL CONTAIN:

- (1) A COMPLETE RECORD OF EACH LICENSE ISSUED;
- (2) A COMPLETE RECORD OF ALL MATTERS THE CLERK IS REQUIRED TO ASCERTAIN THAT RELATE TO THE RIGHTS OF AN INDIVIDUAL TO OBTAIN A LICENSE;
- (3) IN REGULAR ORDER, THE ITEMS TESTIFIED TO BY THE APPLICANTS FOR A LICENSE AS REQUIRED UNDER THIS TITLE;
- (4) PROPERLY INDEXED, THE NAME OF EACH INDIVIDUAL WHO INTENDS TO BE MARRIED; AND
- (5) THE DATE EACH CERTIFICATE WAS FILED AND THE NAME OF THE AUTHORIZED OFFICIAL WHO PERFORMED THE CEREMONY.

REVISOR'S NOTE: This section is new language derived without substantive change from former Article 62, § 8.

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