

(B) PRESERVATION OF REPORT BY SECRETARY OF STATE; CERTIFICATION.

THE SECRETARY OF STATE SHALL:

(1) PRESERVE A REPORT REQUIRED BY SUBSECTION (A) OF THIS SECTION; AND

(2) EQUALLY WITH THE CLERK OF A CIRCUIT COURT, BE COMPETENT TO CERTIFY THE CHARACTER AND QUALIFICATIONS OF AN OFFICER WHO HAS TAKEN AND SUBSCRIBED AN OATH BEFORE THE CLERK.

(C) FEE OF CLERK.

THE CLERK OF A CIRCUIT COURT MAY COLLECT A FEE OF \$.10 FOR ADMINISTERING AN OATH REQUIRED BY § 16-105 OF THIS TITLE TO BE ADMINISTERED BY THE CLERK.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 70, § 12.

In subsection (b)(1) of this section, the former reference to the duty of the Secretary of State "carefully" to preserve reports made by clerks of the circuit courts is deleted as an unnecessary presumption of a lack of care by the Secretary of State in preserving documents in the custody of the Secretary.

In subsection (c) of this section, the reference to an oath "required by § 16-105 of this title" is substituted for the former reference to "aforesaid oath" for clarity.

GENERAL REVISOR'S NOTE: Former Art. 70, § 9, which required a public official who took the oath prescribed by Article I of the Maryland Constitution to declare a belief in the Christian religion or, if Jewish, a belief in a future state of rewards and punishments, is repealed in light of *Torasco v. Watkins*, 367 U.S. 488 (1961), which held that a religious test for public office is an unconstitutional infringement of the freedom of religion guaranteed by the First and Fourteenth Amendments to the U.S. Constitution.

TITLE 17. OFFICERS.

17-101. INELIGIBILITY FOR FAILURE TO ACCOUNT.

UNTIL AN INDIVIDUAL ACCOUNTS FOR AND PAYS INTO THE TREASURY OF THE STATE ALL MONEY THAT IS CHARGED TO AND DUE BY THE INDIVIDUAL ON THE BOOKS OF THE STATE, THE INDIVIDUAL IS INELIGIBLE TO BECOME A MEMBER OF THE SENATE OF MARYLAND OR THE HOUSE OF DELEGATES, OR TO HOLD ANY STATE OFFICE OF PROFIT OR TRUST IF THE INDIVIDUAL:

(1) IS A COLLECTOR, RECEIVER, OR HOLDER OF PUBLIC MONEYS;

(2) IS CHARGED ON THE BOOKS OF THE STATE A SUM DUE TO THE STATE; AND