(3) HAS FAILED TO ACCOUNT FAIRLY FOR THE PUBLIC MONEYS WITH THE TREASURY OF THE STATE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 69, § 1.

In the introductory language of this section, the former reference to "since the adoption of the Constitution of 1851" is deleted as obsolete.

Also in the introductory language of this section, the reference to "State office" is substituted for the former reference to "any office ... under this State" for clarity.

17-102. EXTENT OF REMOVAL OF INELIGIBILITY.

AN INELIGIBILITY ESTABLISHED UNDER § 17-101 OF THIS TITLE:

- (1) MAY NOT BE REMOVED BY AN ACCOUNTING WITH OR PAYMENT INTO THE TREASURY OF THE STATE TO VALIDATE AN ELECTION OR APPOINTMENT THAT HAS ALREADY OCCURRED; BUT
- (2) SHALL BE REMOVED ONLY FOR A FUTURE ELECTION OR APPOINTMENT.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 69, § 2.

17-103. INADVERTENT ISSUANCE OF COMMISSION.

(A) ACTION BY GOVERNOR.

IF A COMMISSION HAS BEEN ISSUED TO AN INDIVIDUAL WHO IS INELIGIBLE UNDER § 17–101 OF THIS TITLE, THE GOVERNOR SHALL INSTRUCT THE STATE'S ATTORNEY FOR THE COUNTY IN WHICH THE INDIVIDUAL RESIDES TO OBTAIN IN THE CIRCUIT COURT OF THAT COUNTY A WRIT OF MANDAMUS DIRECTED TO THE INDIVIDUAL WHO PROFESSES TO HOLD THE OFFICE SPECIFIED IN THE COMMISSION TO INQUIRE INTO THE RIGHT BY WHICH THE INDIVIDUAL HOLDS THE OFFICE.

(B) ACTION BY CIRCUIT COURT.

IF THE CIRCUIT COURT FINDS THAT AT THE TIME OF THE ELECTION OR APPOINTMENT OF AN INDIVIDUAL, THE INDIVIDUAL HAD NOT ACCOUNTED FOR AND PAID INTO THE TREASURY OF THE STATE MONEY THAT THE INDIVIDUAL SHOULD HAVE ACCOUNTED FOR AND PAID INTO THE TREASURY OF THE STATE BEFORE THE ELECTION OR APPOINTMENT OF THE INDIVIDUAL, THEN THE CIRCUIT COURT SHALL DECLARE THE ELECTION OR APPOINTMENT OF THAT INDIVIDUAL TO BE VOID FROM THE BEGINNING AND THE OFFICE TO BE VACANT.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 69, § 3.

In subsection (a) of this section, the reference to the county "in which the individual resides" is added for clarity.