

Department of Legislative Services
Maryland General Assembly
2016 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 167

(Senator Simonaire)

Judicial Proceedings

State Government - Notaries Public - Online Application System

This bill establishes an online notary public application system administered by the Secretary of State. An individual may electronically file for an original appointment or renew an application for a commission as a notary public. The online application must include the same information contained in the paper application. To apply for an original appointment or renew an existing commission through the online system, an applicant must complete the online application and affirm specified information. The Secretary of State must (1) verify an applicant's personal information using the individual's driver's license or identification card and (2) take additional measures to ensure the integrity and accuracy of applications submitted through the online system. The Secretary of State may adopt regulations to administer the online system.

Fiscal Summary

State Effect: The Secretary of State's office did not respond to requests for information regarding the fiscal impact of this bill. Nevertheless, the Department of Legislative Services advises that the bill is not expected to materially affect State operations or finances, as an online notary application and renewal system is already in use by the Secretary of State. Thus, the bill appears to codify current practice.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: A notary public must (1) be at least age 18; (2) be of good moral character and integrity; (3) live or work in Maryland; and (4) be a resident of the senatorial district in which they are appointed or, if living outside the state, be a resident of a state that allows Maryland residents working in that state to serve as notaries.

All applications for notary public commissions must be approved by the State senator representing the senatorial district in which the applicant resides. If that office is vacant, any State senator may approve the application. A State senator may opt out of reviewing references for notary public applications. If a senator chooses to opt out, the responsibility shifts to the Secretary of State. The Secretary of State approves applications for notary public commissions from out-of-state applicants and on behalf of senators that delegate that duty to the Secretary of State. Applicants must take an oath of office and pay a nonrefundable application fee of \$20, a fee of up to \$11 (currently \$10) for appointment, and a \$1 registration fee.

Notary appointments are made by the Governor for a term of four years.

Background: In fiscal 2015, the Secretary of State processed 21,809 new and renewing notary applications.

According to the Secretary of State's Notary Public Online Application and Renewal Service website, a \$3 service/convenience fee is charged for credit card or eCheck payments processed through its online system.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Secretary of State, Department of Legislative Services

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