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**By: Senator Kelley**

Introduced and read first time: January 23, 1997

Assigned to: Judicial Proceedings

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A BILL ENTITLED

1 AN ACT concerning

2 **Notaries Public - Alternative Application Procedure for Appointment**

3 FOR the purpose of providing for a certain alternative procedure for the appointment of  
4 notaries public; requiring certain applicants to obtain a notary public application  
5 only from the Secretary of State in certain circumstances; prohibiting a notary  
6 public applicant from using certain photocopies or other reproductions, in certain  
7 circumstances, for a certain purpose; making stylistic changes; and generally relating  
8 to a certain alternative procedure for the appointment of notaries public.

9 BY repealing and reenacting, with amendments,  
10 Article 68 - Notaries Public  
11 Section 1  
12 Annotated Code of Maryland  
13 (1995 Replacement Volume and 1996 Supplement)

14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
15 MARYLAND, That the Laws of Maryland read as follows:

16 **Article 68 - Notaries Public**

17 1.

18 (a) (1) The Governor, on approval of the application by a senator representing  
19 the senatorial district and subdistrict in which the applicant resides, shall appoint and  
20 commission in [his] THE GOVERNOR'S discretion and judgment any number of persons  
21 as notaries public, as provided herein.

22 (2) The Governor, on approval of the application by the Secretary of State,  
23 shall appoint and commission [out-of-state]:

24 (I) OUT-OF-STATE individuals as notaries public, as provided in this  
25 article; AND

26 (II) INDIVIDUALS WHO RESIDE IN SENATORIAL DISTRICTS  
27 REPRESENTED BY SENATORS WHO HAVE ELECTED THE ALTERNATIVE PROCEDURE  
28 FOR THE APPOINTMENT OF NOTARIES PUBLIC PROVIDED UNDER SUBSECTION (D)  
29 OF THIS SECTION.

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1 (b) (1) [Every] EACH person appointed shall be at least 18 years of  
2 age, of good moral character and integrity, AND live or work in this State[, and if living  
3 in this State, be a resident of the senatorial district from which he or she is appointed].

4 (2) An out-of-state notary public shall be deemed to have irrevocably  
5 appointed the Secretary of State as his or her agent upon whom may be served any  
6 summons, subpoena, subpoena duces tecum, or other process.

7 (c) Applications for original appointment as a notary public FROM A  
8 PERSON APPROVED BY A SENATOR shall be made on forms prepared by the Secretary  
9 of State and shall be sworn to by the applicant[, and]. THE APPLICATION must bear  
10 thereon or be accompanied by the written approval of [a] THE senator representing the  
11 senatorial district and subdistrict in which the applicant resides, UNLESS THE SENATOR  
12 HAS ELECTED THE ALTERNATIVE PROCEDURE FOR THE APPOINTMENT OF  
13 NOTARIES PUBLIC PROVIDED UNDER SUBSECTION (D) OF THIS SECTION. An  
14 out-of-state individual shall make an application for original appointment as a notary  
15 public as described above through a Maryland State Senator. Completed applications  
16 shall be filed with the Secretary of State. When the appointment is made by the  
17 Governor, the Secretary of State shall so notify the applicant.

18 (D) (1) AS AN ALTERNATIVE TO THE METHOD FOR  
19 APPOINTMENT OF NOTARIES PUBLIC UNDER SUBSECTON (C) OF THIS SECTION, A  
20 SENATOR MAY NOTIFY THE SECRETARY OF STATE THAT A PERSON RESIDING IN  
21 THE SENATORIAL DISTRICT REPRESENTED BY THE SENATOR BE APPROVED BY THE  
22 SECRETARY OF STATE IN ACCORDANCE WITH THE PROCEDURE PROVIDED UNDER  
23 THIS SUBSECTION.

24 (2) THE NOTICE FROM THE SENATOR TO THE SECRETARY OF STATE  
25 REQUIRED UNDER THIS PARAGRAPH MUST BE:

26 (I) IN WRITING; AND

27 (II) RECEIVED BY THE SECRETARY OF STATE NO LATER THAN 30  
28 DAYS AFTER THE SENATOR IS SWORN IN.

29 (3) THE ELECTION BY A SENATOR THAT THE SECRETARY OF STATE USE  
30 THE ALTERNATIVE METHOD FOR THE APPOINTMENT OF NOTARIES PUBLIC  
31 PROVIDED IN THIS SUBSECTION IS EFFECTIVE ONLY FOR THE TERM IN WHICH THE  
32 SENATOR MAKES THE ELECTION.

33 (4) AN APPLICANT FOR AN ORIGINAL APPOINTMENT AS A NOTARY  
34 PUBLIC WHO MAKES APPLICATION DIRECTLY TO THE SECRETARY OF STATE:

35 (I) SHALL APPLY FOR AND SWEAR TO AN APPLICATION ON FORMS  
36 THAT THE SECRETARY OF STATE PREPARES;

37 (II) SHALL OBTAIN AN APPLICATION ONLY FROM THE OFFICE OF  
38 THE SECRETARY OF STATE OR THROUGH AN OFFICIAL ELECTRONIC MEDIUM  
39 AUTHORIZED BY THE SECRETARY OF STATE;

40 (III) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS  
41 PARAGRAPH, MAY NOT USE AS AN APPLICATION A PHOTOCOPY OR OTHER

3  
1 REPRODUCTION OF AN APPLICATION OBTAINED FROM A SOURCE OTHER THAN THE  
2 SECRETARY OF STATE; AND

3 (IV) SHALL SUBMIT THE COMPLETED APPLICATION TO THE  
4 SECRETARY OF STATE.

5 (5) AFTER THE GOVERNOR APPOINTS THE APPLICANT, THE SECRETARY  
6 OF STATE SHALL NOTIFY THE APPLICANT OF THE APPOINTMENT.

7 [(d)] (E) (1) The term of a notary public commission is 4 years.

8 (2) The Secretary of State shall adopt, by regulation, a staggered system for  
9 the expiration and renewal of notary public commissions.

10 [(e)] (F) Notary public commissions may be renewed from term to term, and the  
11 Secretary of State shall issue an application of renewal to the notary public at or prior to  
12 the expiration of the term of the existing commission. Upon receipt of a satisfactory  
13 application of renewal from the notary public, the Secretary shall issue notice of renewal  
14 to the notary public. Within thirty (30) days after the issuance by the Secretary of State of  
15 notice of appointment or renewal the notary public shall qualify before the appropriate  
16 clerk of the court and pay the fees herein prescribed. An out-of-state individual  
17 commissioned as a notary public shall qualify before the clerk of the circuit court in any  
18 county or Baltimore City and pay the fees prescribed. The appointment and commission  
19 of any notary public who fails to qualify and pay the fees [within said time ] IN A TIMELY  
20 MANNER shall stand revoked, and [in such case] the court clerk shall return the  
21 commission of the notary public to the Secretary of State with a certification that the  
22 notary public failed to qualify and pay the fees within the required time, but the Secretary  
23 of State for good cause shown may reinstate the appointment and commission.

24 [(f)] (G) At the time the notice of appointment by the Governor or the notice of  
25 renewal is issued, the Secretary of State shall forward to the clerk of the circuit court of  
26 the county in which the notary public resides or in the case of the notary public who lives  
27 out-of-state, to the clerk of the circuit court in the county or Baltimore City where the  
28 notary is to qualify, a commission signed by the Governor and Secretary of State under  
29 the great seal of the State. The clerk of the court shall deliver the commission to the  
30 notary public upon qualification and payment of the prescribed fees by the notary public.  
31 Each notary public shall pay to the clerk a fee of [one dollar (\$1.00)] \$1 for qualifying the  
32 notary public and registering the name, address, and commission expiration date of the  
33 notary public, and a fee of [ten dollars (\$10.00)] \$10 or [such] a lesser amount as may  
34 be prescribed by the Secretary of State for the commission issued. The fee shall be paid  
35 by the clerk to the treasury of the State of Maryland. The Secretary of State may fix such  
36 other reasonable fees as may be required for the processing of applications and the  
37 issuance and renewal of notarial commissions.

38 [(g)] (H) The Secretary of State may prepare and adopt forms as required under  
39 this section, including the form of original and renewal applications, the form of  
40 commissions, and forms for renewal of commissions.

41 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
42 October 1, 1997.