

Department of Legislative Services
 Maryland General Assembly
 2002 Session

FISCAL NOTE

Senate Bill 518 (Senator Teitelbaum, *et al.*)
 Judicial Proceedings

Notaries Public - Qualifications

This bill requires an individual appointed as a notary public to undergo a criminal history records (CHR) check and complete a notary education course offered at a community college, offered by a professional notary organization, or approved by the Secretary of State (SOS). A notary public must also meet continuing education requirements as established by SOS.

Fiscal Summary

State Effect: FY 2003 general fund expenditures could increase by \$490,000 to purchase equipment. General fund revenues could decrease minimally.

(in dollars)	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
GF Revenue	(-)	(-)	(-)	(-)	(-)
GF Expenditure	490,000	0	0	0	0
Net Effect	(\$490,000)	\$0	\$0	\$0	\$0

Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate effect

Local Effect: None.

Small Business Effect: Potential minimal.

Analysis

Current Law: An individual appointed as a notary public must:

- be at least 18 years old;
- be of good moral character and integrity;

- live or work in the State;
- if living in the State, be a resident of the senatorial district from which appointed; and
- if living outside the State, be a resident of a state that allows Maryland residents working in that state to serve as notaries public in that state.

For a State resident, the Governor may appoint and commission an individual on approval of the application by a senator representing the senatorial district or subdistrict in which the applicant resides. If a senate seat is open, any senator may approve the application.

For an out-of-state individual, SOS and a senator must approve the application.

The term of a notary public is four years, and the fee charged by SOS is \$11, which is paid into the general fund. The notary public oath is administered by circuit courts throughout the State, which also charge \$11 per applicant and deposit receipts into the general fund.

State Fiscal Effect: SOS reports that there are currently 83,242 notaries public in the State, of whom approximately 25% (20,810) will apply/renew each year and require CHR checks. Each applicant must pay \$28 for the CHR check and fingerprints. The Department of Public Safety and Correctional Services (DPSCS) advises that for every 10,000 additional CHR checks, one additional fingerprint matcher workstation must be purchased at a cost of \$245,000. Accordingly, fiscal 2003 general fund expenditures will increase by \$490,000 to purchase two additional workstations necessary to process the additional annual CHR checks required by the bill (approximately 20,800).

The additional CHR fees received for applicants represent cost recovery for processing and administration and is revenue/cost neutral. DPSCS advises that for each additional 25,000 CHR checks, additional permanent and contractual staff would be needed; however, it is projected that this bill will only trigger the expenditure for new equipment.

There were a total of 19,907 initial applications and renewals received in fiscal 2001 yielding nearly \$219,000 in fees to the general fund. Assuming that an approximately equal aggregate amount was deposited from circuit courts, general fund revenues from notary public fees in fiscal 2001 were nearly \$440,000. SOS notes that there could be a decrease in general fund revenues to the extent that new requirements discourage applicants.

The State Board of Elections notes that the requirement to attend a class could be somewhat burdensome for notaries public at local boards of election that may have a staff of just two or three persons, but offers no estimate as to direct fiscal impact.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Secretary of State, Department of Public Safety and Correctional Services, State Board of Elections, Department of Legislative Services

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