

Department of Legislative Services
Maryland General Assembly
2021 Session

FISCAL AND POLICY NOTE
Third Reader

Senate Bill 132

(Chair, Judicial Proceedings Committee)(By Request -
Departmental - Secretary of State)

Judicial Proceedings

Health and Government Operations

**Inspection of Public Records – Notaries Public – Disclosure of Home Address
and Phone Number**

This departmental bill specifies that a custodian of a public record must allow inspection of the part of a public record that includes the home address or home telephone number of a notary public *only if* the notary public has not provided the custodian with a business address or business telephone number.

Fiscal Summary

State Effect: None. The bill is procedural in nature and does not directly affect governmental finances.

Local Effect: None.

Small Business Effect: The Secretary of State (SOS) has determined that this bill has minimal or no impact on small business (attached). The Department of Legislative Services concurs with this assessment.

Analysis

Current Law:

Under Maryland's Public Information Act (PIA), a custodian generally must deny inspection of the part of a public record that contains information about the application and commission of a person as a notary public. However, a custodian must allow inspection of the part of a public record that gives the name, home address, or home and business

telephone numbers of the notary public; the issue and expiration dates of the notary public's commission; the date the person took the oath of office as a notary public; or the signature of the notary public. A custodian may allow inspection of other information about a notary public if the custodian finds a compelling public purpose.

A custodian may deny inspection of a record by a notary public or any other person in interest only to the extent that the inspection could (1) interfere with a valid and proper law enforcement proceeding; (2) deprive another person of a right to a fair trial or an impartial adjudication; (3) constitute an unwarranted invasion of personal privacy; (4) disclose the identity of a confidential source; (5) disclose an investigative technique or procedure; (6) prejudice an investigation; or (7) endanger the life or physical safety of an individual.

Background:

SOS, which commissions and regulates notaries public in the State, advises that the purpose of the legislation is to protect notaries public by shielding their home address unless it is the only address of record. According to SOS, there are more than 90,000 notaries public in the State.

PIA, Generally

PIA establishes that all persons are entitled to have access to information about the affairs of government and the official acts of public officials and employees. Each governmental unit that maintains public records must identify a representative whom a member of the public may contact to request a public record. The Office of the Attorney General (OAG) must post all such contact information on its website and in any *Public Information Act Manual* published by OAG.

Generally, a custodian of a public record must permit inspection of any public record at any reasonable time. A custodian must designate types of public records that are to be made available to any applicant immediately on request and maintain a current list of the types of public records that have been so designated. Each custodian must adopt reasonable rules or regulations that, consistent with PIA, govern timely production and inspection of a public record.

Additional Information

Prior Introductions: None.

Designated Cross File: None.

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

Fiscal Note History: First Reader - January 8, 2021
rh/mcr Third Reader - February 2, 2021

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ANALYSIS OF ECONOMIC IMPACT ON SMALL BUSINESSES

TITLE OF BILL: Inspection of Public Records – Notaries Public – Disclosure of Home Address and Phone Number

BILL NUMBER: SB132

PREPARED BY: John C. Wobensmith, Secretary of State

PART A. ECONOMIC IMPACT RATING

This agency estimates that the proposed bill:

WILL HAVE MINIMAL OR NO ECONOMIC IMPACT ON MARYLAND SMALL BUSINESSES

OR

WILL HAVE A MEANINGFUL ECONOMIC IMPACT ON MARYLAND SMALL BUSINESSES

PART B. ECONOMIC IMPACT ANALYSIS