

**Notary Public Town Hall**  
**So, You Want To Be A Maryland Notary Public?**  
**January 24, 2022**

State Of Maryland  
Office Of The Secretary Of State  
Charities And Legal Services Division

**NOTE: The content and presentation provided is for informational purposes only, it is not intended to be legal advice.**

## Agenda:

Requirements

Qualifications

Commissioning

Enforcement

Public Information

Notary Stamping Device

Journal

Allowable Fees

State Gov't Art., §§ 18-102, 18-104, 18-108

COMAR 01.02.08.12

## Sources of Legal Authority

- **Maryland Constitution, Article 4, § 45:** Notaries Public may be appointed for each county, and the city of Baltimore, in the manner, for the purpose, and with the powers now fixed, or which may hereafter be prescribed by Law.
- **Maryland Annotated Code, Title 18, Subtitle 1, State Government Article §§ 18-101-18-108.**
- **Maryland Annotated Code, Title 18, Subtitle 2, State Government Article, Maryland Revised Uniform Law on Notarial Acts, §§ 18-201-18-227.**
- **Code of Maryland Regulations, Executive Department, Office of the Secretary of State, 01.02.08.01-17.**

## Requirements to Qualify as a Notary Public

- Apply and Renew Online at:  
<https://www.egov.maryland.gov/sos/notary/#/home>
- Photo ID with proof of residence

### What else is needed to Apply?

- Complete the application
- Current Driver's license or similar ID
- Payment

## Qualifications

- At least 18 years old.
- Good moral character and integrity.
- Resident of Maryland or employed or have a practice in the State.
  - If living in Maryland: Resident of the senatorial district from which appointed.
  - If reside outside of Maryland: Resident of state that allows Maryland residents working in that state to serve as notary in that state.
- Renew up to 60 days prior or within 30 days after expiration date of notary commission.
- Effective October 1, 2021:
  - Initial applicant: complete a course of study and pass an examination offered by the Secretary of State; or
  - Renewal applicant: complete a course of study.



## **Commissioning**

### **What is Commissioning?**

**A notary public is an officer of the State of Maryland.**

**Notaries must take Oath of Office at Clerk of Circuit Court in County (Baltimore City) in which authorized, to receive commission **prior to performing notarial acts.****

## Taking Oath of Office and Obtaining Commission

- Applicants are notified by email regarding the determination about their application.
- Email contains instructions on how to appear before the Clerk of the Circuit Court to be sworn in and receive your commission.

### NOTARY MUST TAKE THE OATH EACH TIME A COMMISSION IS ISSUED

- Clerk of the Circuit Court is based on notary residence
- \$11.00 fee to be sworn in (payable to Clerk of Circuit Court - NOT Secretary of State)
- Notary **MUST** be sworn in **within 30 days** of issue date of the commission.
- Issue date is the same date as the approval email.

## Enforcement

### Can I have my commission revoked or suspended?

Yes. A notary's commission can be revoked or suspended for failing to follow the laws, regulations, and other requirements of being a notary public.

After an investigation, if the Secretary of State determines cause to revoke a notary's commission, the notary will receive notification of the intent to remove the notary from office.

The notary has a right to:

- Contest removal
- Request a hearing held by the Secretary of State, or their designee.

Hearings are informal.

***Commissions can be revoked if notary fails to be sworn in by the Clerk of the Circuit Court within 30 days of issuance.***



# Publishing Information About Notaries Public

## Will a notary public's information be published by the Office of the Secretary of State (SOS)?

Yes. Business phone number provided by each notary will be published on SOS webpage. Searches for notary on SOS notary search page must search for specific name before notary's name and info is displayed. The following public information will display when a specific notary is searched:

- notary's applicant ID
- name
- county of commission
- expiration date
- business phone number

Home addresses and home phone numbers **will not** be displayed on SOS website.

**Will Office of Secretary of State (SOS) publish list of notaries public authorized to perform remote notarizations?** Yes. SOS will post a list of notaries authorized to perform remote notarizations on SOS website.

## Review

- Applicants must be over 18 to be a notary in Maryland
- Applicants must either reside or work in the State of Maryland.
- Notaries Public are Officers of the State of Maryland and must take an Oath of Office.
- A notary's commission can be revoked or suspended for failing to follow the laws, regulations, and other requirements of a notary public.
- A notary's commission can be revoked if the notary fails to be sworn in by the Clerk of the Circuit Court within 30 days of issuance.
- The Office of the Secretary of State publishes the following on the Office of the Secretary of State's webpage:
  - Notary's applicant ID
  - Name and County (City) of Commission
  - Notary expiration date
  - Business phone number.

## Preparing to Apply and Processing Time

State Gov't Art., § 18-103  
COMAR 01.02.08.09

### Manage Your Notary Commission Online!

- › Apply for and renew your Notary Commission
- › Check your application status
- › Update your notary profile
- › Available 24/7 on any device
- › Receive your Commission certificate faster
- › Accepts Credit Cards and eChecks





## Before Starting Application

- Become familiar with and understand fully **Handbook for Maryland Notaries Public** in its entirety.
- “Notary Resources” information applicants need to know about becoming Maryland Notary Public
  - <https://sos.maryland.gov/Documents/Maryland-Notary-Handbook.pdf> (Handbook)
  - <https://mgaleg.maryland.gov/mgawebsite/Laws/Statutes> (Notary Law: State Government Article, 18-101 through 18-227)
  - <http://www.dsd.state.md.us/COMAR/SearchTitle.aspx?scope=01> (Notary Regulations: 01.02.08.01 through 01.02.08.17.\_)
  - <https://sos.maryland.gov/Notary/Pages/NotaryAppInfo.aspx> (New Notary Info)
  - <https://sos.maryland.gov/Notary/Pages/FAQ.aspx> (FAQs)
- **For notary’s security, the application is time-limited.**
- **Applicants are automatically logged out after 30 minutes of inactivity, information is lost.**
- **Legislative district** where applicant resides ([www.mdelect.net](http://www.mdelect.net))
  - Enter applicant’s address on the left-hand side of the page.
  - State Senator and District Number can be found next to “State Senate” (found above State Delegate(s) info).
- Gather required info...stay tuned, more to come...

## Gather Information Before Beginning Application

- **References:** New applicants must provide three (3) references to attest to their character. (**no family members or employers permitted as references.**). Notary must provide the following for each reference:
  - Name
  - Address
  - Phone
  - Current Email
- Digital image of applicant's **driver's license or valid government issued ID verifying applicant's home address. Upload required with application.**
- MVA change of address card required if ID is different address than the address on the application.
- **A passport is not acceptable ID for a notary application: does not contain address.**
- **\$9.00 application fee + \$2.00 service/convenience fee (credit card, electronic check, and PayPal)**
- Certificate of completion of the course of study for new and renewing applicants.
- Certificate of passing of the examination for new applicants.



## NOTARY APPLICATION, BACKGROUND, & DETERMINATION PROCESSES

- Complete the online application
- Application is received by the Secretary of State the next business day
- Background Checks
  - Ever been convicted of a crime? **Yes? MUST disclose and explain.**
  - Ever had a civil judgment entered against you? **Yes? MUST disclose and explain.**
- Reference Checks or Review by Senator (new applications only)
  - If applicant's Senator opts out of process, Office of the Secretary of State contacts references provided.
  - If applicant's Senator participates in process, Senator contacts references and makes determination.
- Determination
  - If approved, the commission is issued to the Clerk of the Circuit Court.
  - If denied, an applicant is notified of the denial.

# Timeline to Process Application

- If Senator opts-out of reviewing notary applications, Office of Secretary of State reviews application.
  - Allow 2 to 3 business days for determination (*longer if references do not respond*).
- If Senator reviews notary applications, Senator's office decides when to make determination.
- To check the status of notary application, click here:  
<https://www.egov.maryland.gov/sos/notary/#/home> then click "Check Status of a Submitted Application".

## Review

- **Gather required documents BEFORE beginning application.**
- Before completing application, applicant must read, become familiar with, and fully understand the Handbook for Maryland Notaries Public, Law, and Regulations in entirety.
- **Applicants are automatically logged out of system after 30 minutes of inactivity. Info is lost.**
- Applicants must disclose:
  - If ever been convicted of crime. If so, they must explain.
  - If ever had civil judgement against them. If so, must explain.
- **Family members and employers may not be used** when providing 3 required references.
- Photo ID must contain applicant's address. If applicant moved, MVA Change of Address card, indicating current address, must accompany application.
- A notary must be sworn in within thirty (30) days after their commission is issued.
- \$11 fee charged by Circuit Court Clerks unrelated to application fee. Payable to Clerk.

# Notary Stamping Device, Journal, and Allowable Fees

State Gov't Art., §§ 18-217, 18-218, 18-219, 18-223, 18-107

COMAR 01.02.08.02, 01.02.08.08



# Property of And Responsibility for Notary Stamping Device

- Notary must purchase stamping device, (formerly seal of office), at own expense. Stamping device is a public seal.
- Property of notary: Even if the notary's employer purchases stamping device
  - Property of notary, not employer.
  - If notary leaves employer, the notary must take their notary stamping device.
- Notary held responsible for security of stamping device.
- **NEVER** allow another individual to use stamping device.



## Notary Stamping Device

- Stamping device must be capable of being copied with the record to which it is affixed or attached or with which it is logically associated.
  - Stamping device may be embosser, with raised impression on paper or a rubber stamp, with an ink impression on paper. Both are used in Maryland.
- Lost or stolen? If a stamping device is lost or stolen, promptly notify the Secretary of State when discovered missing.
- Commission: Resigned? Revoked? Expired?
  - Regardless of resignation, revocation or expiration of the notary's commission, the notary **MUST** disable stamping device by destroying, defacing, damaging, erasing, or securing it against use in a manner that renders it unusable.

## Imprint on Notary Stamping Device

The notary's stamping device must contain the following 3 pieces of information:

- 1) The **name of the notary public as it appears** on the notary's commission;
- 2) The words "**Notary Public**"; and
- 3) The **County (or City of Baltimore)** in which the notary resides or was qualified.

Effective October 1, 2020, the notary seal will be required to contain the notary's expiration date (unless the notary's expiration date appears in the notarial certificate).

## Notary Journal

- Notary required, by law, to maintain a journal, formerly known as a fair register of official acts.
- Journal must chronicle all notarial acts performed by the notary public.
- If notary notarizes for the same people regularly, **the notary must enter each individual notarization into notary journal.**
- Entries in journal shall be made contemporaneously with performance of each notarial act.
- **The notary shall retain the journal for 10 years after the performance of the last notarial act.**

# Documenting the Notary Journal

Each notarial act must be documented in a separate journal entry.

Each journal entry shall document the following:

- The date and time the notarial act was performed;
- A description of the record, if any, and type of notarial act
- Full name and address of each individual for whom the notarial act is performed;
- If the identity of the individual is based on personal knowledge, a statement to that effect.



# Required Documentation In Journal Entry

Each entry in the journal shall contain:

- If the identity of the individual is based on satisfactory evidence,
- Brief description of the method of identification (ID) and the ID credential presented, if any, including date of issuance and expiration of any ID and the ID number associated with the ID credential (e.g. driver's license number, etc.);
- Fee charged, if any, by notary, if no fee is charged, record should indicate no fee;
- Indicate whether an individual making a statement or executing a signature which is the subject of the notarial act appeared in the notary's physical presence or remotely by means of communication technology.



## Forms of Notary Journals

- Journal may be created on tangible medium (on paper, in book form) or electronically.
- Notary shall maintain only one journal to chronicle all notarial acts performed regarding tangible records.
- One or more journals may be kept to chronicle all notarial acts performed regarding electronic records.
- Tangible medium journals must be a permanent, bound register with numbered pages.
- Electronic journals: journal must be in a permanent, tamper-evident electronic format that complies with the law and any regulations adopted by the Secretary of State.

## Allowable Fees

- A notary public may demand and receive **up to \$4.00** for the performance of an original notarial act. **This fee is the charge for each signature that a notary notarizes.**
- Additional copies of same document, notary may receive \$1.00 for each signature notarized.
- Notary may not demand and may not receive more than \$1.00 for each photocopy made of a notarial act (if asked to make copies of the documents that were notarized).
- Notary public may demand and receive reimbursement at the prevailing rate for mileage established by the Internal Revenue Service for business travel.
  - IRS mileage rate is posted on SOS website:  
<https://sos.maryland.gov/Notary/Pages/default.aspx>.
- Notary public may demand and receive reimbursement for a fee not to exceed \$5.00 for travel if required for the performance of a notarial act.

State Government Article, §18-107, Annotated Code of Maryland, and Code of Maryland Regulations 01.02.08.02

## Review

- The Office of the Secretary of State **does not** provide notaries with their notary seal. Notaries must purchase their own seal.
- If a notary leaves their employer, **the notary**, not the employer, **keeps their notary seal**.
- A notary's seal must contain:
  - Name of the notary public as it appears on the notary's commission
  - Words "Notary Public"
  - County (or City of Baltimore) for which the notary was appointed
- A notary's Journal must contain a record of every notarial act performed, even if the notary knows the person signing the documents.
- Law established the fee a notary can charge at a max of \$4 for each notarial act.

## Upcoming Town Hall Topics

- March 28, 2022: 10:00 AM Notary Handbook, Law & Regulations...An Overview
- May 23, 2022: 10:00 AM Types of Notarizations...Allowable Actions a Notary May Perform
- September 26, 2022: 10:00 AM How to Avoid Complaints...Top Ten Mistakes
- November 21, 2022: 10:00 AM Remote Notarizations

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# QUESTIONS



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