

SENATE BILL 636

STATE OF MARYLAND

EXECUTIVE DEPARTMENT

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JOHN C. WOBENSMITH
SECRETARY OF STATE

LETTER OF SUPPORT

Maryland Revised Uniform Law on Notarial Acts - Delay of Effective Date Judicial Proceedings

Thursday, February 20, 2020

John C. Wobensmith, Secretary of State

Thank you, Chairman Smith, Vice Chair Waldstreicher, and members of the Judicial Proceedings Committee. I would also like to thank Senator J.B. Jennings for sponsoring this bill.

I kindly request the Committee to vote in favor of Senate Bill 636 entitled Maryland Revised Uniform Law on Notarial Acts - Delay of Effective Date.

The Office of the Secretary of State is charged with the regulation, administration, and enforcement of 80,000+ Notaries Public. As you know, SB678 completely rewrote the Notary law and adopted Remote Notarizations. It is important to remember that not only did SB678 rewrite the existing law, it also changed the authority of a Notary. While we've been hard at work to ensure our Office has the tools and people needed to comply with SB678's requirements, more time is needed to build the infrastructure and implement the requirements of the Bill.

I want you to know that over the last year we have:

1. Drafted a Request for Proposal (RFP) for the Education and Testing requirement to comply with SB678. We are waiting, as required, for the final review and approval from the State's Procurement Office and Legal Counsel before issuing the RFP. DGS' Procurement Office indicates the process takes between 172-277 days to complete *after* the RFP is approved. There are 219 days between today, February 25th, and implementation on October 1, 2020.
2. We proposed Legislation (HB 661) to create a Notary Public Special Fund to provide a modest amount of monies from the General Fund to a newly created Notary Special Fund to help fund the requirements of SB678.

3. We have been working with DoIT to modernize the legacy Notary database. SB678 requires technology for tracking, educating, testing, identifying Remote Notaries, etc. DoIT stated that the Notary database is unstable, operating beyond its structural capacity.

Having the requisite systems in place is critical due to the fact that notarized documents impact life-long dreams like home ownership and our citizens' most precious and vulnerable interests: Child Custody, Adoptions, Wills, Estates, Powers of Attorney, Advanced Directives, and more.

As a practical matter, there simply was not enough time to implement SB678 by October 1, 2020. Additional time is needed to ensure our Office has the resources, tools, and people needed to comply with SB678's requirements. Be assured, our Office has forged ahead diligently in preparation of SB678. I urge your support of SB636 to grant a one (1) year extension.

Thank you for your time and consideration.