

TESTIMONY RE: 17-1218 (Notaries Public)

**Tanya Marshall, State Archivist & Director
Vermont State Archives & Records Administration, Office of the Secretary of State**

April 6, 2017

As Vermont State Archivist and the Director of the Vermont Archives and Records Administration (VSARA), I am responsible for authenticating public, including notarized, documents originating from Vermont – primarily to legalize the documents for foreign use. By statute, county clerks are responsible for sending to the Secretary of State certificates of appointments, with the name, signature, and legal residence of the appointee, and the term of office of each notary public. Upon request, the secretary may certify the appointment, qualification, and signature of a notary public.

I have two areas of concern:

- Improper Appointments
- Inappropriately Notarized Documents

Improper Appointments

The law assumes: (1) only individuals who meet the requirements to be Vermont notaries public will be appointed by the assistant judges; and (2) the certificates of appointment, as recorded by the County Clerk with a copy to the Office of the Secretary for indexing, are accurate and valid. Regrettably, this is not always the case.

Certificates of appointment received by the Secretary of State during this current term, which began February 2015, routinely show assistant judges appointing applicants who:

- Fail to submit completed application forms, including notarization as required
- Reside in a county other than the one the assistant judge has authority to appoint
- Reside out-of-state and do not meet employment requirement to be appointed
- Submit applications under a different name than what is used in their signatures

In addition, it also is not uncommon for a certificates of appointment to be missing the: (1) date of appointment; (2) assistant judge's signature; and (3) signature and certification of the county clerk.

Inappropriately Notarized Documents

On a weekly basis, our office has to refuse documents due to inappropriate acts made by Vermont notaries public. Examples include: (1) providing members of the public with blank, notarized documents that the member can “fill in” his or herself; (2) notarizing public records – including certified copies or photo copies of vital records; and (1) allowing members of the public to attest to the contents of attached records – without having said records attached.

Needless to say, our antiquated notary laws place at risk the very citizens whose rights we are actively trying to protect by having notaries public. Therefore, I strongly support Vermont General Assembly take action to modernize and clarify the laws concerning notaries public, their responsibilities and duties.