



**House
Legislative
Analysis
Section**

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NOTARY PUBLIC: TERM

**House Bill 4381 (Substitute H-1)
First Analysis (4-20-93)**

**Sponsor: Rep. Willis Bullard, Jr.
Committee: State Affairs**

THE APPARENT PROBLEM:

A notary public is a public official who is legally authorized to administer oaths, witness signatures, and acknowledge documents (such as deeds, mortgages, and liens) recorded with county registrars of deeds (under Michigan law, an acknowledgment is required before a document can be recorded in the county Register of Deeds office). Anyone wishing to be appointed as a notary public must be endorsed by a member of the legislature or a circuit or probate judge, be at least 18 years old at the time of application, and be a resident of the county of which he or she wishes to be appointed notary public. Appointments are made by the secretary of state (formerly by the governor) for a term of four years from the date of the appointment. Legislation has been introduced to change the date of expiration of the terms of notaries public.

THE CONTENT OF THE BILL:

The bill would amend Chapter 14 of the Revised Statutes of 1846 ("Of county officers") to specify that the term of a notary public would expire on the person's birthday "not less than 4 years or more than 5 years after the date of their appointment."

The bill also would amend the language of the act to reflect the 1970 Executive Reorganization Order (Order No. 1970-3) that transferred all ministerial and clerical duties and functions relative to processing applications for notaries public to the Department of State. (A 1980 Executive Reorganization Order transferred the remaining notary public functions to the Department of State.)

MCL 55.107

FISCAL IMPLICATIONS:

Fiscal information is not available. (4-15-93)

ARGUMENTS:

For:

Currently, the term of a notary public expires exactly four years from the date of appointment, and people may be appointed at any time throughout the year. Since the Department of State does not inform notaries when their commissions expires, they may fail to renew their commissions upon expiration. Allowing commissions to expire on individuals' birthdays would make it easier for notaries public to remember their expiration dates and to renew their commissions on time.

POSITIONS:

The Department of State supports the bill. (3-30-93)

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