

**SENATE BILL NO. 1349**

November 5, 1998, Introduced by Senator BENNETT and referred to the Committee on Local, Urban and State Affairs.

A bill to amend 1846 RS 14, entitled  
"Of county officers,"  
by amending section 107 (MCL 55.107), as amended by 1997 PA 60.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 107. (1) The secretary of state may appoint 1 or more  
2 individuals notaries public in each county of this state, who  
3 shall hold their offices from the date of their appointment until  
4 their birthday occurring not less than 4 years or more than 5  
5 years after the date of their appointment, unless sooner removed  
6 by the secretary of state.

7       (2) In order to receive an appointment, an individual shall  
8 be, at the time of application, at least 18 years of age, a resi-  
9 dent of the county of which he or she desires to be appointed  
10 notary public, and a citizen of this state. In the case of a  
11 person who does not reside in the state of Michigan, an

1 application for appointment as a notary public shall demonstrate  
2 that his or her principal place of business is located in the  
3 county in which he or she requests appointment and shall indicate  
4 that he or she is engaged in an activity in which he or she is  
5 likely to be required to perform notarial acts as that term is  
6 defined in section 2 of 1969 PA 57, MCL 565.262. A PERSON WHO IS  
7 SERVING A TERM OF IMPRISONMENT IN A STATE CORRECTIONAL FACILITY  
8 OR JAIL IN THIS OR ANY OTHER STATE, OR IN A FEDERAL CORRECTIONAL  
9 FACILITY, SHALL NOT BE APPOINTED AS A NOTARY PUBLIC.

10 (3) The individual desiring to be appointed shall submit a  
11 written application on a form distributed by the county clerk of  
12 each county, stating the age of the applicant. The application  
13 shall be indorsed by a member of the legislature or a circuit or  
14 probate judge of the county, district, or circuit of which the  
15 applicant is a resident, and be presented to the secretary of  
16 state, accompanied by a fee of \$3.00. The application form shall  
17 not be indorsed in blank before completion and signature by the  
18 applicant.

19 (4) The secretary of state may revoke a commission issued to  
20 a notary public upon presentation to him or her of satisfactory  
21 evidence of official misconduct or incapacity. The secretary of  
22 state shall revoke the commission issued to a notary public upon  
23 presentation to him or her of satisfactory evidence of the nota-  
24 rization of a paper or document before completion by the person  
25 whose signature is notarized. IF A PERSON HOLDING OFFICE AS A  
26 NOTARY PUBLIC IS SENTENCED TO A TERM OF IMPRISONMENT IN A STATE  
27 CORRECTIONAL FACILITY OR JAIL IN THIS OR ANY OTHER STATE, OR IN A

1 FEDERAL CORRECTIONAL FACILITY, THAT PERSON'S COMMISSION AS A  
2 NOTARY PUBLIC IS REVOKED AUTOMATICALLY ON THE DAY ON WHICH THE  
3 PERSON BEGINS SERVING THE SENTENCE IN THE JAIL OR CORRECTIONAL  
4 FACILITY.

5 (5) The secretary of state shall deposit fees collected pur-  
6 suant to this section in the state treasury to the credit of the  
7 general fund.

8 (6) ~~—(5)—~~ A notary public whose name has been changed pursu-  
9 ant to law after the issuance of a commission shall continue to  
10 use the name set forth in the commission for all purposes autho-  
11 rized under the commission until the expiration of the  
12 commission.