

HOUSE BILL No. 4678

May 13, 2003, Introduced by Reps. Minore, Anderson, Tobocman, Zelenko, Gielegem, Stakoe, Sak, Drolet, Sheltroun, Spade, Elkins and Sheen and referred to the Committee on Local Government and Urban Policy.

A bill to amend 1846 RS 14, entitled
"Of county officers,"
by amending section 107 (MCL 55.107), as amended by 2000 PA 116.

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
9 resident 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 the uniform recognition of
7 acknowledgments act, 1969 PA 57, MCL 565.262. A person who is
8 serving a term of imprisonment in a state correctional facility
9 or jail in this or any other state, or in a federal correctional
10 facility, shall not be appointed as, or serve as, a notary
11 public.

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

21 (4) The secretary of state may revoke a commission issued to
22 a notary public upon presentation to him or her of satisfactory
23 evidence of official misconduct or incapacity. The secretary of
24 state shall revoke the commission issued to a notary public upon
25 presentation to him or her of satisfactory evidence of the
26 notarization of a paper or document before completion by the
27 person whose signature is notarized. If a person holding office

1 as a notary public is sentenced to a term of imprisonment in a
2 state correctional facility or jail in this or any other state,
3 or in a federal correctional facility, that person's commission
4 as a notary public is revoked automatically on the day on which
5 the person begins serving the sentence in the jail or
6 correctional facility.

7 (5) The secretary of state shall deposit fees collected
8 pursuant to this section in the state treasury to the credit of
9 the general fund.

10 (6) A notary public whose name has been changed pursuant to
11 law after the issuance of a commission shall continue to use the
12 name set forth in the commission for all purposes authorized
13 under the commission until the expiration of the commission.