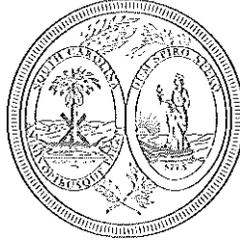


State of South Carolina
Office of the Secretary of State
The Honorable Mark Hammond

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June 2, 2014

The Honorable Nikki R. Haley
Governor of South Carolina
P.O. Box 12267
Columbia, SC 29211

RE: S.356 Notaries Public

Dear Governor Haley:

On May 29, 2014, Senate Bill 356 was ratified and sent to your office for signature. This important legislation was a result of input from notaries public, citizens who have had concerns or complaints about the performance of notaries in carrying out their duties, and concerns and questions from members of legal community requesting guidance on the duties of a notary. As you know, the key function of a notary public is to protect against fraud. We are pleased to report that the changes in S. 356 will provide much needed clarity for notaries on their duties and responsibilities, and will hopefully provide greater protection for the public from fraudulent activities. Many highlights of S. 356 are as follows:

- This bill updates several sections of the law governing notary publics—most of which have not been updated since the 1960s.
- This bill provides clear statutory definitions for the notarial acts and procedures, which are absent in the current law.
- This bill adds the requirement of being able to read and write English to qualify for a notary commission.
- This bill lists procedures for performing notary functions, and clearly states what a notary public can and cannot do. For example, the bill includes specific prohibitions against a notary public notarizing blank documents or records that the notary public is a party to.

- This bill contains specific provisions for notarizing a signature by mark and notarizing for a person unable to sign or make a mark. This is critical for individuals with physical disabilities.
- This bill contains provisions to protect against notario publico fraud, which has become more common of a problem with the increasing immigrant population.
- This bill would increase the maximum fees that a notary may charge for notarial acts to \$5.00, and provides disclosure requirements for travel fees. Presently, the fees a notary may charge for notarial acts range from 10 cents to \$1.00 under SC Code Section 8-21-140, which has not been updated since 1962. The current notary statute is silent as to travel fees, which puts both notaries and consumers at risk for exploitation. This bill, however, does not raise the \$25.00 fee for the issuance or renewal of a notary commission, or the \$10.00 fee to process the name change of a notary.
- This bill contains specific criminal penalties for fraudulent notarization, including the act of holding one's self out as a notary if they do not have a valid notary commission.
- This bill provides specific guidelines for authentication of official documents for foreign use, which is also absent in the current notary statute.

Secretary Hammond periodically offers educational seminars for notaries throughout the state, and the provisions in S. 356 will answer many of the questions our office receives from notaries. Secretary Hammond believes that the enactment of S. 356 will be beneficial to the notary public community and the State of South Carolina as a whole.

Thank you for your consideration of S. 356. If you have any questions or concerns about this bill, please let contact me at mdunlap@sos.sc.gov or (803) 734-2157.

Sincerely,


Melissa W. Dunlap
Chief of Staff & General Counsel