

BACKGROUND

We build trust between the people of Oregon and our state government so that public services can make a positive impact on peoples' lives. The Corporation Division processes notary apostilles/authentications for important documents on which our customers rely. Examples include documents that go out of the country for reasons like adopting a child from another country, requesting dual citizenship, getting married in another country, or working in another country. Our office must authenticate the notary who notarized the document is in good standing with our office. Additionally, there are specific requirements that require the notary complete the notarization properly.

THE PROBLEM

Based on these notarizations we have seen an increase in the following errors:

- Notary certificate is incomplete.
- Notary certificate is missing completely.
- The notary acted outside of the scope of a notarial act.
- The notary did not sign with their official signature.

We send approximately 50-80 notary advice letters a month to educate the notary on the errors made. Any delays in the authentication process can take time and resources for our customers, and can be a significant barrier from getting important business done in another country.

Currently, a notary is required to attend training before they apply for a commission the first time and then again if they expire before re-applying. This could mean a notary could go many years without learning of new laws and rules or repeating the same mistakes.

PROPOSED SOLUTION

Change to ORS 194.325 to require training each time a notary applies or re-applies for a commission. This would help the Corporation Division improve the notary education program, support commissioned notaries by requiring review of notarial requirements, and address frequent mistakes in notarizations.

How the proposal helps Oregonians:

It builds trust in our ability to enforce laws and rules in order to assist notaries public and the general public.

For more information contact:

Kathy Wai

Legislative Director

Kathy.wai@sos.oregon.gov

(503) 302-6356