

SENATE BILL REPORT

SB 6491

As Passed Senate, February 17, 2016

Title: An act relating to apostille or other signature or attestation services by the secretary of state.

Brief Description: Concerning apostille or other signature or attestation services by the secretary of state.

Sponsors: Senators Pedersen and Roach; by request of Secretary of State.

Brief History:

Committee Activity: Government Operations & Security: 2/04/16 [DP, w/oRec].
Passed Senate: 2/17/16, 49-0.

SENATE COMMITTEE ON GOVERNMENT OPERATIONS & SECURITY

Majority Report: Do pass.

Signed by Senators Roach, Chair; Benton, Vice Chair; Pearson, Vice Chair; Habib, McCoy and Takko.

Minority Report: That it be referred without recommendation.

Signed by Senator Dansel.

Staff: Alex Kearns (786-7416)

Background: The Office of the Secretary of State provides apostille services to U.S. citizens and foreign nationals who wish to authenticate documents for use in foreign countries that are parties to the Hague Convention of 1961. An apostille is a certificate that authenticates the origin of a public or personal document, such as vital records, business entity records, and school or university records. To obtain an apostille, a person must submit a certified or notarized document to be authenticated, accompanied by a request form indicating the country where the document will be used and a minimal service fee.

Uncertified documents must be notarized before obtaining an apostille. Documents are notarized by an appointed notary public, who may take an acknowledgment, administer an oath or affirmation, witness or attest to a signature, or certify a copy of a document. A notarial act made by a notary public must be evidenced by a signed and dated certificate, accompanied by the notary's jurisdiction, title, and official stamp.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Summary of Bill: The Secretary of State may attest to the authenticity of the signature of a public official within the state of Washington, and may also attest to or certify the signature of a notary public.

The Secretary of State may not certify or attest to the signature of a notary public on a document:

- regarding allegiance to a government or jurisdiction;
- relating to the relinquishment or renunciation of citizenship, sovereignty, military status, or world service authority; or
- setting forth or implying a claim of immunity from the laws of jurisdictions within Washington, immunity from the laws of the state of Washington, or immunity from federal law.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: The Secretary of State needs help tamping down on inappropriate requests. Currently there are people who are using apostilles for inappropriate purposes. These people come into the Secretary of State office and get documents authenticated that deny their US citizenship. They then take these documents and create fake IDs and driver's licenses in order to claim diplomatic immunity.

Persons Testifying: PRO: Senator Pederson, Prime Sponsor; Pam Floyd, Director of Corporations, Secretary of State's Office.

Persons Signed In To Testify But Not Testifying: No one.