

HOUSE BILL REPORT

SB 6491

As Reported by House Committee On: State Government

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:

State Government: 2/23/16, 2/24/16 [DP].

Brief Summary of Bill

- Authorizes the Secretary of State to attest to the authenticity of the signature of a public official within Washington or a notary public, with limited exceptions.

HOUSE COMMITTEE ON STATE GOVERNMENT

Majority Report: Do pass. Signed by 6 members: Representatives S. Hunt, Chair; Holy, Ranking Minority Member; Van Werven, Assistant Ranking Minority Member; Frame, Hawkins and Moscoso.

Staff: Dawn Eychaner (786-7135).

Background:

The Office of the Secretary of State (SOS) provides apostille and certificate of authentication services to authenticate documents that will be used in foreign countries. For documents that will be used in a country where the Hague Convention of 1961 Abolishing the Requirement for Legalization of Foreign Public Documents (Convention) is in force, an apostille may be used for the purpose of document authentication. The United States of America (U.S.) has three tiers of authorities "competent" under the terms of Article 6 of the Convention to issue

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apostilles for public documents. The U.S. Department of State and other federal agencies; clerks and deputy clerks of federal courts; and authorities designated by states, generally the SOS. In Washington, the SOS is designated as the "competent authority" to issue apostilles.

An apostille authenticates the seals and signatures of officials on public documents so that those documents can be recognized in countries that are parties to the Convention. An apostille is placed directly on the public document itself or on an attached page and can be affixed by various means, including a stamp, sticker, or an impressed seal.

To verify the authenticity of a document to be used in a country which is not a party to the Convention, an authentication certification may be issued by the SOS.

Examples of documents for which an apostille or authentication certification may be issued by the SOS include notarized or certified copies of Washington public school transcripts; birth, marriage, death, or divorce decrees or certificates; and other certified documents signed by state or county officials. The SOS charges a \$15 fee per document authenticated. The SOS does not authenticate federal documents, certificates of naturalization, or Federal Bureau of Investigation clearances.

Summary of Bill:

The SOS may attest to the authenticity of the signature of a public official within Washington or a notary public.

The SOS may not certify or attest to the signature of a notary public on a document that relates to:

- allegiance to a government or jurisdiction;
- relinquishment or renunciation of citizenship, sovereignty, military status, or world service authority; or
- a claim of immunity from Washington state or federal laws.

The SOS is granted the authority to adopt rules to implement these powers.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) There are recent trends of citizens obtaining affidavits certifying that they are not citizens of the U.S. and are exempt from paying federal income tax. The person then takes

that document to the SOS to have an apostille put on top of it. This is an abuse of the system. The SOS does not want to be part of the creation of problematic documents. Oregon passed a law similar to this bill about two years ago and it has been working well for them.

(Opposed) None.

Persons Testifying: Senator Pedersen, prime sponsor; and David Elliott, Office of the Secretary of State.

Persons Signed In To Testify But Not Testifying: None.