

For Immediate Release

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Millis Calls for Secretary of State Marshall's Resignation *Cites Widespread Improper Certifications of Illegal Aliens as Notaries Public*

RALEIGH, NC — Representative Chris Mills (R-Pender) called for the resignation of Secretary of State Elaine Marshall (D) today on the grounds that her office issued more than 320 notary public commissions over the last nine years to persons with no legal residency status, in contravention of both state and federal law.

"I have sent a letter to the North Carolina Secretary of State, Elaine Marshall, requesting her immediate resignation from office," said Millis at a morning press conference at the North Carolina General Assembly. "I have made it clear that if the Secretary chooses not to resign, I will proceed with all legislative actions, including a resolution of impeachment."

State law requires that notaries meet a variety of requirements, including that they "reside legally in the United States." Legal residence in the United States is conferred only via citizenship or by way of a Permanent Resident Alien Card (commonly known as a "green card"), issued by the Department of Homeland Security (DHS).

Millis says that documents obtained from Marshall show that her office routinely accepted another form of alien identification, a "DACA card" in lieu of a green card as proof of legal residency. A DACA card is a temporary employment authorization to facilitate safe and legitimate employment and income for otherwise undocumented aliens but does not confer legal immigration status.

Among the over 320 persons illegally commissioned as notaries, a number of identification documents included DACA Driver Licenses, DACA Decision Approval Notices from Homeland Security, DACA Employment Authorization Approval Notices from Homeland Security, Mexican National Passports, and a NAFTA work/travel visa," continued Millis. "In fact, one notary commissioned by the Secretary was "an alien against whom a final order of deportation or removal exists."

"None of these 320+ notaries reside legally in the United States, as our North Carolina Notary Law requires," continued Millis. "Nor do they meet the requirements set forth on the application to become a notary, published by the Secretary of State's office."

Notaries public are ministerial officers of North Carolina government who are authorized to certify various transactions and documents, such as deeds of trust, wills, powers of attorney, and absentee ballots.

"In this era of heightened sensitivity to voter fraud, election interference, and tension over immigration policy, it is especially troubling that the Secretary has commissioned more than 320 alien notaries who can singlehandedly validate absentee ballots...including a notary the Secretary commissioned who is slated for final deportation."

Millis also charged that Secretary Marshall repeatedly failed to tell the truth when questioned on the issue during a televised debate on October 24, 2016, and that her Deputy Secretary of State, Haley Hanes, later misled legislators at a December presentation to the Joint Legislative Oversight Committee on General Government.

"It is very important for people to compare the evidence presented in my letter with the misleading and false statements made by the Secretary and her office," concluded Millis. "Her repeated deception in this matter and her office's attempt to cover up these actions from both the public and the press compound the Secretary's malfeasance. These troubling revelations should be a sufficient basis for her to resign her office, or, should she refuse, provide grounds for the legislature to demand her impeachment."

Rep. Millis's call for Marshall's resignation stems from a September 17th, 2016 North State Journal article that reported that her office may have commissioned illegal immigrants as Notaries Public. In response, Millis requested information for Marshall's office and received more than 1,700 pages of documents leading to his call for the resignation. He has also filed House Bill 392 to clarify state law in regard to legal residence.

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Background

In June 2012, DHS created a new category of immigration enforcement called "Deferred Action for Childhood Arrivals" (DACA). Under its administrative discretion, DHS allows these aliens to apply for deferment of immigration enforcement (indefinitely, subject to administrative direction), and for temporary employment authorization (renewable every two years), to facilitate safe and legitimate work and income for these persons. Employment authorization through DHS is available to a wide range of individuals in this category who are not Permanent Resident Aliens. Employment authorization does not require or grant legal or lawful immigration status.

DHS chooses not to prioritize prosecution and deportation of those who are given DACA status — persons who arrived illegally in the United States as children and who, as adults, make their lives here — but they remain here temporarily and indefinitely, without lawful immigration documents and status. DACA is essentially legal limbo for these illegal aliens.

Furthermore, DACA is not federal law, nor is it referenced in the U.S. Code, it has never been adopted by Congress and it is not defined or addressed in the Code of Federal Regulations. DACA is not in North Carolina law, nor is it addressed in the North Carolina Administrative Codes.

Supporting documentation

[Millis letter to Secretary Elaine Marshall](#)
[Deferred Action for Childhood Arrivals](#)
[Replace a lost DACA Card](#)