



North Carolina General Assembly  
House of Representatives

REPRESENTATIVE CHRIS MILLIS  
16TH DISTRICT

February 22, 2017

NC Secretary of State  
Attn: Secretary Marshall  
PO Box 29622  
Raleigh, NC 27626-0622

Dear Secretary of State Marshall,

G.S. 10B-5(a)(3) provides that a person who is a qualified for a notarial commission shall "[r]eside legally in the United States". In light of this statutory requirement, please provide the following information:

1. Identify specifically the types of documents the Secretary of State accepts as evidence that an applicant for a notarial commission "[r]eside legally in the United States." Please also provide date specific intra-departmental documents, memoranda, electronic mail, internal communications, external communications, training materials, directions and publications surrounding the creation and implementation of your department's policies allowing the acceptance of any documents other than the I-551 as proof applicants "[r]eside legally in the United States".
2. Describe in written detail the legal basis, and provide any supporting opinions from the North Carolina Attorney General's office, regarding determination that an individual who is not a citizen of the United States and who does not provide an I-551 form meets the statutory requirement of "[r]eside legally in the United States." The response to this question should include all correspondence related to the question as well as summaries of all responsive oral conversations not otherwise memorialized in writing.
3. Provide a copy of the Employment Authorization Document/Card (EAD/C) found in the application/commissioning file of Notary Laura Lara Amaya.
4. On December 12, 2016, Deputy Secretary Haley Haynes testified to the Joint Legislative Oversight Committee on General Government, that your office is currently "keep[ing] track" or "keeping up" with approximately 530 commissioned North Carolina notaries who are not citizens and who provided documents other than an I-551 as substantiation of their "legal residence" at application/commissioning. She further testified that the



submitted documents typically contained expiration dates preceding the expiration of the Notary Commissions issued, and therefore, your office regularly contacts these notaries to acquire updated documents as needed.

I hereby request the following information relating to North Carolina notaries who: (a) have been issued a notarial commission since January 1, 2012, (b) did not claim themselves citizens of the United States at the time of application, and (c) did not provide an I-551 form (Green Card) to substantiate the individual "[r]esides legally in the United States."

Please provide a listing of all (approx. 530) such individuals that include the following information for each notary:

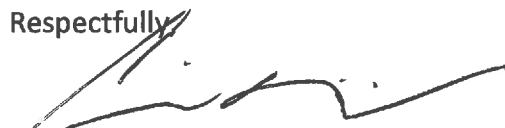
Full Legal Name of Notary  
County of Commission  
Employer's Name  
Status of Commission  
Disciplinary Action History, if any  
Type of Document submitted at application substantiating "[r]eside legally...."  
Category Code (i.e. C33, C14, A08, etc.) listed on any EAD/C submitted  
Expiration Date of originally submitted document  
Date of correspondence with the notary seeking updated documents  
Type of document(s) submitted demonstrating extended expiration date(s)  
Category Code (i.e. C33, C14, A08, etc.) listed on updated EAD/C submitted  
Date of submission of updated document(s)

In addition to the list, please provide copies of all documents, for these individuals, submitted to substantiate, "[r]eside legally...."

This request for information is made pursuant to G.S. 120-19 which requires "all officers, agents, agencies and departments of the State ... to give to .... all information and all data within their possession, or ascertainable from their records. This requirement is mandatory and shall include requests made by any individual member of the General Assembly or one of its standing committees or the chair of a standing committee." A copy of the cited statute is enclosed.

Because your office is "tracking" these individual notaries, I expect a response to this request will not be difficult to generate. Please provide the requested response before 5pm on March 15, 2017.

Respectfully,



Representative Chris Millis

**§ 120-19. State officers, etc., upon request, to furnish data and information to legislative committees or commissions.**

Except as provided in G.S. 105-259, all officers, agents, agencies and departments of the State are required to give to any committee of either house of the General Assembly, or any committee or commission whose funds are appropriated or transferred to the General Assembly or to the Legislative Services Commission for disbursement, upon request, all information and all data within their possession, or ascertainable from their records. This requirement is mandatory and shall include requests made by any individual member of the General Assembly or one of its standing committees or the chair of a standing committee. (Resolution 19, 1937, p. 927; 1993, c. 485, s. 37; 2001-491, s. 33.1.)