



March 12, 2015

TO: Rep. Donna Sweaney, Chair
Rep. Debbie Evans, Vice-Chair
House Committee on Government Operations

FROM: Auburn Watersong, Associate Director of Public Policy

RE: H.206 – commission and regulation of notaries public

Thank you, Representatives, for your consideration of H.206, a bill proposing to require notaries public to be commissioned and regulated by the Office of Professional Regulation.

The Vermont Network wishes to express concern regarding section 5071 requiring a notary public to maintain a journal chronicling all notarial acts that the notary public performs for 10 years beyond the last act. Sections (c) (3), (4), and (5) raise particular concerns as victim advocates (at State's Attorney's offices as well as our member programs) are also notaries.

If a victim advocate becomes or remains a notary for the purpose of assisting a victim in preparing documents for the criminal justice process or relief from abuse process, his or her logbook would be subject to public inspection. The required journal would be a public record, which by default is open to inspection and photocopying pursuant to 1 VSA 316 (the Public Records Act). In cases where they are notarizing victims' documents, the retention of identifying information, including victim location and description of relationships, potentially places victims at great risk. Journals containing the identities and locations of victims that are subject to public inspection risk the dangerous public release of victims' information. Furthermore, any time identifying information is kept electronically, a victim's safety and confidentiality are placed at risk of being found by a tech-savvy abuser.

The Vermont Network strongly recommends that the committee exempt the criminal justice system from the notary requirement in the interest of protecting victims' identifying information.

Respectfully,

Auburn L. Watersong