

2012 SESSION

INTRODUCED

12101369D

HOUSE BILL NO. 442

Offered January 11, 2012

Prefiled January 10, 2012

A *BILL to amend and reenact § 47.1-30 of the Code of Virginia, relating to notaries; conflict of interests; election petitions.*

Patron—Brink

Referred to Committee on Privileges and Elections

Be it enacted by the General Assembly of Virginia:

1. That § 47.1-30 of the Code of Virginia is amended and reenacted as follows:

§ 47.1-30. Conflict of interests.

No notary shall perform any notarial act with respect to any document, writing, or electronic document to which the notary or his spouse is a party, or in which either of them has a direct beneficial interest, or where the notary is a signatory or is named in the document to be notarized. A notary nominated as a fiduciary in a will shall not, for that reason alone, be deemed a party to the will or to have a direct beneficial interest therein.

No notary who is employed by a candidate campaign committee or by a referendum committee shall perform any notarial act with respect to any voter petition naming that candidate or referendum. The terms "campaign committee" and "referendum committee" shall have the meanings set forth in § 24.2-945.1.

Any notary who violates the provisions of this section shall be guilty of official misconduct.

A notarial act performed in violation of this section shall not automatically be void for such reason, but shall be voidable in the discretion of any court of competent jurisdiction upon the motion of any person injured thereby.

A notarial act performed in violation of this section with respect to any voter petition shall void the portions of the petition affected by the notarial act.

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