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California Secretary of State  
**Notary News**

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California notaries public perform invaluable services for the legal, business, financial, and real estate communities. The California Secretary of State relies on notaries public to perform their duties with honesty, credibility, and integrity on behalf of the people of California.

Thank you for your continued dedication and public service.

**New Law**

A notary-related law took effect January 1, 2013. The following is a brief overview of what California notaries public need to know for the new year.

- California Civil Code section 1195 prohibits the use of a proof of execution by a subscribing witness for a power of attorney, grant deed, mortgage, deed of trust, quitclaim deed, security agreement or any instrument that requires a notary public to obtain a thumbprint in the notary public's official journal from the party signing the document. The law also prohibits the use of a proof execution for any other document affecting real property; however, proof of execution of a trustee's deed and deed of reconveyance are permitted.
- California Government Code section 8206 requires a notary public to require a party signing a deed, quitclaim deed, deed of trust affecting real property or a power of attorney document to place his or her thumbprint in the notary public's official journal. The law also requires a party signing any other document affecting real property to place his or her thumbprint in the notary public's journal. This does not apply to a trustee's deed resulting from a decree of foreclosure or a nonjudicial foreclosure pursuant to California Civil Code section 2924, or to a deed of reconveyance.

**New Disciplinary Guidelines**

The Secretary of State established new [Notary Public Disciplinary Guidelines](#) to assist administrative law judges, attorneys, notaries public, notary public applicants, and others involved in the disciplinary process, which became effective November 16, 2012.

## **Name Changes**

If you change your name, California Government Code section 8213.6 requires that you complete a [name change application](#) and file that application with the California Secretary of State.

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## **Notarial Acts Via Webcam**

Refuse to perform a notarial act via webcam. Personal appearance via webcam does not meet the requirements for notarization by a California notary public. For more information, visit our website at [www.sos.ca.gov/business/notary/customer-alert.htm](http://www.sos.ca.gov/business/notary/customer-alert.htm).

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## **Improper Notarial Acts**

A notary public may be confronted by an unhappy customer after that customer submits to the Secretary of State for signature authentication a document with an improperly performed act. Documents submitted to the Secretary of State for signature authentication cannot be processed if the notarial act was improperly performed. The Secretary of State may seek to suspend or revoke the commission of a notary public who has improperly performed notarial acts. Proper notarization of a signature includes the completion of a notarial certificate, such as an acknowledgment or jurat, by the notary public. A notary public may not stamp a document with the official seal then sign, or sign and date the document without completing or attaching a notarial certificate. A notary public may not stamp with the official seal any pages other than the page with a completed notarial certificate.

## **Jurat and Certificate of Acknowledgment Forms**

Remember to use the correct [jurat](#) and [certificate of acknowledgment](#) forms, which are available online in a format that can be filled in and printed.

It is critical that you use the exact wording prescribed by current law when completing jurats or certificates of acknowledgment. If you fail to do so, your notary public commission may be revoked and you may be subject to civil penalties in an administrative action brought by the California Secretary of State's office or a public prosecutor in superior court. (California Government Code sections 8202, 8214.1, California Civil Code section 1189.)

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## **Address Changes**

California Government Code section 8213.5 requires that you notify the California Secretary of State of changes in business or residence addresses. An [address change](#) form is available online and must be sent by certified mail within 30 days of the change. A notification of address change cannot be accepted by fax or email.

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## **2013 Notary Public Handbook**

The [2013 Notary Public Handbook](#) will soon be available online and in hard copy at no charge. Request a copy of the 2013 Notary Public Handbook by sending a self-addressed envelope (at least 6" by 9" in size) to the California Secretary of State, Notary Public & Special Filings Section, P.O. Box 942877, Sacramento, CA 94277-0001.

## Common Mistakes

A notary public can avoid making the ten most common mistakes identified by Secretary of State investigators by doing the following:

1. Require the presence of all persons for whom you perform notarial acts. The person who has signed a document must be with you at the time you complete a jurat or certificate of acknowledgment.
2. Make sure all jurats and certificates of acknowledgment you complete are worded exactly the same as required by California Government Code section 8202 (jurat) or California Civil Code section 1189 (certificate of acknowledgment). [Jurats](#) and [certificates of acknowledgment](#) are available online.
3. Complete a notarial certificate for every official act. Merely signing and stamping a document is not a notarial act, and stamping pages attached to the page with a completed notarial certificate is not permitted.
4. Keep your notary journal and official seal in a locked and secure place to which only you have access and do not permit anyone to assist you in completing journal entries. Your notary journal and official seal must always be under your direct and exclusive control.
5. Notify the Secretary of State immediately if your journal or seal is lost or stolen.
6. Record in your notary journal the details of every official act, including acts for which a signature by a customer is not required, such as certifying a copy of a power of attorney.
7. Record, without abbreviations, all the information required by law to be recorded for every notarial act. A person may request a copy of one line of a journal page, which would be useless if that line is filled with indecipherable abbreviations. A complete entry is necessary to provide a complete record of the notarial act. California law requires that you record the following in your journal: the date and time of each notarial act; the type of notarial act performed (e.g., jurat, acknowledgment, certified copy of a power of attorney); the type of document notarized (e.g., deed of trust, permission to travel); the signatures of every person whose signature is being notarized; the details of the identification document used to identify the signer of the document notarized, including the type of identification (e.g., driver license, passport), the governmental agency that issued the identification, the serial number on the identification and the date of issue or expiration of the identification; if one or two credible witnesses were used to identify the signer of a document, the name of each credible witness and the details of each credible witness' identification documents; the fee charged; and, when required, a thumbprint.
8. Rely only on identification documents listed in California Civil Code section 1185. Identification cards such as student identification cards, voter identification, Matricula consular cards, social security cards, and Costco cards are not acceptable forms of identification for notarization purposes.
9. Obtain a thumbprint from every person for whom you notarize a deed, a power of attorney, or any document affecting real property.
10. Submit your journal to the county clerk when your commission expires unless you obtain reappointment within 30 days.

### Functions and Duties of a California Notary Public

The Secretary of State's office makes available to notary public education vendors a [Sample Workbook](#) that contains all the information a person is expected to know to pass the written notary public examination, including references to applicable laws printed in boldface within the text. The Sample Workbook can be used for education, and notaries public will find the Sample Workbook an invaluable reference tool for all notarial acts and procedures.

**Official Publication of the Notary Public & Special Filings**

**Section of the California Secretary of State's Business Programs Division**

*Notary News* is a newsletter designed to advise California's notaries public of changes in the law, current state policies and procedures, and other information of interest.

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