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Secretary of State

Notary News

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The California Secretary of State has sole authority to commission notaries public, approve notary public education vendors, authorize notary public seal manufacturers, and discipline notaries public for violating notarial law.

New legal responsibilities have added greater complexity and accountability to the role of a notary public. This newsletter highlights some of the most crucial aspects of the job, and may serve as a refresher for both new and experienced notaries public.

- A new year brings new laws regarding identification and witnesses. See page 2 for important details.
- Already a law since January 1, 2008, identifying persons requesting notarial acts must be based on the presentation of satisfactory evidence; "personal knowledge" alone cannot be used for a person making an acknowledgment or executing a jurat. See page 3 for the legally required notarial wording and more information about the consequences for not using it.
- Other requirements such as FBI background checks and increased civil penalties for failure to conduct duties have also been in effect for the past year. More information is on page 2.
- No matter how many commission terms someone may have held in the past, all notaries public appointed on or after July 1, 2005, are required to satisfactorily complete a six-hour course of study approved by the Secretary of State prior to appointment.
 - ✓ Notaries public who hold current California commissions and have completed an approved six-hour education course at least once are required to satisfactorily complete an approved three-hour refresher course prior to reappointment. To meet that requirement, one must apply for reappointment before the current commission expires.
 - ✓ If a notary public applies for reappointment after the commission expires, he or she must take an approved six-hour course in order to be reappointed.

The 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 public service and dedication.

Testing

To obtain information about notary public testing, please contact:

CPS Human Resources
Notary Public Exam
241 Lathrop Way
Sacramento, CA 95815

(916) 263-3520

NotaryInfo@cps.ca.gov

www.cps.ca.gov/TakeA
Test/Notary

Notify the SOS!

Government Code section 8213.5 requires you to notify the Secretary of State of changes in business or residence addresses. The notification must be made by certified mail within 30 days of the change.

If you change your name, Government Code section 8213.6 requires you to complete a Name Change form and file that application with the Secretary of State. The forms are available at www.sos.ca.gov/business/notary/notary.htm

If your notary public stamp or journal is lost, stolen, or unusable, you must notify the Secretary of State immediately in writing by certified or registered mail.

New Laws

Beginning January 1, 2009, a notary public may use an additional form of identification as satisfactory evidence to prove the identity of the signer. An employee identification card issued by an agency or office of the State of California or a city, county, or city/county in this state, has been added to the list of acceptable forms of identification in Civil Code section 1185. The identification card must have been issued within the last five years and contain a photograph, physical description, and signature of the person, as well as an identifying number.

Additionally, Civil Code section 1196 requires the identity of a subscribing witness to be proven by the oath of a credible witness who is personally known by the notary public and provides satisfactory evidence as described in Civil Code section 1185. The following is a suggested Proof of Execution by a Subscribing Witness form:

State of California } ss.
County of _____ }
On ____ (date), before me, the undersigned, a notary public for the state, personally appeared _____ (subscribing witness's name), proved to me to be the person whose name is subscribed to the within instrument, as a witness thereto, on the oath of _____ (credible witness's name), a credible witness who is known to me and provided a satisfactory identifying document. _____ (subscribing witness's name) being by me duly sworn, deposed and said that he/she was present and saw/heard _____ (name(s) of principal(s)), the same person(s) described in and whose name(s) is/are subscribed to the within, or attached, instrument in his/her/their authorized capacity(ies) as (a) party(ies) thereto, execute or acknowledge executing the same, and that said affiant subscribed his/her name to the within instrument as a witness at the request of _____ (name(s) of principal(s)).
WITNESS my hand and official seal.
Notary Public Signature Notary Public Seal

Want to continue as a notary public when your California commission expires?

All notaries public are required to:

- Undergo a background check by the California Department of Justice and the Federal Bureau of Investigation for every appointment and reappointment (The Request for Live Scan Service form is available at www.sos.ca.gov/business/notary/notary.htm.);
Submit a 2" x 2" color passport photograph with each application;
Complete a course of study approved by the California Secretary of State prior to appointment or reappointment, and obtain the vendor's Proof of Completion certificate which is valid for two years (The list of authorized notary public education vendors is available at notaryeducation.sos.ca.gov); and
Pass the notary public exam before the Proof of Completion certificate expires.

Certificate of Acknowledgment and Jurat Forms

Remember to use the correct Certificate of Acknowledgment and jurat forms, which are available in a format that can be viewed, filled in, and printed at www.sos.ca.gov/business/notary/notary.htm.

The Secretary of State’s office continues to see some notaries public using outdated forms and not establishing the signers’ identities through satisfactory evidence. In order to protect yourself as a notary public, it is critical that you use the exact wording as prescribed in current law when completing a Certificate of Acknowledgment or jurat. Failure to do so may subject you to civil penalties in an administrative action brought by the Secretary of State’s office or a public prosecutor.

Every Certificate of Acknowledgment taken within this state must be in the following form:

State of California)
County of _____)

On _____ before me, (here insert name and title of the officer), personally appeared _____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____ (Seal)

Every jurat taken within this state must be in the following form:

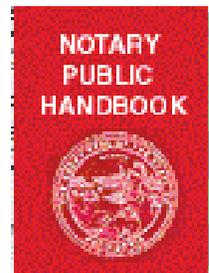
State of California
County of _____

Subscribed and sworn to (or affirmed) before me on this ____ day of _____, 20__, by _____, proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.

Signature _____ (Seal)

The 2009 Notary Public Handbook is available in hard copy at no charge. Just send a self-addressed envelope (at least 6” by 9” in size) to the address on the back page of this Notary News.

The handbook also is available online at www.sos.ca.gov/business/notary/notary.htm



Education

Representatives of the Secretary of State periodically audit notary public education courses to ensure education vendors strictly follow their approved lesson plan. Education vendors who do not follow the approved lesson plan or who provide inaccurate information to their students could have their vendor approval terminated.

Notaries applying for reappointment prior to the expiration of their current commission may satisfy the requirement for a three-hour refresher course with a six-hour approved education course.

Important: Dated Material
California Secretary of State
Notary Public Section
Post Office Box 942877
Sacramento, CA 94277-0001

Secretary of State
Notary Public Section

1500 11th Street 2nd Fl
Sacramento, CA 95814
Phone (916) 653-3595
Fax (916) 653-9580

Mailing Address

P.O. Box 942877
Sacramento, CA 94277-0001

Email Address

Notaries@sos.ca.gov

Web Address

www.sos.ca.gov/business/notary/notary.htm

✓ **Register to Vote!**

Voter Hotline: (800) 345-VOTE

www.sos.ca.gov/elections/elections_vr.htm

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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.