

January 2012



Debra Bowen
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 sponsored by Secretary of State Debra Bowen took effect January 1, 2012. The following is a brief overview of what California notaries public need to know for the new year.

- Under California Civil Code section 1195, in addition to quitclaim deeds, grant deeds (other than trustee's deeds or deeds of reconveyance), mortgages, deeds of trust, or security agreements, a subscribing witness appearing before a notary public on behalf of the person who actually signed a document (a principal) cannot be used on powers of attorney or any documents requiring a notary public to obtain a thumbprint in the notary public journal from the party signing the document. The certificate used for a subscribing witness is modified to comply with all statutory requirements.
- Under California Commercial Code section 3505, and Government Code sections 8205 and 8208, only notaries public employed by a financial institution, during the course and scope of the notary's employment with the financial institution, are authorized to demand acceptance and payment of foreign and inland bills of exchange, or promissory notes, or to protest such bills or notes for nonacceptance or nonpayment. This change is intended to reduce the abuse of the protest process.
- Maximum fees for protests are no longer prescribed.

Application—Conviction Disclosure

Please remember when applying for reappointment to disclose all convictions on the notary public application, regardless of when or where they occurred, and even if you have disclosed the conviction(s) on a previous notary public application. Your application will be denied if you fail to provide this information. Convictions that have been dismissed or expunged also must be disclosed, regardless of the basis for expungement, including convictions dismissed or expunged pursuant to California Penal Code sections 1203.4 or 1203.4a.

The only exceptions are traffic infractions, offenses adjudicated in a juvenile court or under a youthful offender law, and any incident that has been sealed under California Welfare and Institutions Code section 781 or California Penal Code section 1203.45 (juvenile offenses). Felony convictions and many misdemeanor convictions may disqualify you from holding a notary public commission. To determine whether you have a disqualifying conviction, refer to the [Notary Public Disciplinary Guidelines](#) for a list of the most common disqualifying convictions.

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.

Incomplete Documents

A notary public must refuse to notarize a signature on an incomplete document (i.e., a document that the notary public can see is incomplete or that the notary public knows from experience is incomplete). (California Government Code section 8205.)

Acknowledgment

Signers requesting an acknowledgment should be asked: “Do you acknowledge that this is your signature and that you signed this document?” Then complete the certificate of acknowledgment with the month, day, and year the signer personally appeared before you. Insert your name and title where indicated and the name of the person who acknowledged the signature on the document. Next, acting in the capacity of a California notary public, you may sign and stamp the certificate of acknowledgment with your official seal. Merely dating, signing and affixing your official seal without a certificate does not constitute a notarial act.

The certificate of acknowledgment, including your signature and impression of your official seal, must be completely on one page. The official seal is not to be stamped on a separate page of the document.

The certificate of acknowledgment must be in the English language only. A certificate of acknowledgment written in a foreign language is not acceptable.

The certificate of acknowledgment must be endorsed on or stapled to the instrument. Taping or paper-clipping the certificate of acknowledgment to the document is not permitted.

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.

It is critical that you use the exact wording prescribed by current law when completing a certificate of acknowledgment or jurat. 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 section 8207.)

Certified Copies

The only documents a notary public is authorized by law to certify as a copy are:

- Powers of attorney pursuant to California Probate Code section 4307;
- The notary public journal when requested by the California Secretary of State pursuant to California Government Code section 8205; or
- The notary public journal upon receipt of a court order or subpoena duces tecum pursuant to California Government Code section 8206.

Identification

The only forms of identification (satisfactory evidence) you can use to identify a person appearing before you are listed in California Civil Code section 1185. Social security cards, student identification, consular identification cards, visas and voter registration cards, to name a few, are not acceptable forms of identification and cannot be used for notarial purposes.

Misuse of Seal or Title

A notary public cannot use the official seal or the title notary public for any purpose other than the rendering of notarial service. (California Government Code section 8207.)

Your official seal must be placed in its entirety on the same page as the notarial certificate. Do not place an impression of the seal on every page of a document or fan the pages of the document and place an impression of the seal across all pages.

2012 Notary Public Handbook

The [2012 Notary Public Handbook](#) will soon be available online and in hard copy at no charge. Request a copy of the 2012 Notary Public Handbook by sending a self-addressed envelope (at least 6" by 9" in size) to the California Secretary of State, Notary Public Section, P.O. Box 942877, Sacramento, CA 94277-0001.

Jurat

If a document is an affidavit or if the signer is requesting a jurat, then before completing the jurat, administer the oath or affirmation to each affiant (signer): “Do you swear (or affirm) that the statements in this document are true?” Then complete the jurat with the month, day, and year that the signer personally appeared before you, took the oath or affirmation and signed the document, and enter the name of the person signing and swearing (or affirming) to the truth of the document. Next, acting in the capacity of a California notary public, you may sign and stamp the jurat with the official seal. Merely dating, signing and affixing your official seal without a certificate does not constitute a notarial act.

The entire jurat, including your signature and stamp, must be on one page. The official seal is not to be stamped on a separate page of the document.

The jurat must be in the English language only. A jurat written in a foreign language is not acceptable.

The jurat must be endorsed on or stapled to the instrument. Taping or paper-clipping the jurat to the document is not permitted.

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.

Notary Public Journals

Do you truly understand the importance of accurately maintaining your notary public journal? Investigators report that, either as the result of a complaint regarding notarial misconduct or as a result of an audit, a large majority of journals are not completed correctly.

To avoid common mistakes, remember to always:

- Include the date and time of each official act;
- List the agency that issued the identification card or other document (e.g., DMV);
- Reject Social Security cards as a form of identification;
- Include the amount of the fee charged or note that no fee was charged; and
- Capture a thumbprint from the signer when notarizing a signature on a power of attorney document, deed, quitclaim deed, or deed of trust affecting real property.

The notary public’s journal must be kept in a locked and secured area (such as a lock box or locked desk drawer), under the direct and exclusive control of the notary public. (California Government Code section 8206(a).)

Refer to California Government Code section 8206 for all journal requirements.

No Longer a Notary Public?

If a notary public resigns, is disqualified, or is removed from office, the notary journal and all other notarial records must be delivered to the county clerk in which the notary public's current oath is on file within 30 days of the resignation, disqualification or removal. If a notary public's commission expires and the notary public has not obtained reappointment within 30 days after the expiration of the commission, then the notary journal and other notarial records must be delivered to the [county clerk](#) within the next 30 days.

Even if a notary public has applied for reappointment but, for whatever reason, is not granted a commission within 30 days after expiration of the commission, the notary public must deliver the notarial journal and other notarial records to the [county clerk](#) within the next 30 days. Willful failure to deliver the notary journal and other notarial records to the county clerk within the appropriate time is a misdemeanor, and the notary public is personally liable for damages to any person injured by the non-delivery. (California Government Code section 8209(a).)

Lost or Stolen Stamp or Journal

If your notary public stamp or journal is lost, stolen, or unusable, immediately notify the California Secretary of State in writing by certified or registered mail. (California Government Code sections 8206 and 8207.3(e).)

Official Publication of the Notary Public 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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Register to Vote!
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www.sos.ca.gov/elections/elections_vr.htm

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