

The rules contained in this package are approved as final rules pursuant to the standards set forth in A.R.S. § 41-1044. The Attorney General's approval of the rule shall not be construed as an endorsement of policy issues relating to or resulting from the rulemaking. Policy decisions relating to the rulemaking are those of the Secretary of State and not the Office of the Attorney General. The rules are effective immediately upon filing with the Secretary of State

 30 Dec 19
Mark Brnovich Date
Attorney General
#8326587

**AGENCY RECEIPT
NOTICE OF FINAL RULEMAKING**

2019 DEC 30 PM 4:01

FILED

1. **Agency name:** Office of the Secretary of State

2. **The Subchapters, if applicable; the Articles; the Parts, if applicable; and the Sections involved in the rulemaking, listed in alphabetical and numerical order:**

<u>Subchapters, Articles, Parts, and Sections</u>	<u>Rulemaking Action</u>
R2-12-1201	Renumber
R2-12-1201	New Section
R2-12-1202	Renumber
R2-12-1202	Amend
R2-12-1203	Renumber
R2-12-1204	Renumber
R2-12-1204	Amend
R2-12-1205	Renumber
R2-12-1205	Amend
R2-12-1206	Renumber
R2-12-1206	Amend
R2-12-1207	Renumber
R2-12-1207	Amend
R2-12-1208	Renumber
R2-12-1208	Repeal
R2-12-1209	Repeal

ATTORNEY GENERAL APPROVAL OF RULES

2019 DEC 30 PM 4:01

FILED

1. **Agency Name:** Office of the Secretary of State
2. **Chapter Heading:** Office of the Secretary of State
3. **Code Citation for the Chapter:** 2 A.A.C. 12
4. **The Articles and the Sections involved in the rulemaking, listed in alphabetical and numerical order:**

<u>Sections</u>	<u>Action</u>
R2-12-1201	ReNUMBER
R2-12-1201	New Section
R2-12-1202	ReNUMBER
R2-12-1202	Amended
R2-12-1203	ReNUMBER
R2-12-1204	ReNUMBER
R2-12-1204	Amended
R2-12-1205	ReNUMBER
R2-12-1205	Amended
R2-12-1206	ReNUMBER
R2-12-1206	Amended
R2-12-1207	ReNUMBER
R2-12-1207	Amended
R2-12-1208	ReNUMBER
R2-12-1208	Repeal
R2-12-1209	Repeal

NOTICE OF FINAL RULEMAKING

SECRETARY OF STATE

TITLE 2. ADMINISTRATION

2019 DEC 30 PM 4: 07

CHAPTER 12. OFFICE OF THE SECRETARY OF STATE

FILED

PREAMBLE

<u>1. Article, Part, or Section Affected (as applicable):</u>	<u>Rulemaking Action</u>
R2-12-1201	Renumber
R2-12-1201	New Section
R2-12-1202	Renumber
R2-12-1202	Amend
R2-12-1203	Renumber
R2-12-1204	Renumber
R2-12-1204	Amend
R2-12-1205	Renumber
R2-12-1205	Amend
R2-12-1206	Renumber
R2-12-1206	Amend
R2-12-1207	Renumber
R2-12-1207	Amend
R2-12-1208	Renumber
R2-12-1208	Repeal
R2-12-1209	Repeal

2. Citations to the agency’s statutory rulemaking authority to include the authorizing statute (general) and the implementing statute (specific):

Authorizing statute: A.R.S. § 41-352(C)

Implementing statute: A.R.S. § 41-352(C)

3. The effective date of the rule:

Upon filing by the Office of the Attorney General.

a. If the agency selected a date earlier than the 60 day effective date as specified in A.R.S. § 41-1032(A), include the earlier date and state the reason or reasons the agency selected the earlier effective date as provided in A.R.S. § 41-1032(A)(1) through (5):

The Business Services Division of the Secretary of State’s Office is requesting an immediate effective date pursuant to A.R.S. § 41-1032(A)(1) and (5) in order to avoid a violation of A.R.S. § 41-352(C), and to adopt a rule that is less stringent than the previous rule and that does not have an impact on the public health, safety, welfare, or environment, and does not affect the public involvement and public participation process.

b. If the agency selected a date later than the 60 day effective date as specified in A.R.S. § 41-1032(A), include the earlier date and state the reason or reasons the agency selected the later effective date as provided in A.R.S. § 41-1032(B):

4. Citations to all related notices published in the Register as specified in R1-1-409(A) that pertain to the record of the proposed rule:

Notice of Rulemaking Docket Opening: 25 A.A.R. 1189, May 10, 2019

Notice of Proposed Rulemaking: 25 A.A.R. 2399, September 20, 2019

5. The agency's contact person who can answer questions about the rulemaking:

Name: Patricia A. Viverto, Director

Address: Secretary of State, Business Services
1700 W. Washington St., 7th Floor
Phoenix, AZ 85007

Telephone: (602) 542-6187

Fax: (602) 542-4366

E-mail: pviverto@azsos.gov

6. An agency's justification and reason why a rule should be made, amended, repealed or renumbered, to include an explanation about the rulemaking:

Electronic Notary statutes were repealed in March 2018 (A.R.S. §§ 41-352 through 355 and 357 through 370), with the exception of A.R.S. § 41-351 defining "electronic signature." A new section, A.R.S. § 41-352, was added to include a directive that the Secretary of State shall adopt rules establishing standards for electronic notarization on or before December 31, 2019.

7. A reference to any study relevant to the rule that the agency reviewed and proposes either to rely on or not to rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:

None

8. A showing of good cause why the rulemaking is necessary to promote a statewide interest if the rulemaking will diminish a previous grant of authority of a political subdivision of this state:

Not applicable

9. A summary of the economic, small business, and consumer impact:

Not applicable

10. A description of any changes between the proposed rulemaking, to include supplemental notices, and the final rulemaking:

The following changes were made between the proposed rulemaking and the final rulemaking:

In the Preamble, number 3, the effective date was changed from "December 31, 2019" to "Upon filing by the Office of the Attorney General." In number 6, the date that the statutes were repealed was added. Some minor punctuation and spacing changes were also made.

The following changes were made to the text of the rules:

R2-12-1201. Definitions for Apostille, Electronic notarization or electronic notarial act, Electronic notary public, Notary public or notary, Qualified Certificate Authority, and Tamper-evident technology were added. Also, the definition of Non-repudiation was reworded for clarity.

R2-12-1202(1). The first sentence was underlined to indicate language added.

R2-12-1202(1)(b). The words “under Article 13” were removed.

R2-12-1203(A)(5) and (6). Changed the word “certification” to “statement certifying” for clarity.

R2-12-1203(D). The fee language was removed.

R2-12-1203(H). Section added for the appeal process.

R2-12-1203(J). Added language to the end of the first sentence for clarity.

R2-12-1203(K). Added “and/” after hardware in two places for clarity.

There were also some minor punctuation changes made as well as some text changes from the word “must” to “shall” to indicate when a condition is required.

11. An agency’s summary of the public stakeholder comments made about the rulemaking and the agency response to the comments:

None

12. All agencies shall list other matters prescribed by statute applicable to the specific agency or to any specific rule or class of rules. Additionally, an agency subject to Council review under A.R.S. §§ 41-1052 and 41-1055 shall respond to the following questions:

Not applicable

a. Whether the rule requires a permit, whether a general permit is used and if not, the reasons why a general permit is not used:

Not applicable

b. Whether a federal law is applicable to the subject of the rule, whether the rule is more stringent than federal law and if so, citation to the statutory authority to exceed the requirements of federal law:

Not applicable

c. Whether a person submitted an analysis to the agency that compares the rule’s impact of the competitiveness of business in this state to the impact on business in other states:

Not applicable

13. A list of any incorporated by reference material as specified in A.R.S. § 41-1028 and its location in the rules:

None

14. Whether the rule was previously made, amended or repealed as an emergency rule. If so, cite the notice published in the Register as specified in R1-1-409(A). Also, the agency shall state where the text was changed between the emergency and the final rulemaking packages:

Not applicable

15. The full text of the rules follows:

TITLE 2. ADMINISTRATION

CHAPTER 12. OFFICE OF THE SECRETARY OF STATE

ARTICLE 12. ELECTRONIC NOTARY

R2-12-1201. Definitions

The following definitions shall apply to this Article unless context otherwise requires:

1. “Apostille” means a certificate that authenticates the seals and signatures of officials on public documents issued by public authorities for use in foreign countries that are members of the 1961 Hague Convention Treaty.
2. “Certificate Authority” means an entity that issues digital certificates for use in performing electronic notarizations.
3. “Commission” means the same as defined in A.R.S. § 41-311(2).
4. “Electronic” means the same as defined in A.R.S. § 41-371(3).
5. “Electronic notarization” or “electronic notarial act” means a notarial act performed with respect to an electronic record in accordance with this Article while the signer is in the physical presence of the notary public.
6. “Electronic notary public” means a notary public authorized to perform electronic notarial acts.
7. “Electronic record” means the same as defined in A.R.S. § 41-371(4).
8. “Electronic seal” means the same as defined in A.R.S. § 41-371(5).
9. “Electronic signature” means the same as defined A.R.S. § 41-351.
10. “Non-repudiation” means the signer of an electronic document shall not deny their electronic signature without factual basis.
11. “Notarial act” means the same as defined in A.R.S. § 41-371(9).
12. “Notary public” or “notary” means the same as defined in A.R.S. § 41-311(8).
13. “Person” means the same as defined in A.R.S. § 41-371(11).
14. “Qualified Certificate Authority” means a trusted entity that issues digital certificates in compliance with the requirements of R2-12-1204.
15. “Tamper-evident technology” means a set of applications, programs, hardware, software, or other technologies designed to enable a notary public to perform notarial acts with respect to electronic records and to display evidence of any changes made to an electronic record.

R2-12-1201 R2-12-1202. Application and Renewal Authority to Perform Electronic Notarization

~~Each applicant for an electronic notary commission or a renewal of an electronic notary commission shall:~~ A notary public of this state may perform electronic notarizations during the term of the notary public’s commission if:

1. ~~Submit to the Secretary of State a verified application on a form prescribed by the Secretary of State that complies with A.R.S. §41-312 and provides the following information about the applicant:~~ The notary public has received written authorization from the Secretary of State to perform either:
 - a. ~~Full name and any former names used by the applicant;~~ Electronic notarizations under this Article; or
 - b. ~~Physical address and telephone number;~~ Remote online notarizations; and
 - c. ~~Mailing address and telephone number;~~
 - d. ~~Business address, telephone number, fax number and email address, if applicable;~~
 - e. ~~County of residence;~~
 - f. ~~Gender;~~
 - g. ~~Date of birth;~~
 - h. ~~The previous commission number of the applicant if previously an electronic notary or notary public appointed under A.R.S. §41-312 in Arizona, if applicable;~~
 - i. ~~Responses to questions regarding the applicant’s background on the following subjects:~~
 - i. ~~Whether the applicant has been convicted of a felony or an undesignated offense in this or any other jurisdiction and whether the applicant has been restored to civil rights.~~

- ii. ~~Whether the applicant has been convicted of a lesser offense involving moral turpitude or of a nature that is incompatible with the duties of a notary public in this or any other jurisdiction such as a finding that the applicant engaged in conduct that would violate A.R.S. § 41-313 if adjudicated in Arizona, or that the applicant engaged in conduct that constituted misconduct in public office or demonstrated dishonesty or a lack of veracity.~~
 - iii. ~~Whether the applicant has ever had a professional license revoked, suspended, restricted, or denied for misconduct, dishonesty, or any cause that relates to the duties or responsibilities of a notary public such as a finding that the applicant engaged in conduct that would violate A.R.S. § 41-313 if adjudicated in Arizona, or that the applicant engaged in conduct that demonstrated dishonesty or a lack of veracity.~~
 - iv. ~~Whether the applicant has had a notary commission revoked, suspended, restricted, or denied in this state or any other jurisdiction.~~
 - v. ~~Statement that applicant is 18 years of age or older.~~
 - vi. ~~Statement of being an Arizona resident.~~
 - vii. ~~Whether the applicant holds or has held a notary commission in another state or jurisdiction and the commission number and jurisdiction, if applicable.~~
2. ~~The Secretary of State may require that the applicant provide a detailed explanation and supporting documentation for each response on the application regarding the applicant's background. The Secretary of State has not terminated or revoked such authorization.~~
 3. ~~Each applicant shall register with the Secretary of State in a manner prescribed by the Secretary of State the applicant's possession of an approved electronic notary token within 90 days of submitting the application.~~

R2-12-1202 R2-12-1203. Applicant Filing Fee, Bond, and Bond Filing Fee Registration

- A. The application and renewal fee is \$25. To receive authorization from the Secretary of State to perform electronic notarizations a notary public must submit an application in a format prescribed by the Secretary of State that provides the following information about the applicant:
 1. The applicant's full legal name and the name under which the applicant is commissioned as a notary public (if different);
 2. The applicant's email address;
 3. A description of the technologies or devices that the applicant intends to use to perform electronic notarizations;
 4. The name, address, and website URL of any vendors or other persons that will directly supply to the applicant the technologies that the applicant intends to use;
 5. A statement certifying that the applicant has obtained a digital certificate from a qualified certificate authority to be used by the applicant in performing electronic notarizations; and
 6. A statement certifying that the technologies described in the application comply with the requirements of this Article.
- B. The bond filing fee is \$25. The application must be submitted to the Secretary of State as provided by information posted on the Secretary of State's website at <https://azsos.gov/>.
- C. The applicant shall purchase a surety bond in the amount of \$25,000. The original bond shall be filed with the Secretary of State's office accompanying the application or renewal. If, during the term of a notary public's commission, the notary public intends to use the technologies of another vendor or person than those identified under subsection (A)(3) and (4), then an additional application or amendment identifying such other vendors or other persons must be submitted to the Secretary of State as provided in this section.

- ~~D. The bond shall contain, on its face, the oath of office for the electronic notary public as specified in A.R.S. §38-231(E). The electronic notary shall endorse the oath on the face of the bond, immediately below the oath, by signing the electronic notary's name under which the person has applied to be commissioned as an electronic notary and exactly as the name appears on the notary application form filed with the Secretary of State's Office.~~
- E. If the technology identified in the application under subsection (A) conforms to the standards adopted under this Article and the applicant satisfies the requirements of this section, the Secretary of State shall approve the use of the technology and issue to the notary public written authorization to perform electronic notarizations.
- F. The Secretary of State may reject the application, or terminate or revoke a prior authorization given under this section, for the following reasons:
1. The applicant's failure to comply with A.R.S. §§ 41-311 through 41-351 or this Article;
 2. Any information required under subsection (A) is missing, inaccurate, or incomplete; or
 3. The technology identified in the application does not conform to the standards adopted under this Article.
- G. The Secretary of State shall notify the notary public of approval or rejection of the application within forty-five (45) days after receipt. If the application is rejected, the Secretary of State shall state the reasons for the rejection.
- H. Rejection of an application, or termination or revocation of a prior authorization to perform electronic notarizations may be appealed pursuant to A.R.S. §§ 41-1092.03 and 41-1092.06.
- I. The term of the commission for electronic notarization shall be the same as the term of the notary's existing notary commission.
- J. The renewal of the commission of a notary public who has previously received authorization to perform electronic notarizations does not constitute renewal of such authorization to perform electronic notarizations. Applicant shall submit another application as provided under subsection (A) and must receive authorization from the Secretary of State in order to continue to perform electronic notarizations.
- K. Nothing herein shall be construed to prohibit a notary public from receiving, installing, or using hardware and/or software updates to the technologies that the notary public identified under subsection (A) if the hardware and/or software update does not result in technologies that are materially different from the technologies that the notary public identified previously.

R2-12-1203 R2-12-1204. Notarial Journal Tamper Evident Technology

- ~~A. An electronic notary public shall keep a journal of all electronic notarial acts in bound paper form with the same form as required in A.R.S. § 41-319 herein referenced as a "journal." If an electronic notary act is conducted upon an electronic signature that is not recognized under A.R.S. § 41-132, the electronic notary shall have the signer sign the paper journal in a manner consistent with A.R.S. § 41-319. A notary public shall select one or more tamper-evident technologies to perform electronic notarizations. The tamper-evident technology shall consist of a digital certificate complying with the X.509 standard adopted by the International Telecommunication Union or a similar industry-standard technology.~~
- B. The journal shall be under the control of the electronic notary. In performance of an electronic notarization, a notary public shall attach or logically associate the notary public's electronic signature and electronic seal to an electronic record that is the subject of a notarial act by use of the digital certificate.
- ~~C. If an electronic notary also holds commission as a notary public appointed under A.R.S. § 41-312, and the commission dates are identical between the two commissions, then the electronic notary may use the notary public journal as the electronic notary paper journal. If the dates are not identical, then the electronic notary shall maintain two separate journals. A notary public may not perform an electronic notarization if the digital certificate:~~

1. Has expired;
 2. Has been revoked or terminated by the issuing or registering authority;
 3. Is invalid; or
 4. Is incapable of authentication.
- D. ~~If a notary service electronic certificate is used in a manner to create an electronic signature in a notarial act, the document name, title, brief description of contents, and the time stamp shall be entered into the issuing electronic notary's journal as a notary service electronic certificate entry. Renewal of the notary's digital certificate is separate from the registration process with the Secretary of State and shall be obtained from a qualified certificate authority capable of supplying certificates that comply with this section. Renewal of the certificate with the certificate authority is the responsibility of the notary.~~
- E. ~~Journals are not deemed received until the Secretary of State accepts the journals as complete. The electronic notary shall not be subject to a penalty for delay outside the control of the electronic notary in delivering the journal to the Secretary of State.~~

~~R2-12-1204 R2-12-1205. Standards for Electronic Notary Token and Notary Service Electronic Certificate~~ Electronic Seal Requirements

- A. ~~An electronic notary token, and subsequently a notary service electronic certificate, shall be approved under A.R.S. § 41-132. A notary public shall use the same unique electronic seal for all electronic notarizations performed during an applicable commission period.~~
- B. ~~A provider of an electronic notary token may not provide an official electronic notary token to a person unless the person first presents evidence of the electronic notary commission for that person to the provider. An electronic seal shall substantially conform to the following design: a rectangular or circular seal with the notary public's name as it appears on the commission, the great seal of the State of Arizona, the words "Notary Public," "State of Arizona," and "My commission expires on (date)," the name of the county in which the notary public is commissioned, and the commission number.~~
- C. ~~A provider of a notary service electronic certificate may not provide an official notary service electronic certificate to a person unless the person presents himself or herself before and receives authorization from an electronic notary for reception of the notary service electronic certificate. When affixed to an electronic record, an electronic seal shall be clear, legible, and photographically reproducible. An electronic seal is not required to be within a minimum or maximum size when photographically reproduced on an electronic record.~~
- D. ~~An electronic notary token shall contain:~~
1. ~~The commission number of the electronic notary;~~
 2. ~~The full name of the electronic notary, as commissioned as an electronic notary;~~
 3. ~~The expiration date of the notary's commission;~~
 4. ~~A link to the commission record of the electronic notary on the Secretary of State's official web site; and~~
 5. ~~Any applicable information relative to A.R.S. § 41-132.~~
- E. ~~A notary service electronic certificate shall contain:~~
1. ~~The commission number of the electronic notary authorizing the notary service electronic certificate;~~
 2. ~~The identification of the authorizing electronic notary's electronic notary token;~~
 3. ~~The full name of the individual, as presented to the electronic notary;~~
 4. ~~A link to the authorizing commission record of the electronic notary on the Secretary of State's official web site; and~~
 5. ~~Any applicable information relative to A.R.S. § 41-132.~~

F. ~~An electronic notary may possess only one electronic notary token.~~

R2-12-1205 R2-12-1206. Use of Electronic Notary Tokens and Notary Service Electronic Certificate Security of Electronic Signatures and Electronic Seals

A. ~~An electronic notary may only use an electronic notary token for the duties set forth in A.R.S. §§ 41-351 through 41-369 and interactions with the provider of the electronic notary token. A notary public's electronic signature and electronic seal shall remain within the exclusive control of the notary public, including control by means of use of a password or other secure method of authentication. A notary public shall not disclose any access information used to affix the notary public's electronic signature or electronic seal to electronic records, except:~~

1. ~~When requested by the Secretary of State or a law enforcement officer;~~
2. ~~When required by court order or subpoena; or~~
3. ~~Pursuant to an agreement to facilitate electronic notarizations with a vendor or other technology provider identified in an application submitted under this Article.~~

B. ~~A person may only use a notary service electronic certificate for the purposes of creating electronic notarized documents and interactions with the provider of the notary service electronic certificate. A notary public may not allow any other individual to use his or her electronic signature or electronic seal to perform a notarial act.~~

C. ~~Use of an electronic notary token is not complete without: Upon resignation, revocation, or expiration of the notary public's commission, the notary public's electronic seal (including any coding, disk, digital certificate, card, software, or password that enables the notary public to attach or logically associate the electronic seal to an electronic record) shall be destroyed or disabled to prohibit its use by any other person.~~

1. ~~Incorporating the electronic notary token elements into the document;~~
2. ~~Either directly incorporating the time and date of notarization or incorporating the time and date of notarization using a process of an approved time stamp provider;~~
3. ~~Affixing the notary's electronic signature.~~

D. ~~Use of a notary service electronic certificate is not complete without: A notary public shall immediately notify an appropriate law enforcement agency and the Secretary of State on actual knowledge of the theft or vandalism of the notary public's electronic signature, electronic seal, or digital certificate. A notary public shall immediately notify the Secretary of State on actual knowledge of the unauthorized use by another person of the notary public's electronic signature, electronic seal, or digital certificate.~~

1. ~~Presence of a date and time stamp from an approved time stamp token provider;~~
2. ~~Affixing the notary's electronic signature.~~

R2-12-1206 R2-12-1207. Approval of Time Stamp Token Provider Journal

~~Any person or entity that can provide a service that synchronizes time as defined in A.R.S. § 1-242 into a process using an electronic notary token or a notary service electronic certificate, where applicable, may be added to the list of approved time stamp token providers. All time stamp tokens that interact with electronic notary tokens and notary service electronic certificates need to meet the applicable technology standards required by A.R.S. § 41-132.~~

~~An electronic notary public shall keep a journal of all electronic notarial acts in bound paper form with the same form as required in A.R.S. § 41-319 and shall be under the sole control of the electronic notary public.~~

R2-12-1207 R2-12-1208. Fees Requirements for Authenticating the Notarial Act

Electronic notaries may charge the following fees: Electronic notarial acts need to fulfill certain basic requirements to ensure non-repudiation and the capability of being authenticated by the Secretary of State for purposes of issuing Apostilles and Certificates of Authentication. They are as follows:

1. ~~Fee for an acknowledgment shall be not more than \$25. The fact of the notarial act, including the notary's identity, signature, and commission status, must be verifiable by the Secretary of State, and~~
2. ~~Fee for an oath or affirmation shall be not more than \$25. The notarized electronic document will be rendered ineligible for authentication by the Secretary of State if it is improperly modified after the time of notarization, including any unauthorized alterations to the document content, the electronic notarial certificate, the notary public's electronic signature, and/or the notary public's official electronic seal.~~
3. ~~Fee for a jurat shall be not more than \$25.~~
4. ~~Fee for authorizing a notary service electronic certificate to a person shall be not more than \$50. This does not include any vendor fees or charges to the person for reception of the notary service electronic certificate.~~
5. ~~Fee for any other notarial act shall be not more than \$25.~~

R2-12-1208. Penalty Fee for Lack of Notice Repealed

~~The penalty to be imposed upon an electronic notary for failure to provide signed notice as defined in the statute to the Secretary of State of each loss, theft, or compromise of the electronic notary's journal shall be \$10 per use of electronic notary token up to a maximum of \$500. When audit trail is not recoverable, the maximum of \$500 shall be imposed upon the electronic notary for each failure to provide proper notice of a loss, theft, or compromise of the electronic notary's journal.~~

R2-12-1209. Civil Penalties Repealed

- A. ~~The penalty to be imposed upon an electronic notary for failure to provide signed notice as defined in the statute to the Secretary of State of each loss, theft, or compromise of a notary service electronic certificate or of loss, theft or compromise of any materials or processes used in creating an electronic notary token or authorizing a notary service electronic certificate shall be \$10 per day, up to a maximum of \$500 for each failure to provide proper notice of a loss, theft, or compromise of a notary service electronic certificate or compromise of any materials or processes used in creating an electronic notary token.~~
- B. ~~The penalty to be imposed upon an electronic notary for each failure to provide signed notice as defined in the statute to the Secretary of State of a change of address shall be \$10 per day, up to a maximum of \$250 for each failure to provide proper notice of a change of address.~~
- C. ~~The penalty to be imposed upon an electronic notary for failure to deposit the notary's electronic notary journal and records as defined in the statute with the Secretary of State shall be \$50 for the first day and then \$10 per day up to a maximum of \$500.~~