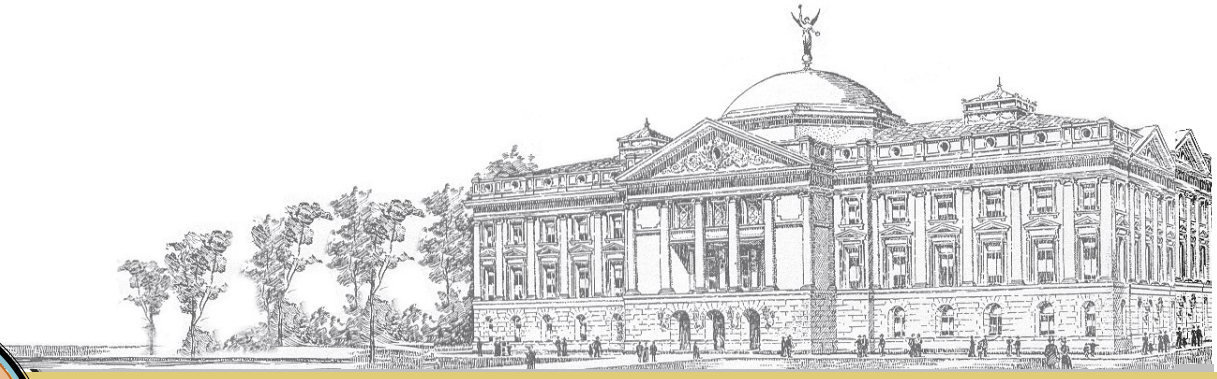
ARIZONA
Notary Public
Reference Manual



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About this publication >>
This is the *Arizona Notary Public Reference Manual*. It has been previously referred to in law as the *Arizona Notary Public Handbook*.

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THIS MANUAL BELONGS TO:

IF FOUND, PLEASE RETURN BY CALLING:

KATIE HOBBS
SECRETARY OF STATE

A message from Secretary of State Katie Hobbs

I am pleased to present to you the 2022 edition of the *Arizona Notary Public Reference Manual*. Our office has received a lot of positive feedback about this manual with each update. We understand there is always room for improvement and we welcome your suggestions.

Based on changes to Arizona Notary laws, we have revised this manual once again to include new statutes and we have removed repealed statutes. We have also updated Remote Online Notarization (RON) and Electronic Notary (E-Notary) Rules.

Be on Target, *Key to Success*, and *How it Works* sections give quick and helpful explanations. The *Penalty* whistle immediately informs you about compliance and possible penalties a notary may receive under Arizona law. A dollar sign icon informs you of any fees that may be associated with notary public duties. I hope you find these sections useful to your service as an Arizona notary.

Arizona notaries are required to have a copy of this manual and keep it for reference purposes. If you have any questions about the information in this manual or how to apply for a notary commission, please call (602) 542-6187.

Sincerely,

KATIE HOBBS
Arizona Secretary of State

DEFINITION OF A NOTARY

An Arizona notary public is a *public officer* commissioned by the Secretary of State to perform notarial acts.

A Notary is an *impartial witness* and must have no conflict of interest.

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Key to Success

A notarization on a document indicates that a notary public has taken all reasonable steps to verify a signer's identity before notarizing that person's signature. Additionally, if the notarization performed is a jurat, the document signer also is required to swear/affirm to the truthfulness of the document.

Chapter 1

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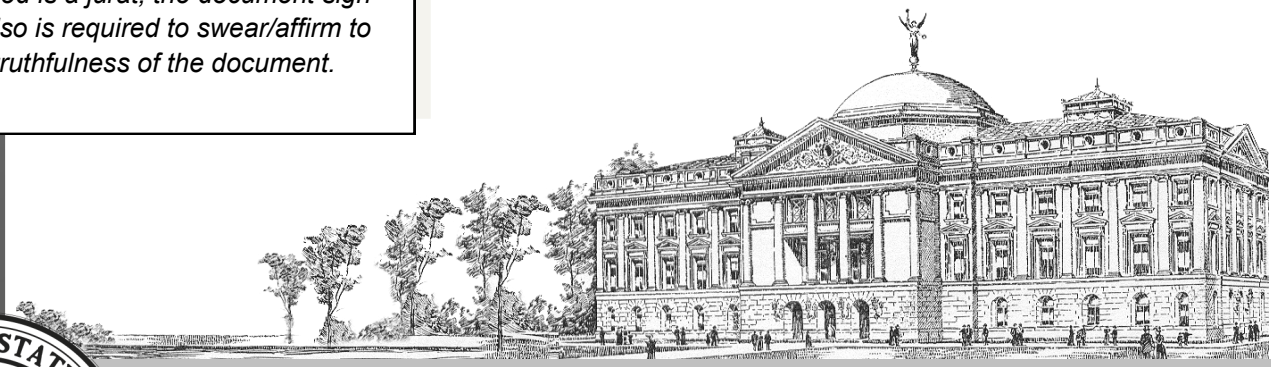

The Basics

Notary Application Process

In Arizona, a notary public is a public officer commissioned by the Secretary of State to perform notarial acts, as defined in Arizona Revised Statutes (*see Chapter 5*).

Government offices, businesses and the public rely on the accuracy and integrity of notaries public. This means the notary should take the required steps to authenticate signatures and ensure that all notarizations are properly completed and performed.

Many documents require a notarization in an effort to deter fraud, to prove the authenticity of the signature and to ensure that a signature was made willingly and not under duress. Therefore, it's essential that a notary accept a valid form of identification, as defined in statutes, to determine that a signer is who he or she claims to be.

Because the prevention of fraud and deception is central to the notary's role, it is essential that a notary have no conflict of interest when notarizing a document.

In other words, a notary public cannot be a "party to the transaction" or a "party to the instrument." The notary may have no financial or beneficial interest in the transaction, no matter how small.

Moreover, in Arizona, a notarial officer may not perform a notarial act with respect to a record to which the officer or the officer's spouse is a party or in which either of them has a direct beneficial interest [A.R.S. § 41-252(B)].

Additionally, the notary should keep in mind that notarizing a document for any family member could call into question a notary's impartiality in the transaction; therefore, this practice is discouraged. ♦

PRIMARY RESIDENCY >>
A person can have only ONE primary residence at any time. To be considered an Arizona resident the following condition must be met:

- The applicant lives within Arizona's borders, claims Arizona residence as his or her primary residence for tax purposes (that is, the applicant declares it on state and federal tax returns as a primary residence).

The fact that an applicant is out of the state for a temporary or transitory purpose would not defeat or nullify Arizona residency. On the other hand, if an applicant is in Arizona for a temporary or transitory purpose, Arizona would not be a primary residence (A.R.S. § 41-269(B)(3)). ♦

CITIZENSHIP >>
Arizona law requires an Arizona notary public to be a citizen or a legal permanent resident of the United States. ♦

MILITARY NOTARIES>>
How it works
Commissioned vs. non- commissioned officers

Commissioned officers in the U.S. armed forces are federally commissioned to perform notarial functions for other members of the armed forces and the other member's dependents (Attorney General Opinion I97-011)

Non-commissioned officers in the U.S. armed forces must meet the qualifications listed in this chapter to become an Arizona notary public. ♦

Qualifications

The following list includes the legal requirements to become an Arizona notary public. An applicant must:

1. Be at least eighteen years of age.
2. Be a citizen or permanent legal resident of the United States.
3. Be a resident of this state for income tax purposes and claim the individual's residence in this state as the individual's primary residence on state and federal tax returns.
4. Be able to read, write and understand English.
5. Not be disqualified to receive a commission under section 41-271.
6. Have passed the examination described in section 41-270 if required by the secretary of state.
7. Keep as a reference a manual that is approved by the secretary of state and that describes the duties, authority and ethical responsibilities of a notary public.

HONESTY AND MISCONDUCT The secretary of state may deny, refuse to renew, revoke, suspend or impose a condition on a commission as notary public for any act or omission that demonstrates the individual lacks the honesty, integrity, competence or reliability to act as a notary public.

How to Apply ~ Notary Applicants

Whether a first-time applicant, or a notary that is requesting to be re-commissioned an applicant shall:

1. Complete an online web-based application located on the Secretary of State's website (www.azsos.gov). You must print the application and sign it. You cannot submit the application online.

2. Obtain a notary bond BEFORE submitting the application for processing. Fees are associated with this requirement.

3. Submit, to the Secretary of State, the signed application form, a bond with original signatures, and the processing fee. Photocopies of an application or bond are not acceptable.

4. Ensure that printed name and signature on the application match the printed name and signatures on the bond.

The application, bond and fee must be submitted together in order to be processed.

FORM INSTRUCTIONS

Instructions are included throughout the web-based application. If there are no errors on the submitted application, processing may take up to 4-6 weeks once RECEIVED by the Office of the Secretary of State.

How to Apply — Continued on next page

2. Notary Bonds

WHAT THEY DO

A surety bond protects those for whom the notary public performs a notarization.

WHAT THEY DON'T DO

A surety bond *does not* protect the notary public. (*See Errors & Omission Insurance, right)*

BONDS AND THE APPLICATION PROCESS

Applicants must purchase and complete a notary bond BEFORE the Secretary of State grants a commission. The bond, application and filing fee must be submitted together.

APPLICATION REQUIREMENTS:

- State law requires applicants to purchase a four-year $5,000 notary bond [A.R.S. §§ 41-269(D)].
- Applicants must purchase bonds in duplicate. The original bond shall be submitted to the Secretary of State with the notary application and the duplicate copy is to be retained by the applicant as stated in the application instructions.

PURCHASING A NOTARY BOND

Bonds *are not* purchased from the Secretary of State's office. Bonds must be purchased from a licensed surety [A.R.S. § 41-269(D)]. A licensed surety means:

- a notary bonding company;
- an insurance company; OR
- a notary organization.

These entities can be found in a phone book or online.

Fees vary by each licensed surety.

NOTARY BOND REQUIREMENTS

Use the check boxes below to ensure that a bond meets the filing requirements.

Bonds must:

- ☐ Display the applicant's printed name and be signed in two places *exactly* as it appears on the application.
- ☐ Display effective and expiration dates and shall have the expiration date always one day less than the effective date four years later.
- ☐ Be countersigned by the bonding company's authorized agents in two places on the bond form.
- ☐ Be properly notarized.
- ☐ Be notarized with jurat language and must not contain blank lines.

Bonds cannot:

Be issued more than 60 days before or 60 days after the commission is initiated.

Also, the bond's effective date cannot overlap the previous commission's bond end date, even by one day.

Be on Target

Applicants should follow the step-by-step instructions provided on the web application. Questions? Simply call our office for assistance at (602) 542-6187.

How to Apply — Continued on next page

ERRORS & OMISSION INSURANCE >>

How it works

This insurance protects the notary if the notary inadvertently makes an error or omits an element when notarizing a document.

Is it required?

Purchasing this insurance is not required by the state of Arizona.

How to purchase

Errors and Omission (E & O) Insurance is *not* purchased or available from the Secretary of State's office. E & O insurance may be purchased by a notary through either insurance or bonding companies. ♦

APPLICANT PRIVACY >>

Public Records and Application Information

- An applicant's name and business address are public information. If an applicant has no business address, he or she must list another address in the space provided for the business address, such as a home address or a P.O. Box. The applicant should remember that this will be public record when preparing the application.
- All other information on the application form is confidential.
- Only the applicant, the applicant's representative or a public officer acting in an official capacity can view the application. The request must be put in writing on letterhead to our office [A.R.S. § 41-269(A)]. ♦

OATH OF OFFICE >>
An Arizona notary is a public official. Notaries must take an oath of office, which appears on the notary bond. The oath is prescribed by Arizona Revised Statutes § 38-231.

LIMITATIONS ON REFUNDS >>
Once the office processes an application, no refunds will be issued.

Refunds are not issued except when a duplicate application has been filed for the same notary commission term.

In this instance a refund is processed only for the duplicate application. Please allow several weeks for refund processing.

Refunds are not issued for any other purpose. ♦

COMMON APPLICATION REJECTIONS >>
Some common reasons for rejection are:

- A discrepancy has been found between the name and/or the signature on the notary bond and the name and/or the signature on the application.
- The bond dates are incorrect. The applicant will need to request a rider – a statement that has the correct bond dates – for the bond from the notary bonding company.
- The application is incomplete, such as sections were left blank, or it contains incorrect information.
- Other bond information is incorrect. ♦

3. Office Fee Schedule

The following fees are required to be pre-paid to the Secretary of State's office when applying to become an Arizona notary.

$25.00 Application fee
+ $18.00 Notary bond filing fee
= $43.00 Total

Checks or money orders should be made payable to "Arizona Secretary of State."

There are also additional costs associated when applicants obtain a notary bond, notary seal and journal. Costs for these services vary and applicants are encouraged to research companies to secure the best price and quality of service.

Other Office Fees — Service	Fee
Notarial Capacity Certificate	$18.00
Duplicate Commission Certificate	$18.00
Expedite Fee	$25.00
Change of Mailing or Home Address	
If notification made within 30 days of change	No Charge
If notification is NOT made within 30 days of change	$25.00 (penalty)

PAYMENT OF FEES: An applicant, private or public entity, the state or any of its political subdivisions may pay the fees and costs to commission a notary public. Payment of fees and other associated costs does not constitute ownership of a notary public's commission [A.R.S. § 41-269(G)].

Processing Considerations

Application Approval

If an applicant meets the requirements he or she shall be approved and commissioned within 4-6 weeks of application receipt date.

Application Denied

If an applicant does not meet the requirements he or she will be notified of the denial within 4-6 weeks of application submission.

Application Rejected

If an applicant has failed to produce required documents or has an error on the application, he or she will be notified by the office to provide the missing documents or correct the error. Notification will be mailed to the applicant's mailing address as submitted on the notary application.

An applicant may re-file for a Notary commission if rejected for an error. Refer to the check list returned for information and follow the instructions on how to correct the error.

Be on Target

TO CORRECT THE ERROR, COMPLETE A NEW WEB APPLICATION. Do NOT make corrections on the rejected application. RETURN the rejection cover sheet, original bond (with rider if applicable), the NEW WEB APPLICATION, and the filing fee listed above.

Key to Success

A notary's best defense against errors is knowledge and training. We offer a free online notary workshop.

Access the Online Notary Workshop by visiting this link:
Online_Notary_Workshop.ppt | Arizona Secretary of State (azsos.gov)

Chapter 2

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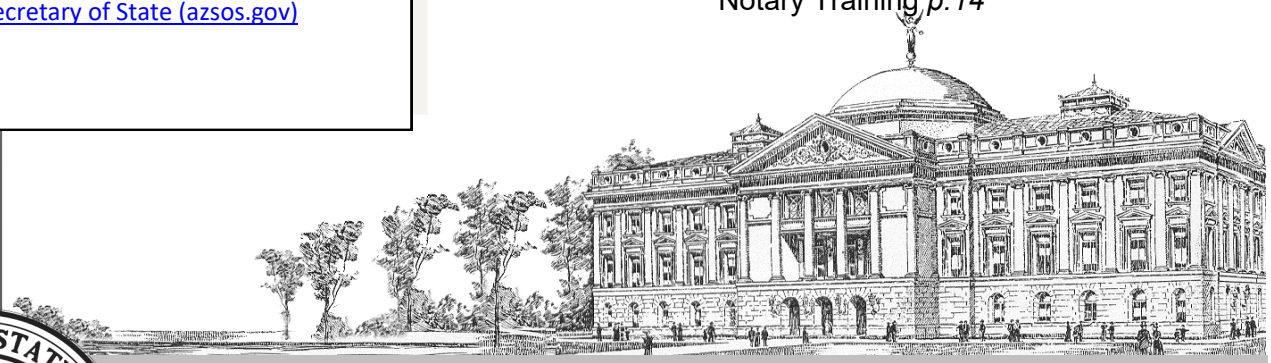


Rights and Responsibilities

Notary Commissions

Before a person can begin notarizing documents the applicant must be appointed and commissioned by the Secretary of State.

WHEN CAN I START TO NOTARIZE DOCUMENTS?

The duties of the office of an Arizona notary public can only be performed when the applicant has **ALL** of the below items:

- An original notary bond and notary application on file with the Arizona Secretary of State's office;
- An original commission certificate from the Arizona Secretary of State's office;
- A notary public seal; and
- A notary public journal.

COMMISSION DUTIES

Duties are specified in A.R.S. §§ 41-252 through 41-255.

COMMISSION TERMS

An Arizona notary public serves a four-year term.

COMMISSION OWNERSHIP

Payment of fees and other associated costs does not constitute ownership of a notary public's commission [A.R.S. § 41-269(G)].

COMMISSIONS ARE NON TRANSFERABLE

Commissions cannot be transferred between persons, nor can they be transferred to another state.

WORKPLACE CONSIDERATIONS

LIMITATIONS: An employer of a notary public may not limit the notary public's services to customers or other persons designated by that employer [A.R.S. § 41– 269(G)(3)]. Notaries are bound by Arizona law.

Notarizations can be performed outside the workplace regardless of whether a private or public entity pays for a notary public's commission.

More about Rights and Responsibilities — Continued on next page

A WORD ABOUT BONDING AGENTS >>
If a bonding agent uses an out-of-state vendor to obtain a notary seal, that vendor is still required to obtain a copy of the commission certificate before making a notary seal.

By making Arizona notary seals, the vendor is bound by Arizona law and needs to receive, and keep on file for four years, a copy of the commission certificate [A.R.S. § 41-267(B)].

EMBOSSERS >>
A notary public may use an embosser, sometimes referred to as a crimper, but may only do so in conjunction with the use of a rubber stamp notary seal.

DUPLICATE CERTIFICATES >>
Notification: A notary who loses or inadvertently destroys a commission certificate may request a duplicate certificate from the Secretary of State's office. The notary must put the request in writing.

Fee: See page 6

Failure to comply: There is no requirement to post a certificate under the law. A notary certificate isproof that an Arizona resident has been commissioned as an Arizona notary. It therefore should be readily available to customers who request such identification. It is prudent that the notary contacts the office as soon as possible for a replacement certificate.

PUBLIC VS. NON-PUBLIC RECORDS >>
A.R.S. § 41-319(E) specifies that if a notary performs both notarizations that are public records and those that are not public records, he or she may keep two journals – one for each type of notarization.

If a notary only performs notarizations that are public record, the notary may only keep one journal. ♦

WORKPLACE CONSIDERATIONS *Continued*

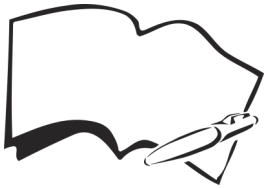
WORKPLACE TERMINATION: If a notary public's employment is terminated or he or she leaves employment, the notary public may:

- Maintain his or her commission,
- Resign his or her commission, or
- Let the commission expire.

If the notary public chooses to maintain his or her commission, he or she must complete and send in a Notary Public Address/Name Change form to inform the Secretary of State of this change.

If the notary public chooses to resign or let the commission expire he or she shall follow the procedures stated in this manual to surrender his or her notary seal and journal to the Secretary of State's office.

JOURNAL POSSESSION



Regardless of who pays for a notary public's commission, whether it be the notary or his or her employer, the notary public's seal and journal are the property of the notary public if the journal contains public records. The notary public shall not relinquish the journal to the employer if the journal contains only public records [A.R.S. § 41-269(G)]. A journal that contains only non-public records is the property of the employer when the notary public leaves that employment. [A.R.S. § 41-319(E)]. See sidebar for details about public and non-public records. ♦

Commission Certificates

A commission certificate is an official document issued by the Secretary of State's office that certifies the appointment of an Arizona notary public.

The commission certificate is the notary public's proof that he or she is commissioned as a notary public in the State of Arizona [A.R.S. § 41-251(2)].

Certificates do not have to be posted but must be kept in a safe place, and, if requested, be presented as proof of a notary public's commission [A.R.S. § 41-251(2)]. To prevent fraud, a notary should not provide a copy of the certificate to anyone other than the vendor who creates the notary's seal [A.R.S. § 41-267(B)].

Commission Contents

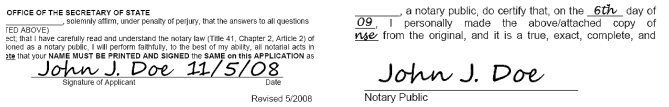
A commission certificate includes:

- The notary public's name as it was entered on the notary public's bond.
- The notary public's commission number.
- The issuance date of the commission.
- The expiration date of the commission.
- The name and signature of the Secretary of State who commissioned the notary public.

Note: A commission certificate is valid for 4 years even if the Secretary of State that commissioned the notary no longer holds office.♦

Key to Success

NOTARY PUBLIC SIGNATURE: When performing a notarization, a notary public must sign his or her name exactly as it appears on the notary application and notary bond.


OFFICE OF THE SECRETARY OF STATE
_____, solemnly affirm, under penalty of perjury, that the answers to all questions
(ED ABOVE)
ect; that I have carefully read and understand the notary law (Title 41, Chapter 2, Article 2) of
ioned as a notary public; I will perform faithfully, to the best of my ability, all notarial acts in
ate that your **NAME MUST BE PRINTED AND SIGNED** the **SAME on this APPLICATION** as
John J. Doe 11/5/08
Signature of Applicant Date
Revised 5/2008

_____, a notary public, do certify that, on the 6th day of 09, I personally made the above/attached copy of me from the original, and it is a true, exact, complete, and

John J. Doe
Notary Public

Upon Receipt of Commission Certificate

1. REVIEW THE COMMISSION CERTIFICATE

Ensure the information printed on it is correct. Compare it to the information on the notary bond and application.

- ☐ Is the notary public's name exactly as it was submitted on the bond?
- ☐ Is the COUNTY listed on the certificate correct?
- ☐ Is the date of issuance correct?
- ☐ Is the date of expiration correct?

The information on the commission certificate directly affects the information that appears on a notary's seal. If the information on the certificate is incorrect, contact our office as soon as possible.

2. PURCHASE A NOTARY PUBLIC SEAL

Fees: Vary by vendor.

If the information on the certificate is correct, the Arizona notary must procure a notary public seal and journal before notarizing any document. To do so, contact a stationery store, office supply store, bonding agent or a professional notary organization. The notary must provide a COPY of the notary certificate to the company making the seal. Ensure all information is correct on commission certificate prior to submission to the stamp vendor.

A valid notary seal must:

- Be a rubber stamp
- Have dark ink. These colors include black, dark blue, dark purple, dark green or dark brown. Red ink or ink not viewable on all copy or fax machines is unacceptable.
- Not be larger than 1 1/2 inches high and 2 1/2 inches wide or 1 1/2 inches round.
- Contain the words "Notary Public."
- Contain the notary public's name as listed on his or her commission certificate.
- Contain the Arizona county in which the notary public was commissioned, listed on the commission certificate.
- Contain notary public's current commission expiration date.
- Contain the Great Seal of Arizona [A.R.S. § 41-266(B)].
- Contain the notary public's commission number.

A notary public can only have one seal.

Failure to comply: Using a seal not meeting the requirements described in A.R.S. § 41-266(B) is grounds for the Secretary of State to refuse, revoke, or suspend a notary public's commission A.R.S. § 41-271.

3. PURCHASE A NOTARY PUBLIC JOURNAL

Notaries public must obtain a journal. Journals can be purchased at stationery or office supply stores and through notary organizations.

Fees: Vary by vendor

Journals must be in paper form and list notarial acts in chronological order. Additionally, although not required by law, use of a permanently bound journal is recommended for the notary's protection. Permanently bound pages are more difficult to remove or lose than loose-leaf pages. The use of journals is reviewed on page 22. ♦

Failure to comply: Using a journal not meeting the requirements described in A.R.S. § 41-319 is grounds for the Secretary of State to refuse, revoke, or suspend a notary public's commission A.R.S. § 41-271.

REPLACING SEALS & JOURNALS >>

Loss
A notary shall notify the secretary of the loss in writing by "means of receipt." This means the notary needs to receive proof the items were delivered. ♦

Theft
If the theft of a notary seal and/or notary journal has occurred, contact a law enforcement agency to file a report.

Notification
Notify the Secretary of State's office of a loss or theft within 10 days [A.R.S. § 41-323(B)].
A notification form is available online at www.azsos.gov.

Fees: None. If within 10 days.

Failure to Comply: If notification has not been received within 10 days of the loss or theft, a civil penalty of $25 per offense will be assessed and must be paid prior to the renewal of the notary's commission [A.R.S. § 41-323(C)].

Replacement
A lost or stolen notary public seal or journal can be replaced. The shape and ink color of the replacement seal shall be different than the original seal. There are no shape requirements for notary seals. See #2 and #3 on this page for seal and journal requirements.

Documentation
Once the new seal is received, describe the replacement seal in writing and include the date when it will begin to be used in a letter to the law enforcement agency to which the theft report was filed; and send a copy of this letter to the Secretary of State. Document the description and the date of usage of the new seal in the new journal. Document in the journal why a new journal was purchased. ♦

NOTARY RECORDS RETENTION >>
Notaries are required to keep a journal of all notarial acts for at least five years. A notary shall not destroy a journal unless its most recent entry is at least five years old.

If a notary ceases to be a notary, he or she must surrender his or her records to the Secretary of State by certified mail or other means that provides proof or receipt.

Journals that contain entries that are not public record should remain with the notary's employer if the notary leaves his or her place of employment. Refer to public vs. private records and maintaining two journals, page 22.

If a journal contains only entries that are public record, the journal is the notary's property and the notary is responsible for turning in the journal to the Secretary of State upon ceasing to hold a notary commission (A.R.S. § 41-317).

Additionally, a notary must destroy or surrender his or her seal upon ceasing to be a notary. ♦

Commission Amendments

NAME and/or ADDRESS CHANGES

NAME CHANGES

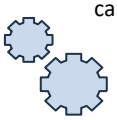
Compliance (A.R.S. § 41-327): A commissioned notary shall notify the Secretary of State's office within 30 days of a surname change. Use the Notary Public Address/Name Change Form found on our website.

Fees: None

Failure to comply is evidence of the notary's failure to fully and faithfully discharge the duties of notary and may result in suspension or revocation of the notary's commission.

How it works

A notary public has two choices under the law. A commissioned notary public whose name changes can:



1. Continue to use the current commission until it expires. If choosing this option, the notary shall sign his/her new name on the line designated for the notary's signature and directly below shall sign the name under which the notary is currently commissioned.

OR

2. Apply for a new commission under the new name. If choosing this option, notary must first resign the current commission, then reapply using the renewal option. Follow the instructions below under "Commission Renewal" to apply for a commission under your new name. Proof from the bonding company that the previous bond has been cancelled must also be included.

ADDRESS CHANGES – MAILING, RESIDENTIAL OR BUSINESS

Compliance (A.R.S. § 41-323): Notaries must file an address change within 30 days after the change.

Fees: None ♦

Failure to comply is grounds for the Secretary to suspend or revoke the notary's commission and/or may result in a $25 civil penalty.

Commission Renewal

Notaries public may submit a renewal application, new bond and filing fees to the Secretary of State's office up to 60 days prior to the expiration of a commission. Notaries public may continue to notarize until 11:59 pm of the expiration date of a current commission.

A notary who fails to renew a commission has let it expire (see "Commission Expiration or Death of Notary" page 11).

The notary may reapply at any time for a new commission. If an individual reapplies after a commission expires, he or she may not notarize documents until receiving the new commission from the Secretary of State's office.

Upon reappointment as a notary, the notary must obtain a new seal that contains the notary's new commission expiration date before he or she performs any notarizations.

See page 9, #2 for the necessary elements of a notary seal. ♦

Commission Resignation

Compliance [A.R.S. § 41-317(A)]: A notary who chooses to resign must notify the Secretary of State in writing of the resignation. The notary shall surrender the notary seal, notarial journal and records, except those records of notarial acts that are not public record, to the Secretary of State. See right sidebar "Surrender of Journal, Seal and Records."

Fee: None

Send the original resignation letter, along with the notary's journal and seal to:

Arizona Secretary of State, Attn: Notary Department
1700 W. Washington Street, 7th Floor
Phoenix, Arizona 85007-2808

As a courtesy, a copy of the resignation letter should be sent to the notary public's bond company as well.

Journal Retention: Any journal that contains records which are all five years old, or older may be destroyed, and are not required to be turned into the secretary. ♦

Failure to comply: A commission is not resigned until the Secretary of State is notified. Items are required to be sent within three months of a notary's resignation or the notary shall forfeit not less than $50 nor more than $500 to the State (A.R.S. § 41-317).

Commission Revocation, Expiration or Notary Death

Compliance [A.R.S. § 41-317(B)]: On the resignation or revocation of a notarial commission or the death of a notary public, any physical stamping device, notarial journal and records, except those records of notarial acts that are not public record, shall be delivered by certified mail or other means providing a receipt to the secretary of state. See right sidebar "Surrender of Journal, Seal and Records".

JOURNAL, SEAL AND RECORDS

EXPIRATION: A notary public who chooses to allow a commission to expire shall deliver his or her device, notarial journal, and records to the Secretary of State's office within three months. A signed cover letter that includes the notary's name, commission number and the last four digits of the notary's social security number should be sent with the items.

DEATH: In the case of the death of a notary, the personal representative of the notary shall surrender the device, notarial journal, and records to the Secretary of State within three months. The representative shall also include a signed cover letter that includes the notary's name, commission number and the last four digits of the notary's social security number.

Send the letter, along with the notary's journal and seal to:
Arizona Secretary of State, Attn: Notary Department
1700 W. Washington Street, 7th Floor
Phoenix, Arizona 85007-2808 ♦

SURRENDER OF JOURNAL, SEAL AND RECORDS >>
When journals, seals and other notary records are surrendered to the Secretary of State's office they must be sent via certified mail or other means providing a receipt. Receipts should be retained as proof of the communication, as they protect the notary by providing evidence that the necessary items were surrendered. The notary has the burden of proof* to demonstrate that he or she surrendered required items to the Secretary of State.

Journal Retention: While a notary public is commissioned, a notary public shall keep journals for at least five years after the most recent journal entry. ♦

Failure to comply: Items are required to be sent within three months of a notary's commission resignation, expiration, revocation or death or the notary shall forfeit not less than $50 nor more than $500 to the Secretary of State's office (A.R.S. § 41-317).

*** BURDEN OF PROOF >>**
Throughout this manual are references to sending and delivering items or correspondence "by means of a receipt." This means the notary needs to receive proof the items were delivered. ♦

FRAUD & DECEPTION >>
A notary public who engages in any fraudulent or deceptive conduct related in any way to his or her capacity as a notary may be held liable for misconduct. A seal may only be used by the person named on it. The notary shall not use someone else's notary seal or knowingly let someone else use his/her notary seal. ♦

OFFICIAL MISCONDUCT GUILTY VERDICT >>

A court could hold a notary public to unlimited liability if a notary public is found guilty ofofficial misconduct.

In Arizona, a notary commission could be revoked,perhaps permanently.

In some states, employers have been held liable for errors on the part of a notary who performs notarizations inconjunction with his or her place of employment. In one such instance an employer was held liable for damages. Therefore, it's important that those employing notaries take care to ensure that the notaries understand the laws and practices associated with being a notary public.

A notary public could be fined or go to prison formisconduct. If a notary public is prosecuted for criminal fraud, heor she could be fined and/or imprisoned and/orbe required to pay restitution. If a notary public is found civilly liable he or she couldface unlimited financial damages, court costs and attorney fees.

For more information, see Notary Public Complaints, Investigation of Misconduct on page 14. ♦

Notary Law

Failure to discharge duties and misconduct as public officer

A notary commission may be suspended, revoked or denied for failure to discharge fully and faithfully any of the duties or responsibilities required of a notary public. Examples are listed throughout the manual and include but are not limited to:

- Failure to keep, maintain and protect a notary journal in accordance with A.R.S. § 41-319.
- Failure to obtain a notary seal in accordance with A.R.S. § 41-266.
- Failure to notify the secretary of a change of surname within 30 days of the name change. A.R.S. § 41-327.
- Failure to notify the secretary of an address change within 30 days of the change. A.R.S. § 41-323(A).
- Failure to notify the secretary of state of the loss, theft or compromise of an official journal or stamping device within 10 days of the loss, theft or compromise. A.R.S. § 41-323(B).

EXAMPLES OF MISCONDUCT UNDER A.R.S. § 41-271

- A fraudulent, dishonest or deceitful misstatement or omission in the application for a commission as a notary public submitted to the secretary of state.
- A conviction of the applicant or notary public of any felony or a crime involving fraud, dishonesty or deceit. A conviction after a plea of no contest is deemed to be a conviction for the purposes of this paragraph.
- A finding against or admission of liability by the applicant or notary public in any legal proceeding or disciplinary action based on the applicant's or notary public's fraud, dishonesty or deceit.
- Failure by the notary public to discharge any duty required of a notary public, whether by this article, rules of the secretary of state or federal or state law.
- Use of false or misleading advertising or representation by the notary public representing that the notary has a duty, right or privilege that the notary does not have.
- Violation by the notary public of a rule of the secretary of state regarding a notary public.
- Denial, refusal to renew, revocation, suspension or conditioning of a notary public commission in another state.
- Failure of the notary public to maintain an assurance as provided in section 41-269, subsection D.
- Charging more than the fees authorized by this article or rule. A notary public who charges fees higher than allowed by rule (see the rules on page 52 of this manual) is liable to the party aggrieved in an amount four times the fee unlawfully demanded and received [excessive fees A.R.S. §§ 38-413 and 41-316(C)]. In doing so the notary public is also guilty of a class 5 felony.
- The return for insufficient funds or for any other reason for nonpayment of a check issued for the assurance filing fees or application fees to the secretary of state.
- Failure to respond to any request for information or to comply with any investigation initiated by the secretary of state or the attorney general.
- The prior revocation of a notary public commission in this state.

Notary law violations

Examples of violations to notary law are listed throughout the manual and include but are not limited to:

- A notary's failure to notify the Secretary of a lost, stolen or compromised notary journal within 10 days of the loss, theft or compromise [A.R.S. § 41-323(B)].
- A notary's failure to notify the Secretary of a change of address within 30 days [A.R.S. § 41-323 (A)].
- A notary's failure to respond to an investigation [A.R.S. § 41-271(A)(12)].
- A notary's failure to identify a signer using satisfactory evidence of identity prescribed in statute. [A.R.S. § 41-255].
- A notary's failure to keep maintain and protect a journal of all notarial acts in accord with [A.R.S. § 41-319].

The laws governing notaries public are found in Arizona Revised Statutes, and begin on page 31. Failure to comply may result in the Secretary of State refusing, revoking or suspending a commission. Additionally, the annotated version of Arizona Revised Statutes and the historical notes to notary law can be found at local libraries.

NOTARIAL ERRORS

Compliance: Notaries shall fully and faithfully discharge duties as a notary public. Any violation of notary statutes is also a failure to discharge fully and faithfully any of the duties or responsibilities required of a notary public. Some examples include:

NOTARIZATION WITHOUT USING A NOTARY SEAL

A notary who does not place his or her notary seal on a document has performed an incomplete notarization. Arizona law requires that the seal be placed on each notarization. Otherwise, a court of law could declare the notarization invalid.

NOTARIAL LANGUAGE IS MISSING

A notary who notarizes a document without notarial language (see notarial certificates examples in this manual) has performed an incomplete notarization. A court of law could declare the notarization invalid.

A DOCUMENT THAT CONTAINS BLANK SPACES IS IMPROPERLY NOTARIZED

A jurat cannot be performed on a document that contains blank spaces or that is incomplete. There is no such limitation when performing acknowledgments, although the Secretary of State's office recommends that a notary public not notarize a document containing obvious blank spaces. [A.R.S. § 41-253 (B)(2)].

IMPARTIALITY / PARTY TO THE INSTRUMENT

A notarial officer may not perform a notarial act with respect to a record to which the officer or the officer's spouse is a party or in which either of them has a direct beneficial interest. A notarial act performed in violation of this subsection is voidable. A.R.S. § 41-252(B).

It is unlawful for any notary public to take the acknowledgment of a record executed by or to a corporation of which the notary public is a stockholder, director, officer or employee, where the notary public is a party to the record, either individually or as a representative of the corporation, or to protest any negotiable instrument owned or held for collection by the corporation, where the notary is individually a party to the instrument. A notarial act performed in violation of this subsection is voidable. A.R.S. § 41-320(B).

PROHIBITED CONDUCT

Subject to A.R.S. § 41-320, a Notary shall not perform a notarization on a document if

- the notary is an officer of any named party
- the notary is a party to the document
- the notary will receive any direct material benefit from the transaction that is evidenced by the notarized document that exceeds in value the fees prescribed pursuant to A.R.S. § 41-316. ♦

PROHIBITED ACTS >>
A.R.S. § 41-273

A. *A commission as a notary public does not authorize an individual to:*
1. Assist persons in drafting legal records, give legal advice or otherwise practice law.
2. Act as an immigration consultant or an expert on immigration matters.
3. Represent a person in a judicial or administrative proceeding relating to immigration to the United States, United States citizenship or related matters.
4. Receive compensation for performing any of the activities listed in this subsection.
B. *A notary public may not engage in false or deceptive advertising.*
C. A notary public, other than an attorney who is licensed to practice law in this state, may not use the term "notario" or "notario publico".
D. *A notary public, other than an attorney who is licensed to practice law in this state, may not advertise or represent that the notary public may assist persons in drafting legal records, give legal advice or otherwise practice law. If a notary public who is not an attorney licensed to practice law in this state in any manner advertises or represents that the notary public offers notarial services, whether orally or in a record, including broadcast media, print media and the internet, the notary public shall include the following statement, or an alternative statement authorized or required by the secretary of state, in the advertisement or representation, prominently and in each language used in the advertisement or representation: "I am not an attorney licensed to practice law in this state. I am not allowed to draft legal records, give advice on legal matters, including immigration, or charge a fee for those activities." If the form of advertisement or representation is not broadcast media, print media or the internet and does not allow inclusion of the statement required by this subsection because of size, it must be displayed prominently or provided at the place of performance of the notarial act before the notarial act is performed.*
E. *Except as otherwise allowed by law, a notary public may not withhold access to or possession of an original record provided by a person that seeks performance of a notarial act by the notary public.*
F. *If a notary public, other than an attorney licensed to practice law in this state, performs an activity listed in subsection A of this section or otherwise performs the unauthorized practice of immigration and nationality law as defined in section 12-2701, the secretary of state shall impose a civil penalty of not more than $1,000 and permanently revoke the notary public's commission.*
G. *A notary public who violates subsection D of this section is guilty of a class 6 felony and the secretary of state shall permanently revoke the notary public's commission.* ♦

***WHEN A NOTARY COMPLAINT IS FILED >>**
The following information shall be clearly identified when a complaint is filed:

- The party opening the grievance. If a government agency or business entity is filing the grievance an individual must be identified who will serve as the point of contact while the investigation is conducted.
- The name of the notary who has allegedly committed the notary violation(s) must be clearly identified.
- A detailed description of the circumstances surrounding the notary's services must be provided.
- The complaining party must identify how they believe the notary's actions violated the law.
- A copy of the notarized document at issue and other documents/ information supporting the allegations. ♦

A WORD ABOUT NOTARY TRAINING >>
Private companies and organizations also offer notary training. The State of Arizona does not designate an official trainer or endorse companies who train notaries.

Be wary of any company claiming to be an "official" trainer for the State of Arizona, as it has not been designated as such by the Secretary of State's office or the State of Arizona. ♦

Notary Public Complaints

An investigation of misconduct

Steps:

1. The Secretary receives a written complaint indicating a violation of notary law or ethics. *See article at left, When a Notary Complaint is Filed.**

2. The complaint is forwarded to the Arizona Attorney General's Office ("AGO").

3. The AGO investigates the complaint. (While pending, the complaint is confidential.)

4. The AGO provides the Secretary with its investigation results.

5. The Secretary's office contacts the notary public by written notice of the decision.

Results; a decision may include taking no action to:

Suspension of a commission, revoking a commission indefinitely or imposing conditions on a commission. [A.R.S. § 41-271(A)]

In the case of a suspension or revocation, a notary public has 30 days from the date of notification of the disciplinary action to appeal the action by requesting an administrative hearing by certified mail, fax or some means of receipt. ♦

Notary Training

WORKSHOP—ONLINE: Free online notary workshops are offered by the Secretary of State's office. Visit Online_Notary_Workshop.ppt | Arizona Secretary of State (azsos.gov) to review the Online Notary Workshop.

Compliance: The Secretary of State *may* require an applicant for a commission as a notary public, an applicant who is renewing a commission or a notary public with a suspended commission to pass an examination administered by the secretary of state or an entity approved by the secretary of state.

Fees: None.

Failure to comply: Subject to A.R.S. § 41-271 (A), the Secretary of State may deny, refuse to renew, revoke, suspend or impose a condition on a commission as notary public. If a notary fails to meet the conditions imposed by the Secretary within the timeframe designated in the terms of the notice of decision, the notary commission will be revoked.

NOTARY PUBLIC REFERENCE MANUAL: This manual is available in an electronic format for downloading on the Arizona Secretary of State's website.

Compliance (A.R.S. § 41-312): The law requires notaries public to "keep as a reference a manual that is approved by the Secretary of State that describes the duties, authority and ethical responsibilities of a notary public."

Fees: None. ♦

Key to Success

It's simple: the document signer must be present in order for the notarization to take place. This means the person may have signed the ***document*** *before being in the notary's presence. The person who signed the document still has to be present when the* ***notarization*** *is performed. See more information see page 16, Documents and Signatures.*

Chapter 3

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Documents and Signatures *p.16*
Foreign Language Requirements *p.16*
Satisfactory Evidence of Identity *p.17*
Documents with Signature *p.19*
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Notary Journals *p.22*
Transactions *p.22*
Entries *p.23*
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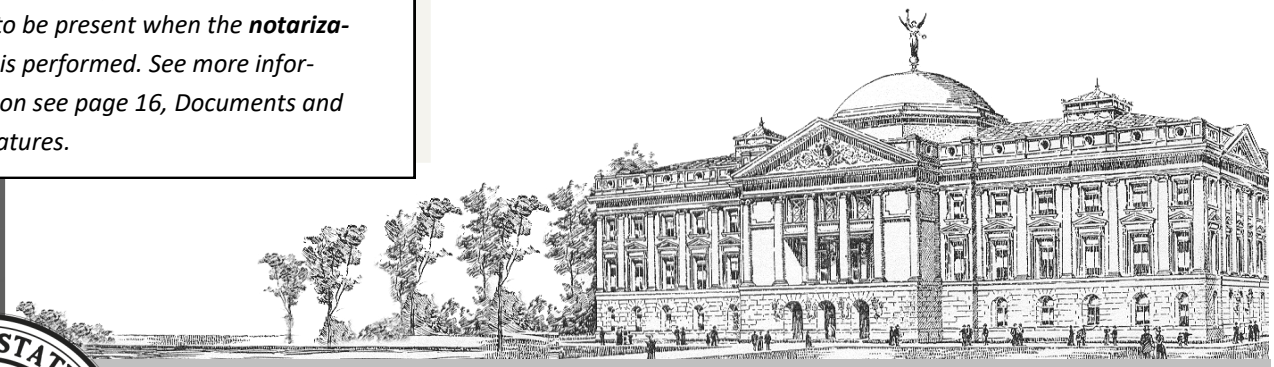
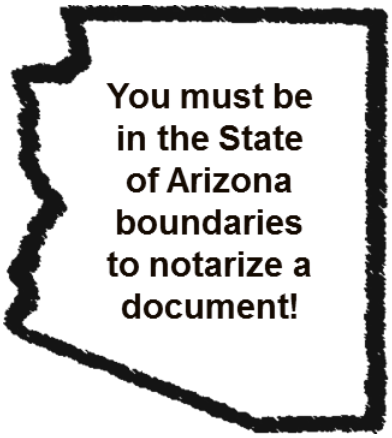


Knowing your Boundaries

Notarial Duties

Arizona notaries public may only notarize documents within the state boundaries of Arizona.

If a document is to be filed in a different state, it may still be notarized by an Arizona notary public if it is presented before the notary within the State of Arizona, and the signer/requestor is in person for the notarization.



NOTARIAL CERTIFICATES >>
Not to be confused with a commission certificate, a notarial certificate is the part of, or attachment to, a notarized document. The certificate is to be completed by the notary public and that bears the notary public's wet signature and seal.

Notarial Certificate Facts
The certificate states the facts that are attested to by the notary public in a particular notarization A.R.S. § 41-264.

Notarial Certificate Venue
The state and county where the notarization takes place is known as the "venue" or "jurisdiction". [A.R.S. § 41-264 (A)(3)].

Notarial Certificate Types
A notary public should become familiar with the types of notarial certificates on a document. Samples of certificates are in Chapter 6. ♦

Documents Without Notarial Certificates
If a document does not contain a notarial certificate but the individual wants his or her signature notarized, the notary public must ask the requestor which type of notarization he or she wants. The individual requesting the notarization determines the type of notarial certificate.

Once this is determined, the notary public can type, stamp or neatly handwrite this information on the document or attach a certificate (see "When Attach Certificate" sidebar on page 27 and samples of certificates on pages 52-55). ♦

TRANSLATORS >>
It is not a requirement that the notary public provide customers with a translator.

It may be in their best interest to have a translator who they trust to translate correctly.

A translator may need to be present to verbally translate oaths or affirmations or to explain a document to a signer if they are unable to read the document prior to having their signature notarized. ♦

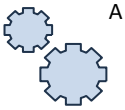
Notarization Request

Compliance: If a reasonable request is made, a notary public shall notarize a document under the guidelines in this manual. Black's Law Dictionary defines "reasonable" in part to be: "fair, proper, just, moderate, suitable under the circumstances…" ♦

Failure to comply: A notary public cannot refuse a notarization of a document if a reasonable request is made. However, a notary can refuse a notarization if the document or the signer does not meet other requirements listed in this manual.

HOW IT WORKS

Posted Hours



A reasonable request includes one that is made during a notary's normal business hours, that is, the hours posted on the door of the business.

Note: Even if the request is made one minute before closing, it is considered a reasonable request.

Hours of Duty

As another example: if a notary only performs notarial acts while on duty for his or her employer, and his or her work hours are 8:00 a.m. to 5:00 p.m., then a request made at 8:00 p.m. would be an unreasonable request.

Documents and Signatures

A document signer must appear in the notary's presence before any notary act can be performed.

- If the document signer is not present then the notary public must refuse the notarization.
- If the document signer is present and the document is already signed. See page 19, "Documents with a Signature."
- Regardless of whether a document is pre-signed or is signed in the notary's presence, the signer must still produce satisfactory evidence of identity before the notary proceeds with notarizing the document. ♦

Foreign Language Requirements

LANGUAGE COMPREHENSION IS KEY

Notaries may only perform the notarial acts prescribed in their notarial duties if the signer signs in a language that the notary public understands, and the notarial certificate is worded and completed using only letters characters and a language that is read, written and understood by the notary public. ♦

DOCUMENTS IN A FOREIGN LANGUAGE

A notary **MAY** perform a notarial act on a document that is in a foreign language that the notary does not understand so long as the notarial certificate is worded and completed using only letters, characters and a language that is read, written and understood by the notary public.

VERBAL TRANSLATIONS

The signer may communicate directly with the notary in a language they both understand, or indirectly through a translator who is physically present with the signer and the notary at the time of the notarization and communicates directly with the signer and the notary in languages the translator understands. A.R.S. § 41-253(F) ♦

Satisfactory Evidence of Identity

Compliance: A notary shall identify the signer of a document. The notary may do so through personal knowledge or through satisfactory evidence of identity. [A.R.S. § 41-255(A), (B)]

Failure to comply: If a notary fails to comply with this requirement the Secretary of State may refuse, revoke or suspend a notary public's commission.

1. PERSONAL KNOWLEDGE OF THE INDIVIDUAL BY THE NOTARY

Requirements: A notarial officer has personal knowledge of the identity of an individual appearing before the officer if the individual is personally known to the notarial officer through dealings sufficient to provide reasonable certainty that the individual has the identity claimed. [A.R.S. § 41-255(A)]

2. DRIVER LICENSE OR NONOPERATING IDENTIFICATION LICENSE

Requirements: Unexpired

Issued by: A state or territory of the United States.

A.R.S. § 41-255(B)(1)(a).

3. U.S. PASSPORT

Requirements: Unexpired.

Issued by: The United States Department of State

A.R.S. § 41-255(B)(1)(a).

4. ARMED FORCES IDENTIFICATION CARD

Requirements: Unexpired

Issued by: Any branch of the United States Armed Forces.

A.R.S. § 41-255(B)(1)(b).

5. INMATE IDENTIFICATION CARD OR ANY FORM OF INMATE IDENTIFICATION

Requirements: Inmate must be in custody of State Department of Corrections, Federal Bureau of Prisons or County Sheriff's Department.

Issued by: Arizona Department of Corrections, Federal Bureau of Prisons or County Sheriff's Department.

A.R.S. § 41-255(B)(1)(d), (e).

6. OTHER GOVERNMENT ISSUED IDENTIFICATION CARDS

Requirements: Unexpired; contains the customer's signature or a photograph and physical description including: height, weight, eye color, and hair color.

Issued by: The United States, a state or a tribal government.

A.R.S. § 41-255(B)(1)(c).

ID RULE EXCEPTIONS >> ONLY for the purposes of real estate conveyance and financing

In addition to the other forms of acceptable identification, a notary may accept the following forms of ID:

1. A valid unexpired passport issued by a national government other than the United States government and that is accompanied by a valid unexpired visa or other documentation that is necessary to establish an individual's legal presence in the United States.

2. Any other valid unexpired identification that is deemed acceptable by the United States Department of Homeland Security to establish an individual's legal presence in the United States and that is accompanied with supporting documents as required by the United States Department of Homeland Security. (See exceptions above.) ♦

Although subject to change, examples might include:

- Passports without visas from qualified individuals who are visiting from countries participating in the Visa Waiver Program. Visit www.state.gov for a list of such countries.
- Identification accepted from certain visitors from Canada and Mexico under the Western Hemisphere Travel Initiative. (www.cbp.gov/travel/us-citizens/western-hemisphere-travel-initiative) for more information. ♦

FRAUDULENT IDENTIFICATION >>
It is recommended that Arizona notaries public learn how to detect fraudulent and false identification presented to them.

Classes are offered by many local police departments and sheriffs' offices.

Equipment for ID Checking
The Arizona Department of Liquor Licenses and Control has guidelines on how to check IDs.

They suggest not using ambient lighting but to have on hand: a flashlight, black UV light (to check security features), and a magnifying glass (to check security features).

RETENTION OF RECORDS >>
Notaries public are not required to keep copies of all notarizations.

If a notary personally knows the signer and the notary keeps a paper or electronic copy of the notarized document, it is not necessary to make a journal entry [A.R.S. § 41- 319(B)]. If the notary does not wish to retain a paper or electronic copy of the notarized document, he or she must make a journal entry instead.

If a notary does not know the person personally, he or she must make a journal entry of the notarization and may not merely keep a copy of the document as record of the transaction.

The office recommends keeping a journal entry regardless of whether a paper or electronic copy of the notarization is kept. ♦

7. CREDIBLE WITNESS [A.R.S. § 41-255(B)(2)]

If a notary does not know the signer personally and the signer does not have valid ID the notary can use a credible witness to identify the signer.

A credible witness must be someone who knows the signer personally. Some state's refer to a credible person as a credible witness.

There are two types of credible persons:

1. The first is someone whom the notary knows and who knows the signer. Satisfactory evidence of identity of the credible person in this case is personal knowledge. The credible person is then placed under oath to swear or affirm that the signer has the identity claimed.
2. The second is someone whom the notary does not know personally but who personally knows the signer. The credible person must present the notary with an ID card that meets the requirements listed on page 17.

RECORD THE TRANSACTION: The notary must list in the journal the type of satisfactory evidence of identity used for the credible witness, and obtain the credible person's full name, signature and address, as well as all necessary journal elements for the signer.

Note that the credible person must *always* know the signer.

Credible Person Documentation

RECORD THE TRANSACTION: If a notary public uses a credible witness as satisfactory evidence of identity the **credible person** must:

- ☐ Be placed under oath to affirm that the signer has the identity claimed. Examples of oaths to affirm a credible person are on page 30.

AND

- ☐ Sign the notary public's journal

The **signer** must also:

- ☐ Sign the notary public's journal ♦

Insufficient Evidence

Notarization Refusal

A notary should refuse a notarization:

1. IF THE CUSTOMER FAILS TO MEET THE STANDARDS IN A.R.S. § 41-253:

- If the notary public has no personal knowledge of the individual,
- There is no credible witness, and
- The signer does not have an appropriate form of identification that meets the standards in Arizona law.

2. IF THE CUSTOMER HAS PRESENTED A FRAUDULENT ID

- If the notary public has determined the form of identification presented by the requestor is fraudulent

The notary public should document every refusal in his or her journal. ♦

Documents with Signature

Compliance: A document with acknowledgement language may be pre-signed. However, the document signer must be present for the notarization, and the signer must present satisfactory evidence of identity consistent with the information beginning on page 17.

If the notary does not know the signer, the signer must present satisfactory evidence of identity consistent with the elements beginning on page 17.

The notary is encouraged to compare the signature of the signer on the pre-signed document with the signature that the signer makes in the notary's journal. The notary must use his or her judgment when comparing signatures.

- If the signatures look like they were signed by the same person, the notary should perform the acknowledgment.
- If the signatures look different and the notary is unsure if the same person made the signatures, the notary may request that the signer sign the document again, or may refuse the notarization.

OATH OR AFFIRMATION, A REMINDER: The document must be signed in the notary's presence when performing an oath or affirmation. See page 27. ♦

ACCEPTANCE OF SIGNATURES

A notary can notarize a thumb print or an "X" mark as a "signature" or "subscription", even when the signer is able to write and is not disabled.

The signer's name does not need to be written near the mark nor do they need a witness to observe the signing.

RECORD THE TRANSACTION: A journal entry must be made as with any other notarial act. ♦

POWER OF ATTORNEY

If an individual claims to have Power of Attorney (POA) for another and presents a document for notarization in which the individual wants to sign on behalf of the person whose POA he or she claims to have, it is suggested that the notary request to see a copy of the POA. Verify that the POA grants the authority to execute the type of document that is being presented for notarization.

The signer is required to present satisfactory evidence of identity confirming that he or she is the individual he or she claims to be.

The individual should then sign his or her name. Next to that, he or she should print "signing on behalf of (name of individual whose POA he or she has)."

RECORD THE TRANSACTION: A journal entry must be made conveying who the signer was and on whose behalf he or she was signing. ♦

RELATIONSHIP TO SPOUSE/FAMILY MEMBERS

How it works

Arizona law states that notaries cannot perform a notarial act with respect to a record to which the notary or the notary's spouse is a party or if either will have a direct beneficial interest. [A.R.S. § 41-252(B)]

A notary is an impartial witness. Just because the law allows a notary public to notarize for other family members, it is not a recommended action.

Many courts have found that a sibling or other family member relationship implies some type of financial or beneficial interest in transactions thereby negating an argument for impartiality.

ARIZONA SECRETARY OF STATE NOTARY PUBLIC SYSTEM >>

The public can search online for Arizona notaries through the Arizona Secretary of State Notary Public System.

As stated under Applicant Privacy earlier in this manual a limited amount of information is released under Arizona law.

How it works

Visit: www.azsos.gov

Under "Search for Notaries" a notary can be searched by one of the following:

- Notary ID Number
- Notary first and last name
- Business name
- Business zip code
- County of residency♦

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12 Steps to a Proper Notarization

These steps are verified and completed on EACH and EVERY notarization:

VERIFICATION

- ☐ 1. The SIGNER must be PERSONALLY PRESENT. If yes, continue.
- ☐ 2. Does the SIGNER COMPREHEND the underlying transaction on the document? If yes, continue.
- ☐ 3. Is the SIGNER PROCEEDING WILLINGLY? If yes, continue.
- ☐ 4. Has the notary IDENTIFIED the SIGNER? If yes, continue.
- ☐ 5. Has an ORIGINAL DOCUMENT been presented for notarization? If yes, then identify the type of notarial act. Is the notarization an acknowledgment, copy certification or oath/affirmation? Refer to Chapter 4 for more information. (See also *Original Documents* right)
- ☐ 6. Has a COMPLETE DOCUMENT been presented for notarization? If yes, continue. (See *Incomplete Documents* right)
- ☐ 7. Verify that the NOTARIAL LANGUAGE of the desired notarial act is on the document and obvious to the signer and notary. If yes, continue. If no act is clearly indicated, then the signer or other party involved with the document must choose the notarial act. A notary can explain the differences between the various acts, but cannot choose the act or the notary risks practicing law without a license. Refer to A.R.S. § 41-265 and Chapter 4 for the wording and format of notarial acts. If the signer identifies the notarial act, continue.
- ☐ 8. RECORD THE TRANSACTION. Indicate the notarial transaction performed in a notary journal. See journal entries page 23.

NOTARIZATION

- ☐ 9. Complete the JURISDICTION on the document (page 16). The jurisdiction is the state and county where a notarial act physically occurs. On most documents, the notarial language has a space for the state and the county. The jurisdiction will not necessarily be the county on the notary seal. Notaries are authorized to perform notarizations within all counties in the state.
- ☐ 10. Complete the notarization by filling in the areas of the notarial certificate. The notarial certificate must be in a language the notary understands, A.R.S. § 41-264(A)(6), and it must contain the jurisdiction, date, signature and title of office of the notarial officer and if the notarial officer is a notary public, indicate the commission expiration date. A.R.S. § 41-264(A).
- ☐ 11. SIGN the document near the title of "Notary Public." The notary must use his or her OFFICIAL wet SIGNATURE, not a facsimile (stamp or other means) of a signature on the document. The official name on the notary seal and the notary's official signature must be used exactly as the commissioned name on file with the Secretary of State's office. The title "Notary Public" may be below or next to the notary's signature block. Above all, the notary who performs the notarization must be clearly identified by the title "Notary Public." See *Notary Public Signature* at the bottom of page 8 or *Name Change* page 10.
- ☐ 12. AFFIX the "Notarial Seal." It is recommended that the notary seal be placed just below the notarial certificate and to the left, if possible. The notary should not stamp over signatures or other writing, if possible. However, if there is insufficient space on a document to affix the notary seal, it is better to stamp over pre-printed language than to stamp over signatures.

REMEMBER: The presence of the commissioning county on the notary's seal does not substitute affixing a jurisdiction to the notarial certificate. The seal and jurisdiction must always appear on a notarization. ♦

HOW TO VERIFY >>

1. Signer personally present
There are no exceptions for a traditional notarization. See page 16, *Documents and Signatures*. In Arizona, a signer may NOT appear via video conference for a notarization.

2. & 3. Signer comprehends and willingly proceeds
The notary has the right to refuse the notarization if he or she feels this is not the case.

4. Signer ID
Ways to identify the signer are listed on page 18.

5. Original document
An original document is one that is unsigned or that was physically signed in "wet ink" by the document signer. Acknowledgements (page 26) and jurats (page 27) must be identified and properly performed.

6. Complete vs. an incomplete document
An incomplete document is a document that has not been signed where a signature line is provided or where other obvious blanks appear in the document, or that lacks a notarial certificate. The notary cannot perform a notarial act on a document that is missing pages or that contains fields that should be filled in. If missing pages cannot be presented to the notary, or if the signer does not know how to fill in the blank fields in the document, the notarization cannot be completed. A document lacking a notarial certificate is considered an "incomplete document" and is grounds for revocation. ♦

PUBLIC VS. NON-PUBLIC RECORDS >>
A.R.S. § 41-319(E) specifies that if a notary performs both notarizations that are public records and those that are not public records, he or she shall keep two journals – one for each type of notarization.

If a notary only performs notarizations that are public record, the notary may only keep one journal. ♦

REFUSAL OF NOTARIZATION >>
If a notary refuses a notarization for any reason, the notary should always make a notation in his or her journal about the refusal and the grounds for doing so in case legal action ensues over the refusal.

There is no guarantee that a journal entry exonerates a notary every time, but a notary should be in the habit of documenting the reason for the refusal.

Note: A hand-written document does not provide sufficient grounds for refusal of the notarization. ♦

Notary Journals and Notarial Transactions

A journal provides proof that a notary public performed a notarization.

The journal also verifies that the notary took the reasonable steps necessary to identify the signer of a document (see Satisfactory Evidence of Identity page 18). See page 51 for sample journal.

Compliance: All notaries must maintain a notary journal of all official acts. ♦

Failure to comply: Not maintaining a journal is a violation of A.R.S. § 41-319. If a notary fails to comply with this requirement the Secretary of State may refuse, revoke or suspend a notary public's commission.

PUBLIC RECORDS AND A NOTARY JOURNAL

Most notary journals are public record; however, some are not. These include notary records that are confidential due to attorney-client privilege or state or federal law. Notarized statements and journal entries associated with the parental consent for abortion statutes under A.R.S. § 36-2152(A) are confidential and are not public records. These documents must not be disclosed in response to a public records request and the contents must be kept confidential.

PUBLIC RECORDS REQUEST

Anyone can request a notary's journal records if the journal records are public records. The person making the request to view or have a record copied shall provide the request in writing and include:

- Month and year of the notarial act
- Name of the person whose signature was notarized
- The type of document or transaction

Request Refusal: If the person who makes the request has not done so in writing per A.R.S. § 41-319(F), or the request does not contain the necessary elements, the notary may refuse the person's request.

Request Compliance: If the requestor has met the requirements in A.R.S. § 41-319(F) the notary should provide the requestor with a copy of the requested record within a reasonable amount of time.

Please Note: A notary shall not let the requestor view all journal entries. The notary shall only copy the transaction requested and cover the entries above and below before making a copy of the records. The notary public must furnish, when requested, a certified copy of any record in the notary public's journal [A.R.S. § 41-319(A)]. If a public records request has been made and the notary's journal has been relinquished to the Secretary of State's office, the notary should turn the request over to the Secretary of State. ♦

JOURNAL REQUIREMENTS

PURCHASING

Purchase a notary journal that meets the requirements of the law.

JOURNAL SHARING IS PROHIBITED

Notaries may not share journals and shall maintain their own journals.

JOURNAL USE FOR COURT REPORTERS

Court reporters who administer an oath or affirmation in a judicial proceeding are not required to obtain a signature in the reporter's journal (A.R.S. § 41-324). However, the journal must be used for all other notarizations performed.

REPLACING SEALS AND JOURNALS

Loss, theft and compromise of notary journals and seals are discussed on page 9.

JOURNAL RECORD RETENTION

Retention of journal records is reviewed on page 10. ♦

JOURNAL ENTRIES

All JOURNAL ENTRIES MUST INCLUDE:

- The date of the notarial act
- A description of the document and type of notarial act (e.g.: acknowledgment, administering an oath or affirmation, copy certification, and taking a verification on oath or affirmation).
- The printed full name, address, and signature of each person for whom a notarial act is performed. To ensure accurate documentation of identification information, the notary should record the signer's name and address in his or her journal as provided on the ID.
- The type of satisfactory evidence of identity presented to the notary by each person for whom a notarial act is performed. (refer to page 16 for information on the types of evidence that can be accepted)
- A description of the satisfactory evidence of identity provided, including its date of issuance or expiration.
- The fee, if any, charged per notary public signature. For clarity, it is recommended that the notary insert the total fee collected if multiple signatures are notarized as well as a notation indicating how many signatures were notarized. If not charging, it is recommended that the notary simply write "Ø."
- If the document is written in a foreign language, the notarial certificate must be worded and completed using only letters, characters and a language that are read, written and understood by the notary public.

JOURNAL ENTRIES MAY INCLUDE:

- The time of day of the notarization. This is not required under law, but is helpful when recalling a notarization.
- The thumbprint of a signer. Not all journals include an area for a thumbprint. A thumbprint is not required under Arizona law and not a valid reason to refuse a notarization.

GROUPING ENTRIES

If a notary performs more than one notarization of the same type for a signer either on like documents or within the same document and at the same time, the notary may group the documents together and make one journal entry for the transaction.

Exception: If a notary has personal knowledge of the identity of a signer, the notary is not required to make a journal entry, but instead shall retain a paper or electronic copy of the notarized document for each notarial act. A.R.S. § 41-319(B) ♦

LOGGING SIGNATURES >>

If a notary does more than one notarization for an individual within a six-month period, the notary shall have the individual provide satisfactory evidence of identity the first time the notary performs the notarization for the individual but is not required to obtain satisfactory evidence of identity or have the individual sign the journal for subsequent notarizations performed for the individual during the six-month period.♦

A notary is still required to record the transaction each time the notary performs a notarization for the individual, but must only obtain a signature and identification for their journal every six months. ♦

Additionally, the notary must make a note in their journal indicating the last time they obtained the signer's ID and signature.♦

For example, under the signature line and ID information, the notary should reference the page and entry number that contains the signature and ID of the first time they recorded the information within the six month period.♦

REPORTING EARNED INCOME >>
Accepting a fee for performing a notarial act is earned income and must be reported on state and federal tax returns.

Fees kept by the notary are reported by the notary.

Fees kept by the employer are reported by the employer. ♦

Notary Fee Schedule

Compliance (A.R.S. §§ 41-316): A notary can charge no more than $10 per notary public signature. Notary fees are set in rule (A.A.C. R2-12-1102). See the notary rules starting on page 49. ♦

POSTING OF FEES

Compliance (A.R.S. § 38-412): Arizona law requires notaries public to post a schedule of fees in a conspicuous place. ♦

A NOTARY PUBLIC MAY:

- Charge less than the $10 fee or up to $10 per notary public signature.
- Not charge fees.

Fees shall be set and be consistent. That is, the same fee should be charged for each notarization.

Courts: Superior justice courts have a different fee schedule. See the laws on page 38. ♦

OTHER FEES

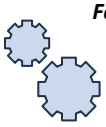
Service or transaction fees: shall not be charged.

Mileage fees: can be charged. A notary public may charge a travel mileage, if he or she travels a distance to perform a notarization. The travel mileage fee is the amount allowed Arizona state employees. The Department of Administration determines the mileage fee through its General Accounting Office. The mileage fee schedule is posted at www.gao.az.gov/travel. ♦

Failure to comply (A.R.S. § 38-413): *If an officer demands and receives a higher fee than prescribed by law, or any fee not so allowed, such officer shall be liable to the party aggrieved in an amount four (4) times the fee unlawfully demanded and received by him. An officer who violates this section is guilty of a class 5 felony. Overcharging fees or not being consistent with fee charges is a failure to comply with laws and rules.*

HOW IT WORKS

Fees charged in and out of the workplace



Workplace fee limits: Companies and organizations who employ a notary public can request the notary public to charge the fees as set in the notary fees schedule. See R2-12-1102 Notary Public Fees on page 46.

If a public or private entity employs a notary public the fees charged during normal work hours are the *property of the employer*.

Fees outside the workplace: Fees charged for notarial services outside the notary public's workplace remain the *notary public's property*. [A.R.S. § 41-269(G)(2)] ♦

Be on Target

REMEMBER: Companies and employers may not ask notaries public to charge more than $10 per notary public signature. This request violates Arizona rules.

Key to Success

Learning to identify the four types of notarial acts is paramount to a proper notarization.

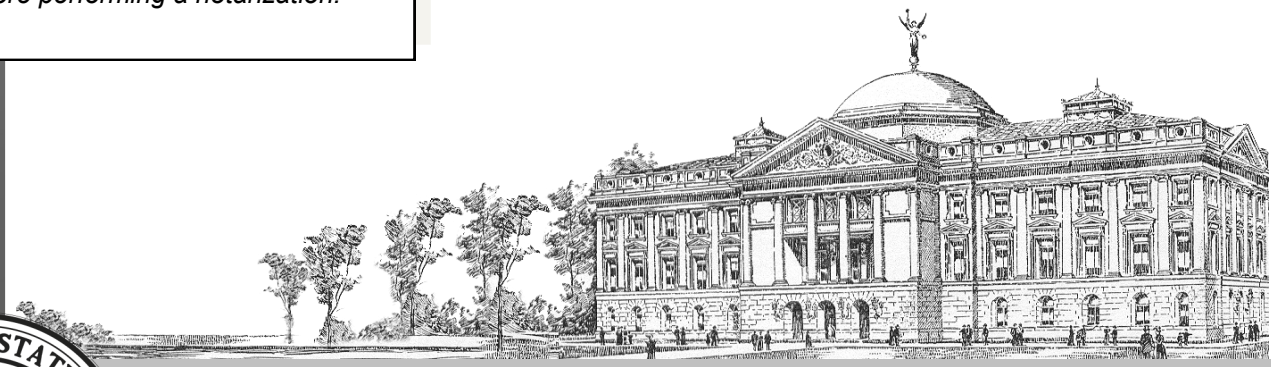
Language is the key. Always read the language on the documents before performing a notarization.

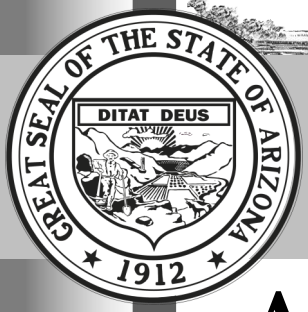
Chapter 4

STYLE AND CONTENT

Acknowledgments *p.26*
Jurats *p.27*
Copy certifications *p.28*
Oaths and affirmations *p.30*

Included are definitions, checklists and samples.





Notarial Acts One through Four

Notarial Acts

A commissioned Arizona notary public may only perform four notarial acts (A.R.S. § 41-251):

1. Acknowledgments;
2. Verification on Oath or Affirmation (Jurat);
3. Copy certifications; and
4. Administering an Oath or Affirmations. ♦

THE LANGUAGE IS THE KEY TO A PROPER NOTARIZATION

Always read the notarial language on documents. The pre-printed language will tell the notary public what type of notarization is to be performed.

Be aware that the document may have been prepared in a different state or jurisdiction, and the pre-printed language may not be proper in Arizona.

If any part of the notarial certificate is incorrect, the notary public should either cross out and initial the incorrect words with ink or cross out the entire wording and type or write in the correct wording.

Do not attempt to erase or use correction fluid or tape.

All changes must be initialed. ♦

A WORD ABOUT ACKNOWLEDGMENTS AND VERIFICATIONS ON OATH OR AFFIRMATION (JURATS) >>

Acknowledgments may be signed in advance, but, as with all notarizations, the signer must appear before the notary and present satisfactory evidence of identity.

With a verification on oath or affirmation (jurat), the signer must be placed under oath by the notary, and then they must sign the document in the notary's presence. ♦

1. Acknowledgments A.R.S. § 41-251(1)

DEFINITION: "Acknowledgment" means a declaration by an individual before a notarial officer that the individual has signed a record for the purpose stated in the record and, if the record is signed in a representative capacity, that the individual signed the record with proper authority and signed it as the act of the individual or entity identified in the record.

- The signer acknowledges his or her signature; the notary verifies the signer's acknowledgment;
- The signer is not required to sign the document in the notary's presence for an acknowledgment;
- The signer may pre-sign the document or may choose to sign it in the notary's presence.
- Because the notary is attesting to the genuineness of the signature, the notary may not perform an acknowledgment that will be signed at a later time.
- Even if a document has been pre-signed, the document signer must be in the notary's presence at the time the notary performs the notarization. ♦

Acknowledgment Checklist

- ☐ The signer must be in the notary's presence and present the document to the notary. If not, the notary must refuse the notarization.
- ☐ The notary verifies the type of notarization with the signer. If the act requested is not an acknowledgement, do not continue with this checklist. Instead, choose the notarial act check list for the type of notarization the signer is requesting.
- ☐ The signer must present satisfactory evidence of identity. If not, the notary must refuse the notarization.
- ☐ If a credible person is used, he or she must be placed under oath and swear or affirm that the signer has the identity claimed (See oath sample #2 on page 30).
- ☐ The document presented can either be pre-signed or signed in the notary's presence. If pre-signed, the signer must acknowledge that he or she signed the document.
- ☐ Identify that the notarial certificate on the document is for an acknowledgement. The wording is "Acknowledged before me..."
- ☐ If the signer is requesting that an acknowledgment be performed, but the document does not contain a notarial certificate with language for an acknowledgement, a notary may use the sample acknowledgment wording on page 27 or the attach acknowledgement certificate sample in Chapter 6.
- ☐ The notary makes a complete journal entry, describing the document in detail. The notary fills out his or her journal with the signer's satisfactory evidence presented.
- ☐ The signer signs the notary's journal.
- ☐ If a credible person is used, the credible person signs the notary's journal.
- ☐ If the document was pre-signed, the notary should compare the journal signature against the signature on the document.
- ☐ If the document has not yet been signed, upon verifying the signer's identity, the notary should have the signer sign the document.
- ☐ If the signatures look similar, the notary completes the acknowledgment by reading the notarial certificate language.

Checklist — Continued on next page

Acknowledgment Checklist continued from page 26

- ☐ If any notarial language is incorrect, the notary shall cross it out, and write the corrected information above it and initial the changes.
- ☐ The notary fills in ALL blanks on the notarial certificate.
- ☐ The notary signs the notarial certificate, attesting that the signature of the signer is genuine and also that the notarial language is correct.
- ☐ The notary affixes his or her notary seal. The seal generally is affixed to the left of the signature. If the seal is illegible, the notary should strike through and initial it and affix his or her seal again.
- ☐ If an attached certificate is necessary see right column for necessary elements and Chapter 6 for a sample. ♦

ACKNOWLEDGEMENT SAMPLE:

State of Arizona)
)
County of _____)

On this _____ day of _____, 20____, before me personally
[Day] [Month] [Year]

appeared _____, whose identity was proven
[Name of Signer]

to me on the basis of satisfactory evidence to be the person who he or she claims to

be, and acknowledged that he or she signed the above/attached document.

(seal) _____
[Affix Seal Here] Notary Public [Notary Public Signature]

2. Verification on Oath or Affirmation (Jurat) A.R.S. § 41– 251(16)

DEFINITION: "Verification on oath or affirmation" means a declaration, made by an individual on oath or affirmation before a notarial officer, that a statement in a record is true.

- Made in the notary's presence a voluntary signature; and has
- Taken an oath or affirmation vouching for the truthfulness of the signed document. Some states refer to this type of notarization as an affidavit.

A notary shall perform a jurat any time the words:

- sworn to (or affirmed) before me
- subscribed and sworn to (or affirmed), or similar words appear in the notarial certificate.
- Because a signer is swearing or affirming that the information is true, the record must be complete to the best of the notary's knowledge [A.R.S. § 41-253(B)]. There should be no blank spaces in the document. ♦

Verification on Oath or Affirmation (Jurat) Check List

- ☐ The notary verifies the type of notarization with the signer. If it is not a jurat, do not continue with this check list. Instead, use the notarial act check list for the type of notarization the signer is requesting.
- ☐ The signer must present satisfactory evidence of identity. If not, the notary must refuse the notarization.

Checklist — Continued on next page

WHEN TO ATTACH A CERTIFICATE

A notary may use an additional sheet of paper to attach the notarial certificate to a document if there is no room left on the document.

If the notary attaches a certificate, the notary should title the page with the words "Notarial Acknowledgement", "Verification on Oath or Affirmation (Jurat)", or Copy Certification.

In order to prevent someone from affixing the attached certificate to a different document, the notary must also describe the attached document on the page containing the notarial certificate in as great of detail as possible.

The description must include at a minimum:

- Type/Title of document
- Document date
- Number of pages attached
- Any additional signers other than those listed in the notarial certificate.

The office also recommends that document pages be numbered, such as "1 of 1" or "1 of 2," etc. ♦

BE ON TARGET

Caution: While a notary might be inclined to affix his or her seal to all pages in a packet, the seal should only be affixed on the page with the notarial certificate.

If the notary wants, he or she may use an embossing seal on the additional pages or simply initial the attached pages in order to indicate that those pages were part of the packet presented to them, but they should not affix their notary seal to the pages without a notarial certificate. ♦

APOSTILLES AND CERTIFICATES OF AUTHENTICATION >>
The Arizona Secretary of State's office is tasked with issuing apostilles and certificates of authentication. Arizona notaries do not have the authority to perform these certifications.

An apostille (ah-po-steal) certifies another document for foreign use in countries belonging to the "Hague Convention Abolishing the Requirement of Legalization for Foreign Public Documents." A certificate of authentication is used for countries not belonging to the Hague Convention (A.R.S. § 41-325). The Hague Convention dictates the apostille form which is uniform among all subscribing countries (A.R.S. § 41-326).

A list of these countries is available online at www.hcch.net. Choose "specialized sections," and then "Apostille section."

If a country is not a party to the Convention, documents being sent there receive a certificate of authentication issued by the Secretary of State's office. Certificates of authentication, unlike apostilles, vary in format from country to country and from jurisdiction to jurisdiction.

A person who requests an Apostille or a Certificate of Authentication needs to contact the Secretary of State's office.

The Secretary of State's office is the only office in Arizona authorized to issue a certificate of authentication or apostille for a document going to a foreign country.

A copy certification is not the same as an apostille or certificate of authentication. ♦

A notary may not issue apostilles or certificates of authentication.

Checklist continued from page 27

- ☐ If a credible person is used, he or she must be placed under oath and swear or affirm that the signer has the identity claimed (see oath sample #2, page 28).
- ☐ The notary makes a complete journal entry, describing the document in detail. The notary fills out his or her journal with the signer's satisfactory evidence presented.
- ☐ The signer signs the notary journal.
- ☐ If a credible person is used, the credible person also signs the notary journal.
- ☐ If there are any blanks in the document, the notary must either have the signer fill in the information or use "n/a" (not applicable) as appropriate. A jurat may not be performed if there are blanks in the document.
- ☐ The signer must be placed under oath swearing or affirming that the contents of the document are true and correct. (See oath sample #1, page 30)
- ☐ The notary witnesses the signer sign the document to be notarized.
- ☐ If any notarial certificate language information is incorrect, the notary should cross out the language, write the corrected information above it and initial the changes.
- ☐ The notary then fills in ALL blanks on the notarial certificate.
- ☐ The notary signs the notarial certificate. This signature means the notary public is not only attesting that the signature of the signer is genuine but also that the notarial language is correct.
- ☐ The notary affixes his or her notary seal. The seal generally is affixed to the left of the signature.
- ☐ If an attached certificate is necessary please see page 27 for requisite elements (sidebar) and page Chapter 6 for a sample. ♦

VERIFICATION ON OATH OR AFFIRMATION (JURAT) SAMPLE:

State of Arizona)
)
County of _____)
[Name of County]

Subscribed and sworn (or affirmed) before me this _____ day _____, 20____
[Day] [Month] [Year]

by _____.
[Name of Signer]

(seal) _____
[Affix Seal Here] Notary Public [Notary Public Signature]

3. Copy Certifications A.R.S. § 41-253(D)

A notarial officer who certifies or attests a copy of a record or an item that was copied shall determine that the copy is a full, true and accurate transcription or reproduction of the record or item. Except as required under section 41-319, a notarial officer may not certify or attest a copy of a public record of this state. The notary must have access to a copy machine and cannot use a photocopy provided by the requestor. See page 29 sidebar for information on how to obtain a certified copy of a publicly recordable document. Examples of publicly recordable documents ***not*** able to be copy certified by an Arizona notary public are:

- Marriage Records
- Birth Certificates
- Death Certificates
- Divorce Records
- Court Records
- Real Estate Deeds

NOTE: Some recorded documents have the words "filed" or "received" stamped on them. ♦

Copy Certification Checklist

- ☐ If the notary does not have access to a copy machine the notary must not perform the copy certification.
- ☐ If the notary has access to a copy machine, they must verify the document presented is an original document. A copy certification cannot be performed on copies of a document or a certified copy. If the document presented is not an original, the notary must refuse the copy certification.
- ☐ The notary confirms that the original document presented is not a public record nor is it publicly recordable. If the document presented is a public record or is publicly recordable, the notary must refuse the notarization as a copy certification (see publicly recordable documents to the right).
- ☐ The notary fills out the journal with the requestor's satisfactory evidence presented.
- ☐ If a credible person is used, he or she must be placed under oath and swear or affirm that the signer has the identity claimed. (See oath sample #2 page 30)
- ☐ The requestor signs the notary's journal.
- ☐ If a credible person is used, the credible person also signs the notary journal.
- ☐ The notary copies the document.
- ☐ The notary writes or types, on the face of each copy, the notarial language from the sample below.
- ☐ The notary completes the notarial certificates.
- ☐ The notary signs the notarial certificates.
- ☐ The notary affixes his or her notary seal. The seal generally is affixed to the left of the signature.
- ☐ If an attached certificate is necessary please see the sidebar on page 27 for required elements and Chapter 6 for an example. ♦

COPY CERTIFICATION SAMPLE:

State of Arizona)
)
County of _____)
[Name of County]

I, _____, a notary public, do certify that, on
[Name of Notary Performing the Certification]

the _____ day of _____, 20____, I personally made the
[Day] [Month] [Year]

above/attached copy of _____ from the
[Document Title]

original, and it is a true, exact, complete, and unaltered copy.

(seal) _____
[Affix Seal Here] Notary Public [Notary Public Signature]

Key to Success

REMEMBER TO ALSO refer to the Steps to a Proper Notarization in this manual once the Notarial Act has been identified. The acts listed in this Chapter are part of #7 on this list.

HOW TO OBTAIN CERTIFIED COPIES OF PUBLICLY RECORDABLE DOCUMENTS >>

If an individual needs a certified copy of a document that is public record or publicly recordable, they may obtain one by contacting the appropriate agency or issuing entity.

Document and Issuing Entity Examples

- Marriage and Divorce Records, Clerk of the Superior Court
- Birth or Death Certificates, Office of Vital Records
- Court Records, the court where the proceedings transpired
- Real Estate Deeds, County Recorder's office ♦

OATHS AND AFFIRMATIONS >>
A notary public should become familiar with oaths and affirmations and how to administer them.

An oath or an affirmation is a notarial act or part of a notarial act in which a person makes a declaration in the presence of a notary public that a statement in a record is true. [A.R.S. § 41-251(16)]. ♦

REQUESTS FOR DOCUMENT PREPARATION >>
The office recommends that an Arizona notary public not prepare a document to be notarized.

Unless the notary is an attorney or a certified legal document preparer, the notary should not prepare documents.

Even if the notary is an attorney or a certified legal document preparer, notarizing a document that the notary prepared casts doubt on the impartiality of the notarization.

Visit the website of the Arizona Judicial Branch a www.azcourts.gov for information about the Legal Document Preparer Program.

E-mail: LDP@courts.az.gov ♦

4. Oaths or Affirmations A.R.S. § 41-251(6)(b)

During notarizations a notary may be required to give a signer or credible person an oath or affirmation.

The signer or credible person makes the decision as to whether he or she would like to take an oath or an affirmation.

- An oath means the signer or credible person is swearing to a supreme being (for example: God).
- An affirmation is taken when the signer or credible person does not believe in a supreme being or does not want to swear to a supreme being.

Oath Checklist

A notary should ask the signer or credible person to:

☐ Raise his or her right hand. If for any reason a right hand cannot be raised, then the signer shall raise their left hand. If for any reason a left hand also cannot be raised, then the oath or affirmation should be given as follows:

Ask the signer or credible person to either:
1. Repeat the oath statement as stated in the sample oaths; OR
2. Answer the question as stated in the sample oaths.

☐ The notary shall record the transaction in his or her journal and fill out the journal with the signer's satisfactory evidence of identity.

☐ The requestor signs the notary's journal. If a credible person is used, the credible person must also sign the journal.

OATH SAMPLE #1 - OATH OR AFFIRMATION (JURAT)

Choose one:

- Please repeat the oath statement, by either swearing or affirming:
  "I, [insert signer's name], swear or affirm that the contents of this document are true and correct."
- Please answer the oath question with "I do swear' or 'I do affirm'
  "Do you swear or affirm that the contents of this document are true and correct?"

OATH SAMPLE #2 - CREDIBLE PERSON

Choose one:

- Please repeat the oath statement, by either swearing or affirming:
  "I, [insert credible person's name], [swear or affirm] that the person appearing before you and who signed this document in your presence is the person that he or she claims to be."
- Please answer the oath question with "I do swear' or 'I do affirm'
  "Do you swear or affirm that that the person appearing before me and who signed this document in my presence is the person he or she claims to be?" ♦

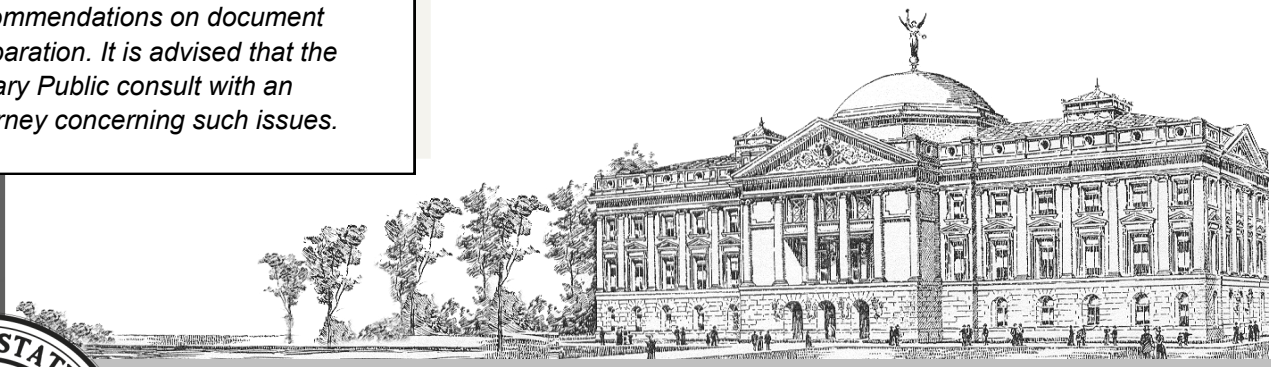
Key to Success

The Arizona notary law has been amended in 1996, 1997, 1999, 2000, 2004, 2007, 2008, 2009, 2010, 2011, 2018, 2019 and 2021.

The Office cannot answer/offer legal advice or otherwise offer recommendations on document preparation. It is advised that the Notary Public consult with an attorney concerning such issues.

Chapter 5

Arizona Revised Statutes *p.32*
Rules of Civil Procedure *p.46*
Administrative Rules *p.46*
Attorney General Opinions *p.56*



About Arizona Laws and Rules

Notarial Laws and Rules

The law requires that an Arizona notary keep this handbook as a reference.

ARIZONA LAWS (STATUTES)

Arizona Revised Statutes is a compilation of general and permanent laws of the State of Arizona. It incorporates all new laws, amendments and repeals of laws. These laws are made by the Arizona State Legislature.

The acronym for Arizona Revised Statutes is "A.R.S." and sections of the statute are denoted by a section "§" symbol. Within the law are subsections denoted by letters and numbers.

The official publisher of the statutes is Thomson Reuters. These are laws published in blue-bound books found at local libraries throughout the state. The law can also be found online at the State Legislature's website, under Legislative Council, www.azleg.gov.

ARIZONA RULES

Administrative Rules are not enacted by the Legislature like laws. They are made, amended or repealed by state agencies, boards and commissions (Arizona Revised Statutes, Title 41, Chapter 6). Arizona law gives these entities the authority to make rules. Administrative rules have the force and effect of law.

The *Arizona Administrative Code* is where the official rules of the state of Arizona are published. The acronym for the Arizona Administrative Code is "A.A.C." Much like laws, rules have subsections denoted by letters and numbers.

Arizona Notary rules can be found in Title 2. Administration, Chapter 12. Office of the Secretary of State, or properly referred to as 2 A.A.C. 12. Rules can be found online under Rules Filings, www.azsos.gov. ♦

ARIZONA REVISED STATUTES

TITLE 41. STATE GOVERNMENT
CHAPTER 2. ADMINISTRATIVE OFFICERS
ARTICLE 1. REVISED UNIFORM LAW ON NOTARIAL ACTS

§ 41-251. Definitions

(Eff. 7/1/22)

In this chapter, unless the context otherwise requires:

1. "Acknowledgment" means a declaration by an individual before a notarial officer that the individual has signed a record for the purpose stated in the record and, if the record is signed in a representative capacity, that the individual signed the record with proper authority and signed it as the act of the individual or entity identified in the record.

2. "Commission" means to authorize to perform notarial acts and the written authority to perform those acts.

3. "Electronic" means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic or similar capabilities.

4. "Electronic signature" means an electronic symbol, sound or process that is attached to or logically associated with a record and that is executed or adopted by an individual with the intent to sign the record.

5. "In a representative capacity" means acting as any of the following:

(a) An authorized officer, agent, partner, trustee or other representative for a person other than an individual.

(b) A public officer, personal representative, guardian or other representative, in the capacity stated in a record.

(c) An agent or attorney-in-fact for a principal.

(d) An authorized representative of another in any other capacity.

6. "Notarial act" or "notarization":

(a) Means any act, whether performed with respect to a tangible or electronic record, that a notarial officer may perform under section 41-252.

(b) Includes taking an acknowledgment, administering an oath or affirmation, taking a verification on oath or affirmation, witnessing or attesting a signature, certifying or attesting a copy and noting a protest of a negotiable instrument.

7. "Notarial officer" means a notary public or other individual who is authorized to perform a notarial act.

8. "Notary public" or "notary" means any individual who is commissioned to perform notarial acts by the secretary of state.

9. "Official stamp" means a physical image that is affixed to a tangible record or an electronic image that is attached to or logically associated with an electronic record.

10. "Person" means an individual, corporation, business trust, statutory trust, estate, trust, partnership, limited liability company, association, joint venture, public corporation, government or governmental subdivision, agency or instrumentality or any other legal or commercial entity.

11. "Record" means information that is either:

(a) Inscribed on a tangible medium.

(b) Stored in an electronic or other medium and that is retrievable in perceivable form.

12. "Sign" means, with present intent to authenticate or adopt a record, either of the following:

(a) To execute or adopt a tangible symbol.

(b) To attach to or logically associate with the record an electronic symbol, sound or process.

13. "Signature" means a tangible symbol or an electronic signature that evidences the signing of a record.

14. "Stamping device" means either of the following:

(a) A physical device that is capable of affixing to a tangible record an official stamp.

(b) An electronic device or process that is capable of attaching to or logically associating with an electronic record an official stamp.

15. "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands or any territory or insular possession subject to the jurisdiction of the United States.

16. "Verification on oath or affirmation" means a declaration, made by an individual on oath or affirmation before a notarial officer, that a statement in a record is true.

§ 41-252. Authority to perform notarial acts

(Eff. 7/1/22)

A. A notarial officer may perform a notarial act authorized by this article or by any law of this state other than this article.

B. A notarial officer may not perform a notarial act with respect to a record to which the officer or the officer's spouse is a party or in which either of them has a direct beneficial interest. A notarial act performed in violation of this subsection is voidable.

C. A notarial officer may certify that a tangible copy of an electronic record is an accurate copy of the electronic record.

§ 41-253. Requirements for certain notarial acts

(Eff. 7/1/22)

A. A notarial officer who takes an acknowledgment of a record shall determine, from personal knowledge or satisfactory evi-

dence of the identity of the individual, that the individual appearing before the officer and making the acknowledgment has the identity claimed and that the signature on the record is the signature of the individual.

B. A notarial officer who takes a verification of a statement on oath or affirmation shall determine both of the following:

1. From personal knowledge or satisfactory evidence of the identity of the individual, that the individual appearing before the officer and making the verification has the identity claimed and that the signature on the statement verified is the signature of the individual.

2. That the record that contains the statement verified is complete to the best of the notarial officer's knowledge.

C. A notarial officer who witnesses or attests to a signature shall determine, from personal knowledge or satisfactory evidence of the identity of the individual, that the individual appearing before the officer and signing the record has the identity claimed.

D. A notarial officer who certifies or attests a copy of a record or an item that was copied shall determine that the copy is a full, true and accurate transcription or reproduction of the record or item. Except as required under section 41-319, a notarial officer may not certify or attest a copy of a public record of this state.

E. A notarial officer who makes or notes a protest of a negotiable instrument shall determine the matters set forth in section 47-3505, subsection B.

F. A notary public who performs a notarial act for an individual shall communicate with the individual through either of the following:

1. Directly in a language that both the notary public and the individual understand.

2. Indirectly through a translator who communicates directly with the notary public and the individual in languages that the translator understands.

§ 41-254. Personal appearance required

(Eff. 7/1/22)

A. If a notarial act relates to a statement made in or a signature executed on a record, the individual making the statement or executing the signature shall appear personally before the notarial officer.

B. If a notarial act involves a translator under section 41-253, subsection F, the translator shall appear personally before the notary public.

§ 41-255. Identification of individual

(Eff. 7/1/22)

A. A notarial officer has personal knowledge of the identity of an individual appearing before the officer if the individual is personally known to the notarial officer through dealings sufficient to provide reasonable certainty that the individual has the identity claimed.

B. A notarial officer has satisfactory evidence of the identity of an individual appearing before the notarial officer if the officer can identify the individual:

1. By means of:

(a) An unexpired United States passport or a state-issued driver license or nonoperating identification license.

(b) An unexpired identification card issued by any branch of the United States armed forces.

(c) Another form of unexpired government identification issued by the United States, a state or a tribal government to an individual that contains the signature or a photograph and physical description of the individual and that is satisfactory to the notarial officer.

(d) An inmate identification card issued by the state department of corrections or federal bureau of prisons, if the inmate is in state or federal custody.

(e) An inmate identification card issued by a county sheriff, if the inmate is in the custody of the county sheriff.

2. By verification on oath or affirmation of a credible witness personally appearing before the notarial officer and known to the notarial officer or whom the notarial officer can identify on the basis of satisfactory evidence of identity pursuant to paragraph 1 of this subsection.

C. In addition to subsection B of this section, for the purposes of a real estate conveyance or financing, a notarial officer has satisfactory evidence of the identity of an individual appearing before the notarial officer if the notarial officer can identify the individual by means of either of the following:

1. An unexpired passport issued by a national government other than the United States government that is accompanied by an unexpired visa or other documentation issued by the United States government and that is necessary to establish the individual's legal presence in the United States.

2. An unexpired identification card that is deemed acceptable by the United States department of homeland security to establish the individual's legal presence in the United States and that is accompanied by supporting documents as required by the United States department of homeland security.

D. A notarial officer may require an individual to provide additional information or identification credentials necessary to assure the notarial officer of the individual's identity.

§ 41-256. Authority to refuse to perform notarial acts

(Eff. 7/1/22)

A. A notarial officer may refuse to perform a notarial act if the notarial officer is not satisfied that either:

1. The individual executing the record is competent or has the capacity to execute the record.

2. The individual's signature is knowingly and voluntarily made.

B. A notarial officer may refuse to perform a notarial act unless refusal is prohibited by any law other than this article.

§ 41-257. Signature if individual unable to sign

(Eff. 7/1/22)

If an individual is physically unable to sign a record, the individual may direct an individual other than the notarial officer to sign the individual's name on the record. The notarial officer shall insert "Signature affixed by (name of other individual) at the direction of (name of individual)" or words of similar import.

§ 41-258. Notarial act in this state

(Eff. 7/1/22)

A. Any of the following may perform a notarial act in this state:

1. A notary public of this state.

2. A judge, clerk or deputy clerk of a court of record of this state.

3. An individual who is licensed to practice law in this state.

4. Any other individual who is authorized to perform the specific act by the laws of this state.

B. The signature and title of an individual performing a notarial act in this state are prima facie evidence that the signature is genuine and that the individual holds the designated title.

C. The signature and title of a notarial officer listed in subsection A, paragraph 1, 2 or 3 of this section conclusively establish the authority of the notarial officer to perform the notarial act.

§ 41-259. Notarial act in another state

(Eff. 7/1/22)

A. A notarial act performed in another state has the same effect under the laws of this state as if performed by a notarial officer of this state, if the act performed in that state is performed by any of the following:

1. A notary public of that state.

2. A judge, clerk or deputy clerk of a court of that state.

3. Any other individual who is authorized by the laws of that state to perform the notarial act.

B. The signature and title of an individual performing a notarial act in another state are prima facie evidence that the signature is genuine and that the individual holds the designated title.

C. The signature and title of a notarial officer described in subsection A, paragraph 1 or 2 of this section conclusively establish the authority of the notarial officer to perform the notarial act.

§ 41-260. Notarial act under authority of federally recognized Indian tribes

(Eff. 7/1/22)

A. A notarial act performed under the authority and in the jurisdiction of a federally recognized Indian tribe has the same effect as if performed by a notarial officer of this state, if the act performed in the jurisdiction of the tribe is performed by any of the following:

1. A notary public of the tribe.

2. A judge, clerk or deputy clerk of a court of the tribe.

3. Any other individual who is authorized by the laws of the tribe to perform the notarial act.

B. The signature and title of an individual performing a notarial act under the authority of and in the jurisdiction of a federally recognized Indian tribe are prima facie evidence that the signature is genuine and that the individual holds the designated title.

C. The signature and title of a notarial officer described in subsection A, paragraph 1 or 2 of this section conclusively establish the authority of the notarial officer to perform the notarial act.

§ 41-261. Notarial act under federal authority

(Eff. 7/1/22)

A. A notarial act performed under federal law has the same effect under the laws of this state as if performed by a notarial officer of this state, if the act performed under federal law is performed by any of the following:

1. A judge, clerk or deputy clerk of a court.

2. An individual who is in military service or performs duties under the authority of military service and who is authorized to perform notarial acts under federal law.

3. An individual who is designated a notarizing officer by the United States department of state for performing notarial acts overseas.

4. Any other individual who is authorized by federal law to perform the notarial act.

B. The signature and title of an individual acting under federal authority and performing a notarial act are prima facie evidence that the signature is genuine and that the individual holds the designated title.

C. The signature and title of a notarial officer described in subsection A, paragraph 1, 2 or 3 of this section conclusively establish the authority of the notarial officer to perform the notarial act.

§ 41-262. Foreign notarial act; definition

(Eff. 7/1/22)

A. If a notarial act is performed under authority and in the jurisdiction of a foreign state or constituent unit of the foreign state or is performed under the authority of a multinational or international governmental organization, the act has the same effect under the laws of this state as if performed by a notarial officer of this state.

B. If the title of office and indication of authority to perform notarial acts in a foreign state appear in a digest of foreign law or in a list customarily used as a source for that information, the authority of an officer with that title to perform notarial acts is conclusively established.

C. The signature and official stamp of an individual holding an office described in subsection B of this section are prima facie evidence that the signature is genuine and that the individual holds the designated title.

D. An apostille in the form prescribed by the Hague convention of October 5, 1961 and issued by a foreign state party to the Convention conclusively establishes that the signature of the notarial officer is genuine and that the notarial officer holds the indicated office.

E. A consular authentication issued by an individual designated by the United States department of state as a notarizing officer for performing notarial acts overseas and attached to the record with respect to which the notarial act is performed conclusively establishes that the signature of the notarial officer is genuine and that the notarial officer holds the indicated office.

F. For the purposes of this section, "foreign state" means a government other than the United States, a state or a federally recognized Indian tribe.

§ 41-263. Notarial act performed for remotely located individual; definitions

(Eff. 7/1/22)

A. A remotely located individual may comply with section 41-254 by using communication technology to appear before a notary public.

B. A notary public located in this state may perform a notarial act using communication technology for a remotely located individual if:

1. The notary public has any of the following:

(a) Personal knowledge under section 41-255, subsection A of the remotely located individual's identity.

(b) Satisfactory evidence of the identity of the individual by oath or affirmation from a credible witness appearing before and identified by the notary public under section 41-255, subsection B or this section.

(c) Satisfactory evidence of the identity of the remotely located individual by using at least two different types of identity proofing.

2. The notary public is able reasonably to confirm that a record before the notary public is the same record in which the remotely located individual made a statement or on which the individual executed a signature.

3. The notary public, or a person acting on behalf of the notary public, creates an audiovisual recording of the performance of the notarial act.

4. For a remotely located individual located outside the United States, both of the following apply:

(a) The record either:

(i) Is to be filed with or relates to a matter before a public official or court, governmental entity or other entity subject to the jurisdiction of the United States.

(ii) Involves property located in the territorial jurisdiction of the United States or involves a transaction substantially connected with the United States.

(b) The notary public has no actual knowledge that the act of making the statement or signing the record is prohibited by the foreign state in which the remotely located individual is located.

C. If a notarial act is performed under this section, the certificate of notarial act required by section 41-264 and the short form certificate provided in section 41-265 must indicate that the notarial act was performed using communication technology.

D. A short form certificate provided in section 41-265 for a notarial act subject to this section is sufficient if either of the following applies:

1. The form of certificate complies with rules adopted under subsection G, paragraph 1 of this section.

2. The certificate is in the form provided in section 41-265 and contains a statement substantially as follows: "This notarial act involved the use of communication technology."

E. A notary public, a guardian, conservator or agent of a notary public or a personal representative of a deceased notary public shall retain the audiovisual recording created under subsection B, paragraph 3 of this section or cause the recording to be retained by a repository designated by or on behalf of the person required to retain the recording. Unless a different period is required by rule adopted under subsection G, paragraph 4 of this section, the recording must be retained for a period of at least five years after the recording is made.

F. Before a notary public performs the notary public's initial notarial act under this section, the notary public must notify the secretary of state that the notary public will be performing notarial acts with respect to remotely located individuals and identify

the technologies the notary public intends to use. If the secretary of state has established standards under subsection G of this section and section 41-275 for approval of communication technology or identity proofing, the communication technology and identity proofing must conform to the standards.

G. In addition to adopting rules under section 41-275, on or before July 1, 2022, the secretary of state shall adopt rules under this section regarding performance of notarial acts for remotely located individuals. The rules may:

1. Prescribe the means of performing a notarial act involving a remotely located individual using communication technology.

2. Establish standards for communication technology and identity proofing.

3. Establish requirements or procedures to approve providers of communication technology and the process of identity proofing.

4. Establish standards and a period for the retention of an audio-visual recording created under subsection B, paragraph 3 of this section.

H. Before adopting, amending or repealing a rule governing performance of a notarial act with respect to a remotely located individual, the secretary of state must consider:

1. The most recent standards regarding the performance of a notarial act with respect to a remotely located individual adopted by national standard-setting organizations and the recommendations of the national association of secretaries of state.

2. Standards, practices and customs of other jurisdictions that have laws substantially similar to this section.

3. The views of governmental officials and entities and other interested persons.

I. For the purposes of this section:

1. "Communication technology" means an electronic device or process that:

(a) Allows a notary public and a remotely located individual to communicate with each other simultaneously by sight and sound.

(b) When necessary and consistent with other applicable law, facilitates communication with a remotely located individual who has a vision, hearing or speech impairment.

2. "Foreign state" means a jurisdiction other than the United States, a state or a federally recognized Indian tribe.

3. "Identity proofing" means a process or service by which a third person provides a notary public with a means to verify the identity of a remotely located individual by a review of personal information from public or private data sources.

4. "Outside the United States" means a location outside the geographic boundaries of the United States, Puerto Rico, the United States Virgin Islands and any territory, insular possession or other location subject to the jurisdiction of the United States.

5. "Remotely located individual" means an individual who is not in the physical presence of the notary public who performs a notarial act under subsection B of this section.

§ 41-264. Certificate of notarial act

(Eff. 7/1/22)

A. A notarial act must be evidenced by a certificate. The certificate must:

1. Be executed contemporaneously with the performance of the notarial act.

2. Be signed and dated by the notarial officer and, if the notarial officer is a notary public, be signed in the same manner as on file with the secretary of state.

3. Identify the jurisdiction in which the notarial act is performed.

4. Contain the title of office of the notarial officer.

5. If the notarial officer is a notary public, indicate the date of expiration of the notarial officer's commission.

6. Be worded and completed using only letters, characters and a language that are read, written and understood by the notary public.

B. If a notarial act regarding a tangible record is performed by a notary public, an official stamp must be affixed to the certificate. If a notarial act is performed regarding a tangible record by a notarial officer other than a notary public and the certificate contains the information specified in subsection A, paragraphs 2, 3 and 4 of this section, an official stamp may be affixed to the certificate. If a notarial act regarding an electronic record is performed by a notarial officer and the certificate contains the information specified in subsection A, paragraphs 2, 3, 4 and 5 of this section, an official stamp may be attached to or logically associated with the certificate.

C. A certificate of a notarial act is sufficient if it meets the requirements of subsections A and B of this section and any of the following:

1. It is in a short form set forth in section 41-265.

2. It is in a form otherwise allowed by the laws of this state.

3. It is in a form allowed by the laws applicable in the jurisdiction in which the notarial act was performed.

4. It sets forth the actions of the notarial officer and the actions are sufficient to meet the requirements of the notarial act as provided in sections 41-253, 41-254 and 41-255 or the laws of this state other than this article.

D. By executing a certificate of a notarial act, a notarial officer certifies that the notarial officer has complied with the requirements and made the determinations specified in sections 41-252, 41-253 and 41-254.

E. A notarial officer may not affix the notarial officer's signature to or logically associate it with a certificate until the notarial act has been performed.

F. If a notarial act is performed regarding a tangible record, a certificate must be part of or securely attached to the record. If the notarial certificate is attached to the record using a separate sheet of paper, the attachment must contain a description of the record that includes at a minimum the title or type of record, the date of the record, the number of pages of the record and any additional signers of the record other than those named in the notarial certificate. If a notarial act is performed regarding an electronic record, the certificate must be affixed to or logically associated with the electronic record. If the secretary of state has established standards pursuant to section 41-275 for attaching, affixing or logically associating the certificate, the process must conform to the standards.

§ 41-265. Short form certificates

(Eff. 7/1/22)

The following short form certificates of notarial acts are sufficient for the purposes indicated, if completed with the information required by section 41-264, subsections A and B:

1. For an acknowledgment in an individual capacity:

State of _____

(County) of _____

This record was acknowledged before me on _____

Date

by _____

Name(s) of individual(s)

_____

Signature of notarial officer

Stamp

(_____)

Title of office

(My commission expires: _____)

2. For an acknowledgment in a representative capacity:

State of _____

(County) of _____

This record was acknowledged before me on _____

Date

by

_____

Name(s) of individual(s)

as (type of authority, such as officer or trustee) of (name of party on behalf of whom record was executed).

_____

Signature of notarial officer

Stamp

(_____)

Title of office

(My commission expires: _____)

3. For a verification on oath or affirmation:

State of _____

(County) of _____

Signed and sworn to (or affirmed) before me on _____

Date

by

_____

Name(s) of individual(s) making statement

_____

Signature of notarial officer

Stamp

(_____)

Title of office

(My commission expires: _____)

4. For witnessing or attesting a signature:

State of _____

(County) of _____

Signed (or attested) before me on _____

Date

by _____

Name(s) of individual(s)

_____

Signature of notarial officer

Stamp

(_____)

Title of office

(My commission expires: _____)

5. For certifying a copy of a record:

State of _____

(County) of _____

I certify that this is a true and correct copy of a record in the possession of _____.

Dated _____

_____

Signature of notarial officer

Stamp

(_____)

Title of office

(My commission expires: _____)

6. For certifying a tangible copy of an electronic record:

State of _____

(County) of

_____ I certify that the foregoing copy of a record (entitled _____) (dated _____) and containing _____ pages is an accurate copy of an electronic record.

Dated _____

_____

Signature of notarial officer

Stamp

(_____)

Title of office

(My commission expires: _____)

§ 41-266. Official stamp

(Eff. 7/1/22)

A. The official stamp of a notary public must:

1. Include the words "notary public", the name of the county in which the notary public is commissioned, the notary public's name as it appears on the notary public's commission, the commission expiration date and other information required by the secretary of state.

2. Be capable of being copied together with the record to which it is affixed or attached or with which it is logically associated.

B. A notary public's official stamp may be any shape. The physical image of an official stamp created by a physical stamping device must be not more than one and one-half inches high and two and one-half inches wide and it must include an image of the great seal of the state of Arizona. The electronic image of an official stamp created by an electronic stamping device must be legible when reproduced together with the record with which it is logically associated.

C. A notary public may not affix or attach the notary public's official stamp over the notary public's signature or over any other signature on the record that is the subject of the notarial act.

D. The official stamp of a notary public is an official seal of office for the purposes of the laws of this state.

§ 41-267. Stamping device; violation; classification

(Eff. 7/1/22)

A. A notary public is responsible for the security of the notary public's stamping device and may not allow another individual to use the device to perform a notarial act. On resignation from, or the revocation or expiration of, the notary public's commission, the notary public shall disable any electronic stamping device by destroying, erasing or securing it against use in a manner that renders it unusable. On the death or adjudication of incompetency of a notary public, the notary public's personal representative or guardian or any other person knowingly in possession of any electronic stamping device shall render it unusable by destroying, erasing or securing it against use in a manner that renders it unusable.

B. A vendor of stamping devices may not provide a stamping device to an individual unless the individual presents a copy of the individual's commission. The vendor must retain the copy for four years.

C. A notary public may possess only one physical stamping device for use with notarial acts performed regarding tangible records. A notary public may possess an embosser in addition to the notary public's physical stamping device. A notary public may use an embosser only in conjunction with the notary public's physical stamping device. An embosser or an impression made by the embosser is not an official seal of office for the purposes of the laws of this state.

D. A person who knowingly violates subsection B of this section is guilty of a class 6 felony. A person who violates subsection C of this section is guilty of a class 3 misdemeanor.

§ 41-268. Notification regarding performance of notarial act on electronic record; selection of technology; acceptance of tangible copy of electronic record

(Eff. 7/1/22)

A. A notary public may select one or more tamper-evident technologies to perform notarial acts with respect to electronic records. A person may not require a notary public to perform a notarial act with respect to an electronic record with a technology that the notary public has not selected.

B. Before a notary public performs the notary public's initial notarial act with respect to an electronic record, a notary public shall notify the secretary of state that the notary public will be performing notarial acts with respect to electronic records and identify the technology the notary public intends to use. If the secretary of state has established standards for approval of technology pursuant to section 41-275, the technology must conform to the standards. If the technology conforms to the standards, the secretary of state shall approve the use of the technology.

C. A county recorder shall accept for recording a tangible copy of an electronic record containing a notarial certificate as satisfying any requirement that a record accepted for recording be an original, if the notarial officer executing the notarial certificate certifies that the tangible copy is an accurate copy of the electronic record.

§ 41-269. Commission as notary public; confidential information; qualifications; assurance; no immunity or benefit

(Eff. 7/1/22)

A. An individual qualified under subsection B of this section may apply to the secretary of state for a commission as a notary public. The applicant shall comply with and provide the information required by rules established by the secretary of state and pay any application fee. Except for the applicant's name and business address, all information provided on the application is confidential and may not be disclosed to any person other than the applicant, the applicant's guardian or personal representative or an employee or officer of the federal, state or local government who is acting in an official capacity. The secretary of state shall use the information provided on the application only for carrying out the purposes of this article.

B. An applicant for a commission as a notary public must:

1. Be at least eighteen years of age.

2. Be a citizen or permanent legal resident of the United States.

3. Be a resident of this state for income tax purposes and claim the individual's residence in this state as the individual's primary residence on state and federal tax returns.

4. Be able to read, write and understand English.

5. Not be disqualified to receive a commission under section 41-271.

6. Have passed the examination described in section 41-270 if required by the secretary of state.

7. Keep as a reference a manual that is approved by the secretary of state and that describes the duties, authority and ethical responsibilities of a notary public.

C. Before a commission as a notary public is issued, an applicant for the commission shall execute an oath of office and submit it to the secretary of state.

D. Before issuance of a commission as a notary public, the applicant for a commission shall submit to the secretary of state an assurance in the form of a surety bond in the amount of $5,000. The assurance must be issued by a surety or other entity licensed or authorized to do business in this state. The assurance must cover acts performed during the term of the notary public's commission and must be in the form prescribed by the secretary of state. If a notary public violates any law with respect to notaries public in this state, the surety or issuing entity is liable under the assurance. The surety or issuing entity shall give thirty days' notice to the secretary of state before canceling the assurance. The surety or issuing entity shall notify the secretary of state not later than thirty days after making a payment to a claimant under the assurance. A notary public may perform notarial acts in this state only during the period that a valid assurance is on file with the secretary of state. An employer may not cancel the assurance of any notary public who is an employee and who leaves such employment.

E. On compliance with this section, the secretary of state shall issue a commission as a notary public to an applicant for a term of four years.

F. A commission to act as a notary public authorizes the notary public to perform notarial acts. The commission does not provide the notary public any immunity or benefit conferred by the laws of this state on public officials or employees.

G. A notary public is a public officer commissioned by this state and all of the following apply without regard to whether the notary public's employer or any other person has paid the fees and costs for the commissioning of the notary public, including costs for a stamping device or journal:

1. A notary public's stamping device, commission and any journal that contains only public record entries remain the property of the notary public.

2. A notary public may perform notarial acts outside the workplace of the notary's employer except during those times normally designated as the notary public's hours of duty for that employer. All fees received by a notary public for notarial services provided while not on duty remain the property of the notary public.

3. An employer of a notary public may not limit the notary public's services to customers or other persons designated by the employer.

H. This state or any political subdivision of this state may pay the fees and costs for the commissioning of a notary public who is an employee of this state or any political subdivision of this state and who performs notarial acts in the course of the notary public's employment or for the convenience of public employees.

§ 41-270. Examination of notary public; fee

(Eff. 7/1/22)

A. The secretary of state may require an applicant for a commission as a notary public who does not hold a commission in this state, an applicant who is renewing a commission as a notary public or a notary public with a suspended commission to pass an examination administered by the secretary of state or an entity approved by the secretary of state. The examination must be based on the course of study described in subsection B of this section.

B. If the secretary of state requires an examination under subsection A of this section, the secretary of state or an entity approved by the secretary of state may offer a course of study to applicants who do not hold commissions as notaries public in this state, applicants who are renewing commissions as notaries public or

notaries public with suspended commissions. The course must cover the laws, rules, procedures and ethics relevant to notarial acts.

C. The secretary of state may prescribe and assess a fee for administering a course of study and examination under this section. The secretary of state shall deposit the fees collected under this section in the notary education fund established by section 41-332.

§ 41-271. Grounds to deny, refuse to renew, revoke, suspend or condition commission of notary public

(Eff. 7/1/22)

A. The secretary of state may deny, refuse to renew, revoke, suspend or impose a condition on a commission as notary public for any act or omission that demonstrates the individual lacks the honesty, integrity, competence or reliability to act as a notary public, including any of the following:

1. Failure to comply with this article.

2. A fraudulent, dishonest or deceitful misstatement or omission in the application for a commission as a notary public submitted to the secretary of state.

3. A conviction of the applicant or notary public of any felony or a crime involving fraud, dishonesty or deceit. A conviction after a plea of no contest is deemed to be a conviction for the purposes of this paragraph.

4. A finding against or admission of liability by the applicant or notary public in any legal proceeding or disciplinary action based on the applicant's or notary public's fraud, dishonesty or deceit.

5. Failure by the notary public to discharge any duty required of a notary public, whether by this article, rules of the secretary of state or federal or state law.

6. Use of false or misleading advertising or representation by the notary public representing that the notary has a duty, right or privilege that the notary does not have.

7. Violation by the notary public of a rule of the secretary of state regarding a notary public.

8. Denial, refusal to renew, revocation, suspension or conditioning of a notary public commission in another state.

9. Failure of the notary public to maintain an assurance as provided in section 41-269, subsection D.

10. Charging more than the fees authorized by this article or rule.

11. The return for insufficient funds or for any other reason for nonpayment of a check issued for the assurance filing fees or application fees to the secretary of state.

12. Failure to respond to any request for information or to comply with any investigation initiated by the secretary of state or the attorney general.

13. The prior revocation of a notary public commission in this state.

B. If the secretary of state denies, refuses to renew, revokes, suspends or imposes conditions on a commission as a notary public, the applicant or notary public is entitled to timely notice and a hearing in accordance with chapter 6, article 10 of this title. The denial of an application or revocation or suspension of a commission is an appealable agency action. If an applicant appeals the denial of an application, the applicant may not submit a new application for consideration while the appeal is pending. If an individual's commission as a notary public in this state is revoked, the individual may not submit a new application for commission for one year after the date of revocation.

C. The authority of the secretary of state to deny, refuse to renew, suspend, revoke or impose conditions on a commission as a notary public does not prevent a person from seeking and obtaining other criminal or civil remedies provided by law.

§ 41-272. Database of notaries public

(Eff. 7/1/22)

A. The secretary of state shall maintain an electronic database of notaries public through which a person may verify the authority of a notary public to perform notarial acts.

B. The electronic database may indicate whether a notary public has notified the secretary of state that the notary public will be performing notarial acts on electronic records or for remotely located individuals under section 41-263.

§ 41-273. Prohibited acts; civil penalty; violation; classification

(Eff. 7/1/22)

A. A commission as a notary public does not authorize an individual to:

1. Assist persons in drafting legal records, give legal advice or otherwise practice law.

2. Act as an immigration consultant or an expert on immigration matters.

3. Represent a person in a judicial or administrative proceeding relating to immigration to the United States, United States citizenship or related matters.

4. Receive compensation for performing any of the activities listed in this subsection.

B. A notary public may not engage in false or deceptive advertising.

C. A notary public, other than an attorney who is licensed to prac-

tice law in this state, may not use the term "notario" or "notario publico".

D. A notary public, other than an attorney who is licensed to practice law in this state, may not advertise or represent that the notary public may assist persons in drafting legal records, give legal advice or otherwise practice law. If a notary public who is not an attorney licensed to practice law in this state in any manner advertises or represents that the notary public offers notarial services, whether orally or in a record, including broadcast media, print media and the internet, the notary public shall include the following statement, or an alternative statement authorized or required by the secretary of state, in the advertisement or representation, prominently and in each language used in the advertisement or representation: "I am not an attorney licensed to practice law in this state. I am not allowed to draft legal records, give advice on legal matters, including immigration, or charge a fee for those activities." If the form of advertisement or representation is not broadcast media, print media or the internet and does not allow inclusion of the statement required by this subsection because of size, it must be displayed prominently or provided at the place of performance of the notarial act before the notarial act is performed.

E. Except as otherwise allowed by law, a notary public may not withhold access to or possession of an original record provided by a person that seeks performance of a notarial act by the notary public.

F. If a notary public, other than an attorney licensed to practice law in this state, performs an activity listed in subsection A of this section or otherwise performs the unauthorized practice of immigration and nationality law as defined in section 12-2701, the secretary of state shall impose a civil penalty of not more than $1,000 and permanently revoke the notary public's commission.

G. A notary public who violates subsection D of this section is guilty of a class 6 felony and the secretary of state shall permanently revoke the notary public's commission.

§ 41-274. Validity of notarial acts

(Eff. 7/1/22)

Except as otherwise provided in section 41-252, subsection B and section 41-320, subsection B, the failure of a notarial officer to perform a duty or meet a requirement specified in this article does not invalidate a notarial act performed by the notarial officer. The validity of a notarial act under this article does not prevent an aggrieved person from seeking to invalidate the record or transaction that is the subject of the notarial act or from seeking other remedies based on the laws of this state other than this article or the laws of the United States. This section does not validate a purported notarial act performed by an individual who does not have the authority to perform notarial acts.

§ 41-275. Rules

(Eff. 7/1/22)

A. The secretary of state may adopt rules to implement this article. On or before July 1, 2022, the secretary of state shall adopt rules under this section regarding the performance of notarial acts with respect to electronic records. Rules adopted regarding the performance of notarial acts with respect to electronic records may not require, or accord greater legal status or effect to, the implementation or application of a specific technology or technical specification. The rules may:

1. Prescribe the manner of performing notarial acts regarding tangible and electronic records.

2. Include provisions to ensure that any change to or tampering with a record bearing a certificate of a notarial act is self-evident.

3. Include provisions to ensure integrity in the creation, transmittal, storage or authentication of electronic records or signatures.

4. Prescribe the process of granting, renewing, conditioning, denying, suspending or revoking a notary public commission and assuring the trustworthiness of an individual holding a commission as a notary public.

5. Include provisions to prevent fraud or mistake in the performance of notarial acts.

6. Establish the process for approving and accepting surety bonds and other forms of assurance under section 41-269.

7. Provide for the administration of the examination under section 41-270, subsection A and the course of study under section 41-270, subsection B.

B. In adopting, amending or repealing rules about notarial acts with respect to electronic records, the secretary of state shall consider, so far as is consistent with this article:

1. The most recent standards regarding electronic records promulgated by national bodies, such as the national association of secretaries of state.

2. Standards, practices and customs of other jurisdictions that substantially enact this article.

3. The views of governmental officials and entities and other interested persons.

§ 41-276. Notary public commission in effect; authorization to perform electronic and remote online notarizations in effect

(Eff. 7/1/22)

A. A commission as a notary public in effect on July 1, 2022 continues until its date of expiration. A notary public who applies to renew a commission as a notary public on or after July 1, 2022 is subject to and shall comply with this article. A notary public, in

performing notarial acts after July 1, 2022, shall comply with this article.

B. An authorization issued by the secretary of state to perform electronic notarization or remote online notarizations in effect on July 1, 2022 continues until its date of expiration. A notary public who notifies the secretary of state that the notary public will be performing notarial acts with respect to electronic records or with respect to remotely located individuals on or after July 1, 2022 is subject to and shall comply with this article.

§ 41-277. Relation to electronic signatures in global and national commerce act

(Eff. 7/1/22)

This article modifies, limits and supersedes the electronic signatures in global and national commerce act (P.L. 106-229; 114 Stat. 464; 15 United States Code sections 7001 through 7031) but does not modify, limit or supersede 15 United States Code section 7001(c) or authorize electronic delivery of any of the notices described in 15 United States Code section 7003(b).

ARIZONA REVISED STATUTES

TITLE 41. STATE GOVERNMENT
CHAPTER 2. ADMINISTRATIVE OFFICERS
ARTICLE 2. NOTARIES PUBLIC

§ 41-314. Notary bond fund; purpose; exemption

A. The notary bond fund is established consisting of monies received pursuant to section 41-178.

B. The secretary of state shall administer the fund and spend monies in the fund in order to defray the cost of the Secretary of State's office assuming the responsibilities associated with the processing and administration of notary bonds.

C. On notice from the secretary of state, the state treasurer shall invest and divest monies in the fund as provided by section 35-313, and monies earned from investment shall be credited to the fund.

D. Monies in the fund are continuously appropriated and exempt from the provisions of section 35-190 relating to lapsing of appropriations.

§ 41-316. Fees

A. The secretary of state shall establish fees that notaries public may charge for notarial acts. These fees shall be established by rules adopted pursuant to chapter 6 of this title.

B. Notaries public may be paid an amount up to the amount authorized for mileage expenses and per diem subsistence for state employees as prescribed by title 38, chapter 4, article 2.

C. A notary shall not advertise or charge or receive a fee for performing a notarial act except as specifically authorized by rule.

§ 41-317. Resignation; Delivering notary seal, notarial journal and records; failure to comply; storing records; certified copies

(L21, Ch. 66, sec. 13. Eff. 7/1/22)

A. A notary public shall submit the notary public's resignation in writing to the secretary of state.

B. On the resignation or revocation of a notarial commission or the death of a notary public, any physical stamping device, notarial journal and records, except those records of notarial acts that are not public record, shall be delivered by certified mail or other means providing a receipt to the secretary of state. If a notary public does not apply for reappointment, on expiration of the notarial commission, the device, the notarial journal and records shall be delivered to the secretary of state as required for resignation under this subsection. A notary public who neglects for three months thereafter to deposit such records, device and papers, or the personal representative of a deceased notary public who neglects for three months after appointment to deposit such records, device and papers, shall forfeit to the state not less than $50 or more than $500.

C. While a notary public is commissioned, a notary public shall keep all records and journals of the notary public's acts for at least five years after the date the notarial act was performed. On receipt of the records and journals from a notary public who no longer is commissioned, the secretary of state shall keep all records and journals of notaries public deposited in the secretary of state's office for five years and shall give certified copies thereof when required, and for the copy certifications the secretary of state shall receive the same fees as are by law allowed to notaries public. The copy certifications shall be as valid and effectual as if given by a notary public.

§ 41-318. Wilful destruction of records; penalty

Any person who knowingly destroys, defaces or conceals any journal entry or records belonging to the office of a notary public shall forfeit to the state an amount not exceeding five hundred dollars and shall be liable for damages to any party injured thereby.

§ 41-319. Journal

(L21, Ch. 66, sec. 14. Eff. 7/1/22)

A. A notary public shall keep a paper journal to chronicle all notarial acts performed regarding tangible records. A notary public shall keep either a paper journal or one or more electronic journals to chronicle all notarial acts performed regarding electronic records. Except as prescribed by subsection E of this section, a notary public shall keep only one paper journal at a time. The notary public shall record all notarial acts in chronological order. The notary public shall furnish, when requested, a certified copy of any public record in the notary public's journal. Records of notarial acts that violate the attorney-client privilege or that are confidential pursuant to federal or state law are not a public rec-

ord. Each journal entry shall include at least:

1. The date of the notarial act.

2. A description of the document and type of notarial act.

3. The printed full name and address of each individual for whom a notarial act is performed.

4. If a paper journal is used, the signature of each individual for whom a notarial act is performed.

5. The type of satisfactory evidence of identity presented to the notary public by each individual for whom a notarial act is performed, or a notation that the notary public's personal knowledge of the individual was used as satisfactory evidence of identity.

6. A description of the identification card or document, if any, including its date of issuance or expiration.

7. The fee, if any, charged for the notarial act.

B. If a notary public has personal knowledge of the identity of a signer, the notary public shall retain a paper or electronic copy of the notarized documents for each notarial act in lieu of making a journal entry or the notary public shall make a journal entry pursuant to the requirements of subsection A, paragraphs 1, 2, 3, 4, 5 and 7 of this section.

C. Except for notarial acts performed for remotely located individuals under section 41-263, if a notary public performs more than one notarization for an individual within a six month period, the notary public shall have the individual provide satisfactory evidence of identity as required under section 41-255 the first time the notary performs the notarization for the individual but may not require satisfactory evidence of identity or the individual to sign the journal for subsequent notarizations performed for the individual during the six month period.

D. If a notary public performs more than one notarization of the same type for a signer either on similar records or within the same record and at the same time, the notary public may group the records together and make one journal entry for the transaction.

E. If one or more entries in a notary public's journal are not public records, the notary public shall keep one journal that contains entries that are not public records and one journal that contains entries that are public records. If a notary public keeps only one journal, that journal is presumed to be a public record. A notary public's journal that contains entries that are not public records is the property of the employer of that notary public and shall be retained by that employer if the notary public leaves that employment. A notary public's journal that contains only public records is the property of the notary public without regard to whether the notary public's employer purchased the journal or provided the fees for the commissioning of the notary public.

F. Except as provided in subsections A and E of this section, the notary public's journal is a public record that may be viewed by or copied for any member of the public, but only on presentation to the notary public of a written request that details the month and year of the notarial act, the name of the individual whose signature was notarized and the type of record or transaction.

§ 41-320. Competency of bank and corporation notaries

(L21, Ch. 66, sec. 15. Eff. 7/1/22)

A. It is lawful for a notary public who is a stockholder, director, officer or employee of a corporation to take the acknowledgment or oath of any party to any record executed to or by the corporation, or to administer an oath to any other stockholder, director, officer, employee or agent of the corporation, or to protest for nonacceptance or nonpayment of bills of exchange, drafts, checks, notes and other negotiable instruments that may be owned or held for collection by the corporation.

B. It is unlawful for any notary public to take the acknowledgment of a record executed by or to a corporation of which the notary public is a stockholder, director, officer or employee, where the notary public is a party to the record, either individually or as a representative of the corporation, or to protest any negotiable instrument owned or held for collection by the corporation, where the notary is individually a party to the instrument. A notarial act performed in violation of this subsection is voidable.

§ 41-323. Change of address; lost, stolen or compromised journal or seal; civil penalty

(L21, Ch. 66, sec. 17. Eff. 7/1/22)

A. Within thirty days after the change of a notary public's mailing, business or residential address, the notary public shall deliver to the secretary of state, by certified mail or other means providing a receipt, a signed notice of the change that provides both the old and new addresses.

B. Within ten days after the loss, theft or compromise of an official journal or stamping device, the notary public shall deliver to the secretary of state, by certified mail or other means providing a receipt, a signed notice of the loss, theft or compromise. The notary also shall inform the appropriate law enforcement agency in the case of theft.

C. If a notary public fails to comply with subsection A or B of this section, the notary public has failed to fully and faithfully discharge the duties of a notary public and the secretary of state may impose a civil penalty of $25 against the notary. The notary public shall pay any civil penalty imposed by the secretary of state pursuant to this subsection before the renewal of the notary's commission.

§ 41-324. Court reporters; notarial acts

(L21, Ch. 66, sec. 18. Eff. 7/1/22)

A. Court reporters who administer oaths and affirmations in judicial proceedings are exempt from the provisions of this chapter other than section 41-269, subsections C and D. Court reporters who are commissioned as notaries and who perform notarial acts outside of judicial proceedings are subject to all provisions of this chapter and of other laws of this state that regulate notaries public.

B. A court reporter who prepares a transcript of a judicial proceeding shall attach a certificate page to the transcript. On the certificate page, the court reporter shall attest to the fact that the reporter administered an oath or affirmation to each witness whose testimony appears in the transcript.

C. An affidavit of nonappearance that is prepared by a court reporter does not need to be witnessed by a notary public.

§ 41-325. Evidence of authenticity of a notarial act performed in this state

A. The authenticity of the official notarial seal and signature of a notary may be evidenced by either:

1. A certificate of authority from the secretary of state authenticated as necessary.

2. An apostille from the secretary of state in the form prescribed by the Hague convention of October 5, 1961 abolishing the requirement of legalization of foreign public documents.

B. An apostille as specified by the Hague convention shall be attached to any document that requires authentication and that is sent to a nation that has signed and ratified this convention.

§ 41-326. Apostille

An apostille prescribed by the Hague convention, as cited in 28 United States Code in annotations to rule 44 of the federal rules of civil procedure, shall be in the form of a square with sides at least nine centimeters long and shall contain exactly the following wording:

Apostille

(Convention de la haye du 5 Octobre 1961)

1. Country: _____

This public document

2. Has been signed by _____

3. Acting in the capacity of _____

4. Bears the seal/stamp of _____

Certified

5. At _____

6. The _____

7. By _____

8. No. _____

9. Seal/stamp

10. Signature _____

§ 41-327. Surname change; notification; continuation of commission

(L21, Ch. 66, sec. 19. Eff. 7/1/22)

A notary public who has a change of surname may continue to use the official stamp and commission in the notary public's prior name until that commission expires. The notary public shall sign the changed surname on the line that is designated for the notary public's signature on the notarial certificate. Immediately below that signature, the notary public shall sign the name under which the notary was commissioned. The notary public shall notify the secretary of state's office within thirty days after the notary public's change of surname. Failure to notify the secretary of state of this change of surname is evidence of the notary public's failure to fully and faithfully discharge the duties of a notary public.

§ 41-331. Complaints; investigations

A. Any person may make a complaint to the office of the secretary of state regarding a notary public. The secretary of state shall receive any complaints and shall provide notice of those complaints to the office of the attorney general who shall investigate and take action on all complaints involving allegations of any violations of this article.

B. A notary's failure to respond to an investigation is a failure by the notary to fully and faithfully discharge the responsibilities and duties of a notary.

§ 41-332. Notary education fund

(L21, Ch. 66, sec. 21. Eff. 7/1/22)

The notary education fund is established consisting of monies deposited pursuant to section 41-270. The secretary of state shall administer the fund. Monies in the fund are subject to legislative appropriation.

§ 41-333. Impersonation of notary public

Any person who knowingly acts as or otherwise intentionally impersonates a notary public while not lawfully appointed and commissioned to perform notarial acts is guilty of impersonating a public servant pursuant to section 13-2406.

ARIZONA REVISED STATUTES

TITLE 10. CORPORATIONS AND ASSOCIATIONS
CHAPTER 19. CORPORATIONS AND ASSOCIATIONS NOT FOR PROFIT
ARTICLE 2. ELECTRIC COOPERATIVE NONPROFIT MEMBERSHIP CORPORATIONS

§ 10-2082. Taking of acknowledgments by officer or member

A person authorized to take acknowledgments under the laws of this state shall not be disqualified from taking acknowledgments of instruments executed in favor of a cooperative or to which it is a party, by reason of being an officer, director or member of the cooperative.

ARIZONA REVISED STATUTES

TITLE 12. COURTS AND CIVIL PROCEEDINGS
CHAPTER 2. JUDICIAL OFFICERS AND EMPLOYEES
ARTICLE 8. CLERK OF SUPERIOR COURT

§ 12-284 Fees.

A. Except as otherwise provided by law, the clerk of the superior court shall receive fees classified as follows:

Class	Description	Fee
G.	Special Fees	
	Notary services	7.00

ARIZONA REVISED STATUTES

TITLE 13. CRIMINAL CODE
CHAPTER 24. OBSTRUCTION OF PUBLIC ADMINISTRATION

§ 13-2406. Impersonating a public servant; classification; definition

A. A person commits impersonating a public servant if such person pretends to be a public servant and engages in any conduct with the intent to induce another to submit to his pretended official authority or to rely on his pretended official acts.

B. It is no defense to a prosecution under this section that the office the person pretended to hold did not in fact exist or that the pretended office did not in fact possess the authority claimed for it.

C. Impersonating a public servant is a class 1 misdemeanor.

D. For the purposes of this section, "public servant" includes a notary public.

§ 13-2407. Tampering with a public record; classification

A. A person commits tampering with a public record if, with the intent to defraud or deceive, such person knowingly:

1. Makes or completes a written instrument, knowing that it has been falsely made, which purports to be a public record or true copy thereof or alters or makes a false entry in a written instrument which is a public record or a true copy of a public record; or

2. Presents or uses a written instrument which is or purports to be a public record or a copy of such public record, knowing that it has been falsely made, completed or altered or that a false entry has been made, with intent that it be taken as genuine; or

3. Records, registers or files or offers for recordation, registration or filing in a governmental office or agency a written statement which has been falsely made, completed or altered or in which a false entry has been made or which contains a false statement or false information; or

4. Destroys, mutilates, conceals, removes or otherwise impairs the availability of any public record; or

5. Refuses to deliver a public record in such person's possession upon proper request of a public servant entitled to receive such record for examination or other purposes.

B. In this section "public record" means all official books, papers, written instruments or records created, issued, received or kept by any governmental office or agency or required by law to be kept by others for the information of the government.

C. Tampering with a public record is a class 6 felony.

ARIZONA REVISED STATUTES

TITLE 14. TRUSTS, ESTATES AND PROTECTIVE PROCEEDING
CHAPTER 5. PROTECTION OF PERSONS UNDER DISABILITY AND THEIR PROPERTY
ARTICLE 5. POWERS OF ATTORNEY

§ 14-5501. Durable power of attorney; creation; validity

A. A durable power of attorney is a written instrument by which a principal designates another person as the principal's agent. The instrument shall contain words that demonstrate the principal's intent that the authority conferred in the durable power of attorney may be exercised:

1. If the principal is subsequently disabled or incapacitated.

2. Regardless of how much time has elapsed, unless the instrument states a definite termination time.

B. The written instrument may demonstrate the principal's intent required by subsection A of this section using either of the following statements or similar language:

1. "This power of attorney is not affected by subsequent disability or incapacity of the principal or lapse of time."

2. "This power of attorney is effective on the disability or incapacity of the principal."

C. A power of attorney executed in another jurisdiction of the

United States is valid in this state if the power of attorney was validly executed in the jurisdiction in which it was created.

D. From and after August 1, 1998, except as provided in section 28-370, an adult, known as the principal, may designate another adult, known as the agent, to make financial decisions on the principal's behalf by executing a written power of attorney that satisfies all of the following requirements:

1. Contains language that clearly indicates that the principal intends to create a power of attorney and clearly identifies the agent.

2. Is signed or marked by the principal or signed in the principal's name by some other individual in the principal's conscious presence and at the principal's direction.

3. Is witnessed by a person other than the agent, the agent's spouse, the agent's children or the notary public.

4. Is executed and attested by its acknowledgment by the principal and by an affidavit of the witness before notary public and evidenced by the notary public's certificate, under official seal, in substantially the following form:

I, _____, the principal, sign my name to this power of attorney this _____ day of _____ and, being first duly sworn, do declare to the undersigned authority that I sign and execute this instrument as my power of attorney and that I sign it willingly, or willingly direct another to sign for me, that I execute it as my free and voluntary act for the purposes expressed in the power of attorney and that I am eighteen years of age or older, of influence.

_____
Principal

I, _____, the witness, sign my name to the foregoing power of attorney, being first duly sworn and declare the undersigned authority that the principal

attorney and that he/she signs it willingly, or willingly directs another to sign for him/her, and that I, in the presence and hearing of the principal, sign this power of attorney as witness to the principal's signing and that to the best of my knowledge the principal is eighteen years of age or older, of sound mind and under no constraint or undue influence.

_____

Witness

The state of _____

County of _____

Subscribed, sworn to and acknowledged before me by _____, the principal, and subscribed and sworn to before me by _____, witness, this _____ day of _____.

(seal) (signed) _____
(notary public)

E. The execution requirements for the creation of a power of attorney provided in subsection D of this section do not apply if the principal creating the power of attorney is:

1. A person other than a natural person.

2. Any person, if the power of attorney to be created is a power coupled with an interest. For the purposes of this paragraph, "power coupled with an interest" means a power that forms a part of a contract and is security for money or for the performance of a valuable act.

ARIZONA REVISED STATUTES

TITLE 16. ELECTIONS AND ELECTORS
CHAPTER 5. POLITICAL PARTIES
ARTICLE 2. PARTY ORGANIZATION AND GOVERNMENT
§ 16-828. Proxies

A. A political party may choose, through its bylaws, to allow the use of proxies at its meetings, in which event the following shall be minimum regulations:

1. No proxy shall be given by a member of the state committee for use at a meeting of the committee except to a qualified elector of the county where the member resides.

2. No proxy shall be given by a member of the county committee for use at a meeting of the committee except to a qualified elector of the precinct where the member resides.

B. The duration of any proxy so given shall extend only for the length of the meeting for which it is given.

C. Every proxy shall be attested by a notary public or two witnesses.

ARIZONA REVISED STATUTES

TITLE 26. MILITARY AFFAIRS AND EMERGENCY MANAGEMENT
CHAPTER 1. EMERGENCY AND MILITARY AFFAIRS
ARTICLE 3. NATIONAL GUARD

§ 26-160. Oaths or affirmations

Oaths or affirmations required in the military service shall be administered by any commissioned officer, or other officer authorized to administer oaths, and no charge shall be made therefor.

ARIZONA REVISED STATUTES

TITLE 33. PROPERTY
CHAPTER 4 CONVEYANCES AND DEEDS
ARTICLE 5. UNIFORM RECOGNITION OF ACKNOWLEDGMENTS ACT

§ 33-501. Recognition of notarial acts performed outside this state

For the purposes of this article, "notarial acts" means acts which the laws and regulations of this state authorize notaries public of this state to perform, including the administering of oaths and affirmations,

1. A notary public authorized to perform notarial acts in the place in which the act is performed.

2. A judge, clerk, or deputy clerk of any court of record in the place in which the notarial act is performed.

3. An officer of the foreign service of the United States, a consular agent, or any other person authorized by regulation of the United States department of state to perform notarial acts in the place in which the act is performed.

4. A commissioned officer in active service with the armed forces of the United States and any other person authorized by regulation of the armed forces to perform notarial acts if the notarial act is performed for one of the dependents: a merchant seaman of the United States, a member of the armed forces of the United States, or any other person serving with or accompanying the armed forces of the United States.

5. Any other person authorized to perform notarial acts in the place in which the act is performed.

§ 33-502. Authentication of authority of officer

A. If the notarial act is performed by any of the persons described in section 33-501, paragraphs 1 through 4, inclusive, other than a person authorized to perform notarial acts by the laws or regulations of a foreign country, the signature mark, or title and serial number, if any, of the person are sufficient proof of the authority of a holder of that rank or title to perform the act. Further proof of authority is not required.

B. If the notarial act is performed by a person authorized by the laws or regulations of a foreign country to perform the act, there is sufficient proof of the authority of that person to act if:

1. Either a foreign service officer of the United States resident in the country in which the act is performed or a diplomatic or consular officer of the foreign country resident in the United States certifies that a person holding that office is authorized to perform the act, or

2. The official seal of the person performing the notarial act is affixed to the document, or

3. The title and indication of authority to perform notarial acts of the person appears either in a digest of foreign law or in a list customarily used as a source of such information.

C. If the notarial act is performed by a person other than one described in subsections A and B, there is sufficient proof of the authority of that person to act if the secretary of state certifies to the official character of that person and to his authority to perform the notarial act.

D. The signature and title of the person performing the act are prima facie evidence that he is a person with the designated title and that the signature is genuine.

§ 33-503. Certificate of person taking acknowledgment

The person taking an acknowledgment shall certify that:

1. The person acknowledging appeared before him and acknowledged he executed the instrument, and

2. The person acknowledging was known to the person taking the acknowledgment or that the person taking the acknowledgment had satisfactory evidence that the person acknowledging was the person described in and who executed the instrument.

§ 33-504. Recognition of certificate of acknowledgment

The form of a certificate of acknowledgment used by a person whose authority is recognized under section 33-501 shall be accepted in this state if:

1. The certificate is in a form prescribed by the laws or regulations of this state, or

2. The certificate is in a form prescribed by the laws or regulations applicable in the place in which the acknowledgment is taken, or

3. The certificate contains the words "acknowledged before me", or their substantial equivalent.

§ 33-505. Certificate of acknowledgment

The words "acknowledged before me" mean that:

1. The person acknowledging appeared before the person taking the acknowledgment.

2. He acknowledged he had executed the instrument.

3. In the case of:

(a) A natural person, he executed the instrument for the purposes therein stated.

(b) A corporation, the officer or agent acknowledged he held the position or title set forth in the instrument and certificate, he signed the instrument on behalf of the corporation by proper authority, and the instrument was the act of the corporation for the purpose therein stated.

(c) A partnership, the partner or agent acknowledged he signed the instrument on behalf of the partnership by proper authority and he executed the instrument as the act of the partnership for the purposes therein stated.

(d) A person acknowledging as principal by an attorney in fact, he executed the instrument by proper authority

(e) A person acknowledging as a public officer, trustee, personal representative, administrator, guardian, or other representative, he signed the instrument by proper authority and executed the instruments in the capacity and for the purposes therein stated.

4. The person taking the acknowledgment either knew or had satisfactory evidence that the person acknowledging was the person named in the instrument or certificate.

§ 33-506. Short forms of acknowledgment

The forms of acknowledgment set forth in this section may be used and are sufficient for their respective purposes under any law of this state. The forms shall be known as "statutory short forms of acknowledgment" and may be referred to by that name. The authorization of the following forms does not preclude the use of other forms:

1. For an individual acting in his own right:

State of _____
County of _____

The foregoing instrument was acknowledged before me this (date) by (name of person acknowledged.)

(Signature of person taking acknowledgment)

(Title or rank)

(Serial number, if any)

2. For a corporation:

State of _____
County of _____

The foregoing instrument was acknowledged before me this (date) by (name of officer or agent, title or officer or agent) of (name of corporation acknowledging) a (state or place of incorporation) corporation, on behalf of the corporation.

(Signature of person taking acknowledgment)

(Title or rank)

(Serial number, if any)

3. For a partnership:

State of _____

County of _____

The foregoing instrument was acknowledged before me this (date) by (name of acknowledging partner or agent), partner (or agent) on behalf of (name of partnership), a partnership pursuant to subsection B of this section.

4. For an individual acting as principal by an attorney in fact:

State of _____

County of _____

The foregoing instrument was acknowledged before me this (date) by (name of attorney in fact) as attorney in fact on behalf of (name of principal).

(Signature of person taking acknowledgment)

(Title or rank)

(Serial number, if any)

5. By any public officer, trustee, or personal representative:

State of _____

County of _____

The foregoing instrument was acknowledged before me this (date) by (name and title of position).

(Signature of person taking acknowledgment)

(Title or rank)

(Serial number, if any)

§ 33-507. Acknowledgments not affected by this article

A notarial act performed prior to the effective date of this article is not affected by this article. This article provides an additional method of proving notarial acts. Nothing in this article diminishes or invalidates the recognition accorded to notarial acts by other laws or regulations of this state.

§ 33-508. Uniformity of interpretation

This article shall be so interpreted as to make uniform the laws of those states which enact it.

ARIZONA REVISED STATUTES

TITLE 33. PROPERTY
CHAPTER 4. CONVEYANCES AND DEEDS
ARTICLE 6. ACKNOWLEDGMENTS

§ 33-511. Acknowledgment within the state

The acknowledgment of any instrument may be made in this state before:

1. A judge of a court of record.

2. A clerk or deputy clerk of a court having a seal.

3. A recorder of deeds.

4. A notary public.

5. A justice of the peace.

6. A county recorder.

§ 33-512. Acknowledgment by a married woman

An acknowledgment of a married woman may be made in the same form as though she were unmarried.

§ 33-513. Action to correct certificate of acknowledgment

When an acknowledgment is properly made, but defectively certified, any party interested may bring an action in the superior court to obtain a judgment correcting the certificate.

ARIZONA REVISED STATUTES

TITLE 36. PUBLIC HEALTH AND SAFETY
CHAPTER 20. ABORTION
ARTICLE 1. GENERAL PROVISIONS

§ 36-2152(A) Parental consent; exception; hearings; time limits; violation; classification; civil relief; statute of limitations

A. In addition to the requirements of section 36-2153, a person shall not knowingly perform an abortion on a pregnant unemancipated minor unless the attending physician has secured the written and notarized consent from one of the minor's parents or the minor's guardian or conservator or unless a judge of the superior court authorizes the physician to perform the abortion pursuant to subsection B of this section. Notwithstanding section 41-319, the notarized statement of parental consent and the description of the document or notarial act recorded in the notary journal are confidential and are not public records.

ARIZONA REVISED STATUTES

TITLE 38. PUBLIC OFFICERS AND EMPLOYEES
CHAPTER 2. QUALIFICATION AND TENURE
ARTICLE 4. OATH OF OFFICE

§ 38-231. Officers and employees required to take loyalty oath; form; classification; definition

A. In order to ensure the statewide application of this section on a uniform basis, each board, commission, agency and independent office of this state, and of any of its political subdivisions, and of any county, city, town, municipal corporation, school district and public educational institution, shall completely reproduce this section so that the form of written oath or affirmation required in this section contains all of the provisions of this section for use by all officers and employees of all boards, commissions, agencies and independent offices.

B. Any officer or employee who fails to take and subscribe to the oath or affirmation provided by this section within the time limits prescribed by this section is not entitled to any compensation until the officer or employee does so take and subscribe to the form of oath or affirmation prescribed by this section.

C. Any officer or employee having taken the form of oath or affirmation prescribed by this section, and knowingly at the time of subscribing to the oath or affirmation, or at any time thereafter during the officer's or employee's term of office or employment, does commit or aid in the commission of any act to overthrow by force, violence or terrorism as defined in section 13-2301 the government of this state or of any of its political subdivisions, or advocates the overthrow by force, violence or terrorism as defined in section 13-2301 of the government of this state or of any of its political subdivisions, is guilty of a class 4 felony and, on conviction under this section, the officer or employee is deemed discharged from the office or employment and is not entitled to any additional compensation or any other emoluments or benefits which may have been incident or appurtenant to the office or employment.

D. Any of the persons referred to in article XVIII, section 10, Constitution of Arizona, as amended, relating to the employment of aliens, are exempted from any compliance with this section.

E. In addition to any other form of oath or affirmation specifically provided by law for an officer or employee, before any officer or employee enters upon the duties of the office or employment, the officer or employee shall take and subscribe the following oath or affirmation:

State of Arizona, County of _____ I,

_____

(type or print name)

do solemnly swear (or affirm) that I will support the Constitution of the United States and the Constitution and laws of the State of Arizona, that I will bear true faith and allegiance to the same and defend them against all enemies, foreign and domestic, and that I will faithfully and impartially discharge the duties of the office of _____ (name of office) _____ according to the best of my ability, so help me God (or so I do affirm).

_____

(signature of officer or employee)

F. For the purposes of this section, "officer or employee" means any person elected, appointed or employed, either on a part-time or full-time basis, by this state or any of its political subdivisions or any county, city, town, municipal corporation, school district, public educational institution or any board, commission or agency of any county, city, town, municipal corporation, school district or public educational institution.

ARIZONA REVISED STATUTES

TITLE 38. PUBLIC OFFICERS AND EMPLOYEES
CHAPTER 2. QUALIFICATION AND TENURE
ARTICLE 4. OATH OF OFFICE

§ 38-233. Filing oaths of record

A. The official oaths of state elective officers shall be filed of record in the office of the secretary of state. The official oaths of all other state officers and employees shall be filed of record in the office of the employing state board, commission or agency.

B. The official oaths of elective county and elective precinct officers shall be filed of record in the office of the county recorder, except the oath of the recorder, which shall be filed with the clerk of the board of supervisors. The official oaths of notaries public shall be endorsed upon their bond and filed with the secretary of state. The official oaths of all other county and precinct officers and employees shall be filed of record in the office of the employing county or precinct board, commission or agency.

C. The official oaths of all city, town or municipal corporation officers or employees shall be filed of record in the respective office of the employing board, commission or agency of the cities, towns and municipal corporations.

D. The official oaths of all officers and employees of all school districts shall be filed of record in the school district office.

E. The official oaths of all officers and employees of each public educational institution except school districts shall be filed of record in the respective offices of the public educational institutions.

F. The official oath or affirmation required to be filed of record shall be maintained as an official record throughout the person's term, appointment or employment plus a period of time to be determined pursuant to sections 41-1347 and 41-1351.

ARIZONA REVISED STATUTES

TITLE 38. PUBLIC OFFICERS AND EMPLOYEES
CHAPTER 2. QUALIFICATION AND TENURE
ARTICLE 6. VACANCY IN OFFICE

§ 38-291. Vacancy defined

An office shall be deemed vacant from and after the occurrence of any of the following events before the expiration of a term of office:

1. Death of the person holding the office.

2. Insanity of the person holding the office, when judicially determined.

3. Resignation of the person holding the office and the lawful acceptance of the resignation.

4. Removal from office of the person holding the office.

5. If the office is elective, the person holding the office ceasing to be a resident of the state, or, if the office is local, or from a legislative or congressional district, the person holding the office ceasing to be a resident of the district, county, city, town or precinct for which he was elected, or within which the duties of his office are required to be discharged.

6. Absence from the state by the person holding the office, without permission of the legislature, beyond the period of three consecutive months.

7. The person holding the office ceasing to discharge the duties of office for the period of three consecutive months.

8. Conviction of the person holding the office of a felony or an offense involving a violation of his official duties.

9. Failure of the person elected or appointed to such office to file his official oath within the time prescribed by law.

10. A decision of a competent tribunal declaring void the election or appointment of the person elected or appointed to the office.

11. Failure of a person to be elected or appointed to the office.

12. A violation of section 38-296 by the person holding the office.

ARIZONA REVISED STATUTES

TITLE 38. PUBLIC OFFICERS AND EMPLOYEES
CHAPTER 3. CONDUCT OF OFFICE
ARTICLE 2. FEES

§ 38-412. Posting schedule of fees

Recorders, clerks of the superior courts, sheriffs, justices of the peace, constables and notaries public shall keep posted at all times in a conspicuous place in their respective offices a complete list of the fees they are allowed to charge.

§ 38-413. Charging excessive fees; classification

A. If an officer demands and receives a higher fee than prescribed by law, or any fee not so allowed, such officer shall be liable to the party aggrieved in an amount four times the fee unlawfully demanded and received by him.

B. An officer who violates this section is guilty of a class 5 felony.

ARIZONA REVISED STATUTES

TITLE 38. PUBLIC OFFICERS AND EMPLOYEES
CHAPTER 3. CONDUCT OF OFFICE
ARTICLE 3. RECORDS

§ 38-423. Making or giving false certificate; classification

A public officer authorized by law to make or give any certificate or other writing, who makes and delivers as true such a certificate or writing containing a statement which he knows is false, is guilty of a class 6 felony.

ARIZONA REVISED STATUTES

TITLE 39. PUBLIC RECORDS, PRINTING AND NOTICES
CHAPTER 1. PUBLIC RECORDS
ARTICLE 2. SEARCHES AND COPIES

§ 39-122. Free searches for and copies of public records to be used in claims against United States; liability for noncompliance

A. No state, county or city, or any officer or board thereof shall demand or receive a fee or compensation for issuing certified copies of public records or for making search for them, when they are to be used in connection with a claim for a pension, allotment, allowance, compensation, insurance or other benefits which is to be presented to the United States or a bureau or department thereof.

B. Notaries public shall not charge for an acknowledgment to a document which is to be so filed or presented.

C. The services specified in subsections A and B shall be rendered on request of an official of the United States, a claimant, his guardian or attorney. For each failure or refusal so to do, the officer so failing shall be liable on his official bond.

ARIZONA REVISED STATUTES

TITLE 39. PUBLIC RECORDS, PRINTING AND NOTICES
CHAPTER 1. PUBLIC RECORDS
ARTICLE 4. FALSE INSTRUMENTS AND RECORDS

§ 39-161. Presentment of false instrument for filing; classification

A person who acknowledges, certifies, notarizes, procures or offers to be filed, registered or recorded in a public office in this state an instrument he knows to be false or forged, which, if genuine, could be filed, registered or recorded under any law of this state or the United States, or in compliance with established procedure is guilty of a class 6 felony. As used in this section "instrument" includes a written instrument as defined in section 13-2001.ARIZONA REVISED STATUTES

ARIZONA REVISED STATUTES

TITLE 41. STATE GOVERNMENT
CHAPTER 1. EXECUTIVE OFFICERS
ARTICLE 2. THE SECRETARY OF STATE AND THE DEPARTMENT OF STATE

§ 41-126. Fees; expedited services

A. The secretary of state shall receive the following fees:

1. Making a copy of any document on file in his office, no more than ten cents for each page or partial page.

2. Filing and recording each application to become a notary public and transmitting a commission for a notary public, no more than twenty-five dollars.

10. Filing, recording or certifying any other document not specified in this section, no more than three dollars.

ARIZONA REVISED STATUTES

TITLE 42. TAXATION
CHAPTER 11. PROPERTY TAX
ARTICLE 4. QUALIFYING FOR EXEMPTIONS

§ 42-11152. Affidavit; false statements

A. Except as provided in sections 42-11104, 42-11109, 42-11110, 42-11111 and 42-11131 and except for property described in sections 42-11125, 42-11127 and 42-11132, a person who claims exemption from taxation under article IX, section 2, 2.1 or 2.2, Constitution of Arizona, shall:

1. When initially claiming the exemption, appear before the county assessor to make an affidavit as to the person's eligibility. If a personal appearance before the county assessor would create a severe hardship, the county assessor may arrange a mutually satisfactory meeting place to make an affidavit as to the person's eligibility.

2. When claiming the exemption in subsequent years, appear before the county assessor or a notary public to make an affidavit as to the person's eligibility.

3. Fully answer all questions on the eligibility form or otherwise required by the assessor for that purpose.

B. At the assessor's discretion, the assessor may require additional proof of the facts stated by the person before allowing an exemption.

C. A person who is in the United States military service and who is absent from this state or who is confined in a veterans' hospital or another licensed hospital may make the required affidavit in the presence of any officer who is authorized to administer oaths on a form obtained from the county assessor.

D. A false statement that is made or sworn to in the affidavit is perjury. ♦

HOUSE BILL 2178 (Approved by the Governor March 16, 2018.)

Sec. 12. Notaries public; seal; applicability

A notary public who is appointed after the effective date of this act shall use an official seal that is imprinted with the notary public's notarial commission number. A notary public who was appointed before the effective date of this act shall replace the notary's official seal on reappointment with an official seal that is imprinted with the notary public's notarial commission number.

RULES

RULES OF CIVIL PROCEDURE
RULE 44. PROOF OF RECORDS

44(a) Records of public officials. The records required to be made and kept by a public officer of the state, county, municipality, or any body politic, and copies thereof certified under the hand and seal of the public officer having custody of such records, shall be received in evidence as prima facie evidence of the facts therein stated.

44(c). Proof of records of notaries public. Declarations and protests made and acknowledgments taken by notaries public, and certified copies of their records and official papers, shall be received in evidence as prima facie evidence of the facts therein stated.

RULES

ARIZONA ADMINISTRATIVE CODE
TITLE 2. ADMINISTRATION
CHAPTER 12. SECRETARY OF STATE

ARTICLE 11. NOTARY PUBLIC BONDS AND FEES
R2-12-1101. Definitions

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

"Acknowledgment" means the same as defined in A.R.S. § 41-311 (1).

"Bond" means a surety bond to the state, with sureties approved by the clerk of the superior court in the county in which the individual is being commissioned as a notary public.

"Copy certification" means the same as defined in A.R.S. § 41-311 (3).

"Credible person" means a person used to identify a signer when the signer does not have other satisfactory evidence of identity as specified in A.R.S. § 41-311(11).

"Jurat" means the same as defined in A.R.S. § 41-311(6).

"Oath" or "affirmation" means the same as defined in A.R.S. § 41-311(10).

"Satisfactory evidence of identity" means the same as defined in A.R.S. § 41-311(11).

R2-12-1102. Notary Public Fees

A. Pursuant to A.R.S. § 38-412, a notary public shall keep posted at all times in a conspicuous location, the fee schedule listed under subsection (E)(1) through (3).

B. Upon reviewing the fees schedule under subsection (E)(1) through (3), a notary shall select a standard fee, from "no charge" up to the maximum $10 fee for a notarial act. A notary public shall be consistent when charging fees and post the fee schedule in a conspicuous location.

C. When posting fees under subsection (A) and (B), notaries shall use the template in Exhibit 1. Notary Public Services.

D. Before performing any notarial act, the notary public shall inform the requestor of the service fee if one will be charged.

E. A Notary public may charge the following fee:

1. For an acknowledgment or jurat, "no charge" up to $10 per notary public signature;
2. For a copy certification, "no charge" up to $10 per page certified;
3. For an oath or affirmation, "no charge" up to $10 per notarial act.

Exhibit 1. Notary Public Services

NOTARY PUBLIC SERVICES
(Business, Office, or Notary Name)

Fees Schedule Posted pursuant to R2-12-1102		
acknowledgement or jurat	[Example Fee] No Charge	per notary public signature
copy certification	[Example Fee] No Charge	per page certified
oath or affirmation	[Example Fee] No Charge	per notarial act
Attention Customer: Fees charged by an Arizona Notary Public may vary from "no charge" up to $10.		

An Arizona Notary Public May Charge the Following Fees:

Posted pursuant to A.R.S. § 38-412		
acknowledgement or jurat	up to $10	per notary public signature
copy certification	up to $10	per page certified
oath or affirmation	up to $10	per notarial act

R2-12-1103. Notary Public Bonds

A. Notaries public shall purchase a bond in the amount of $5,000 before being commissioned as a notary public. The original bond shall be filed with the clerk of the superior court in the applicant's county of residence. A copy of the bond shall be filed with the applicant's application form submitted to the Secretary of State's office.

B. The bond shall contain, on its face, the oath of office for the notary public as specified in A.R.S. § 38-233(B). This oath shall be as specified in A.R.S. § 38-231. The notary shall endorse the oath on the face of the bond, immediately below the oath, by signing the notary's name under which the person has applied to be commissioned as a notary and exactly as the name appears on the notary application form filed with the Secretary of State's office. ♦

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. § 41-251(2).
4. "Electronic" means the same as defined in A.R.S. § 41-251(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 information that is created, generated, sent, communicated, received or stored by electronic means.
8. "Electronic seal" means an electronic image that contains information attached to or logically associated with an electronic record and that contains the words "notary public", the name of the county in which the notary public is commissioned, the notary public's name as it appears on the notarial commission, the commission number and the expiration date of the notarial commission.
9. "Electronic signature" means the same as defined A.R.S. § 41-251(4).
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. § 41-251(6).
12. "Notary public" or "notary" means the same as defined in A.R.S. § 41-251(8).
13. "Person" means the same as defined in A.R.S. § 41-251(10).
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.

R2-12-1202. Authority to Perform Electronic Notarization

A notary public of this state may perform electronic notarizations during the term of the notary public's commission if:

1. The notary public has received written authorization from the Secretary of State to perform either:
a. Electronic notarizations under this Article; or
b. Remote online notarizations; and
2. The Secretary of State has not terminated or revoked such authorization.

R2-12-1203. Registration

A. 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 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. 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. 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.

E. 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. §§ 41-251 through 41-333 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.

F. The Secretary of State shall notify the notary public of approval or rejection of the application within 45 days after receipt. If the application is rejected, the Secretary of State shall state the reasons for the rejection.

G. 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.
H. The term of the commission for electronic notarization shall be the same as the term of the notary's existing notary commission.
I. 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. An 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.
J. 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.

R2-12-1204 Tamper Evident Technology

A. 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. 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. 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. 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.

R2-12-1205. Electronic Seal Requirements

A. A notary public shall use the same unique electronic seal for all electronic notarizations performed during an applicable commission period.
B. 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. 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.

R2-12-1206. Security of Electronic Signatures and Electronic Seals

A. 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 notary public may not allow any other individual to use his or her electronic signature or electronic seal to perform a notarial act.
C. 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.
D. 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.

R2-12-1207. Journal

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.

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

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. 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. 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.

ARTICLE 13. REMOTE ONLINE NOTARIZATION

R2-12-1301. Definitions

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

1. "Commission" means the same as defined in A.R.S. § 41-251(2).
2. "Communication technology" means the same as defined in A.R.S. § 41-263(I)(1).
3. "Credential analysis" means a process or service that meets the standards established under R2-12-1305 through which a third person affirms the validity of an identification credential through review of public or private data sources.
4. "Dynamic knowledge-based authentication assessment" means an identity assessment of an individual that is based on a set of questions formulated from public or private data sources for which the individual has not provided a prior answer.
5. "Electronic" means the same as defined in A.R.S. § 41-251(3).
6. "Electronic notarization" or "electronic notarial acts" means a notarial act performed with respect to an electronic record in accordance with Article 12.
7. "Electronic record" means information that is created, generated, sent, communicated, received or stored by electronic means.
8. "Electronic seal" means an electronic image that contains information attached to or logically associated with an electronic record and that contains the words "notary public", the name of the county in which the notary public is commissioned, the notary public's name as it appears on the notarial commission, the commission number and the expiration date of the notarial commission.
9. "Identification credential" means an identification card or document that constitutes "satisfactory evidence of identity" as defined in A.R.S. § 41-255.
10. "Identity proofing" means a process or service that meets the standards established under R2-12-1305 through which a third person affirms the identity of a remotely located individual by a review of personal information from public or private data sources.
11. "Multi-factor authentication" means a security system that requires more than one method of authentication from independent categories of credentials to verify the user's identity for a login or other transaction.
12. "Notarial act" means the same as defined in A.R.S. § 41-251(6).
13. "Person" means the same as defined in A.R.S. § 41-251(10).
14. "Personal knowledge" means the same as defined in A.R.S. § 41-255(A).
15. "Remotely located individual" means the same as defined in A.R.S. § 41-263(I)(5).
16. "Remote online notarization" or "remote online notarial act" means a notarial act performed by means of communication technology.
17. "Remote presentation" means transmission to a notary public through communication technology of an image of a remotely located individual's identification credential that is of sufficient quality to enable the notary public to reasonably identify the remotely located individual and to perform credential analysis.

R2-12-1302. Authority to Perform Remote Online Notarization

A. A notary public of this state may perform remote online notarizations during the term of the notary public's commission if:

1. The notary public has received written authorization from the Secretary of State to perform remote online notarizations under this Article; and
2. The Secretary of State has not terminated or revoked such authorization.

B. A notary public who is authorized to perform remote online notarizations under subsection (A) may also perform electronic notarizations under Article 12.

R2-12-1303. Use of Electronic Notarization

In performing a remote online notarization, a notary public must comply with the requirements for electronic notarization as provided in Article 12.

R2-12-1304. Registration

A. To receive authorization from the Secretary of State to perform remote online 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 remote online 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 technologies described in the application comply with the requirements of this Article; and
6. A disclosure of any professional license or commission revocations or other professional disciplinary actions taken under the laws of any state against the applicant.

B. 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. 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. 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.

E. 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. §§ 41-251 through 41-333 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.

F. The Secretary of State shall notify the notary public of approval or rejection of the application within 45 days after receipt. If the application is rejected, the Secretary of State shall state the reasons for the rejection.

G. 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.

H. The term of the commission to perform remote online notarization shall be the same as the term of the notary's existing notary commission.

I. The renewal of the commission of a notary public who has previously received authorization to perform remote online notarizations does not constitute renewal of such authorization. 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 remote online notarizations.

J. 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.

R2-12-1305. Standards for Identity Verification

A. If a notary public does not have satisfactory evidence of the identity of a remotely located individual under subsection (D), the notary public must reasonably verify the individual's identity through a multi-factor authentication procedure as provided in this Section and in subsections (B) and (C). The procedure must analyze the individual's identification credential that is the subject of remote presentation against trusted third-person data sources, bind the individual's identity to the individual following successful dynamic knowledge-based authentication assessment, and permit the notary public to visually compare the identification credential and the individual. Credential analysis and identity proofing must be performed by a reputable third party who has provided evidence to the notary public of the ability to satisfy the requirements of this Article.

B. Credential analysis must use public or private data sources to confirm the validity of the identification credential that is the subject of remote presentation by a remotely located individual and shall, at a minimum:

1. Use automated software processes to aid the notary public in verifying the identity of each remotely located individual;
2. Require the identification credential to pass an authenticity test, consistent with sound commercial practices, that uses appropriate technologies to confirm the integrity of visual, physical, or cryptographic security features and to confirm that the identification credential is not fraudulent or inappropriately modified;
3. Use information held or published by the issuing source or an authoritative source, as available and consistent with sound commercial practices, to confirm the validity of personal details and identification credential details; and
4. Enable the notary public to visually compare for consistency the information and photograph on the identification credential and the remotely located individual as viewed by the notary public in real time through communication technology.

C. Identity proofing must be performed by means of a dynamic knowledge-based authentication assessment. The assessment is successful if it meets the following requirements:

1. The remotely located individual must answer a quiz consisting of a minimum of five questions related to the individual's personal history or identity formulated from public or private data sources;
2. Each question must have a minimum of five possible answer choices;
3. At least 80% of the questions must be answered correctly;
4. All questions must be answered within two minutes;
5. If the remotely located individual fails the first attempt, the individual may retake the quiz one time within 24 hours;
6. During a retake of the quiz, a minimum of 40% of the prior questions must be replaced;
7. If the remotely located individual fails the second attempt, the individual is not allowed to retry with the same online notary public within 24 hours of the second failed attempt; and
8. The notary public must not be able to see or record the questions or answers.

D. A notary public has satisfactory evidence of the identity of a remotely located individual if:

1. The notary public has personal knowledge of the identity of the individual; or
2. The individual is identified by oath or affirmation of a credible witness in accordance with the following requirements:

a. To be a credible witness, the witness must have personal knowledge of the remotely located individual.

b. The notary public must have personal knowledge of the credible witness or verify the identity of the credible witness by multi-

factor authentication in accordance with subsections (A), (B) and (C).
c. A credible witness may be outside the physical presence of the notary public or remotely located individual if the notary public, credible witness, and remotely located individual can communicate by using communication technology.

R2-12-1306. Standards for Communication Technology

A. Communication technology must provide for synchronous audio-video feeds of sufficient video resolution and audio clarity to enable the notary public and remotely located individual to see and speak with each other. The process must provide a means for the notary public reasonably to confirm that an electronic record before the notary public is the same record in which the remotely located individual made a statement or on which the remotely located individual executed a signature.
B. Communication technology must provide reasonable security measures to prevent unauthorized access to:
1. The live transmission of the audio-visual feeds;
2. The methods used to perform identify verification; and
3. The electronic record that is the subject of the remote online notarization.
C. If a remotely located individual must exit the workflow prior to completion of the identity verification process, the individual must restart the identity verification process from the beginning.

R2-12-1307. Certificate of Notarial Act for Remote Online Notarization

A. A form of notarial certificate for a remote online notarization satisfies the requirement of A.R.S. § 41-263(D) if it is in the form provided by applicable law and contains a statement substantially
as follows: "This remote online notarization
involved the use of communication technology."
B. A short form of acknowledgment prescribed in A.R.S. § 33-506 or other form of notarial certificate required by law satisfies the requirement of A.R.S. § 41-376(F) if it is in substantially one of the following forms for the purposes indicated:
1. *For an acknowledgment in an individual capacity:*
State of Arizona
County of _____
The foregoing instrument was acknowledged before me
by means of communication technology on (date) by
(name(s) of individual(s)).
(Signature of notary public)
Notary Public
(Electronic seal)
(My commission expires: _____)

2. *For an acknowledgment in a representative capacity:*
State of Arizona
County of _____
The foregoing instrument was acknowledged before me
by means of communication technology on (date) by
(name(s) of individual(s)) as (type of authority, such as
officer or trustee) of (name of party on behalf of whom
the instrument was executed).
(Signature of notary public)
Notary Public
(Electronic seal)
(My commission expires: _____)

3. *For a verification on oath or affirmation:*
State of Arizona
County of _____
Signed and sworn to (or affirmed) before me by means of
communication technology on (date) by (name(s) of individual(
s) making statement).
(Signature of notary public)
Notary Public
(Electronic seal)
(My commission expires: _____)

4. *Certificate of acknowledgement for a corporation:*
State of Arizona
County of _____
The foregoing instrument was acknowledged before me
by means of communication technology this (date) by
(name of officer or agent, title of officer or agent) of (name of
corporation acknowledging), a (state or place of
incorporation) corporation, on behalf of the corporation.
(Signature of notary public)
Notary Public
(Electronic seal)
(My commission expires: _____)

5. *Certificate of acknowledgement for a partnership:*
State of Arizona
County of _____
The foregoing instrument was acknowledged before me
by means of communication technology this (date) by
(name of acknowledging partner or agent), partner (or
agent) on behalf of (name of partnership), a partnership.
(Signature of notary public)
Notary Public
(Electronic seal)
(My commission expires: _____)

6. *Certificate of acknowledgement for an individual acting as principal by an attorney in fact:*
State of Arizona
County of _____
The foregoing instrument was acknowledged before me
by means of communication technology this (date) by
(name of attorney in fact) as attorney in fact on behalf of
(name of principal).
(Signature of notary public)

Notary Public
(Electronic seal)
(My commission expires: _____)

7. *Certificate of acknowledgement by any public officer, trustee, or personal representative:*
State of Arizona
County of _____
The foregoing instrument was acknowledged before me by means of communication technology this (date) by (name and title of position).
(Signature of notary public)
Notary Public
(Electronic seal)
(My commission expires: _____)

R2-12-1308. Record Retention and Depositories

A. A notary public must retain the electronic journal required and any audio-visual recording of the performance of each remote online notarial act in a computer or other electronic storage device that protects the journal and recording against unauthorized access by password or cryptographic process. The recording must be created in an industry-standard, audio-visual file format and must not include images of any electronic record that was the subject of the remote online notarization.
B. An electronic journal must be retained for at least five years after the last remote online notarial act chronicled in the journal. An audio-visual recording must be retained for at least five years after the recording is made.
C. A notary public must take reasonable steps to ensure that a backup of the electronic journal and audio-visual recording exists and is secure from unauthorized use.
D. On the death or adjudication of incompetency of a current or former notary public, the notary public's personal representative or guardian or any other person knowingly in possession of an electronic journal or audio-visual recording must:
1. Comply with the retention requirements of this Section;
2. Transmit the journal and recording to one or more depositories under subsection (E); or
3. Transmit the journal and recording in an industry-standard readable data storage device to the Secretary of State at: Secretary of State, Attn: Notary Department, 1700 W. Washington Street, Floor 7, Phoenix, AZ 85007-2808.
E. A notary public, guardian, conservator, or agent of a notary public, or a personal representative of a deceased notary public may, by written contract, engage a third person to act as a depository to provide the storage required by this Section. A third person under contract under this Section shall be deemed a depository. The contract must:
1. Enable the notary public, guardian, conservator, or agent of the notary public, or the personal representative of the deceased notary public to comply with the retention requirements of this Section even if the contract is terminated; or
2. Provide that the information will be transferred to the notary public, guardian, conservator, or agent of the notary public, or the personal representative of the deceased notary public if the contract is terminated.

R2-12-1309. Electronic Record of Remote Online Notarizations

A. A notary public shall record each remote online notarial act performed by the notary public in chronological order in one or more journals maintained in a permanent, tamper-evident electronic format that complies with this Article. A notary public may not record a remote online notarial act in a paper journal required by section A.R.S. § 41-319. Each journal entry shall include:
1. The date and time of the notarial act;
2. A description of the record, if any, and type of notarial act;
3. The full name and address of each individual for whom the remote online notarial act is performed;
4. If the identity of the individual is based on personal knowledge, a statement to that effect;
5. If the identity of the individual is based on credential analysis and identity proofing, a brief description of the results of the identity verification process and the identification credential presented, including the date of issuance and expiration of the identification credential but not its serial or identification number;
6. If the identity of the individual is based on an oath or affirmation of a credible witness, the information required by subsections 3, 4 and 5 of this section with respect to the credible witness;
7. A fee, if any, charged by the notary public.
B. An electronic journal kept by the notary public and the audio and visual recording are subject to A.R.S. § 41-319 relating to public records.

OPINIONS

ATTORNEY GENERAL OPINIONS

OPINION I97-015 (R97-040)

December 30, 1997

The Attorney General has held that the Secretary of State has the authority to revoke a notary public's commission, or to seek to remove a notary public from office, for cause as specified in State law, after notice and an opportunity for a hearing. The Legislature may, by statute, expressly grant the Secretary of State additional authority to regulate and remove notaries public from office.

OPINION I97-011 (R97-033)

August 15, 1997

The Attorney General has held that notarial acts performed in Arizona under the authority of federal law for members of the armed forces and related eligible recipients of federal legal assistance are valid in Arizona. ♦

Chapter 6

Samples
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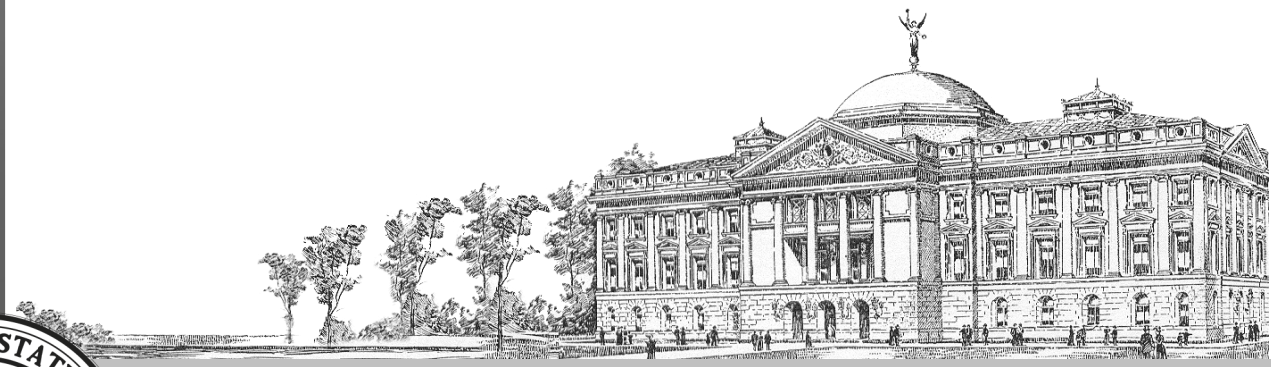

Support Team is Available

Samples

Office staff is available from 8 a.m. to 5 p.m. (Arizona time) to answer questions about the application process and commissions.

Call (602) 542-6187 for more information.

E-mail us at: notary@azsos.gov

Visit the Secretary of State's website at www.azsos.gov. ♦

Sample Journal Page

Page 1	Date	Description of Document	Type of Notarial Act	Printed Name and Address of Signer	Signature of Signer	Identification of Signer	Description of Identification Document	Credible Person Printed Name Address & Signature	Additional Information	Right Thumb Print of Signer	Page 1
1		Date	☐ acknowledgment ☐ jurat ☐ copy certification ☐ oath or affirmation			☐ personal knowledge ☐ ID card credible person ☐ known to notary ☐ not known to notary	type issued by date issued		☐ fee charged amount $		1
2		Date	☐ acknowledgment ☐ jurat ☐ copy certification ☐ oath or affirmation			☐ personal knowledge ☐ ID card credible person ☐ known to notary ☐ not known to notary	type issued by date issued		☐ fee charged amount $		2
3		Date	☐ acknowledgment ☐ jurat ☐ copy certification ☐ oath or affirmation			☐ personal knowledge ☐ ID card credible person ☐ known to notary ☐ not known to notary	type issued by date issued		☐ fee charged amount $		3
4		Date	☐ acknowledgment ☐ jurat ☐ copy certification ☐ oath or affirmation			☐ personal knowledge ☐ ID card credible person ☐ known to notary ☐ not known to notary	type issued by date issued		☐ fee charged amount $		4
5		Date	☐ acknowledgment ☐ jurat ☐ copy certification ☐ oath or affirmation			☐ personal knowledge ☐ ID card credible person ☐ known to notary ☐ not known to notary	type issued by date issued		☐ fee charged amount $		5
6		Date	☐ acknowledgment ☐ jurat ☐ copy certification ☐ oath or affirmation			☐ personal knowledge ☐ ID card credible person ☐ known to notary ☐ not known to notary	type issued by date issued		☐ fee charged amount $		6
7		Date	☐ acknowledgment ☐ jurat ☐ copy certification ☐ oath or affirmation			☐ personal knowledge ☐ ID card credible person ☐ known to notary ☐ not known to notary	type issued by date issued		☐ fee charged amount $		7

Enter the date of notarization.

Enter a description of the document being notarized. If the document is dated, include the date on the last line.

Check the box for the type of notarization.

Print the signer's full name and address that is listed on his or her identification.

Instruct the signer sign his or her name here.

Check the box for the type of identification of the signer.

Fill in the information taken from the identification document of either the signer or the credible person.

If a credible person is used to identify a signer, after the credible person has presented satisfactory evidence of identity, print his or her name and address, and instruct the credible person to sign the journal on the top line.

Specify the fee charged, if any. *See fee schedule on page 24.*

Obtaining a thumb print is not required under state law. If a thumb print is required for any other reason, instruct the signer place his or her right thumb print in the space provided.

SAMPLE

SAMPLE ATTACHMENT TO NOTARIAL CERTIFICATE - ACKNOWLEDGMENT

The Secretary of State provides this sample certificate for the convenience of our customers. However, our office cannot offer legal advice and is only able to guarantee that it is acceptable under Arizona State Notary Law.

NOTARIAL ACKNOWLEDGEMENT

STATE OF _____)

COUNTY OF _____)

This instrument was acknowledged before me this ____ day of _____,

20_____, by _____.
NAME OF SIGNER

_____
(Notary Seal) NOTARY PUBLIC

Description of document this notarial certificate is being attached to:	
Type/Title	
Date of Doc	
Number of Pages	
Addt'l Signers (other than those named in the notarial certificate.)	

SAMPLE

SAMPLE ATTACHMENT TO NOTARIAL CERTIFICATE - VERIFICATION ON OATH OR AFFIRMATION (JURAT)

The Secretary of State provides this sample certificate for the convenience of our customers. However, our office cannot offer legal advice and is only able to guarantee that it is acceptable under Arizona State Notary Law.

NOTARIAL VERIFICATION ON OATH OR AFFIRMATION (JURAT)

STATE OF _____)

COUNTY OF _____)

Subscribed and sworn before me this ____ day of _____, 20_____, by

_____.
NAME OF SIGNER

(Notary Seal) _____
NOTARY PUBLIC

Description of document this notarial certificate is being attached to:	
Type/Title	
Date of Doc	
Number of Pages	
Addt'l Signers (other than those named in the notarial certificate.)	

Please note: This is a verification on oath or affirmation (jurat) format notarial certificate. This document as well as the document it is attached to cannot contain any blank lines. Please ensure all blanks are filled in prior to notarization.

SAMPLE

SAMPLE ATTACHMENT TO NOTARIAL CERTIFICATE - COPY CERTIFICATION

The Secretary of State provides this sample certificate for the convenience of our customers. However, our office cannot offer legal advice and is only able to guarantee that it is acceptable under Arizona State Notary Law.

NOTARY COPY CERTIFICATION

STATE OF _____)

COUNTY OF _____)

I, _____, a notary public, do certify that on this ____ day of _____, 20____, I personally made a photocopy of _____, from the original, and it is a true exact, complete unaltered copy.

_____

(Notary Seal) NOTARY PUBLIC

Description of document this notarial certificate is being attached to:	
Type/Title	
Date of Doc	
Number of Pages	
Addt'l Signers (other than those named in the notarial certificate.)	

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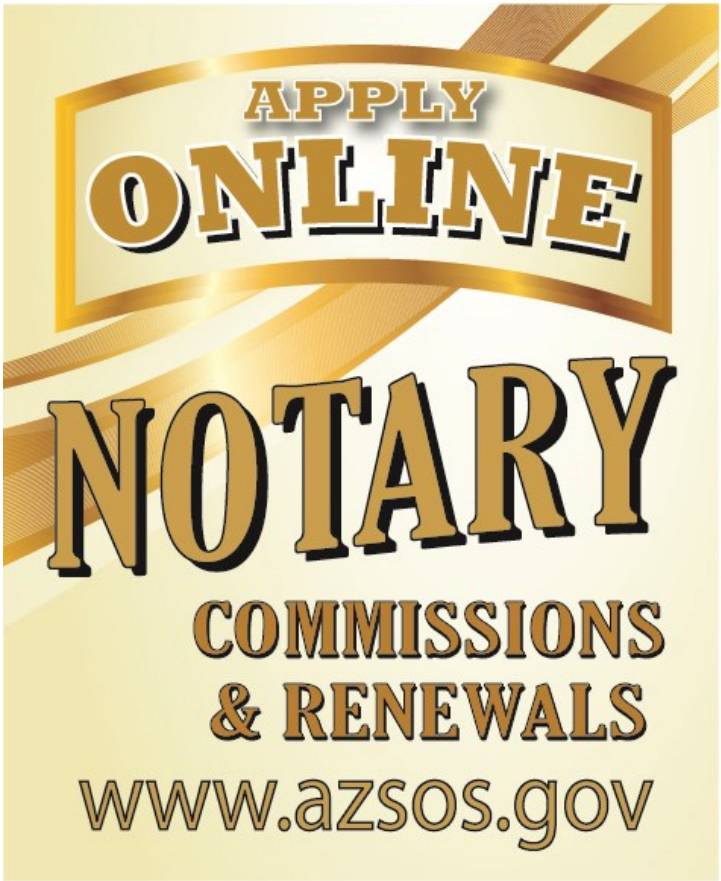

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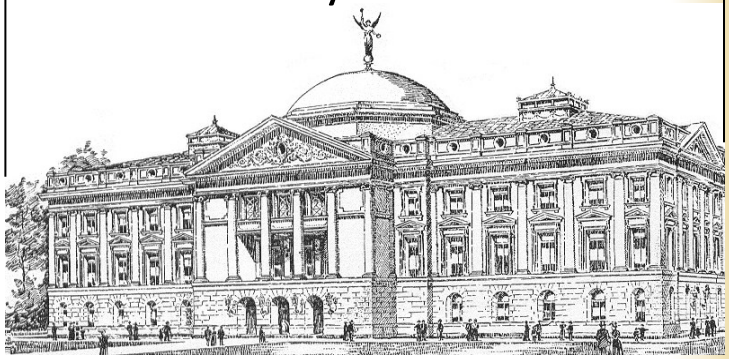
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