

January 2018



California Secretary of State Notary News

Inside this Issue:

New Laws 1

No Notario Publico..... 1

Reference Information . 1

Journaling: the Who;
the What; the Why;
the When; and the
How 2 - 5

Exclusive Control:
What Does it
Mean? 6

Identification: Establishing
the Identity of the
Signer7

Attach It! No Loose
Certificates 8

Applying for
Reappointment as a
Notary Public 8

Not Applying for
Reappointment;
Resigning a
Commission; What
Do You Do? 9

Correcting a Notarial
Act.....9

Processing Dates9

Changes of Names or
Address.....10

2018 Handbook10

Contact Information10

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

Thank you for your continued dedication and public service.

New Laws

There are no significant new laws taking effect in 2018 that affect the duties and services provided by notaries public.

No Notario Publico

Notaries public cannot post any sign, distribute any advertisement or use the words “notario publico” or “notario.” Notaries public who advertise expertise in immigration matters also cannot advertise notary public services. A California notary public’s commission can be suspended or revoked for such actions. Notaries public who post signs or distribute advertisements that do not comply with law must remove the signs or advertisements immediately. (California Government Code sections 8219.5(c) and 8223(a).) A first offense for a violation of this law is grounds for the suspension of the notary public’s commission for not less than one year, or revocation of a notary public’s commission. A second offense is grounds for the permanent revocation of a notary public’s commission.

Reference Information

The California Secretary of State offers an online Notary Public Handbook and Sample Workbook with all the information a person is expected to know to pass the written notary public examination, including references to applicable laws. The [Notary Public Handbook](#) and [Sample Workbook](#) also can be used later as a reference tool for all notarial acts and procedures.

Journaling: The Who; the What; the Why; the When; and the How

Do you truly understand the importance of accurately maintaining your notary public journal? Through complaints or audits, our investigators report that a large majority of journals are not completed correctly.

As a notary public, you are required to document each and every notarial act you perform in your journal. Your journal must not be used for any other purpose other than to chronicle your notarial acts -- as they happen. Entries in your notary public journal only should be made when the notarial act is performed. Do not use the journal as an appointment book for anticipated notarial acts.

Why is Maintaining an Accurate Journal So Important?

Any member of the public may submit a written request to you for a copy of a transaction in your notary public journal and you are required to respond within 15 business days after the receipt of the request. (California Government Code sections 8206(c) and 8206.5). A complete entry is necessary to provide a complete record of the notarial act.

If you are notarizing multiple documents for a signer or signers, each notarial act must be indicated clearly in your journal. Hash marks, ditto marks, arrows, lines, or other shortcuts do not meet the requirements for entering a complete notarial act into your journal.

Month/Day/Year/Time of Notarization	Kind or Type of Notarization/Certificate	Address Where Notarization Performed	Document Kind or Type/Date	Name and Address of Signer
11/23/17	Acknowledgment	123 Main Street Anywhere, CA 90056	Full Reconveyance Date of Document: 11/23/09	Jane Doe 657 Water Str Anywhere, CA 90056
12/1/17	Acknowledgment	123 Main Street Anywhere, CA 90056	Warreanty Deed Date of Document:	Peter Public 456 Third St Anywhere, CA 90056
12/1/17	Acknowledgment	123 Main Street Anywhere, CA 90056	Deed of Trust Date of Document:	Peter Public 456 Third Street Anywhere, CA 90056
12/4/17	Acknowledgment	⌘	CC& R Date of Document:	John Smith 789 Public St Anywhere, CA 95506
⌘	ACK	⌘	Tract Map Date of Document:	⌘
⌘	⌘	⌘	Subordination Agreement 12/14/17 Date of Document:	⌘

Wrong

Identification of Signer	Additional Information	Notary Fee	Signature of Signer	Right Thumbprint of Signer	
<input type="checkbox"/> Personally Known by the Notary <input type="checkbox"/> ID Cards — Describe each card below <input type="checkbox"/> Credible Witness(es) — Include signature of each witness C1234567 Exp: 7/30/2020 CA Driver's Lic	Loan #123456789	\$15-	<i>J. Doe</i>		1
<input type="checkbox"/> Personally Known by the Notary <input type="checkbox"/> ID Cards — Describe each card below <input type="checkbox"/> Credible Witness(es) — Include signature of each witness C7654321 Exp: 12/14/2019 CA Driver's Lic	Loan #987654321	\$15-	<i>Pip</i>		2
<input type="checkbox"/> Personally Known by the Notary <input type="checkbox"/> ID Cards — Describe each card below <input type="checkbox"/> Credible Witness(es) — Include signature of each witness C7654321 Exp: 12/14/2019 CA Driver's Lic	Loan #987654321	\$15-	<i>Pip</i>		3
<input type="checkbox"/> Personally Known by the Notary <input type="checkbox"/> ID Cards — Describe each card below <input type="checkbox"/> Credible Witness(es) — Include signature of each witness C9874561 Exp: 11/4/2018 CA Driver's Lic		\$0			4
<input type="checkbox"/> Personally Known by the Notary <input type="checkbox"/> ID Cards — Describe each card below <input type="checkbox"/> Credible Witness(es) — Include signature of each witness " "	Wrong				5
<input type="checkbox"/> Personally Known by the Notary <input type="checkbox"/> ID Cards — Describe each card below <input type="checkbox"/> Credible Witness(es) — Include signature of each witness " "			<i>John Smith</i>		6

Remember you may be asked to provide a copy of the single transaction line item in your journal, which is why each line item must be complete. Hash marks, ditto marks, arrows and lines omit valuable information from that one particular notarial act. A person requesting a copy of the line item may not know that that multiple entries for the same signer were performed on the same day. If the line item requested contains hash marks, ditto marks, arrows or lines, the requestor will not have all the information regarding the notarial act.

Each line of your notary public journal contains the history of each notarial act done. Protect yourself and the public by documenting each and every notarial act.

A notary public is required to maintain their notarial records as required by Government Code section 8206. The Secretary of State can revoke or suspend a commission and charge civil penalties under the provisions of Government Code section 8214.1(d), 8214.1(l) and 8214.23(a) for failure to properly maintain notarial records. You may also be liable for failures to comply with the law through civil actions from persons affected by improperly completed journals.

California law (Government Code section 8206(a)) is very specific with regards to the required elements for notary public journal entries.

When: Date and Time of Each Official Act

The date and time of the official act must be recorded for two reasons: the law requires it and you may need this information as proof of an official act if your journal is audited. It bears repeating that the date and time of the notarial act should not be entered until the notarial act is actually performed. The date and time lines in the journal should not be used as an appointment place card for future appointments. If a future date and time is entered in anticipation of a notary act, and that notarial act fails to happen, you now have a blank line in your journal that will be questioned if your journal is audited.

What: Type of Official Act

Some notaries confuse the type of notarial act with the type of document. These are not the same. The type of act is the type of form certificate the notary public uses, such as a certificate of acknowledgment or a jurat. Only the type of certificate form the notary public uses should be entered in this category.

45	Month/Day/Year/Time of Notarization	Kind or Type of Notarization/Certificate	Address Where Notarization Performed	Document Kind or Type/Date	Name and Address of Signer
1	11/23/17	Acknowledgment	123 Main Street	Full Reconveyance	Jane Doe
			Anywhere, CA 90056	Date of Document: 11/23/09	657 Water Str
					Anywhere, CA 90056
2	12/1/17	Acknowledgment	123 Main Street	Warreanty Deed	Peter Public
			Anywhere, CA 90056	Date of Document:	456 Third St
					Anywhere, CA 90056
3	12/1/17	Acknowledgment	123 Main Street	Deed of Trust	Peter Public
			Anywhere, CA 90056	Date of Document:	456 Third Street
					Anywhere, CA 90056
4	12/4/17	Acknowledgment	¶¶	CC& R	John Smith
				Date of Document:	789 Public St
					Anywhere, CA 95506
5	¶¶	ACK	¶¶	Tract Map	¶¶
	Wrong			Date of Document:	
6	¶¶	¶¶	¶¶	Subordination	¶¶
				Agreement 12/14/17	
				Date of Document:	

A notary public should not write an abbreviation or an acronym to describe the type of act. This will avoid confusion or misunderstandings as to the contents of the journal entry and the type of notarial act performed. A journal entry that contains a line filled with indecipherable abbreviations is useless if a person requests a copy of a line item.

Capture the type of notarial act performed on every line item.

What: Character of Each Instrument

Character formally refers to the type of document such as a deed of trust, affidavit, deed of reconveyance, or power of attorney. The type of document entered also indicates whether a thumb print must be captured. Avoid using generic words such as “loan docs.” These terms are too general and do not specify to the character of the instrument as required by California Government Code section 8206(a)(2)(B). If asked about a line item from your journal three years after the entry was made, would you remember what specific “loan doc” was referenced three years earlier?

When a notary public is performing several notarizations as part of a loan package, the notary public must identify each notarization (official act) performed. Recording one entry in a journal for all loan documents or using ditto marks or hash marks under the first journal notarial act to the last notarial act is not in compliance with California Government Code section 8206(a)(1). Nor does it provide any member of the public a complete line item journal entry if it is requested.

If more than one document contains notarized signatures, the notary public must record the title or character of **each** document and a separate line must be used for each document.

Regardless of how many documents are notarized for a single signer, it is important that you capture each specific type of document for each notarial act.

Who: Signature for Each Line Item

The signature of the person who requested the notarial act could be critical in an investigation that includes handwriting analysis. Secretary of State Investigators have found instances where a signature is captured incorrectly on one diagonal line drawn through several line items in an attempt to show one person signed multiple documents. California Government Code section 8206(c) requires a signature for **each** line item.

Identification of Signer	Additional Information	Notary Fee	Signature of Signer	Right Thumbprint of Signer	46
<input type="checkbox"/> Personally Known by the Notary <input type="checkbox"/> ID Cards — Describe each card below <input type="checkbox"/> Credible Witness(es) — Include signature of each witness C1234567 Exp: 7/30/2020 CA Driver's Lic	Loan #123456789	\$15-	J. Doe		1
<input type="checkbox"/> Personally Known by the Notary <input type="checkbox"/> ID Cards — Describe each card below <input type="checkbox"/> Credible Witness(es) — Include signature of each witness C7654321 Exp: 12/14/2019 CA Driver's Lic	Loan #987654321	\$15-	Pip		2
<input type="checkbox"/> Personally Known by the Notary <input type="checkbox"/> ID Cards — Describe each card below <input type="checkbox"/> Credible Witness(es) — Include signature of each witness C7654321 Exp: 12/14/2019 CA Driver's Lic	Loan #987654321	\$15-	Pip		3
<input type="checkbox"/> Personally Known by the Notary <input type="checkbox"/> ID Cards — Describe each card below <input type="checkbox"/> Credible Witness(es) — Include signature of each witness C9874561 Exp: 11/4/2018 CA Driver's Lic		\$0	John Smith		4
<input type="checkbox"/> Personally Known by the Notary <input type="checkbox"/> ID Cards — Describe each card below <input type="checkbox"/> Credible Witness(es) — Include signature of each witness "	Wrong		John Smith	"	5
<input type="checkbox"/> Personally Known by the Notary <input type="checkbox"/> ID Cards — Describe each card below <input type="checkbox"/> Credible Witness(es) — Include signature of each witness "			John Smith	"	6
<input type="checkbox"/> Personally Known by the Notary <input type="checkbox"/> ID Cards — Describe each card below <input type="checkbox"/> Credible Witness(es) — Include signature of each witness					7

A notary public may be asked to produce a single line item from his or her journal. If there is only a diagonal line drawn through multiple entries with a single signature, the copy of the line item will have a partial signature and will be incomplete and legally deficient.

Capture a signature on every line item for every notarial act. No exceptions.

When: A Thumbprint is Necessary

When the document to be notarized is a deed, quitclaim deed, deed of trust, or other document affecting real property, or a power of attorney document, the signer must place his or her right thumbprint, if available, or an available fingerprint (see below) in the journal.

If the right thumb is not available, the signing party must use his or her left thumb, or any available finger, and the notary public must indicate which finger was used in the journal. If the signer is physically unable to provide a fingerprint, the notary public must provide an explanation of the signer's physical condition for the line item in the journal. The print must be legible and clearly visible.

Understanding the Who, What, Why, When and How of Journaling

Every notary public should know how to properly document each and every official act performed in their journal. Knowing what information is required to be recorded in the journal, how to record that information, and why it is important to do so is vital to protecting your commission and the public.

Avoid putting your commission and your livelihood in jeopardy by ensuring to document all the required journaling elements as prescribed by law. Don't take shortcuts, be thorough, and be detailed. Capture the when, what, who, and how much on every single line item for every single notarial act. [California Government Code section 8206](#) defines the required information for every journal entry.

Exclusive Control: What Does It Mean?

Exclusive control of your notary public journal; what does it really mean?

No person except the notary public can have access to the notary public's journal. This includes an employer who has paid for the notary public's journal. California Government Code sections 8206(a)(1) and 8207 require the journal and stamp to be stored in a locked and secure area under the direct and exclusive control of the notary public.

An unattended locked car or briefcase should not be considered a secure location to store your notary public journal and stamp. A locked office safe or file cabinet that is accessible by others, is not acceptable, nor is a locked desk at home if other family members have access to the contents of the desk.

Failure to secure your journal and stamp may result in suspension or revocation of your notary public commission and may include civil and criminal penalties.

If your notary public journal and/or stamp is lost or stolen, immediately notify the California Secretary of State's office in writing by any means that provides a receipt. If the notary public journal or stamp is stolen, include a copy of the police report. Keeping your notary public journal and stamp in a secure location at all times helps safeguard your commission.

Instructions with regards to reporting a lost or stolen notary public journal and/or stamp are available on our website at www.sos.ca.gov/notary/faqs/#question21.

It's your journal and your responsibility. Remember to lock your journal and stamp in a secure area only accessible to you.

Identification: Establishing the Identity of the Signer What Type of Documents Can a Notary Public Use?

Notaries public are required by California law to certify to the identity of the signer when performing their notarial duties. California law clearly defines the types of identification a notary public may use to establish the identity of the signer, which are listed in California Civil Code section 1185(b)(3) and (4). All identification documents presented by the signer must be either current or issued within the last five years.

California law separates the types of acceptable identification into two categories. The first category of acceptable identification documents that may be used to establish identity do not require any additional criteria for use.

1. An identification card or driver's license issued by the California Department of Motor Vehicles;
2. A United States passport;
3. An inmate identification card issued by the California Department of Corrections and Rehabilitation, if the inmate is in custody in a California state prison;
4. Any form of inmate identification issued by a sheriff's department, if the inmate is in custody in a local detention facility.

The second category of identification documents that may be used to establish the signer's identity only can be used if the identification also contains a photograph, description of the person, the signature of the person, and an identifying number.

1. A valid consular identification document issued by a consulate from the applicant's country of citizenship;
2. A valid passport from the applicant's country of citizenship;
3. A driver's license issued by another state or by a Canadian or Mexican public agency authorized to issue driver's licenses;
4. An identification card issued by another state;
5. A United States military identification card (caution: current military identification cards might not contain all the required information);
6. An employee identification card issued by an agency or office of the State of California, or an agency or office of a city, county, or city and county in California;
7. An identification card issued by a federally recognized tribal government.

If a signer presents any of the seven listed identification documents above and the document does not contain all of the required information, the notary public may not use the identification document to establish the identity of the signer for a notarial act.

Regardless of the type of identification document used to establish the identity of the signer(s), the notary public always must require the signer(s) to present the required identification document in person. The notary public should be confident that the person whose description and photograph on the identification document is the person who is presenting the identification. A notary public cannot be expected or required to make a distinction between a fraudulent identification card and a legitimate one; however, the notary public can confirm that the photograph and the description indicated on the identification document match the person appearing before them.

Notaries public should be as cautious as possible when inspecting identification documents and record all information as required by law. A notary public who has evidence that a crime has been committed should contact the appropriate law enforcement agency immediately.

Attach It! No Loose Certificates

The certificate of acknowledgment is the form most frequently used by a notary public. The second most frequently used form is the jurat.

Although these forms are used for different purposes, they share many of the same requirements. Both the certificate of acknowledgment and the jurat must be endorsed on or stapled to the instrument. Taping or paper-clipping the certificate of acknowledgment or jurat to the document is not permitted.

Additionally, a certificate of acknowledgment or jurat cannot be completed and affixed to a document mailed or otherwise delivered to a notary public if the signer did not appear in person before the notary public, even if the signer is known by the notary public.

Remember: The certificate of acknowledgment and/or the jurat bears your signature and your stamp. To ensure they are used for their intended purpose, they always must be attached permanently to the instrument.

Applying for Reappointment as a Notary Public

Each notary public commission appointment is for a term of four years. Each commission term is a separate commission with a separate number and not a renewal of a previously issued commission.

Apply early as to avoid a lapse in your commission.

The Secretary of State recommends that you begin the process of reappointment as early as six months prior to the expiration of your current commission. The intent for notaries public applying early is to avoid a lapse between the two terms and allow notary public to start using the new commission the day after the previous commission expires.

For information regarding the current appointment requirements, please refer to the checklist available on our website at www.sos.ca.gov/notary/checklist/.

When Will You Receive Your New Commission Packet?

California law strictly prohibits a notary public from holding two active commissions simultaneously. If you currently hold a commission, your new commission will not be mailed to you more than thirty days prior to the expiration of your current commission.

The thirty-day filing period begins with the commencement date of the new commission.

When you are issued a new commission packet from our office, California Government Code section 8213 requires the prospective notary public to file the oath and the required bond within 30 days of the commencement date of the commission, or the commission becomes void. California law does not provide for any extension of the 30-day period within which the oath and bond must be filed with the county.

Not Applying for Reappointment; Resigning Your Commission What Do You Do?

Expired Commission

What do you do if you currently hold a notary public commission and do not wish to apply for reappointment?

If you allow your commission to expire without applying for reappointment, there is no action needed to be taken with the Secretary of State's office. Your commission will automatically expire at midnight on the expiration date. However, within 30 days of expiration you do need to turn in your journal to the County where you filed your oath and bond and destroy your notary seal.

Resigning a Commission

To resign a commission prior to the expiration date, it will be necessary to send written notification to the Secretary of State's office. The letter must include a statement indicating desire to resign your commission, the full name as it appears on your commission, your commission number, and your official signature. Additionally, within 30 days you must turn in your journal to the County where you filed your oath and bond and immediately destroy your notary seal. The websites for all 58 counties can be located at www.counties.org/county-websites-profile-information.

Note: The notary public journals must not be delivered to the Secretary of State's office.

Statutory References

If a notary public's commission expires and the notary public has not obtained reappointment within 30 days after the expiration of the commission, then the notary journal and other notarial records must be delivered to the county clerk within the next 30 days, even if a notary public has applied for reappointment.

Willful failure to deliver the notary journal and other notarial records to the county clerk within the appropriate time is a misdemeanor, and the notary public is personally liable for damages to any person injured by the non-delivery. (California Government Code section 8209(a).)

Correcting a Notarial Act

There are no provisions in the law that allow for the correction of a completed notarial act. If you discover an error in a notarial act after completing the act, then the signature on the document must be notarized again and a new journal entry must be made.

Processing Dates

Check the Secretary of State website for regularly updated [processing dates](#) for notary public applications and authentication requests.

Changes of Names or Address

California Government Code section 8213.5 requires a notary public to notify the California Secretary of State of [changes in business or residence addresses](#). The notification must be made by certified mail within 30 days of the change.

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

2018 Notary Public Handbook

The [2018 Notary Public Handbook](#) soon will be available online and in hard copy at no charge. Request a copy of the 2018 Notary Public Handbook by sending a self-addressed envelope (at least 6" by 9" in size) to the California Secretary of State, Notary Public & Special Filings Section, P.O. Box 942877, Sacramento, CA 94277-0001.

Contact Information

Official Publication of the Notary Public & Special Filings Section of the California Secretary of State's Business Programs Division

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

Secretary of State
Notary Public & Special Filings Section
1500 11th Street, 2nd Floor
Sacramento, CA 95814
Phone: (916) 653-3595

Email Address
notaries@sos.ca.gov

Web Address
www.sos.ca.gov/notary

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

