



CALIFORNIA  
SECRETARY OF STATE



Notary Public and  
Authentications

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# NOTARY NEWS



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 new laws taking effect in 2020 that affect the duties and services provided by notaries public.

## Did You Know?

Prior to November 1967, notary public commissions were issued by the Governor's office. The power to appoint and commission notaries public was a function of the Governor's office from 1850 to 1967. The Governor's office issued the commission, with no test given to the applicant. The commission was then sent to the California Secretary of State's office for the addition of the gold seal. In 1967, the appointive power was transferred to the Secretary of State through the addition of those duties to [California Government Code section 8200 et seq.](#) (Chapter, 1139, Statutes of 1967).

There are approximately 165,000 currently commissioned notaries public who serve the 39 million residents of the State of California.

The California Secretary of State's office processes approximately 62,000 notary public applications every year.

## Reference Information

The California Secretary of State [Sample Workbook](#) contains all the information needed to pass the written notary public examination, including references to applicable laws. The Sample Workbook is a useful reference tool for all notarial acts and procedures.

Our ["Frequently Asked Questions"](#) webpage provides quick answers to questions for California notaries public and also includes links to forms, webpages for exams and live scan providers, and Secretary of State contact information.

# Review Your Commission as Soon as it is Received

When you are appointed a notary public, you will receive your commission in the mail from the Secretary of State. The commission is mailed in a large manila envelope with the words “Register to Vote” on the outside of the envelope.

Review your commission certificate for the spelling of your name and confirm that the correct county is indicated on your oath. **Remember:** You will need identification in the name that appears on your notary public oath of office to file the oath with the county clerk’s office.

Additionally, California Government Code section [8213\(a\)](#) provides a maximum of 30 calendar days for you to file your oath and bond with the county. The statute does not allow for any extension of the 30 calendar-day time limit. If the oath and bond are not filed within 30 days, the commission will not be valid, and it will be necessary to start the application process over from the beginning to obtain a new appointment.

## How and When to Notify the California Secretary of State’s Office

As a notary public, California law requires you to notify the Secretary of State’s office for each of the following reasons:

- ▶ You change your name;
- ▶ You change your mailing address or the location of your business or residence;
- ▶ Your notary public journal or stamp is lost or stolen;
- ▶ You have surrendered your journal to a peace officer;
- ▶ You wish to resign your commission;
- ▶ You need a new Certificate of Authorization to have a new notary public seal made.

**Change Your Name:** If you change your name, you are required to complete and submit a Name Change form to the California Secretary of State. (California Government Code sections [8213\(c\)](#) and [8213.6.](#))

**Change Your Address:** If you change your business, mailing, or residence address, within 30 calendar days of the change, you are required to send the California Secretary of State a letter or submit an Address Change form by certified mail or any means of physical delivery that provides a receipt. (California Government Code section [8213.5.](#))

**Lost Your Stamp or Journal:** If your notary public stamp or journal is lost, stolen, or unusable, you must notify the California Secretary of State by certified mail or by any other means of physical delivery that provides a receipt. If applicable, include a photocopy of the police report. (California Government Code section [8206\(b\).](#))

**Surrender Your Journal:** If your notary public journal is surrendered to a peace officer or other law enforcement agency, within 10 calendar days of the date of surrender you must notify the Secretary of State by certified mail or any other means of physical delivery that provides a receipt. The notification

must include the dates covered for the journal entries in the surrendered journal, the notary public's commission number, the expiration date of the notary public's commission, and a copy of the receipt provided by the peace officer. (California Government Code section 8206(d).)

**Resign Your Commission:** To resign your commission prior to the expiration date, you must send a resignation letter to the California Secretary of State's office. The letter must have an original (wet) signature that matches the signature on your oath of office filed with the county clerk, which is your official notary public signature. **Note:** Upon expiration or resignation of your commission, do not deliver your notary public journal to the California Secretary of State's office. California law requires you to deliver your journal to the county clerk's office in the county where your oath is filed. Your notary public seal(s) should be destroyed. (California Government Code section 8209.)

**New Certificate of Authorization:** To request a new Certificate of Authorization to have a new stamp made, you must send a written request to the California Secretary of State. The request must have an original (wet) signature that matches your official notary public signature. (California Government Code section 8207.3(e).)

## Secure Your Seal. Your Commission Depends on it!

Failure to secure your notary public seal may result in the suspension or revocation of your notary public commission, as well as imposition of civil and criminal penalties. (California Government Code sections 8214.1(d) and (o), 8214.15(a) or (b), and 8228.1(a).)

One of the most common causes of theft of a notary public seal or journal is because the notary public locked the stamp and/or journal in an unattended vehicle. An unattended vehicle should not be considered a secure location to store your notary public stamp or journal. Statistically speaking, an unattended vehicle is ten times more susceptible to a break-in than an unattended home.

Protect yourself, protect your commission, and protect the public. Keep your seal and journal in a locked and secured area, under your direct and exclusive control to avoid misuse by someone else. An office safe or file cabinet that is accessible by others, even if locked, is not acceptable, nor is a locked desk at home if other family members have access to the contents.

Ultimately, it is your seal and your responsibility.

## Protect Yourself: Journal All Notarial Acts

Your notary public journal is your notary public life history. Keeping a detailed journal protects you, the notary public. By law, as a notary public, you are required to chronicle your notarial events each and every time. 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 receipt of the request. (California Government Code sections 8206(c) and 8206.5). A notary public must keep only one active sequential journal at a time, and it must contain all notarial acts. (California Government Code section 8206(a)(1).)

Most notarial acts relate to another person signing or certifying a document, but not all notarial acts fall within those two categories. Any time a notary public performs a notarial act in his or her official capacity as a notary public, the act must be included in the notary public's official journal.

### **The Basics: Date, Time and Type of Each Official Act**

Each notarial act must be a separate journal entry, and each notarial act must include the date, time, and type of official act. Do not confuse the type of act with the type of document receiving the notarial certificate. These are not the same. **Note:** The type of act is the form of certificate the notary public uses, such as a certificate of acknowledgment or jurat.

### **Be Compliant. Be Specific: Capture the Character of Each Instrument**

The character of a document refers to the type of document such as a deed of trust, affidavit, deed of reconveyance, or power of attorney. The type of document determines whether or not a thumb print must be taken. Using terms such as "loan docs" or "mortgage docs" is too general a description and does not meet the specificity requirements of California Government Code section 8206(a)(2)(B). For example, if the document is a deed of trust, Interspousal Agreement, or a power of attorney, etc., the type of document should be indicated precisely as to leave no doubt as to the type of document notarized in the event the notary public is asked to provide a line item entry from his/her journal.

### **Sign Here Please: Signatures for Each Line Item in the Journal**

Not only must a notary public have a separate journal entry for each type of notarization, a specific description of the document, and the time and date of the official act, you must obtain a signature for each line item. If one person's signature is notarized multiple times, it is not enough to capture the signature only once on a diagonal line drawn through several line items to show one person signed multiple documents. This is contrary to notary public law. (California Government Code section 8206(a)(2)(C).)

A notary public may be asked to produce a line item from his or her journal. If there is only a diagonal line drawn through multiple entries with a single signature across the line, the copy of the line item only will have a partial signature at best and will fail to meet legal requirements for the journal entry, which may lead to legal consequences for the notary public, as well as, to the customer and public. Protect yourself and protect your commission: Capture a signature on every line item, every time.

### **Identification: Ask for it; Review it; Journal it.**

Documenting how the signer's identification was established is critical to completing a journal entry properly. Always require the signer to appear in person before you with proper identification.

You must rely upon "satisfactory evidence," as defined in California Civil Code section 1185, to establish the signer's identity. The identification document either must be current or must have been issued within five (5) years, and must include the governmental agency issuing the identification, the serial number or identifying number of the identification document, a photograph and description of the person named on it, and the date of issuance or date of expiration of the identifying document. It is imperative that the notary public verifies that the required elements are present, prior to performing a notarial act.

When recording the identification document in your journal, you must enter the type of identification document (i.e. passport, driver license, inmate identification card issued by the Department of Corrections and Rehabilitation, if the inmate is in custody in prison), the governmental agency issuing the identification (i.e. CADMV), the serial number or identifying number of the identification document, and the date of issuance or date of expiration of the identification document.

### You Charge How Much? Record it!

Always record the fee charged for each notarial act performed. If you do not charge a fee or did not charge a fee, indicate this fact by documenting “\$0” for fees or write “no fee.” The fee entered never should exceed the maximum fee provided in California Government Code section 8211.

Description	Maximum Fee
Acknowledgment or proof or other instrument, to include the seal and the writing of the certificate.	\$15 for each signature
Administering an oath or affirmation to one person	\$15
Executing the jurat including the seal	\$15
Additional services rendered in connection with the taking of any deposition: <ul style="list-style-type: none"> <li>▶ Administering the oath to a witness</li> <li>▶ Certificate to the deposition</li> </ul>	\$7 each
Notarize signatures on vote by mail ballot identification envelopes or other voting materials	\$0
Certifying a copy of a power of attorney under Probate Code section 4307	\$15
United States military veteran’s application or claim for a pension, allotment, allowance, compensation, insurance, or any other veteran’s benefit (Section 6107)	\$0
A notary public qualified and bonded as an immigration consultant may enter data, provided by the client, on immigration forms provided by a federal or state agency	\$15 per individual for each set of forms

Other fees, such as travel fees and/or loan signing fees should not be included as fees charged for the notarial service. You may note other fees charged in the additional information portion of your journal.

### Thumbprint: Roll It; Print It; Document It.

If 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, you must request the person signing the document to place his or her right thumbprint in the journal, along with the rest of your required journal entries. If the right thumb is not available, the signing party must use his or her left thumb, or any available

finger, and you must indicate which finger was used in the journal. If the signer is physically unable to provide a fingerprint, you must provide an explanation of the physical condition in your journal. The ridges of the thumbprint (or alternate finger) must appear clearly on the line item of the journal.

## The Bottom Line

It is your journal. It is your responsibility. Do not put yourself and your livelihood at risk by not documenting all of your notarial acts accurately. **Remember:** Be thorough, be detailed, and do not take shortcuts. Always be sure to capture the required journal information before performing the notarial act. By developing good journaling habits, you preserve your notary public life history!

## How to Avoid Common Mistakes

1. Require the physical presence of all persons for whom you perform notarial acts. The person who has signed a document must be physically with you at the time you complete a jurat or certificate of acknowledgment.
2. Make sure all jurats and certificates of acknowledgment you complete are worded exactly the same as required by California Government Code section [8202](#) (jurat) or California Civil Code section [1189](#) (certificate of acknowledgment). Sample notarial certificates are available on the California Secretary of State's website.
3. Complete a notarial certificate for every official act. Merely signing and stamping your notary public seal on a document is not a notarial act. The notarial certificate should be endorsed on the document or a separate notarial certificate should be stapled to the document. The notary public seal only may be stamped in the area designated on the notarial certificate. Stamping your notary public seal on additional pages attached to the notarial certificate is not permitted.
4. Keep your notary journal and official seal in a locked and secure place where only you have access. Do not permit anyone to assist you in completing journal entries. Your notary journal and official seal always must be under your direct and exclusive control, not even your employer can have access.
5. Notify the Secretary of State immediately, in writing by certified mail or registered mail or any other means of delivery that provides a receipt, if your journal or seal is lost or stolen. Include a photocopy of the police report, if available.
6. The notary public must surrender the journal upon request to a peace officer acting in his or her official capacity and within his or her authority investigating a criminal offense with a reasonable suspicion to believe the journal contains evidence of a criminal offense, as defined in California Penal Code sections [830.1](#), [830.2](#), and [830.3](#). The notary public must notify the Secretary of State that the journal was seized within 10 calendar days.
7. Record, without abbreviations, all the information required by law to be recorded for each and every notarial act. Any member of the public may request a copy of a specific line item entry from the journal, which would be useless if that line is filled with indecipherable abbreviations or quotation marks. A complete entry is necessary to provide a complete record of the notarial act. California law requires that you record the following in your journal line items: the date and

time of each notarial act; the type of notarial act performed (e.g., jurat, acknowledgment, certified copy of a power of attorney); the type of document notarized (e.g., deed of trust, permission to travel); the signature of every person whose signature is being notarized; the details of the identification document used to identify the signer of the document being notarized, including the type of identification (e.g., driver's license, passport), the government agency that issued the identification, the serial number on the identification and the date of issue or date of expiration of the identification document; the fee charged; and when required, a thumbprint. If one or two credible witnesses are used to identify the signer of the document, the name of each credible witness and the details of the identification documents of each credible witness also must be recorded in the journal line item.

8. Rely only on the acceptable identification documents listed in California Civil Code section 1185 to establish satisfactory evidence of identification. Identification cards such as social security cards, credit cards, student identification cards, and employer identification cards are not acceptable forms of identification for notarization purposes.
9. Obtain a thumbprint from every person for whom you notarize a deed, quitclaim deed, deed of trust, any other document affecting real property, or a power of attorney document.
10. Submit your journal after your commission expires to the county clerk's office where your oath is on file.

## The First Line of Defense Against Fraud

One of the most common types of fraud involves forged signatures on documents giving a thief access to money or control over another person's property. Every notary public can help prevent fraud by inspecting the picture, description, signature, and serial number on the identification document presented by the signer.

Most notarial acts relate to another person signing or certifying a document. A notary public must obtain satisfactory evidence of the signer's identity for every acknowledgment and jurat. (California Civil Code sections 1185 and 1189; California Government Code section 8202.)

Satisfactory evidence is defined as the absence of any information, evidence, or other circumstances which would lead a reasonable person to believe that the individual is not the individual he or she claims to be. The identity of the signer can be established by the notary public's reasonable reliance on the presentation of originally-issued identification documents that meet the requirements of California Civil Code section 1185(b)(3) or (b)(4).

The notary public always must require the signer to present the required identification in person. The notary public should be confident that the person whose description and photograph on the identification 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 being presented match the person appearing before them.

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



# Immigration Documents

A notary public may notarize the signature on a document affecting the immigration or citizenship status of any person; however, under current law, a notary public who is not also an immigration consultant cannot do the verification tasks in connection with completing immigration forms because this activity is prohibited by the broad language of California Government Code section 8223. Only an attorney, a representative accredited by the U.S. Department of Justice, or a person who is registered by the California Secretary of State and bonded as an immigration consultant under the California Business and Professions Code section 22441 may assist a client in completing immigration forms. Additional information concerning immigration consultants, including the offering of non-legal assistance or advice on immigration matters, the qualifications to act as an immigration consultant and the requirements of an immigration consultant can be found in California Business and Professions Code section 22440 et seq., as well as, the websites of the California State Bar and California Attorney General.

The USCIS Form I-9 Federal Employment Verification, issued by the Department of Homeland Security, U.S. Citizenship and Immigration Services, is an immigration document that it covers both citizens and noncitizens and also requires the employer or employer's representative to record and verify citizenship and immigration status data and certify to the recorded information under penalty of perjury. The statutory duties of an immigration consultant cover these tasks, too. However, even if a notary public is functioning in a non-notarial capacity and does not use the phrase "notary public," or use their seal along with the verification signature, a notary public who is not also an immigration consultant is prohibited from completing the USCIS Form I-9 Federal Employment Verification.

A notary public acting only in the capacity of a notary public may notarize the signature(s) on the USCIS Form I-9 Federal Employment Verification. Unless a notary public also is qualified and bonded as an immigration consultant, a notary public cannot enter data provided by a customer on an immigration form, cannot sign the verification of that data, and cannot otherwise provide the services of an immigration consultant. There are special rules that apply to notaries public who are also immigration consultants, and those immigration consultants who advertise their services in a language other than English. A notary public is barred from advertising in any manner whatsoever that he or she is a notary public if the notary public also promotes himself or herself as an immigration specialist or consultant. (California Government Code section 8223.)

## Notario Publico

Notaries public must not post any sign, distribute any advertisement, or use the words "notario publico" or "notario." Notaries public who advertise expertise in immigration matters also must not 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 should immediately stop using those items and remove the illegal items from public view and accessibility. (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.

## Foreign Language Documents

A notary public can notarize a signature on a document written in a foreign language, whether or not they are familiar with the language, since a notary public's function only relates to the signature and not the contents of the document being notarized. However, a notary public must be able to communicate with the customer in order for the signer to swear or affirm the contents of an affidavit or to acknowledge the execution of a document, as well as to enable the notary public to obtain proper identification of the signer and to complete the required journal entries. An interpreter should not be used because vital information could be lost in the translation. If a notary public is unable to communicate with a customer, the customer should be referred to a notary public who speaks the customer's language. (See generally California Civil Code sections 1189 and 1195; California Government Code sections 8202, 8205, and 8206.)

The notary public should be able to identify the type of document for entry in the notary public's journal. If unable to identify the type of document, the notary public must make an entry to that effect in the journal, e.g., "a document in a foreign language." As in all cases, the notary public should determine if the document is complete and must not notarize the signature if the document appears to be incomplete. The notarial certificate in a foreign language document or attached to a foreign language document, e.g., the acknowledgment certificate, jurat, or proof of execution by a subscribing witness, must be written in English. California law requires the wording of these forms to be followed exactly as appears in California law in the English language. (California Civil Code sections 1188, 1189, and 1195; California Government Code section 8202.)

## Oath or Affirmation of a Single Credible Witness

The acknowledgment of an instrument cannot be taken unless the notary public has satisfactory evidence that the person making the acknowledgment is the individual who is described in and who executed the instrument. (California Civil Code section 1185(a).)

If there are no information or circumstances leading a notary public to believe a signer is not who the signer claims to be, and it would be difficult or impossible for the signer to present an originally-issued identification document (satisfactory evidence), the identity of the signer can be established by the oath of a single credible witness who also knows the signer.

The notary public also must know the credible witness personally, the witness must present a proper identification document, (California Civil Code section 1185(b)(1)), and the notary public must confirm the credible witness' identity by examining an originally issued identification document that meets the requirements of California Civil Code sections 1185 (b)(3) and (b)(4).

Additionally, the person making the acknowledgment must be the person named in the document, and the witness cannot have a financial interest in the document being acknowledged and cannot be named in the document.

After establishing the identity of the credible witness, the notary public must administer an oath or affirmation to the credible witness who is establishing the identity of the signer of the document. The credible witness must swear or affirm that each of the following statements is true:

- ▶ The individual appearing before the notary public as the signer of the document is the person named in the document;
- ▶ The credible witness personally knows the signer;
- ▶ The credible witness reasonably believes that the circumstances of the signer are such that it would be difficult or impossible for the signer to obtain another form of identification;
- ▶ The signer does not possess any of the identification documents authorized by law to establish the signer's identity; and
- ▶ The credible witness does not have a financial interest in the document and is not named in the document. (California Civil Code section 1185(b)(1)(A)(i)-(v)).

The single credible witness must sign the notary public's journal, or the notary public must indicate in his or her journal the type of identifying document used to confirm the identity of the witness, the serial number or identifying number of the identification document, and the date of issuance or date of expiration of the identification document presented by the witness to establish identity. (Government Code section 8206(a)(2)(D).) The best business practice is for the notary public to have the witness sign his or her journal and indicate the type of identification document and the information from the identification document.

## Oath or Affirmation of Two Credible Witnesses

If there is no information leading a notary public to believe a signer is not who the signer claims to be, and it would be very difficult or impossible for the signer to present an originally issued identification document, the identity of the signer can be established by the oaths of two credible witnesses who know the signer personally. (California Civil Code section 1185(b)(2).) In this case, the notary public does not need to know either of the credible witnesses personally. The notary public establishes the identities of the two credible witnesses only by the presentation of the originally issued identification documents meeting the requirements of California Civil Code sections 1185(b)(3) and (b)(4).

After the notary public has verified the identity of both credible witnesses, the notary public must administer the oaths or affirmations to the credible witnesses who are establishing the identity of the signer. Under penalty of perjury, each credible witness must swear or affirm that each of the following statements is true:

- ▶ The individual appearing before the notary public as the signer of the document is the person named in the document;
- ▶ The credible witness personally knows the signer;
- ▶ The credible witness reasonably believes that the circumstances of the signer are such that it would be very difficult or impossible for the signer to obtain another form of identification;
- ▶ The signer does not possess any of the identification documents authorized by law to establish the signer's identity; and
- ▶ The credible witness does not have a financial interest in the document and is not named in the document (California Civil Code section 1185(b)(2)).

The credible witnesses must sign the notary public's journal and the notary public must indicate in his or her journal the type of identification documents, the serial number or identifying number of the identification documents, and the dates of issuance or date of expiration of the identification documents presented by the witnesses to establish their identities. (Government Code section 8206(a)(2)(E).)

## The Oath or Affirmation

A notary public always must administer an oath or affirmation prior to completing a jurat. (California Government Code section 8202(a).) There is no prescribed wording for the oath or affirmation administered by the notary public; however, examples of an acceptable oath or affirmation would be:

"Do you solemnly swear or affirm that the contents of this document are the truth, the whole truth, and nothing but the truth, so help you God;" or

"Do you solemnly swear or affirm, under penalty of perjury, that the contents of this document are the truth, the whole truth, and nothing but the truth?"

## Recording the Oath or Affirmation in the Notary Public Journal

A notary public must record the following details in their journal about a jurat when given and every oath or affirmation that is administered:

- ▶ The time and date the notary public performed the notarial service.
- ▶ The type of notarial act performed, e.g. proof of execution by a subscribing witness; jurat.
- ▶ The type of document subscribed and sworn or affirmed.
- ▶ The signature of each person whose signature is being notarized.
- ▶ A statement as to whether the identity of the person making an acknowledgment or taking an oath or affirmation was based on satisfactory evidence.
- ▶ The type of identification document used to establish the identity of the signer(s).
- ▶ If the "satisfactory evidence" is based on the oath or affirmation of a single credible witness, then the journal must contain the signature of the credible witness.
  - Best practice: Record both the signature of the credible witness and the type of identification document used to establish the identity of the credible witness.
- ▶ The fee charged for the notarial act. If no fee is charged, "0" should be indicated. Only fees for the notarial act should be listed in the "fee" column. Do not include additional fees for travel or other services.

## 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 California Secretary of State website for regularly updated processing dates for notary public applications and authentication requests. Processing dates can be located at:

<https://www.sos.ca.gov/notary/processing-times/>.

## 2020 Notary Public Handbook

The **2020 Notary Public Handbook** is available online and in hard copy at no charge. To request a copy of the **2020 Notary Public Handbook**, send 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

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*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.*

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