

COMMITTEE ON COMMERCE
SENATE AMENDMENTS TO S.B. 1226
(Reference to printed bill)

1 Strike everything after the enacting clause and insert:

2 "Section 1. Section 10-140, Arizona Revised Statutes, is amended to
3 read:

4 10-140. Definitions

5 In chapters 1 through 17 of this title, unless the context otherwise
6 requires:

7 1. "Acknowledged" or "acknowledgment" means either:

8 (a) An acknowledgment MADE BY THE PERSON OR PERSONS SIGNING AN
9 INSTRUMENT AND TAKEN BY A NOTARIAL OFFICER pursuant to ~~title 33, chapter 4,~~
10 ~~article 5 or~~ TITLE 41, CHAPTER 2, ARTICLE 1.

11 (b) The signature, without more, of the person or persons signing
12 the instrument, in which case the signature or signatures constitute the
13 affirmation or acknowledgment of the signatory, under penalties of perjury,
14 that the instrument is the act and deed of the signatory and that the facts
15 stated in the instrument are true.

16 2. "Act of the board of directors" means either:

17 (a) An act of the majority of the directors present at a duly called
18 meeting at which a quorum is present, unless the act of a greater number is
19 required by chapters 1 through 17 of this title, the articles of
20 incorporation or the bylaws.

21 (b) Action taken by written consent of the directors in accordance
22 with chapters 1 through 17 of this title.

23 3. "Act of the shareholders" means either:

24 (a) An act adopted or rejected by a majority of the votes entitled
25 to be cast by each class of shareholders entitled to vote on the act at a

1 duly called meeting at which a quorum is present, unless a greater number
2 of votes is required by chapters 1 through 17 of this title, the articles
3 of incorporation or the bylaws.

4 (b) An action taken by written consent of the shareholders in
5 accordance with chapters 1 through 17 of this title.

6 4. "Address" means a mailing address.

7 5. "Affiliate" means a person that directly or indirectly, through
8 one or more intermediaries controls, is controlled by or is under common
9 control with the person specified.

10 6. "Articles of incorporation" means the original or restated
11 articles of incorporation or articles of merger and all amendments to the
12 articles of incorporation or merger and includes amended and restated
13 articles of incorporation and articles of amendment and merger.

14 7. "Authorized shares" means the shares of all classes that a
15 domestic or foreign corporation is authorized to issue.

16 8. "Board of directors" means the group of persons vested with the
17 management of the affairs of the corporation irrespective of the name by
18 which the group is designated and includes the governing body or bodies of
19 a water users' association if the articles of incorporation of ~~such~~ THE
20 water users' association provide for a governing body or bodies denominated
21 other than as a board of directors.

22 9. "Business day" means a day that is not a Saturday, a Sunday or
23 any other legal holiday in this state.

24 10. "Bylaws" means the code of rules adopted for the regulation or
25 management of the affairs of the corporation irrespective of the name by
26 which those rules are designated.

27 11. "Certificate of disclosure" means the certificate of disclosure
28 described in section 10-202.

29 12. "Commission" means the Arizona corporation commission.

30 13. "Conspicuous" means so written that a reasonable person against
31 whom the writing is to operate should have noticed it. For example,

1 printing in italics, boldface or contrasting color or typing in capitals or
2 underlined is conspicuous.

3 14. "Corporation" or "domestic corporation" means a corporation for
4 profit that is not a foreign corporation and that is incorporated under or
5 subject to chapters 1 through 17 of this title.

6 15. "Court" means the superior court of this state.

7 16. "Deliver" includes sending by mail, private courier, fax or
8 electronic transmission.

9 17. "Delivery" means actual receipt by the person or entity to which
10 directed and for electronic transmissions means receipt as described in
11 section 44-7015, subsection B.

12 18. "Dissolved" means the status of a corporation on either:

13 (a) Effectiveness of articles of dissolution pursuant to section
14 10-1403, subsection B or section 10-1421, subsection B.

15 (b) A decree pursuant to section 10-1433, subsection B becoming
16 final.

17 19. "Distribution" means a direct or indirect transfer of money or
18 other property, except its own shares, or incurrence of indebtedness by a
19 corporation to or for the benefit of its shareholders in respect of any of
20 its shares. A distribution may be in the form of any of the following:

21 (a) A declaration or payment of a dividend.

22 (b) Any purchase, redemption or other acquisition of shares.

23 (c) A distribution of indebtedness.

24 (d) Otherwise.

25 20. "Effective date of notice" is as prescribed in section 10-141.

26 21. "Electronic transmission" means an electronic record as defined
27 in section 44-7002 that is sent pursuant to section 44-7015.

28 22. "Employee" includes an officer but not a director. A director
29 may accept duties that make the director also an employee.

30 23. "Entity" includes a corporation, foreign corporation, not for
31 profit corporation, profit and not for profit unincorporated association,
32 nonprofit corporation, close corporation, corporation sole or limited

1 liability company, a professional corporation, association or limited
2 liability company, a business trust, estate, partnership, registered
3 limited liability partnership, trust or joint venture, two or more persons
4 having a joint or common economic interest, any person other than an
5 individual and a state, the United States and a foreign government.

6 24. "Executed by the corporation" means executed by manual or
7 facsimile signature on behalf of the corporation by a duly authorized
8 officer or, if the corporation is in the hands of a receiver or trustee, by
9 the receiver or trustee.

10 25. "Filing" means the commission completing the following procedure
11 with respect to any document delivered for that purpose:

12 (a) Determining that the filing fee requirements of section 10-122
13 have been satisfied.

14 (b) Determining that the document appears in all respects to conform
15 to the requirements of chapters 1 through 17 of this title.

16 (c) On making the determinations, endorsement of the word "filed"
17 with the applicable date on or attached to the document and the return of
18 notice of the filing to the person who delivered the document or the
19 person's representative.

20 26. "Foreign corporation" means a corporation for profit that is
21 incorporated under a law other than the law of this state.

22 27. "Governmental subdivision" includes an authority, county,
23 district, municipality and political subdivision.

24 28. "Includes" and "including" denotes a partial definition.

25 29. "Individual" includes the estate of an incompetent or deceased
26 individual.

27 30. "Insolvent" means inability of a corporation to pay its debts as
28 they become due in the usual course of its business.

29 31. "Known place of business" means the known place of business
30 required to be maintained pursuant to section 10-501.

1 32. "Liquidate its assets and business" includes the distribution of
2 assets, the payment of obligations and debts, the discontinuance of
3 business or any one or more of the distribution, payment or discontinuance.

4 33. "Mail", "to mail" or "have mailed" means to deposit or have
5 deposited a communication in the United States mail with first class or
6 airmail postage prepaid.

7 34. "Means" denotes an exhaustive definition.

8 35. "Newspaper" has the meaning set forth in section 39-201.

9 36. "Notice" and "notify" are as prescribed in section 10-141.

10 37. "Person" includes an individual and entity.

11 38. "President" means that officer designated as the president in
12 the articles of incorporation or bylaws or, if not so designated, that
13 officer authorized in the articles of incorporation, bylaws or otherwise to
14 perform the functions of the chief executive officer, irrespective of the
15 name by which designated.

16 39. "Principal office" means the office, in or out of this state, so
17 designated in the annual report where the principal executive offices of a
18 domestic or foreign corporation are located or in any other document
19 executed by the corporation by an officer and delivered to the commission
20 for filing. If an office has not been so designated, principal office
21 means the known place of business of the corporation.

22 40. "Proceeding" includes a civil suit and a criminal,
23 administrative and investigatory action.

24 41. "Publish" means to publish in a newspaper of general circulation
25 in the county of the known place of business for three consecutive
26 publications.

27 42. "Record date" means the date established under chapter 6 or 7 of
28 this title on which a corporation determines the identity of its
29 shareholders and their shareholdings for purposes of chapters 1 through 17
30 of this title. The determinations shall be made as of the close of
31 business on the record date unless another time for doing so is specified
32 when the record date is fixed.

1 43. "Secretary" means that officer designated as the secretary in
2 the articles of incorporation or bylaws or that officer authorized in the
3 articles of incorporation, the bylaws or otherwise to perform the functions
4 of secretary, irrespective of the name by which designated.

5 44. "Shareholder" means the person in whose name shares are
6 registered in the records of a corporation or the beneficial owner of
7 shares to the extent of the rights granted by a nominee certificate on file
8 with a corporation.

9 45. "Shares" means the units into which the proprietary interests in
10 a corporation are divided.

11 46. "State", if referring to a part of the United States, includes a
12 state and commonwealth and their agencies and governmental subdivisions and
13 a territory and insular possession of the United States and their agencies
14 and governmental subdivisions.

15 47. "Subscriber" means a person who subscribes for shares in a
16 corporation, whether before or after incorporation.

17 48. "Treasurer" means that officer designated as the treasurer in
18 the articles of incorporation or bylaws or that officer authorized in the
19 articles of incorporation or bylaws or otherwise to perform the functions
20 of treasurer, irrespective of the name by which designated.

21 49. "United States" includes a district, authority, bureau,
22 commission and department and any other agency of the United States.

23 50. "Vice-president" means an officer designated as the
24 vice-president in the articles of incorporation or bylaws or an officer
25 authorized in the articles of incorporation, the bylaws or otherwise to
26 perform the functions of a vice-president, irrespective of the name by
27 which designated.

28 51. "Voting group" means all shares of one or more classes or series
29 that under the articles of incorporation or chapters 1 through 17 of this
30 title are entitled to vote and be counted together collectively on a matter
31 at a meeting of shareholders. All shares entitled by the articles of

1 incorporation or chapters 1 through 17 of this title to vote generally on
2 the matter are for that purpose a single voting group.

3 52. "Water users' association" means a corporation that operates a
4 federal reclamation project pursuant to a contract with the United States.

5 53. "Writing" or "written" includes blockchain technology as defined
6 in section 44-7061.

7 Sec. 2. Section 10-3140, Arizona Revised Statutes, is amended to
8 read:

9 10-3140. Definitions

10 In chapters 24 through 40 of this title, unless the context otherwise
11 requires:

12 1. "Acknowledged" or "acknowledgment" means either;

13 (a) An acknowledgment **MADE BY THE PERSON OR PERSONS SIGNING AN**
14 **INSTRUMENT AND TAKEN BY A NOTARIAL OFFICER** pursuant to ~~title 33, chapter 4,~~
15 ~~article 5 or~~ **TITLE 41, CHAPTER 2, ARTICLE 1.**

16 (b) The signature, without more, of the person or persons signing
17 the instrument, in which case the signature or signatures constitute the
18 affirmation or acknowledgment of the signatory, under penalties of perjury,
19 that the instrument is the act and deed of the signatory and that the facts
20 stated in the instrument are true.

21 2. "Act of the board of directors" means either:

22 (a) An act of the majority of the directors present at a duly called
23 meeting at which a quorum is present, unless the act of a greater number is
24 required by chapters 24 through 40 of this title, the articles of
25 incorporation or the bylaws.

26 (b) Action taken by written consent of the directors in accordance
27 with chapters 24 through 40 of this title.

28 3. "Act of the members" means either:

29 (a) An act adopted or rejected by a majority of the votes
30 represented and voting at a duly held meeting at which a quorum is present
31 where affirmative votes also constitute a majority of the required quorum

1 unless a greater number of votes is required by chapters 24 through 40 of
2 this title, the articles of incorporation or the bylaws.

3 (b) An action taken by written consent of the members in accordance
4 with chapters 24 through 40 of this title.

5 (c) An action taken by written ballot of the members in accordance
6 with this chapter.

7 4. "Address" means a mailing address.

8 5. "Affiliate" means a person that directly or indirectly, through
9 one or more intermediaries controls, is controlled by or is under common
10 control with the person specified.

11 6. "Articles of incorporation" means the original or restated
12 articles of incorporation or articles of merger and all amendments to the
13 articles of incorporation or merger and includes amended and restated
14 articles of incorporation and articles of amendment and merger.

15 7. "Board", "board of directors" or "board of trustees" means the
16 group of persons vested with the direction of the affairs of the
17 corporation irrespective of the name by which the group is designated,
18 except that no person or group of persons shall be deemed to be the board
19 of directors solely because of powers delegated to that person or group
20 pursuant to section 10-3801, subsection C.

21 8. "Business day" means a day that is not a Saturday, a Sunday or
22 any other legal holiday in this state.

23 9. "Bylaws" means the code of rules adopted for the regulation or
24 management of the affairs of the corporation irrespective of the name by
25 which those rules are designated.

26 10. "Certificate of disclosure" means the certificate of disclosure
27 described in section 10-3202.

28 11. "Class" refers to a group of memberships that have the same
29 rights with respect to voting, dissolution, redemption and transfer. Rights
30 are the same if they are determined by a formula applied uniformly.

31 12. "Commission" means the Arizona corporation commission.

1 13. "Conspicuous" means so written that a reasonable person against
2 whom the writing is to operate should have noticed it. For example,
3 printing in italics, boldface or contrasting color or typing in capitals or
4 underlined is conspicuous.

5 14. "Corporation" or "domestic corporation" means a nonprofit
6 corporation that is not a foreign corporation and that is incorporated
7 under or subject to chapters 24 through 40 of this title.

8 15. "Corporation sole" means a corporation formed pursuant and
9 subject to chapter 42, article 1 of this title.

10 16. "Court" means the superior court of this state.

11 17. "Delegates" means those persons elected or appointed to vote in
12 a representative assembly for the election of a director or directors or on
13 other matters.

14 18. "Deliver" includes sending by mail, private courier, fax or
15 electronic transmission.

16 19. "Delivery" means actual receipt by the person or entity to which
17 directed and for electronic transmissions means receipt as described in
18 section 44-7015, subsection B.

19 20. "Directors" or "trustees" means individuals, designated in the
20 articles of incorporation or bylaws or elected by the incorporators, and
21 their successors and individuals elected or appointed by any other name or
22 title to act as members of the board.

23 21. "Dissolved" means the status of a corporation on either:

24 (a) Effectiveness of articles of dissolution pursuant to section
25 10-11403, subsection B or section 10-11421, subsection B.

26 (b) A decree pursuant to section 10-11433, subsection B becoming
27 final.

28 22. "Distribution" means a direct or indirect transfer of money or
29 other property or incurrence of indebtedness by a corporation to or for the
30 benefit of its members in respect of any of its membership interests. A
31 distribution may be in the form of any of the following:

32 (a) A declaration of payment of a dividend.

1 (b) Any purchase, redemption or other acquisition of membership
2 interests.

3 (c) A distribution of indebtedness.

4 (d) Otherwise.

5 23. "Effective date of notice" is prescribed in section 10-3141.

6 24. "Electronic transmission" means an electronic record as defined
7 in section 44-7002 and that is sent pursuant to section 44-7015,
8 subsection A.

9 25. "Employee" means an officer, director or other person who is
10 employed by the corporation.

11 26. "Entity" includes a corporation, foreign corporation, not for
12 profit corporation, business corporation, foreign business corporation,
13 profit and not for profit unincorporated association, close corporation,
14 corporation sole, limited liability company or registered limited liability
15 partnership, a professional corporation, association or limited liability
16 company or registered limited liability partnership, a business trust,
17 estate, partnership, trust or joint venture, two or more persons having a
18 joint or common economic interest, any person other than an individual and
19 a state, the United States and a foreign government.

20 27. "Executed by the corporation" means executed by manual or
21 facsimile signature on behalf of the corporation by a duly authorized
22 officer or, if the corporation is in the hands of a receiver or trustee, by
23 the receiver or trustee.

24 28. "Filing" means the commission completing the following procedure
25 with respect to any document delivered for that purpose:

26 (a) Determining that the filing fee requirements of this title have
27 been satisfied.

28 (b) Determining that the document appears in all respects to conform
29 to the requirements of chapters 24 through 40 of this title.

30 (c) On making the determinations, endorsement of the word "filed"
31 with the applicable date on or attached to the document and the return of

1 notice of the filing to the person who delivered the document or the
2 person's representative.

3 29. "Foreign corporation" means a corporation that is organized
4 under a law other than the law of this state and that would be a nonprofit
5 corporation if formed under the laws of this state.

6 30. "Governmental subdivision" includes an authority, county,
7 district, municipality and political subdivision.

8 31. "Includes" and "including" denotes a partial definition.

9 32. "Individual" includes the estate of an incompetent individual.

10 33. "Insolvent" means inability of a corporation to pay its debts as
11 they become due in the usual course of its business.

12 34. "Known place of business" means the known place of business
13 required to be maintained pursuant to section 10-3501.

14 35. "Mail", "to mail" or "have mailed" means to deposit or have
15 deposited a communication in the United States mail with first class
16 postage prepaid.

17 36. "Means" denotes an exhaustive definition.

18 37. "Member" means, without regard to what a person is called in the
19 articles of incorporation or bylaws, any person or persons who, pursuant to
20 a provision of a corporation's articles of incorporation or bylaws, have
21 the right to vote for the election of a director or directors. A person is
22 not a member by virtue of any of the following:

23 (a) Any rights that person has as a delegate.

24 (b) Any rights that person has to designate a director or directors.

25 (c) Any rights that person has as a director.

26 (d) Being referred to as a member in the articles of incorporation,
27 bylaws or any other document, if the person does not have the right to vote
28 for the election of a director or directors.

29 38. "Membership" refers to the rights and obligations a member or
30 members have pursuant to a corporation's articles of incorporation and
31 bylaws and chapters 24 through 40 of this title.

32 39. "Newspaper" has the same meaning prescribed in section 39-201.

1 40. "Notice" and "notify" are prescribed in section 10-3141.

2 41. "Person" includes individual and entity.

3 42. "President" means that officer designated as the president in
4 the articles of incorporation or bylaws or, if not so designated, that
5 officer authorized in the articles of incorporation, bylaws or otherwise to
6 perform the functions of the chief executive officer, irrespective of the
7 name by which designated.

8 43. "Principal office" means the office, in or out of this state, so
9 designated in the annual report where the principal executive offices of a
10 domestic or foreign corporation are located or in any other document
11 executed by the corporation by an officer and delivered to the commission
12 for filing. If an office has not been so designated, principal office
13 means the known place of business of the corporation.

14 44. "Proceeding" includes a civil suit and a criminal,
15 administrative and investigatory action.

16 45. "Publish" means to publish in a newspaper of general circulation
17 in the county of the known place of business for three consecutive
18 publications.

19 46. "Record date" means the date, if any, established under chapter
20 29 or 30 of this title on which a corporation determines the identity of
21 its members and their membership interests for purposes of chapters 24
22 through 40 of this title. The determinations shall be made as of the close
23 of business on the record date unless another time for doing so is
24 specified when the record date is fixed.

25 47. "Secretary" means that officer designated as the secretary in
26 the articles of incorporation or bylaws or that officer authorized in the
27 articles of incorporation, the bylaws or otherwise to perform the functions
28 of secretary, irrespective of the name by which designated.

29 48. "State" if referring to a part of the United States, includes a
30 state and commonwealth and their agencies and governmental subdivisions and
31 a territory and insular possession of the United States and their agencies
32 and governmental subdivisions.

1 49. "Treasurer" means that officer designated as the treasurer in
2 the articles of incorporation or bylaws or that officer authorized in the
3 articles of incorporation, bylaws or otherwise to perform the functions of
4 treasurer, irrespective of the name by which designated.

5 50. "United States" includes a district, authority, bureau,
6 commission and department and any other agency of the United States.

7 51. "Vice-president" means an officer designated as a vice-president
8 in the articles of incorporation or bylaws or an officer authorized in the
9 articles of incorporation or the bylaws or otherwise to perform the
10 functions of a vice-president, irrespective of the name by which
11 designated.

12 52. "Vote" includes authorization by written ballot and written
13 consent.

14 53. "Voting power" means the total number of votes entitled to be
15 cast for the election of directors at the time the determination of voting
16 power is made, excluding a vote that is contingent on the happening of a
17 condition or event that has not occurred at the time. If a class is
18 entitled to vote as a class for directors, the determination of voting
19 power of the class shall be based on the percentage of the number of
20 directors the class is entitled to elect out of the total number of
21 authorized directors.

22 Sec. 3. Section 15-1802.01, Arizona Revised Statutes, is amended to
23 read:

24 15-1802.01. County residency status; community college
25 districts

26 A. Each community college district shall adopt policies regarding
27 domicile requirements that include, at a minimum, the following:

28 1. Each student shall have the question of domicile determined
29 before the time of registration and payment of fees. It is the
30 responsibility of the student to register under the correct domicile
31 determination.

1 2. Enforcement of domicile requirements shall be the responsibility
2 of the chief executive officer of each community college district.

3 3. The chief executive officer of each community college district
4 shall designate a representative at each college or campus who is
5 responsible for documents and who is qualified to administer oaths ~~as~~
6 ~~defined in section 41-311~~ in connection with statements and testimony
7 relative to student domicile status for tuition purposes.

8 4. In addition to the requirements prescribed in section 15-1802,
9 subsections G and H, any of the following may be used in determining a
10 student's domicile:

- 11 (a) An income tax return.
- 12 (b) The place of graduation from high school.
- 13 (c) The source of financial support.
- 14 (d) Dependency as indicated on a federal income tax return.
- 15 (e) Ownership of real property.
- 16 (f) A notarized statement of a landlord or employer.
- 17 (g) Bank accounts.

18 B. Each community college district shall adopt policies regarding
19 classification procedures for a student for nonresident or resident tuition
20 purposes that include, at a minimum, the following:

21 1. In determining a student's classification, the college may
22 consider all evidence, written or oral, presented by the student and any
23 other information received from any source that is relevant to determining
24 classification. The college may request written sworn statements or sworn
25 testimony of the student.

26 2. The decision as to classification shall be made by the
27 representative designated pursuant to subsection A, paragraph 3 of this
28 section. In making the decision the representative may consult with other
29 college officials. Decisions by the representative shall be made as soon
30 as possible after all relevant information is acquired.

31 3. If the representative classifies the student as a nonresident for
32 tuition purposes, the decision shall be communicated to the student by mail

1 to the most recent address furnished to the college. If the student is
2 classified as a nonresident for tuition purposes, the student must make
3 satisfactory provision for payment of nonresident tuition and other
4 charges.

5 C. Each community college district shall adopt a review and appeals
6 process for students contesting a domicile decision by the college.

7 Sec. 4. Subject to the requirements of article IV, part 1,
8 section 1, Constitution of Arizona, section 16-946, Arizona Revised
9 Statutes, is amended to read:

10 16-946. Qualifying contributions

11 A. During the qualifying period, a participating candidate may
12 collect qualifying contributions, which shall be paid to the fund.

13 B. To qualify as a qualifying contribution, a contribution must be:

14 1. Made by a qualified elector as defined in section 16-121, who at
15 the time of the contribution is registered in the electoral district of the
16 office the candidate is seeking and who has not given another qualifying
17 contribution to that candidate during that election cycle.

18 2. Made by a person who is not given anything of value in exchange
19 for the qualifying contribution.

20 3. In the sum of ~~five dollars~~ \$5, exactly.

21 4. Received unsolicited during the qualifying period or solicited
22 during the qualifying period by a person who is not employed or retained by
23 the candidate and who is not compensated to collect contributions by the
24 candidate or on behalf of the candidate.

25 5. If made by check or money order, made payable to the candidate's
26 campaign committee, or if in cash, deposited in the candidate's campaign
27 committee's account.

28 6. Accompanied by a three-part reporting slip that includes the
29 printed name, registration address and signature of the contributor, the
30 name of the candidate for whom the contribution is made, the date and the
31 printed name and signature of the solicitor. ~~ATT~~ A SECURE electronic

1 signature ~~as defined in~~ THAT MEETS THE REQUIREMENTS OF section ~~41-351~~
2 44-7031 is deemed to comply with this paragraph.

3 C. A copy of the reporting slip shall be given as a receipt to the
4 contributor, and another copy shall be retained by the candidate's campaign
5 committee. Delivery of an original reporting slip to the secretary of
6 state shall excuse the candidate from disclosure of these contributions on
7 campaign finance reports filed under article ~~1~~ 1.4 of this chapter.

8 Sec. 5. Section 33-401, Arizona Revised Statutes, is amended to
9 read:

10 33-401. Formal requirements of conveyance; writing;
11 subscription; delivery; acknowledgment; defects

12 A. No estate of inheritance, freehold, or for a term of more than
13 one year, in lands or tenements, shall be conveyed unless the conveyance is
14 by an instrument in writing, subscribed and delivered by the party
15 disposing of the estate, or by his agent thereunto authorized by writing.

16 B. Every deed or conveyance of real property must be signed by the
17 grantor and must be duly acknowledged before some officer authorized to
18 take acknowledgments AS PRESCRIBED IN TITLE 41, CHAPTER 2, ARTICLE 1.

19 C. In every deed or conveyance of real property in which the grantee
20 is subject to regulation pursuant to title 6, 10 or 29, or would be subject
21 to regulation pursuant to title 6, 10 or 29 if doing business in this
22 state, the grantee's name and address and the state in which the grantee is
23 incorporated, organized, licensed, chartered or registered shall be set
24 forth fully, together with the name of the country under which the grantee
25 is chartered or formed. The validity of any deed shall not be affected by
26 any failure to comply with the requirements set forth in this subsection.

27 D. For the purposes of this section, a deed or conveyance ~~containing~~
28 THAT CONTAINS any defect, omission or informality in the certificate of
29 acknowledgment, OR FOR WHICH THERE IS ANY FAILURE TO PERFORM A DUTY OR MEET
30 A REQUIREMENT IN THE TAKING OF THE ACKNOWLEDGMENT, and ~~which~~ THAT has been
31 recorded ~~for longer than ten years~~ in the office of the county recorder of

1 the county in which the property is located shall be deemed to have been
2 duly acknowledged on and after the date of its recording.

3 Sec. 6. Section 33-411, Arizona Revised Statutes, is amended to
4 read:

5 33-411. Invalidity of unrecorded instrument as to bona fide
6 purchaser; acknowledgment required for proper
7 recording; recording of instruments acknowledged in
8 another state; exception

9 A. No instrument affecting real property gives notice of its
10 contents to subsequent purchasers or encumbrance holders for valuable
11 consideration without notice, unless recorded as provided by law in the
12 office of the county recorder of the county in which the property is
13 located.

14 B. An instrument ~~shall~~ MAY not be ~~deemed~~ lawfully recorded BY THE
15 COUNTY RECORDER unless it has been previously acknowledged in the manner
16 prescribed in this chapter OR TITLE 41, CHAPTER 2, ARTICLE 1 except in the
17 case of master mortgages as provided in section 33-415.

18 C. For THE purposes of this section, an instrument ~~affecting~~ THAT
19 AFFECTS real property containing any defect, omission or informality in the
20 certificate of acknowledgment, OR FOR WHICH THERE IS ANY FAILURE TO PERFORM
21 A DUTY OR MEET A REQUIREMENT IN THE TAKING OF THE ACKNOWLEDGMENT, and ~~which~~
22 THAT has been recorded ~~for longer than one year~~ in the office of the county
23 recorder of the county in which the property is located shall be deemed to
24 have been lawfully recorded on and after the date of its recording.

25 D. An instrument affecting real property in this state
26 executed, ~~AND~~ acknowledged ~~and certified in any other state~~ in accordance
27 with the laws of ~~that~~ ANY OTHER state, ~~shall~~ shall be valid and entitled to
28 record as if executed AND ACKNOWLEDGED in accordance with the laws of this
29 state.

30 E. Letters patent from the United States or any grant from the
31 government, executed and authenticated pursuant to law, may be recorded
32 without further acknowledgment.

1 Sec. 7. Repeal

2 Title 33, chapter 4, article 5, Arizona Revised Statutes, is
3 repealed.

4 Sec. 8. Title 41, chapter 2, Arizona Revised Statutes, is amended by
5 adding article 1, to read:

6 ARTICLE 1. REVISED UNIFORM LAW ON NOTARIAL ACTS (2018)

7 Sec. 9. Section 41-311, Arizona Revised Statutes, is transferred and
8 renumbered for placement in title 41, chapter 2, article 1, Arizona Revised
9 Statutes, as added by this act, as section 41-251, and, as so renumbered,
10 is amended to read:

11 41-251. Definitions

12 In this ~~article~~ CHAPTER, unless the context otherwise requires:

13 1. "Acknowledgment" means a ~~notarial act in which a notary certifies~~
14 ~~that a signer, whose identity is proven by satisfactory evidence, appeared~~
15 ~~before the notary and acknowledged that the signer signed the document~~
16 ~~DECLARATION BY AN INDIVIDUAL BEFORE A NOTARIAL OFFICER THAT THE INDIVIDUAL~~
17 ~~HAS SIGNED A RECORD FOR THE PURPOSE STATED IN THE RECORD AND, IF THE RECORD~~
18 ~~IS SIGNED IN A REPRESENTATIVE CAPACITY, THAT THE INDIVIDUAL SIGNED THE~~
19 ~~RECORD WITH PROPER AUTHORITY AND SIGNED IT AS THE ACT OF THE INDIVIDUAL OR~~
20 ~~ENTITY IDENTIFIED IN THE RECORD.~~

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

23 3. ~~"Copy certification" means a notarial act in which the notary~~
24 ~~certifies that the notary has made a photocopy of an original document that~~
25 ~~is neither a public record nor publicly recordable.~~

26 4. ~~"Incomplete document" means a document that has not been signed~~
27 ~~where a signature line is provided or where other obvious blanks appear in~~
28 ~~the document or that lacks a notarial certificate.~~

29 5. ~~"Jurat" means a notarial act in which the notary certifies that a~~
30 ~~signer, whose identity is proven by satisfactory evidence, has made in the~~
31 ~~notary's presence a voluntary signature and has taken an oath or~~
32 ~~affirmation vouching for the truthfulness of the signed document.~~

1 3. "ELECTRONIC" MEANS RELATING TO TECHNOLOGY HAVING ELECTRICAL,
2 DIGITAL, MAGNETIC, WIRELESS, OPTICAL, ELECTROMAGNETIC OR SIMILAR
3 CAPABILITIES.

4 4. "ELECTRONIC SIGNATURE" MEANS AN ELECTRONIC SYMBOL, SOUND OR
5 PROCESS THAT IS ATTACHED TO OR LOGICALLY ASSOCIATED WITH A RECORD AND THAT
6 IS EXECUTED OR ADOPTED BY AN INDIVIDUAL WITH THE INTENT TO SIGN THE RECORD.

7 5. "IN A REPRESENTATIVE CAPACITY" MEANS ACTING AS ANY OF THE
8 FOLLOWING:

9 (a) AN AUTHORIZED OFFICER, AGENT, PARTNER, TRUSTEE OR OTHER
10 REPRESENTATIVE FOR A PERSON OTHER THAN AN INDIVIDUAL.

11 (b) A PUBLIC OFFICER, PERSONAL REPRESENTATIVE, GUARDIAN OR OTHER
12 REPRESENTATIVE, IN THE CAPACITY STATED IN A RECORD.

13 (c) AN AGENT OR ATTORNEY-IN-FACT FOR A PRINCIPAL.

14 (d) AN AUTHORIZED REPRESENTATIVE OF ANOTHER IN ANY OTHER CAPACITY.

15 6. "Notarial act" or "notarization":

16 (a) Means any act, WHETHER PERFORMED WITH RESPECT TO A TANGIBLE OR
17 ELECTRONIC RECORD, that a ~~notary is authorized to~~ NOTARIAL OFFICER MAY
18 perform under section 41-252 ~~41-313 and that verifies only the identity of~~
19 ~~a signer of a document and not the truthfulness, accuracy or validity of~~
20 ~~the document.~~

21 (b) INCLUDES TAKING AN ACKNOWLEDGMENT, ADMINISTERING AN OATH OR
22 AFFIRMATION, TAKING A VERIFICATION ON OATH OR AFFIRMATION, WITNESSING OR
23 ATTESTING A SIGNATURE, CERTIFYING OR ATTESTING A COPY AND NOTING A PROTEST
24 OF A NEGOTIABLE INSTRUMENT.

25 ~~7. "Notarial certificate" or "certificate" means the part of or~~
26 ~~attachment to a notarized document for completion by the notary that bears~~
27 ~~the notary's signature and seal and that states the venue, date and facts~~
28 ~~that are attested by the notary in a particular notarization.~~

29 7. "NOTARIAL OFFICER" MEANS A NOTARY PUBLIC OR OTHER INDIVIDUAL WHO
30 IS AUTHORIZED TO PERFORM A NOTARIAL ACT.

1 8. "Notary public" or "notary" means any ~~person~~ INDIVIDUAL WHO IS
2 commissioned to perform notarial acts ~~under this article~~ BY THE SECRETARY
3 OF STATE.

4 ~~9. "Oath" or "affirmation" means a notarial act or part of a~~
5 ~~notarial act in which a person made a vow in the presence of the notary~~
6 ~~under penalty of perjury, with reference made to a supreme being in the~~
7 ~~case of an oath.~~

8 ~~10. "Personal knowledge" means familiarity with an individual~~
9 ~~resulting from interactions with that individual over a sufficient time to~~
10 ~~eliminate reasonable doubt that the individual has the identity claimed.~~

11 ~~11. "Satisfactory evidence of identity" means:~~

12 ~~(a) Proof of identity is evidenced by one of the following:~~

13 ~~(i) An unexpired driver license or nonoperating identification~~
14 ~~license that is issued by a state or territory of the United States.~~

15 ~~(ii) An unexpired passport that is issued by the United States~~
16 ~~department of state.~~

17 ~~(iii) An unexpired identification card that is issued by any branch~~
18 ~~of the United States armed forces.~~

19 ~~(iv) An inmate identification card that is issued by the state or~~
20 ~~federal department of corrections, if the inmate is in the custody of the~~
21 ~~department.~~

22 ~~(v) Any form of inmate identification that is issued by a county~~
23 ~~sheriff, if the inmate is in the custody of the county sheriff.~~

24 ~~(vi) Any other unexpired identification card that is issued by the~~
25 ~~United States government or a state or tribal government, that contains the~~
26 ~~individual's photograph, signature and physical description and that~~
27 ~~contains the individual's height, weight, hair color and eye color.~~

28 ~~(vii) The oath or affirmation of a credible person who is personally~~
29 ~~known to the notary and who personally knows the individual.~~

30 ~~(viii) The oath or affirmation of a credible person who personally~~
31 ~~knows the individual and who provides satisfactory evidence of identity~~
32 ~~pursuant to item (i), (ii), (iii), (iv), (v) or (vi) of this subdivision.~~

~~(ix) Personal knowledge of the individual by the notary.~~

~~(b) In addition to subdivision (a) of this paragraph, for the purposes of a real estate conveyance or financing, proof of identity may be evidenced by one of the following:~~

~~(i) A valid unexpired passport that is issued by the United States government.~~

~~(ii) A valid unexpired passport that is 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 issued by the United States government and that is necessary to establish an individual's legal presence in the United States.~~

~~(iii) 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.~~

~~12. "Venue" means this state and the county where a notarial act occurs.~~

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 INSCRIBED ON A TANGIBLE MEDIUM OR THAT IS 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.

1 (b) TO ATTACH TO OR LOGICALLY ASSOCIATE WITH THE RECORD AN
2 ELECTRONIC SYMBOL, SOUND OR PROCESS.

3 13. "SIGNATURE" MEANS A TANGIBLE SYMBOL OR AN ELECTRONIC SIGNATURE
4 THAT EVIDENCES THE SIGNING OF A RECORD.

5 14. "STAMPING DEVICE" MEANS EITHER OF THE FOLLOWING:

6 (a) A PHYSICAL DEVICE THAT IS CAPABLE OF AFFIXING TO A TANGIBLE
7 RECORD AN OFFICIAL STAMP.

8 (b) AN ELECTRONIC DEVICE OR PROCESS THAT IS CAPABLE OF ATTACHING TO
9 OR LOGICALLY ASSOCIATING WITH AN ELECTRONIC RECORD AN OFFICIAL STAMP.

10 15. "STATE" MEANS A STATE OF THE UNITED STATES, THE DISTRICT OF
11 COLUMBIA, PUERTO RICO, THE UNITED STATES VIRGIN ISLANDS OR ANY TERRITORY OR
12 INSULAR POSSESSION SUBJECT TO THE JURISDICTION OF THE UNITED STATES.

13 16. "VERIFICATION ON OATH OR AFFIRMATION" MEANS A DECLARATION, MADE
14 BY AN INDIVIDUAL ON OATH OR AFFIRMATION BEFORE A NOTARIAL OFFICER, THAT A
15 STATEMENT IN A RECORD IS TRUE.

16 Sec. 10. Title 41, chapter 2, article 1, Arizona Revised Statutes,
17 as added by this act, is amended by adding sections 41-252, 41-253, 41-254,
18 41-255, 41-256, 41-257, 41-258, 41-259, 41-260, 41-261, 41-262, 41-263,
19 41-264, 41-265, 41-266, 41-267, 41-268, 41-269, 41-270, 41-271, 41-272,
20 41-273, 41-274, 41-275, 41-276 and 41-277, to read:

21 41-252. Authority to perform notarial acts

22 A. A NOTARIAL OFFICER MAY PERFORM A NOTARIAL ACT AUTHORIZED BY THIS
23 ARTICLE OR BY ANY LAW OF THIS STATE OTHER THAN THIS ARTICLE.

24 B. A NOTARIAL OFFICER MAY NOT PERFORM A NOTARIAL ACT WITH RESPECT TO
25 A RECORD TO WHICH THE OFFICER OR THE OFFICER'S SPOUSE IS A PARTY OR IN
26 WHICH EITHER OF THEM HAS A DIRECT BENEFICIAL INTEREST. A NOTARIAL ACT
27 PERFORMED IN VIOLATION OF THIS SUBSECTION IS VOIDABLE.

28 C. A NOTARIAL OFFICER MAY CERTIFY THAT A TANGIBLE COPY OF AN
29 ELECTRONIC RECORD IS AN ACCURATE COPY OF THE ELECTRONIC RECORD.

30 41-253. Requirements for certain notarial acts

31 A. A NOTARIAL OFFICER WHO TAKES AN ACKNOWLEDGMENT OF A RECORD SHALL
32 DETERMINE, FROM PERSONAL KNOWLEDGE OR SATISFACTORY EVIDENCE OF THE IDENTITY

1 OF THE INDIVIDUAL, THAT THE INDIVIDUAL APPEARING BEFORE THE OFFICER AND
2 MAKING THE ACKNOWLEDGMENT HAS THE IDENTITY CLAIMED AND THAT THE SIGNATURE
3 ON THE RECORD IS THE SIGNATURE OF THE INDIVIDUAL.

4 B. A NOTARIAL OFFICER WHO TAKES A VERIFICATION OF A STATEMENT ON
5 OATH OR AFFIRMATION SHALL DETERMINE BOTH OF THE FOLLOWING:

6 1. FROM PERSONAL KNOWLEDGE OR SATISFACTORY EVIDENCE OF THE IDENTITY
7 OF THE INDIVIDUAL, THAT THE INDIVIDUAL APPEARING BEFORE THE OFFICER AND
8 MAKING THE VERIFICATION HAS THE IDENTITY CLAIMED AND THAT THE SIGNATURE ON
9 THE STATEMENT VERIFIED IS THE SIGNATURE OF THE INDIVIDUAL.

10 2. THAT THE RECORD THAT CONTAINS THE STATEMENT VERIFIED IS COMPLETE
11 TO THE BEST OF THE NOTARIAL OFFICER'S KNOWLEDGE.

12 C. A NOTARIAL OFFICER WHO WITNESSES OR ATTESTS TO A SIGNATURE SHALL
13 DETERMINE, FROM PERSONAL KNOWLEDGE OR SATISFACTORY EVIDENCE OF THE IDENTITY
14 OF THE INDIVIDUAL, THAT THE INDIVIDUAL APPEARING BEFORE THE OFFICER AND
15 SIGNING THE RECORD HAS THE IDENTITY CLAIMED.

16 D. A NOTARIAL OFFICER WHO CERTIFIES OR ATTESTS A COPY OF A RECORD OR
17 AN ITEM THAT WAS COPIED SHALL DETERMINE THAT THE COPY IS A FULL, TRUE AND
18 ACCURATE TRANSCRIPTION OR REPRODUCTION OF THE RECORD OR ITEM. EXCEPT AS
19 REQUIRED UNDER SECTION 41-319, A NOTARIAL OFFICER MAY NOT CERTIFY OR ATTEST
20 A COPY OF A PUBLIC RECORD OF THIS STATE.

21 E. A NOTARIAL OFFICER WHO MAKES OR NOTES A PROTEST OF A NEGOTIABLE
22 INSTRUMENT SHALL DETERMINE THE MATTERS SET FORTH IN SECTION 47-3505,
23 SUBSECTION B.

24 F. A NOTARY PUBLIC WHO PERFORMS A NOTARIAL ACT FOR AN INDIVIDUAL
25 SHALL COMMUNICATE WITH THE INDIVIDUAL THROUGH EITHER OF THE FOLLOWING:

26 1. DIRECTLY IN A LANGUAGE THAT BOTH THE NOTARY PUBLIC AND THE
27 INDIVIDUAL UNDERSTAND.

28 2. INDIRECTLY THROUGH A TRANSLATOR WHO COMMUNICATES DIRECTLY WITH
29 THE NOTARY PUBLIC AND THE INDIVIDUAL IN LANGUAGES THAT THE TRANSLATOR
30 UNDERSTANDS.

1 41-254. Personal appearance required

2 A. IF A NOTARIAL ACT RELATES TO A STATEMENT MADE IN OR A SIGNATURE
3 EXECUTED ON A RECORD, THE INDIVIDUAL MAKING THE STATEMENT OR EXECUTING THE
4 SIGNATURE SHALL APPEAR PERSONALLY BEFORE THE NOTARIAL OFFICER.

5 B. IF A NOTARIAL ACT INVOLVES A TRANSLATOR UNDER SECTION 41-253,
6 SUBSECTION F, THE TRANSLATOR SHALL APPEAR PERSONALLY BEFORE THE NOTARY
7 PUBLIC.

8 41-255. Identification of individual

9 A. A NOTARIAL OFFICER HAS PERSONAL KNOWLEDGE OF THE IDENTITY OF AN
10 INDIVIDUAL APPEARING BEFORE THE OFFICER IF THE INDIVIDUAL IS PERSONALLY
11 KNOWN TO THE NOTARIAL OFFICER THROUGH DEALINGS SUFFICIENT TO PROVIDE
12 REASONABLE CERTAINTY THAT THE INDIVIDUAL HAS THE IDENTITY CLAIMED.

13 B. A NOTARIAL OFFICER HAS SATISFACTORY EVIDENCE OF THE IDENTITY OF
14 AN INDIVIDUAL APPEARING BEFORE THE NOTARIAL OFFICER IF THE OFFICER CAN
15 IDENTIFY THE INDIVIDUAL:

16 1. BY MEANS OF:

17 (a) AN UNEXPIRED UNITED STATES PASSPORT OR A STATE-ISSUED DRIVER
18 LICENSE OR NONOPERATING IDENTIFICATION LICENSE.

19 (b) AN UNEXPIRED IDENTIFICATION CARD ISSUED BY ANY BRANCH OF THE
20 UNITED STATES ARMED FORCES.

21 (c) ANOTHER FORM OF UNEXPIRED GOVERNMENT IDENTIFICATION ISSUED BY
22 THE UNITED STATES, A STATE OR A TRIBAL GOVERNMENT TO AN INDIVIDUAL THAT
23 CONTAINS THE SIGNATURE OR A PHOTOGRAPH AND PHYSICAL DESCRIPTION OF THE
24 INDIVIDUAL AND THAT IS SATISFACTORY TO THE NOTARIAL OFFICER.

25 (d) AN INMATE IDENTIFICATION CARD ISSUED BY THE STATE DEPARTMENT OF
26 CORRECTIONS OR FEDERAL BUREAU OF PRISONS, IF THE INMATE IS IN STATE OR
27 FEDERAL CUSTODY.

28 (e) AN INMATE IDENTIFICATION CARD ISSUED BY A COUNTY SHERIFF, IF THE
29 INMATE IS IN THE CUSTODY OF THE COUNTY SHERIFF.

1 2. BY VERIFICATION ON OATH OR AFFIRMATION OF A CREDIBLE WITNESS
2 PERSONALLY APPEARING BEFORE THE OFFICER AND KNOWN TO THE NOTARIAL OFFICER
3 OR WHOM THE NOTARIAL OFFICER CAN IDENTIFY ON THE BASIS OF SATISFACTORY
4 EVIDENCE OF IDENTITY PURSUANT TO PARAGRAPH 1 OF THIS SUBSECTION.

5 C. IN ADDITION TO SUBSECTION B OF THIS SECTION, FOR THE PURPOSES OF
6 A REAL ESTATE CONVEYANCE OR FINANCING, A NOTARIAL OFFICER HAS SATISFACTORY
7 EVIDENCE OF THE IDENTITY OF AN INDIVIDUAL APPEARING BEFORE THE OFFICER IF
8 THE OFFICER CAN IDENTIFY THE INDIVIDUAL BY MEANS OF EITHER OF THE
9 FOLLOWING:

10 1. AN UNEXPIRED PASSPORT ISSUED BY A NATIONAL GOVERNMENT OTHER THAN
11 THE UNITED STATES GOVERNMENT THAT IS ACCOMPANIED BY AN UNEXPIRED VISA OR
12 OTHER DOCUMENTATION ISSUED BY THE UNITED STATES GOVERNMENT AND THAT IS
13 NECESSARY TO ESTABLISH THE INDIVIDUAL'S LEGAL PRESENCE IN THE UNITED
14 STATES.

15 2. AN UNEXPIRED IDENTIFICATION CARD THAT IS DEEMED ACCEPTABLE BY THE
16 UNITED STATES DEPARTMENT OF HOMELAND SECURITY TO ESTABLISH THE INDIVIDUAL'S
17 LEGAL PRESENCE IN THE UNITED STATES AND THAT IS ACCOMPANIED BY SUPPORTING
18 DOCUMENTS AS REQUIRED BY THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY.

19 D. A NOTARIAL OFFICER MAY REQUIRE AN INDIVIDUAL TO PROVIDE
20 ADDITIONAL INFORMATION OR IDENTIFICATION CREDENTIALS NECESSARY TO ASSURE
21 THE NOTARIAL OFFICER OF THE INDIVIDUAL'S IDENTITY.

22 41-256. Authority to refuse to perform notarial acts

23 A. A NOTARIAL OFFICER MAY REFUSE TO PERFORM A NOTARIAL ACT IF THE
24 NOTARIAL OFFICER IS NOT SATISFIED THAT EITHER:

25 1. THE INDIVIDUAL EXECUTING THE RECORD IS COMPETENT OR HAS THE
26 CAPACITY TO EXECUTE THE RECORD.

27 2. THE INDIVIDUAL'S SIGNATURE IS KNOWINGLY AND VOLUNTARILY MADE.

28 B. A NOTARIAL OFFICER MAY REFUSE TO PERFORM A NOTARIAL ACT UNLESS
29 REFUSAL IS PROHIBITED BY ANY LAW OTHER THAN THIS ARTICLE.

41-257. Signature if individual unable to sign

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

A. A NOTARIAL ACT MAY BE PERFORMED IN THIS STATE BY ANY OF THE FOLLOWING:

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 INDIVIDUAL WHO IS AUTHORIZED TO PERFORM THE SPECIFIC ACT BY THE LAW 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 DESCRIBED IN SUBSECTION A, PARAGRAPH 1, 2 OR 3 OF THIS SECTION CONCLUSIVELY ESTABLISH THE AUTHORITY OF THE OFFICER TO PERFORM THE NOTARIAL ACT.

41-259. Notarial act in another state

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.

1 B. THE SIGNATURE AND TITLE OF AN INDIVIDUAL PERFORMING A NOTARIAL
2 ACT IN ANOTHER STATE ARE PRIMA FACIE EVIDENCE THAT THE SIGNATURE IS GENUINE
3 AND THAT THE INDIVIDUAL HOLDS THE DESIGNATED TITLE.

4 C. THE SIGNATURE AND TITLE OF A NOTARIAL OFFICER DESCRIBED IN
5 SUBSECTION A, PARAGRAPH 1 OR 2 OF THIS SECTION CONCLUSIVELY ESTABLISH THE
6 AUTHORITY OF THE OFFICER TO PERFORM THE NOTARIAL ACT.

7 41-260. Notarial act under authority of federally recognized
8 Indian tribes

9 A. A NOTARIAL ACT PERFORMED UNDER THE AUTHORITY AND IN THE
10 JURISDICTION OF A FEDERALLY RECOGNIZED INDIAN TRIBE HAS THE SAME EFFECT AS
11 IF PERFORMED BY A NOTARIAL OFFICER OF THIS STATE, IF THE ACT PERFORMED IN
12 THE JURISDICTION OF THE TRIBE IS PERFORMED BY ANY OF THE FOLLOWING:

- 13 1. A NOTARY PUBLIC OF THE TRIBE.
14 2. A JUDGE, CLERK OR DEPUTY CLERK OF A COURT OF THE TRIBE.
15 3. ANY OTHER INDIVIDUAL WHO IS AUTHORIZED BY THE LAWS OF THE TRIBE
16 TO PERFORM THE NOTARIAL ACT.

17 B. THE SIGNATURE AND TITLE OF AN INDIVIDUAL PERFORMING A NOTARIAL
18 ACT UNDER THE AUTHORITY OF AND IN THE JURISDICTION OF A FEDERALLY
19 RECOGNIZED INDIAN TRIBE ARE PRIMA FACIE EVIDENCE THAT THE SIGNATURE IS
20 GENUINE AND THAT THE INDIVIDUAL HOLDS THE DESIGNATED TITLE.

21 C. THE SIGNATURE AND TITLE OF A NOTARIAL OFFICER DESCRIBED IN
22 SUBSECTION A, PARAGRAPH 1 OR 2 OF THIS SECTION CONCLUSIVELY ESTABLISH THE
23 AUTHORITY OF THE OFFICER TO PERFORM THE NOTARIAL ACT.

24 41-261. Notarial act under federal authority

25 A. A NOTARIAL ACT PERFORMED UNDER FEDERAL LAW HAS THE SAME EFFECT
26 UNDER THE LAWS OF THIS STATE AS IF PERFORMED BY A NOTARIAL OFFICER OF THIS
27 STATE, IF THE ACT PERFORMED UNDER FEDERAL LAW IS PERFORMED BY ANY OF THE
28 FOLLOWING:

- 29 1. A JUDGE, CLERK OR DEPUTY CLERK OF A COURT.
30 2. AN INDIVIDUAL WHO IS IN MILITARY SERVICE OR PERFORMING DUTIES
31 UNDER THE AUTHORITY OF MILITARY SERVICE AND WHO IS AUTHORIZED TO PERFORM
32 NOTARIAL ACTS UNDER FEDERAL LAW.

1 3. AN INDIVIDUAL WHO IS DESIGNATED A NOTARIZING OFFICER BY THE
2 UNITED STATES DEPARTMENT OF STATE FOR PERFORMING NOTARIAL ACTS OVERSEAS.

3 4. ANY OTHER INDIVIDUAL WHO IS AUTHORIZED BY FEDERAL LAW TO PERFORM
4 THE NOTARIAL ACT.

5 B. THE SIGNATURE AND TITLE OF AN INDIVIDUAL ACTING UNDER FEDERAL
6 AUTHORITY AND PERFORMING A NOTARIAL ACT ARE PRIMA FACIE EVIDENCE THAT THE
7 SIGNATURE IS GENUINE AND THAT THE INDIVIDUAL HOLDS THE DESIGNATED TITLE.

8 C. THE SIGNATURE AND TITLE OF AN OFFICER DESCRIBED IN SUBSECTION A,
9 PARAGRAPH 1, 2 OR 3 OF THIS SECTION CONCLUSIVELY ESTABLISH THE AUTHORITY OF
10 THE OFFICER TO PERFORM THE NOTARIAL ACT.

11 41-262. Foreign notarial act; definition

12 A. IF A NOTARIAL ACT IS PERFORMED UNDER AUTHORITY AND IN THE
13 JURISDICTION OF A FOREIGN STATE OR CONSTITUENT UNIT OF THE FOREIGN STATE OR
14 IS PERFORMED UNDER THE AUTHORITY OF A MULTINATIONAL OR INTERNATIONAL
15 GOVERNMENTAL ORGANIZATION, THE ACT HAS THE SAME EFFECT UNDER THE LAWS OF
16 THIS STATE AS IF PERFORMED BY A NOTARIAL OFFICER OF THIS STATE.

17 B. IF THE TITLE OF OFFICE AND INDICATION OF AUTHORITY TO PERFORM
18 NOTARIAL ACTS IN A FOREIGN STATE APPEAR IN A DIGEST OF FOREIGN LAW OR IN A
19 LIST CUSTOMARILY USED AS A SOURCE FOR THAT INFORMATION, THE AUTHORITY OF AN
20 OFFICER WITH THAT TITLE TO PERFORM NOTARIAL ACTS IS CONCLUSIVELY
21 ESTABLISHED.

22 C. THE SIGNATURE AND OFFICIAL STAMP OF AN INDIVIDUAL HOLDING AN
23 OFFICE DESCRIBED IN SUBSECTION B OF THIS SECTION ARE PRIMA FACIE EVIDENCE
24 THAT THE SIGNATURE IS GENUINE AND THE INDIVIDUAL HOLDS THE DESIGNATED
25 TITLE.

26 D. AN APOSTILLE IN THE FORM PRESCRIBED BY THE HAGUE CONVENTION OF
27 OCTOBER 5, 1961 AND ISSUED BY A FOREIGN STATE PARTY TO THE CONVENTION
28 CONCLUSIVELY ESTABLISHES THAT THE SIGNATURE OF THE NOTARIAL OFFICER IS
29 GENUINE AND THAT THE OFFICER HOLDS THE INDICATED OFFICE.

30 E. A CONSULAR AUTHENTICATION ISSUED BY AN INDIVIDUAL DESIGNATED BY
31 THE UNITED STATES DEPARTMENT OF STATE AS A NOTARIZING OFFICER FOR
32 PERFORMING NOTARIAL ACTS OVERSEAS AND ATTACHED TO THE RECORD WITH RESPECT

1 TO WHICH THE NOTARIAL ACT IS PERFORMED CONCLUSIVELY ESTABLISHES THAT THE
2 SIGNATURE OF THE NOTARIAL OFFICER IS GENUINE AND THAT THE OFFICER HOLDS THE
3 INDICATED OFFICE.

4 F. FOR THE PURPOSES OF THIS SECTION, "FOREIGN STATE" MEANS A
5 GOVERNMENT OTHER THAN THE UNITED STATES, A STATE OR A FEDERALLY RECOGNIZED
6 INDIAN TRIBE.

7 41-263. Notarial act performed for remotely located
8 individual: definitions

9 A. A REMOTELY LOCATED INDIVIDUAL MAY COMPLY WITH SECTION 41-254 BY
10 USING COMMUNICATION TECHNOLOGY TO APPEAR BEFORE A NOTARY PUBLIC.

11 B. A NOTARY PUBLIC LOCATED IN THIS STATE MAY PERFORM A NOTARIAL ACT
12 USING COMMUNICATION TECHNOLOGY FOR A REMOTELY LOCATED INDIVIDUAL IF:

13 1. THE NOTARY PUBLIC HAS ANY OF THE FOLLOWING:

14 (a) PERSONAL KNOWLEDGE UNDER SECTION 41-255, SUBSECTION A OF THE
15 REMOTELY LOCATED INDIVIDUAL'S IDENTITY.

16 (b) SATISFACTORY EVIDENCE OF THE IDENTITY OF THE INDIVIDUAL BY OATH
17 OR AFFIRMATION FROM A CREDIBLE WITNESS APPEARING BEFORE AND IDENTIFIED BY
18 THE NOTARY PUBLIC UNDER SECTION 41-255, SUBSECTION B OR THIS SECTION.

19 (c) SATISFACTORY EVIDENCE OF THE IDENTITY OF THE REMOTELY LOCATED
20 INDIVIDUAL BY USING AT LEAST TWO DIFFERENT TYPES OF IDENTITY PROOFING.

21 2. THE NOTARY PUBLIC IS ABLE REASONABLY TO CONFIRM THAT A RECORD
22 BEFORE THE NOTARY PUBLIC IS THE SAME RECORD IN WHICH THE REMOTELY LOCATED
23 INDIVIDUAL MADE A STATEMENT OR ON WHICH THE INDIVIDUAL EXECUTED A
24 SIGNATURE.

25 3. THE NOTARY PUBLIC, OR A PERSON ACTING ON BEHALF OF THE NOTARY
26 PUBLIC, CREATES AN AUDIOVISUAL RECORDING OF THE PERFORMANCE OF THE NOTARIAL
27 ACT.

28 4. FOR A REMOTELY LOCATED INDIVIDUAL LOCATED OUTSIDE THE UNITED
29 STATES, BOTH OF THE FOLLOWING APPLY:

30 (a) THE RECORD EITHER:

1 (i) IS TO BE FILED WITH OR RELATES TO A MATTER BEFORE A PUBLIC
2 OFFICIAL OR COURT, GOVERNMENTAL ENTITY OR OTHER ENTITY SUBJECT TO THE
3 JURISDICTION OF THE UNITED STATES.

4 (ii) INVOLVES PROPERTY LOCATED IN THE TERRITORIAL JURISDICTION OF
5 THE UNITED STATES OR INVOLVES A TRANSACTION SUBSTANTIALLY CONNECTED WITH
6 THE UNITED STATES.

7 (b) THE NOTARY PUBLIC HAS NO ACTUAL KNOWLEDGE THAT THE ACT OF MAKING
8 THE STATEMENT OR SIGNING THE RECORD IS PROHIBITED BY THE FOREIGN STATE IN
9 WHICH THE REMOTELY LOCATED INDIVIDUAL IS LOCATED.

10 C. IF A NOTARIAL ACT IS PERFORMED UNDER THIS SECTION, THE
11 CERTIFICATE OF NOTARIAL ACT REQUIRED BY SECTION 41-264 AND THE SHORT FORM
12 CERTIFICATE PROVIDED IN SECTION 41-265 MUST INDICATE THAT THE NOTARIAL ACT
13 WAS PERFORMED USING COMMUNICATION TECHNOLOGY.

14 D. A SHORT FORM CERTIFICATE PROVIDED IN SECTION 41-265 FOR A
15 NOTARIAL ACT SUBJECT TO THIS SECTION IS SUFFICIENT IF EITHER OF THE
16 FOLLOWING APPLIES:

17 1. THE FORM OF CERTIFICATE COMPLIES WITH RULES ADOPTED UNDER
18 SUBSECTION G, PARAGRAPH 1 OF THIS SECTION.

19 2. THE CERTIFICATE IS IN THE FORM PROVIDED IN SECTION 41-265 AND
20 CONTAINS A STATEMENT SUBSTANTIALLY AS FOLLOWS: "THIS NOTARIAL ACT INVOLVED
21 THE USE OF COMMUNICATION TECHNOLOGY."

22 E. A NOTARY PUBLIC, A GUARDIAN, CONSERVATOR OR AGENT OF A NOTARY
23 PUBLIC OR A PERSONAL REPRESENTATIVE OF A DECEASED NOTARY PUBLIC SHALL
24 RETAIN THE AUDIOVISUAL RECORDING CREATED UNDER SUBSECTION B, PARAGRAPH 3 OF
25 THIS SECTION OR CAUSE THE RECORDING TO BE RETAINED BY A REPOSITORY
26 DESIGNATED BY OR ON BEHALF OF THE PERSON REQUIRED TO RETAIN THE RECORDING.
27 UNLESS A DIFFERENT PERIOD IS REQUIRED BY RULE ADOPTED UNDER SUBSECTION G,
28 PARAGRAPH 4 OF THIS SECTION, THE RECORDING MUST BE RETAINED FOR A PERIOD OF
29 AT LEAST FIVE YEARS AFTER THE RECORDING IS MADE.

30 F. BEFORE A NOTARY PUBLIC PERFORMS THE NOTARY PUBLIC'S INITIAL
31 NOTARIAL ACT UNDER THIS SECTION, THE NOTARY PUBLIC MUST NOTIFY THE
32 SECRETARY OF STATE THAT THE NOTARY PUBLIC WILL BE PERFORMING NOTARIAL ACTS

1 WITH RESPECT TO REMOTELY LOCATED INDIVIDUALS AND IDENTIFY THE TECHNOLOGIES
2 THE NOTARY PUBLIC INTENDS TO USE. IF THE SECRETARY OF STATE HAS
3 ESTABLISHED STANDARDS UNDER SUBSECTION G OF THIS SECTION AND SECTION 41-275
4 FOR APPROVAL OF COMMUNICATION TECHNOLOGY OR IDENTITY PROOFING, THE
5 COMMUNICATION TECHNOLOGY AND IDENTITY PROOFING MUST CONFORM TO THE
6 STANDARDS.

7 G. IN ADDITION TO ADOPTING RULES UNDER SECTION 41-275, ON OR BEFORE
8 JULY 1, 2021, THE SECRETARY OF STATE SHALL ADOPT RULES UNDER THIS SECTION
9 REGARDING PERFORMANCE OF NOTARIAL ACTS FOR REMOTELY LOCATED INDIVIDUALS.
10 THE RULES MAY:

11 1. PRESCRIBE THE MEANS OF PERFORMING A NOTARIAL ACT INVOLVING A
12 REMOTELY LOCATED INDIVIDUAL USING COMMUNICATION TECHNOLOGY.

13 2. ESTABLISH STANDARDS FOR COMMUNICATION TECHNOLOGY AND IDENTITY
14 PROOFING.

15 3. ESTABLISH REQUIREMENTS OR PROCEDURES TO APPROVE PROVIDERS OF
16 COMMUNICATION TECHNOLOGY AND THE PROCESS OF IDENTITY PROOFING.

17 4. ESTABLISH STANDARDS AND A PERIOD FOR THE RETENTION OF AN
18 AUDIOVISUAL RECORDING CREATED UNDER SUBSECTION B, PARAGRAPH 3 OF THIS
19 SECTION.

20 H. BEFORE ADOPTING, AMENDING OR REPEALING A RULE GOVERNING
21 PERFORMANCE OF A NOTARIAL ACT WITH RESPECT TO A REMOTELY LOCATED
22 INDIVIDUAL, THE SECRETARY OF STATE MUST CONSIDER:

23 1. THE MOST RECENT STANDARDS REGARDING THE PERFORMANCE OF A NOTARIAL
24 ACT WITH RESPECT TO A REMOTELY LOCATED INDIVIDUAL ADOPTED BY NATIONAL
25 STANDARD-SETTING ORGANIZATIONS AND THE RECOMMENDATIONS OF THE NATIONAL
26 ASSOCIATION OF SECRETARIES OF STATE.

27 2. STANDARDS, PRACTICES AND CUSTOMS OF OTHER JURISDICTIONS THAT HAVE
28 LAWS SUBSTANTIALLY SIMILAR TO THIS SECTION.

29 3. THE VIEWS OF GOVERNMENTAL OFFICIALS AND ENTITIES AND OTHER
30 INTERESTED PERSONS.

31 I. FOR THE PURPOSES OF THIS SECTION:

1 1. "COMMUNICATION TECHNOLOGY" MEANS AN ELECTRONIC DEVICE OR PROCESS
2 THAT:

3 (a) ALLOWS A NOTARY PUBLIC AND A REMOTELY LOCATED INDIVIDUAL TO
4 COMMUNICATE WITH EACH OTHER SIMULTANEOUSLY BY SIGHT AND SOUND.

5 (b) WHEN NECESSARY AND CONSISTENT WITH OTHER APPLICABLE LAW,
6 FACILITATES COMMUNICATION WITH A REMOTELY LOCATED INDIVIDUAL WHO HAS A
7 VISION, HEARING OR SPEECH IMPAIRMENT.

8 2. "FOREIGN STATE" MEANS A JURISDICTION OTHER THAN THE UNITED
9 STATES, A STATE OR A FEDERALLY RECOGNIZED INDIAN TRIBE.

10 3. "IDENTITY PROOFING" MEANS A PROCESS OR SERVICE BY WHICH A THIRD
11 PERSON PROVIDES A NOTARY PUBLIC WITH A MEANS TO VERIFY THE IDENTITY OF A
12 REMOTELY LOCATED INDIVIDUAL BY A REVIEW OF PERSONAL INFORMATION FROM PUBLIC
13 OR PRIVATE DATA SOURCES.

14 4. "OUTSIDE THE UNITED STATES" MEANS A LOCATION OUTSIDE THE
15 GEOGRAPHIC BOUNDARIES OF THE UNITED STATES, PUERTO RICO, THE UNITED STATES
16 VIRGIN ISLANDS AND ANY TERRITORY, INSULAR POSSESSION OR OTHER LOCATION
17 SUBJECT TO THE JURISDICTION OF THE UNITED STATES.

18 5. "REMOTELY LOCATED INDIVIDUAL" MEANS AN INDIVIDUAL WHO IS NOT IN
19 THE PHYSICAL PRESENCE OF THE NOTARY PUBLIC WHO PERFORMS A NOTARIAL ACT
20 UNDER SUBSECTION B OF THIS SECTION.

21 41-264. Certificate of notarial act

22 A. A NOTARIAL ACT MUST BE EVIDENCED BY A CERTIFICATE. THE
23 CERTIFICATE MUST:

24 1. BE EXECUTED CONTEMPORANEOUSLY WITH THE PERFORMANCE OF THE
25 NOTARIAL ACT.

26 2. BE SIGNED AND DATED BY THE NOTARIAL OFFICER AND, IF THE NOTARIAL
27 OFFICER IS A NOTARY PUBLIC, BE SIGNED IN THE SAME MANNER AS ON FILE WITH
28 THE SECRETARY OF STATE.

29 3. IDENTIFY THE JURISDICTION IN WHICH THE NOTARIAL ACT IS PERFORMED.

30 4. CONTAIN THE TITLE OF OFFICE OF THE NOTARIAL OFFICER.

31 5. IF THE NOTARIAL OFFICER IS A NOTARY PUBLIC, INDICATE THE DATE OF
32 EXPIRATION OF THE OFFICER'S COMMISSION.

1 6. BE WORDED AND COMPLETED USING ONLY LETTERS, CHARACTERS AND A
2 LANGUAGE THAT ARE READ, WRITTEN AND UNDERSTOOD BY THE NOTARY PUBLIC.

3 B. IF A NOTARIAL ACT REGARDING A TANGIBLE RECORD IS PERFORMED BY A
4 NOTARY PUBLIC, AN OFFICIAL STAMP MUST BE AFFIXED TO THE CERTIFICATE. IF A
5 NOTARIAL ACT IS PERFORMED REGARDING A TANGIBLE RECORD BY A NOTARIAL OFFICER
6 OTHER THAN A NOTARY PUBLIC AND THE CERTIFICATE CONTAINS THE INFORMATION
7 SPECIFIED IN SUBSECTION A, PARAGRAPHS 2, 3 AND 4 OF THIS SECTION, AN
8 OFFICIAL STAMP MAY BE AFFIXED TO THE CERTIFICATE. IF A NOTARIAL ACT
9 REGARDING AN ELECTRONIC RECORD IS PERFORMED BY A NOTARIAL OFFICER AND THE
10 CERTIFICATE CONTAINS THE INFORMATION SPECIFIED IN SUBSECTION A, PARAGRAPHS
11 2, 3, 4 AND 5 OF THIS SECTION AN OFFICIAL STAMP MAY BE ATTACHED TO OR
12 LOGICALLY ASSOCIATED WITH THE CERTIFICATE.

13 C. A CERTIFICATE OF A NOTARIAL ACT IS SUFFICIENT IF IT MEETS THE
14 REQUIREMENTS OF SUBSECTIONS A AND B OF THIS SECTION AND ANY OF THE
15 FOLLOWING:

- 16 1. IT IS IN A SHORT FORM SET FORTH IN SECTION 41-265.
17 2. IT IS IN A FORM OTHERWISE ALLOWED BY THE LAW OF THIS STATE.
18 3. IT IS IN A FORM ALLOWED BY THE LAW APPLICABLE IN THE JURISDICTION
19 IN WHICH THE NOTARIAL ACT WAS PERFORMED.
20 4. IT SETS FORTH THE ACTIONS OF THE NOTARIAL OFFICER AND THE ACTIONS
21 ARE SUFFICIENT TO MEET THE REQUIREMENTS OF THE NOTARIAL ACT AS PROVIDED IN
22 SECTIONS 41-253, 41-254 AND 41-255 OR THE LAWS OF THIS STATE OTHER THAN
23 THIS ARTICLE.

24 D. BY EXECUTING A CERTIFICATE OF A NOTARIAL ACT, A NOTARIAL OFFICER
25 CERTIFIES THAT THE OFFICER HAS COMPLIED WITH THE REQUIREMENTS AND MADE THE
26 DETERMINATIONS SPECIFIED IN SECTIONS 41-252, 41-253 AND 41-254.

27 E. A NOTARIAL OFFICER MAY NOT AFFIX THE NOTARIAL OFFICER'S SIGNATURE
28 TO OR LOGICALLY ASSOCIATE IT WITH A CERTIFICATE UNTIL THE NOTARIAL ACT HAS
29 BEEN PERFORMED.

30 F. IF A NOTARIAL ACT IS PERFORMED REGARDING A TANGIBLE RECORD, A
31 CERTIFICATE MUST BE PART OF OR SECURELY ATTACHED TO THE RECORD. IF THE
32 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

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

1 BY _____
2 NAME(S) OF INDIVIDUAL(S)
3 AS (TYPE OF AUTHORITY, SUCH AS OFFICER OR TRUSTEE) OF (NAME OF
4 PARTY ON BEHALF OF WHOM RECORD WAS EXECUTED).

5 _____
6 SIGNATURE OF NOTARIAL OFFICER
7 STAMP
8 (_____)

9 TITLE OF OFFICE
10 (MY COMMISSION EXPIRES: _____)
11 3. FOR A VERIFICATION ON OATH OR AFFIRMATION:
12 STATE OF _____
13 (COUNTY) OF _____
14 SIGNED AND SWORN TO (OR AFFIRMED) BEFORE ME ON _____
15 DATE

16 BY _____
17 NAME(S) OF INDIVIDUAL(S) MAKING STATEMENT

18 _____
19 SIGNATURE OF NOTARIAL OFFICER
20 STAMP
21 (_____)

22 TITLE OF OFFICE
23 (MY COMMISSION EXPIRES: _____)
24 4. FOR WITNESSING OR ATTESTING A SIGNATURE:
25 STATE OF _____
26 (COUNTY) OF _____
27 SIGNED (OR ATTESTED) BEFORE ME ON _____
28 DATE

29 BY _____
30 NAME(S) OF INDIVIDUAL(S)

31 _____
32 SIGNATURE OF NOTARIAL OFFICER

1 STAMP

2 (_____)

3 TITLE OF OFFICE

4 (MY COMMISSION EXPIRES: _____)

5 5. FOR CERTIFYING A COPY OF A RECORD:

6 STATE OF _____

7 (COUNTY) OF _____

8 I CERTIFY THAT THIS IS A TRUE AND CORRECT COPY OF A
9 RECORD IN THE POSSESSION OF _____.

10 DATED _____

11 _____

12 SIGNATURE OF NOTARIAL OFFICER

13 STAMP

14 (_____)

15 TITLE OF OFFICE

16 (MY COMMISSION EXPIRES: _____)

17 6. FOR CERTIFYING A TANGIBLE COPY OF AN ELECTRONIC RECORD:

18 STATE OF _____

19 (COUNTY) OF _____

20 I CERTIFY THAT THE FOREGOING COPY OF A RECORD (ENTITLED
21 _____) (DATED _____) AND CONTAINING _____ PAGES IS AN
22 ACCURATE COPY OF AN ELECTRONIC RECORD.

23 DATED _____

24 _____

25 SIGNATURE OF NOTARIAL OFFICER

26 STAMP

27 (_____)

28 TITLE OF OFFICE

29 (MY COMMISSION EXPIRES: _____)

41-266. Official stamp

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

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.

1 B. A VENDOR OF STAMPING DEVICES MAY NOT PROVIDE A STAMPING DEVICE TO
2 AN INDIVIDUAL UNLESS THE INDIVIDUAL PRESENTS A COPY OF THE INDIVIDUAL'S
3 COMMISSION. THE VENDOR MUST RETAIN THE COPY FOR FOUR YEARS.

4 C. A NOTARY PUBLIC MAY POSSESS ONLY ONE PHYSICAL STAMPING DEVICE FOR
5 USE WITH NOTARIAL ACTS PERFORMED REGARDING TANGIBLE RECORDS. A NOTARY
6 PUBLIC MAY POSSESS AN EMBOSSEY IN ADDITION TO THE NOTARY PUBLIC'S PHYSICAL
7 STAMPING DEVICE. A NOTARY PUBLIC MAY USE AN EMBOSSEY ONLY IN CONJUNCTION
8 WITH THE NOTARY PUBLIC'S PHYSICAL STAMPING DEVICE. AN EMBOSSEY OR AN
9 IMPRESSION MADE BY THE EMBOSSEY IS NOT AN OFFICIAL SEAL OF OFFICE FOR THE
10 PURPOSES OF THE LAWS OF THIS STATE.

11 D. A PERSON WHO KNOWINGLY VIOLATES SUBSECTION B OF THIS SECTION IS
12 GUILTY OF A CLASS 6 FELONY. A PERSON WHO VIOLATES SUBSECTION C OF THIS
13 SECTION IS GUILTY OF A CLASS 3 MISDEMEANOR.

14 41-268. Notification regarding performance of notarial act on
15 electronic record; selection of technology;
16 acceptance of tangible copy of electronic record

17 A. A NOTARY PUBLIC MAY SELECT ONE OR MORE TAMPER-EVIDENT
18 TECHNOLOGIES TO PERFORM NOTARIAL ACTS WITH RESPECT TO ELECTRONIC RECORDS.
19 A PERSON MAY NOT REQUIRE A NOTARY PUBLIC TO PERFORM A NOTARIAL ACT WITH
20 RESPECT TO AN ELECTRONIC RECORD WITH A TECHNOLOGY THAT THE NOTARY PUBLIC
21 HAS NOT SELECTED.

22 B. BEFORE A NOTARY PUBLIC PERFORMS THE NOTARY PUBLIC'S INITIAL
23 NOTARIAL ACT WITH RESPECT TO AN ELECTRONIC RECORD, A NOTARY PUBLIC SHALL
24 NOTIFY THE SECRETARY OF STATE THAT THE NOTARY PUBLIC WILL BE PERFORMING
25 NOTARIAL ACTS WITH RESPECT TO ELECTRONIC RECORDS AND IDENTIFY THE
26 TECHNOLOGY THE NOTARY PUBLIC INTENDS TO USE. IF THE SECRETARY OF STATE HAS
27 ESTABLISHED STANDARDS FOR APPROVAL OF TECHNOLOGY PURSUANT TO SECTION
28 41-275, THE TECHNOLOGY MUST CONFORM TO THE STANDARDS. IF THE TECHNOLOGY
29 CONFORMS TO THE STANDARDS, THE SECRETARY OF STATE SHALL APPROVE THE USE OF
30 THE TECHNOLOGY.

1 C. A COUNTY RECORDER SHALL ACCEPT FOR RECORDING A TANGIBLE COPY OF
2 AN ELECTRONIC RECORD CONTAINING A NOTARIAL CERTIFICATE AS SATISFYING ANY
3 REQUIREMENT THAT A RECORD ACCEPTED FOR RECORDING BE AN ORIGINAL, IF THE
4 NOTARIAL OFFICER EXECUTING THE NOTARIAL CERTIFICATE CERTIFIES THAT THE
5 TANGIBLE COPY IS AN ACCURATE COPY OF THE ELECTRONIC RECORD.

6 41-269. Commission as notary public; confidential information;
7 qualifications; assurance; no immunity or benefit

8 A. AN INDIVIDUAL QUALIFIED UNDER SUBSECTION B OF THIS SECTION MAY
9 APPLY TO THE SECRETARY OF STATE FOR A COMMISSION AS A NOTARY PUBLIC. THE
10 APPLICANT SHALL COMPLY WITH AND PROVIDE THE INFORMATION REQUIRED BY RULES
11 ESTABLISHED BY THE SECRETARY OF STATE AND PAY ANY APPLICATION FEE. EXCEPT
12 FOR THE APPLICANT'S NAME AND BUSINESS ADDRESS, ALL INFORMATION PROVIDED ON
13 THE APPLICATION IS CONFIDENTIAL AND MAY NOT BE DISCLOSED TO ANY PERSON
14 OTHER THAN THE APPLICANT, THE APPLICANT'S GUARDIAN OR PERSONAL
15 REPRESENTATIVE OR AN EMPLOYEE OR OFFICER OF THE FEDERAL, STATE OR LOCAL
16 GOVERNMENT WHO IS ACTING IN AN OFFICIAL CAPACITY. THE SECRETARY OF STATE
17 SHALL USE THE INFORMATION PROVIDED ON THE APPLICATION ONLY FOR CARRYING OUT
18 THE PURPOSES OF THIS ARTICLE.

19 B. AN APPLICANT FOR A COMMISSION AS A NOTARY PUBLIC MUST:

- 20 1. BE AT LEAST EIGHTEEN YEARS OF AGE.
- 21 2. BE A CITIZEN OR PERMANENT LEGAL RESIDENT OF THE UNITED STATES.
- 22 3. BE A RESIDENT OF THIS STATE FOR INCOME TAX PURPOSES AND CLAIM THE
23 INDIVIDUAL'S RESIDENCE IN THIS STATE AS THE INDIVIDUAL'S PRIMARY RESIDENCE
24 ON STATE AND FEDERAL TAX RETURNS.
- 25 4. BE ABLE TO READ, WRITE AND UNDERSTAND ENGLISH.
- 26 5. NOT BE DISQUALIFIED TO RECEIVE A COMMISSION UNDER SECTION 41-271.
- 27 6. HAVE PASSED THE EXAMINATION DESCRIBED IN SECTION 41-270 IF
28 REQUIRED BY THE SECRETARY OF STATE.
- 29 7. KEEP AS A REFERENCE A MANUAL THAT IS APPROVED BY THE SECRETARY OF
30 STATE AND THAT DESCRIBES THE DUTIES, AUTHORITY AND ETHICAL RESPONSIBILITIES
31 OF A NOTARY PUBLIC.

1 C. BEFORE A COMMISSION AS A NOTARY PUBLIC IS ISSUED, AN APPLICANT
2 FOR THE COMMISSION SHALL EXECUTE AN OATH OF OFFICE AND SUBMIT IT TO THE
3 SECRETARY OF STATE.

4 D. BEFORE ISSUANCE OF A COMMISSION AS A NOTARY PUBLIC, THE APPLICANT
5 FOR A COMMISSION SHALL SUBMIT TO THE SECRETARY OF STATE AN ASSURANCE IN THE
6 FORM OF A SURETY BOND IN THE AMOUNT OF \$5,000. THE ASSURANCE MUST BE
7 ISSUED BY A SURETY OR OTHER ENTITY LICENSED OR AUTHORIZED TO DO BUSINESS IN
8 THIS STATE. THE ASSURANCE MUST COVER ACTS PERFORMED DURING THE TERM OF THE
9 NOTARY PUBLIC'S COMMISSION AND MUST BE IN THE FORM PRESCRIBED BY THE
10 SECRETARY OF STATE. IF A NOTARY PUBLIC VIOLATES ANY LAW WITH RESPECT TO
11 NOTARIES PUBLIC IN THIS STATE, THE SURETY OR ISSUING ENTITY IS LIABLE UNDER
12 THE ASSURANCE. THE SURETY OR ISSUING ENTITY SHALL GIVE THIRTY DAYS' NOTICE
13 TO THE SECRETARY OF STATE BEFORE CANCELING THE ASSURANCE. THE SURETY OR
14 ISSUING ENTITY SHALL NOTIFY THE SECRETARY OF STATE NOT LATER THAN THIRTY
15 DAYS AFTER MAKING A PAYMENT TO A CLAIMANT UNDER THE ASSURANCE. A NOTARY
16 PUBLIC MAY PERFORM NOTARIAL ACTS IN THIS STATE ONLY DURING THE PERIOD THAT
17 A VALID ASSURANCE IS ON FILE WITH THE SECRETARY OF STATE. AN EMPLOYER MAY
18 NOT CANCEL THE ASSURANCE OF ANY NOTARY PUBLIC WHO IS AN EMPLOYEE AND WHO
19 LEAVES SUCH EMPLOYMENT.

20 E. ON COMPLIANCE WITH THIS SECTION, THE SECRETARY OF STATE SHALL
21 ISSUE A COMMISSION AS A NOTARY PUBLIC TO AN APPLICANT FOR A TERM OF FOUR
22 YEARS.

23 F. A COMMISSION TO ACT AS A NOTARY PUBLIC AUTHORIZES THE NOTARY
24 PUBLIC TO PERFORM NOTARIAL ACTS. THE COMMISSION DOES NOT PROVIDE THE
25 NOTARY PUBLIC ANY IMMUNITY OR BENEFIT CONFERRED BY THE LAWS OF THIS STATE
26 ON PUBLIC OFFICIALS OR EMPLOYEES.

27 G. A NOTARY PUBLIC IS A PUBLIC OFFICER COMMISSIONED BY THIS STATE
28 AND ALL OF THE FOLLOWING APPLY WITHOUT REGARD TO WHETHER THE NOTARY
29 PUBLIC'S EMPLOYER OR ANY OTHER PERSON HAS PAID THE FEES AND COSTS FOR THE
30 COMMISSIONING OF THE NOTARY PUBLIC, INCLUDING COSTS FOR A STAMPING DEVICE
31 OR JOURNAL:

1 1. A NOTARY PUBLIC'S STAMPING DEVICE, COMMISSION AND ANY JOURNAL
2 THAT CONTAINS ONLY PUBLIC RECORD ENTRIES REMAIN THE PROPERTY OF THE NOTARY
3 PUBLIC.

4 2. A NOTARY PUBLIC MAY PERFORM NOTARIAL ACTS OUTSIDE THE WORKPLACE
5 OF THE NOTARY'S EMPLOYER EXCEPT DURING THOSE TIMES NORMALLY DESIGNATED AS
6 THE NOTARY PUBLIC'S HOURS OF DUTY FOR THAT EMPLOYER. ALL FEES RECEIVED BY A
7 NOTARY PUBLIC FOR NOTARIAL SERVICES PROVIDED WHILE NOT ON DUTY REMAIN THE
8 PROPERTY OF THE NOTARY PUBLIC.

9 3. AN EMPLOYER OF A NOTARY PUBLIC MAY NOT LIMIT THE NOTARY PUBLIC'S
10 SERVICES TO CUSTOMERS OR OTHER PERSONS DESIGNATED BY THE EMPLOYER.

11 H. THIS STATE OR ANY POLITICAL SUBDIVISION OF THIS STATE MAY PAY THE
12 FEES AND COSTS FOR THE COMMISSIONING OF A NOTARY PUBLIC WHO IS AN EMPLOYEE
13 OF THIS STATE OR ANY POLITICAL SUBDIVISION OF THIS STATE AND WHO PERFORMS
14 NOTARIAL ACTS IN THE COURSE OF THE NOTARY PUBLIC'S EMPLOYMENT OR FOR THE
15 CONVENIENCE OF PUBLIC EMPLOYEES.

16 41-270. Examination of notary public; fee

17 A. THE SECRETARY OF STATE MAY REQUIRE AN APPLICANT FOR A COMMISSION
18 AS A NOTARY PUBLIC WHO DOES NOT HOLD A COMMISSION IN THIS STATE, AN
19 APPLICANT WHO IS RENEWING A COMMISSION AS A NOTARY PUBLIC OR A NOTARY
20 PUBLIC WITH A SUSPENDED COMMISSION, TO PASS AN EXAMINATION ADMINISTERED BY
21 THE SECRETARY OF STATE OR AN ENTITY APPROVED BY THE SECRETARY OF STATE.
22 THE EXAMINATION MUST BE BASED ON THE COURSE OF STUDY DESCRIBED IN
23 SUBSECTION B OF THIS SECTION.

24 B. IF THE SECRETARY OF STATE REQUIRES AN EXAMINATION UNDER
25 SUBSECTION A OF THIS SECTION, THE SECRETARY OF STATE OR AN ENTITY APPROVED
26 BY THE SECRETARY OF STATE MAY OFFER A COURSE OF STUDY TO APPLICANTS WHO DO
27 NOT HOLD COMMISSIONS AS NOTARIES PUBLIC IN THIS STATE, APPLICANTS WHO ARE
28 RENEWING COMMISSIONS AS NOTARIES PUBLIC OR NOTARIES PUBLIC WITH SUSPENDED
29 COMMISSIONS. THE COURSE MUST COVER THE LAWS, RULES, PROCEDURES AND ETHICS
30 RELEVANT TO NOTARIAL ACTS.

1 C. THE SECRETARY OF STATE MAY PRESCRIBE AND ASSESS A FEE FOR
2 ADMINISTERING A COURSE OF STUDY AND EXAMINATION UNDER THIS SECTION. THE
3 SECRETARY OF STATE SHALL DEPOSIT THE FEES COLLECTED UNDER THIS SECTION IN
4 THE NOTARY EDUCATION FUND ESTABLISHED BY SECTION 41-332.

5 41-271. Grounds to deny, refuse to renew, revoke, suspend or
6 condition commission of notary public

7 A. THE SECRETARY OF STATE MAY DENY, REFUSE TO RENEW, REVOKE, SUSPEND
8 OR IMPOSE A CONDITION ON A COMMISSION AS NOTARY PUBLIC FOR ANY ACT OR
9 OMISSION THAT DEMONSTRATES THE INDIVIDUAL LACKS THE HONESTY, INTEGRITY,
10 COMPETENCE OR RELIABILITY TO ACT AS A NOTARY PUBLIC, INCLUDING ANY OF THE
11 FOLLOWING:

12 1. FAILURE TO COMPLY WITH THIS ARTICLE.

13 2. A FRAUDULENT, DISHONEST OR DECEITFUL MISSTATEMENT OR OMISSION IN
14 THE APPLICATION FOR A COMMISSION AS A NOTARY PUBLIC SUBMITTED TO THE
15 SECRETARY OF STATE.

16 3. A CONVICTION OF THE APPLICANT OR NOTARY PUBLIC OF ANY FELONY OR A
17 CRIME INVOLVING FRAUD, DISHONESTY OR DECEIT. A CONVICTION AFTER A PLEA OF
18 NO CONTEST IS DEEMED TO BE A CONVICTION FOR THE PURPOSES OF THIS PARAGRAPH.

19 4. A FINDING AGAINST OR ADMISSION OF LIABILITY BY THE APPLICANT OR
20 NOTARY PUBLIC IN ANY LEGAL PROCEEDING OR DISCIPLINARY ACTION BASED ON THE
21 APPLICANT'S OR NOTARY PUBLIC'S FRAUD, DISHONESTY OR DECEIT.

22 5. FAILURE BY THE NOTARY PUBLIC TO DISCHARGE ANY DUTY REQUIRED OF A
23 NOTARY PUBLIC, WHETHER BY THIS ARTICLE, RULES OF THE SECRETARY OF STATE OR
24 FEDERAL OR STATE LAW.

25 6. USE OF FALSE OR MISLEADING ADVERTISING OR REPRESENTATION BY THE
26 NOTARY PUBLIC REPRESENTING THAT THE NOTARY HAS A DUTY, RIGHT OR PRIVILEGE
27 THAT THE NOTARY DOES NOT HAVE.

28 7. VIOLATION BY THE NOTARY PUBLIC OF A RULE OF THE SECRETARY OF
29 STATE REGARDING A NOTARY PUBLIC.

30 8. DENIAL, REFUSAL TO RENEW, REVOCATION, SUSPENSION OR CONDITIONING
31 OF A NOTARY PUBLIC COMMISSION IN ANOTHER STATE.

1 9. FAILURE OF THE NOTARY PUBLIC TO MAINTAIN AN ASSURANCE AS PROVIDED
2 IN SECTION 41-269, SUBSECTION D.

3 10. CHARGING MORE THAN THE FEES AUTHORIZED BY THIS ARTICLE OR RULE.

4 11. THE RETURN FOR INSUFFICIENT FUNDS OR FOR ANY OTHER REASON FOR
5 NONPAYMENT OF A CHECK ISSUED FOR THE ASSURANCE FILING FEES OR APPLICATION
6 FEES TO THE SECRETARY OF STATE.

7 12. FAILURE TO RESPOND TO ANY REQUEST FOR INFORMATION OR TO COMPLY
8 WITH ANY INVESTIGATION INITIATED BY THE SECRETARY OF STATE OR THE ATTORNEY
9 GENERAL.

10 13. THE PRIOR REVOCATION OF A NOTARY PUBLIC COMMISSION IN THIS
11 STATE.

12 B. IF THE SECRETARY OF STATE DENIES, REFUSES TO RENEW, REVOKES,
13 SUSPENDS OR IMPOSES CONDITIONS ON A COMMISSION AS A NOTARY PUBLIC, THE
14 APPLICANT OR NOTARY PUBLIC IS ENTITLED TO TIMELY NOTICE AND A HEARING IN
15 ACCORDANCE WITH CHAPTER 6, ARTICLE 10 OF THIS TITLE. THE DENIAL OF AN
16 APPLICATION OR REVOCATION OR SUSPENSION OF A COMMISSION IS AN APPEALABLE
17 AGENCY ACTION. IF AN APPLICANT APPEALS THE DENIAL OF AN APPLICATION, THE
18 APPLICANT MAY NOT SUBMIT A NEW APPLICATION FOR CONSIDERATION WHILE THE
19 APPEAL IS PENDING. IF AN INDIVIDUAL'S COMMISSION AS A NOTARY PUBLIC IN
20 THIS STATE IS REVOKED, THE INDIVIDUAL MAY NOT SUBMIT A NEW APPLICATION FOR
21 COMMISSION FOR ONE YEAR AFTER THE DATE OF REVOCATION.

22 C. THE AUTHORITY OF THE SECRETARY OF STATE TO DENY, REFUSE TO RENEW,
23 SUSPEND, REVOKE OR IMPOSE CONDITIONS ON A COMMISSION AS A NOTARY PUBLIC
24 DOES NOT PREVENT A PERSON FROM SEEKING AND OBTAINING OTHER CRIMINAL OR
25 CIVIL REMEDIES PROVIDED BY LAW.

26 41-272. Database of notaries public

27 A. THE SECRETARY OF STATE SHALL MAINTAIN AN ELECTRONIC DATABASE OF
28 NOTARIES PUBLIC THROUGH WHICH A PERSON MAY VERIFY THE AUTHORITY OF A NOTARY
29 PUBLIC TO PERFORM NOTARIAL ACTS.

30 B. THE ELECTRONIC DATABASE MAY INDICATE WHETHER A NOTARY PUBLIC HAS
31 NOTIFIED THE SECRETARY OF STATE THAT THE NOTARY PUBLIC WILL BE PERFORMING

1 NOTARIAL ACTS ON ELECTRONIC RECORDS OR FOR REMOTELY LOCATED INDIVIDUALS
2 UNDER SECTION 41-263.

3 41-273. Prohibited acts; civil penalty; violation;
4 classification

5 A. A COMMISSION AS A NOTARY PUBLIC DOES NOT AUTHORIZE AN INDIVIDUAL
6 TO:

7 1. ASSIST PERSONS IN DRAFTING LEGAL RECORDS, GIVE LEGAL ADVICE OR
8 OTHERWISE PRACTICE LAW.

9 2. ACT AS AN IMMIGRATION CONSULTANT OR AN EXPERT ON IMMIGRATION
10 MATTERS.

11 3. REPRESENT A PERSON IN A JUDICIAL OR ADMINISTRATIVE PROCEEDING
12 RELATING TO IMMIGRATION TO THE UNITED STATES, UNITED STATES CITIZENSHIP OR
13 RELATED MATTERS.

14 4. RECEIVE COMPENSATION FOR PERFORMING ANY OF THE ACTIVITIES LISTED
15 IN THIS SUBSECTION.

16 B. A NOTARY PUBLIC MAY NOT ENGAGE IN FALSE OR DECEPTIVE ADVERTISING.

17 C. A NOTARY PUBLIC, OTHER THAN AN ATTORNEY WHO IS LICENSED TO
18 PRACTICE LAW IN THIS STATE, MAY NOT USE THE TERM "NOTARIO" OR "NOTARIO
19 PUBLICO".

20 D. A NOTARY PUBLIC, OTHER THAN AN ATTORNEY WHO IS LICENSED TO
21 PRACTICE LAW IN THIS STATE, MAY NOT ADVERTISE OR REPRESENT THAT THE NOTARY
22 PUBLIC MAY ASSIST PERSONS IN DRAFTING LEGAL RECORDS, GIVE LEGAL ADVICE OR
23 OTHERWISE PRACTICE LAW. IF A NOTARY PUBLIC WHO IS NOT AN ATTORNEY LICENSED
24 TO PRACTICE LAW IN THIS STATE IN ANY MANNER ADVERTISES OR REPRESENTS THAT
25 THE NOTARY PUBLIC OFFERS NOTARIAL SERVICES, WHETHER ORALLY OR IN A RECORD,
26 INCLUDING BROADCAST MEDIA, PRINT MEDIA AND THE INTERNET, THE NOTARY PUBLIC
27 SHALL INCLUDE THE FOLLOWING STATEMENT, OR AN ALTERNATIVE STATEMENT
28 AUTHORIZED OR REQUIRED BY THE SECRETARY OF STATE, IN THE ADVERTISEMENT OR
29 REPRESENTATION, PROMINENTLY AND IN EACH LANGUAGE USED IN THE ADVERTISEMENT
30 OR REPRESENTATION: "I AM NOT AN ATTORNEY LICENSED TO PRACTICE LAW IN THIS
31 STATE. I AM NOT ALLOWED TO DRAFT LEGAL RECORDS, GIVE ADVICE ON LEGAL
32 MATTERS, INCLUDING IMMIGRATION, OR CHARGE A FEE FOR THOSE ACTIVITIES". IF

1 THE FORM OF ADVERTISEMENT OR REPRESENTATION IS NOT BROADCAST MEDIA, PRINT
2 MEDIA OR THE INTERNET AND DOES NOT ALLOW INCLUSION OF THE STATEMENT
3 REQUIRED BY THIS SUBSECTION BECAUSE OF SIZE, IT MUST BE DISPLAYED
4 PROMINENTLY OR PROVIDED AT THE PLACE OF PERFORMANCE OF THE NOTARIAL ACT
5 BEFORE THE NOTARIAL ACT IS PERFORMED.

6 E. EXCEPT AS OTHERWISE ALLOWED BY LAW, A NOTARY PUBLIC MAY NOT
7 WITHHOLD ACCESS TO OR POSSESSION OF AN ORIGINAL RECORD PROVIDED BY A PERSON
8 THAT SEEKS PERFORMANCE OF A NOTARIAL ACT BY THE NOTARY PUBLIC.

9 F. IF A NOTARY PUBLIC, OTHER THAN AN ATTORNEY LICENSED TO PRACTICE
10 LAW IN THIS STATE, PERFORMS AN ACTIVITY LISTED IN SUBSECTION A OF THIS
11 SECTION OR OTHERWISE PERFORMS THE UNAUTHORIZED PRACTICE OF IMMIGRATION AND
12 NATIONALITY LAW AS DEFINED IN SECTION 12-2701, THE SECRETARY OF STATE SHALL
13 IMPOSE A CIVIL PENALTY OF NOT MORE THAN \$1,000 AND PERMANENTLY REVOKE THE
14 NOTARY PUBLIC'S COMMISSION.

15 G. A NOTARY PUBLIC WHO VIOLATES SUBSECTION D OF THIS SECTION IS
16 GUILTY OF A CLASS 6 FELONY AND THE SECRETARY OF STATE SHALL PERMANENTLY
17 REVOKE THE NOTARY PUBLIC'S COMMISSION.

18 41-274. Validity of notarial acts

19 EXCEPT AS OTHERWISE PROVIDED IN SECTION 41-252, SUBSECTION B AND
20 SECTION 41-320, SUBSECTION B, THE FAILURE OF A NOTARIAL OFFICER TO PERFORM
21 A DUTY OR MEET A REQUIREMENT SPECIFIED IN THIS ARTICLE DOES NOT INVALIDATE
22 A NOTARIAL ACT PERFORMED BY THE NOTARIAL OFFICER. THE VALIDITY OF A
23 NOTARIAL ACT UNDER THIS ARTICLE DOES NOT PREVENT AN AGGRIEVED PERSON FROM
24 SEEKING TO INVALIDATE THE RECORD OR TRANSACTION THAT IS THE SUBJECT OF THE
25 NOTARIAL ACT OR FROM SEEKING OTHER REMEDIES BASED ON THE LAWS OF THIS STATE
26 OTHER THAN THIS ARTICLE OR THE LAWS OF THE UNITED STATES. THIS SECTION
27 DOES NOT VALIDATE A PURPORTED NOTARIAL ACT PERFORMED BY AN INDIVIDUAL WHO
28 DOES NOT HAVE THE AUTHORITY TO PERFORM NOTARIAL ACTS.

29 41-275. Rules

30 A. THE SECRETARY OF STATE MAY ADOPT RULES TO IMPLEMENT THIS ARTICLE.
31 ON OR BEFORE JULY 1, 2021, THE SECRETARY OF STATE SHALL ADOPT RULES UNDER
32 THIS SECTION REGARDING THE PERFORMANCE OF NOTARIAL ACTS WITH RESPECT TO

1 ELECTRONIC RECORDS. RULES ADOPTED REGARDING THE PERFORMANCE OF NOTARIAL
2 ACTS WITH RESPECT TO ELECTRONIC RECORDS MAY NOT REQUIRE, OR ACCORD GREATER
3 LEGAL STATUS OR EFFECT TO, THE IMPLEMENTATION OR APPLICATION OF A SPECIFIC
4 TECHNOLOGY OR TECHNICAL SPECIFICATION. THE RULES MAY:

5 1. PRESCRIBE THE MANNER OF PERFORMING NOTARIAL ACTS REGARDING
6 TANGIBLE AND ELECTRONIC RECORDS.

7 2. INCLUDE PROVISIONS TO ENSURE THAT ANY CHANGE TO OR TAMPERING WITH
8 A RECORD BEARING A CERTIFICATE OF A NOTARIAL ACT IS SELF-EVIDENT.

9 3. INCLUDE PROVISIONS TO ENSURE INTEGRITY IN THE CREATION,
10 TRANSMITTAL, STORAGE OR AUTHENTICATION OF ELECTRONIC RECORDS OR SIGNATURES.

11 4. PRESCRIBE THE PROCESS OF GRANTING, RENEWING, CONDITIONING,
12 DENYING, SUSPENDING OR REVOKING A NOTARY PUBLIC COMMISSION AND ASSURING THE
13 TRUSTWORTHINESS OF AN INDIVIDUAL HOLDING A COMMISSION AS NOTARY PUBLIC.

14 5. INCLUDE PROVISIONS TO PREVENT FRAUD OR MISTAKE IN THE PERFORMANCE
15 OF NOTARIAL ACTS.

16 6. ESTABLISH THE PROCESS FOR APPROVING AND ACCEPTING SURETY BONDS
17 AND OTHER FORMS OF ASSURANCE UNDER SECTION 41-269.

18 7. PROVIDE FOR THE ADMINISTRATION OF THE EXAMINATION UNDER SECTION
19 41-270, SUBSECTION A AND THE COURSE OF STUDY UNDER SECTION 41-270,
20 SUBSECTION B.

21 B. IN ADOPTING, AMENDING OR REPEALING RULES ABOUT NOTARIAL ACTS WITH
22 RESPECT TO ELECTRONIC RECORDS, THE SECRETARY OF STATE SHALL CONSIDER, SO
23 FAR AS IS CONSISTENT WITH THIS ARTICLE:

24 1. THE MOST RECENT STANDARDS REGARDING ELECTRONIC RECORDS
25 PROMULGATED BY NATIONAL BODIES, SUCH AS THE NATIONAL ASSOCIATION OF
26 SECRETARIES OF STATE.

27 2. STANDARDS, PRACTICES AND CUSTOMS OF OTHER JURISDICTIONS THAT
28 SUBSTANTIALLY ENACT THIS ARTICLE.

29 3. THE VIEWS OF GOVERNMENTAL OFFICIALS AND ENTITIES AND OTHER
30 INTERESTED PERSONS.

1 41-276. Notary public commission in effect: authorization to
2 perform electronic and remote online notarizations
3 in effect

4 A. A COMMISSION AS A NOTARY PUBLIC IN EFFECT ON THE EFFECTIVE DATE
5 OF THIS ARTICLE CONTINUES UNTIL ITS DATE OF EXPIRATION. A NOTARY PUBLIC
6 WHO APPLIES TO RENEW A COMMISSION AS A NOTARY PUBLIC ON OR AFTER THE
7 EFFECTIVE DATE OF THIS ARTICLE IS SUBJECT TO AND SHALL COMPLY WITH THIS
8 ARTICLE. A NOTARY PUBLIC, IN PERFORMING NOTARIAL ACTS AFTER THE EFFECTIVE
9 DATE OF THIS ARTICLE, SHALL COMPLY WITH THIS ARTICLE.

10 B. AN AUTHORIZATION ISSUED BY THE SECRETARY OF STATE TO PERFORM
11 ELECTRONIC NOTARIZATION OR REMOTE ONLINE NOTARIZATIONS IN EFFECT ON THE
12 EFFECTIVE DATE OF THIS ARTICLE CONTINUES UNTIL ITS DATE OF EXPIRATION. A
13 NOTARY PUBLIC WHO NOTIFIES THE SECRETARY OF STATE THAT THE NOTARY PUBLIC
14 WILL BE PERFORMING NOTARIAL ACTS WITH RESPECT TO ELECTRONIC RECORDS OR WITH
15 RESPECT TO REMOTELY LOCATED INDIVIDUALS ON OR AFTER THE EFFECTIVE DATE OF
16 THIS ARTICLE IS SUBJECT TO AND SHALL COMPLY WITH THIS ARTICLE.

17 41-277. Relation to electronic signatures in global and
18 national commerce act

19 THIS ARTICLE MODIFIES, LIMITS AND SUPERSEDES THE ELECTRONIC
20 SIGNATURES IN GLOBAL AND NATIONAL COMMERCE ACT (P.L. 106-229; 114 STAT.
21 464; 15 UNITED STATES CODE SECTIONS 7001 THROUGH 7031) BUT DOES NOT MODIFY,
22 LIMIT OR SUPERSEDE 15 UNITED STATES CODE SECTION 7001(c) OR AUTHORIZE
23 ELECTRONIC DELIVERY OF ANY OF THE NOTICES DESCRIBED IN 15 UNITED STATES
24 CODE SECTION 7003(b).

25 Sec. 11. Heading change

26 The article heading of title 41, chapter 2, article 2, Arizona
27 Revised Statutes, is changed from "NOTARIES PUBLIC" to "NOTARIES PUBLIC
28 MISCELLANEOUS PROVISIONS".

29 Sec. 12. Repeal

30 Sections 41-312, 41-313 and 41-315, Arizona Revised Statutes, are
31 repealed.

1 Sec. 13. Section 41-317, Arizona Revised Statutes, is amended to
2 read:

3 41-317. Resignation; delivering notary seal, notarial journal
4 and records; failure to comply; storing records;
5 certified copies

6 A. A notary PUBLIC shall submit the ~~notary's~~ NOTARY PUBLIC'S
7 resignation in writing to the secretary of state.

8 B. On the resignation or revocation of a notarial commission or the
9 death of a notary PUBLIC, ~~the notary seal~~ ANY PHYSICAL STAMPING DEVICE,
10 notarial journal and records, except those records of notarial acts that
11 are not public record, shall be delivered by certified mail or other means
12 providing a receipt to the secretary of state. If a notary PUBLIC does not
13 apply for reappointment, on expiration of the notarial commission ~~the~~
14 ~~notary seal~~, THE DEVICE, THE NOTARIAL journal and records shall be
15 delivered to the secretary of state as required for resignation under this
16 subsection. A notary PUBLIC who neglects for three months thereafter to
17 deposit such records, ~~seal~~ DEVICE and papers, or the personal
18 representative of a deceased notary PUBLIC who neglects for three months
19 after appointment to deposit such records, ~~seal~~ DEVICE and papers, shall
20 forfeit to the state not less than ~~fifty nor~~ \$50 OR more than ~~five hundred~~
21 ~~dollars~~ \$500.

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

1 Sec. 14. Section 41-319, Arizona Revised Statutes, is amended to
2 read:

3 41-319. Journal

4 A. ~~The~~ A notary PUBLIC shall keep a paper journal ~~and~~, TO CHRONICLE
5 ALL NOTARIAL ACTS PERFORMED REGARDING TANGIBLE RECORDS. A NOTARY PUBLIC
6 SHALL KEEP EITHER A PAPER JOURNAL OR ONE OR MORE ELECTRONIC JOURNALS TO
7 CHRONICLE ALL NOTARIAL ACTS PERFORMED REGARDING ELECTRONIC RECORDS. Except
8 as prescribed by subsection E of this section, A NOTARY PUBLIC shall keep
9 only one PAPER journal at a time. The notary PUBLIC shall record all
10 notarial acts in chronological order. The notary PUBLIC shall furnish,
11 when requested, a certified copy of any public record in the ~~notary's~~
12 NOTARY PUBLIC'S journal. Records of notarial acts that violate the
13 attorney-client privilege or that are confidential pursuant to federal or
14 state law are not a public record. Each journal entry shall include at
15 least:

16 1. The date of the notarial act.

17 2. A description of the document ~~or~~ AND type of notarial act.

18 3. The printed full name, ~~signature~~ and address of each ~~person~~
19 INDIVIDUAL for whom a notarial act is performed.

20 4. IF A PAPER JOURNAL IS USED, THE SIGNATURE OF EACH INDIVIDUAL FOR
21 WHOM A NOTARIAL ACT IS PERFORMED.

22 ~~4.~~ 5. The type of satisfactory evidence of identity presented to
23 the notary PUBLIC by each ~~person~~ INDIVIDUAL for whom a notarial act is
24 performed, ~~if other than~~ OR A NOTATION THAT the ~~notary's~~ NOTARY PUBLIC'S
25 personal knowledge of the individual ~~is~~ WAS used as satisfactory evidence
26 of identity.

27 ~~5.~~ 6. A description of the identification CARD OR document, ~~its~~
28 ~~serial or identification number and~~ IF ANY, INCLUDING its date of issuance
29 or expiration.

1 ~~6-~~ 7. The fee, if any, charged for the notarial act.

2 B. If a notary PUBLIC has personal knowledge of the identity of a
3 signer, ~~the requirements of subsection A, paragraphs 1 through 5 of this~~
4 ~~section may be satisfied by~~ the notary ~~retaining~~ SHALL RETAIN a paper or
5 electronic copy of the notarized documents for each notarial act IN LIEU OF
6 MAKING A JOURNAL ENTRY OR THE NOTARY SHALL MAKE A JOURNAL ENTRY PURSUANT TO
7 THE REQUIREMENTS OF SUBSECTION A, PARAGRAPHS 1, 2, 3, 4, 5 AND 7 OF THIS
8 SECTION.

9 C. EXCEPT FOR NOTARIAL ACTS PERFORMED FOR REMOTELY LOCATED
10 INDIVIDUALS UNDER SECTION 41-263, if a notary ~~does~~ PUBLIC PERFORMS more
11 than one notarization for an individual within a six month period, the
12 notary PUBLIC shall have the individual provide satisfactory evidence of
13 identity AS REQUIRED UNDER SECTION 41-255 the first time the notary
14 performs the notarization for the individual but may not require
15 satisfactory evidence of identity or the individual to sign the journal for
16 subsequent notarizations performed for the individual during the six month
17 period.

18 D. If a notary PUBLIC performs more than one notarization of the
19 same type for a signer either on ~~like documents~~ SIMILAR RECORDS or within
20 the same ~~document~~ RECORD and at the same time, the notary may group the
21 ~~documents~~ RECORDS together and make one journal entry for the transaction.

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

1 F. Except as provided in subsections A and E of this section, the
2 ~~notary's~~ NOTARY PUBLIC'S journal is a public record that may be viewed by
3 or copied for any member of the public, but only on presentation to the
4 notary PUBLIC of a written request that details the month and year of the
5 notarial act, the name of the ~~person~~ INDIVIDUAL whose signature was
6 notarized and the type of ~~document~~ RECORD or transaction.

7 Sec. 15. Section 41-320, Arizona Revised Statutes, is amended to
8 read:

9 41-320. Competency of bank and corporation notaries

10 A. It is lawful for a notary public who is a stockholder, director,
11 officer or employee of a corporation to take the acknowledgment or oath of
12 any party to any ~~written instrument~~ RECORD executed to or by the
13 corporation, or to administer an oath to any other stockholder, director,
14 officer, employee or agent of the corporation, or to protest for
15 nonacceptance or nonpayment of bills of exchange, drafts, checks, notes and
16 other negotiable instruments ~~which~~ THAT may be owned or held for collection
17 by the corporation.

18 B. It is unlawful for any notary public to take the acknowledgment
19 of ~~an instrument~~ A RECORD executed by or to a corporation of which ~~he~~ THE
20 NOTARY PUBLIC is a stockholder, director, officer or employee, where the
21 notary PUBLIC is a party to the ~~instrument~~ RECORD, either individually or
22 as a representative of the corporation, or to protest any negotiable
23 instrument owned or held for collection by the corporation, where the
24 notary is individually a party to the instrument. A NOTARIAL ACT PERFORMED
25 IN VIOLATION OF THIS SUBSECTION IS VOIDABLE.

26 Sec. 16. Repeal

27 Sections 41-321 and 41-322, Arizona Revised Statutes, are repealed.

1 Sec. 17. Section 41-323, Arizona Revised Statutes, is amended to
2 read:

3 41-323. Change of address; lost, stolen or compromised journal
4 or seal; civil penalty

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

10 B. Within ten days after the loss, theft or compromise of an
11 official journal or ~~seal~~ STAMPING DEVICE, the notary PUBLIC shall deliver
12 to the secretary of state, by certified mail or other means providing a
13 receipt, a signed notice of the loss, theft or compromise. The notary also
14 shall inform the appropriate law enforcement agency in the case of theft.

15 C. If a notary PUBLIC fails to comply with subsection A or B of this
16 section, the notary PUBLIC has failed to fully and faithfully discharge the
17 duties of a notary PUBLIC and the secretary of state may impose a civil
18 penalty of ~~twenty-five dollars~~ \$25 against the notary. The notary PUBLIC
19 shall pay any civil penalty imposed by the secretary of state pursuant to
20 this subsection before the renewal of the notary's commission.

21 Sec. 18. Section 41-324, Arizona Revised Statutes, is amended to
22 read:

23 41-324. Court reporters; notarial acts

24 A. Court reporters who administer oaths and affirmations in judicial
25 proceedings are exempt from the provisions of this chapter other than
26 section ~~41-315~~ 41-269, SUBSECTIONS C AND D. Court reporters who are
27 commissioned as notaries and who perform notarial acts outside of judicial
28 proceedings are subject to all provisions of this chapter and of other laws
29 of this state that regulate notaries public.

30 B. A court reporter who prepares a transcript of a judicial
31 proceeding shall attach a certificate page to the transcript. On the
32 certificate page, the court reporter shall attest to the fact that the

1 reporter administered an oath or affirmation to each witness whose
2 testimony appears in the transcript.

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

5 Sec. 19. Section 41-327, Arizona Revised Statutes, is amended to
6 read:

7 41-327. Surname change; notification; continuation of
8 commission

9 A notary public who has a change of surname may continue to use the
10 official ~~seal~~ STAMP and commission in the notary public's prior name until
11 that commission expires. The notary PUBLIC shall sign the changed surname
12 on the line that is designated for the notary public's signature on the
13 notarial certificate. Immediately below that signature, the notary public
14 shall sign the name under which the notary was commissioned. The notary
15 public shall notify the secretary of state's office within thirty days of
16 the ~~notary's~~ NOTARY PUBLIC'S change of surname. Failure to notify the
17 secretary of state of this change of surname is evidence of the ~~notary's~~
18 NOTARY PUBLIC'S failure to fully and faithfully discharge the duties of a
19 notary PUBLIC.

20 Sec. 20. Repeal

21 Sections 41-328, 41-329 and 41-330, Arizona Revised Statutes, are
22 repealed.

23 Sec. 21. Section 41-332, Arizona Revised Statutes, is amended to
24 read:

25 41-332. Notary education fund

26 The notary education fund is established consisting of monies
27 deposited pursuant to section ~~41-312~~ 41-270. The secretary of state shall
28 administer the fund. Monies in the fund are subject to legislative
29 appropriation.

30 Sec. 22. Repeal

31 Title 41, chapter 2, articles 3 and 4, Arizona Revised Statutes, are
32 repealed.

1 Sec. 23. Section 44-7011, Arizona Revised Statutes, is amended to
2 read:

3 44-7011. Notarization; acknowledgment

4 ~~Notwithstanding title 41, chapter 2, article 2, If the A law requires~~
5 a signature or record to be notarized, acknowledged, verified or made under
6 oath, that requirement is satisfied if ~~a notary completes a notarial~~
7 ~~certificate on the electronic record. That notarial certificate on the~~
8 ~~electronic record is complete without the imprint or perceivable image of~~
9 ~~the notary's seal if all of the following apply:~~

10 ~~1. The electronic record is signed pursuant to this chapter or~~
11 ~~section 18-106 in the presence of a notary.~~

12 ~~2. The notary reasonably verifies that the electronic signature on~~
13 ~~the electronic record is the electronic signature executed or adopted by~~
14 ~~the signer pursuant to this chapter or issued to the signer pursuant to~~
15 ~~section 18-106.~~

16 ~~3. The notary electronically signs with an electronic signature that~~
17 ~~is consistent with this chapter or any other applicable law.~~

18 ~~4. The following information appears electronically within the~~
19 ~~record electronically signed by the notary:~~

20 ~~(a) The notary's full name and commission number exactly as it~~
21 ~~appears on the notary's commission.~~

22 ~~(b) The words "notary public", "state of Arizona" and "my commission~~
23 ~~expires on (date)".~~

24 ~~(c) The address of the notary's principal place of contact exactly~~
25 ~~as it appears on the notary's commission.~~

26 ~~(d) The notary's e-mail or other electronic address exactly as it~~
27 ~~appears on the notary's commission~~ THE ELECTRONIC SIGNATURE OF THE PERSON
28 AUTHORIZED TO PERFORM THOSE ACTS, TOGETHER WITH ALL OTHER INFORMATION
29 REQUIRED TO BE INCLUDED BY OTHER APPLICABLE LAW, IS ATTACHED TO OR
30 LOGICALLY ASSOCIATED WITH THE SIGNATURE OR RECORD.

1 Sec. 24. Effective date

2 This act is effective from and after June 30, 2021.

3 Sec. 25. Requirements for enactment; three-fourths vote

4 Pursuant to article IV, part 1, section 1, Constitution of Arizona,
5 section 16-946, Arizona Revised Statutes, as amended by this act, is
6 effective only on the affirmative vote of at least three-fourths of the
7 members of each house of the legislature."

8 Amend title to conform

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