

(Section 16-946 — House failed to obtain the three-fourths vote pursuant to article IV, part 1, section 1, Constitution of Arizona.)

Senate Engrossed

revised uniform law; notarial act

State of Arizona
Senate
Fifty-fifth Legislature
First Regular Session
2021

CHAPTER 66

SENATE BILL 1115

AN ACT

AMENDING SECTIONS 10-140, 10-3140, 15-1802.01, ~~16-946~~, 33-401 AND 33-411, ARIZONA REVISED STATUTES; REPEALING TITLE 33, CHAPTER 4, ARTICLE 5, ARIZONA REVISED STATUTES; AMENDING TITLE 41, CHAPTER 2, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 1; PROVIDING FOR TRANSFERRING AND RENUMBERING; AMENDING SECTION 41-251, ARIZONA REVISED STATUTES, AS TRANSFERRED AND RENUMBERED; AMENDING TITLE 41, CHAPTER 2, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTIONS 41-252, 41-253, 41-254, 41-255, 41-256, 41-257, 41-258, 41-259, 41-260, 41-261, 41-262, 41-263, 41-264, 41-265, 41-266, 41-267, 41-268, 41-269, 41-270, 41-271, 41-272, 41-273, 41-274, 41-275, 41-276 AND 41-277; REPEALING SECTIONS 41-312, 41-313 AND 41-315, ARIZONA REVISED STATUTES; AMENDING SECTIONS 41-317, 41-319 AND 41-320, ARIZONA REVISED STATUTES; REPEALING SECTIONS 41-321 AND 41-322, ARIZONA REVISED STATUTES; AMENDING SECTIONS 41-323, 41-324 AND 41-327, ARIZONA REVISED STATUTES; REPEALING SECTIONS 41-328, 41-329 AND 41-330, ARIZONA REVISED STATUTES; AMENDING SECTION 41-332, ARIZONA REVISED STATUTES; REPEALING TITLE 41, CHAPTER 2, ARTICLES 3 AND 4, ARIZONA REVISED STATUTES; AMENDING SECTIONS 44-7003 AND 44-7011, ARIZONA REVISED STATUTES; RELATING TO NOTARIES PUBLIC.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

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~~
10 ~~4, 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
14 perjury, that the instrument is the act and deed of the signatory and that
15 the facts 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
18 called meeting at which a quorum is present, unless the act of a greater
19 number is 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
26 duly called meeting at which a quorum is present, unless a greater number
27 of votes is required by chapters 1 through 17 of this title, the articles
28 of incorporation or the bylaws.

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

31 4. "Address" means a mailing address.

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

35 6. "Articles of incorporation" means the original or restated
36 articles of incorporation or articles of merger and all amendments to the
37 articles of incorporation or merger and includes amended and restated
38 articles of incorporation and articles of amendment and merger.

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

41 8. "Board of directors" means the group of persons vested with the
42 management of the affairs of the corporation irrespective of the name by
43 which the group is designated and includes the governing body or bodies of
44 a water users' association if the articles of incorporation of ~~such~~ THE

1 water users' association provide for a governing body or bodies
2 denominated other than as a board of directors.

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

5 10. "Bylaws" means the code of rules adopted for the regulation or
6 management of the affairs of the corporation irrespective of the name by
7 which those rules are designated.

8 11. "Certificate of disclosure" means the certificate of disclosure
9 described in section 10-202.

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

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

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

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

19 16. "Deliver" includes sending by mail, private courier, fax or
20 electronic transmission.

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

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

25 (a) Effectiveness of articles of dissolution pursuant to section
26 10-1403, subsection B or section 10-1421, subsection B.

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

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

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

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

35 (c) A distribution of indebtedness.

36 (d) Otherwise.

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

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

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

42 23. "Entity" includes a corporation, foreign corporation, not for
43 profit corporation, profit and not for profit unincorporated association,
44 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,
9 by the receiver or trustee.

10 25. "Filing" means the commission completing the following
11 procedure 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
15 conform 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
28 as 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.

31 32. "Liquidate its assets and business" includes the distribution
32 of assets, the payment of obligations and debts, the discontinuance of
33 business or any one or more of the distribution, payment or
34 discontinuance.

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

38 34. "Means" denotes an exhaustive definition.

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

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

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

42 38. "President" means that officer designated as the president in
43 the articles of incorporation or bylaws or, if not so designated, that
44 officer authorized in the articles of incorporation, bylaws or otherwise

1 to perform the functions of the chief executive officer, irrespective of
2 the name by which designated.

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

9 40. "Proceeding" includes a civil suit and a criminal,
10 administrative and investigatory action.

11 41. "Publish" means to publish in a newspaper of general
12 circulation in the county of the known place of business for three
13 consecutive publications.

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

20 43. "Secretary" means that officer designated as the secretary in
21 the articles of incorporation or bylaws or that officer authorized in the
22 articles of incorporation, the bylaws or otherwise to perform the
23 functions of secretary, irrespective of the name by which designated.

24 44. "Shareholder" means the person in whose name shares are
25 registered in the records of a corporation or the beneficial owner of
26 shares to the extent of the rights granted by a nominee certificate on
27 file with a corporation.

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

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

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

36 48. "Treasurer" means that officer designated as the treasurer in
37 the articles of incorporation or bylaws or that officer authorized in the
38 articles of incorporation or bylaws or otherwise to perform the functions
39 of treasurer, irrespective of the name by which designated.

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

42 50. "Vice-president" means an officer designated as the
43 vice-president in the articles of incorporation or bylaws or an officer
44 authorized in the articles of incorporation, the bylaws or otherwise to

1 perform the functions of a vice-president, irrespective of the name by
2 which designated.

3 51. "Voting group" means all shares of one or more classes or
4 series that under the articles of incorporation or chapters 1 through 17
5 of this title are entitled to vote and be counted together collectively on
6 a matter at a meeting of shareholders. All shares entitled by the
7 articles of incorporation or chapters 1 through 17 of this title to vote
8 generally on the matter are for that purpose a single voting group.

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

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

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

15 10-3140. Definitions

16 In chapters 24 through 40 of this title, unless the context
17 otherwise requires:

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

19 (a) An acknowledgment **MADE BY THE PERSON OR PERSONS SIGNING AN**
20 **INSTRUMENT AND TAKEN BY A NOTARIAL OFFICER** pursuant to ~~title 33, chapter~~
21 ~~4, article 5 or~~ **TITLE 41, CHAPTER 2, ARTICLE 1.**

22 (b) The signature, without more, of the person or persons signing
23 the instrument, in which case the signature or signatures constitute the
24 affirmation or acknowledgment of the signatory, under penalties of
25 perjury, that the instrument is the act and deed of the signatory and that
26 the facts stated in the instrument are true.

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

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

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

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

35 (a) An act adopted or rejected by a majority of the votes
36 represented and voting at a duly held meeting at which a quorum is present
37 where affirmative votes also constitute a majority of the required quorum
38 unless a greater number of votes is required by chapters 24 through 40 of
39 this title, the articles of incorporation or the bylaws.

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

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

44 4. "Address" means a mailing address.

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

4 6. "Articles of incorporation" means the original or restated
5 articles of incorporation or articles of merger and all amendments to the
6 articles of incorporation or merger and includes amended and restated
7 articles of incorporation and articles of amendment and merger.

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

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

16 9. "Bylaws" means the code of rules adopted for the regulation or
17 management of the affairs of the corporation irrespective of the name by
18 which those rules are designated.

19 10. "Certificate of disclosure" means the certificate of disclosure
20 described in section 10-3202.

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

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

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

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

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

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

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

38 18. "Deliver" includes sending by mail, private courier, fax or
39 electronic transmission.

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

43 20. "Directors" or "trustees" means individuals, designated in the
44 articles of incorporation or bylaws or elected by the incorporators, and

1 their successors and individuals elected or appointed by any other name or
2 title to act as members of the board.

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

4 (a) Effectiveness of articles of dissolution pursuant to section
5 10-11403, subsection B or section 10-11421, subsection B.

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

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

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

13 (b) Any purchase, redemption or other acquisition of membership
14 interests.

15 (c) A distribution of indebtedness.

16 (d) Otherwise.

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

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

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

23 26. "Entity" includes a corporation, foreign corporation, not for
24 profit corporation, business corporation, foreign business corporation,
25 profit and not for profit unincorporated association, close corporation,
26 corporation sole, limited liability company or registered limited
27 liability partnership, a professional corporation, association or limited
28 liability company or registered limited liability partnership, a business
29 trust, estate, partnership, trust or joint venture, two or more persons
30 having a joint or common economic interest, any person other than an
31 individual and a state, the United States and a foreign government.

32 27. "Executed by the corporation" means executed by manual or
33 facsimile signature on behalf of the corporation by a duly authorized
34 officer or, if the corporation is in the hands of a receiver or trustee,
35 by the receiver or trustee.

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

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

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

42 (c) On making the determinations, endorsement of the word "filed"
43 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
11 as 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
19 the articles of incorporation or bylaws, any person or persons who,
20 pursuant to a provision of a corporation's articles of incorporation or
21 bylaws, have the right to vote for the election of a director or
22 directors. A person is 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
25 directors.

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

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

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

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

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

35 41. "Person" includes individual and entity.

36 42. "President" means that officer designated as the president in
37 the articles of incorporation or bylaws or, if not so designated, that
38 officer authorized in the articles of incorporation, bylaws or otherwise
39 to perform the functions of the chief executive officer, irrespective of
40 the name by which designated.

41 43. "Principal office" means the office, in or out of this state,
42 so designated in the annual report where the principal executive offices
43 of a domestic or foreign corporation are located or in any other document
44 executed by the corporation by an officer and delivered to the commission

1 for filing. If an office has not been so designated, principal office
2 means the known place of business of the corporation.

3 44. "Proceeding" includes a civil suit and a criminal,
4 administrative and investigatory action.

5 45. "Publish" means to publish in a newspaper of general
6 circulation in the county of the known place of business for three
7 consecutive publications.

8 46. "Record date" means the date, if any, established under chapter
9 29 or 30 of this title on which a corporation determines the identity of
10 its members and their membership interests for purposes of chapters 24
11 through 40 of this title. The determinations shall be made as of the
12 close of business on the record date unless another time for doing so is
13 specified when the record date is fixed.

14 47. "Secretary" means that officer designated as the secretary in
15 the articles of incorporation or bylaws or that officer authorized in the
16 articles of incorporation, the bylaws or otherwise to perform the
17 functions of secretary, irrespective of the name by which designated.

18 48. "State" if referring to a part of the United States, includes a
19 state and commonwealth and their agencies and governmental subdivisions
20 and a territory and insular possession of the United States and their
21 agencies and governmental subdivisions.

22 49. "Treasurer" means that officer designated as the treasurer in
23 the articles of incorporation or bylaws or that officer authorized in the
24 articles of incorporation, bylaws or otherwise to perform the functions of
25 treasurer, irrespective of the name by which designated.

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

28 51. "Vice-president" means an officer designated as a
29 vice-president in the articles of incorporation or bylaws or an officer
30 authorized in the articles of incorporation or the bylaws or otherwise to
31 perform the functions of a vice-president, irrespective of the name by
32 which designated.

33 52. "Vote" includes authorization by written ballot and written
34 consent.

35 53. "Voting power" means the total number of votes entitled to be
36 cast for the election of directors at the time the determination of voting
37 power is made, excluding a vote that is contingent on the happening of a
38 condition or event that has not occurred at the time. If a class is
39 entitled to vote as a class for directors, the determination of voting
40 power of the class shall be based on the percentage of the number of
41 directors the class is entitled to elect out of the total number of
42 authorized directors.

1 satisfactory provision for payment of nonresident tuition and other
2 charges.

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

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

8 ~~16-946. Qualifying contributions~~

9 ~~A. During the qualifying period, a participating candidate may
10 collect qualifying contributions, which shall be paid to the fund.~~

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

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

16 ~~2. Made by a person who is not given anything of value in exchange
17 for the qualifying contribution.~~

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

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

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

26 ~~6. Accompanied by a three-part reporting slip that includes the
27 printed name, registration address and signature of the contributor, the
28 name of the candidate for whom the contribution is made, the date and the
29 printed name and signature of the solicitor. An A SECURE electronic
30 signature as defined in THAT MEETS THE REQUIREMENTS OF section 41-351
31 44-7031 is deemed to comply with this paragraph.~~

32 ~~C. A copy of the reporting slip shall be given as a receipt to the
33 contributor, and another copy shall be retained by the candidate's
34 campaign committee. Delivery of an original reporting slip to the
35 secretary of state shall excuse the candidate from disclosure of these
36 contributions on campaign finance reports filed under article 11.4 of
37 this chapter.~~

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

40 33-401. Formal requirements of conveyance; writing;
41 subscription; delivery; acknowledgment; defects

42 A. No estate of inheritance, freehold, or for a term of more than
43 one year, in lands or tenements, shall be conveyed unless the conveyance

1 is by an instrument in writing, subscribed and delivered by the party
2 disposing of the estate, or by his agent thereunto authorized by writing.

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

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

15 D. For the purposes of this section, a deed or conveyance
16 ~~containing THAT CONTAINS~~ any defect, omission or informality in the
17 certificate of acknowledgment, **OR FOR WHICH THERE IS ANY FAILURE TO**
18 **PERFORM A DUTY OR MEET A REQUIREMENT IN THE TAKING OF THE ACKNOWLEDGMENT,**
19 and ~~which THAT~~ has been recorded ~~for longer than ten years~~ in the office
20 of the county recorder of the county in which the property is located
21 shall be deemed to have been duly acknowledged on and after the date of
22 its recording.

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

25 **33-411. Invalidity of unrecorded instrument as to bona fide**
26 **purchaser; acknowledgment required for proper**
27 **recording; recording of instruments acknowledged in**
28 **another state; exception**

29 A. No instrument affecting real property gives notice of its
30 contents to subsequent purchasers or encumbrance holders for valuable
31 consideration without notice, unless recorded as provided by law in the
32 office of the county recorder of the county in which the property is
33 located.

34 B. An instrument shall not be deemed lawfully recorded unless it
35 has been previously acknowledged in the manner prescribed in this chapter
36 **OR TITLE 41, CHAPTER 2, ARTICLE 1** except in the case of master mortgages
37 as provided in section 33-415.

38 C. For **THE** purposes of this section, an instrument ~~affecting THAT~~
39 **AFFECTS** real property containing any defect, omission or informality in
40 the certificate of acknowledgment, **OR FOR WHICH THERE IS ANY FAILURE TO**
41 **PERFORM A DUTY OR MEET A REQUIREMENT IN THE TAKING OF THE ACKNOWLEDGMENT,**
42 and ~~which THAT~~ has been recorded ~~for longer than one year~~ in the office of
43 the county recorder of the county in which the property is located shall

1 be deemed to have been lawfully recorded on and after the date of its
2 recording.

3 D. An instrument affecting real property in this state
4 executed, ~~AND~~ acknowledged ~~and certified in any other state~~ in accordance
5 with the laws of ~~that~~ ANY OTHER state, shall be valid and entitled to
6 record as if executed AND ACKNOWLEDGED in accordance with the laws of this
7 state.

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

11 Sec. 7. Repeal

12 Title 33, chapter 4, article 5, Arizona Revised Statutes, is
13 repealed.

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

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

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

21 41-251. Definitions

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

23 1. "Acknowledgment" means a ~~notarial act in which a notary~~
24 ~~certifies that a signer, whose identity is proven by satisfactory~~
25 ~~evidence, appeared before the notary and acknowledged that the signer~~
26 ~~signed the document~~ DECLARATION BY AN INDIVIDUAL BEFORE A NOTARIAL OFFICER
27 THAT THE INDIVIDUAL HAS SIGNED A RECORD FOR THE PURPOSE STATED IN THE
28 RECORD AND, IF THE RECORD IS SIGNED IN A REPRESENTATIVE CAPACITY, THAT THE
29 INDIVIDUAL SIGNED THE RECORD WITH PROPER AUTHORITY AND SIGNED IT AS THE
30 ACT OF THE INDIVIDUAL OR ENTITY IDENTIFIED IN THE RECORD.

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

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

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

39 ~~5. "Jurat" means a notarial act in which the notary certifies that~~
40 ~~a signer, whose identity is proven by satisfactory evidence, has made in~~
41 ~~the notary's presence a voluntary signature and has taken an oath or~~
42 ~~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
7 RECORD.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

27 ~~(ii) A valid unexpired passport that is issued by a national~~
28 ~~government other than the United States government and that is accompanied~~
29 ~~by a valid unexpired visa or other documentation that is issued by the~~
30 ~~United States government and that is necessary to establish an~~
31 ~~individual's legal presence in the United States.~~

32 ~~(iii) Any other valid unexpired identification that is deemed~~
33 ~~acceptable by the United States department of homeland security to~~
34 ~~establish an individual's legal presence in the United States and that is~~
35 ~~accompanied with supporting documents as required by the United States~~
36 ~~department of homeland security.~~

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

39 9. "OFFICIAL STAMP" MEANS A PHYSICAL IMAGE THAT IS AFFIXED TO A
40 TANGIBLE RECORD OR AN ELECTRONIC IMAGE THAT IS ATTACHED TO OR LOGICALLY
41 ASSOCIATED WITH AN ELECTRONIC RECORD.

42 10. "PERSON" MEANS AN INDIVIDUAL, CORPORATION, BUSINESS TRUST,
43 STATUTORY TRUST, ESTATE, TRUST, PARTNERSHIP, LIMITED LIABILITY COMPANY,
44 ASSOCIATION, JOINT VENTURE, PUBLIC CORPORATION, GOVERNMENT OR GOVERNMENTAL

1 SUBDIVISION, AGENCY OR INSTRUMENTALITY OR ANY OTHER LEGAL OR COMMERCIAL
2 ENTITY.

3 11. "RECORD" MEANS INFORMATION THAT IS EITHER:

4 (a) INSCRIBED ON A TANGIBLE MEDIUM.

5 (b) STORED IN AN ELECTRONIC OR OTHER MEDIUM AND THAT IS RETRIEVABLE
6 IN PERCEIVABLE FORM.

7 12. "SIGN" MEANS, WITH PRESENT INTENT TO AUTHENTICATE OR ADOPT A
8 RECORD, EITHER OF THE FOLLOWING:

9 (a) TO EXECUTE OR ADOPT A TANGIBLE SYMBOL.

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

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

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

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

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

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

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

25 Sec. 10. Title 41, chapter 2, article 1, Arizona Revised Statutes,
26 as added by this act, is amended by adding sections 41-252, 41-253,
27 41-254, 41-255, 41-256, 41-257, 41-258, 41-259, 41-260, 41-261, 41-262,
28 41-263, 41-264, 41-265, 41-266, 41-267, 41-268, 41-269, 41-270, 41-271,
29 41-272, 41-273, 41-274, 41-275, 41-276 and 41-277, to read:

30 41-252. Authority to perform notarial acts

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

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

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

39 41-253. Requirements for certain notarial acts

40 A. A NOTARIAL OFFICER WHO TAKES AN ACKNOWLEDGMENT OF A RECORD SHALL
41 DETERMINE, FROM PERSONAL KNOWLEDGE OR SATISFACTORY EVIDENCE OF THE
42 IDENTITY OF THE INDIVIDUAL, THAT THE INDIVIDUAL APPEARING BEFORE THE
43 OFFICER AND MAKING THE ACKNOWLEDGMENT HAS THE IDENTITY CLAIMED AND THAT
44 THE SIGNATURE ON THE RECORD IS THE SIGNATURE OF THE INDIVIDUAL.

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

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

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

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

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

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

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

23 1. DIRECTLY IN A LANGUAGE THAT BOTH THE NOTARY PUBLIC AND THE
24 INDIVIDUAL UNDERSTAND.

25 2. INDIRECTLY THROUGH A TRANSLATOR WHO COMMUNICATES DIRECTLY WITH
26 THE NOTARY PUBLIC AND THE INDIVIDUAL IN LANGUAGES THAT THE TRANSLATOR
27 UNDERSTANDS.

28 41-254. Personal appearance required

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

32 B. IF A NOTARIAL ACT INVOLVES A TRANSLATOR UNDER SECTION 41-253,
33 SUBSECTION F, THE TRANSLATOR SHALL APPEAR PERSONALLY BEFORE THE NOTARY
34 PUBLIC.

35 41-255. Identification of individual

36 A. A NOTARIAL OFFICER HAS PERSONAL KNOWLEDGE OF THE IDENTITY OF AN
37 INDIVIDUAL APPEARING BEFORE THE OFFICER IF THE INDIVIDUAL IS PERSONALLY
38 KNOWN TO THE NOTARIAL OFFICER THROUGH DEALINGS SUFFICIENT TO PROVIDE
39 REASONABLE CERTAINTY THAT THE INDIVIDUAL HAS THE IDENTITY CLAIMED.

40 B. A NOTARIAL OFFICER HAS SATISFACTORY EVIDENCE OF THE IDENTITY OF
41 AN INDIVIDUAL APPEARING BEFORE THE NOTARIAL OFFICER IF THE OFFICER CAN
42 IDENTIFY THE INDIVIDUAL:

- 1 1. BY MEANS OF:
- 2 (a) AN UNEXPIRED UNITED STATES PASSPORT OR A STATE-ISSUED DRIVER
- 3 LICENSE OR NONOPERATING IDENTIFICATION LICENSE.
- 4 (b) AN UNEXPIRED IDENTIFICATION CARD ISSUED BY ANY BRANCH OF THE
- 5 UNITED STATES ARMED FORCES.
- 6 (c) ANOTHER FORM OF UNEXPIRED GOVERNMENT IDENTIFICATION ISSUED BY
- 7 THE UNITED STATES, A STATE OR A TRIBAL GOVERNMENT TO AN INDIVIDUAL THAT
- 8 CONTAINS THE SIGNATURE OR A PHOTOGRAPH AND PHYSICAL DESCRIPTION OF THE
- 9 INDIVIDUAL AND THAT IS SATISFACTORY TO THE NOTARIAL OFFICER.
- 10 (d) AN INMATE IDENTIFICATION CARD ISSUED BY THE STATE DEPARTMENT OF
- 11 CORRECTIONS OR FEDERAL BUREAU OF PRISONS, IF THE INMATE IS IN STATE OR
- 12 FEDERAL CUSTODY.
- 13 (e) AN INMATE IDENTIFICATION CARD ISSUED BY A COUNTY SHERIFF, IF
- 14 THE INMATE IS IN THE CUSTODY OF THE COUNTY SHERIFF.
- 15 2. BY VERIFICATION ON OATH OR AFFIRMATION OF A CREDIBLE WITNESS
- 16 PERSONALLY APPEARING BEFORE THE NOTARIAL OFFICER AND KNOWN TO THE NOTARIAL
- 17 OFFICER OR WHOM THE NOTARIAL OFFICER CAN IDENTIFY ON THE BASIS OF
- 18 SATISFACTORY EVIDENCE OF IDENTITY PURSUANT TO PARAGRAPH 1 OF THIS
- 19 SUBSECTION.
- 20 C. IN ADDITION TO SUBSECTION B OF THIS SECTION, FOR THE PURPOSES OF
- 21 A REAL ESTATE CONVEYANCE OR FINANCING, A NOTARIAL OFFICER HAS SATISFACTORY
- 22 EVIDENCE OF THE IDENTITY OF AN INDIVIDUAL APPEARING BEFORE THE NOTARIAL
- 23 OFFICER IF THE NOTARIAL OFFICER CAN IDENTIFY THE INDIVIDUAL BY MEANS OF
- 24 EITHER OF THE FOLLOWING:
- 25 1. AN UNEXPIRED PASSPORT ISSUED BY A NATIONAL GOVERNMENT OTHER THAN
- 26 THE UNITED STATES GOVERNMENT THAT IS ACCOMPANIED BY AN UNEXPIRED VISA OR
- 27 OTHER DOCUMENTATION ISSUED BY THE UNITED STATES GOVERNMENT AND THAT IS
- 28 NECESSARY TO ESTABLISH THE INDIVIDUAL'S LEGAL PRESENCE IN THE UNITED
- 29 STATES.
- 30 2. AN UNEXPIRED IDENTIFICATION CARD THAT IS DEEMED ACCEPTABLE BY
- 31 THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY TO ESTABLISH THE
- 32 INDIVIDUAL'S LEGAL PRESENCE IN THE UNITED STATES AND THAT IS ACCOMPANIED
- 33 BY SUPPORTING DOCUMENTS AS REQUIRED BY THE UNITED STATES DEPARTMENT OF
- 34 HOMELAND SECURITY.
- 35 D. A NOTARIAL OFFICER MAY REQUIRE AN INDIVIDUAL TO PROVIDE
- 36 ADDITIONAL INFORMATION OR IDENTIFICATION CREDENTIALS NECESSARY TO ASSURE
- 37 THE NOTARIAL OFFICER OF THE INDIVIDUAL'S IDENTITY.
- 38 41-256. Authority to refuse to perform notarial acts
- 39 A. A NOTARIAL OFFICER MAY REFUSE TO PERFORM A NOTARIAL ACT IF THE
- 40 NOTARIAL OFFICER IS NOT SATISFIED THAT EITHER:
- 41 1. THE INDIVIDUAL EXECUTING THE RECORD IS COMPETENT OR HAS THE
- 42 CAPACITY TO EXECUTE THE RECORD.
- 43 2. THE INDIVIDUAL'S SIGNATURE IS KNOWINGLY AND VOLUNTARILY MADE.

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

3 41-257. Signature if individual unable to sign

4 IF AN INDIVIDUAL IS PHYSICALLY UNABLE TO SIGN A RECORD, THE
5 INDIVIDUAL MAY DIRECT AN INDIVIDUAL OTHER THAN THE NOTARIAL OFFICER TO
6 SIGN THE INDIVIDUAL'S NAME ON THE RECORD. THE NOTARIAL OFFICER SHALL
7 INSERT "SIGNATURE AFFIXED BY (NAME OF OTHER INDIVIDUAL) AT THE DIRECTION
8 OF (NAME OF INDIVIDUAL)" OR WORDS OF SIMILAR IMPORT.

9 41-258. Notarial act in this state

10 A. ANY OF THE FOLLOWING MAY PERFORM A NOTARIAL ACT IN THIS STATE:

- 11 1. A NOTARY PUBLIC OF THIS STATE.
- 12 2. A JUDGE, CLERK OR DEPUTY CLERK OF A COURT OF RECORD OF THIS
13 STATE.
- 14 3. AN INDIVIDUAL WHO IS LICENSED TO PRACTICE LAW IN THIS STATE.
- 15 4. ANY OTHER INDIVIDUAL WHO IS AUTHORIZED TO PERFORM THE SPECIFIC
16 ACT BY THE LAWS OF THIS STATE.

17 B. THE SIGNATURE AND TITLE OF AN INDIVIDUAL PERFORMING A NOTARIAL
18 ACT IN THIS STATE ARE PRIMA FACIE EVIDENCE THAT THE SIGNATURE IS GENUINE
19 AND THAT THE INDIVIDUAL HOLDS THE DESIGNATED TITLE.

20 C. THE SIGNATURE AND TITLE OF A NOTARIAL OFFICER LISTED IN
21 SUBSECTION A, PARAGRAPH 1, 2 OR 3 OF THIS SECTION CONCLUSIVELY ESTABLISH
22 THE AUTHORITY OF THE NOTARIAL OFFICER TO PERFORM THE NOTARIAL ACT.

23 41-259. Notarial act in another state

24 A. A NOTARIAL ACT PERFORMED IN ANOTHER STATE HAS THE SAME EFFECT
25 UNDER THE LAWS OF THIS STATE AS IF PERFORMED BY A NOTARIAL OFFICER OF THIS
26 STATE, IF THE ACT PERFORMED IN THAT STATE IS PERFORMED BY ANY OF THE
27 FOLLOWING:

- 28 1. A NOTARY PUBLIC OF THAT STATE.
- 29 2. A JUDGE, CLERK OR DEPUTY CLERK OF A COURT OF THAT STATE.
- 30 3. ANY OTHER INDIVIDUAL WHO IS AUTHORIZED BY THE LAWS OF THAT STATE
31 TO PERFORM THE NOTARIAL ACT.

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

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

38 41-260. Notarial act under authority of federally recognized
39 Indian tribes

40 A. A NOTARIAL ACT PERFORMED UNDER THE AUTHORITY AND IN THE
41 JURISDICTION OF A FEDERALLY RECOGNIZED INDIAN TRIBE HAS THE SAME EFFECT AS
42 IF PERFORMED BY A NOTARIAL OFFICER OF THIS STATE, IF THE ACT PERFORMED IN
43 THE JURISDICTION OF THE TRIBE IS PERFORMED BY ANY OF THE FOLLOWING:

- 44 1. A NOTARY PUBLIC OF THE TRIBE.

1 2. A JUDGE, CLERK OR DEPUTY CLERK OF A COURT OF THE TRIBE.
2 3. ANY OTHER INDIVIDUAL WHO IS AUTHORIZED BY THE LAWS OF THE TRIBE
3 TO PERFORM THE NOTARIAL ACT.
4 B. THE SIGNATURE AND TITLE OF AN INDIVIDUAL PERFORMING A NOTARIAL
5 ACT UNDER THE AUTHORITY OF AND IN THE JURISDICTION OF A FEDERALLY
6 RECOGNIZED INDIAN TRIBE ARE PRIMA FACIE EVIDENCE THAT THE SIGNATURE IS
7 GENUINE AND THAT THE INDIVIDUAL HOLDS THE DESIGNATED TITLE.
8 C. THE SIGNATURE AND TITLE OF A NOTARIAL OFFICER DESCRIBED IN
9 SUBSECTION A, PARAGRAPH 1 OR 2 OF THIS SECTION CONCLUSIVELY ESTABLISH THE
10 AUTHORITY OF THE NOTARIAL OFFICER TO PERFORM THE NOTARIAL ACT.
11 41-261. Notarial act under federal authority
12 A. A NOTARIAL ACT PERFORMED UNDER FEDERAL LAW HAS THE SAME EFFECT
13 UNDER THE LAWS OF THIS STATE AS IF PERFORMED BY A NOTARIAL OFFICER OF THIS
14 STATE, IF THE ACT PERFORMED UNDER FEDERAL LAW IS PERFORMED BY ANY OF THE
15 FOLLOWING:
16 1. A JUDGE, CLERK OR DEPUTY CLERK OF A COURT.
17 2. AN INDIVIDUAL WHO IS IN MILITARY SERVICE OR PERFORMS DUTIES
18 UNDER THE AUTHORITY OF MILITARY SERVICE AND WHO IS AUTHORIZED TO PERFORM
19 NOTARIAL ACTS UNDER FEDERAL LAW.
20 3. AN INDIVIDUAL WHO IS DESIGNATED A NOTARIZING OFFICER BY THE
21 UNITED STATES DEPARTMENT OF STATE FOR PERFORMING NOTARIAL ACTS OVERSEAS.
22 4. ANY OTHER INDIVIDUAL WHO IS AUTHORIZED BY FEDERAL LAW TO PERFORM
23 THE NOTARIAL ACT.
24 B. THE SIGNATURE AND TITLE OF AN INDIVIDUAL ACTING UNDER FEDERAL
25 AUTHORITY AND PERFORMING A NOTARIAL ACT ARE PRIMA FACIE EVIDENCE THAT THE
26 SIGNATURE IS GENUINE AND THAT THE INDIVIDUAL HOLDS THE DESIGNATED TITLE.
27 C. THE SIGNATURE AND TITLE OF A NOTARIAL OFFICER DESCRIBED IN
28 SUBSECTION A, PARAGRAPH 1, 2 OR 3 OF THIS SECTION CONCLUSIVELY ESTABLISH
29 THE AUTHORITY OF THE NOTARIAL OFFICER TO PERFORM THE NOTARIAL ACT.
30 41-262. Foreign notarial act; definition
31 A. IF A NOTARIAL ACT IS PERFORMED UNDER AUTHORITY AND IN THE
32 JURISDICTION OF A FOREIGN STATE OR CONSTITUENT UNIT OF THE FOREIGN STATE
33 OR IS PERFORMED UNDER THE AUTHORITY OF A MULTINATIONAL OR INTERNATIONAL
34 GOVERNMENTAL ORGANIZATION, THE ACT HAS THE SAME EFFECT UNDER THE LAWS OF
35 THIS STATE AS IF PERFORMED BY A NOTARIAL OFFICER OF THIS STATE.
36 B. IF THE TITLE OF OFFICE AND INDICATION OF AUTHORITY TO PERFORM
37 NOTARIAL ACTS IN A FOREIGN STATE APPEAR IN A DIGEST OF FOREIGN LAW OR IN A
38 LIST CUSTOMARILY USED AS A SOURCE FOR THAT INFORMATION, THE AUTHORITY OF
39 AN OFFICER WITH THAT TITLE TO PERFORM NOTARIAL ACTS IS CONCLUSIVELY
40 ESTABLISHED.
41 C. THE SIGNATURE AND OFFICIAL STAMP OF AN INDIVIDUAL HOLDING AN
42 OFFICE DESCRIBED IN SUBSECTION B OF THIS SECTION ARE PRIMA FACIE EVIDENCE
43 THAT THE SIGNATURE IS GENUINE AND THAT THE INDIVIDUAL HOLDS THE DESIGNATED
44 TITLE.

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

5 E. A CONSULAR AUTHENTICATION ISSUED BY AN INDIVIDUAL DESIGNATED BY
6 THE UNITED STATES DEPARTMENT OF STATE AS A NOTARIZING OFFICER FOR
7 PERFORMING NOTARIAL ACTS OVERSEAS AND ATTACHED TO THE RECORD WITH RESPECT
8 TO WHICH THE NOTARIAL ACT IS PERFORMED CONCLUSIVELY ESTABLISHES THAT THE
9 SIGNATURE OF THE NOTARIAL OFFICER IS GENUINE AND THAT THE NOTARIAL OFFICER
10 HOLDS THE INDICATED OFFICE.

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

14 41-263. Notarial act performed for remotely located
15 individual; definitions

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

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

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

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

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

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

28 2. THE NOTARY PUBLIC IS ABLE REASONABLY TO CONFIRM THAT A RECORD
29 BEFORE THE NOTARY PUBLIC IS THE SAME RECORD IN WHICH THE REMOTELY LOCATED
30 INDIVIDUAL MADE A STATEMENT OR ON WHICH THE INDIVIDUAL EXECUTED A
31 SIGNATURE.

32 3. THE NOTARY PUBLIC, OR A PERSON ACTING ON BEHALF OF THE NOTARY
33 PUBLIC, CREATES AN AUDIOVISUAL RECORDING OF THE PERFORMANCE OF THE
34 NOTARIAL ACT.

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

37 (a) THE RECORD EITHER:

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

41 (ii) INVOLVES PROPERTY LOCATED IN THE TERRITORIAL JURISDICTION OF
42 THE UNITED STATES OR INVOLVES A TRANSACTION SUBSTANTIALLY CONNECTED WITH
43 THE UNITED STATES.

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

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

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

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

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

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

24 F. BEFORE A NOTARY PUBLIC PERFORMS THE NOTARY PUBLIC'S INITIAL
25 NOTARIAL ACT UNDER THIS SECTION, THE NOTARY PUBLIC MUST NOTIFY THE
26 SECRETARY OF STATE THAT THE NOTARY PUBLIC WILL BE PERFORMING NOTARIAL ACTS
27 WITH RESPECT TO REMOTELY LOCATED INDIVIDUALS AND IDENTIFY THE TECHNOLOGIES
28 THE NOTARY PUBLIC INTENDS TO USE. IF THE SECRETARY OF STATE HAS
29 ESTABLISHED STANDARDS UNDER SUBSECTION G OF THIS SECTION AND SECTION
30 41-275 FOR APPROVAL OF COMMUNICATION TECHNOLOGY OR IDENTITY PROOFING, THE
31 COMMUNICATION TECHNOLOGY AND IDENTITY PROOFING MUST CONFORM TO THE
32 STANDARDS.

33 G. IN ADDITION TO ADOPTING RULES UNDER SECTION 41-275, ON OR BEFORE
34 JULY 1, 2022, THE SECRETARY OF STATE SHALL ADOPT RULES UNDER THIS SECTION
35 REGARDING PERFORMANCE OF NOTARIAL ACTS FOR REMOTELY LOCATED INDIVIDUALS.
36 THE RULES MAY:

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

39 2. ESTABLISH STANDARDS FOR COMMUNICATION TECHNOLOGY AND IDENTITY
40 PROOFING.

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

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

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

7 1. THE MOST RECENT STANDARDS REGARDING THE PERFORMANCE OF A
8 NOTARIAL ACT WITH RESPECT TO A REMOTELY LOCATED INDIVIDUAL ADOPTED BY
9 NATIONAL STANDARD-SETTING ORGANIZATIONS AND THE RECOMMENDATIONS OF THE
10 NATIONAL ASSOCIATION OF SECRETARIES OF STATE.

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

13 3. THE VIEWS OF GOVERNMENTAL OFFICIALS AND ENTITIES AND OTHER
14 INTERESTED PERSONS.

15 I. FOR THE PURPOSES OF THIS SECTION:

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

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

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

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

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

29 4. "OUTSIDE THE UNITED STATES" MEANS A LOCATION OUTSIDE THE
30 GEOGRAPHIC BOUNDARIES OF THE UNITED STATES, PUERTO RICO, THE UNITED STATES
31 VIRGIN ISLANDS AND ANY TERRITORY, INSULAR POSSESSION OR OTHER LOCATION
32 SUBJECT TO THE JURISDICTION OF THE UNITED STATES.

33 5. "REMOVEDLY LOCATED INDIVIDUAL" MEANS AN INDIVIDUAL WHO IS NOT IN
34 THE PHYSICAL PRESENCE OF THE NOTARY PUBLIC WHO PERFORMS A NOTARIAL ACT
35 UNDER SUBSECTION B OF THIS SECTION.

36 41-264. Certificate of notarial act

37 A. A NOTARIAL ACT MUST BE EVIDENCED BY A CERTIFICATE. THE
38 CERTIFICATE MUST:

39 1. BE EXECUTED CONTEMPORANEOUSLY WITH THE PERFORMANCE OF THE
40 NOTARIAL ACT.

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

1 3. IDENTIFY THE JURISDICTION IN WHICH THE NOTARIAL ACT IS
2 PERFORMED.

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

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

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

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

18 C. A CERTIFICATE OF A NOTARIAL ACT IS SUFFICIENT IF IT MEETS THE
19 REQUIREMENTS OF SUBSECTIONS A AND B OF THIS SECTION AND ANY OF THE
20 FOLLOWING:

21 1. IT IS IN A SHORT FORM SET FORTH IN SECTION 41-265.

22 2. IT IS IN A FORM OTHERWISE ALLOWED BY THE LAWS OF THIS STATE.

23 3. IT IS IN A FORM ALLOWED BY THE LAWS APPLICABLE IN THE
24 JURISDICTION IN WHICH THE NOTARIAL ACT WAS PERFORMED.

25 4. IT SETS FORTH THE ACTIONS OF THE NOTARIAL OFFICER AND THE
26 ACTIONS ARE SUFFICIENT TO MEET THE REQUIREMENTS OF THE NOTARIAL ACT AS
27 PROVIDED IN SECTIONS 41-253, 41-254 AND 41-255 OR THE LAWS OF THIS STATE
28 OTHER THAN THIS ARTICLE.

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

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

35 F. IF A NOTARIAL ACT IS PERFORMED REGARDING A TANGIBLE RECORD, A
36 CERTIFICATE MUST BE PART OF OR SECURELY ATTACHED TO THE RECORD. IF THE
37 NOTARIAL CERTIFICATE IS ATTACHED TO THE RECORD USING A SEPARATE SHEET OF
38 PAPER, THE ATTACHMENT MUST CONTAIN A DESCRIPTION OF THE RECORD THAT
39 INCLUDES AT A MINIMUM THE TITLE OR TYPE OF RECORD, THE DATE OF THE RECORD,
40 THE NUMBER OF PAGES OF THE RECORD AND ANY ADDITIONAL SIGNERS OF THE RECORD
41 OTHER THAN THOSE NAMED IN THE NOTARIAL CERTIFICATE. IF A NOTARIAL ACT IS
42 PERFORMED REGARDING AN ELECTRONIC RECORD, THE CERTIFICATE MUST BE AFFIXED
43 TO OR LOGICALLY ASSOCIATED WITH THE ELECTRONIC RECORD. IF THE SECRETARY
44 OF STATE HAS ESTABLISHED STANDARDS PURSUANT TO SECTION 41-275 FOR

1 ATTACHING, AFFIXING OR LOGICALLY ASSOCIATING THE CERTIFICATE, THE PROCESS
2 MUST CONFORM TO THE STANDARDS.

3 41-265. Short form certificates

4 THE FOLLOWING SHORT FORM CERTIFICATES OF NOTARIAL ACTS ARE
5 SUFFICIENT FOR THE PURPOSES INDICATED, IF COMPLETED WITH THE INFORMATION
6 REQUIRED BY SECTION 41-264, SUBSECTIONS A AND B:

7 1. FOR AN ACKNOWLEDGMENT IN AN INDIVIDUAL CAPACITY:

8 STATE OF _____

9 (COUNTY) OF _____

10 THIS RECORD WAS ACKNOWLEDGED BEFORE ME ON _____

11 DATE

12 BY _____

13 NAME(S) OF INDIVIDUAL(S)

14 _____

15 SIGNATURE OF NOTARIAL OFFICER

16 STAMP

17 (_____)

18 TITLE OF OFFICE

19 (MY COMMISSION EXPIRES: _____)

20 2. FOR AN ACKNOWLEDGMENT IN A REPRESENTATIVE CAPACITY:

21 STATE OF _____

22 (COUNTY) OF _____

23 THIS RECORD WAS ACKNOWLEDGED BEFORE ME ON _____

24 DATE

25 BY _____

26 NAME(S) OF INDIVIDUAL(S)

27 AS (TYPE OF AUTHORITY, SUCH AS OFFICER OR TRUSTEE) OF (NAME OF
28 PARTY ON BEHALF OF WHOM RECORD WAS EXECUTED).

29 _____

30 SIGNATURE OF NOTARIAL OFFICER

31 STAMP

32 (_____)

33 TITLE OF OFFICE

34 (MY COMMISSION EXPIRES: _____)

35 3. FOR A VERIFICATION ON OATH OR AFFIRMATION:

36 STATE OF _____

37 (COUNTY) OF _____

38 SIGNED AND SWORN TO (OR AFFIRMED) BEFORE ME ON _____

39 DATE

40 BY _____

41 NAME(S) OF INDIVIDUAL(S) MAKING STATEMENT

42 _____

43 SIGNATURE OF NOTARIAL OFFICER

44 STAMP

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42

(_____)

TITLE OF OFFICE

(MY COMMISSION EXPIRES: _____)

4. FOR WITNESSING OR ATTESTING A SIGNATURE:

STATE OF _____

(COUNTY) OF _____

SIGNED (OR ATTESTED) BEFORE ME ON _____

DATE

BY _____

NAME(S) OF INDIVIDUAL(S)

SIGNATURE OF NOTARIAL OFFICER

STAMP

(_____)

TITLE OF OFFICE

(MY COMMISSION EXPIRES: _____)

5. FOR CERTIFYING A COPY OF A RECORD:

STATE OF _____

(COUNTY) OF _____

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

DATED _____

SIGNATURE OF NOTARIAL OFFICER

STAMP

(_____)

TITLE OF OFFICE

(MY COMMISSION EXPIRES: _____)

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

STATE OF _____

(COUNTY) OF _____

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

DATED _____

SIGNATURE OF NOTARIAL OFFICER

STAMP

(_____)

TITLE OF OFFICE

(MY COMMISSION EXPIRES: _____)

1 41-266. Official stamp

2 A. THE OFFICIAL STAMP OF A NOTARY PUBLIC MUST:

3 1. INCLUDE THE WORDS "NOTARY PUBLIC", THE NAME OF THE COUNTY IN
4 WHICH THE NOTARY PUBLIC IS COMMISSIONED, THE NOTARY PUBLIC'S NAME AS IT
5 APPEARS ON THE NOTARY PUBLIC'S COMMISSION, THE COMMISSION EXPIRATION DATE
6 AND OTHER INFORMATION REQUIRED BY THE SECRETARY OF STATE.

7 2. BE CAPABLE OF BEING COPIED TOGETHER WITH THE RECORD TO WHICH IT
8 IS AFFIXED OR ATTACHED OR WITH WHICH IT IS LOGICALLY ASSOCIATED.

9 B. A NOTARY PUBLIC'S OFFICIAL STAMP MAY BE ANY SHAPE. THE PHYSICAL
10 IMAGE OF AN OFFICIAL STAMP CREATED BY A PHYSICAL STAMPING DEVICE MUST BE
11 NOT MORE THAN ONE AND ONE-HALF INCHES HIGH AND TWO AND ONE-HALF INCHES
12 WIDE AND IT MUST INCLUDE AN IMAGE OF THE GREAT SEAL OF THE STATE OF
13 ARIZONA. THE ELECTRONIC IMAGE OF AN OFFICIAL STAMP CREATED BY AN
14 ELECTRONIC STAMPING DEVICE MUST BE LEGIBLE WHEN REPRODUCED TOGETHER WITH
15 THE RECORD WITH WHICH IT IS LOGICALLY ASSOCIATED.

16 C. A NOTARY PUBLIC MAY NOT AFFIX OR ATTACH THE NOTARY PUBLIC'S
17 OFFICIAL STAMP OVER THE NOTARY PUBLIC'S SIGNATURE OR OVER ANY OTHER
18 SIGNATURE ON THE RECORD THAT IS THE SUBJECT OF THE NOTARIAL ACT.

19 D. THE OFFICIAL STAMP OF A NOTARY PUBLIC IS AN OFFICIAL SEAL OF
20 OFFICE FOR THE PURPOSES OF THE LAWS OF THIS STATE.

21 41-267. Stamping device; violation; classification

22 A. A NOTARY PUBLIC IS RESPONSIBLE FOR THE SECURITY OF THE NOTARY
23 PUBLIC'S STAMPING DEVICE AND MAY NOT ALLOW ANOTHER INDIVIDUAL TO USE THE
24 DEVICE TO PERFORM A NOTARIAL ACT. ON RESIGNATION FROM, OR THE REVOCATION
25 OR EXPIRATION OF, THE NOTARY PUBLIC'S COMMISSION, THE NOTARY PUBLIC SHALL
26 DISABLE ANY ELECTRONIC STAMPING DEVICE BY DESTROYING, ERASING OR SECURING
27 IT AGAINST USE IN A MANNER THAT RENDERS IT UNUSABLE. ON THE DEATH OR
28 ADJUDICATION OF INCOMPETENCY OF A NOTARY PUBLIC, THE NOTARY PUBLIC'S
29 PERSONAL REPRESENTATIVE OR GUARDIAN OR ANY OTHER PERSON KNOWINGLY IN
30 POSSESSION OF ANY ELECTRONIC STAMPING DEVICE SHALL RENDER IT UNUSABLE BY
31 DESTROYING, ERASING OR SECURING IT AGAINST USE IN A MANNER THAT RENDERS IT
32 UNUSABLE.

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

36 C. A NOTARY PUBLIC MAY POSSESS ONLY ONE PHYSICAL STAMPING DEVICE
37 FOR USE WITH NOTARIAL ACTS PERFORMED REGARDING TANGIBLE RECORDS. A NOTARY
38 PUBLIC MAY POSSESS AN EMBOSSER IN ADDITION TO THE NOTARY PUBLIC'S PHYSICAL
39 STAMPING DEVICE. A NOTARY PUBLIC MAY USE AN EMBOSSER ONLY IN CONJUNCTION
40 WITH THE NOTARY PUBLIC'S PHYSICAL STAMPING DEVICE. AN EMBOSSER OR AN
41 IMPRESSION MADE BY THE EMBOSSER IS NOT AN OFFICIAL SEAL OF OFFICE FOR THE
42 PURPOSES OF THE LAWS OF THIS STATE.

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

4 41-268. Notification regarding performance of notarial act on
5 electronic record; selection of technology;
6 acceptance of tangible copy of electronic record

7 A. A NOTARY PUBLIC MAY SELECT ONE OR MORE TAMPER-EVIDENT
8 TECHNOLOGIES TO PERFORM NOTARIAL ACTS WITH RESPECT TO ELECTRONIC RECORDS.
9 A PERSON MAY NOT REQUIRE A NOTARY PUBLIC TO PERFORM A NOTARIAL ACT WITH
10 RESPECT TO AN ELECTRONIC RECORD WITH A TECHNOLOGY THAT THE NOTARY PUBLIC
11 HAS NOT SELECTED.

12 B. BEFORE A NOTARY PUBLIC PERFORMS THE NOTARY PUBLIC'S INITIAL
13 NOTARIAL ACT WITH RESPECT TO AN ELECTRONIC RECORD, A NOTARY PUBLIC SHALL
14 NOTIFY THE SECRETARY OF STATE THAT THE NOTARY PUBLIC WILL BE PERFORMING
15 NOTARIAL ACTS WITH RESPECT TO ELECTRONIC RECORDS AND IDENTIFY THE
16 TECHNOLOGY THE NOTARY PUBLIC INTENDS TO USE. IF THE SECRETARY OF STATE
17 HAS ESTABLISHED STANDARDS FOR APPROVAL OF TECHNOLOGY PURSUANT TO SECTION
18 41-275, THE TECHNOLOGY MUST CONFORM TO THE STANDARDS. IF THE TECHNOLOGY
19 CONFORMS TO THE STANDARDS, THE SECRETARY OF STATE SHALL APPROVE THE USE OF
20 THE TECHNOLOGY.

21 C. A COUNTY RECORDER SHALL ACCEPT FOR RECORDING A TANGIBLE COPY OF
22 AN ELECTRONIC RECORD CONTAINING A NOTARIAL CERTIFICATE AS SATISFYING ANY
23 REQUIREMENT THAT A RECORD ACCEPTED FOR RECORDING BE AN ORIGINAL, IF THE
24 NOTARIAL OFFICER EXECUTING THE NOTARIAL CERTIFICATE CERTIFIES THAT THE
25 TANGIBLE COPY IS AN ACCURATE COPY OF THE ELECTRONIC RECORD.

26 41-269. Commission as notary public; confidential
27 information; qualifications; assurance; no immunity
28 or benefit

29 A. AN INDIVIDUAL QUALIFIED UNDER SUBSECTION B OF THIS SECTION MAY
30 APPLY TO THE SECRETARY OF STATE FOR A COMMISSION AS A NOTARY PUBLIC. THE
31 APPLICANT SHALL COMPLY WITH AND PROVIDE THE INFORMATION REQUIRED BY RULES
32 ESTABLISHED BY THE SECRETARY OF STATE AND PAY ANY APPLICATION FEE. EXCEPT
33 FOR THE APPLICANT'S NAME AND BUSINESS ADDRESS, ALL INFORMATION PROVIDED ON
34 THE APPLICATION IS CONFIDENTIAL AND MAY NOT BE DISCLOSED TO ANY PERSON
35 OTHER THAN THE APPLICANT, THE APPLICANT'S GUARDIAN OR PERSONAL
36 REPRESENTATIVE OR AN EMPLOYEE OR OFFICER OF THE FEDERAL, STATE OR LOCAL
37 GOVERNMENT WHO IS ACTING IN AN OFFICIAL CAPACITY. THE SECRETARY OF STATE
38 SHALL USE THE INFORMATION PROVIDED ON THE APPLICATION ONLY FOR CARRYING
39 OUT THE PURPOSES OF THIS ARTICLE.

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

- 41 1. BE AT LEAST EIGHTEEN YEARS OF AGE.
42 2. BE A CITIZEN OR PERMANENT LEGAL RESIDENT OF THE UNITED STATES.

1 3. BE A RESIDENT OF THIS STATE FOR INCOME TAX PURPOSES AND CLAIM
2 THE INDIVIDUAL'S RESIDENCE IN THIS STATE AS THE INDIVIDUAL'S PRIMARY
3 RESIDENCE ON STATE AND FEDERAL TAX RETURNS.

4 4. BE ABLE TO READ, WRITE AND UNDERSTAND ENGLISH.

5 5. NOT BE DISQUALIFIED TO RECEIVE A COMMISSION UNDER SECTION
6 41-271.

7 6. HAVE PASSED THE EXAMINATION DESCRIBED IN SECTION 41-270 IF
8 REQUIRED BY THE SECRETARY OF STATE.

9 7. KEEP AS A REFERENCE A MANUAL THAT IS APPROVED BY THE SECRETARY
10 OF STATE AND THAT DESCRIBES THE DUTIES, AUTHORITY AND ETHICAL
11 RESPONSIBILITIES OF A NOTARY PUBLIC.

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

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

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

34 F. A COMMISSION TO ACT AS A NOTARY PUBLIC AUTHORIZES THE NOTARY
35 PUBLIC TO PERFORM NOTARIAL ACTS. THE COMMISSION DOES NOT PROVIDE THE
36 NOTARY PUBLIC ANY IMMUNITY OR BENEFIT CONFERRED BY THE LAWS OF THIS STATE
37 ON PUBLIC OFFICIALS OR EMPLOYEES.

38 G. A NOTARY PUBLIC IS A PUBLIC OFFICER COMMISSIONED BY THIS STATE
39 AND ALL OF THE FOLLOWING APPLY WITHOUT REGARD TO WHETHER THE NOTARY
40 PUBLIC'S EMPLOYER OR ANY OTHER PERSON HAS PAID THE FEES AND COSTS FOR THE
41 COMMISSIONING OF THE NOTARY PUBLIC, INCLUDING COSTS FOR A STAMPING DEVICE
42 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
7 A NOTARY PUBLIC FOR NOTARIAL SERVICES PROVIDED WHILE NOT ON DUTY REMAIN
8 THE 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
12 THE FEES AND COSTS FOR THE COMMISSIONING OF A NOTARY PUBLIC WHO IS AN
13 EMPLOYEE OF THIS STATE OR ANY POLITICAL SUBDIVISION OF THIS STATE AND WHO
14 PERFORMS NOTARIAL ACTS IN THE COURSE OF THE NOTARY PUBLIC'S EMPLOYMENT OR
15 FOR THE 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.

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

35 41-271. Grounds to deny, refuse to renew, revoke, suspend or
36 condition commission of notary public

37 A. THE SECRETARY OF STATE MAY DENY, REFUSE TO RENEW, REVOKE,
38 SUSPEND OR IMPOSE A CONDITION ON A COMMISSION AS NOTARY PUBLIC FOR ANY ACT
39 OR OMISSION THAT DEMONSTRATES THE INDIVIDUAL LACKS THE HONESTY, INTEGRITY,
40 COMPETENCE OR RELIABILITY TO ACT AS A NOTARY PUBLIC, INCLUDING ANY OF THE
41 FOLLOWING:

- 42 1. FAILURE TO COMPLY WITH THIS ARTICLE.

- 1 2. A FRAUDULENT, DISHONEST OR DECEITFUL MISSTATEMENT OR OMISSION IN
2 THE APPLICATION FOR A COMMISSION AS A NOTARY PUBLIC SUBMITTED TO THE
3 SECRETARY OF STATE.
- 4 3. A CONVICTION OF THE APPLICANT OR NOTARY PUBLIC OF ANY FELONY OR
5 A CRIME INVOLVING FRAUD, DISHONESTY OR DECEIT. A CONVICTION AFTER A PLEA
6 OF NO CONTEST IS DEEMED TO BE A CONVICTION FOR THE PURPOSES OF THIS
7 PARAGRAPH.
- 8 4. A FINDING AGAINST OR ADMISSION OF LIABILITY BY THE APPLICANT OR
9 NOTARY PUBLIC IN ANY LEGAL PROCEEDING OR DISCIPLINARY ACTION BASED ON THE
10 APPLICANT'S OR NOTARY PUBLIC'S FRAUD, DISHONESTY OR DECEIT.
- 11 5. FAILURE BY THE NOTARY PUBLIC TO DISCHARGE ANY DUTY REQUIRED OF A
12 NOTARY PUBLIC, WHETHER BY THIS ARTICLE, RULES OF THE SECRETARY OF STATE OR
13 FEDERAL OR STATE LAW.
- 14 6. USE OF FALSE OR MISLEADING ADVERTISING OR REPRESENTATION BY THE
15 NOTARY PUBLIC REPRESENTING THAT THE NOTARY HAS A DUTY, RIGHT OR PRIVILEGE
16 THAT THE NOTARY DOES NOT HAVE.
- 17 7. VIOLATION BY THE NOTARY PUBLIC OF A RULE OF THE SECRETARY OF
18 STATE REGARDING A NOTARY PUBLIC.
- 19 8. DENIAL, REFUSAL TO RENEW, REVOCATION, SUSPENSION OR CONDITIONING
20 OF A NOTARY PUBLIC COMMISSION IN ANOTHER STATE.
- 21 9. FAILURE OF THE NOTARY PUBLIC TO MAINTAIN AN ASSURANCE AS
22 PROVIDED IN SECTION 41-269, SUBSECTION D.
- 23 10. CHARGING MORE THAN THE FEES AUTHORIZED BY THIS ARTICLE OR RULE.
- 24 11. THE RETURN FOR INSUFFICIENT FUNDS OR FOR ANY OTHER REASON FOR
25 NONPAYMENT OF A CHECK ISSUED FOR THE ASSURANCE FILING FEES OR APPLICATION
26 FEES TO THE SECRETARY OF STATE.
- 27 12. FAILURE TO RESPOND TO ANY REQUEST FOR INFORMATION OR TO COMPLY
28 WITH ANY INVESTIGATION INITIATED BY THE SECRETARY OF STATE OR THE ATTORNEY
29 GENERAL.
- 30 13. THE PRIOR REVOCATION OF A NOTARY PUBLIC COMMISSION IN THIS
31 STATE.
- 32 B. IF THE SECRETARY OF STATE DENIES, REFUSES TO RENEW, REVOKES,
33 SUSPENDS OR IMPOSES CONDITIONS ON A COMMISSION AS A NOTARY PUBLIC, THE
34 APPLICANT OR NOTARY PUBLIC IS ENTITLED TO TIMELY NOTICE AND A HEARING IN
35 ACCORDANCE WITH CHAPTER 6, ARTICLE 10 OF THIS TITLE. THE DENIAL OF AN
36 APPLICATION OR REVOCATION OR SUSPENSION OF A COMMISSION IS AN APPEALABLE
37 AGENCY ACTION. IF AN APPLICANT APPEALS THE DENIAL OF AN APPLICATION, THE
38 APPLICANT MAY NOT SUBMIT A NEW APPLICATION FOR CONSIDERATION WHILE THE
39 APPEAL IS PENDING. IF AN INDIVIDUAL'S COMMISSION AS A NOTARY PUBLIC IN
40 THIS STATE IS REVOKED, THE INDIVIDUAL MAY NOT SUBMIT A NEW APPLICATION FOR
41 COMMISSION FOR ONE YEAR AFTER THE DATE OF REVOCATION.
- 42 C. THE AUTHORITY OF THE SECRETARY OF STATE TO DENY, REFUSE TO
43 RENEW, SUSPEND, REVOKE OR IMPOSE CONDITIONS ON A COMMISSION AS A NOTARY

1 PUBLIC DOES NOT PREVENT A PERSON FROM SEEKING AND OBTAINING OTHER CRIMINAL
2 OR CIVIL REMEDIES PROVIDED BY LAW.

3 41-272. Database of notaries public

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

7 B. THE ELECTRONIC DATABASE MAY INDICATE WHETHER A NOTARY PUBLIC HAS
8 NOTIFIED THE SECRETARY OF STATE THAT THE NOTARY PUBLIC WILL BE PERFORMING
9 NOTARIAL ACTS ON ELECTRONIC RECORDS OR FOR REMOTELY LOCATED INDIVIDUALS
10 UNDER SECTION 41-263.

11 41-273. Prohibited acts; civil penalty; violation;
12 classification

13 A. A COMMISSION AS A NOTARY PUBLIC DOES NOT AUTHORIZE AN INDIVIDUAL
14 TO:

15 1. ASSIST PERSONS IN DRAFTING LEGAL RECORDS, GIVE LEGAL ADVICE OR
16 OTHERWISE PRACTICE LAW.

17 2. ACT AS AN IMMIGRATION CONSULTANT OR AN EXPERT ON IMMIGRATION
18 MATTERS.

19 3. REPRESENT A PERSON IN A JUDICIAL OR ADMINISTRATIVE PROCEEDING
20 RELATING TO IMMIGRATION TO THE UNITED STATES, UNITED STATES CITIZENSHIP OR
21 RELATED MATTERS.

22 4. RECEIVE COMPENSATION FOR PERFORMING ANY OF THE ACTIVITIES LISTED
23 IN THIS SUBSECTION.

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

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

29 D. A NOTARY PUBLIC, OTHER THAN AN ATTORNEY WHO IS LICENSED TO
30 PRACTICE LAW IN THIS STATE, MAY NOT ADVERTISE OR REPRESENT THAT THE NOTARY
31 PUBLIC MAY ASSIST PERSONS IN DRAFTING LEGAL RECORDS, GIVE LEGAL ADVICE OR
32 OTHERWISE PRACTICE LAW. IF A NOTARY PUBLIC WHO IS NOT AN ATTORNEY
33 LICENSED TO PRACTICE LAW IN THIS STATE IN ANY MANNER ADVERTISES OR
34 REPRESENTS THAT THE NOTARY PUBLIC OFFERS NOTARIAL SERVICES, WHETHER ORALLY
35 OR IN A RECORD, INCLUDING BROADCAST MEDIA, PRINT MEDIA AND THE INTERNET,
36 THE NOTARY PUBLIC SHALL INCLUDE THE FOLLOWING STATEMENT, OR AN ALTERNATIVE
37 STATEMENT AUTHORIZED OR REQUIRED BY THE SECRETARY OF STATE, IN THE
38 ADVERTISEMENT OR REPRESENTATION, PROMINENTLY AND IN EACH LANGUAGE USED IN
39 THE ADVERTISEMENT OR REPRESENTATION: "I AM NOT AN ATTORNEY LICENSED TO
40 PRACTICE LAW IN THIS STATE. I AM NOT ALLOWED TO DRAFT LEGAL RECORDS, GIVE
41 ADVICE ON LEGAL MATTERS, INCLUDING IMMIGRATION, OR CHARGE A FEE FOR THOSE
42 ACTIVITIES". IF THE FORM OF ADVERTISEMENT OR REPRESENTATION IS NOT
43 BROADCAST MEDIA, PRINT MEDIA OR THE INTERNET AND DOES NOT ALLOW INCLUSION
44 OF THE STATEMENT REQUIRED BY THIS SUBSECTION BECAUSE OF SIZE, IT MUST BE

1 DISPLAYED PROMINENTLY OR PROVIDED AT THE PLACE OF PERFORMANCE OF THE
2 NOTARIAL ACT BEFORE THE NOTARIAL ACT IS PERFORMED.

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

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

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

15 41-274. Validity of notarial acts

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

26 41-275. Rules

27 A. THE SECRETARY OF STATE MAY ADOPT RULES TO IMPLEMENT THIS
28 ARTICLE. ON OR BEFORE JULY 1, 2022, THE SECRETARY OF STATE SHALL ADOPT
29 RULES UNDER THIS SECTION REGARDING THE PERFORMANCE OF NOTARIAL ACTS WITH
30 RESPECT TO ELECTRONIC RECORDS. RULES ADOPTED REGARDING THE PERFORMANCE OF
31 NOTARIAL ACTS WITH RESPECT TO ELECTRONIC RECORDS MAY NOT REQUIRE, OR
32 ACCORD GREATER LEGAL STATUS OR EFFECT TO, THE IMPLEMENTATION OR
33 APPLICATION OF A SPECIFIC TECHNOLOGY OR TECHNICAL SPECIFICATION. THE
34 RULES MAY:

35 1. PRESCRIBE THE MANNER OF PERFORMING NOTARIAL ACTS REGARDING
36 TANGIBLE AND ELECTRONIC RECORDS.

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

39 3. INCLUDE PROVISIONS TO ENSURE INTEGRITY IN THE CREATION,
40 TRANSMITTAL, STORAGE OR AUTHENTICATION OF ELECTRONIC RECORDS OR
41 SIGNATURES.

42 4. PRESCRIBE THE PROCESS OF GRANTING, RENEWING, CONDITIONING,
43 DENYING, SUSPENDING OR REVOKING A NOTARY PUBLIC COMMISSION AND ASSURING

1 THE TRUSTWORTHINESS OF AN INDIVIDUAL HOLDING A COMMISSION AS A NOTARY
2 PUBLIC.

3 5. INCLUDE PROVISIONS TO PREVENT FRAUD OR MISTAKE IN THE
4 PERFORMANCE OF NOTARIAL ACTS.

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

7 7. PROVIDE FOR THE ADMINISTRATION OF THE EXAMINATION UNDER SECTION
8 41-270, SUBSECTION A AND THE COURSE OF STUDY UNDER SECTION 41-270,
9 SUBSECTION B.

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

13 1. THE MOST RECENT STANDARDS REGARDING ELECTRONIC RECORDS
14 PROMULGATED BY NATIONAL BODIES, SUCH AS THE NATIONAL ASSOCIATION OF
15 SECRETARIES OF STATE.

16 2. STANDARDS, PRACTICES AND CUSTOMS OF OTHER JURISDICTIONS THAT
17 SUBSTANTIALLY ENACT THIS ARTICLE.

18 3. THE VIEWS OF GOVERNMENTAL OFFICIALS AND ENTITIES AND OTHER
19 INTERESTED PERSONS.

20 41-276. Notary public commission in effect; authorization to
21 perform electronic and remote online notarizations
22 in effect

23 A. A COMMISSION AS A NOTARY PUBLIC IN EFFECT ON THE EFFECTIVE DATE
24 OF THIS SECTION CONTINUES UNTIL ITS DATE OF EXPIRATION. A NOTARY PUBLIC
25 WHO APPLIES TO RENEW A COMMISSION AS A NOTARY PUBLIC ON OR AFTER THE
26 EFFECTIVE DATE OF THIS SECTION IS SUBJECT TO AND SHALL COMPLY WITH THIS
27 ARTICLE. A NOTARY PUBLIC, IN PERFORMING NOTARIAL ACTS AFTER THE EFFECTIVE
28 DATE OF THIS SECTION, SHALL COMPLY WITH THIS ARTICLE.

29 B. AN AUTHORIZATION ISSUED BY THE SECRETARY OF STATE TO PERFORM
30 ELECTRONIC NOTARIZATION OR REMOTE ONLINE NOTARIZATIONS IN EFFECT ON THE
31 EFFECTIVE DATE OF THIS SECTION CONTINUES UNTIL ITS DATE OF EXPIRATION. A
32 NOTARY PUBLIC WHO NOTIFIES THE SECRETARY OF STATE THAT THE NOTARY PUBLIC
33 WILL BE PERFORMING NOTARIAL ACTS WITH RESPECT TO ELECTRONIC RECORDS OR
34 WITH RESPECT TO REMOTELY LOCATED INDIVIDUALS ON OR AFTER THE EFFECTIVE
35 DATE OF THIS SECTION IS SUBJECT TO AND SHALL COMPLY WITH THIS ARTICLE.

36 41-277. Relation to electronic signatures in global and
37 national commerce act

38 THIS ARTICLE MODIFIES, LIMITS AND SUPERSEDES THE ELECTRONIC
39 SIGNATURES IN GLOBAL AND NATIONAL COMMERCE ACT (P.L. 106-229; 114 STAT.
40 464; 15 UNITED STATES CODE SECTIONS 7001 THROUGH 7031) BUT DOES NOT
41 MODIFY, LIMIT OR SUPERSEDE 15 UNITED STATES CODE SECTION 7001(c) OR
42 AUTHORIZE ELECTRONIC DELIVERY OF ANY OF THE NOTICES DESCRIBED IN 15 UNITED
43 STATES CODE SECTION 7003(b).

1 Sec. 11. Heading change

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

5 Sec. 12. Repeal

6 Sections 41-312, 41-313 and 41-315, Arizona Revised Statutes, are
7 repealed.

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

10 41-317. Resignation; delivering notary seal, notarial journal
11 and records; failure to comply; storing records;
12 certified copies

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

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

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

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

41 41-319. Journal

42 A. ~~The~~ A notary PUBLIC shall keep a paper journal ~~and~~, TO CHRONICLE
43 ALL NOTARIAL ACTS PERFORMED REGARDING TANGIBLE RECORDS. A NOTARY PUBLIC
44 SHALL KEEP EITHER A PAPER JOURNAL OR ONE OR MORE ELECTRONIC JOURNALS TO

1 CHRONICLE ALL NOTARIAL ACTS PERFORMED REGARDING ELECTRONIC RECORDS.
2 Except as prescribed by subsection E of this section, A NOTARY PUBLIC
3 shall keep only one PAPER journal at a time. The notary PUBLIC shall
4 record all notarial acts in chronological order. The notary PUBLIC shall
5 furnish, when requested, a certified copy of any public record in the
6 ~~notary's~~ NOTARY PUBLIC'S journal. Records of notarial acts that violate
7 the attorney-client privilege or that are confidential pursuant to federal
8 or state law are not a public record. Each journal entry shall include at
9 least:

- 10 1. The date of the notarial act.
- 11 2. A description of the document ~~or~~ AND type of notarial act.
- 12 3. The printed full name, ~~signature~~ and address of each ~~person~~
13 INDIVIDUAL for whom a notarial act is performed.

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

16 ~~4.~~ 5. The type of satisfactory evidence of identity presented to
17 the notary PUBLIC by each ~~person~~ INDIVIDUAL for whom a notarial act is
18 performed, ~~if other than~~ OR A NOTATION THAT the ~~notary's~~ NOTARY PUBLIC'S
19 personal knowledge of the individual ~~is~~ WAS used as satisfactory evidence
20 of identity.

21 ~~5.~~ 6. A description of the identification CARD OR document, ~~its~~
22 ~~serial or identification number and~~ IF ANY, INCLUDING its date of issuance
23 or expiration.

24 ~~6.~~ 7. The fee, if any, charged for the notarial act.

25 B. If a notary PUBLIC has personal knowledge of the identity of a
26 signer, ~~the requirements of subsection A, paragraphs 1 through 5 of this~~
27 ~~section may be satisfied by~~ the notary ~~retaining~~ PUBLIC SHALL RETAIN a
28 paper or electronic copy of the notarized documents for each notarial act
29 IN LIEU OF MAKING A JOURNAL ENTRY OR THE NOTARY PUBLIC SHALL MAKE A
30 JOURNAL ENTRY PURSUANT TO THE REQUIREMENTS OF SUBSECTION A, PARAGRAPHS 1,
31 2, 3, 4, 5 AND 7 OF THIS SECTION.

32 C. EXCEPT FOR NOTARIAL ACTS PERFORMED FOR REMOTELY LOCATED
33 INDIVIDUALS UNDER SECTION 41-263, if a notary ~~does~~ PUBLIC PERFORMS more
34 than one notarization for an individual within a six month period, the
35 notary PUBLIC shall have the individual provide satisfactory evidence of
36 identity AS REQUIRED UNDER SECTION 41-255 the first time the notary
37 performs the notarization for the individual but may not require
38 satisfactory evidence of identity or the individual to sign the journal
39 for subsequent notarizations performed for the individual during the six
40 month period.

41 D. If a notary PUBLIC performs more than one notarization of the
42 same type for a signer either on ~~like documents~~ SIMILAR RECORDS or within
43 the same ~~document~~ RECORD and at the same time, the notary PUBLIC may group

1 the ~~documents~~ RECORDS together and make one journal entry for the
2 transaction.

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

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

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

22 41-320. Competency of bank and corporation notaries

23 A. It is lawful for a notary public who is a stockholder, director,
24 officer or employee of a corporation to take the acknowledgment or oath of
25 any party to any ~~written instrument~~ RECORD executed to or by the
26 corporation, or to administer an oath to any other stockholder, director,
27 officer, employee or agent of the corporation, or to protest for
28 nonacceptance or nonpayment of bills of exchange, drafts, checks, notes
29 and other negotiable instruments ~~which~~ THAT may be owned or held for
30 collection by the corporation.

31 B. It is unlawful for any notary public to take the acknowledgment
32 of ~~an instrument~~ A RECORD executed by or to a corporation of which ~~he~~ THE
33 NOTARY PUBLIC is a stockholder, director, officer or employee, where the
34 notary PUBLIC is a party to the ~~instrument~~ RECORD, either individually or
35 as a representative of the corporation, or to protest any negotiable
36 instrument owned or held for collection by the corporation, where the
37 notary is individually a party to the instrument. A NOTARIAL ACT
38 PERFORMED IN VIOLATION OF THIS SUBSECTION IS VOIDABLE.

39 Sec. 16. Repeal

40 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
4 journal or seal; civil penalty

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

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

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

25 41-324. Court reporters; notarial acts

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

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

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

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

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

43 A notary public who has a change of surname may continue to use the
44 official ~~seal~~ STAMP and commission in the notary public's prior name until

1 that commission expires. The notary PUBLIC shall sign the changed surname
2 on the line that is designated for the notary public's signature on the
3 notarial certificate. Immediately below that signature, the notary public
4 shall sign the name under which the notary was commissioned. The notary
5 public shall notify the secretary of state's office within thirty days ~~of~~
6 AFTER the ~~notary's~~ NOTARY PUBLIC'S change of surname. Failure to notify
7 the secretary of state of this change of surname is evidence of the
8 ~~notary's~~ NOTARY PUBLIC'S failure to fully and faithfully discharge the
9 duties of a notary PUBLIC.

10 Sec. 20. Repeal

11 Sections 41-328, 41-329 and 41-330, Arizona Revised Statutes, are
12 repealed.

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

15 41-332. Notary education fund

16 The notary education fund is established consisting of monies
17 deposited pursuant to section ~~41-312~~ 41-270. The secretary of state shall
18 administer the fund. Monies in the fund are subject to legislative
19 appropriation.

20 Sec. 22. Repeal

21 Title 41, chapter 2, articles 3 and 4, Arizona Revised Statutes, are
22 repealed.

23 Sec. 23. Section 44-7003, Arizona Revised Statutes, is amended to
24 read:

25 44-7003. Scope

26 A. Except as otherwise provided in subsections B and C of this
27 section, this chapter applies to any electronic record and electronic
28 signature relating to a transaction.

29 B. For the purposes of this article and articles 2, 3 and 4 of this
30 chapter, this chapter does not apply to a transaction to the extent the
31 transaction is governed by:

32 1. Title 14 as it relates to the creation and execution of wills,
33 codicils or testamentary trusts.

34 2. TITLE 19, CHAPTER 1 AS IT RELATES TO THE SIGNING OF REFERENDUM
35 PETITIONS AND INITIATIVE PETITIONS.

36 ~~2.~~ 3. Title 47, other than title 47, chapters 2 and 2A and section
37 47-1306 and as otherwise provided in section 44-7016.

38 C. Article 5 of this chapter applies only to title 10 and
39 transactions governed by title 47, chapters 2, 2A and 7.

40 D. This chapter applies to an electronic record or electronic
41 signature otherwise excluded from the application of this chapter under
42 subsection B or C of this section to the extent the record or signature is
43 governed by a law other than those laws described in subsection B or C of
44 this section.

1 E. Any transaction subject to this chapter is also subject to any
2 other applicable substantive law.

3 Sec. 24. Section 44-7011, Arizona Revised Statutes, is amended to
4 read:

5 44-7011. Notarization; acknowledgment

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

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

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

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

20 ~~4. The following information appears electronically within the~~
21 ~~record electronically signed by the notary:~~

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

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

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

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

33 Sec. 25. Effective date

34 This act is effective from and after June 30, 2022.

35 ~~Sec. 26. Requirements for enactment; three-fourths vote~~

36 ~~Pursuant to article IV, part 1, section 1, Constitution of Arizona,~~
37 ~~section 16-946, Arizona Revised Statutes, as amended by this act, is~~
38 ~~effective only on the affirmative vote of at least three-fourths of the~~
39 ~~members of each house of the legislature.~~

APPROVED BY THE GOVERNOR MARCH 18, 2021.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MARCH 18, 2021.