

REFERENCE TITLE: notary public; examination; repeal

State of Arizona  
House of Representatives  
Fifty-seventh Legislature  
Second Regular Session  
2026

# HB 2837

Introduced by  
Representative Weninger

## AN ACT

AMENDING SECTION 41-269, ARIZONA REVISED STATUTES; REPEALING SECTION 41-270, ARIZONA REVISED STATUTES; AMENDING SECTION 41-275, ARIZONA REVISED STATUTES; REPEALING SECTION 41-332, 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 41-269, Arizona Revised Statutes, is amended to  
3 read:

4 41-269. Commission as notary public; confidential  
5 information; qualifications; assurance; no immunity  
6 or benefit

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

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

19 1. Be at least eighteen years of age.

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

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

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

25 5. Not be disqualified to receive a commission under section  
26 41-271.

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

29 ~~7.~~ 6. Keep as a reference a manual that is approved by the  
30 secretary of state and that describes the duties, authority and ethical  
31 responsibilities of a notary public.

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

35 D. Before issuance of a commission as a notary public, the  
36 applicant for a commission shall submit to the secretary of state an  
37 assurance in the form of a surety bond in the amount of \$5,000. The  
38 assurance must be issued by a surety or other entity licensed or  
39 authorized to do business in this state. The assurance must cover acts  
40 performed during the term of the notary public's commission and must be in  
41 the form prescribed by the secretary of state. If a notary public  
42 violates any law with respect to notaries public in this state, the surety  
43 or issuing entity is liable under the assurance. The surety or issuing  
44 entity shall give thirty days' notice to the secretary of state before  
45 canceling the assurance. The surety or issuing entity shall notify the

1 secretary of state not later than thirty days after making a payment to a  
2 claimant under the assurance. A notary public may perform notarial acts  
3 in this state only during the period that a valid assurance is on file  
4 with the secretary of state. An employer may not cancel the assurance of  
5 any notary public who is an employee and who leaves such employment.

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

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

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

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

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

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

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

33 Sec. 2. Repeal

34 Section 41-270, Arizona Revised Statutes, is repealed.

35 Sec. 3. Section 41-275, Arizona Revised Statutes, is amended to  
36 read:

37 41-275. Rules

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

- 1           1. Prescribe the manner of performing notarial acts regarding  
2 tangible and electronic records.
- 3           2. Include provisions to ensure that any change to or tampering  
4 with a record bearing a certificate of a notarial act is self-evident.
- 5           3. Include provisions to ensure integrity in the creation,  
6 transmittal, storage or authentication of electronic records or  
7 signatures.
- 8           4. Prescribe the process of granting, renewing, conditioning,  
9 denying, suspending or revoking a notary public commission and assuring  
10 the trustworthiness of an individual holding a commission as a notary  
11 public.
- 12          5. Include provisions to prevent fraud or mistake in the  
13 performance of notarial acts.
- 14          6. Establish the process for approving and accepting surety bonds  
15 and other forms of assurance under section 41-269.
- 16          ~~7. Provide for the administration of the examination under section~~  
17 ~~41-270, subsection A and the course of study under section 41-270,~~  
18 ~~subsection B.~~
- 19          B. In adopting, amending or repealing rules about notarial acts  
20 with respect to electronic records, the secretary of state shall consider,  
21 so far as is consistent with this article:
- 22           1. The most recent standards regarding electronic records  
23 promulgated by national bodies, such as the national association of  
24 secretaries of state.
- 25           2. Standards, practices and customs of other jurisdictions that  
26 substantially enact this article.
- 27           3. The views of governmental officials and entities and other  
28 interested persons.
- 29          Sec. 4. Repeal  
30          Section 41-332, Arizona Revised Statutes, is repealed.