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## Notary News

July 20, 2011

Notary Law Changes Effective July 20, 2011

- o Clarifies notary's duties and responsibilities
- o Codifies that a notary is to be an impartial witness
- o Provides guidelines for what is to be contained in a notarial certificate
- o Clarifies language requirements for both Arizona notaries and notarial certificates
- o Mandate training prior to reinstatement of a suspended commission
- o Provision in Electronic Notary statutes that mirror notary statutes

Requires notaries and electronic notaries to be able to read and write English.

Authorizes the Secretary of State to require suspended notaries and suspended electronic notaries to present proof of attendance at a notary training course before receiving or reinstating their commissions.

Specifies that notaries and electronic notaries perform certain notarial acts only if:

- a) the signer is in the presence of the notary or electronic notary at the time of the notarization;
- b) the signer signs in a language understood by the notary or electronic notary;
- c) the signer communicates directly with the notary or electronic notary in a language understood by both; and
- d) the certificate is worded and completed using only letters, characters and a language that the notary or electronic notary reads, writes and understands.

Requires a notarial certificate to contain a description of the notarized document that includes, at a minimum, the title or type of document, the document date, the number of pages of the document and any additional signers other than those named in the notarial certificate. This provision applies only if the notary or electronic notary attaches a notarial certificate to a document using a separate sheet of paper.

Allows a notary or electronic notary to perform a notarial act on a translation of a document that is in a language that the notary does not understand. Stipulates that this is allowed only if the person performing the translation signs an affidavit containing an oath or affirmation that the translation is accurate and complete.

Requires the notarized translation, affidavit and notarial certificate be attached to the document.

Permits a notary to communicate with a person indirectly through a translator who is physically present at the time of the notarization.

Prohibits notaries and electronic notaries from advertising a fee for performing a notarial act, unless specifically authorized by rule.

Requires notaries and electronic notaries to deliver a signed notice of changes that provides both the old and new **business** addresses within 30 days after changing addresses to the SOS.

Clarifies that electronic notaries are prohibited from notarizing the signatures of any person who is related to the notary by marriage or adoption.

Prohibits notaries and electronic notaries from performing a notarization if they are an officer of any named party, a party to the document or if they will receive any direct material benefit from the transaction evidenced by the notarized document that exceeds in value the fees prescribed in statute.

Permits the Secretary of State to require an electronic notary to attend a notary training course within 90 days before renewing their commission.

Authorizes the Secretary of State to assess a fee for administering electronic notary training courses for electronic notaries. Requires the Secretary of State to deposit the fees into the Notary Education Fund.

Removes the requirements that an electronic notary:

- a) educate notary service electronic signature certificate (certificate) applicants about the responsibilities and consequences of using the certificate;
- b) administer an oath or affirmation that the certificate applicant understands the responsibilities and consequences of using a certificate to sign a notary service electronic document and that the certificate has the same legal force and effect as any notarial act made before a notary; and
- c) register the certificate applicant for the issuance of a certificate that has a maximum useful life of two years.

Conforms the definition of *personal knowledge* in related statutes.

Modifies the definition of *notarial certificate* or *certificate* to specify that the certificate must state the venue and date that are attested by the notary in a particular notarization.

Defines *venue*.

~ SB1230 ~  
50th Legislature,  
1st Regular Session

State Senate\_  
[Summary of changes  
to the Notary law](#)

House Engrossed\_  
[Senate Bill  
pdf](#)

Chapter 343 (SB1230) - As  
signed and chaptered (final  
version)

[Chapter 343](#)

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July 29, 2010

Effective July 29, 2010, the following changes to the notary statutes will take effect:

**Commission Expiration Date:** Pursuant to A.R.S. 41-313(B)(3), notaries public will no longer be required to affix the date of the notary's commission expiration to documents on which the notary executes a notarial act. However, if the notary is performing a notarization and there is a blank line for the commission expiration date in the notarial certificate, the notary should fill in the information, as a Notary should leave no blank spaces in a notarial certificate. **Satisfactory Evidence of Identity:** In accord with A.R.S. 41-311(11), notaries public may accept the following forms of identification as proof of identity:

1. An unexpired driver license that is issued by a state or territory of the United States.
2. An unexpired passport that is issued by the United States Department of State.
3. An unexpired identification card that is issued by any branch of the United States Armed Forces.
4. Any other unexpired identification card that is issued by the United States government or a state or tribal government, that contains the individual's photograph, signature and physical description that contains the individual's height, weight, color of hair and color of eyes.
5. The oath or affirmation of a credible person who is personally known to the notary and who personally knows the individual.
6. The oath or affirmation of a credible person who personally knows the individual and who provides satisfactory evidence of identity pursuant to item 1, 2, 3, or 4 above.
7. Personal knowledge of the individual by the notary. In addition to the forms of satisfactory evidence of identity listed above, for purposes of real estate conveyance or financing, identity may be evidenced by one of the following:
  1. A valid unexpired passport that is issued by a national government other than the United States government and that is accompanied by a valid unexpired visa or other documentation that is issued by the United States government and that is necessary to establish an individual's legal presence in the United States.
  2. Any other valid unexpired identification that is deemed acceptable by the United States Department of Homeland Security to establish an individual's legal presence in the United States and that is accompanied with supporting documents as required by the United States Department of Homeland Security.\*

\*For examples of such items, please visit the United States Department of State website for a list of visa waiver nations, nations whose visitors may not be required to obtain visas prior to visiting the United States. Additionally, please visit the Western Hemisphere Travel Initiative website for examples of alternative forms of documentation accepted from certain visitors from Canada and Mexico.

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September 29, 2009

Notarized statements and journal entries associated with the parental consent for abortion statutes (A.R.S. § 36-2152) are confidential and are not public records. These documents must not be disclosed in response to a public records request, and the contents must be kept confidential.

[Note: The notarization requirement found in A.R.S. § 36-2152 was enjoined by order of the Maricopa County Superior Court on September 29, 2009 and therefore is currently NOT in effect. Please refer to this website for updates as to how the ongoing litigation will affect the law related notaries.]