

**ARIZONA REVISED STATUTES**

**TITLE 11. COUNTIES**

**CHAPTER 3. COUNTY OFFICERS**

**ARTICLE 3.1. UNIFORM REAL PROPERTY ELECTRONIC RECORDING ACT**

**11-487.02. Validity of electronic documents**

A. if a law requires, as a condition for recording, that a document be an original, be on paper or another tangible medium or be in writing, the requirement is satisfied by an electronic document satisfying this article.

B. If a law requires, as a condition for recording, that a document be signed, the requirement is satisfied by an electronic signature.

C. A requirement that a document or a signature associated with a document be notarized, acknowledged, verified, witnessed or made under oath is satisfied if the electronic signature of the person authorized to perform that act, and all other information required to be included, is attached to or logically associated with the document or signature. a physical or electronic image of a stamp, impression or seal need not accompany an electronic signature.

**TITLE 33. PROPERTY**

**CHAPTER 4. CONVEYANCES AND DEEDS**

**ARTICLE 5. UNIFORM RECOGNITION OF ACKNOWLEDGMENTS ACT**

**33-501. Recognition of notarial acts performed outside this state**

For the purposes of this article, “notarial acts” means acts which the laws and regulations of this state authorize notaries public of this state to perform, including the administering of oaths and affirmations, taking proof of execution and acknowledgments of instruments, and attesting documents. Notarial acts may be performed outside this state for use in this state with the same effect as if performed by a notary public of this state by the following persons authorized pursuant to the laws and regulations of other governments in addition to any other person authorized by the laws and regulations of this state:

1. A notary public authorized to perform notarial acts in the place in which the act is performed.

2. A judge, clerk, or deputy clerk of any court of record in the place in which the notarial act is performed.

3. An officer of the foreign service of the United States, a consular agent, or any other person authorized by regulation of the United States department of state to perform notarial acts in the place in which the act is performed.

4. A commissioned officer in active service with the armed forces of the United States and any other person authorized by regulation of the armed forces to perform notarial acts if the notarial act is performed for one of the following or his dependents: a merchant seaman of the United States, a member of the armed forces of the United States, or any other person serving with or accompanying the armed forces of the United States.

5. Any other person authorized to perform notarial acts in the place in which the act is performed.

**33-502. Authentication of authority of officer**

A. If the notarial act is performed by any of the persons described in section 33-501,

paragraphs 1 to 4, inclusive, other than a person authorized to perform notarial acts by the laws or regulations of a foreign country, the signature, rank, or title and serial number, if any, of the person are sufficient proof of the authority of a holder of that rank or title to perform the act. Further proof of his authority is not required.

B. If the notarial act is performed by a person authorized by the laws or regulations of a foreign county to perform the act, there is sufficient proof of the authority of that person to act if:

1. Either a foreign service officer of the United States resident in the country in which the act is performed or a diplomatic or consular officer of the foreign country resident in the United States certifies that a person holding that office is authorized to perform the act, or

2. The official seal of the person performing the notarial act is affixed to the document, or

3. The title and indication of authority to perform notarial acts of the person appears either in a digest of foreign law or in a list customarily used as a source of such information.

C. If the notarial act is performed by a person other than one described in subsections A and B, there is sufficient proof of the authority of that person to act if the clerk of a court of record in the place in which the notarial act is performed certifies to the official character of that person and to his authority to perform the notarial act.

D. The signature and title of the person performing the act are prima facie evidence that he is a person with the designated title and that the signature is genuine.

### **33-503. Certificate of person taking acknowledgment**

The person taking an acknowledgment shall certify that:

1. The person acknowledging appeared before him and acknowledged he executed the instrument, and

2. The person acknowledging was known to the person taking the acknowledgment or that the person taking the acknowledgment had satisfactory evidence that the person acknowledging was the person described in and who executed the instrument.

### **33-504. Recognition of certificate of acknowledgment**

The form of a certificate of acknowledgment used by a person whose authority is recognized under section 33-501 shall be accepted in this state if:

1. The certificate is in a form prescribed by the laws or regulations of this state, or

2. The certificate is in a form prescribed by the laws or regulations applicable in the place in which the acknowledgment is taken, or

3. The certificate contains the words “acknowledged before me”, or their substantial equivalent.

### **33-505. Certificate of acknowledgment**

The words “acknowledged before me” mean that:

1. The person acknowledging appeared before the person taking the acknowledgment.

2. He acknowledged he had executed the instrument.

3. In the case of:

(a) A natural person, he executed the instrument for the purposes therein stated.

(b) A corporation, the officer or agent acknowledged he held the position or title set forth in the instrument and certificate, he signed the instrument on behalf of the corporation by proper authority, and the instrument was the act of the corporation for the

purpose therein stated.

(c) A partnership, the partner or agent acknowledged he signed the instrument on behalf of the partnership by proper authority and he executed the instrument as the act of the partnership for the purposes therein stated.

(d) A person acknowledging as principal by an attorney in fact, he executed the instrument by proper authority as the act of the principal for the purposes therein stated.

(e) A person acknowledging as a public officer, trustee, personal representative, administrator, guardian, or other representative, he signed the instrument by proper authority and he executed the instrument in the capacity and for the purposes therein stated.

4. The person taking the acknowledgment either knew or had satisfactory evidence that the person acknowledging was the person named in the instrument or certificate.

**33-506. Short forms of acknowledgment**

The forms of acknowledgment set forth in this section may be used and are sufficient for their respective purposes under any law of this state. The forms shall be known as “statutory short forms of acknowledgment” and may be referred to by that name. The authorization of the following forms does not preclude the use of other forms:

1. For an individual acting in his own right:

State of \_\_\_\_\_  
County of \_\_\_\_\_

The foregoing instrument was acknowledged before me this (date) by (name of person acknowledged.)

(Signature of person taking acknowledgment)  
(Title or rank)  
(Serial number, if any)

2. For a corporation:

State of \_\_\_\_\_  
County of \_\_\_\_\_

The foregoing instrument was acknowledged before me this (date) by (name of officer or agent, title or officer or agent) of (name of corporation acknowledging) a (state or place of incorporation) corporation, on behalf of the corporation.

(Signature of person taking acknowledgment)  
(Title or rank)  
(Serial number, if any)

3. For a partnership:

State of \_\_\_\_\_  
County of \_\_\_\_\_

The foregoing instrument was acknowledged before me this (date) by (name of acknowledging partner or agent), partner (or agent) on behalf of (name of partnership), a partnership.

(Signature of person taking acknowledgment)  
(Title or rank)

(Serial number, if any)

4. For an individual acting as principal by an attorney in fact:

State of \_\_\_\_\_

County of \_\_\_\_\_

The foregoing instrument was acknowledged before me this (date) by (name of attorney in fact) as attorney in fact on behalf of (name of principal).

(Signature of person taking acknowledgment)

(Title or rank)

(Serial number, if any)

5. By any public officer, trustee, or personal representative:

State of \_\_\_\_\_

County of \_\_\_\_\_

The foregoing instrument was acknowledged before me this (date) by (name and title of position).

(Signature of person taking acknowledgment)

(Title or rank)

(Serial number, if any)

### **33-507. Acknowledgments not affected by this article**

A notarial act performed prior to the effective date of this article is not affected by this article. This article provides an additional method of proving notarial acts. Nothing in this article diminishes or invalidates the recognition accorded to notarial acts by other laws or regulations of this state.

### **33-508. Uniformity of interpretation**

This article shall be so interpreted as to make uniform the laws of those states which enact it.

## **TITLE 38. PUBLIC OFFICERS AND EMPLOYEES CHAPTER 3. CONDUCT OF OFFICE ARTICLE 1. FEES**

### **38-411. Record of fees; inspection of fee book**

Every officer entitled by law to charge fees for services shall keep a fee book and shall enter therein all fees charged for services rendered. The fee book shall at all times be subject to inspection by any person to ascertain the amount of fees therein charged.

### **38-412. Posting schedule of fees**

Recorders, clerks of the superior courts, sheriffs, justices of the peace, constables and notaries public shall keep posted at all times in a conspicuous place in their respective offices a complete list of the fees they are allowed to charge.

### **38-413. Charging excessive fees; classification**

A. If an officer demands and receives a higher fee than prescribed by law, or any fee

not so allowed, such officer shall be liable to the party aggrieved in an amount four times the fee unlawfully demanded and received by him.

B. An officer who violates this section is guilty of a class 5 felony.

### **38-414. Collection of fees; failure to report amount collected; classification**

A public officer who by law is required to make an abstract or statement of the amount of fees, compensation or percentage as earned or collected by him or his deputies, or as having been returned to him by any other officer or person, or who is required by law to keep or preserve such abstract or statement or to file it in some designated place, who knowingly fails or refuses to make or file such abstract or statement as required by law, is guilty of a class 2 misdemeanor and shall be removed from office by judgment of the court.

## **TITLE 41. STATE GOVERNMENT CHAPTER 2. ADMINISTRATIVE OFFICERS ARTICLE 2. NOTARIES PUBLIC**

### **41-311. Definitions**

In this article, unless the context otherwise requires:

1. "Acknowledgment" means a notarial act in which a notary certifies that a signer, whose identity is proven by satisfactory evidence, appeared before the notary and acknowledged that the signer signed the document.
2. "Commission" means to authorize to perform notarial acts and the written authority to perform those acts.
3. "Copy certification" means a notarial act in which the notary certifies that the notary has made a photocopy of an original document that is neither a public record nor publicly recordable.
4. "Incomplete document" means a document that has not been signed where a signature line is provided or where other obvious blanks appear in the document or that lacks a notarial certificate.
5. "Jurat" means a notarial act in which the notary certifies that a signer, whose identity is proven by satisfactory evidence, has made in the notary's presence a voluntary signature and has taken an oath or affirmation vouching for the truthfulness of the signed document.
6. "Notarial act" or "notarization" means any act that a notary is authorized to perform under section 41-313 and that verifies only the identity of a signer of a document and not the truthfulness, accuracy or validity of the document.
7. "Notarial certificate" or "certificate" means the part of or attachment to a notarized document for completion by the notary that bears the notary's signature and seal and states the venue, date and facts that are attested by the Notary in a particular notarization.
8. "Notary public" or "notary" means any person commissioned to perform notarial acts under this article.
9. "Oath" or "affirmation" means a notarial act or part of a notarial act in which a person made a vow in the presence of the notary under penalty of perjury, with reference made to a supreme being in the case of an oath.
10. "Personal knowledge" means familiarity with an individual resulting from interactions with that individual over a sufficient time to eliminate reasonable doubt that the individual has the identity claimed.
11. "Satisfactory evidence of identity" means:

- (a) Proof of identity is evidenced by one of the following:
- (i) An unexpired driver license or nonoperating identification license that is issued by a state or territory of the United States.
  - (ii) An unexpired passport that is issued by the United States department of state.
  - (iii) An unexpired identification card that is issued by any branch of the United States armed forces.
  - (iv) An inmate identification card that is issued by the state department of corrections, if the inmate is in the custody of the department.
  - (v) Any form of inmate identification that is issued by a county sheriff, if the inmate is in the custody of the county sheriff.
  - (vi) 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 and that contains the individual's height, weight, hair color of hair and eye color.
  - (vii) The oath or affirmation of a credible person who is personally known to the notary and who personally knows the individual.
  - (viii) The oath or affirmation of a credible person who personally knows the individual and who provides satisfactory evidence of identity pursuant to item (i), (ii), (iii), (iv), (v) or (vi) of this subdivision.
  - (ix) Personal knowledge of the individual by the notary.
- (b) In addition to subdivision (a) of this paragraph, for the purposes of a real estate conveyance or financing that proof of identity may be evidenced by one of the following:
- (i) A valid unexpired passport that is issued by the United States government.
  - (ii) A valid unexpired passport that is issued by a national government other than the United States government and that is accompanied by a valid unexpired visa or other documentation that is issued by the United States government and that is necessary to establish an individual's legal presence in the United States.
  - (iii) Any other valid unexpired identification that is deemed acceptable by the United States department of homeland security to establish an individual's legal presence in the United States and that is accompanied with supporting documents as required by the United States department of homeland security.
12. "Venue" means this state and the county where a notarial act occurs.

#### **41-312. Appointment; term; oath and bond**

A. The secretary of state may appoint notaries public in each county to hold office for four years who shall have jurisdiction in the county in which they reside and in which they are appointed. Acknowledgments of documents may be taken and executed and oaths may be administered by a notary public in any county of the state although the commission is issued to the notary public in and for another county.

B. The secretary of state shall give notice of the appointment to the person appointed who shall take, within twenty days after receiving such notice, the oath prescribed by law and give a bond, with sureties approved by the clerk, in an amount prescribed by the secretary of state and file it with the state. On filing the official oath and bond the secretary of state shall deliver the commission to such person.

C. A notary public is a public officer commissioned by this state and the following apply without regard to whether the notary public's employer or any other person has paid the fees and costs for the commissioning of the notary public, including costs for the official seal and journals:

1. A notary public's official seal and commission and any journal that contains only public record entries remain the property of the notary public.

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

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

D. A notary public shall continue to serve until the notary public's commission expires, the notary public resigns the commission, the notary public dies or the secretary of state revokes the commission. An employer may not cancel the notary bond or notary commission of any notary public who is an employee and who leaves that employment.

E. A notary public shall comply with all of the following:

1. Be at least eighteen years of age.

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

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

4. Except as provided in section 41-330, subsection A, paragraph 2, never have been convicted of a felony.

5. Keep as a reference a manual that is approved by the secretary of state and that describes the duties, authority and ethical responsibilities of notaries public.

6. Be able to read and write English.

F. An applicant for appointment and commission as a notary public shall complete an application form prescribed by the secretary of state. Except for the applicant's name and business address, all information on the application is confidential and may not be disclosed to any person other than the applicant, the applicant's personal representative or an employee or officer of the federal, state or local government who is acting in an official capacity. The secretary of state shall use the information contained on the application only for carrying out the purposes of this article.

G. This state or any of its political subdivisions may pay the fees and costs for the commissioning of a notary public who is an employee of this state or any of its political subdivisions and who performs notarial services in the course of the notary public's employment or for the convenience of public employees.

H. The secretary of state may require that applicants and suspended notaries present proof of attendance at a notary training course before receiving their commissions or before reinstatement of a suspended commission. Any applicant who is required to attend a notary training course must complete the training within ninety days before renewing their commissions. The secretary of state may assess a fee prescribed by the secretary of state for administering notary training courses. The secretary of state shall deposit the fees collected in the notary education fund established by section 41-332.

### **41-313. Duties**

A. Notaries public shall perform the following notarial acts, when requested:

1. Take acknowledgments and give certificates of the acknowledgments endorsed on or attached to the instrument.

2. Administer oaths and affirmations.

3. Perform jurats.

4. Perform copy certification.

B. Notaries public shall perform the notarial acts prescribed in subsection A of this section only if:

1. The signer is in the presence of the notary at the time of notarization.

2. The signer signs in a language that the notary understands.

3. The signer communicates directly with the notary in a language they both understand or indirectly through a translator who is physically present with the signer and notary at the time of the notarization and who communicates directly with the signer and the notary in languages the translator understands.

4. The notarial certificate is worded and completed using only letters, characters and a language that are read, written and understood by the notary public.

C. If a notary attaches a notarial certificate to a document using a separate sheet of paper, the attachment must contain a description of the 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.

D. Notaries public shall:

1. Keep, maintain and protect as a public record a journal of all official acts performed by the notary as described in section 41-319.

2. Provide and keep the official seal that is imprinted in dark ink with the words “notary public”, the name of the county in which the notary is commissioned, the name of the notary as it appears on the notarial application, the great seal of the state of Arizona, the notarial commission number and the expiration date of the notarial commission.

3. Authenticate with the official seal all official acts on every certificate or acknowledgment signed and sealed by the notary.

4. Respond to any requests for information and comply with any investigations that are initiated by the secretary of state or the attorney general.

#### **41-314. Notary bond fund; purpose; exemption**

A. The notary bond fund is established consisting of monies received pursuant to section 41-178.

B. The secretary of state shall administer the fund and spend monies in the fund in order to defray the cost of the secretary of state’s office assuming the responsibilities associated with the processing and administration of notary bonds.

C. On notice from the secretary of state, the state treasurer shall invest and divest monies in the fund as provided by section 35-313, and monies earned from investment shall be credited to the fund.

D. Monies in the fund are continuously appropriated and exempt from the provisions of section 35-190 relating to lapsing of appropriations.

#### **41-315. Bond**

A. A person who has been commissioned as a notary shall file an oath of office with the secretary of state and a bond in an amount prescribed by the secretary of state in order for the commission to become effective. A licensed surety shall execute the bond. The bond shall be effective for four years beginning on the commission’s effective date.

B. The secretary of state shall not accept any bond that was issued more than sixty days before or more than sixty days after the date on which the secretary of state commissions a notary.

#### **41-316. Fees**

A. The secretary of state shall establish fees that notaries public may charge for notarial acts. These fees shall be established by rules adopted pursuant to chapter 6 of this title.

B. Notaries public may be paid an amount up to the amount authorized for mileage expenses and per diem subsistence for state employees as prescribed by title 38, chapter 4, article 2.

C. A notary shall not advertise or charge or receive a fee for performing a notarial act except as specifically authorized by rule.

#### **41-317. Resignation; delivering notarial seal, notarial journal and records; failure to comply; storing records; certified copies**

A. A notary shall submit the notary's resignation in writing to the secretary of state.

B. On the resignation or revocation of a notarial commission or the death of a notary, the notary seal, notarial journal and records, except those records of notarial acts that are not public record, shall be delivered by certified mail or other means providing a receipt to the secretary of state. If a notary does not apply for reappointment, on expiration of the notarial commission the notary seal, journal and records shall be delivered to the secretary of state as required for resignation under this subsection. A notary who neglects for three months thereafter to deposit such records, seal and papers, or the personal representative of a deceased notary who neglects for three months after appointment to deposit such records, seal and papers, shall forfeit to the state not less than fifty nor more than five hundred dollars.

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

#### **41-318. Wilful destruction of records; penalty**

Any person who knowingly destroys, defaces or conceals any journal entry or records belonging to the office of a notary public shall forfeit to the state an amount not exceeding five hundred dollars and shall be liable for damages to any party injured thereby.

#### **41-319. Journal**

A. The notary shall keep a paper journal and, except as prescribed by subsection E, shall keep only one journal at a time. The notary shall record all notarial acts in chronological order. The notary shall furnish, when requested, a certified copy of any public record in the notary's journal. Records of notarial acts that violate the attorney-client privilege or that are confidential pursuant to federal or state law are not public record. Each journal entry shall include at least:

1. The date of the notarial act.

2. A description of the document or type of notarial act.

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

4. The type of satisfactory evidence of identity presented to the notary by each person for whom a notarial act is performed, if other than the notary's personal knowledge of the individual is used as satisfactory evidence of identity.

5. A description of the identification document, its serial or identification number and its date of issuance or expiration.

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

B. If a notary has personal knowledge of the identity of a signer, the requirements of subsection A, paragraphs 1 through 5 may be satisfied by the notary retaining a paper or electronic copy of the notarized documents for each notarial act.

C. If a notary does more than one notarization for an individual within a six month period, the notary shall have the individual provide satisfactory evidence of identity the first time the notary performs the notarization for the individual but may not require satisfactory evidence of identity or the individual to sign the journal for subsequent notarizations performed for the individual during the six month period.

D. If a notary performs more than one notarization of the same type for a signer either on like documents or within the same document and at the same time, the notary may group the documents together and make one journal entry for the transaction.

E. If one or more entries in a notary public's journal are not public records, the notary public may keep one journal that contains entries that are not public records and one journal that contains entries that are public records. A notary public's journal that contains entries that are not public records is the property of the employer of that notary public and shall be retained by that employer if the notary public leaves that employment. A notary public's journal that contains only public records is the property of the notary public without regard to whether the notary public's employer purchased the journal or provided the fees for the commissioning of the notary public.

F. Except as provided in subsections A and E, the notary's journal is a public record that may be viewed by or copied for any member of the public, but only upon presentation to the notary of a written request that details the month and year of the notarial act, the name of the person whose signature was notarized and the type of document or transaction.

#### **41-320. Competency of bank and corporation notaries**

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

B. It is unlawful for any notary public to take the acknowledgment of an instrument executed by or to a corporation of which he is a stockholder, director, officer or employee, where the notary is a party to the instrument, either individually or as a representative of the corporation, or to protest any negotiable instrument owned or held for collection by the corporation, where the notary is individually a party to the instrument.

#### **41-321. Obtaining a seal; violation; classification**

A. A vendor of notary seals may not provide an official seal to a person unless the person presents a photocopy of the person's notarial commission. The vendor shall retain the photocopy for four years.

B. A notary public's official seal may be any shape and shall produce a stamped seal that is no more than one and one-half inches high and two and one-half inches wide. A notary public may possess only one official seal but may also possess and use an embossing seal that may be used only in conjunction with the notary public's official seal. An embossing seal is not an official seal of a notary public.

C. A person who violates this section is guilty of a class 3 misdemeanor.

#### **41-322. Authentication of authority of officer for foreign notarizations**

A. If a notarial act is performed by any of the persons described in section 33-501, paragraphs 1 through 4, other than a person authorized to perform notarial acts by the laws or regulations of a foreign country, the signature, rank or title and serial number, if any, of the person is sufficient proof of the authority of the person to perform the act. Further proof of the person's authority is not required.

B. If a notarial act is performed by a person authorized by the laws or regulations of a foreign country to perform the act, any of the following is sufficient proof of the authority of the person to perform the act:

1. Certification by a foreign service officer of the United States resident in the country in which the notarial act is performed or a diplomatic or consular officer of the foreign country resident in the United States that a person who holds the office that the person holds is authorized to perform notarial acts.

2. Affixation to the notarized document of the official seal of the person performing the notarial act.

3. The appearance either in a digest of foreign law or in a list that is customarily used as a source of such information of the title and the indication of authority to perform notarial acts of the person.

C. If a notarial act is performed by a person other than a person described in subsections A and B of this section, sufficient proof of the authority of the person to act exists if the secretary of state certifies to the official character of the person and to the person's authority to perform the notarial act.

D. The signature and title of a person performing a notarial act are prima facie evidence that the person is a person with the designated title and that the signature is genuine.

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

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

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

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

#### **41-324. Court reporters; notarial acts**

A. Court reporters who administer oaths and affirmations in judicial proceedings are exempt from the provisions of this chapter other than section 41-315. Court reporters who are commissioned as notaries and who perform notarial acts outside of judicial proceedings are subject to all provisions of this chapter and of other laws of this state that regulate notaries public.

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

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

**41-325. Evidence of authenticity of a notarial act performed in this state**

A. The authenticity of the official notarial seal and signature of a notary may be evidenced by either:

1. A certificate of authority from the secretary of state authenticated as necessary.
2. An apostille from the secretary of state in the form prescribed by the Hague convention of October 5, 1961 abolishing the requirement of legalization of foreign public documents.

B. An apostille as specified by the Hague convention shall be attached to any document that requires authentication and that is sent to a nation that has signed and ratified this convention.

**41-326. Apostille**

An apostille prescribed by the Hague convention, as cited in 28 United States Code in annotations to rule 44 of the federal rules of civil procedure, shall be in the form of a square with sides at least nine centimeters long and shall contain exactly the following wording:

Apostille

( Convention de la haye du 5 Octobre 1961)

1. Country: \_\_\_\_\_

This public document

2. Has been signed by \_\_\_\_\_

3. Acting in the capacity of \_\_\_\_\_

4. Bears the seal/stamp of \_\_\_\_\_

Certified

5. At \_\_\_\_\_ 6. The \_\_\_\_\_

7. By \_\_\_\_\_

8. No. \_\_\_\_\_

9. Seal/stamp

10. Signature \_\_\_\_\_

**41-327. Name change; new commission**

A notary public who has a change of surname due to marriage may continue to use the official seal and commission in the notary public's prior name until that commission expires. The notary shall sign the changed surname on the line that is designated for the notary public's signature on the notarial certificate. Immediately below that signature, the notary public shall sign the name under which the notary was commissioned. The notary public shall notify the secretary of state's office within thirty days of the notary's change of surname. Failure to notify the secretary of state of the change of surname is evidence of the notary's failure to fully and faithfully discharge the duties of a notary.

**41-328. Prohibited conduct; incomplete documents; signatures of relatives**

A. A notary public shall not perform a jurat on a document that is incomplete. If a notary public is presented with a document that the notary knows from experience to be incomplete or if the document on its face is incomplete the notary public shall refuse to perform the jurat.

B. A notary public is an impartial witness and shall not notarize the notary's own signature or the signatures of any person who is related to the notary by marriage or adoption.

C. Subject to section 41-320, a notary public shall not perform a notarization on a document if the notary is an officer of any named party, if the notary is a party to the document or if the notary will receive any direct material benefit from the transaction that is evidenced by the notarized document that exceeds in value the fees prescribed pursuant to section 41-316.

**41-329. Notary public title; foreign language; violation; classification**

A. Every notary public who is not an attorney who advertises, by any written or verbal means, the services of a notary public in a language other than English, with the exception of a single desk plaque, shall post or otherwise include with the advertisement a notice in English and the other language. The notice shall be of conspicuous size, if in writing, and shall state: "I am not an attorney and cannot give legal advice about immigration or any other legal matters."

B. A notary public who is not an attorney may not render any service for compensation that constitutes the unauthorized practice of immigration and nationality law as defined in section 12-2701.

C. If a notary public violates subsection B of this section, in addition to any other penalty, the secretary of state shall impose a civil penalty of not more than one thousand dollars and permanently revoke the notary public's commission.

D. A notary public who violates subsection A of this section is guilty of a class 6 felony and the secretary of state shall permanently revoke the notary public's commission.

**41-330. Grounds for refusal or revocation of commission**

A. The secretary of state may refuse to appoint any person as a notary public or may revoke or suspend the commission of any notary public for any of the following reasons:

1. Substantial and material misstatement or omission in the application for a notary public commission that is submitted to the secretary of state.

2. Conviction of a felony unless restored to civil rights, or of a lesser offense involving moral turpitude or of a nature that is incompatible with the duties of a notary public. A conviction after a plea of no contest is deemed to be a conviction for purposes of this paragraph.

3. Revocation, suspension, restriction or denial of a professional license if that action was for misconduct, dishonesty or any cause that substantially relates to the duties or responsibilities of a notary public.

4. Failure to discharge fully and faithfully any of the duties or responsibilities required of a notary public.

5. The use of false or misleading advertising in which the notary public has represented that the notary public has duties, rights or privileges that the notary public does not possess by law.

6. Charging more than the fees authorized by statute or rule.

7. The commission of any act involving dishonesty, fraud or deceit with the intent to substantially benefit the notary public or another person or to substantially injure another person.

8. Failure to complete the acknowledgment or jurat at the time the notary's signature and seal are affixed to the document.

9. Failure to administer the oath or affirmation required at the time of performing a jurat for an individual.

10. Execution of any notarial certificate by the notary public containing a statement known by the notary public to be false.

11. The return for insufficient funds or any other reason for nonpayment of a check issued for the bond filing fees or the application fees to the secretary of state.

12. Notarizing a document that contains no notarial certificate.

B. If an application is denied the secretary of state shall notify the applicant within thirty days after receipt of the application and shall state the reasons for the denial.

C. The secretary of state may suspend the commission of a notary for at least thirty days and for not more than one hundred eighty days.

D. If a person has had a notary commission in this state revoked, the secretary of state may refuse to appoint the person as a notary public for an indefinite period of time.

E. On revocation or suspension of a notary public's commission, the secretary of state shall give notice to the notary public and shall provide the person with notice of the opportunity for a hearing on the revocation or suspension pursuant to chapter 6 article 10 of this title. The revocation of a notary public commission is an appealable agency action.

#### **41-331. Complaints; investigations**

A. Any person may make a complaint to the office of the secretary of state regarding a notary public. The secretary of state shall receive any complaints and shall provide notice of those complaints to the office of the attorney general who shall investigate and take action on all complaints involving allegations of any violations of this article.

B. A notary's failure to respond to an investigation is a failure by the notary to fully and faithfully discharge the responsibilities and duties of a notary.

#### **41-332. Notary education fund**

The notary education fund is established consisting of monies deposited pursuant to

section 41-312. The secretary of state shall administer the fund. Monies in the fund are subject to legislative appropriation.

**41-333. Impersonation of notary public**

Any person who knowingly acts as or otherwise intentionally impersonates a notary public while not lawfully appointed and commissioned to perform notarial acts is guilty of impersonating a public servant pursuant to section 13-2406.

**ARTICLE 3 “ELECTRONIC NOTARIZATION”**

**41-351. Definitions**

In this article, unless the context otherwise requires, “electronic signature” means an electronic method or process that through the application of a security procedure allows a determination that the electronic signature at the time it was executed was all of the following:

1. Unique to the person using it.
2. Capable of verification.
3. Under the sole control of the person using it.
4. Linked to the electronic document to which it relates in a manner so that if the document is changed the electronic signature is invalidated.

**41-352. Electronic notarization; rules**

- A. Notarial commissions, duties and acts as prescribed by this article may be performed electronically.
- B. A notary public may accept documents signed with an electronic signature.
- C. On or before December 31, 2019, the secretary of state shall adopt rules that establish standards for secure and feasible implementation of electronic notarization.

**41-353. Repealed.**

**41-354. Repealed.**

**41-355. Repealed.**

**41-356. Repealed.**

**41-357. Repealed.**

**41-358. Repealed.**

**41-359. Repealed.**

**41-360. Repealed.**

**41-361. Repealed.**

**41-362. Repealed.**

**41-363. Repealed.**

**41-364. Repealed.**

**41-365. Repealed.**

**41-366. Repealed.**

**41-367. Repealed.**

**41-368. Repealed.**

**41-369. Repealed.**

**41-370. Repealed.**

**TITLE 44. TRADE AND COMMERCE  
CHAPTER 26. ELECTRONIC TRANSACTIONS  
ARTICLE 1. GENERAL PROVISIONS**

**44-7011. Notarization; acknowledgment**

Notwithstanding title 41, chapter 2, article 2, if the law requires a signature or record to be notarized, acknowledged, verified or made under oath, that requirement is satisfied if a notary completes a notarial act on the electronic message or document. That notarial act on the electronic message or document is complete without the imprint of the notary's seal if all of the following apply:

1. The electronic message or document is signed pursuant to this chapter or section 41-132 in the presence of a notary.
2. The notary confirms that the electronic signature on the electronic message or document is verifiably the electronic signature issued to the signer pursuant to this chapter or section 41-132.
3. The notary electronically signs with an electronic signature that is consistent with this chapter or any other applicable law.
4. The following information appears electronically within the message electronically signed by the notary:
  - (a) The notary's full name and commission number exactly as it appears on the notary's commission.
  - (b) The words "electronic notary public", "state of Arizona" and "my commission expires on (date)".
  - (c) The address of the notary's principal place of contact exactly as it appears on the notary's commission.
  - (d) The notary's e-mail or other electronic address exactly as it appears on the notary's commission.

**ARTICLE 2. SECURE ELECTRONIC RECORDS AND SIGNATURES**

**44-7034. Electronic notarization; acknowledgment**

If a law requires a signature or record to be notarized, acknowledged, verified or made under oath, that requirement is satisfied if all of the following are true:

1. A secure electronic signature of the individual who is authorized to perform those acts and all other information that is required to be included pursuant to any other applicable law are applied to a secure electronic record.
2. The secure electronic record has a time stamp token that is both:
  - (a) Created by a party recognized by the secretary of state.
  - (b) In a form that is accepted by the secretary of state to do all of the following:
    - (i) Reasonably verify the validity of the signing party's secure electronic signature.
    - (ii) Reasonably establish the time of signing.
3. The secure electronic record cannot be altered without invalidating the time stamp token.

**ARIZONA ADMINISTRATIVE CODE**

**TITLE 2. ADMINISTRATION  
CHAPTER 12. OFFICE OF THE SECRETARY OF STATE  
ARTICLE 11. NOTARY PUBLIC BONDS AND FEES**

**R2-12-1101. Definitions**

The following definitions shall apply in this Article unless the context otherwise requires:

“Acknowledgment” means the same as defined in A.R.S. § 41-311(1).

“Bond” means a surety bond to the state, with sureties approved by the clerk of the superior court in the county in which the individual is being commissioned as a notary public.

“Copy certification” means the same as defined in A.R.S. § 41-311(3).

“Credible person” means a person used to identify a signer when the signer does not have other satisfactory evidence of identity as specified in A.R.S. § 41-311(11).

“Jurat” means the same as defined in A.R.S. § 41-311(6).

“Oath” or “affirmation” means the same as defined in A.R.S. § 41-311(10).

“Satisfactory evidence of identity” means the same as defined in A.R.S. § 41-311(11).

**Historical Note**

New Section adopted by emergency rulemaking at 6 A.A.R. 2956, effective July 18, 2000 (Supp. 00-3).  
Emergency rulemaking renewed at 7 A.A.R. 672, effective January 13, 2001 (Supp. 01-1). Section made by final rulemaking at 7 A.A.R. 2141, effective May 1, 2001 (Supp. 01-2).

**R2-12-1102. Notary Public Fees**

A. Pursuant to A.R.S. § 38-412, a notary public shall keep posted at all times in a conspicuous location, the fee schedule listed under subsection (E)(1) through (3).

B. Upon reviewing the fees schedule under subsection (E)(1) through (3), a notary shall select a standard fee, from “no charge” up to the maximum \$10 fee for a notarial act. A notary public shall be consistent when charging fees and post the fee schedule in a conspicuous location.

C. When posting fees under subsection (A) and (B), notaries shall use the template in Exhibit 1. Notary Public Services.

D. Before performing any notarial act, the notary public shall inform the requestor of the service fee if one will be charged.

E. A Notary public may charge the following fee:

1. For an acknowledgment or jurat, “no charge” up to \$10 per notary public signature;
2. For a copy certification, “no charge” up to \$10 per page certified;
3. For an oath or affirmation without a signature, “no charge” up to \$10 per notarial

act.

**Exhibit 1. Notary Public Services  
NOTARY PUBLIC SERVICES**

(Business, Office, or Notary Name)

Fees Schedule Posted pursuant to R2-12-1102		
acknowledgment or jurat	[Example Fee] No Charge	per notary public signature

copy certification	[Example Fee] No Charge	per page certified
oath or affirmation	[Example Fee] No Charge	per notarial act
<b><i>Attention Customer: Fees charged by an Arizona Notary Public may vary from “no charge” up to \$10.</i></b>		

An Arizona Notary Public May Charge the Following Fees

Posted pursuant to A.R.S. § 38-412		
acknowledgment or jurat	up to \$10	per notary public signature
copy certification	up to \$10	per page certified
oath or affirmation	up to \$10	per notarial act

Historical Note

New Section adopted by emergency rulemaking at 6 A.A.R. 2956, effective July 18, 2000 (Supp. 00-3). Emergency rulemaking renewed at 7 A.A.R. 672, effective January 13, 2001 (Supp. 01-1). Section made by final rulemaking at 7 A.A.R. 2141, effective May 1, 2001 (Supp. 01-2). Amended by final rulemaking at 24 A.A.R. 137, effective March 5, 2018.

**R2-12-1103. Notary Public Bonds**

A. Notaries public shall purchase a bond in the amount of \$5,000 before being commissioned as a notary public. The original bond shall be filed with the clerk of the superior court in the applicant’s county of residence. A copy of the bond shall be filed with the applicant’s application form submitted to the Secretary of State’s Office.

B. The bond shall contain, on its face, the oath of office for the notary public as specified in A.R.S. § 38-233(B). This oath shall be as specified in A.R.S. § 38-231. The notary shall endorse the oath on the face of the bond, immediately below the oath, by signing the notary’s name under which the person has applied to be commissioned as a notary and exactly as the name appears on the notary application form filed with the Secretary of State’s Office.

Historical Note

New Section adopted by emergency rulemaking at 6 A.A.R. 2956, effective July 18, 2000 (Supp. 00-3). Emergency rulemaking renewed at 7 A.A.R. 672, effective January 13, 2001 (Supp. 01-1). Section made by final rulemaking at 7 A.A.R. 2141, effective May 1, 2001 (Supp. 01-2).