

NEW MEXICO STATUTES ANNOTATED

**CHAPTER 14. RECORDS, LEGAL NOTICES AND OATHS
ARTICLE 9A. UNIFORM REAL PROPERTY ELECTRONIC RECORDING ACT**

14-9A-3. 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 the Uniform Real Property Electronic Recording Act.

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.

History: Laws 2007, ch. 261, § 3.

ARTICLE 12A. NOTARIES PUBLIC

RELATING TO NOTARIES PUBLIC; ENACTING THE NOTARY PUBLIC ACT;
REPEALING AND ENACTING SECTIONS OF THE NMSA 1978.

14-12A-1. Short title. This act may be cited as the “Notary Public Act”.

History: Laws 2003, ch. 286, § 1.

14-12A-2. Definitions. As used in the Notary Public Act:

A. “acknowledgment” means a notarial act in which a person at a single time and place:

(1) appears in person before the notary public and presents a document;

(2) is personally known to the notary public or identified by the notary public through satisfactory evidence; and

(3) indicates to the notary public that the signature on the document was voluntarily affixed by the person for the purposes stated within the document and, if applicable, that the person had due authority to sign in a particular representative capacity;

B. “affirmation” means a notarial act that is legally equivalent to an oath and in which a person at a single time and place:

(1) appears in person before the notary public;

(2) is personally known to the notary public or identified by the notary public through satisfactory evidence; and

(3) makes a vow of truthfulness or fidelity on penalty of perjury, based on personal honor and without invoking a deity or using any form of the word “swear”;

C. “commission” means both to empower to perform notarial acts and the written evidence of authority to perform those acts;

D. “copy certification” means a notarial act in which a notary public:

(1) is presented with a document that is neither a vital record, a public record nor publicly recordable;

(2) copies or supervises the copying of the document using a photographic or electronic copying process;

(3) compares the document to the copy; and

(4) determines that the copy is accurate and complete;

E. “credible witness” means an honest, reliable and impartial person who personally knows the person appearing before a notary public and takes an oath or affirmation from the notary to vouch for that person’s identity;

F. “jurat” means a notarial act in which a person at a single time and place:

(1) appears in person before the notary public and presents a document;

(2) is personally known to the notary public or identified by the notary public through satisfactory evidence;

(3) signs the document in the presence of the notary public; and

(4) takes an oath or affirmation from the notary public that the person is voluntarily affixing his signature and vouching for the truthfulness or accuracy of the signed document;

G. “notarial act” means any act that a notary public or other person is empowered to perform pursuant to the Notary Public Act or the Uniform Law on Notarial Acts;

H. “notarial certificate” means the part of, or attachment to, a notarized document that is completed by the notary public, bears the notary public’s signature and seal and states the facts attested by the notary public in a particular notarization;

I. “notary public” mean any person commissioned by the governor to perform official acts pursuant to the Notary Public Act;

J. “oath” means a notarial act that is legally equivalent to an affirmation and in which a person at a single time and place:

(1) appears in person before the notary public;

(2) is personally known to the notary public or identified by the notary public through satisfactory evidence; and

(3) makes a vow of truthfulness or fidelity on penalty of perjury while invoking a deity or using any form of the word “swear”;

K. “official misconduct” means:

(1) a notary public’s performance of an act prohibited, or failure to perform an act mandated, by the Notary Public Act or by any other law in connection with a notarial act by the notary public; or

(2) a notary public’s performance of an official act in a manner found by the governor to be negligent or against the public interest;

L. “personal appearance” means that the principal and the notary public are physically close enough to see, hear, communicate with and give identification documents to each other;

M. “personally known” means familiarity with a person resulting from interactions with that person over a period of time sufficient to dispel any reasonable uncertainty that the person has the identity claimed;

N. “principal” means:

(1) a person whose signature is notarized; or

(2) a person, other than a credible witness, taking an oath or affirmation from the notary public;

O. “satisfactory evidence of identity” means identification of a person based on:

(1) at least one current document issued by a federal, state or tribal government agency bearing the photographic image of the person’s face and signature and a physical description of the person, though a properly stamped passport without a physical description is acceptable; or

(2) the oath or affirmation of one credible witness unaffected by the document or transaction who is personally known to the notary public and who personally knows the person, or of two credible witnesses unaffected by the document or transaction who each personally knows the person and shows to the notary public documentary identification as described in Paragraph (1) of this subsection; and

P. “seal” means a device, including a rubber stamp, for affixing on a paper document an image containing the notary public’s name, the words “State of New Mexico” and, in the case of a rubber stamp, the commission expiration date.

History: Laws 2003, ch. 286, § 2.

14-12A-3. Qualifications. A notary public shall:

- A. be a resident of New Mexico;
- B. be at least eighteen years of age;
- C. be able to read and write the English language;
- D. not have pleaded guilty or nolo contendere to a felony or been convicted of a felony; and
- E. not have had a notary public commission revoked during the past five years.

History: Laws 2003, ch. 286, § 3.

14-12A-4. Application. An applicant for appointment as a notary public shall submit to the secretary of state:

A. an application for appointment on a form prescribed by the secretary of state that includes a statement by the applicant certifying that the applicant is qualified, contains evidence of the applicant’s good moral character as shown by signatures of two residents of this state and the oath prescribed by the constitution of New Mexico for state officers;

B. a bond in the amount of ten thousand dollars (\$10,000) executed by a licensed surety for a term of four years commencing on the commission’s effective date and terminating on its expiration date;

C. an application that is signed by the applicant using the applicant’s surname and one given name, plus an initial or additional name if the applicant so desires, or surname and at least two initials; and

D. an application fee in the amount of twenty dollars (\$20.00).

History: Laws 2003, ch. 286, § 4.

14-12A-5. Appointment; term. Upon receipt of the completed application for appointment and the application fee, and upon approval of the applicant’s bond, the secretary of state shall notify the governor, who shall appoint the applicant as a notary public for a term of four years from the date of appointment unless sooner removed by the governor. The secretary of state shall issue a certificate of appointment to each notary public commissioned by the governor. A certificate of appointment shall not be possessed or used by any other person or surrendered to an employer upon termination of employment.

History: Laws 2003, ch. 286, § 5.

14-12A-6. Reappointment. At least thirty days before expiration of each notary public term, the secretary of state shall mail a notice of expiration to the notary public’s mailing address of record. A notary public may be reappointed upon making application in the same manner as required for an original application.

History: Laws 2003, ch. 286, § 6.

14-12A-7. Powers and prohibitions.

A. A notary public is empowered to perform the following notarial acts:

- (1) acknowledgments;
- (2) oaths and affirmations;
- (3) jurats;
- (4) copy certifications; and

(5) any other act so authorized by the law of this state.

B. A notary public shall not perform a notarial act if the principal:

(1) is not in the notary public's presence at the time of notarization;

(2) is not personally known to the notary public or identified by the notary public through satisfactory evidence of identity;

(3) shows a demeanor that causes the notary public to have a compelling doubt about whether the principal knows the consequences of the transaction requiring a notarial act; or

(4) in the notary public's judgment, is not acting of his own free will.

C. A notary public may certify the affixation of a signature by mark on a document presented for notarization if:

(1) the mark is affixed in the presence of the notary public and of two credible witnesses unaffected by the document;

(2) both witnesses sign their own names beside the mark;

(3) the notary public writes below the mark: "Mark affixed by (name of signer by mark) in presence of (names of witnesses) and undersigned notary public pursuant to Subsection C of Section 7 of the Notary Public Act"; and

(4) the notary public notarizes the signature by mark through an acknowledgment or jurat.

D. A notary public may sign the name of a person physically unable to sign or make a mark on a document presented for notarization if:

(1) the person directs the notary public to do so in the presence of two credible witnesses unaffected by the document;

(2) the notary public signs the person's name in the presence of the person and the witnesses;

(3) both witnesses sign their own names beside the signature;

(4) the notary public writes below the signature: "Signature affixed by notary public in the presence of (names and addresses of person and two witnesses) pursuant to Subsection D of Section 7 of the Notary Public Act"; and

(5) the notary public notarizes the signature through an acknowledgment or jurat.

History: Laws 2003, ch. 286, § 7.

14-12A-8. Refusal to notarize.

A. A notary public shall not refuse to perform a notarial act based on a principal's race, age, gender, sexual orientation, religion, national origin, health or disability or status as a non-client or non-customer of the notary public or the notary public's employer.

B. A notary public shall perform a notarial act for a person requesting such an act who tenders the appropriate fee, unless:

(1) the notary public knows or has good reason to believe that the notarial act or the associated transaction is unlawful;

(2) the act is prohibited; or

(3) the number of notarial acts requested practicably precludes completion of all acts at once, in which case the notary public shall arrange for later completion of the remaining acts.

History: Laws 2003, ch. 286, § 8.

14-12A-9. Surety bond and duties of surety.

A. A commission shall not be issued until an oath of office and a ten-thousand-dollar (\$10,000) bond have been provided on the application for appointment and approved by the secretary of state. The bond shall be executed by a licensed surety, for a term of four years commencing on the commission's effective date and terminating on its expiration date, with payment of bond funds to any person conditioned upon the notary public's misconduct.

B. A person damaged by an unlawful act, negligence or misconduct of a notary public in his

official capacity may bring a civil action on the notary public's official bond.

C. The surety for a notary public bond shall report all claims against the bond to the secretary of state.

D. If a notary public bond has been exhausted by claims paid out by the surety, the governor shall suspend the notary public's commission until:

(1) a new bond in the amount of ten thousand dollars (\$10,000) is obtained by the notary public; and

(2) the notary public's fitness to serve the remainder of the commission is determined by the governor.

E. In the event of a suspension of a notary public's commission by the governor, the notary public shall not perform any notarial acts until the requirements of Subsection D of this section have been fulfilled and the governor removes the notary public's suspension.

History: Laws 2003, ch. 286, § 9.

14-12A-10. Avoidance of influence.

A. A notary public shall not influence a person either to enter into or avoid a transaction involving a notarial act by the notary public, except that the notary public may advise against a transaction if the notary public knows or has good reason to believe that the notarial act or the associated transaction is unlawful.

B. A notary public has neither the duty nor the authority to investigate, ascertain or attest to the lawfulness, propriety, accuracy or truthfulness of a document or transaction involving a notarial act.

History: Laws 2003, ch. 286, § 10.

14-12A-11. False or incomplete certificate, authenticating document in absence of principal.

A. If a notary public or any other officer authorized by law to make or give a certificate or other writing makes or delivers as true a certificate or writing containing statements that he knows to be false, or appends his official signature to acknowledgments or other documents when the principals executing the documents have not appeared in person before him, is guilty of a misdemeanor and upon conviction shall be punished by a fine not exceeding one thousand dollars (\$1,000), or by imprisonment for a period not exceeding six months, or both.

B. A notary public shall not affix an official signature or seal on a notarial certificate that is incomplete.

C. A notary public shall not provide or send a signed or sealed notarial certificate to another person with the understanding that it will be completed or attached to a document outside of the notary public's presence.

History: Laws 2003, ch. 286, § 11.

14-12A-12. Improper documents.

A. A notary public shall not notarize a signature:

(1) on a blank or incomplete document; or

(2) on a document without notarial certificate wording.

B. A notary public shall neither certify nor authenticate a photograph.

History: Laws 2003, ch. 286, § 12.

14-12A-13. Intent to deceive. A notary public shall not perform any official action with the intent to deceive or defraud.

History: Laws 2003, ch. 286, § 13.

14-12A-14. Testimonials. A notary public shall not use the official notary public title or seal to endorse, promote, denounce or oppose any product, service, contest, candidate or other offering.
History: Laws 2003, ch. 286, § 14.

14-12A-15. Unauthorized practice of law.

A. If notarial certificate wording is not provided or indicated for a document, a non-attorney notary public shall not determine the type of notarial act or certificate to be used.

B. A non-attorney notary public shall not assist another person in drafting, completing, selecting or understanding a document or transaction requiring a notarial act.

C. This section does not preclude a notary public who is duly qualified, trained or experienced in a particular industry or professional field from selecting, drafting, completing or advising on a document or certificate related to a matter within that industry or field.

D. A notary public shall not claim to have powers, qualifications, rights or privileges that the office of notary public does not provide, including the power to counsel on immigration matters.

E. A notary public shall not use the term “notario publico” or any equivalent non-English term in any business card, advertisement, notice or sign.

History: Laws 2003, ch. 286, § 15.

14-12A-16. Fees.

A. For performing a notarial act, a notary public may charge the maximum fee specified in this section, charge less than the maximum fee or waive the fee.

B. A notary public shall not discriminate by conditioning the fee for a notarial act on the attributes of the principal.

C. An employer shall not establish fees for notarial services that are in excess of those specified in this section nor on the attributes of the principal as delineated.

D. The maximum fees that may be charged by a notary public for notarial acts are:

(1) for acknowledgments, five dollars (\$5.00) per acknowledgment;

(2) for oaths or affirmations without a signature, five dollars (\$5.00) per person;

(3) for jurats, five dollars (\$5.00) per jurat; and

(4) for copy certifications, fifty cents (\$.50) per page with a minimum total charge of five dollars (\$5.00).

E. A notary public may charge a travel fee not to exceed thirty cents (\$.30) per mile when traveling to perform a notarial act if:

(1) the notary public and the person requesting the notarial act agree upon the travel fee in advance of the travel; and

(2) the notary public explains to the person requesting the notarial act that the travel fee is separate from the notarial fees and not mandated by law.

History: Laws 2003, ch. 286, § 16.

14-12A-17. Official signature. In notarizing a paper document, a notary public shall:

A. sign by hand on the notarial certificate exactly and only the name indicated on the notary public’s seal or stamp;

B. not sign using a facsimile stamp or an electronic or other printing method; and

C. affix the official signature only at the time the notarial act is performed.

History: Laws 2003, ch. 286, § 17.

14-12A-18. Official seal or stamp.

A. A notary public shall keep an official seal or stamp that is the exclusive property of the notary public. The seal or stamp shall not be possessed or used by any other person or

surrendered to an employer upon termination of employment.

B. A notarial seal or stamp shall contain the exact name of the notary public as it appears on the application for appointment and the words “NOTARY PUBLIC - STATE OF NEW MEXICO” and shall authenticate official acts with the seal or stamp.

C. Each notary public shall authenticate official acts with a notarial seal or stamp that, if a seal, shall contain the notary public’s name and the words “NOTARY PUBLIC - STATE OF NEW MEXICO” and that if a stamp, shall be in substantially the following form:

“SEAL
STATE OF NEW MEXICO
Official Seal

(name of notary public printed)”.

D. An impression or image of the seal or stamp shall be affixed only at the time the notarial act is performed.

E. When not in use, the seal or stamp shall be kept secure and accessible only to the notary public.

F. Within ten days after the seal or stamp of a notary public is stolen, lost, damaged or otherwise rendered incapable of affixing a legible impression or image, the notary public, after informing the appropriate law enforcement agency in the case of theft or vandalism, shall notify the secretary of state by any means providing a tangible receipt or acknowledgment, including certified mail and electronic transmission, and also provide a copy of any pertinent police report.

G. As soon as reasonably practicable after resignation, revocation, change of name, expiration of a commission or death of the notary public, the seal or stamp shall be destroyed or defaced so that it may not be misused.

History: Laws 2003, ch. 286, § 18.

14-12A-19. Endorsing date of commission. Upon performance of any notarial act, the notary public shall, immediately opposite or following the notary public’s signature, endorse the date of the expiration of commission. The endorsement may be legibly written, stamped or printed upon the instrument and shall be substantially in the following form:

“My commission expires (stating date of expiration of commission)”.

History: Laws 2003, ch. 286, § 19.

14-12A-20. Change of name.

A. Upon any change of a notary public’s name, the notary public shall, within ten days of such change, make application to the secretary of state for issuance of a corrected commission. The application shall be on a form prescribed by the secretary of state and shall contain an impression or image of the new seal or stamp bearing the new name of the notary public exactly as it appears on the application. Upon receipt of the completed application, the secretary of state shall issue a corrected certificate of appointment showing the notary public’s new name. The commission on the corrected certificate of appointment expires on the same date as the commission on the certificate of appointment it replaces.

B. The notary public shall notify the surety for the notary public’s bond in writing within ten days of a change of name and provide the surety with the new name of the notary public exactly as it was provided to the secretary of state. Within ten days of the notice from the notary public, the surety shall issue a rider to the notary public’s bond and distribute a copy of the rider to the

notary public and the secretary of state.

History: Laws 2003, ch. 286, § 20.

14-12A-21. Change of address.

A. A notary public shall notify the secretary of state in writing of a change of the notary public's residence, business or mailing address within ten days after such change.

B. A notary public shall notify the surety for the notary public's bond in writing within ten days of a change of residence, business or mailing address.

History: Laws 2003, ch. 286, § 21.

14-12A-22. Certification. Upon request, the secretary of state shall certify to a notary public's commission.

History: Laws 2003, ch. 286, § 22.

14-12A-23. Resignation.

A. A notary public who resigns his commission shall send to the secretary of state by any means providing a tangible receipt or acknowledgment, including certified mail and electronic transmission, a signed notice indicating the effective date of resignation.

B. A notary public who ceases to reside in New Mexico, or who becomes permanently unable to perform notarial duties, shall resign his commission.

History: Laws 2003, ch. 286, § 23.

14-12A-24. Disposition of the seal and stamp.

A. When a notary public commission expires or is resigned or revoked, the notary public shall, as soon as reasonably practicable, destroy or deface all notary seals and stamps so that they may not be misused.

B. If a notary public dies during the term of commission or before fulfilling the requirement stipulated in Subsection A of this section, the notary public's personal representative shall notify the secretary of state of the death in writing and, as soon as reasonably practicable, destroy or deface all notary seals and stamps so that they may not be misused.

History: Laws 2003, ch. 286, § 24.

14-12A-25. Disqualified notary public exercising powers. Any notary public who exercises the duties of his office with the knowledge that his commission has expired or that he is otherwise disqualified is guilty of a misdemeanor and upon conviction shall be punished by a fine of five hundred dollars (\$500) and shall be removed from office by the governor.

History: Laws 2003, ch. 286, § 25.

14-12A-26. Removal from office.

A. The governor may revoke the commission of any notary public who:

- (1) submits an application for appointment as a notary public that contains a false statement;
- (2) is or has pleaded guilty or nolo contendere to a felony or been convicted of a felony or of a misdemeanor arising out of a notarial act performed by him;
- (3) engages in the unauthorized practice of law;
- (4) ceases to be a New Mexico resident; or
- (5) commits a malfeasance in office.

B. A commission may be revoked pursuant to the provisions of this section only if action is taken subject to the rights of the notary public to notice, hearing, adjudication and appeal.

C. Resignation or expiration of a commission does not terminate or preclude an investigation

into the notary public's conduct by the governor or by the attorney general, a district attorney or any law enforcement agency of this state, who may pursue the investigation to a conclusion, whereupon it shall be made a matter of public record whether or not the finding would have been grounds for revocation.

D. In lieu of revocation, the governor may deliver a written official warning to cease misconduct to any notary public whose actions are judged to be official misconduct.

History: Laws 2003, ch. 286, § 26.

ARTICLE 13. ACKNOWLEDGMENTS AND OATHS

14-13-1. Administration of oath. Whenever any person shall be required to take an oath before he enters upon the discharge of any office, place or business, or on any lawful occasion, any person administering the oath shall do so in the following form, viz: the person swearing shall, with his right hand uplifted, follow the words required in the oath as administered, beginning: I do solemnly swear, and closing: so help me God.

History: Laws 1893, ch. 42, § 1; C.L. 1897, § 2559; Code 1915, § 3933; C.S. 1929, § 94-110; 1941 Comp., § 46-101; 1953 Comp., § 43-1-1.

14-13-2. Administration of affirmation in lieu of oath. Whenever any person is required to take or subscribe an oath and shall have conscientious scruples against taking the same, he shall be permitted, instead of such oath, to make a solemn affirmation, with uplifted right hand, in the following form, viz: you do solemnly, sincerely and truly declare and affirm, and close with: and this I do under the pains and penalties of perjury, which affirmation shall be equally valid as if such person had taken an oath in the usual form; and every person guilty of falsely, willfully or corruptly declaring as aforesaid, shall be liable to punishment for the same as for perjury

History: Laws 1893, ch. 42, § 2; C.L. 1897, § 2560; Code 1915, § 3934; C.S. 1929, § 94-111; 1941 Comp., § 46-102; 1953 Comp., § 43-1-2.

14-13-3. Oaths; power to administer. The Secretary of State of New Mexico, county clerks, clerks of probate courts, clerks of district courts, clerks of magistrate courts if the magistrate court has a seal, and all duly commissioned and acting notaries public, are hereby authorized and empowered to administer oaths and affirmations in all cases where magistrates and other officers within the state authorized to administer oaths may do so, under existing laws, and with like effect.

History: Laws 1882, ch. 28, § 1; C.L. 1884, § 1742; C.L. 1897, § 2558; Code 1915, § 3932; Laws 1929, ch. 78, § 1; C.S. 1929, § 94-109; 1941 Comp., § 46-103; 1953 Comp., § 43-1-3; Laws 1977, ch. 98, § 1.

14-13-4 to 14-13-10. Repealed.

14-13-11. Wage and salary assignments.

A. All assignments of wages or salaries due or to become due to any person, in order to be valid, shall be acknowledged by the party making the assignment before a notary public or other officer authorized to take acknowledgments. The assignment shall be recorded in the office of the county clerk of the county in which the money is to be paid and a copy served upon the employer or person who is to make payment.

B. Any assignment of wages or salary is void if it provides for an assignment of more than twenty-five percent of the assignor's disposable earnings for any pay period. As used in this section, "disposable earnings" means that part of the assignor's wage or salary remaining after deducting the amounts which are required by law to be withheld.

History: Laws 1929, ch. 128, § 1; C.S. 1929, § 8-101; 1941 Comp., § 46-111; 1953 Comp., § 43-1-12; Laws 1971, ch. 172, § 1.

14-13-12. Instrument needs no acknowledgment in absence of statutory requirement. An acknowledgment of an instrument of writing shall not be necessary to its execution unless expressly so provided by statute.

History: Laws 1901, ch. 62, § 17; Code 1915, § 1; C.S. 1929, § 1-101; 1941 Comp., § 46-112; 1953 Comp., § 43-1-13.

14-13-13. Validation of former acknowledgments; 1951 act. All acknowledgments taken outside the state of New Mexico prior to the passage and approval of this act [this section], before any officer authorized by the laws of this state to take such acknowledgments, under the seal of such officer, and all acknowledgments taken within this state before the passage and approval of this act, before any officer authorized by law to take acknowledgments, notwithstanding any defect in the form of a certificate of acknowledgment or the failure to show the date of the expiration of the commission of the officer before whom such acknowledgment was taken or the failure to show that the seal of said officer was affixed to the instrument acknowledged and/or notwithstanding the failure of such acknowledgment to comply with the provisions of Section 14-13-10 NMSA 1978, if the marital status of any married woman uniting with her husband in the execution of any instrument may otherwise appear from the body of the instrument so acknowledged, and the record thereof in the office of the county clerk, are hereby confirmed and made valid to the extent as though said certificate of acknowledgment and the record thereof had been in the form prescribed by law.

History: 1941 Comp., § 46-114, enacted by Laws 1951, ch. 14, § 1; 1953 Comp., § 43-1-14.

14-13-14. Validation of former acknowledgments; 1957 act. All acknowledgments taken outside the state of New Mexico prior to the passage and approval of this act [this section], before any officer authorized by the laws of this state to take such acknowledgments, under the seal of such officer, and all acknowledgments taken within this state before the passage and approval of this act, before any officer authorized by law to take acknowledgments, notwithstanding any defect in the form of a certificate of acknowledgment or the failure to show the date of the expiration of the commission of the officer before whom such acknowledgment was taken or the failure to show that the seal of said officer was affixed to the instrument acknowledged and/or notwithstanding the failure of such acknowledgment to comply with the provisions of Section 14-13-10 NMSA 1978, if the marital status of any married woman uniting with her husband in the execution of any instrument may otherwise appear from the body of the instrument so acknowledged, and the record thereof in the office of the county clerk, are hereby confirmed and made valid to the extent as though said certificate of acknowledgment and the record thereof has been in the form prescribed by law.

History: 1953 Comp., § 43-1-14.1, enacted by Laws 1957, ch. 110, § 1.

14-13-15. Validation of former acknowledgments; 1965 act. All acknowledgments taken outside the state of New Mexico prior to the passage and approval of this act [this section], before any officer authorized by the laws of this state to take such acknowledgments, under the seal of such officer, and all acknowledgments taken within this state before the passage and approval of this act, before any officer authorized by law to take acknowledgments, notwithstanding any defect in the form of a certificate of acknowledgment or the failure to show the date of the expiration of the commission of the officer before whom such acknowledgment was taken or the failure to show that the seal of said officer was affixed to the instrument acknowledged and/or notwithstanding the failure of such acknowledgment to comply with the provisions of Section 14-13-10 NMSA 1978, if the marital status of any married woman uniting with her husband in the execution of any instrument may otherwise appear from the body of the

instrument so acknowledged, and the record thereof in the office of the county clerk, are hereby confirmed and made valid to the extent as though said certificate of acknowledgment and the record thereof has been in the form prescribed by law.

History: 1953 Comp., § 43-1-14.2, enacted by Laws 1965, ch. 186, § 1.

14-13-16. Validation of former acknowledgments; 1967 act. All acknowledgments taken outside the state of New Mexico prior to the passage and approval of this act [this section], before any officer authorized by the laws of this state to take such acknowledgments, under the seal of such officer, and all acknowledgments taken within this state before the passage and approval of this act, before any officer authorized by law to take acknowledgments, notwithstanding any defect in the form of a certificate of acknowledgment or the failure to show the date of the expiration of the commission of the officer before whom such acknowledgment was taken or the failure to show that the seal of said officer was affixed to the instrument acknowledged and/or notwithstanding the failure of such acknowledgment to comply with the provisions of Section 14-13-10 NMSA 1978, if the marital status of any married woman uniting with her husband in the execution of any instrument may otherwise appear from the body of the instrument so acknowledged, and the record thereof in the office of the county clerk, are hereby confirmed and made valid to the extent as though said certificate of acknowledgment and the record thereof has been in the form prescribed by law.

History: 1953 Comp., § 43-1-14.3, enacted by Laws 1967, ch. 80, § 1.

14-13-17. Validation of former acknowledgments; 1971 act. All acknowledgments taken outside the state of New Mexico prior to the passage and approval of this act [this section], before any officer authorized by the laws of this state to take such acknowledgments, under the seal of such officer, and all acknowledgments taken within this state before the passage and approval of this act, before any officer authorized by law to take acknowledgments, notwithstanding any defect in the form of a certificate of acknowledgment or the failure to show the date of the expiration of the commission of the officer before whom such acknowledgment was taken or the failure to show that the seal of said officer was affixed to the instrument acknowledged and/or notwithstanding the failure of such acknowledgment to comply with the provisions of Section 14-13-10 NMSA 1978, if the marital status of any married woman uniting with her husband in the execution of any instrument may otherwise appear from the body of the instrument so acknowledged, and the record thereof in the office of the county clerk, are hereby confirmed and made valid to the extent as though said certificate of acknowledgment and the record thereof has been in the form prescribed by law.

History: 1953 Comp., § 43-1-14.4, enacted by Laws 1971, ch. 165, § 1.

14-13-18. Validation of former acknowledgments; 1975 act. All acknowledgments taken outside the state of New Mexico prior to the passage and approval of this act [this section], before any officer authorized by the laws of this state to take such acknowledgments, under the seal of such officer, and all acknowledgments taken within this state before the passage and approval of this act, before any officer authorized by law to take acknowledgments, notwithstanding any defect in the form of a certificate of acknowledgment or the failure to show the date of the expiration of the commission of the officer before whom such acknowledgment was taken or the failure to show that the seal of said officer was affixed to the instrument acknowledged and/or notwithstanding the failure of such acknowledgment to comply with the provisions of Section 14-13-10 NMSA 1978, if the marital status of any married woman uniting with her husband in the execution of any instrument may otherwise appear from the body of the instrument so acknowledged, and the record thereof in the office of the county clerk, are hereby

confirmed and made valid to the extent as though said certificate of acknowledgment and the record thereof has been in the form prescribed by law.

History: 1953 Comp., § 43-1-14.5, enacted by Laws 1975, ch. 198, § 1.

14-13-19 to 14-13-23. Repealed.

14-13-24. Validation of certain prior acknowledgments. All acknowledgments taken outside the state of New Mexico prior to the passage and approval of this act [this section], before any officer authorized by either the laws of the jurisdiction where taken or the laws of this state to take such acknowledgments, and all acknowledgments taken within this state before the passage and approval of this act, before any officer authorized by law to take acknowledgments, notwithstanding the form of the certificate of acknowledgment or the failure to show the date of the expiration of the commission of the officer before whom such acknowledgment [acknowledgment] was taken or the failure to show that the seal of said officer was affixed to the instrument acknowledged and/or notwithstanding the failure of such acknowledgment to comply with the provisions of Section 14-3-10 NMSA 1978, if the marital status of any married woman uniting with her husband in the execution of any instrument may otherwise appear from the body of the instrument so acknowledged, and the record thereof in the office of the county clerk, are hereby confirmed and made valid to the extent as though said certificate of acknowledgment and the record thereof has been in the form prescribed by law.

History: Laws 1981, ch. 212, § 3.

14-13-25. Validation of certain prior acknowledgments. All acknowledgments taken outside the state before any officer authorized by either the laws of the jurisdiction where taken or the laws of this state to take such acknowledgments, and all acknowledgments taken within this state before any officer authorized by law to take acknowledgments, that have been filed and are of record in the appropriate office as provided by law for a period of ten years or more without challenge to the form or content of the acknowledgment, are considered valid, notwithstanding the form of the certificate of acknowledgment or the failure to show the date of the expiration of the commission of the officer before whom the acknowledgment was taken or the failure to show that the seal of the officer was affixed to the instrument acknowledged, and notwithstanding the failure of the acknowledgment to comply with the provisions of Section 14-13-10 NMSA 1978 if the marital status of any married woman uniting with her husband in the execution of any instrument may otherwise appear from the body of the instrument so acknowledged, and the record thereof in the office of the county clerk, are hereby confirmed and made valid to the extent as though the certificate of acknowledgment and the record thereof had been in the form prescribed by law.

History: Laws 1991, ch. 92, § 1.

ARTICLE 14. UNIFORM LAW ON NOTARIAL ACTS

14-14-1. Definitions. As used in the Uniform Law on Notarial Acts [14-14-1 to 14-14-11 NMSA 1978]:

A. “notarial act” means any act that a notary public of this state is authorized to perform and includes taking an acknowledgment, administering an oath or affirmation, taking a verification upon oath or affirmation, witnessing or attesting a signature, certifying or attesting a copy and noting a protest of a negotiable instrument;

B. “acknowledgment” means a declaration by a person that the person has executed an instrument for the purposes stated therein and, if the instrument is executed in a representative

capacity, that the person signed the instrument with proper authority and executed it as the act of the person or entity represented and identified therein;

C. “verification upon oath or affirmation” means a declaration that a statement is true made by a person upon oath or affirmation;

D. “in a representative capacity” means:

(1) for and on behalf of a corporation, partnership, trust or other entity, as an authorized officer, agent, partner, trustee or other representative;

(2) as a public officer, personal representative, guardian or other representative, in the capacity recited in the instrument;

(3) as an attorney in fact for a principal; or

(4) in any other capacity as an authorized representative of another; and

E. “notarial officer” means a notary public or other officer authorized to perform notarial acts.

History: Laws 1993, ch. 281, § 1.

14-14-2. Notarial acts.

A. In taking an acknowledgment, the notarial officer shall determine, either from personal knowledge or from satisfactory evidence, that the person appearing before the officer and making the acknowledgment is the person whose true signature is on the instrument.

B. In taking a verification upon oath or affirmation, the notarial officer shall determine, either from personal knowledge or from satisfactory evidence, that the person appearing before the officer and making the verification is the person whose true signature is on the statement verified.

C. In witnessing or attesting a signature the notarial officer shall determine, either from personal knowledge or from satisfactory evidence, that the signature is that of the person appearing before the officer and named therein.

D. In certifying or attesting a copy of a document or other item, the notarial officer shall determine that the proffered copy is a full, true and accurate transcription or reproduction of the one that was copied.

E. In making or noting a protest of a negotiable instrument the notarial officer shall determine the matters set forth in Section 55-3-505 NMSA 1978.

F. A notarial officer has satisfactory evidence that a person is the person whose true signature is on a document if that person is:

(1) personally known to the notarial officer;

(2) identified upon the oath or affirmation of a credible witness personally known to the notarial officer; or

(3) identified on the basis of identification documents.

History: Laws 1993, ch. 281, § 2.

14-14-3. Notarial acts in this state.

A. A notarial act may be performed within this state by the following persons:

(1) a notary public of this state;

(2) a judge, clerk or deputy clerk of any court of this state; or

(3) a person authorized by the law of this state to administer oaths.

B. Notarial acts performed within this state under federal authority as provided in Section 5 [14-14-5 NMSA 1978] of the Uniform Law on Notarial Acts have the same effect as if performed by a notarial officer of this state.

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

History: Laws 1993, ch. 281, § 3.

14-14-4. Notarial acts in other jurisdictions of the United States.

A. A notarial act has the same effect under the law of this state as if performed by a notarial officer of this state, if performed in another state, commonwealth, territory, district or possession of the United States by any of the following persons:

- (1) a notary public of that jurisdiction;
- (2) a judge, clerk or deputy clerk of a court of that jurisdiction; or
- (3) any other person authorized by the law of that jurisdiction to perform notarial acts.

B. Notarial acts performed in other jurisdictions of the United States under federal authority as provided in Section 5 [14-14-5 NMSA 1978] of the Uniform Law on Notarial Acts have the same effect as if performed by a notarial officer of this state.

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

D. The signature and indicated title of an officer listed in Paragraph (1) or (2) of Subsection A of this section conclusively establish the authority of a holder of that title to perform a notarial act.

History: Laws 1993, ch. 281, § 4.

14-14-5. Notarial acts under federal authority.

A. A notarial act has the same effect under the law of this state as if performed by a notarial officer of this state if performed anywhere by any of the following persons under authority granted by the law of the United States:

- (1) a judge, clerk or deputy clerk of a court;
- (2) a commissioned officer on active duty in the military service of the United States;
- (3) an officer of the foreign service or consular officer of the United States; or
- (4) any other person authorized by federal law to perform notarial acts.

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

C. The signature and indicated title of an officer listed in Paragraph (1), (2) or (3) of Subsection A of this section conclusively establish the authority of a holder of that title to perform a notarial act.

History: Laws 1993, ch. 281, § 5.

14-14-6. Foreign notarial acts.

A. A notarial act has the same effect under the law of this state as if performed by a notarial officer of this state if performed within the jurisdiction of and under authority of a foreign nation or its constituent units or a multinational or international organization by any of the following persons:

- (1) a notary public or notary;
- (2) a judge, clerk or deputy clerk of a court of record; or
- (3) any other person authorized by the law of that jurisdiction to perform notarial acts.

B. An “apostille” in the form prescribed by the Hague Convention of October 5, 1961, conclusively establishes that the signature of the notarial officer is genuine and that the officer holds the indicated office.

C. A certificate by a foreign service or consular officer of the United States stationed in the nation under the jurisdiction of which the notarial act was performed or a certificate by a foreign service or consular officer of that nation stationed in the United States conclusively establishes any matter relating to the authenticity or validity of the notarial act set forth in the certificate.

D. An official stamp or seal of the person performing the notarial act is prima facie evidence that the signature is genuine and that the person holds the indicated title.

E. An official stamp or seal of an officer listed in Paragraph (1) or (2) of Subsection A of this section is prima facie evidence that a person with the indicated title has authority to perform notarial acts.

F. If the title of office and indication of authority to perform notarial acts appears either in a digest of foreign law or in a list customarily used as a source for that information, the authority of an officer with that title to perform notarial acts is conclusively established.

History: Laws 1993, ch. 281, § 6.

14-14-7. Certificate of notarial acts.

A. A notarial act shall be evidenced by a certificate signed and dated by a notarial officer. The certificate shall include identification of the jurisdiction in which the notarial act is performed and the title of the office of the notarial officer and may include the official stamp or seal of office. If the officer is a notary public, the certificate shall also indicate the date of expiration, if any, of the commission of office, but omission of that information may subsequently be corrected. If the officer is a commissioned officer on active duty in the military service of the United States, it shall also include the officer's rank.

B. A certificate of a notarial act is sufficient if it meets the requirements of Subsection A of this section and it:

(1) is in the short form set forth in Section 8 [14-14-8 NMSA 1978] of the Uniform Law on Notarial Acts;

(2) is in a form otherwise prescribed by the law of this state;

(3) is in a form prescribed by the laws or regulations applicable in the place in which the notarial act was performed; or

(4) sets forth the actions of the notarial officer and those are sufficient to meet the requirements of the designated notarial act.

C. By executing a certificate of a notarial act, the notarial officer certifies that he has made the determinations required by Section 2 [14-14-2 NMSA 1978] of the Uniform Law on Notarial Acts.

History: Laws 1993, ch. 281, § 7.

14-14-8. Certificates of notarial acts; short forms. The following short form certificates of notarial acts are sufficient for the purposes indicated, if completed with the information required by Subsection A of Section 7 [14-14-7 NMSA 1978] of the Uniform Law on Notarial Acts:

A. for an acknowledgment in an individual capacity:

State of _____

(County) of _____

This instrument was acknowledged before me on (date) by (name(s) of person(s)).

(Seal, if any)

(Signature of notarial officer)

Title (and Rank)

[My commission expires: _____]

B. for an acknowledgment in a representative capacity:

State of _____

(County) of _____

This instrument was acknowledged before me on (date) by (name(s) of person(s)) as (type of authority, e.g., officer, trustee, etc.) of (name of party on behalf of whom instrument was executed.)

(Seal, if any)

(Signature of notarial officer)
Title (and Rank)

[My commission expires: _____]

C. for a verification upon oath or affirmation:

State of _____

(County) of _____

Signed and sworn to (or affirmed) before me on (date) by (name(s) of person(s) making statement).

(Seal, if any)

(Signature of notarial officer)
Title (and Rank)

[My commission expires: _____]

D. for witnessing or attesting a signature:

State of _____

(County) of _____

Signed or attested before me on (date) by (names(s) of person(s)).

(Seal, if any)

(Signature of notarial officer)
Title (and Rank)

[My commission expires: _____]

E. for attestation of a copy of a document:

State of _____

(County) of _____

I certify that this is a true and correct copy of a document in the possession of

_____.

Dated _____.

(Seal, if any)

(Signature of notarial officer)
Title (and Rank)

[My commission expires: _____]

History: Laws 1993, ch. 281, § 8.

14-14-9. Notarial acts affected by the uniform law on notarial acts. The Uniform Law on Notarial Acts [14-14-1 to 14-14-11 NMSA 1978] applies to notarial acts performed on or after its effective date.

History: Laws 1993, ch. 281, § 9.

14-14-10. Uniformity of application and construction. The Uniform Law on Notarial Acts [14-14-1 to 14-14-11 NMSA 1978] shall be applied and construed to effectuate its general purpose to make uniform the law with respect to its subject among states enacting it.

History: Laws 1993, ch. 281, § 10.

14-14-11. Short title. This act [14-14-1 to 14-14-11 NMSA 1978] may be cited as the “Uniform Law on Notarial Acts”.

History: Laws 1993, ch. 281, § 11.

ARTICLE 16. UNIFORM ELECTRONIC TRANSACTIONS

14-16-11. Notarization and acknowledgment.

If a law requires a signature or record to be notarized, acknowledged, verified or made under oath, the requirement is satisfied if the electronic signature of the person authorized to perform those acts, together with all other information required to be included by other applicable law, is attached to or logically associated with the signature or record.

History: Laws 2001, ch. 131, § 11.

NEW MEXICO ADMINISTRATIVE CODE

TITLE 12 TRADE, COMMERCE AND BANKING

CHAPTER 9 NOTARIES PUBLIC

PART 2 PERFORMING ELECTRONIC NOTARIAL ACTS

12.9.2.1 ISSUING AGENCY: Office of the Secretary of State.

[12.9.2.1 NMAC - N, 5/30/2008]

12.9.2.2 SCOPE: All notaries public who register to perform electronic notarial acts.

[12.9.2.2 NMAC - N, 5/30/2008]

12.9.2.3 STATUTORY AUTHORITY: 14-9A-5 (C) NMSA 1978

[12.9.2.3 NMAC - N, 5/30/2008]

12.9.2.4 DURATION: Permanent.

[12.9.2.4 NMAC - N, 5/30/2008]

12.9.2.5 EFFECTIVE DATE: May 30, 2008 unless a later date is cited at the end of a section.

[12.9.2.5 NMAC - N, 5/30/2008]

12.9.2.6 OBJECTIVE: The objective of the rule is to establish standards, guidelines, procedures, fees and to define the duties and responsibilities for notaries public electing to perform electronic notarial acts. The office of the secretary of state recognizes that as technology has advanced financial institutions, mortgage lenders, government and businesses are turning to electronic documents in order to speed up communication and productivity.

[12.9.2.6 NMAC - N, 5/30/2008]

12.9.2.7 DEFINITIONS:

A. “Electronic” means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.

B. “Electronic document” means information that is created, generated, sent, communicated, received or stored by electronic means.

C. “Electronic notarial act” means an official act by a notary public on or involving an electronic document and using means authorized by the secretary of state.

D. “Electronically enabled notary public” means a notary public who has registered with the secretary of state the capability of performing electronic notarial acts.

E. “Electronic notary seal” and “official electronic seal” mean information within a notarized

electronic document that includes the notary public's name, jurisdiction of appointment, commission expiration date and generally corresponds to data in notary public seals used on paper documents.

F. "Electronic signature" means an electronic sound, symbol, or process attached to or logically associated with an electronic document and executed or adopted by a person with the intent to sign the electronic document or record.

G. "Electronic notarial certificate" means the portion of a notarized electronic document that is completed by a notary public and contains the notary public's electronic signature or official electronic seal, official title, commission expiration date, and any required information concerning the date and place of the electronic notarization, and states the facts attested to or certified by the notary public in a particular electronic notarization.

H. "Notary electronic signature" means those forms of electronic signature, which have been approved by the secretary of state as an acceptable means for an electronic notary to affix the notary's official signature to an electronic record that is being notarized.

I. "Physical appearance" and "appears before the notary" mean that the principal and the notary public are physically close enough to see, hear, communicate with and give documents to each other without reliance on electronic devices such as telephone, computers, video cameras or facsimile machines.

J. "Unique to the notary public" and "under the sole control" mean with respect to an electronic notarization that the signing device used to affix the electronic signature of the notary public and to render the official electronic seal information tamper-evident must be accessible by and attributable solely to the notary public to the exclusion of all other persons and entities operating to effectuate the authorized electronic notarization.

K. "Acknowledgment" means a notarial act in which a person at a single time and place appears in person before the notary public and presents a document; is personally known to the notary public or identified by the notary through satisfactory evidence; and indicates to the notary public that the signature on the document was voluntarily affixed by the person for the purpose stated within the document and, if applicable, that the person had due authority to sign in a particular representative capacity.

L. "Affirmation" means a notarial act, that is legally equivalent to an oath and in which a person at a single time and place appears in person before the notary public; is personally known to the notary public or identified by the notary public through satisfactory evidence; and makes a vow of truthfulness or fidelity on penalty of perjury, based on personal honor and without invoking a deity or using any form of the word "swear".

M. "Jurat" means a notarial act in which a person at a single time and place appears in person before the notary public and presents a document; is personally known to the notary public or identified by the notary public through satisfactory evidence; signs the document in the presence of the notary public that the person is voluntarily affixing his signature and vouching for the truthfulness or accuracy of the signed document.

[12.9.2.7 NMAC - N, 5/30/2008]

12.9.2.8 PHYSICAL APPEARANCE REQUIREMENT:

A. A notary public shall not perform an electronic notarial act if the document signer does not appear in person before the notary public at the time of notarization. Under no circumstance shall a notary public base identification merely upon familiarity with a signer's electronic signature or an electronic verification process that authenticates the signer's electronic signature when the signer is not in the physical presence of the notary public.

B. The methods for identifying document signers for an electronic notarization shall be the same as the methods required for a paper-based notarization.

[12.9.2.8 NMAC - N, 5/30/2008]

12.9.2.9 REGISTRATION REQUIREMENTS:

A. Before performing any electronic notarial act(s), a notary public shall register the capability to notarize electronically with the secretary of state on a form prescribed by the secretary of state.

B. In registering the capability to perform electronic notarial acts, the notary public shall provide the following information to the secretary of state, notary processing unit:

- (1) the applicant's name as currently commissioned and complete mailing address;
- (2) the expiration date of the notary public's commission and signature of the commissioned notary;
- (3) proof of successful completion of a course of instruction on electronic notarization offered through an educational provider approved by the United States department of education (ACCET) accrediting council for continuing education and training;
- (4) the applicant's e-mail address;
- (5) the description of the electronic technology or technologies to be used in attaching an electronic notarial certificate to an electronic document;
- (6) the description of the electronic technology or technologies to be used in attaching the notary's electronic signature to the electronic document;
- (7) an exemplar of the notary's electronic signature and the notary's official electronic seal, which shall contain the notary's name and any necessary instructions or techniques that allow the notary's electronic signature or official electronic seal to be read;
- (8) the name, address and phone number of the vendor issuing the electronic notary seal; this vendor shall be registered in the state of New Mexico to transact business;
- (9) the starting and expiration date of the device's term of registration and any revocations, annulment, or other premature termination of any registered device of the registrant that was due to misuse or compromise of the device, with the date, cause, and nature of each termination explained in detail.

[12.9.2.9 NMAC - N, 5/30/2008]

12.9.2.10 TYPES OF ELECTRONIC NOTARIAL ACTS:

- A. acknowledgments
- B. jurats
- C. oaths or affirmations

[12.9.2.10 NMAC - N, 5/30/2008]

12.9.2.11 FORM AND MANNER OF PERFORMING THE ELECTRONIC NOTARIAL ACT:

A. When performing an electronic notarial act, a notary public shall apply an electronic signature, which shall be attached to or logically associated with the electronic document such that removal or alteration of such electronic signature is detectable and will render evidence of alteration of the document containing the notary certificate which may invalidate the electronic notarial act.

B. When performing an electronic notarial act, a notary public shall complete an electronic notarial certificate, which shall be attached to or logically associated with the electronic document such that removal or alteration of the electronic notarial certificate is detectable and will render evidence of alteration of the document containing the notary certificate which may invalidate the electronic notarial act.

C. The notary public's electronic signature is deemed to be reliable if the following

requirements are met:

- (1) it is unique to the notary public;
- (2) it is capable of independent verification;
- (3) it is retained under the notary public's sole control;
- (4) it is attached to or logically associated with the electronic document, and
- (5) it is linked to the data in such a manner that any subsequent alterations to the underlying document's electronic notarial certificate are detectable and may invalidate the electronic notarial act.

D. When performing an electronic notarial act, a notary public shall apply an electronic seal, when required by law, which shall be attached to or logically associated with the electronic document such that removal or alteration of such official electronic seal is detectable and will render evidence of alteration of the document containing the notary certificate which may invalidate the electronic notarial act.

E. The notary public's electronic seal is deemed to be reliable if the following requirements are met:

- (1) it is unique to the notary public,
- (2) it is capable of independent verification,
- (3) it is retained under the notary public's sole control,
- (4) it is attached to or logically associated with the electronic document and
- (5) it is linked to the data in such a manner that any subsequent alterations to the underlying document or electronic notarial certificate are detectable and may invalidate the electronic notarial act.

F. An electronic image of a seal need not accompany an electronic signature.

G. The notary public's electronic signature and with the electronic notary seal shall be used only for the purpose of performing electronic notarial acts.

[12.9.2.11 NMAC - N, 5/30/2008]

12.9.2.12 FEES:

A. For acknowledgments, \$10.00

B. For jurats, \$10.00

C. For oaths or affirmations, \$10.00

D. An employer shall not establish fees for electronic notarial services that are in excess of those specified within this rule.

E. When performing an electronic notarial act, a notary public may charge the maximum fee specified in this section, charge less than the maximum fee or waive the fee.

[12.9.2.12 NMAC - N, 5/30/2008]

12.9.2.13 CHANGE OF E-MAIL ADDRESS: Within five days after the change of an electronically enabled notary public's e-mail address, the notary shall electronically transmit to the secretary of state a notice of the change, signed with the notary official electronic signature.

[12.9.2.13 NMAC - N, 5/30/2008]

12.9.2.14 LIABILITY, SANCTIONS AND REMEDIES RELATING TO IMPROPER ELECTRONIC NOTARIZATIONS: The liability, sanctions, and remedies for the improper performance of electronic notarial acts are the same as described in the New Mexico notary handbook.

[12.9.2.14 NMAC - N, 5/30/2008]

12.9.2.15 VIOLATION BY PERSON NOT REGISTERED TO PERFORM ELECTRONIC NOTARIZATIONS: Performing an electronic notarization without registering with the

secretary of state is subject to sanctions as described in the New Mexico notary public handbook.
[12.9.2.15 NMAC - N, 5/30/2008]