

ALASKA STATUTES

**TITLE 9. CODE OF CIVIL PROCEDURE
CHAPTER 63. OATH, ACKNOWLEDGMENT, AND OTHER PROOF
ARTICLE 1: OATHS, CERTIFICATIONS, NOTARIZATIONS
AND VERIFICATIONS**

Sec. 09.63.010. Oath, affirmation, and acknowledgment in the state.

The following persons may take an oath, affirmation, or acknowledgment in the state:

- (1) a justice, judge, or magistrate of a court of the State of Alaska or of the United States;
- (2) a clerk or deputy clerk of a court of the State of Alaska or of the United States;
- (3) a notary public;
- (4) a United States postmaster;
- (5) a commissioned officer under AS 09.63.050 (4);
- (6) a municipal clerk carrying out the clerk's duties under AS 29.20.380;
- (7) the lieutenant governor when carrying out the lieutenant governor's duties under AS 24.05.160 ;
- (8) the presiding officer of each legislative house when carrying out the officer's duties under AS 24.05.170 .

Sec. 09.63.020. Certification of documents.

(a) A matter required or authorized to be supported, evidenced, established, or proven by the sworn statement, declaration, verification, certificate, oath, or affidavit, in writing of the person making it (other than a deposition, an acknowledgment, an oath of office, or an oath required to be taken before a specified official other than a notary public) may be supported, evidenced, established or proven by the person certifying in writing "under penalty of perjury" that the matter is true. The certification shall state the date and place of execution, the fact that a notary public or other official empowered to administer oaths is unavailable, and the following: "I certify under penalty of perjury that the foregoing is true."

(b) A person who makes a false sworn certification which the person does not believe to be true under penalty of perjury is guilty of perjury (Sec. 1, ch 37 SLA 1981).

Sec. 09.63.030. Notarization.

(a) When a document is required by law to be notarized, the person who executes the document shall sign and swear to or affirm it before an officer authorized by law to take the person's oath or affirmation and the officer shall certify on the document that it was signed and sworn to or affirmed before the officer.

(b) The certificate required by this section may be in substantially the following form:

Subscribed and sworn to or affirmed before me at _____ on _____.
(date)

Signature of Officer

Title of Officer

(c) If the document is sworn to or affirmed before a notary public of the state, the notary public shall

- (1) affix on the document the
(A) notary public's official signature and official seal; and

- (B) date of expiration of the notary public's commission; and
- (2) comply with AS 44.50.060 - 44.50.065 and other applicable law.

Sec. 09.63.040. Verification.

(a) When a document is required by law to be verified, the person required to verify it shall certify under oath or affirmation that the person has read the document and believes its content to be true.

(b) The person who makes the verification shall sign it before a person authorized by law to take the person's oath or affirmation.

(c) A verification made under this section may be in substantially the following form:

I _____ say on oath or affirm that I have read the foregoing (or attached) document and believe all statements made in the document are true.

_____ Signature

Subscribed and sworn to or affirmed before me at _____ on _____. (date)

_____ Signature of Officer

_____ Title of Officer

(d) If the verification is sworn to or affirmed before a notary public of the state, the notary public shall

(1) affix on the document the

(A) notary public's official signature and official seal; and

(B) date of expiration of the notary public's commission; and

(2) comply with AS 44.50.060 - 44.50.065 and other applicable law.

ARTICLE 2 UNIFORM RECOGNITION OF ACKNOWLEDGMENTS ACT

Sec. 09.63.050. Recognition of notarial acts performed outside the state.

Notarial acts may be performed outside the state for use in the state with the same effect as if performed by a notary public of the state by

(1) a notary public authorized to perform notarial acts in the place in which the act is performed;

(2) a justice, judge, magistrate, clerk, or deputy clerk of a 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 a 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 or a person authorized by regulation of the armed forces to perform notarial acts if the notarial act is performed for a merchant seaman of the United States, a member of the armed forces of the United States, a person serving with or accompanying the armed forces of the United States, or their dependents; or

(5) a person authorized to perform notarial acts in the place in which the act is performed.

Sec. 09.63.060. Authentication of authority of officer.

(a) If the notarial act is performed by a person described in AS 09.63.050(1)-(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, if appropriate, the serial number of the person are sufficient proof of the authority of a person to perform the act.

(b) If the notarial act is performed by a person authorized by the laws or regulations of a foreign country 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;

(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 appear either in a digest of foreign law or in a list customarily used as a source of that information.

(c) If the notarial act is performed by a person other than a person described in this section, there is sufficient proof of the authority of the 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 the person and to the person's authority to perform the notarial act.

(d) The signature and title of the person performing the act are prima facie evidence that the person has the designated title and that the signature is genuine.

Sec. 09.63.070. Certificate of person taking acknowledgment.

The person taking an acknowledgment shall certify that

(1) the person acknowledging appeared before the person taking the acknowledgment and acknowledged that the person executed the instrument; and

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

Sec. 09.63.080. Recognition of certificate of acknowledgment.

The form of a certificate of acknowledgment used by a person whose authority is recognized under AS 09.63.010 or 09.63.050 shall be accepted in the state if

(1) the certificate is in a form prescribed by the laws or regulations of the state;

(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.

Sec. 09.63.090. Certificate of acknowledgment.

The words "acknowledged before me" mean that

(1) the person acknowledging

(A) appeared before the person taking the acknowledgment;

(B) acknowledged that the person executed the instrument;

(C) in the case of

(i) a natural person, acknowledged that the person executed the instrument for the purposes stated in it;

(ii) an officer or agent of a corporation, acknowledged that the person held the position or title set out in the instrument and certificate, acknowledged that the person signed the instrument on behalf of the corporation by proper authority, and acknowledged that the instrument was the act of the corporation for the purposes stated in it;

(iii) a member or manager of a limited liability company, acknowledged that the individual signed the instrument on behalf of the limited liability company by proper authority and executed the instrument as the act of the limited liability company for the purposes stated in it;

(iv) a partner or agent of a partnership, limited partnership, or limited liability partnership, acknowledged that the person signed the instrument on behalf of the partnership by proper authority and executed the instrument as the act of the partnership for the purposes stated in it;

(v) a person acknowledging as a principal by an attorney in fact, acknowledged that the person executed the instrument by proper authority as the act of the principal for the purposes stated in it;

(vi) a person acknowledging as a public officer, trustee, administrator, guardian, or other representative, acknowledged that the person signed the instrument in the capacity and for the purposes stated in it; and

(2) the person taking the acknowledgment either knew or had satisfactory evidence that the person acknowledging is the person named in the instrument or certificate.

Sec. 09.63.100. Forms of acknowledgment.

(a) The forms of acknowledgment set out in this subsection may be used and are sufficient for their respective purposes under a law of the state. The authorization of the forms in this section does not preclude the use of other forms.

(1) For an individual acting in the individual's own right:

State of _____
Judicial District (or County of _____ or Municipality of _____)

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

_____ Signature of Person Taking Acknowledgment
Title or Rank
Serial Number, if any

(2) For a corporation:

State of _____
Judicial District (or County of _____ or Municipality of _____)

The foregoing instrument was acknowledged before me this (date) by (name of officer or agent, title of 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 limited liability company:

State of _____
Judicial District (or County of _____ or Municipality of _____)

The foregoing instrument was acknowledged before me this (date) by (name of member or manager), member (or manager) of (name of limited liability company)

acknowledging) a (state or place of organization) limited liability company, on behalf of the limited liability company.

Signature of Person Taking Acknowledgment

Title or Rank

Serial Number, if any

(4) For a partnership:

State of _____
Judicial District (or County of _____ or Municipality 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, limited partnership, or limited liability partnership).

Signature of Person Taking Acknowledgment

Title or Rank

Serial Number, if any

(5) For an individual acting as principal by an attorney in fact:

State of _____
Judicial District (or 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

(6) By a public officer, trustee, or personal representative:

State of _____
Judicial District (or 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

(b) If a document is acknowledged before a notary public of the state, the notary public shall

- (1) affix on the document the
 - (A) notary public's official signature and official seal; and
 - (B) date of expiration of the notary public's commission; and
- (2) comply with AS 44.50.060 - 44.50.065 and other law.

Sec. 09.63.110. Uniformity of interpretation.

AS 09.63.050-09.63.110 shall be interpreted as to make uniform the laws of those states which enact them.

Sec. 09.63.120. Definition.

In AS 09.63.010-09.63.130, “notarial act” means acts that the laws and regulations of the state authorize notaries public of the state to perform, including the administering of oaths and affirmation, taking proof of execution and acknowledgment of instruments, and attesting documents.

Sec. 09.63.130. Title.

AS 09.63.059-09.63.100 may be cited as the Uniform Recognition of Acknowledgment Acts.

**TITLE 09. CODE OF CIVIL PROCEDURE
CHAPTER 09.80. UNIFORM ELECTRONIC TRANSACTIONS ACT**

Sec. 09.80.080. 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.

**TITLE 44. STATE GOVERNMENT
CHAPTER 50. NOTARIES PUBLIC**

Sec. 44.50.010. Notary public commission; term.

- (a) The lieutenant governor may commission for the state
 - (1) notaries public without limitation, who are authorized to use the notary seal for all legal purposes; and
 - (2) limited governmental notaries public, who are state, municipal, or federal employees authorized to use the notary seal only for official government business.
- (b) The term of a notary public commission is four years, except that the term of a limited governmental notary public commission coincides with the term of government employment.
- (c) A person who is a state, municipal, or federal employee commissioned as a limited governmental notary public may also be commissioned as a notary public without limitation.

Sec. 44.50.020. Qualifications.

To be commissioned as a notary public, a person

- (1) shall submit an application under AS 44.50.032 ;
- (2) shall be at least 18 years of age;
- (3) shall have established residency in this state under AS 01.10.055;
- (4) shall reside legally in the United States;
- (5) may not, within 10 years before the commission takes effect, have been convicted of a felony or incarcerated in a correctional facility for a felony conviction;
- (6) may not, within 10 years before the commission takes effect,
 - (A) have had the person’s notary public commission revoked under AS 44.50.068(a)(2) or (4) or under the notary public laws of another jurisdiction for a substantially similar reason;
 - (B) have had the person’s notary public commission revoked under AS 44.50.068(a)(3), unless the person has reestablished residency in this state under AS

01.10.055 before the person submits the application;

(C) have been disciplined under AS 44.50.068 if, at the time the person applies for a notary public commission under this chapter, the disciplinary action prohibits the person from holding a notary public commission; or

(D) have been disciplined under the notary public laws of another jurisdiction if, at the time the person applies for a notary public commission under this chapter, the disciplinary action prohibits the person from holding a notary public commission; and

(7) shall meet the other requirements in this chapter to be commissioned as a notary public.

Sec. 44.50.030. Term of office. [Repealed, Sec. 14 ch 60 SLA 2005].

Sec. 44.50.032. Application.

(a) A person applying for a commission as a notary public shall submit a completed application as required by this section, using the forms or format required by the lieutenant governor.

(b) A completed application for a commission under AS 44.50.010 (a)(1) must include

(1) an affirmation that the applicant meets the qualifications set out in AS 44.50.020 (2) - (6);

(2) the applicant's mailing and physical addresses; the applicant's telephone number, if any; the applicant's employer or business; the physical address and telephone number of the applicant's employer or business at the location where the applicant works; and an electronic mailing address, if any, where the applicant can be contacted;

(3) information concerning any denial, suspension, revocation, or restriction of the applicant's commission as a notary public in this state or another jurisdiction; that information must include

(A) identification of the jurisdiction;

(B) the date the jurisdiction issued the denial, suspension, revocation, or restriction;

(C) the reasons for the denial, suspension, revocation, or restriction; and

(D) information concerning final resolution of the matter;

(4) the applicant's notarized signature on the portion of the application that contains the oath or affirmation required by AS 44.50.035;

(5) the fee required by AS 44.50.033 ; and

(6) the bond required by AS 44.50.034 .

(c) A completed application for a commission under AS 44.50.010 (a)(2) must include

(1) a signed statement by the applicant's government employer that the commission is needed for the purpose of conducting official government business;

(2) the applicant's mailing and physical addresses; the applicant's telephone number, if any; the applicant's employer; the name, address, and telephone number for the employer where the applicant works; and an electronic mailing address, if any, where the applicant can be contacted;

(3) the affirmation, information, and signature required by (b)(1), (3), and (4) of this section; and

(4) the fee required by AS 44.50.033 .

Sec. 44.50.033. Application fee.

A person applying for a commission as a notary public shall pay a nonrefundable application fee of \$40. However, an applicant for a limited governmental notary public

commission under AS 44.50.010 (a)(2) who is employed by the state may not be required to pay an application fee.

Sec. 44.50.034. Bond.

(a) A person applying for a commission as a notary public without limitation under AS 44.50.010 (a)(1) shall execute an official bond of \$1,000 and submit the bond with the application under AS 44.50.032 . The bond must be for a term of four years from the date of commission.

(b) The lieutenant governor shall keep a bond submitted under this section for two years after the end of the term of the commission for which the bond was issued. Disposition of the bond after the end of the commission does not affect the time for commencing an action on the bond.

Sec. 44.50.035. Oath.

The application required by the lieutenant governor under AS 44.50.032 must contain an oath or affirmation, in the form set out in AS 39.05.045, to be signed by the applicant. A signed oath or affirmation submitted in an application under AS 44.50.032 takes effect on the date of the applicant's commission as a notary public under this chapter.

Sec. 44.50.036. Denial of applications.

The lieutenant governor shall deny an application for a notary public commission if the

- (1) applicant does not meet the requirements of this chapter;
- (2) application is not complete or contains a material misstatement or omission of fact relating to the requirements for a commission under this chapter;
- (3) applicant has, within 10 years before the commission is to take effect, been convicted of a felony or incarcerated in a correctional facility for a felony conviction; or
- (4) applicant's commission as a notary public has been revoked, within 10 years before the commission is to take effect, in
 - (A) this state for a reason stated in
 - (i) AS 44.50.068 (a)(2) or (4);
 - (ii) AS 44.50.068 (a)(3), unless the person has reestablished residency in this state under AS 01.10.055 before the person submits the application; or
 - (B) another jurisdiction for a reason substantially similar to AS 44.50.068(a)(2) or (4).

Sec. 44.50.037. Certificate of commission.

Upon commission of a notary public under this chapter, the lieutenant governor shall provide to the notary public a certificate of commission indicating the commission and the dates of the term of the commission.

Sec. 44.50.038. Subsequent commissions.

A notary public whose term of commission is ending may apply for a new notary public commission by submitting a new application under AS 44.50.032 and complying with the requirements of this chapter. The lieutenant governor's approval of a new application for a commission for a notary public without limitation under AS 44.50.010 (a)(1) terminates an applicant's existing commission under that paragraph.

Sec. 44.50.039. Limited governmental notaries public.

A state, municipal, or federal employee commissioned as a notary public under AS

44.50.010 (a)(2)

- (1) is designated a limited governmental notary public;
- (2) may perform notarial acts only in the conduct of official government business; and
- (3) may not charge or receive a fee or other consideration for notarial services provided under this chapter.

Sec. 44.50.040. Fees. [Repealed, Sec. 14 ch 60 SLA 2005].

Sec. 44.50.050. [Renumbered as AS 44.50.180 (d)].

Sec. 44.50.060. Duties.

A notary public may

- (1) administer oaths and affirmations;
- (2) take the acknowledgment of or proof of execution of instruments in writing, and give a notarial certificate of the proof or acknowledgment, included in or attached to the instrument; the notarial certificate shall be signed by the notary public in the notary public's own handwriting or by electronic means as authorized by regulations adopted by the lieutenant governor.

Sec. 44.50.061. Unauthorized practice.

(a) A notary public who is not an attorney may complete but may not select notarial certificates, and may not assist another person in drafting, completing, selecting, or understanding a document or transaction requiring a notarial act.

(b) This section does not prohibit a notary public who is qualified in and, if required, licensed to practice, a particular profession from giving advice relating to matters in that professional field.

(c) A notary public may not make representations to have powers, qualifications, rights, or privileges that the office of notary public does not have.

Sec. 44.50.062. Prohibited acts.

A notary public may not

- (1) violate state or federal law in the performance of acts authorized by this chapter;
- (2) influence a person to enter into or avoid a transaction involving a notarial act by the notary public;
- (3) affix the notary public's signature or seal on a notarial certificate that is incomplete;
- (4) charge a fee for a notarial act unless a fee schedule has been provided to the signer before the performance of the notarial act;
- (5) affix the notary public's official seal to a document unless the person who is to sign the document
 - (A) appears and signs the document before the notary public or, for an acknowledgment, appears and indicates to the notary public that the person voluntarily affixed the person's signature on the document for the purposes stated within the document;
 - (B) gives an oath or affirmation if required under law or if the notarial certificate states that the document was signed under oath or affirmation; and
 - (C) is personally known to the notary public, produces government-issued identification containing the photograph and signature of the person signing, or produces

- (i) government-issued identification containing the signature of the person signing, but without a photograph; and
 - (ii) another valid identification containing the photograph and signature of the person signing;
- (6) perform a notarial act if the notary public
 - (A) is a signer of or named in the document that is to be notarized; or
 - (B) will receive directly from a transaction connected with the notarial act a commission, fee, advantage, right, title, interest, cash, property, or other consideration exceeding in value the normal fee charged by the notary for the notarial act.

Sec. 44.50.063. Official signature.

- (a) When performing a notarization, a notary public shall
 - (1) sign in the notary public's own handwriting, on the notarial certificate, exactly and only the name indicated on the notary public's commission certificate, or sign an electronic document by electronic means as authorized by regulations adopted by the lieutenant governor; and
 - (2) affix the official signature only at the time the notarial act is performed.
- (b) A notary public shall comply in a timely manner with a request by the lieutenant governor to supply a current sample of the notary public's official handwritten signature and information regarding the notary public's electronic signature.
- (c) Within 10 days after the security of a notary public's electronic signature has been compromised, the notary public shall provide the lieutenant governor with written notification that the signature has been compromised. After the notary public has provided the lieutenant governor with the notification, the notary public shall provide the lieutenant governor with any additional information that the lieutenant governor requests about the compromise of the signature.

Sec. 44.50.064. Official seal.

- (a) A notary public shall keep an official seal, which is the exclusive property of the notary public, and shall ensure that another person does not possess or use the official seal.
- (b) A notary public's official seal
 - (1) must contain
 - (A) the notary public's name exactly as indicated on the notary public's commission certificate;
 - (B) the words "Notary Public" and "State of Alaska"; and
 - (2) may be a circular form not over two inches in diameter, may be a rectangular form not more than one inch in width by two and one-half inches in length, or may be an electronic form as authorized by regulations adopted by the lieutenant governor.
- (c) When not in use, a notary public's official seal shall be kept secure and under the exclusive control of the notary public.
- (d) Within 10 days after a notary public's official seal is stolen or lost, or the security of the notary public's official electronic seal is compromised, the notary public shall provide the lieutenant governor with written notification of the theft, loss, or compromised security. After the notary public has provided the lieutenant governor with the notification, the notary public shall provide the lieutenant governor with any additional information that the lieutenant governor requests about the compromise of the seal.
- (e) In order to avoid misuse, a notary public's official seal shall be destroyed or

defaced

- (1) upon the notary public's resignation or death;
- (2) upon the revocation or termination by the lieutenant governor of the notary public's commission; or
- (3) when the notary public's term of commission ends if the notary public has not received a new commission under this chapter.

Sec. 44.50.065. Seal impression or depiction.

(a) With regard to each paper document being notarized, a sharp, legible, photographically reproducible impression or depiction of a notary public's official seal shall be affixed

- (1) on the notarial certificate near the notary public's official signature; and
- (2) only at the time the notarial act is performed.

(b) For a notarized paper document, illegible information within a seal impression or depiction may be typed or printed legibly by the notary public adjacent to, but not within, the impression or depiction.

(c) An embossed seal impression that is not photographically reproducible may be used in addition to, but not in place of, the seal impression or depiction required by (a) of this section.

(d) A notary public may use a seal in electronic form on electronic documents notarized by the notary public as authorized by regulations adopted by the lieutenant governor. The seal shall be affixed only at the time the notarial act is performed.

Sec. 44.50.066. Notary public's status notification.

(a) Within 30 days after change of a notary public's name, mailing address, or physical address, the notary public shall, on a form provided by the lieutenant governor, submit written notification of the change, signed by the notary public.

(b) The lieutenant governor may require limited governmental notaries public commissioned under AS 44.50.010 (a)(2) who change departmental or agency employers to submit written notification of the change on a form provided by the lieutenant governor.

(c) A notary public commissioned under AS 44.50.010 (a)(1) reporting a name change shall submit to the lieutenant governor payment of the fee under AS 44.19.024 for the issuance of a replacement certificate of commission.

(d) A notary public reporting a name change under (a) and (c) of this section shall use the person's former name for the performance of notarial acts until the person has

- (1) provided written notification of the name change to the surety for any bond required under AS 44.50.034 ;
- (2) received a replacement certificate of commission reflecting the name change from the lieutenant governor; and
- (3) obtained a new seal reflecting the name change.

(e) The lieutenant governor may require a notary public to update the information required under AS 44.50.032 , including the notary public's current notarized signature and information regarding the notary public's electronic signature.

Sec. 44.50.067. Resignation.

(a) To resign a commission, a notary public shall notify the lieutenant governor in writing of the resignation and the date that it is effective. The notary public shall sign the

notification.

(b) A notary public who does not any longer meet the requirements of this chapter to be a notary public shall immediately resign the commission.

Sec. 44.50.068. Disciplinary action; complaint; appeal; hearing; delegation.

(a) The lieutenant governor may suspend or revoke a notary public's commission or reprimand a notary public for good cause shown, including

- (1) a ground on which an application for a commission may be denied;
- (2) failure to comply with this chapter;
- (3) failure to maintain residency in this state under AS 01.10.055 ; and
- (4) incompetence or malfeasance in carrying out the notary public's duties under this chapter.

(b) A person harmed by the actions of a notary public may file a complaint with the lieutenant governor. The complaint shall be filed on a form prescribed by the lieutenant governor and shall be signed and verified by the person alleging misconduct by the notary public.

(c) If the lieutenant governor determines that the allegations in the complaint do not warrant formal disciplinary action, the lieutenant governor may decline to act on the complaint or may advise the notary public of the appropriate conduct and the applicable statutes and regulations governing the conduct. The lieutenant governor shall notify the notary public and the complainant of the determination in writing.

(d) If the lieutenant governor determines that the complaint alleges sufficient facts to constitute good cause for disciplinary action, the lieutenant governor shall serve the notary public with a copy of the complaint as provided in Rule 4, Alaska Rules of Civil Procedure. The notary public may file a written response to the complaint with the lieutenant governor within 20 days after receipt of the complaint. The lieutenant governor may extend the time for the notary public's response. The lieutenant governor shall provide a copy of the notary public's response to the complainant.

(e) The lieutenant governor shall review the complaint and the response to determine whether formal disciplinary action may be warranted. The lieutenant governor may determine that the allegations in the complaint do not warrant formal disciplinary action, in which case the lieutenant governor may determine not to take further action on the complaint or may determine to advise the notary public of the appropriate conduct and the applicable statutes and regulations governing the conduct. If the lieutenant governor determines that formal disciplinary action is not warranted, the lieutenant governor shall provide the complainant and the notary public with a written statement of the basis for the determination.

(f) If the lieutenant governor finds that formal disciplinary action may be warranted, the lieutenant governor may suspend or revoke a notary public's commission or reprimand a notary public. If the lieutenant governor suspends or revokes the commission or issues a reprimand, the lieutenant governor shall provide, by certified mail, the notary public with a written statement of the lieutenant governor's decision, including a written statement of the basis for the determination.

(g) A person who is issued a reprimand, suspension, or revocation under (f) of this section may appeal the reprimand, suspension, or revocation by requesting a hearing within 15 days after receiving the statement provided under (f) of this section. If a hearing is requested, the lieutenant governor shall deny or grant the request under AS 44.64.060 (b) and refer the matter to the office of administrative hearings under AS 44.64.060 (b).

(h) The lieutenant governor may delegate the powers under this section.

Sec. 44.50.070. Presence and identification required. [Repealed, Sec. 14 ch 60 SLA 2005].

Sec. 44.50.071. Confidentiality.

(a) An address, telephone number, and electronic mail address of a notary public or an applicant that is submitted under AS 44.50.032 or 44.50.038 and that is designated by the notary public or applicant as confidential shall be kept confidential. However, a notary public shall provide a nonconfidential address and telephone number at which the notary public can be contacted.

(b) Compilations and data bases of those addresses, telephone numbers, and electronic mail addresses of notaries public that are confidential under (a) of this section shall be kept confidential, except that the lieutenant governor may disclose compilations and data bases if the lieutenant governor determines that disclosure is in the public interest.

(c) A complaint filed under AS 44.50.068 shall be kept confidential unless the lieutenant governor determines under AS 44.50.068 (d) that the complaint alleges sufficient facts to constitute good cause for disciplinary action.

Sec. 44.50.072. Regulations.

The lieutenant governor may adopt regulations under AS 44.62 (Administrative Procedure Act) to carry out the purposes of this chapter.

Sec. 44.50.073. Published summary.

The lieutenant governor may publish by electronic means for commissioned notaries public a summary of the provisions of this chapter and the regulations adopted under this chapter. The lieutenant governor shall, upon request, distribute the summary to each person who is commissioned a notary public under this chapter.

Sec. 44.50.080. - 44.50.140l Seal; Protest of bill or note; Return of papers to lieutenant governor; Application of Administrative Procedure Act to revocation of notary commission; Bond; Filing oath and bond; Disposition of bond. [Repealed, Sec. 14 ch 60 SLA 2005].

Sec. 44.50.150. Copy of bond as evidence.

A certified copy of the record of the official bond with all affidavits, acknowledgments, endorsements, and attachments may be read in evidence with the same effect as the original, without further proof.

Sec. 44.50.160. Misconduct or neglect.

A notary and the sureties on the official bond are liable to persons injured for the damages sustained on account of misconduct or neglect of the notary.

Sec. 44.50.170. State employees as notaries. [Repealed, Sec. 14 ch 60 SLA 2005].

Sec. 44.50.180. Postmasters as notaries.

(a) Each postmaster in the state may perform the functions of a notary public in the state.

(b) Each official act of a postmaster as a notary public shall be signed by the postmaster, with a designation of the person's title as postmaster, shall have the cancellation stamp of the post office affixed, and shall state the name of the post office and the date on which the act was done.

(c) [Repealed, Sec. 14 ch 60 SLA 2005].

(d) Nothing in this chapter requires a postmaster to post a bond or to have a commission.

Sec. 44.50.190. Savings clause. [Repealed, Sec. 14 ch 60 SLA 2005].

Sec. 44.50.200. Definitions.

In this chapter, unless the context otherwise requires,

(1) "convicted" or "conviction" means that the person has entered a plea of guilty, guilty but mentally ill, or nolo contendere, or has been found guilty or guilty but mentally ill by a court or jury;

(2) "notarial act" means an act that is identified as a notarial act under AS 09.63.120 and an act that a notary public is directed to perform under AS 44.50.060 ;

(3) "notary public" means a person commissioned to perform notarial acts under this chapter.

ALASKA ADMINISTRATIVE CODE

TITLE 6. GOVERNOR'S OFFICE

PART 1. ELECTIONS

CHAPTER 25. ADMINISTRATION OF ELECTIONS

ARTICLE 3. ABSENTEE AND QUESTIONED VOTING

6 AAC 25.570. Witnessing absentee by-mail ballot.

(a) A voter voting an absentee ballot by mail must have the voter's ballot certification on the envelope witnessed by

(1) an official authorized to administer an oath or by one individual 18 years of age or older as required by AS 15.20.081(d); or

(2) an election official appointed under AS 15.10.120 or an absentee voting official appointed under AS 15.20.045 during the official's term as described in 6 AAC 25.032.

(b) An official authorized to administer an oath or other individual serving as a witness to an absentee ballot voted by mail is attesting that the voter subscribed and swore to the oath in the presence of the witness and that to the best of the witness's knowledge

(1) the voter is the person he or she claims to be; and,

(2) the voter is the person who voted the ballot.

(c) In serving as a witness as described in (a) of this section, an individual must execute the witnessing affidavit by signing the witness's name. The signature of the witness may be any written or printed form of the witness's name or initials, or any mark intended as a signature.

(d) If the signature of a witness as described in (a) of this section appears on the affidavit in a place other than the correct space provided, the incorrect placement of the signature will not cause the ballot to be rejected.

(e) A notary public commissioned in this state and serving as a witness on an absentee

by-mail ballot oath and affidavit envelope shall affix the notary public's notary seal and indicate the date on which the notary's commission expires. However, failure of the notary to affix the seal or to provide the date on which the notary's commission will expire will not cause the ballot to be rejected if the notary's authority can be verified through official notary records on file with the lieutenant governor.

(f) An official witness authorized to administer an oath shall provide the official's title, the date of attestation, and the location at which the attestation took place. However, failure of an official witness to provide the official's title, or provision of a title other than a title specified in AS 15.20.081(d) will not cause the ballot to be rejected. In addition, failure of the official witness to state the date of attestation or the location at which the attestation took place will not cause the ballot to be rejected if other information provided on the ballot is sufficient to reasonably determine that the ballot was voted on or before election day.

(g) Failure of a United States postal official serving as a witness to sign the attestation will not cause the ballot to be rejected if the postal official affixes the postal station's official postal stamp.

(h) An individual over the age of 18 who serves as a witness to a voter's certificate shall be asked to state the date of attestation, and the location at which the attestation took place. However, failure of the official witness to state the date of attestation, or the location at which the attestation took place will not cause the ballot to be rejected if other information provided on the certificate is sufficient to reasonably determine that the ballot was voted on or before election day.

(i) A voter may not serve as a witness on the voter's own ballot certification on the envelope. The ballot of a voter who has signed as a witness to the voter's own voter certificate will not be counted.

(Eff. 8/12/90, Register 115; am 8/22/2004, Register 171; am 5/14/2006, Register 178) Authority: AS 15.15.010, AS 15.20.081, AS 15.20.203, AS 15.15.220