Occupational Board Reform Act Survey – Notary Public

Question:

Provide an explanation for why you believe or do not believe that the occupational regulations overseen by your board have been effective.

Response:

In order to become a notary public, you must meet certain qualifications: (1) you must be 19 years of age or older, (2) you must not have been convicted of a felony or other crime involving fraud or dishonesty within the last five years, (3) you must take and pass a written examination relating to the laws, procedures, and ethics for notaries public, and (4) you must maintain a bond for the life of the commission.

We receive approximately 10 complaints a year regarding the actions of notaries public. These complaints can range from minor allegations of errors in notarizing a document to significant allegations related to fraud. Given the small number of complaints that our office receives in comparison to the number of notaries in the state, we believe that the qualifications set forth in law to become a commissioned notary along with the testing requirements have been effective in preventing or decreasing errors or other inappropriate actions on the part of notaries. Further, the required bond does provide a limited means of redress for individuals who have been injured by the actions of a notary public. Additionally, the ability for the Secretary of State to permanently cancel or temporarily revoke the commission of a notary provides a mechanism to remove individuals from the office of Notary Public should they commit malfeasance in office by failing to follow the requirements and procedures for notarial acts.

In order to perform online notarial acts or electronic notarial acts, you must first be a commissioned notary, and must go through a registration process which requires the notary to take a subsequent course of instruction and examination which includes the laws, procedures, technology, and the ethics of performing online or electronic notarial acts. We also review and approve providers of electronic or online notary solutions to verify that the solutions provided are consistent with state laws and regulations for electronic or online notarial acts. The regulation of electronic and online notary processes has limited abuse of those processes and in turn limited fraud while allowing technological advancements in the mediums and methods used for notarizing a document.