

FISCAL NOTE
Requested by Legislative Council
01/14/2015

Amendment to: HB 1211

- 1 A. **State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	2013-2015 Biennium		2015-2017 Biennium		2017-2019 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues	\$0	\$0	\$0	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0	\$0	\$0	\$0
Appropriations	\$0	\$0	\$0	\$0	\$0	\$0

- 1 B. **County, city, school district and township fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

	2013-2015 Biennium	2015-2017 Biennium	2017-2019 Biennium
Counties	\$0	\$0	\$0
Cities	\$0	\$0	\$0
School Districts	\$0	\$0	\$0
Townships	\$0	\$0	\$0

- 2 A. **Bill and fiscal impact summary:** *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

None

- B. **Fiscal impact sections:** *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

None

3. **State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

- A. **Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

No change from current law

- B. **Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

No change from current law

- C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation or a part of the appropriation is included in the executive budget or relates to a continuing appropriation.*

No change from current law

Name: Al Jaeger

Agency: Secretary of State

Telephone: 701-328-2900

Date Prepared: 01/18/2015

FISCAL NOTE
Requested by Legislative Council
01/14/2015

Bill/Resolution No.: HB 1211

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Name: Al Jaeger

Agency: Secretary of State

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Date Prepared: 01/18/2015

2015 HOUSE JUDICIARY

HB 1211

2015 HOUSE STANDING COMMITTEE MINUTES

House Judiciary Committee
Prairie Room, State Capitol

HB 1211
1/21/2015
22288

- Subcommittee
 Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

Relating to notarial acts, notary commissions, and notary public name changes.

Minutes:

Testimony #1

Chairman K.Koppelman: Opened the hearing on HB 1211 with testimony in support.

Al Jaeger, Secretary of State: (See Testimony #1) (1:23-12:00) Went over the testimony and handouts. We noticed in our review process a notary was making mistakes and it happened to be the same notary that notarized the petitions being turned in by about 12 individuals. In 2012 there were two petitions that were denied excess to the ballot because of fraudulent signatures. Last session this body adopted laws that raise the fraudulent signatures from a misdemeanor to a much higher level. (13:09-18:00)

Rep. D. Larson: I retired a year and a half ago, but when I was working for 23 years our office assistant knew who I was and she asked to see my driver license for identification so you have made it very clear what is expected of them. Last session I had a client who did oil leases in western ND and over the border into Montana and I thought we had reciprocity with Montana because of that. Is that right?

Al Jaeger: What you identified was taken care of last session.

Chairman K.Koppelman: Can anyone wishing to become a notary become one? What are the requirements?

Al Jaeger: Essentially you have to be of legal age; a resident of the state or a bordering county. I can deny an application because on the application the applicant has to reveal any prior criminal activity. In the last year we probably have denied 2, 3 or 4 of them. We can levy a fine for minor infractions. I handle the money penalties.

Rep. K. Wallman: When someone signs up to become a notary is an email address required? Is that one of the other reasonable means used to reach out to that person?

Al Jaeger: No it is not required. Yes that would be one of the reasonable ways we would go about it.

Rep. K. Wallman: What if you have trouble getting it back?

Al Jaeger: If you are sending it to an email address that has been changed you get a kickback. We would make an effort to do a follow up mailing or do something to identify that.

Rep. K. Wallman: Is there some training involved in getting a notary?

Al Jaeger: Currently in ND there is no law requiring a notary to undergo any training. There are a few states that do have that. ND also does not have a requirement that a notary maintain a journal. We highly recommend it. Yes it is a very important function.

Rep. K. Wallman: You cannot go to the Secretary of State's website and see a listing of everyone in ND who is authorized to be a notary. If there is someone showing up not in good standing that does not show up on the website anywhere?

Al Jaeger: We don't have it out there at this point. What is important if something should happen and comes to our attention and act was performed and it might be involved in illegal proceedings I would suspect that somebody wants to know when that happened? We have researched putting the information out on our web. Not good standing could be if you don't file your annual report in a timely manner. That designation does appear on our website for LLC's. We then get compliance pretty quick. If you don't bring that current within a certain period of time you are automatically dissolved by law. We don't go that far with a notary, but I think it is very important to establish that.

Chairman K. Koppelman: In addition to the public information advantage Rep. K. Wallman indicated, would it be helpful in terms of knowing if someone is in good standing or not simply to know where people are located that are notaries?

Al Jaeger: We can see that is one of the things that might be helpful. The law does give a notary the right not to notarize.

Chairman K. Koppelman: A notary has the right to deny a person a notary? How does that work.

Al Jaeger: We have to be clear that there was not discrimination for some reason.

Chairman K. Koppelman: Are the changes in this bill that uniformity would be an issue?

Al Jaeger: The uniform law says actually allowed us to gather notary related stuff that was in a couple different chapters in the Century Code and I think it is important. This bill does not change that.

Chairman K.Koppelman: The wording under section 3: Item 7 you have stricken certified copy and just copy remains. It looks like a notary can't make a copy of something. I know that is not what we are saying.

Al Jaeger: The function of a notary is to notarize a signature. It is not to say anything on their own that this is a copy. This wording was run by our legal counsel at the Attorney General's office.

Chairman K.Koppelman: We will check that out.

Rep. P. Anderson: When a person gets their commission back do we tell them we have to notify us within 60 days of a name change or address change?

Al Jaeger: Yes we do. I send out a letter with rules and guidelines that come with the notary stamp. They are told once year in our newsletter.

Rep. K. Wallman: If the Secretary of State wanted to require an email address for applicants to become notary's would that be just a policy change for you or would that have to be a law that comes from the legislature?

Al Jaeger: We cannot require something that is not required by law. I would have to check that out.

Opposition: None

Netural: None

Hearing closed.

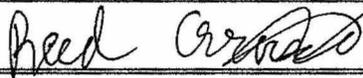
2015 HOUSE STANDING COMMITTEE MINUTES

Judiciary Committee
Prairie Room, State Capitol

HB 1211
1/27/2015
Job # 22657

- Subcommittee
 Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

Relating to notarial acts, notary commissions, and notary public name changes.

Minutes:

Attachment # 1

Chairman K. Koppelman: Opened meeting on HB 1211. Attachment # 1 proposes to replace the word "make" with the word "certify" on pg 3 line 22, because it makes the amendment sound clearer.

Rep. M. Johnson Moves to adopt the amendment.

Rep. Delmore Seconds the motion.

Voice vote - Motion passes

Rep Delmore: Makes motion for a Do Pass as amended recommendation on HB 1211.

Rep. Karls: Seconds the motion.

Rep. Wallman: Must be a better way to track people down than snail-mail in this day and age, there should be a requirement for an email address.

Rep. M. Johnson: The site is imperative for notaries. Licensed notaries can only notary in the state of North Dakota. They probably want to make sure that you are still a resident of North Dakota.

Rep. Wallman: Agrees with Rep. Johnson. She makes the point that you could supplement the snail-mail with an email reminder.

Rep. Johnson: Makes the point that the responsibility should be on the individual to maintain regular contact & will reset every 6 years anyway.

Rep. Klemin: The Secretary of State keeps track of thousands of notaries. He agrees that it should be the individuals' responsibility to maintain regular contact.

Rep. Karls: The other issue is that there are now over 14,000 notaries in the state. Which would be a huge database to sell & the notaries would get tons of spam since their emails would probably be public information.

Chairman K. Koppelman: The Secretary of state is able to ask for email if he/she desires.

Rep. Paur: Inaudible

Representative P. Anderson: Points out that there may be a \$10 fee if you don't respond to the secretary of state within 60, but no fee if you fail to notify them that you moved. Probably doesn't matter in the end.

A Roll Call vote was taken: Yes 12 No 0 Absent 1

Do Pass as amended carries.

Rep. Brabandt Carries the Bill

15.8163.01001
Title.02000

Adopted by the Judiciary Committee *1-27-15*

January 27, 2015

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1211

Page 3, line 22, overstrike the first "make" and insert immediately thereafter "certify"

Page 3, line 22, overstrike the second "make" and insert immediately thereafter "certify"

Renumber accordingly

Date: 1-27-15
Roll Call Vote #: 1

2015 HOUSE STANDING COMMITTEE
ROLL CALL VOTES *HB*
BILL/RESOLUTION NO. *1211*

House JUDICIARY Committee

- Subcommittee Conference Committee

Amendment LC# or Description: 15.8163.01001

- Recommendation: Adopt Amendment
 Do Pass Do Not Pass Without Committee Recommendation
 As Amended Rerefer to Appropriations
Other Actions: Reconsider

Motion Made By *Rep Mary Johnson* Seconded By *Rep. D. Amore*

Representative	Yes	No	Representative	Yes	No
Chairman K. Koppelman			Rep. Pamela Anderson		
Vice Chairman Karls			Rep. Delmore		
Rep. Brabandt			Rep. K. Wallman		
Rep. Hawken					
Rep. Mary Johnson					
Rep. Klemin					
Rep. Kretschmar					
Rep. D. Larson					
Rep. Maragos					
Rep. Paur					

Total (Yes) _____ No _____

Absent _____

Floor Assignment passed

If the vote is on an amendment, briefly indicate intent:

Pg 3, line 22

Date: 1-27-15
 Roll Call Vote #: 2

**2015 HOUSE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. 1211**

House JUDICIARY Committee

Subcommittee Conference Committee

Amendment LC# or Description: 15.8113.01001

Recommendation: Adopt Amendment
 Do Pass Do Not Pass Without Committee Recommendation
 As Amended Rerefer to Appropriations

Other Actions: Reconsider

Motion Made By L. Delmore Seconded By Karls

Representative	Yes	No	Representative	Yes	No
Chairman K. Koppelman	✓		Rep. Pamela Anderson	✓	
Vice Chairman Karls	✓		Rep. Delmore	✓	
Rep. Brabandt	✓		Rep. K. Wallman	✓	
Rep. Hawken	✓				
Rep. Mary Johnson	✓				
Rep. Klemin	✓				
Rep. Kretschmar	✓				
Rep. D. Larson	✓				
Rep. Maragos	✓				
Rep. Paur	✓				

Total (Yes) 12 No 0

Absent 1

Floor Assignment Rep. Brabandt

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

HB 1211: Judiciary Committee (Rep. K. Koppelman, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1211 was placed on the Sixth order on the calendar.

Page 3, line 22, overstrike the first "make" and insert immediately thereafter "certify"

Page 3, line 22, overstrike the second "make" and insert immediately thereafter "certify"

Renumber accordingly

2015 SENATE JUDICIARY

HB 1211

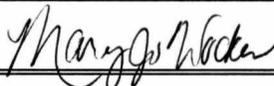
2015 SENATE STANDING COMMITTEE MINUTES

Judiciary Committee
Fort Lincoln Room, State Capitol

HB 1211
3/16/2015
24923

- Subcommittee
 Conference Committee

Committee Clerk Signature



Minutes:

Written testimony #1 Al Jaeger

Ch. Hogue: We will open the hearing on HB 1211.

Al Jaeger, Secretary of State, in support of HB 1211. Referenced his testimony # 1. This particular that is in front of you to allow me to place a notary in a not good standing statue. Right now my options are I have the power to fine, power to do different things; if I revoke the license there is a process we have to go through Administrative Hearing and what have you, but what essentially happens and the reason we are making this request is that people move and we have no way of contacting them anymore. Yet in our records even though we can't contact them anymore, they are an active notary. I find that somewhat disconcerting that we list them that way and there is a number of different things. Some of you may remember a few years ago there were petitions circulated where I found some fraudulent signatures. The way that we found that particular was because of a notary. There was a notarial process when the petitions circulated has to sign in front of a notary that everyone appeared before them, signed them, and did all of that. All of sudden we see a trend.

Chairman Hogue Was it when Senator Hilary Clinton came into North Dakota and signed one of our petitions, is that what you're saying.

Al Jaeger That was what caused it. But there were some things that happened but it started on unraveling because of the notary error. That particular individual, who did that notarization, was somebody that came in from out of state, became a notary, and after everything fell apart, that individual is gone. If the example I gave you on the second page is from our data base, I've taken her name off and left the address. You can see on the top, notary undeliverable. But she is still considered an active notary. What we

are asking for in this particular bill in lines 3-13 that I be allowed to place them into a status of not good standing. We do make reasonable attempts to find. We do a mailing, if it comes back, so it isn't just on a whim. We are going to make an effort but it does allow us to put them into a state of non-good standing and so then we're not going through the process of revocation and all of that, most likely at the end of her 6 years it is going to expire and we won't see her again. But to have her actually listed as active is very troublesome for me and as we've been gone through this year after year, we really need to have that option and so that is the major part of it. The rest of them are basically like in Section 3, it is just to make it clear that a notary may not execute these notarial and what that is related to is that (ex. Cited 3:56). That is just to make it very clear because we've had a little bit of an issue where or what they cannot certify. The very last part is just were going to have a late fee that corresponds with another section and so it's the same thing. We're just doing some tweaking but that one part is very important.

Senator Hogue What happens if one of these folks that you place in not-good standing isn't aware of their status, continues to notarize documents. Are those notaries good that they executed?

Al Jaeger Well I don't know if they are or not. But if we were asked if that notary was in good standing the day that they executed the notary, I would suspect that there could be some legal complications. Now what we would do from our office is we could pursue some processes and we've worked through some civil litigation department of the Attorney General's office and they could be fined. Notarizing without a commission is a criminal act it's a misdemeanor, we could refer to a state's attorney for prosecution. There are things like that we could do. We right now in the notary process, the law requires that I give them a certificate to purchase a notary stamp. Once they have that notary stamp they are supposed to make a copy of that stamp, send it to me and it's only then that I issue the commission. Well even though our material says it in several different places to do that, they don't always do it. So there are instances where notary has notarized without a commission. It had a stamp and everything but they didn't have the commission. Our letter that goes out to them is we tell them, that those acts of notary may not be legal and may also be subject them to personal liability. So, there are some things that could happen.

Senator Armstrong My concern isn't so much with going after the notary, my concern is 5 years later somebody attacks a chain of title. Has that occurred with lack of commission or if this laws passes will that invalidate it? If I go and

get a mineral deed or something that requires a notarization, and that notary was in bad standing, and all of a sudden 5 years later can that chain of title be attacked?

Al Jaeger That is a legal question that I would suspect would come up in some kind of action outside of what our office is in terms of that. But the not-good-standing I think it is, but we find its notaries that are still living in state. These are notaries that have moved out of state, they change jobs, moved away and it's part of their job and didn't think anything of letting us know.

Senator Luick What happens to a notary let's say they aren't fulfilling their job appropriately. How do you know that? What kind of fine or retribution or penalty is there for that?

Al Jaeger It's interesting is you notice in our newsletter we have a lot of violations listed and what have you. I would have to say that probably from the outside we probably get maybe 4-5 a year that our violations that are brought to our attention from the outside. Most of the violations are in the documents submitted to my office or to the Attorney's General's office. For instance a notary cannot notarize their own name. You would be surprised that 3-4 times a year I receive an application from a notary and notarized his own name. I've always find it fascinating because they sign something that says so and so appeared in front of me. So apparently they do it in the bathroom because you got to look at yourself and say, yes that's me, I am appearing in front of myself. We occasionally get somebody that does something with a notarized name of a spouse. Today I had one where somebody may be a party to the contract and so. My authority is only limited to the criminal aspect or revocation or what-have-you. Usually is somebody notarizes their own name our going rate on that is about \$125 right now. So, we do fine them and that's what is in there. What is not in there, is the reprimands where we do just hand slaps. So it's very difficult for me when the paper comes into my office on the notary documents themselves and there is something wrong and to just pass it off as an error. We do write a letter, again some of them are fines, some of them are suspensions; some of them are hand slaps, where I just do a reprimand. If you go back to the very first thing I said, I told you that a notary is an officer of the state and they have taken an oath of office. That is stressed in every newsletter going back 15 years.

Senator Luick It's not a question or a comment, but when I go to get something notarized at my bank and my banker is my notary in my area, he

can be really bear because everything has to be just exactly. I can imagine that other people are not proficient as what he is. So that is why I question that.

Al Jaeger Again, what I can say is that what's brought to our attention. I would suspect that there is a lot of notarial acts that are done out there that the bosses or somebody is in the other room and there just doing it. But again that happens when the notary is up for renewal and those things are caught. This part here about having somebody listed as active and what Senator Armstrong asked what have you. Those are questions that could easily become issues. But they are going to come back to us. The other thing that happens where things come in from the outside, we've had 2 or 3 situations where it involved divorce actions. An opposing attorney has brought it to our attention and the one I can think of is where there were 6-7 affidavits and the attorney that was a notary didn't witness any of the signatures and notarized them and the opposing attorney found out about it. That becomes an issue. Those are things that happen in the legal world. So we stress that it is a very important that you follow certain things.

Senator Nelson Being a notary is kind of thankless job isn't it? I've had 100's of things notarized and I've never paid anybody anything.

Al Jaeger What's interesting about that is that the National Notary Association and they talk about it as being a career. So in other states, it's a whole lot different thing. I do know that there are opposing notaries who act as like closing agents for the National Lenders that you hear that are doing stuff and that they act as and they are getting paid for that. For banks and a lot of different things that is a service. One thing we have never required and I don't that we will get there necessarily is that in some states there's an education requirement. But what we've tried to do is educate them in their personal responsibility and inform them of the law.

Senator Grabinger If somebody feels they are being unfairly treated by you, do they have any recourse at all in this process?

Al Jaeger Yes. When we go out and do where we say you've done something wrong, and our letters are developed with the Attorney General's office, so we make sure that we've got ourselves covered, when I go out there with that letter the first time, and say it's obvious there was a violation. We say you have some options, one you can informally settle it and here are the terms for the informal settlement. If they do not like any of that, they are instructed you

or an attorney can respond back to us. Then if they do not agree there is a whole administrative hearing process and actually the attorney who I told you about the affidavit, this happened 15 years ago and I probably should really send you thank you note because what she did is questioned me and pushed me to administrative hearing. I won that case, she then appealed it to the District Court and the District judge did absolutely masterful opinion upholding everything about notary law and just did it better. So they do have recourse.

Senator Hogue asked for a recess as they have an amendment on a bill.

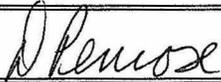
2015 SENATE STANDING COMMITTEE MINUTES

Judiciary Committee
Fort Lincoln Room, State Capitol

HB 1211
3/23/2015
25293

- Subcommittee
 Conference Committee

Committee Clerk Signature



Minutes:

Ch. Hogue: Let's take a look at HB 1211. I was considering an amendment to this, just to make clear that if the Secretary is going to put these folks on some sort of "special status" where they are on a suspended status where the notary is "not in good standing". What happens if you get your legal document notarized by someone who is on this list of not in good standing?

Sen. Casper: If you wanted to get something notarized, you would almost have to double-check to make sure that they are in good standing.

Ch. Hogue: A typical notary seal says right on, this is how long my commission is for. Does this mess that up? Can you now challenge a document and say that you aren't sure that the notary was in good standing or not when they notarized this document.

Sen. Luick: That would be up to the Secretary of State, wouldn't it, not as a private citizen.

Sen. Armstrong: The problem would be if there was a situation that occurred several years ago where the notary was not in good standing, the argument could say that this document that shows the transfer of minerals is invalid because the notarization is invalid and therefore the chain of title is broken at that point in time. The secretary of state would not be involved in whatever decision was made regarding that document, which would be done by a quiet title action. It would go through the court system. I don't know the answer. The stamp on the notary seal tells you when the notary expires. This would be something else.

Ch. Hogue: You don't know when you are signing it.

Sen. Casper: It's almost like the Secretary of State would have to publish a list. You'd have to go to their website to see if the person's name is on the list. You'd have to double-check every time.

Ch. Hogue: I asked the secretary of state about that and he couldn't answer that question. I think when a document needs to be signed before a notary, you want that certainty. I understand his concern, these people move in and out of the state. He doesn't know how to get ahold of them, but if we don't address it in the bill, he's taking away the certainty that people want.

Sen. Casper: I think it's a greater problem if documents are out there, and the people on both sides believe they are executing the documents in good faith. You could have hundreds of documents notarized by somebody that then would not be enforceable. I think it's a graver problem than people out there who are falsely or improperly notarizing items. That's maybe the balance. That is the policy decision that we have before us today.

Ch. Hogue: My question to the committee is we could do two things. First, amend the bill to make clear that a notary who is not in good standing with the Secretary, that document cannot be challenged by anybody just because the notary was not in good standing. Secondly, just kill the bill. If you think about the notary, the stamp tells you when the commission expires. You would be on notice then if they were not authorized to notarize that document. With this suspension, you are creating this gray area and it concerns me. It troubles me that the secretary of state didn't think about that because he wants to be able to mail them their newsletters and keep a list of them. I'm more concerned about the document, is it validly executed, because there are 25 places or more in the code where you say, this document whether a mortgage or whatever, needs to be notarized.

Sen. Armstrong: The notary in bad standing essentially expires; it just expires at the end of the notary. When they apply for their next one, they are going to say no. There is an expiration date, it's not like it could go on being in bad standing forever. The penalties to the notary are what is important, not penalties to third parties.

Ch. Hogue: Read 44-06.1-24, "except as otherwise provided in this chapter, the failure of a notarial officer performs the duties or meet the requirements specified in this chapter, does not invalidate a notarial act performed by the notarial officer. The validity of the notarial act under this chapter does not prevent an aggrieved person from seeking to invalidate the record or

transaction that is the subject of the proceeding, or from seeking other remedies based on laws of state. This section does not validate a purported notarial act performed by an individual who does not have the authority to perform the act." So if they aren't in good standing, do they have the authority? I would say that they don't.

Sen. Casper: The only other thing to do would be say that even if they aren't in good standing they still have authority up and until the time of the expiration of their commission.

Ch. Hogue: The bill says they don't though.

Sen. Casper: I'm thinking of avoiding litigation, not what the bill says.

Ch. Hogue: What was your motion?

Sen. Casper: I move a Do Not Pass on HB 1211.

Sen. Grabinger: Second the motion.

5 YES 0 NO 1 ABSENT
Casper

DO NOT PASS

CARRIER: Sen.

Date: 3/23/15

Roll Call Vote #: 1

2015 SENATE STANDING COMMITTEE
ROLL CALL VOTE

BILL/RESOLUTION NO. 1211

Senate JUDICIARY Committee

Subcommittee

Amendment LC# or Description: _____

- Recommendation:
- Adopt Amendment
 - Do Pass Do Not Pass Without Committee Recommendation
 - As Amended Rerefer to Appropriations
 - Place on Consent Calendar
- Other Actions: Reconsider _____

Motion Made By Sen. Casper Seconded By Sen. Grabinger

Senators	Yes	No	Senators	Yes	No
Chairman Hogue	✓		Sen. Grabinger	✓	
Sen. Armstrong	✓		Sen. C. Nelson	ABSENT	
Sen. Casper	✓				
Sen. Luick	✓				

Total (Yes) 5 No 0

Absent 1

Floor Assignment Sen. Casper

REPORT OF STANDING COMMITTEE

HB 1211, as engrossed: Judiciary Committee (Sen. Hogue, Chairman) recommends DO NOT PASS (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1211 was placed on the Fourteenth order on the calendar.

2015 TESTIMONY

HB 1211



ALVIN A. JAEGER
SECRETARY OF STATE
HOME PAGE www.nd.gov/sos

#1
HB 5211
1-21-15
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pg 1

SECRETARY OF STATE
STATE OF NORTH DAKOTA
600 EAST BOULEVARD AVENUE DEPT 108
BISMARCK ND 58505-0500

January 21, 2015

TO: Rep. Koppelman, Chairman, and Members of the House Judiciary Committee

FR: Al Jaeger, Secretary of State

RE: HB 1211 – Relating to Notaries Public

A notary is considered an officer of the state and is commissioned for six years. As such, they take the same oath of office when they apply for a notary commission as others do who are elected or appointed to a state position. A historical perspective of the growth in the number of commissioned notaries public is on page 3.

Because the term of office is six years, the Secretary of State's office makes every effort to provide notaries with helpful information and contacts them at least once each year. Page 4 is a copy of the Notaries Public page from the Secretary of State's website. The remaining pages are the August 2014 edition of Notary Notes that has been published since 1999 and which is distributed to every commissioned notary.

The 2011 Legislative Assembly unanimously adopted the Uniform Law on Notarial Acts and North Dakota was the first state to do so. This bill is intended to provide for an administrative process to place a notary in a "not good standing" status, clarify a notarial act that a notary may not execute, and provide for a late fee for consistency with current law.

Section 1, page 1, lines 11: reference is no longer needed because of new text on page 3

Section 2, page 2, lines 3 through 13: this new section allows the Secretary of State to identify a notary as having a "not good standing" status in the event the notary cannot not be contacted after reasonable efforts are made. To maintain the qualifications of a North Dakota commissioned notary, the notary must be a resident of the state or live in a bordering county in a state that extends reciprocity. Under state law, which a notary has taken an oath to uphold, a notary is to notify the Secretary of State within sixty days of an address change.

On page 2 of my testimony, I have printed a page from the Secretary of State's database as an example of why this request is being made and why it is important. I have redacted personal information. This individual left the state only a few months after been commissioned as a notary. Although they no longer qualify as a notary and cannot be located, they are still listed as being an active notary public because their commission does not expire until 2018.

Section 3, page 3, lines 13 through 19: this text in subsection 6 is deleted and is moved to subsection 7.

Section 3, page 3, lines 25 through 30: this text was moved from subsection 6 and is intended to make it clearer that a notary may not execute these notarial acts.

Section 4, page 4, lines 6 through 8: this text adds the same late fee for a name change as already exists for the failure of a notary to report an address change within sixty days.

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NO1-010
System ID- 31241200
Note - NOTARY UNDELIVERABLE

NOTARY INQUIRY

1/19/15
File No. 0000000

3101 34TH AVE S [REDACTED]
FARGO ND 58104-5104 H- [REDACTED] W- [REDACTED] 0000
Co. 09 CASS S.S.# ~~469171819~~ Fed.Id 000000000 F-

U/P/I
- Cert # 0573367 Issued 4/25/2012 Expired 4/25/2018 Status ACTIVE
Seal Type 1 Stamped 4/26/2012 Seal Type 2
Bond # 61308600N Bond Type Bond Bond Iss. 3/23/2012

* * * * * AVAILABLE COMMANDS * * * * *
F3 Exit F18 WAC Doc Images
F4 Base

#2

ALVIN A. JAEGER
SECRETARY OF STATE

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HB 1271
1-21-15
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Commissioned Notaries Public

June 30, 2001	11,211	
June 30, 2003	11,839	Plus 5.3%
June 30, 2005	12,011	Plus 1.5%
June 30, 2007	12,168	Plus 1.3%
June 30, 2009	12,330	Plus 1.3%
June 30, 2011	13,125	Plus 6.5%
June 30, 2013	13,873	Plus 5.7%
January 21, 2015	14,568	Plus 5.0%

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Secretary of State
NORTH DAKOTA 

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North Dakota's 125th
Anniversary

Notaries Public

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What is a Notary Public?

A notary public is an individual commissioned by the Secretary of State to perform a notarial act. A notarial act is performed under the law of North Dakota, including:

1. Taking an acknowledgement;
2. Administering an oath or affirmation;
3. Taking a verification on oath or affirmation;
4. Witnessing or attesting a signature;
5. Certifying or attesting a copy; and
6. Noting a protest of a negotiable instrument.

A notary public is considered a "public ministerial officer" who is an impartial agent of the state commissioned to witness notarial writings and signatures. Prior to notarizing a document, a notary should ask himself or herself three questions:

1. Am I a party to the transaction?
2. Am I named in the document?
3. Do I have any financial or beneficial interest in this transaction?

If the answer to ALL of these questions is no, the notary is an impartial witness. If the notary answers yes to any one of these questions, the notary should not notarize the document.

Oath of a Notary Public

A commissioned notary public is an officer of the state and when applying to become commissioned, he or she executes the following Oath of Office:

I do solemnly swear (or affirm) that I will support the Constitution of the United States, and the Constitution of the State of North Dakota and that I will faithfully discharge the duties of the office of Notary Public according to the best of my ability, so help me God or under pains & penalties of perjury.

It is important that a notary public remember this oath and act with integrity when performing notarial duties.

What Does the Act of Notarization Accomplish?

The act of notarization is more than simply a clerical procedure. Notarization protects against fraud. A notarized signature proves the signer appeared before the notary public because the signer must be in the physical presence of the notary before the notary may lawfully notarize the document. The notary also certifies that a signature is made willingly and freely. However, a notarization does not prove a document or statement is true or accurate, nor does a notarization validate or legalize a document.

Statutes

- [NDCC Chapter 44-05](#)
Administration of Oaths
- [NDCC Chapter 44-06.1](#)
Uniform Law on Notarial Acts
- [NDCC Chapters 47-19-13 through 47-19-36](#)
Record of Title

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Notary Notes

Newsletter of the Accounting/Notary Unit
North Dakota Secretary of State's Office
Alvin A. Jaeger, Secretary of State

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Volume 14, No. 17

August 2014

Greetings from Secretary of State Al Jaeger

As of June 30, 2014, North Dakota had 14,352 commissioned notarial officers, which is an increase of 479 or 3.45% from last year. Notarial officers are in a position of trust and integrity and they perform an essential service to the public. Therefore, it is important for notaries to perform their duties properly and with integrity. It is very important that you, as a notary public, know the responsibilities of a notary public so that you are able to accurately perform the duties of a notary public. I have included in this newsletter a list of occurrences in which notaries executed settlement agreements with monetary fines or suspensions for notarial violations. All of these instances had the potential of resulting in the revocation of the notary's commission.

In addition to the settlement agreements specified in this newsletter, 246 reprimands were issued from July 1, 2013 through June 30, 2014. Although not a complete list, the

number of unlawful acts include: notarizing a document without a signature; notarizing a predated or postdated document; notarizing a spouse's signature; not leaving an impression or a clear impression of the notary stamping device; notarizing an incomplete document; missing or inconsistent dates (day, month or year); incomplete, wrong or missing identity of the jurisdiction (state and county) where the notarial act was performed; no text for the certificate of the notarial act; erroneous commission expiration dates; and unlawful use of an embosser style notary seal (prohibited since 2003). All of these situations could have resulted in a fine, suspension or revocation of commission, and in certain cases, criminal proceedings.

It is important to note most of these violations were discovered on forms and documents submitted to this office or to the Office of the Attorney General. A notary is an officer of the state and a violation of the



notary laws cannot be ignored even if the notary inadvertently makes a mistake. As a notary, it is your responsibility to review the document you are notarizing and to follow the notarization procedures accurately.

I encourage you to read this newsletter and review your responsibilities as a notary public. In addition, always remember that you are an important officer of the state and people depend on you to perform your service as a notary truthfully and with integrity.

Notary Laws on Website

As a notary, it is important that you are knowledgeable about the current notary public laws so that you are able to perform your duties to the best of your ability.

Therefore, you are encouraged to visit the Notaries Public section of the Secretary of State's website at www.nd.gov/sos/notaryserv/, which contains valuable notary information, including the notary laws and past editions of *Notary Notes*. When reviewing the notary laws, particularly note the following sections: N.D.C.C. §§ 44-06.1-14, 44-06.1-19, and 44-06.1-23.

Check It Twice!

Prior to the departure of any person whose signature you notarize, make sure your notarial act contains the following:

1. Jurisdiction (state and county) where notarial act was executed.
2. Text for the certificate of the notarial act.
3. Person's signature.
4. Notary's signature and date.
5. Clear impression of the notary stamp, which includes the commission expiration date.

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Do Not Start the Race Before the Gun Sounds

Whether you are applying for a new notary commission or renewing your commission, it is very important to read the documents that are provided to you both at the time you are issued an authorization to purchase a notary stamping device and at the time you are issued your notary commission.

After your notary application is approved, you will receive an authorization to purchase a notary stamping device. It is important to note that once you obtain a

notary stamping device, you must affix an impression of it to a verification document, which must then be returned to the Secretary of State's office. After the verification is filed, the Secretary of State will issue a notary commission. Neither the authorization to purchase the notary stamp nor the obtainment of a notary stamping device allow you to begin performing notarial acts. A notary may only perform notarial acts during the six-year period listed on the notary

public's commission. The authorization only allows you to obtain a notary stamping device and having a notary stamping device does not make you a notary. If you receive your commission prior to the effective date of the commission, you are still not authorized to perform notarial acts until the effective date listed on the commission.

Remember, do not perform notarial acts (start the race) before the effective date of

your notary commission (the gun sounds). Performing notarial acts prior to the effective date of the commission could result in a penalty or possible liability issues for the notary.

If you have a notary commission that has not yet expired, but have also received your renewed commission, you will use the first notary stamping device until that commission expires and the new stamping device once that commission becomes effective.

Oath of a Notary Public

"I do solemnly swear (or affirm) that I will support the Constitution of the United States, and the Constitution of the State of North Dakota and that I will faithfully discharge the duties of the office of Notary Public according to the best of my ability, so help me God."

What is Errors and Omissions (E&O) Insurance?

Errors and omissions insurance is added protection for a notary in the event that he or she makes a mistake, which causes a client to suffer a financial or other type of loss for which the notary is sued for recovery. Errors and omissions insurance provides primary protection and will pay claims without requiring the notary to reimburse the insurance carrier. This is different from a surety bond, which requires that the notary reimburse the surety company for any claims paid. Since a notary public is responsible for his or her own actions, a notary public might not be protected by his or her employer. It is the notary public's decision whether to purchase errors and omissions insurance since it is not required by law. Documentation for errors and omissions insurance is for the notary's records only and should not be filed with this office.

Handwriting Commission Expiration Dates

Some documents may have a space to handwrite or type a notary's commission expiration date. However, handwriting or typing a notary's commission expiration date is not legally required as it appears on the notary's stamp, which is sufficient evidence of the notary's commission expiration date. Handwriting or typing the commission expiration date exposes the possibility of the handwritten/typed expiration date not matching the expiration date on the notary stamp, which could lead to a potential violation and could also invalidate the document that is being notarized.

Clear Impressions N.D.C.C. § 44-06.1-16(1)

A notary public's stamping device must leave a clear impression. The impression of the stamp should not obscure or overlap any other text on the document and all of the information on the impression of the stamp should be readable. If you use a self-inking stamping device, make sure that the device is well inked prior to placing an impression on the document. If you notice that the impression of the stamping device is not clear on a document, simply place another impression of the stamping device on the document.



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Ensuring Notary Public Impartiality Through Common Sense and a Clear Conscience

"Beneficial interest" is a difficult term for a notary public to clearly define. The basic rule is simple: a notary public should not notarize a document if he or she benefits from the document or if the notary public has an association that could compromise the notary public's impartiality.

North Dakota law specifically states that a notary public cannot notarize one's own signature or the signature of his or her spouse. The law also states that a notary public cannot notarize a document if the notary's name or spouse's name appears on the document as a party to the transaction. However, the law does not specifically include language regarding notarizing documents for friends, relatives (other than a spouse) or employers. So, how does a notary public determine whether it is acceptable to notarize a document for a relative (other than a spouse), friend or employer? Below are some helpful guidelines to assist a notary public in using common sense and following his or her conscience to avoid any appearance of "beneficial interest" when performing a notarial act. If a notary public is not sure whether he or she should notarize a document, it would be best not to notarize the document to protect the notary public as well as the document that needs notarization.

Notary Public's Name or Spouse's Name: As stated above, North Dakota law specifically states that a notary public cannot notarize a document if the name of the notary or the notary's spouse appears on the document as a party or if the notary or the notary's spouse has a direct beneficial interest in the document. In addition to being against the law, it would be a conflict of interest. It would be hard to explain how a notary public could be objective when notarizing a document that may leave any money to the notary or authorize the notary to act on another's behalf.

Other Relatives: Although not disallowed by law, it is recommended that a notary not notarize documents for close family members, such as parents, siblings and other close relatives. Notarizing documents for these individuals may cause the notary to appear biased and is often an ethical issue. If a family member requests that you notarize a document for them, it is best to refer the family member to another notary to avoid any possible conflicts.

Notary Public's Employer: A notary public who is a company officer should not notarize company documents because a conflict of interest may arise. Since the notary public may have a financial interest in company documents, it may be best to have a salaried employee who is not an officer of the company notarize the documents.

Paid Agent: A conflict of interest may also exist for a notary public to notarize a document for a signer who pays the notary public for other services. For example, attorneys, real estate agents and other professionals may be notaries public who are paid by clients for their services. It is likely convenient for these professionals to notarize a client's signature, but the notary public also needs to consider whether it is ethical to do so. If there is any question as to whether notarizing a document for a client would compromise the honesty or impartiality of the notary public, it is best to have another notary public notarize the document. This illustrates the notary public's ethical standards. It also helps ensure that the notary public made every effort to ensure that the document is properly notarized.

Notary Name Change N.D.C.C. § 44-06.1-27

If a notary legally changes his or her name, the notary must file a Notary Name Change/Notary Seal/Stamp Change (SFN 51261) with the Secretary of State's office along with a rider to the notary's surety bond stating both the previous name and the new name. The filing fee is \$10 and the documents must be filed within 60 days of the name change. The Secretary of State's office will then issue a new authorization to purchase a notary public stamping device. Once the verification of the notary public stamping device is returned to the Secretary of State's office, a new notary commission certificate with the notary's new name will be issued. For the time period between when the notary notifies the Secretary of State's office of the name change and the receipt of the new notary commission certificate, the notary may sign his or her name as follows:

Notary Public North Dakota
Formerly known and commissioned as

My commission expires
Notary Seal

***"Notaries do not simply perform
meaningless clerical functions.
They perform an essential service
to the public."***

Change of Address N.D.C.C. § 44-06.1-20(9)

A notary is required by state law to notify the Secretary of State's office within 60 days of any address change. If the address change is reported to the Secretary of State's office within this time period, there is no fee for the address change. However, if the address change is filed with the Secretary of State's office more than 60 days after the change of address, the notary must pay a \$10 late fee.



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Do Not Choose the Certificate

At times, a person who is requesting that you perform a notarial act will not know which type of notarial act he or she needs. If this situation occurs, a notary public should never select the notarial wording on behalf of the signer.

As an officer with limited powers, a notary public is given minimal discretion in carrying out the duties of a notary public. A notary public can only act at the direction of the signer and is not empowered to make decisions on the signer's behalf since it could lead to legal ramifications for the signer. If the notary public were to mistakenly choose the wrong type of certificate, the document may result in legal consequences for the signer, including financial losses. If the person is not sure which type of notarization is needed on a document, the notary public may explain the different types so that the signer may choose which notarial act he or she would like the notary public to perform. In the alternative, the signer may contact the issuing or receiving agency to help determine which act is required.

Information about the different certificates and examples are available through the Notaries Public section of the Secretary of State's website at www.nd.gov/sos/notaryserv/.

What About Employer Paid Commissions?

Even if a notary public's employer pays for anything related to obtaining a notary commission, the commission belongs to the notary public regardless of whether the notary continues to work for that employer. **A notary must remember that he or she is responsible for and liable for notarial acts that the notary performs.** Any disciplinary actions related to a notarial act are commenced against the notary public and not the notary's employer.

Even if an employer pays the expenses for a notary to obtain and maintain a notary commission, the employer cannot force a notary to perform any notarial acts that are not in full compliance of the law. However, an employer may have an understanding with the notary that, during work hours, the notary public will only be available to notarize documents for the employer and will not be available to notarize documents for the general public if the employer pays the notary expenses. Yet, the notary would still be able to notarize documents for other individuals outside of the notary's work hours.

It is important that a notary public always remember that he or she personally assumes the duties and obligations of the office to which the notary has been commissioned. As a public official, the notary, and not the employer, is responsible for performing the duties of a notary public in full compliance with the provisions of state law.

Signature of Notary Public

A notary public must sign his or her name exactly as it appears on the notary public's commission. Therefore, if a notary public's full middle name or middle initial is included on the commission, the notary public must sign his or her name in that manner. If you only want to sign with your first and last name, do not include your middle name or middle initial on your notary application.

***A North Dakota notary
public is a notary public
for the entire state of
North Dakota.***

Certified Copies

Remember: A notary public may not make or purport to make a certified copy of the following:

- Vital records
- Recordable instruments
- Public records containing an official seal

This includes birth certificates, death certificates, college transcripts and anything that bears a government seal.



Documents Drafted in a Foreign Language

If a document is drafted in a foreign language, an English translation must be permanently attached to the document. Then both documents must be signed and notarized to be considered a proper notarial act.

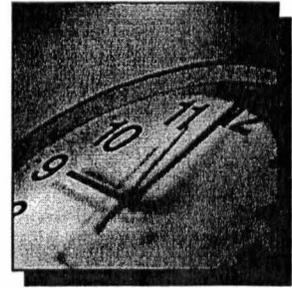
2

Primary Functions of a Notary Public

- Assure the identity of the person affixing his or her signature to the document or acknowledging a signature on a document.
- Assure that the person is not signing under any type of duress.
- Document when and where the notarial act takes place.

Renewal Time

You will receive a lot of information from different companies at renewal time. The Secretary of State's office is required to notify a notary public at least thirty days prior to the expiration of a notary public's commission. Note that the renewal process can only begin once you receive a notice from the Secretary of State's office. Forms received from any other companies are not necessarily required to renew your notary commission.



Notary Violations from July 1, 2013 through June 30, 2014

Note: Some of the following abbreviated summaries may appear to be similar in nature. However, the circumstances surrounding each violation are often different and result in varying penalties. All violations are a matter of public record under the state's open record laws.

July 8, 2013 – Notary violated 44-06.1-23(8) by failing to affix notary stamp to the document: \$50 fine

July 8, 2013 – Notary violated 44-06.1-23(6)(c) by notarizing spouse's signature: 2 month suspension

July 16, 2013 – Notary violated 44-06.1-23(8) by failing to affix notary stamp to the document: \$50 fine

July 16, 2013 – Notary violated 44-06.1-16(1) by notarizing a document without a commission: \$50 fine

July 31, 2013 – Notary violated 44-06.1-23(6)(c) by notarizing spouse's signature: \$125 fine

July 31, 2013 – Notary violated 44-06.1-23(6)(a) by notarizing a document not signed or acknowledged in the notary's presence: \$125 fine

August 2, 2013 – Notary violated 44-06.1-23(6)(a) by notarizing a document not signed or acknowledged in the notary's presence: \$125 fine

August 19, 2013 – Notary violated 44-06.1-14(1)(b) by failing to affix signature to the document: \$50 fine

August 30, 2013 – Notary violated 44-06.1-16(1) by notarizing a document without a commission: \$50 fine

September 9, 2013 – Notary violated 44-06.1-16(1) by notarizing a document without a commission: \$50 fine

September 9, 2013 – Notary violated 44-06.1-16(1) by notarizing a document without a commission: \$50 fine

September 17, 2013 – Notary violated 44-06.1-16(1) by notarizing a document without a commission: \$50 fine

September 25, 2013 – Notary violated 44-06.1-16(1) by notarizing a document without a commission: \$75 fine

September 27, 2013 – Notary violated 44-06.1-16(1) by notarizing a document without a commission: \$50 fine

September 27, 2013 – Notary violated 44-06.1-23(6)(e) by notarizing a document with different dates: \$125 fine

November 7, 2013 – Notary violated 44-06.1-23(6)(a) by notarizing a document not signed or acknowledged in the notary's presence: 3 month suspension

November 7, 2013 – Notary violated 44-06.1-23(6)(a) by notarizing a document not signed or acknowledged in the notary's presence: 3 month suspension

November 13, 2013 – Notary violated 44-06.1-23(6)(a) by notarizing a document not signed or acknowledged in the notary's presence: \$125 fine

November 18, 2013 – Notary violated 44-06.1-14(2) and 44-06.1-23(8) by failing to affix notary stamp to the document: 3 month suspension

December 6, 2013 – Notary violated 44-06.1-16(1) by notarizing a document without a commission: \$50 fine

December 12, 2013 – Notary violated 44-06.1-16(1) by notarizing a document without a commission: \$125 fine

December 13, 2013 – Notary violated 44-06.1-23(6)(c) by notarizing spouse's signature: 5 month suspension

December 19, 2013 – Notary violated 44-06.1-23(8) by failing to affix notary stamp to the document: \$75 fine

December 30, 2013 – Notary violated 44-06.1-16(1) by notarizing a document without a commission: \$50 fine

December 30, 2013 – Notary violated 44-06.1-23(6)(a) by notarizing a document not signed or acknowledged in the notary's presence: \$125 fine

December 30, 2013 – Notary violated 44-06.1-16(1) by notarizing a document without a commission: \$50 fine

December 31, 2013 – Notary violated 44-06.1-16(1) by notarizing a document without a commission: \$50 fine

January 16, 2014 – Notary violated 44-06.1-14(1)(b) by failing to affix signature to the document: 3 month suspension

(continued on page 6)

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Secretary of State

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Review the
Notary Laws
[www.nd.gov/sos/
notaryserv/](http://www.nd.gov/sos/notaryserv/)

Notary Notes is a
newsletter of the
Accounting/Notary
Unit in the Secretary of
State's Office.

Beth Herzog
Notary Director and Editor

Charlotte Zander
Commissioning Specialist

Al Jaeger
Secretary of State

Jim Silrum
Deputy Secretary of State

American Society of
Notaries
www.asnnotary.org

National Notary
Association
www.nationalnotary.org

Notary Law Institute
www.notarylaw.com

Notary Rotary
www.notaryrotary.com

Notary Violations (continued from page 5)

- January 27, 2014** – Notary violated 44-06.1-23(6)(c) by notarizing spouse's signature: 4 month suspension
- February 5, 2014** – Notary violated 44-06.1-23(6)(a) by notarizing a document not signed or acknowledged in the notary's presence: \$125 fine
- March 4, 2014** – Notary violated 44-06.1-23(6)(a) by notarizing a document not signed or acknowledged in the notary's presence: \$150 fine
- March 6, 2014** – Notary violated 44-06.1-23(8) by failing to affix notary stamp to the document: \$50 fine
- March 13, 2014** – Notary violated 44-06.1-14(1)(b) by failing to affix signature to the document: \$50 fine
- April 11, 2014** – Notary violated 44-06.1-14(1)(b) by failing to affix signature to the document: 6 month suspension
- April 14, 2014** – Notary violated 44-06.1-23(6)

- (e) by notarizing a document with different dates: 3 month suspension
- May 1, 2014** – Notary violated 44-06.1-23(6)(b) by notarizing a document to which the notary was a party: \$100 fine
- May 9, 2014** – Notary violated 44-06.1-23(6)(a) by notarizing a document not signed or acknowledged in the notary's presence: \$125 fine
- May 20, 2014** – Notary violated 44-06.1-16(1) by notarizing a document without a commission: \$50 fine
- May 23, 2014** – Notary violated 44-06.1-16(1) by notarizing a document without a commission: \$50 fine
- May 29, 2014** – Notary violated 44-06.1-16(1) by notarizing a document without a commission: \$50 fine
- June 10, 2014** – Notary violated 44-06.1-16(1) by notarizing a document without a commission: \$50 fine

Test Your Knowledge

Answer the following true or false questions to test your knowledge as a notary public:

1. A document drafted in a foreign language must have an English translation attached.
2. The expiration date on the notary public's stamping device is sufficient evidence of the notary's commission expiration date.
3. If a notary changes his or her name, the notary does not need to change the name on the notary commission until it is time to renew his or her commission.
4. Errors and omissions insurance provides the same protection as a surety bond.
5. Providing legal advice is one of the primary functions of a notary public.
6. No ethical issues exist for certain professionals (who are also notaries) to notarize a client's signature.
7. A notary should double check that a notarial act contains the person's signature.
8. Once you receive the renewal notice from the Secretary of State's office, you may begin the process to renew your notary commission.
9. A notary has 90 days to notify the Secretary of State's office of any address change without a fee.
10. A notary public's stamping device must leave a clear impression on the document.
11. An employer cannot force an employee to perform a notarial act that is not in full compliance of the law.
12. A notary public may sign his or her name in any manner regardless of what is stated on the commission.
13. At the signer's request, a notary may choose the certificate for the signer.
14. Once a notary obtains a notary stamping device, he or she may begin to notarize documents.
15. A notary is not allowed to make or purport to make a certified copy of a birth certificate.

Answers: 1. True (page 4); 2. True (page 2); 3. False (page 3); 4. False (page 2); 5. False (page 5); 6. False (page 3); 7. True (page 1); 8. True (page 5); 9. False (page 3); 10. True (page 2); 11. True (page 4); 12. False (page 4); 13. False (page 4); 14. False (page 2); 15. True (page 4)

#1

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Proposed Amendment to HB 1211

Page 3, line 22, replace the "make" immediately after "not" with "certify"

Page 3, line 22, replace the "make" immediately after "to" with "certify"



SECRETARY OF STATE
STATE OF NORTH DAKOTA
600 EAST BOULEVARD AVENUE DEPT 108
BISMARCK ND 58505-0500

March 16, 2015

TO: Sen. Hogue, Chairman, and Members of the Senate Judiciary Committee

FR: Al Jaeger, Secretary of State

RE: RB 1211 - Relating to Notaries Public

A notary is considered an officer of the state and is commissioned for six years. As such, they take the same oath of office when they apply for a notary commission as others do who are elected or appointed to a state position. A historical perspective of the growth in the number of commissioned notaries public is on page 3.

Because the term of office is six years, the Secretary of State's office makes every effort to provide notaries with helpful information and contacts them at least once each year. Page 4 is a copy of the Notaries Public page from the Secretary of State's website. The remaining pages are the August 2014 edition of Notary Notes that has been published since 1999 and which is distributed to every commissioned notary.

The 2011 Legislative Assembly unanimously adopted the Uniform Law on Notarial Acts and North Dakota was the first state to do so. This bill is intended to provide for an administrative process to place a notary in a "not good standing" status, clarify a notarial act that a notary may not execute, and provide for a late fee for consistency with current law.

Section 1, page 1, lines 11: reference is no longer needed because of new text on page 3

Section 2, page 2, lines 3 through 13: this new section allows the Secretary of State to identify a notary as having a "not good standing" status in the event the notary cannot not be contacted after reasonable efforts are made. To maintain the qualifications of a North Dakota commissioned notary, the notary must be a resident of the state or live in a bordering county in a state that extends reciprocity. Under state law, which a notary has taken an oath to uphold, a notary is to notify the Secretary of State within sixty days of an address change.

On page 2 of my testimony, I have printed a page from the Secretary of State's database as an example of why this request is being made and why it is important. I have redacted personal information. This individual left the state only a few months after been commissioned as a notary. Although they no longer qualify as a notary and cannot be located, they are still listed as being an active notary public because their commission does not expire until 2018.

Section 3, page 3, lines 13 through 19: this text in subsection 6 is deleted and is moved to subsection 7.

Section 3, page 3, lines 25 through 30: this text was moved from subsection 6 and is intended to make it clearer that a notary may not execute these notarial acts.

Section 4, page 4, lines 6 through 8: this text adds the same late fee for a name change as already exists for the failure of a notary to report an address change within sixty days.

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ALVIN A. JAEGER
SECRETARY OF STATE

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Commissioned Notaries Public

June 30, 2001	11,211	
June 30, 2003	11,839	Plus 5.3%
June 30, 2005	12,011	Plus 1.5%
June 30, 2007	12,168	Plus 1.3%
June 30, 2009	12,330	Plus 1.3%
June 30, 2011	13,125	Plus 6.5%
June 30, 2013	13,873	Plus 5.7%
January 21, 2015	14,568	Plus 5.0%

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Secretary of State
NORTH DAKOTA



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Notaries Public

What is a Notary Public?

A notary public is an individual commissioned by the Secretary of State to perform a notarial act. A notarial act is performed under the law of North Dakota, including:

1. Taking an acknowledgement;
2. Administering an oath or affirmation;
3. Taking a verification on oath or affirmation;
4. Witnessing or attesting a signature;
5. Certifying or attesting a copy; and
6. Noting a protest of a negotiable instrument.

A notary public is considered a "public ministerial officer" who is an impartial agent of the state commissioned to witness notarial writings and signatures. Prior to notarizing a document, a notary should ask himself or herself three questions:

1. Am I a party to the transaction?
2. Am I named in the document?
3. Do I have any financial or beneficial interest in this transaction?

If the answer to ALL of these questions is no, the notary is an impartial witness. If the notary answers yes to any one of these questions, the notary should not notarize the document.

Oath of a Notary Public

A commissioned notary public is an officer of the state and when applying to become commissioned, he or she executes the following Oath of Office:

I do solemnly swear (or affirm) that I will support the Constitution of the United States, and the Constitution of the State of North Dakota and that I will faithfully discharge the duties of the office of Notary Public according to the best of my ability, so help me God or under pains & penalties of perjury.

It is important that a notary public remember this oath and act with integrity when performing notarial duties.

What Does the Act of Notarization Accomplish?

The act of notarization is more than simply a clerical procedure. Notarization protects against fraud. A notarized signature proves the signer appeared before the notary public because the signer must be in the physical presence of the notary before the notary may lawfully notarize the document. The notary also certifies that a signature is made willingly and freely. However, a notarization does not prove a document or statement is true or accurate, nor does a notarization validate or legalize a document.

Statutes

[NDCC Chapter 44-05](#)
Administration of Oaths

[NDCC Chapter 44-06.1](#)
Uniform Law on Notarial Acts

[NDCC Chapters 47-19-13 through 47-19-36](#)
Record of Title



North Dakota's 125th
Anniversary

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Notary Notes

Newsletter of the Accounting/Notary Unit
North Dakota Secretary of State's Office
Alvin A. Jaeger, Secretary of State

Inside this Issue:

- Do Not Start the Race Before the Gun Sounds 2
- Handwriting Commission Expiration Dates 2
- What is Errors and Omissions (E&O) Insurance? 2
- Clear Impressions 2
- Ensuring Notary Public Impartiality Through Common Sense and a Clear Conscience 2
- Notary Name Change 2
- Change of Address 2
- Do Not Choose the Certificate 2
- What About Employer Paid Commissions? 2
- Signature of Notary Public 2
- Certified Copies 2
- Documents Drafted in a Foreign Language 2
- Primary Functions of a Notary Public 2
- Renewal Time 2
- Notary Violations 2
- Test Your Knowledge 2

Volume 14, No. 17

August 2014

Greetings from Secretary of State Al Jaeger

As of June 30, 2014, North Dakota had 14,352 commissioned notarial officers, which is an increase of 479 or 3.45% from last year. Notarial officers are in a position of trust and integrity and they perform an essential service to the public. Therefore, it is important for notaries to perform their duties properly and with integrity. It is very important that you, as a notary public, know the responsibilities of a notary public so that you are able to accurately perform the duties of a notary public. I have included in this newsletter a list of occurrences in which notaries executed settlement agreements with monetary fines or suspensions for notarial violations. All of these instances had the potential of resulting in the revocation of the notary's commission.

number of unlawful acts include: notarizing a document without a signature; notarizing a predated or postdated document; notarizing a spouse's signature; not leaving an impression or a clear impression of the notary stamping device; notarizing an incomplete document; missing or inconsistent dates (day, month or year); incomplete, wrong or missing identity of the jurisdiction (state and county) where the notarial act was performed; no text for the certificate of the notarial act; erroneous commission expiration dates; and unlawful use of an embosser style notary seal (prohibited since 2003). All of these situations could have resulted in a fine, suspension or revocation of commission, and in certain cases, criminal proceedings.



notary laws cannot be ignored even if the notary inadvertently makes a mistake. As a notary, it is your responsibility to review the document you are notarizing and to follow the notarization procedures accurately.

I encourage you to read this newsletter and review your responsibilities as a notary public. In addition, always remember that you are an important officer of the state and people depend on you to perform your service as a notary truthfully and with integrity.

In addition to the settlement agreements specified in this newsletter, 246 reprimands were issued from July 1, 2013 through June 30, 2014. Although not a complete list, the

It is important to note most of these violations were discovered on forms and documents submitted to this office or to the Office of the Attorney General. A notary is an officer of the state and a violation of the

Notary Laws on Website

As a notary, it is important that you are knowledgeable about the current notary public laws so that you are able to perform your duties to the best of your ability.

Therefore, you are encouraged to visit the Notaries Public section of the Secretary of State's website at www.nd.gov/sos/notaryserv/, which contains valuable notary information, including the notary laws and past editions of *Notary Notes*. When reviewing the notary laws, particularly note the following sections: N.D.C.C. §§ 44-06.1-14, 44-06.1-19, and 44-06.1-23.

Check It Twice!

Prior to the departure of any person whose signature you notarize, make sure your notarial act contains the following:

1. Jurisdiction (state and county) where notarial act was executed.
2. Text for the certificate of the notarial act.
3. Person's signature.
4. Notary's signature and date.
5. Clear impression of the notary stamp, which includes the commission expiration date.

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Do Not Start the Race Before the Gun Sounds

Whether you are applying for a new notary commission or renewing your commission, it is very important to read the documents that are provided to you both at the time you are issued an authorization to purchase a notary stamping device and at the time you are issued your notary commission.

After your notary application is approved, you will receive an authorization to purchase a notary stamping device. It is important to note that once you obtain a

notary stamping device, you must affix an impression of it to a verification document, which must then be returned to the Secretary of State's office. After the verification is filed, the Secretary of State will issue a notary commission. Neither the authorization to purchase the notary stamp nor the obtaining of a notary stamping device allow you to begin performing notarial acts. A notary may only perform notarial acts during the six-year period listed on the notary

public's commission. The authorization only allows you to obtain a notary stamping device and having a notary stamping device does not make you a notary. If you receive your commission prior to the effective date of the commission, you are still not authorized to perform notarial acts until the effective date listed on the commission.

Remember, do not perform notarial acts (start the race) before the effective date of

your notary commission (the gun sounds). Performing notarial acts prior to the effective date of the commission could result in a penalty or possible liability issues for the notary.

If you have a notary commission that has not yet expired, but have also received your renewed commission, you will use the first notary stamping device until that commission expires and the new stamping device once that commission becomes effective.

Oath of a Notary Public

"I do solemnly swear (or affirm) that I will support the Constitution of the United States, and the Constitution of the State of North Dakota and that I will faithfully discharge the duties of the office of Notary Public according to the best of my ability, so help me God."

What is Errors and Omissions (E&O) Insurance?

Errors and omissions insurance is added protection for a notary in the event that he or she makes a mistake, which causes a client to suffer a financial or other type of loss for which the notary is sued for recovery. Errors and omissions insurance provides primary protection and will pay claims without requiring the notary to reimburse the insurance carrier. This is different from a surety bond, which requires that the notary reimburse the surety company for any claims paid. Since a notary public is responsible for his or her own actions, a notary public might not be protected by his or her employer. It is the notary public's decision whether to purchase errors and omissions insurance since it is not required by law. Documentation for errors and omissions insurance is for the notary's records only and should not be filed with this office.

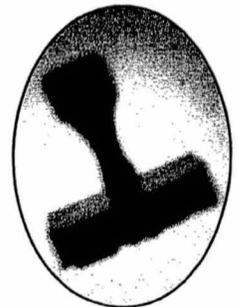
Handwriting Commission Expiration Dates

Some documents may have a space to handwrite or type a notary's commission expiration date. However, handwriting or typing a notary's commission expiration date is not legally required as it appears on the notary's stamp, which is sufficient evidence of the notary's commission expiration date. Handwriting or typing the commission expiration date exposes the possibility of the handwritten/typed expiration date not matching the expiration date on the notary stamp, which could lead to a potential violation and could also invalidate the document that is being notarized.

Clear Impressions

N.D.C.C. § 44-06.1-16(1)

A notary public's stamping device must leave a clear impression. The impression of the stamp should not obscure or overlap any other text on the document and all of the information on the impression of the stamp should be readable. If you use a self-inking stamping device, make sure that the device is well inked prior to placing an impression on the document. If you notice that the impression of the stamping device is not clear on a document, simply place another impression of the stamping device on the document.



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Ensuring Notary Public Impartiality Through Common Sense and a Clear Conscience

"Beneficial interest" is a difficult term for a notary public to clearly define. The basic rule is simple: a notary public should not notarize a document if he or she benefits from the document or if the notary public has an association that could compromise the notary public's impartiality.

North Dakota law specifically states that a notary public cannot notarize one's own signature or the signature of his or her spouse. The law also states that a notary public cannot notarize a document if the notary's name or spouse's name appears on the document as a party to the transaction. However, the law does not specifically include language regarding notarizing documents for friends, relatives (other than a spouse) or employers. So, how does a notary public determine whether it is acceptable to notarize a document for a relative (other than a spouse), friend or employer? Below are some helpful guidelines to assist a notary public in using common sense and following his or her conscience to avoid any appearance of "beneficial interest" when performing a notarial act. If a notary public is not sure whether he or she should notarize a document, it would be best not to notarize the document to protect the notary public as well as the document that needs notarization.

Notary Public's Name or Spouse's Name: As stated above, North Dakota law specifically states that a notary public cannot notarize a document if the name of the notary or the notary's spouse appears on the document as a party or if the notary or the notary's spouse has a direct beneficial interest in the document. In addition to being against the law, it would be a conflict of interest. It would be hard to explain how a notary public could be objective when notarizing a document that may leave any money to the notary or authorize the notary to act on another's behalf.

Other Relatives: Although not disallowed by law, it is recommended that a notary not notarize documents for close family members, such as parents, siblings and other close relatives. Notarizing documents for these individuals may cause the notary to appear biased and is often an ethical issue. If a family member requests that you notarize a document for them, it is best to refer the family member to another notary to avoid any possible conflicts.

Notary Public's Employer: A notary public who is a company officer should not notarize company documents because a conflict of interest may arise. Since the notary public may have a financial interest in company documents, it may be best to have a salaried employee who is not an officer of the company notarize the documents.

Paid Agent: A conflict of interest may also exist for a notary public to notarize a document for a signer who pays the notary public for other services. For example, attorneys, real estate agents and other professionals may be notaries public who are paid by clients for their services. It is likely convenient for these professionals to notarize a client's signature, but the notary public also needs to consider whether it is ethical to do so. If there is any question as to whether notarizing a document for a client would compromise the honesty or impartiality of the notary public, it is best to have another notary public notarize the document. This illustrates the notary public's ethical standards. It also helps ensure that the notary public made every effort to ensure that the document is properly notarized.

Notary Name Change N.D.C.C. § 44-06.1-27

If a notary legally changes his or her name, the notary must file a Notary Name Change/Notary Seal/Stamp Change (SFN 51261) with the Secretary of State's office along with a rider to the notary's surety bond stating both the previous name and the new name. The filing fee is \$10 and the documents must be filed within 60 days of the name change. The Secretary of State's office will then issue a new authorization to purchase a notary public stamping device. Once the verification of the notary public stamping device is returned to the Secretary of State's office, a new notary commission certificate with the notary's new name will be issued. For the time period between when the notary notifies the Secretary of State's office of the name change and the receipt of the new notary commission certificate, the notary may sign his or her name as follows:

Notary Public North Dakota
Formerly known and commissioned as

My commission expires
Notary Seal

***"Notaries do not simply perform
meaningless clerical functions.
They perform an essential service
to the public."***

Change of Address N.D.C.C. § 44-06.1-20(9)

A notary is required by state law to notify the Secretary of State's office within 60 days of any address change. If the address change is reported to the Secretary of State's office within this time period, there is no fee for the address change. However, if the address change is filed with the Secretary of State's office more than 60 days after the change of address, the notary must pay a \$10 late fee.



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Do Not Choose the Certificate

At times, a person who is requesting that you perform a notarial act will not know which type of notarial act he or she needs. If this situation occurs, a notary public should never select the notarial wording on behalf of the signer.

As an officer with limited powers, a notary public is given minimal discretion in carrying out the duties of a notary public. A notary public can only act at the direction of the signer and is not empowered to make decisions on the signer's behalf since it could lead to legal ramifications for the signer. If the notary public were to mistakenly choose the wrong type of certificate, the document may result in legal consequences for the signer, including financial losses. If the person is not sure which type of notarization is needed on a document, the notary public may explain the different types so that the signer may choose which notarial act he or she would like the notary public to perform. In the alternative, the signer may contact the issuing or receiving agency to help determine which act is required.

Information about the different certificates and examples are available through the Notaries Public section of the Secretary of State's website at www.nd.gov/sos/notaryserv/.

What About Employer Paid Commissions?

Even if a notary public's employer pays for anything related to obtaining a notary commission, the commission belongs to the notary public regardless of whether the notary continues to work for that employer. **A notary must remember that he or she is responsible for and liable for notarial acts that the notary performs.** Any disciplinary actions related to a notarial act are commenced against the notary public and not the notary's employer.

Even if an employer pays the expenses for a notary to obtain and maintain a notary commission, the employer cannot force a notary to perform any notarial acts that are not in full compliance of the law. However, an employer may have an understanding with the notary that, during work hours, the notary public will only be available to notarize documents for the employer and will not be available to notarize documents for the general public if the employer pays the notary expenses. Yet, the notary would still be able to notarize documents for other individuals outside of the notary's work hours.

It is important that a notary public always remember that he or she personally assumes the duties and obligations of the office to which the notary has been commissioned. As a public official, the notary, and not the employer, is responsible for performing the duties of a notary public in full compliance with the provisions of state law.



Certified Copies

Remember: A notary public may not make or purport to make a certified copy of the following:

- Vital records
- Recordable instruments
- Public records containing an official seal

This includes birth certificates, death certificates, college transcripts and anything that bears a government seal.

Signature of Notary Public

A notary public must sign his or her name exactly as it appears on the notary public's commission. Therefore, if a notary public's full middle name or middle initial is included on the commission, the notary public must sign his or her name in that manner. If you only want to sign with your first and last name, do not include your middle name or middle initial on your notary application.

A North Dakota notary public is a notary public for the entire state of North Dakota.

Documents Drafted in a Foreign Language

If a document is drafted in a foreign language, an English translation must be permanently attached to the document. Then both documents must be signed and notarized to be considered a proper notarial act.

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3/16/15

Primary Functions of a Notary Public

- Assure the identity of the person affixing his or her signature to the document or acknowledging a signature on a document.
- Assure that the person is not signing under any type of duress.
- Document when and where the notarial act takes place.

Renewal Time

You will receive a lot of information from different companies at renewal time. The Secretary of State's office is required to notify a notary public at least thirty days prior to the expiration of a notary public's commission. Note that the renewal process can only begin once you receive a notice from the Secretary of State's office. Forms received from any other companies are not necessarily required to renew your notary commission.



Notary Violations from July 1, 2013 through June 30, 2014

Note: Some of the following abbreviated summaries may appear to be similar in nature. However, the circumstances surrounding each violation are often different and result in varying penalties. All violations are a matter of public record under the state's open record laws.

July 8, 2013 – Notary violated 44-06.1-23(8) by failing to affix notary stamp to the document: \$50 fine

July 8, 2013 – Notary violated 44-06.1-23(6)(c) by notarizing spouse's signature: 2 month suspension

July 16, 2013 – Notary violated 44-06.1-23(8) by failing to affix notary stamp to the document: \$50 fine

July 16, 2013 – Notary violated 44-06.1-16(1) by notarizing a document without a commission: \$50 fine

July 31, 2013 – Notary violated 44-06.1-23(6)(c) by notarizing spouse's signature: \$125 fine

July 31, 2013 – Notary violated 44-06.1-23(6)(a) by notarizing a document not signed or acknowledged in the notary's presence: \$125 fine

August 2, 2013 – Notary violated 44-06.1-23(6)(a) by notarizing a document not signed or acknowledged in the notary's presence: \$125 fine

August 19, 2013 – Notary violated 44-06.1-14(1)(b) by failing to affix signature to the document: \$50 fine

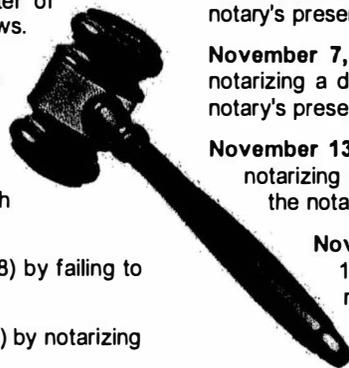
August 30, 2013 – Notary violated 44-06.1-16(1) by notarizing a document without a commission: \$50 fine

September 9, 2013 – Notary violated 44-06.1-16(1) by notarizing a document without a commission: \$50 fine

September 9, 2013 – Notary violated 44-06.1-16(1) by notarizing a document without a commission: \$50 fine

September 17, 2013 – Notary violated 44-06.1-16(1) by notarizing a document without a commission: \$50 fine

September 25, 2013 – Notary violated 44-06.1-16(1) by notarizing a document without a commission: \$75 fine



September 27, 2013 – Notary violated 44-06.1-16(1) by notarizing a document without a commission: \$50 fine

September 27, 2013 – Notary violated 44-06.1-23(6)(e) by notarizing a document with different dates: \$125 fine

November 7, 2013 – Notary violated 44-06.1-23(6)(a) by notarizing a document not signed or acknowledged in the notary's presence: 3 month suspension

November 7, 2013 – Notary violated 44-06.1-23(6)(a) by notarizing a document not signed or acknowledged in the notary's presence: 3 month suspension

November 13, 2013 – Notary violated 44-06.1-23(6)(a) by notarizing a document not signed or acknowledged in the notary's presence: \$125 fine

November 18, 2013 – Notary violated 44-06.1-14(2) and 44-06.1-23(8) by failing to affix notary stamp to the document: 3 month suspension

December 6, 2013 – Notary violated 44-06.1-16(1) by notarizing a document without a commission: \$50 fine

December 12, 2013 – Notary violated 44-06.1-16(1) by notarizing a document without a commission: \$125 fine

December 13, 2013 – Notary violated 44-06.1-23(6)(c) by notarizing spouse's signature: 5 month suspension

December 19, 2013 – Notary violated 44-06.1-23(8) by failing to affix notary stamp to the document: \$75 fine

December 30, 2013 – Notary violated 44-06.1-16(1) by notarizing a document without a commission: \$50 fine

December 30, 2013 – Notary violated 44-06.1-23(6)(a) by notarizing a document not signed or acknowledged in the notary's presence: \$125 fine

December 30, 2013 – Notary violated 44-06.1-16(1) by notarizing a document without a commission: \$50 fine

December 31, 2013 – Notary violated 44-06.1-16(1) by notarizing a document without a commission: \$50 fine

January 16, 2014 – Notary violated 44-06.1-14(1)(b) by failing to affix signature to the document: 3 month suspension

(continued on page 6)

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Secretary of State

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Visit the Secretary
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www.nd.gov/sos

Review the
Notary Laws
[www.nd.gov/sos/
notaryserv/](http://www.nd.gov/sos/notaryserv/)

Notary Notes is a
newsletter of the
Accounting/Notary
Unit in the Secretary of
State's Office.

Beth Herzog
Notary Director and Editor

Charlotte Zander
Commissioning Specialist

Al Jaeger
Secretary of State

Jim Sullivan
Deputy Secretary of State

American Society of
Notaries
www.asnnotary.org

National Notary
Association
www.nationalnotary.org

Notary Law Institute
www.notarylaw.com

Notary Rotary
www.notaryrotary.com

Notary Violations (continued from page 5)

- January 27, 2014** – Notary violated 44-06.1-23(6)(c) by notarizing spouse's signature: 4 month suspension (e) by notarizing a document with different dates: 3 month suspension
- February 5, 2014** – Notary violated 44-06.1-23(6)(a) by notarizing a document not signed or acknowledged in the notary's presence: \$125 fine
- February 9, 2014** – Notary violated 44-06.1-23(6)(b) by notarizing a document to which the notary was a party: \$100 fine
- March 4, 2014** – Notary violated 44-06.1-23(6)(a) by notarizing a document not signed or acknowledged in the notary's presence: \$150 fine
- March 6, 2014** – Notary violated 44-06.1-23(8) by failing to affix notary stamp to the document: \$50 fine
- March 9, 2014** – Notary violated 44-06.1-23(6)(a) by notarizing a document not signed or acknowledged in the notary's presence: \$125 fine
- March 13, 2014** – Notary violated 44-06.1-14(1)(b) by failing to affix signature to the document: \$50 fine
- March 20, 2014** – Notary violated 44-06.1-16(1) by notarizing a document without a commission: \$50 fine
- March 23, 2014** – Notary violated 44-06.1-16(1) by notarizing a document without a commission: \$50 fine
- April 11, 2014** – Notary violated 44-06.1-14(1)(b) by failing to affix signature to the document: 6 month suspension
- April 14, 2014** – Notary violated 44-06.1-23(6) by notarizing a document without a commission: \$50 fine
- April 29, 2014** – Notary violated 44-06.1-16(1) by notarizing a document without a commission: \$50 fine
- June 10, 2014** – Notary violated 44-06.1-16(1) by notarizing a document without a commission: \$50 fine

Test Your Knowledge

Answer the following true or false questions to test your knowledge as a notary public:

1. A document drafted in a foreign language must have an English translation attached.
2. The expiration date on the notary public's stamping device is sufficient evidence of the notary's commission expiration date.
3. If a notary changes his or her name, the notary does not need to change the name on the notary commission until it is time to renew his or her commission.
4. Errors and omissions insurance provides the same protection as a surety bond.
5. Providing legal advice is one of the primary functions of a notary public.
6. No ethical issues exist for certain professionals (who are also notaries) to notarize a client's signature.
7. A notary should double check that a notarial act contains the person's signature.
8. Once you receive the renewal notice from the Secretary of State's office, you may begin the process to renew your notary commission.
9. A notary has 90 days to notify the Secretary of State's office of any address change without a fee.
10. A notary public's stamping device must leave a clear impression on the document.
11. An employer cannot force an employee to perform a notarial act that is not in full compliance of the law.
12. A notary public may sign his or her name in any manner regardless of what is stated on the commission.
13. At the signer's request, a notary may choose the certificate for the signer.
14. Once a notary obtains a notary stamping device, he or she may begin to notarize documents.
15. A notary is not allowed to make or purport to make a certified copy of a birth certificate.

Answers: 1. True (page 4); 2. True (page 2); 3. False (page 3); 4. False (page 2); 5. False (page 5); 6. False (page 3); 7. True (page 1); 8. True (page 5); 9. False (page 3); 10. True (page 2); 11. True (page 4); 12. False (page 4); 13. False (page 4); 14. False (page 2); 15. True (page 4)

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