

# State Bar of New Mexico Paralegal Division

Brown Bag Discussion Group  
February 16, 2022

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PRESENTED BY: LINDA SANDERS

# New NM Notary Law



- NMSA § 1978 14-14A-1 to 14-14A-32 (2021); known as Revised Uniform Law on Notarial Acts (RULONA); 12.9.3 and 12.9.4. NMAC
- Effective date of RULONA = January 1, 2022
- Key New Requirements
  - a new journal log,
  - a new stamp,
  - distinguishes between Notary Public and Notarial Officer
  - has provisions for Remote Notarizations
  - has a new notarial act of allowing a Notary to certify as a true copy a paper printout of an electronic record. (14-14A-4(D))

# DO NOT PANIC if your new stamp has not arrived yet!!!

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From the NM Secretary of State  
website on RULONA

Faq's(<https://www.sos.state.nm.us/notary-and-apostille/notary-commissions/rulona-faqs/#>) as of 1/1/22



I have ordered my new Official Stamp, but it will not be here by January 1, 2022. Can I continue to use my old stamp or seal after January 1, 2022?

Yes, there will be a six-month grace period for existing notaries public that were commissioned prior to January 1, 2022. Within the grace period you must submit proof of your Official Stamp to the Office of the Secretary of State and destroy your old stamp or seal. On July 1, 2022, all existing notaries public that have not complied with the stamp requirements will be referred to the State Ethics Commission.

**\*\*The fine print here is that Notary Publics have a grace period but not Notarial Officers (attorneys).**

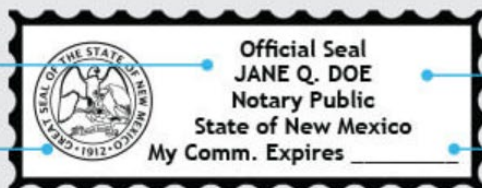


Seal through Dec. 31, 2021



All text smaller than 10 pt.

State seal image



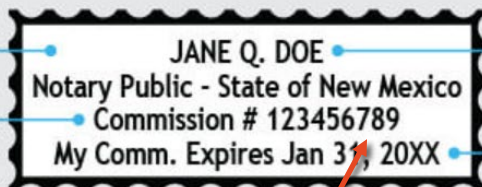
No commission #

Blank line for exp. date

Seal starting Jan. 1, 2022

No state seal image

Commission #



All text 10 pt.

Commission exp. date

For Notarial Officers who are lawyers, the Commission # is replaced with your State Bar Number and there is no Expiration Date.

\*14-14A-16

## Samples of official Stamp Types:

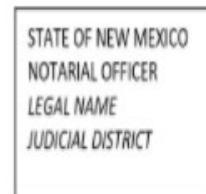
EXAMPLE FOR NOTARY PUBLIC



EXAMPLE FOR ATTORNEY



EXAMPLE FOR JUDGE, COURT CLERK, DEPT. COURT CLERK



EXAMPLE FOR COUNTY CLERK, DEPUTY COUNTY CLERK



### Official Stamp requirements for a Notary Public:

- Shall be in 10 point font
- Shall contain the words "State of New Mexico" and "Notary Public"
- Shall list the notary's legal name identically as listed on the issued Certificate of Commission
- Shall list the issued commission number and expiration date as listed on the issued Certificate of Commission
- The official stamp **CANNOT** contain the New Mexico State seal


### Official Stamp requirements for a notarial officer authorized to practice law in the State of New Mexico

- Shall be in 10 point font
- Shall contain the words "State of New Mexico" and "Notarial Officer"
- Shall list the notarial officer's legal name as it appears in the office held
- Shall list the notarial officer's state bar number
- Shall list the jurisdiction for which the notarial officer practices law, *if different than* "State of New Mexico"
- The official stamp **CANNOT** contain the New Mexico State seal

Everyone needs to register their new notary stamp with the NM Secretary of State's office PRIOR TO FIRST NOTARIAL ACT by filling out this form and emailing to [sos.notarypublic@state.nm.us](mailto:sos.notarypublic@state.nm.us)

Form can be found here:


<https://realfileee3072ab0d43456cb15a51f7d82c77a2.s3.amazonaws.com/134efcba-f489-4127-9531-2d35c4399a9a?AWSAccessKeyId=AKIAJBKPT2UF7EZ6B7YA&Expires=1641247531&Signature=%2BNgT0VFfKQPLsqe9b5rWgSdL6Pc%3D&response-content-disposition=inline%3B%20filename%3D%22Notarial%20Officer%20Official%20Stamp%20Registration%20Form.pdf%22&response-content-type=application%2Fpdf>



STATE OF NEW MEXICO  
**MAGGIE TOULOUSE OLIVER**  
SECRETARY OF STATE

Notary Public Official Stamp Registration

You **shall** provide proof of your issued stamp within 45 days of your notary application being processed. All information provided on your stamp must be an exact match to the issued Certificate of Commission.

Notary Public Name:	Sanders	Linda	
(as commissioned)	Last	First	Middle
	1112313	5/26/2023	
	Secretary of State Commission Number	Date Commission Expires	
	505-888-1188	sanders@hurleyfirm.com	
	Telephone	Email address	
		1-3-22	
	Signature	Date	

Affix your official stamp here

STATE OF NEW MEXICO  
NOTARY PUBLIC  
Linda Sanders  
Commission No. 1112313  
May 26, 2023

Official stamp must be an exact match the notary information as commissioned.

Please email this form to [sos.notarypublic@state.nm.us](mailto:sos.notarypublic@state.nm.us)

325 DON GASPAR, SUITE 300 | SANTA FE, NEW MEXICO 87501  
PHONE: (505) 827-3600 or (800) 477-3632 | FAX: (505) 827-8081  
[WWW.SOS.STATE.NM.US](http://WWW.SOS.STATE.NM.US)

Rev 01/2022

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## Distinguishing the **NOTARY PUBLIC** versus **NOTARIAL OFFICER**

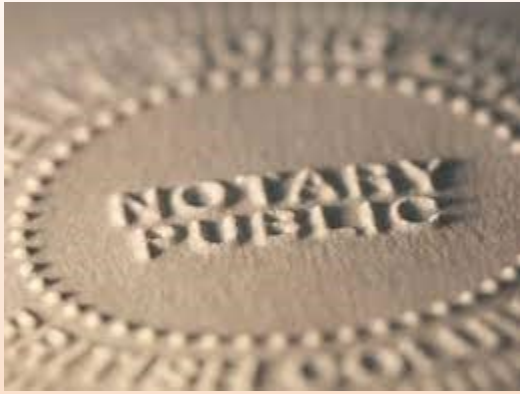
Per 14-14A-2, Definitions:

- (G): Notarial Officer means a notary public or other individual authorized to perform a notarial act

Let us break this definition into its two logical parts (we will come back to NOTARY PUBLIC):

(1) Who are other individuals authorized to perform a notarial act to be a NOTARIAL OFFICER?

- Per 14-14A-9 – a notarial act may be performed in NM by:
  - (1) A notary public of this state; (we will revisit this definition, but IMPORTANT POINT – the remaining sections of this provision are the definition of other individuals authorized)
  - (2) A Judge of a Court of NM;
  - (3) A court clerk or deputy court clerk of NM while performing a notarial act within the scope of their duty
  - (4) A county clerk or deputy county clerk of NM while performing a notarial act within the scope of their duty
  - (5) an individual licensed to practice law in NM; (ALREADY VESTED with authority) and
  - (6) any other individual authorized to perform a specific notarial act by NM outside of the RULONA statute.



Based on the prior slide, If you are not a county clerk or Judge or Attorney, how do you become a NOTARY PUBLIC. These are the requirements under 14-14A-20(B)

To qualify for the commission as a notary public, an applicant shall:

1. Be at least 18 years of age;
2. Be a citizen or permanent legal resident of the United States;
3. Be a resident of or have a place of employment in this state;
4. Be able to read and write English;
5. Not be disqualified to serve under 14-14A-22 of RULONA (no felony, crimes of honesty, failure to comply with RULONA, etc)
6. Have passed the examination required pursuant to 14-14A-21 of RULONA (if you are already a Notary Public you have to take the exam at time of renewal application) \*
7. Not otherwise be qualified as a notarial officer
8. \$10,000 bond requirement (if you are already a Notary Public this bond renewal will be done at time of renewal application).
9. Commission for a term of 4 years.

\* Attorneys have no bond or education requirement



# What are the new JOURNAL requirements? - \* 14-14A-18

## Journal Requirements

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### Journal

A notary public is required to maintain a journal of every notarial act performed. The notary public shall retain the journal for ten years after the performance of the last notarial act chronicled, regardless of status of the notary public's commission. A current or former notary public may transmit their journal to the secretary of state, the state records officer, or a repository approved by the secretary of state.

### Each journal entry shall contain:

- The date and time of the notarial act
- A description of the record, if any, and type of notarial act
- The full name and address of each individual for whom the notarial act is performed
- If identity of the individual is based on personal knowledge, a statement to that effect
- If identity of the individual is based on satisfactory evidence, a brief description of the method of identification and the identification credential presented, if any, including the date of issuance and expiration of any identification credential; and the fee, if any, charged by the notary public

If a notary public's journal is lost or stolen, the notary public shall promptly notify the secretary of state.

A notarial officer licensed to practice law in New Mexico shall maintain a journal when performing notarial acts unrelated to an established attorney-client relationship.





## **Electronic Journal**

If the journal is maintained in an electronic format, it shall meet all the above requirements and shall be:

- Securely stored
- Recoverable in the event of a software malfunction or computer crash
- Tamper evident
- Available to the public or state ethics commission in a PDF format if requested
- If an electronic journal is turned over to the secretary of state or state records officer, it shall be transferred in PDF format.

## **RON Journal (Remote Online Notarizations)**

A notarial officer authorized to perform Remote Online Notarizations shall adhere to the journal requirements listed above. In addition, the notarial officer must record the name of the remote online notarization system provider used for each remote online notarization.

Name of Signer (printed) ①		Signer's Signature ⑨		Fee Charged: \$ ⑧	
Signer's FULL Address ③		Phone No. ④		Right Thumb Print (When Applicable) ⑫	
Notary Service(s) Performed <input type="checkbox"/> Jurat <input type="checkbox"/> Acknowledgment <input type="checkbox"/> Oath		Date Notarized: ⑥		Time: AM PM	
Other (Details) ⑤		IDENTIFICATION		Notes/Comments: ⑬	
Document: <input type="checkbox"/> Affidavit <input type="checkbox"/> Trust <input type="checkbox"/> Acknowledgement <input type="checkbox"/> Mortgage/Deed <input type="checkbox"/> Will <input type="checkbox"/> Power of Attorney <input type="checkbox"/> Auto Title <input type="checkbox"/> Claim <input type="checkbox"/> Other: _____		Type: _____		Number: ②	
Document Date: ⑦		Issued By: _____		Expires: _____	
Notary Service Performed at: _____		Known Personally: <input type="checkbox"/> Yes <input type="checkbox"/> No		RECORD NUMBER 000	
Witness Name/Address: ⑩		Witness Signature: ⑪			

### HOW TO PROPERLY COMPLETE A JOURNAL ENTRY

- ① Record the signer's full name. This can be retrieved from the ID provided.
- ② Verify the client's ID. (See note below)
- ③ Record the signer's address. This can be retrieved from the ID provided. Be sure to confirm that it is their current address.
- ④ Record the signer's contact phone number.
- ⑤ Record the notary services you will be performing along with any relevant details.
- ⑥ Record the date and time at which the notarial acts were performed.
- ⑦ Record the types of documents being notarized and the place at which the notary acts are being performed.
- ⑧ Record the fee being charged for the notarial services.
- ⑨ Have the signer affix their signature to the record.
- ⑩ Record the full name and address of any witness to the transaction(s)
- ⑪ Have the witness affix their signature to the record.
- ⑫ When applicable, take the thumb print of the client's right hand.
- ⑬ Record any notes about the service you consider relevant.

An acceptable ID must be current, contain a photo and physical description of the card holder. Have the card holder's signature and a serial or ID number, such as a Driver's license or government issued ID card, Passport, or Military ID card. You should NEVER rely on Social Security cards, credit cards, or any photo ID card issued by non government entities.

It is important to record the details called for on the pages of this Professional Notary Records Book to aid you in the complete and thorough execution of your notary activities. By doing so, when you are called upon to testify regarding any of your notary transactions you will have all of the information you need available to you.

## Everyone needs to keep NEW JOURNAL BOOKS

- Acknowledgments. "Acknowledgment" means a notarial act in which a person at a single time and place:
  - appears in person before the notary public and presents a document;
  - is personally known to the notary public or identified by the notary through satisfactory evidence; and
  - indicates to the notary public that the signature on the document was voluntarily affixed by the person for the purposes stated within the document and, if applicable, that the person had due authority to sign in a particular representative capacity.
- Administer oaths and affirmations. "Oath" or "Affirmation" means a notarial act in which a person at a single time and place:
  - appears in person before the notary public;
  - is personally known to the notary public or identified by the notary public through satisfactory evidence; and
  - makes a vow of truthfulness or fidelity on penalty of perjury, based on personal honor and without invoking a deity or using any form of the word "swear."
- Jurats. "Jurat" means a notarial act in which a person at a single time and place:
  - appears in person before the notary public and presents a document;
  - is personally known to the notary public or identified by the notary public through satisfactory evidence;
  - signs the document in the presence of the notary public; and
  - takes an oath or affirmation from the notary public that the person is voluntarily affixing his signature and vouching for the truthfulness or accuracy of the signed document;

## Examples of notarial acts on the Estate Planning Side:

Revocable Living Trust

Deeds

Power of Attorney

STATE OF NEW MEXICO      )

COUNTY OF BERNALILLO    )

This instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_ 2022,  
by \_\_\_\_\_

– key word – ACKNOWLEDGED

Self Proving Will Affidavit – key words AFFIRM under PENALTY OF PERJURY – more like a **JURAT** type

I, \_\_\_\_\_, the Testator, swear and affirm under penalty of perjury on this \_\_\_\_ day of \_\_\_\_\_, 2022, that I request \_\_\_\_\_ and \_\_\_\_\_ to act as witnesses to my Will.....

We, \_\_\_\_\_ and \_\_\_\_\_, the witnesses, do hereby swear or affirm under penalty of perjury on this \_\_\_\_ day of \_\_\_\_\_, 2022 to the undersigned authority that the Testator, \_\_\_\_\_, declares...

From the statute in 45-2-504, you can see that key words used are similar to what we use in our self proving affidavit such as AFFIRM UNDER PENALTY OF PERJURY – **JURAT**

### Verification

STATE OF NEW MEXICO        )

COUNTY O BERNALILLO        )

I, \_\_\_\_\_, hereby state I have read the foregoing *Petition* and the statements therein are true and accurate to the best of my knowledge and belief

## How can I perform Remote Notarial Acts? \* 14-14A-5

14-14A-5(B): A remotely located individual may comply with this section or with any other requirement of the laws of this state that state a person appear before a notarial office at the time of a notarial act **by using communication technology** to appear before a notary public or notarial officer. **Ex: enotarylog, DocVerify**

14-14A-5(C): A notary public or notarial officer located in this state may perform a notarial act using communication technology for a remotely located individual if:

1. The notary public:

- (a) has personal knowledge of the identity of the individual
- (b) Has satisfactory evidence of the identity (drivers license, passport, military) of the remotely located individual by oath or affirmation from a credible witness appearing before the notary public per 14-14A-6(B); OR
- (c) Has obtained satisfactory evidence of the id of the remotely located individual by using at least two different types of identity proofing:

Other Notable Points:

- Remote online notary is a notarial officer who is approved by the SOS to perform Remote Online Notarizations (RONs) using communication technology (list of approved system providers will be available soon) to perform a notarization of an electronic record; still need to record journal and id system used.
- Applicants (you have to fill out a separate application) must be an existing notary public or notarial officer and take the RON course and exam and submit their RON Official Stamp w/I 45 days of approval and prior to first RON being performed
- An electronic certificate of a notarial act for a RON must clearly state that the remote located individual signing the record appeared using communication technology.
- A notarial officer doing RONs shall use the same electronic signature and electronic official stamp for all electronic notarial acts.

# Summary/Final Thoughts

## To recap/to do list:

1. Order your new stamp ASAP.
2. Order your new journal log ASAP.
3. Register your new stamp by completing and emailing the form to the NM SOS office **BEFORE** using your new stamp. This process takes 5-10 minutes. Destroy/trash your old stamp.
4. When you start doing notarial acts, make sure to bring your new journal log with you, to verify the signer's identification and have him/her sign in the journal book.

## Considerations:

1. Remote Online Notaries (RONs) and registration with the NM SOS office.
2. Consider a Notary policy and procedure that provides information about journal retention policy.
3. Attorney-Client Privilege

## Sources:

New Mexico Secretary of State Website: <https://www.sos.state.nm.us/>

- Become a Notary
- Applications
- Notary Handbook
- FAQs

New Mexico Statute: Revised Uniform Law on Notarial Acts 14-14A-1 to 14-14A-32 NMSA 1978:  
<https://nmonesource.com/>

New Mexico Administrative Code 12.9.3 and 12.9.4: Notarial Procedures & Remote Online  
Notarization Standards <https://nmonesource.com/>