



# AMERICAN SOCIETY OF NOTARIES

## ARIZONA

### RECORDBOOK—REQUIRED

#### **State-Specific Recordbook Requirements - Revised October 2009**

ASN recommends that ALL notaries use a recordbook of notarial acts. Notaries in several states are required to use a recordbook (also called a register or journal). Please review the following statutes as your state either requires the use of a recordbook OR has specific guidelines you must adhere to if you choose to use a recordbook (if not required by state law). You may print this document for your records.

#### **TITLE 41 – STATE GOVERNMENT CHAPTER 2 – ADMINISTRATIVE OFFICERS ARTICLE 2 – NOTARIES PUBLIC**

##### **41-312. Appointment; term; oath and bond**

C. A notary public is a public officer commissioned by this state and the following apply without regard to whether the notary public's employer or any other person has paid the fees and costs for the commissioning of the notary public, including costs for the official seal and journals:

- (1) A notary public's official seal and commission and any journal that contains only public record entries remain the property of the notary public.

##### **41-313. Duties**

B. Notaries public shall:

- (1) Keep, maintain and protect as a public record a journal of all official acts performed by the notary as described in section 41-319.
- (4) Respond to any requests for information and comply with any investigations that are initiated by the secretary of state or the attorney general.

##### **41-317. Delivering notary seal, notarial journal and records; failure to comply; storing records; certified copies**

A. On the resignation or revocation of a notarial commission or the death of a notary, the notary seal, notarial journal and records, except those records of notarial acts that are not public record, shall be delivered by certified mail or other means providing a receipt to the secretary of state. If a notary does not apply for reappointment, on expiration of the notarial commission the notary seal, journal and records shall be delivered to the secretary of state as required for resignation under this subsection. A notary who neglects for three months thereafter to deposit such records, seal and papers, or the personal representative of a deceased notary who neglects for three months after his appointment to deposit such records, seal and papers, shall forfeit to the state not less than fifty nor more than five hundred dollars.

B. While a notary public is commissioned, a notary public shall keep all records and journals of the notary's acts for at least five years after the date the notarial act was performed. On receipt of the records and journals from a notary public who no longer is commissioned, the secretary of state shall keep all records and journals of notaries public deposited in the secretary of state's office for five years and shall give certified copies thereof when required, and for the copy certifications the secretary of state shall receive the same fees as are by law allowed to notaries public. The copy certifications shall be as valid and effectual as if given by a notary public.

#### **41-318. Wilful destruction of records; penalty**

Any person who knowingly destroys, defaces or conceals any journal entry or records belonging to the office of a notary public shall forfeit to the state an amount not exceeding five hundred dollars and shall be liable for damages to any party injured thereby.

#### **41-319. Journal**

A. The notary shall keep a paper journal and, except as prescribed by subsection E, shall keep only one journal at a time. The notary shall record all notarial acts in chronological order. The notary shall furnish, when requested, a certified copy of any public record in the notary's journal. Records of notarial acts that violate the attorney-client privilege or that are confidential pursuant to federal or state law are not a public record. Each journal entry shall include at least:

- (1) The date of the notarial act.
- (2) A description of the document or type of notarial act.
- (3) The printed full name, signature and address of each person for whom a notarial act is performed.
- (4) The type of satisfactory evidence of identity presented to the notary by each person for whom a notarial act is performed, if other than the notary's personal knowledge of the individual is used as satisfactory evidence of identity.
- (5) A description of the identification document, its serial or identification number and its date of issuance or expiration.
- (6) The fee, if any, charged for the notarial act.

B. If a notary has personal knowledge of the identity of a signer, the requirements of subsection A, paragraphs 1 through 5 may be satisfied by the notary retaining a paper or electronic copy of the notarized documents for each notarial act.

C. If a notary does more than one notarization for an individual within a six month period, the notary shall have the individual provide satisfactory evidence of identity the first time the notary performs the notarization for the individual but may not require satisfactory evidence of identity or the individual to sign the journal for subsequent notarizations performed for the individual during the six month period.

D. If a notary performs more than one notarization of the same type for a signer either on like documents or within the same document and at the same time, the notary may group the documents together and make one journal entry for the transaction.

E. If one or more entries in a notary public's journal are not public records, the notary public may keep one journal that contains entries that are not public records and one journal that contains entries that are public records. A notary public's journal that contains entries that are not public records is the property of the employer of that notary public and shall be retained by that employer if the notary public leaves that employment. A notary public's journal that contains only public records is the property of the notary public without regard to whether the notary public's employer purchased the journal or provided the fees for the commissioning of the notary public.

F. Except as provided in subsections A and E, the notary's journal is a public record that may be viewed by or copied for any member of the public, but only upon presentation to the notary of a written request that details the month and year of the notarial act, the name of the person whose signature was notarized and the type of document or transaction.

#### **41-323. Change of address; lost journal or seal; civil penalty**

B. Within ten days after the loss or theft of an official journal or seal, the notary shall deliver to the secretary of state, by certified mail or other means providing a receipt, a signed notice of the loss or theft. The notary also shall inform the appropriate law enforcement agency in the case of theft.

C. If a notary fails to comply with subsection A or B, the notary has failed to fully and faithfully discharge the duties of a notary and the secretary of state may impose a civil penalty of twenty-five dollars against the notary. The notary shall pay any civil penalty imposed by the secretary of state pursuant to this subsection prior to the renewal of the notary's commission.