



AMERICAN SOCIETY OF NOTARIES

MASSACHUSETTS

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.

REVISED EXECUTIVE ORDER NO. 455 (04-04) STANDARDS OF CONDUCT FOR NOTARIES PUBLIC

Section 2: Definitions.

"Journal of notarial acts" or "journal" shall mean a permanently bound book that creates and preserves a chronological record of notarizations performed by a notary public.

Section 11: Official Journal.

(A) A notary shall keep, maintain, protect, and provide for lawful inspection a chronological official journal of notarial acts that is a permanently bound book with numbered pages, except as otherwise provided in this section.

(B) A notary public shall keep no more than one active journal at the same time.

(C) For every notarial act except for the issuance of summons or subpoenas, or the administration of an oral oath, the notary public shall record in the journal at the time of the notarization the following:

- (1) the date and time of the notarial act, proceeding, or transaction;
- (2) the type of notarial act;
- (3) the type, title, or a description of the document, transaction, or proceeding. If multiple documents are signed by the same principal in the course of a transaction or during a single date (i.e. real estate closings, mortgage discharges, state laboratory drug analysis certificates, etc.), a single journal entry shall be sufficient;
- (4) the signature, printed name, and address of each principal and witness;
 - (a) If a principal or witness tells the notary that he or she is a battered person, the notary shall make a note in the journal that the person's address shall not to be subject to public inspection.
- (5) description of the satisfactory evidence of identity of each person including:
 - (a) a notation of the type of identification document, the issuing agency, its serial or identification number, and its date of issuance or expiration;
 - (i) If the identification number on the document is the person's Social Security number, instead of including the number, write in the words "Social Security number" or the acronym "SSN";
 - or
 - (b) a notation if the notary identified the individual on the oath or affirmation of a credible witness or based on the notary's personal knowledge of the individual;

- (6) the fee, if any, charged for the notarial act; and
- (7) the address where the notarization was performed.

(D) A notary public shall not record a Social Security or credit card number in the journal.

(E) A notary public shall record in the journal the circumstances for not completing a notarial act.

(F) A journal shall be recommended as the best practice, but not required, for a notary public who is an attorney licensed to practice law in the Commonwealth of Massachusetts or employed by such attorney. This Executive Order shall not be construed in any way to impair or infringe in any way on the attorney-client privilege or the attorney work product doctrine.

Section 12: Inspection of the Official Journal.

(A) The journal may be examined without restriction by a law enforcement officer in the course of an official investigation, subpoenaed by court order, or surrendered at the direction of the Governor's Office. Nothing in this section shall prevent a notary public from seeking appropriate judicial protective orders.

(B) A notary public shall safeguard the journal and all other notarial records and surrender or destroy them only by rule of law, by court order, or at the direction of the Governor's Office.

(C) When not in use, the journal shall be kept in a secure area under the exclusive control of the notary public, and shall not be used by any other notary nor surrendered to an employer upon termination of employment.

Section 13: Duties at the End of the Commission.

When a notary commission expires, is resigned, or is revoked, the notary shall:

(A) as soon as reasonably practicable, destroy or deface all notary seals and stamps so that they may not be used; and

(B) retain the notarial journal and records for seven years after the date of expiration, resignation, or revocation.

PART III. COURTS, JUDICIAL OFFICERS AND PROCEEDINGS IN CIVIL CASES

TITLE I. COURTS AND JUDICIAL OFFICERS

CHAPTER 222. JUSTICES OF THE PEACE, NOTARIES PUBLIC AND COMMISSIONERS COMMISSIONERS IN OTHER STATES AND FOREIGN COUNTRIES

Chapter 222: Section 10. Destruction of notary's records; penalty

Section 10. Whoever knowingly destroys, defaces or conceals the records or official papers of a notary public shall forfeit not more than one thousand dollars and be liable for damages to any person injured thereby.

Chapter 222: Section 12. Exemptions from maintaining journal of notary transactions

Section 12. Notwithstanding any general law, rule, regulation or order to the contrary, attorneys-at-law and counselors-at-law as well as paralegals, legal secretaries and other legal staff, who by virtue of their employment perform notary duties shall be exempt from maintaining a journal of their notary transactions.