



FREQUENTLY ASKED QUESTIONS FOR E-NOTARIZATION

1. What do I need to do in order to perform electronic notarial acts?

- First, you must already be commissioned as a notary public in the State of New Mexico.
- Second, you must complete an ACCET accredited course on electronic notarization.
- Third, complete the “Notification of Intent to Perform Electronic Notarial Acts” form online at www.sos.state.nm.us/pdf/e-notarizationform813.pdf
- Submit proof of your electronic course on e-notarization and your “Notification of Intent to Perform Electronic Notarial Acts” form to the Office of the Secretary of State.
- Receive notification from this office that your information has been verified and you are registered to perform electronic notarial acts.

2. What types of electronic notarial acts are allowed to be performed?

- Acknowledgements
- Jurats
- Oaths or affirmations

3. What is the difference between a paper based notarization and an electronic notarization?

The major difference is that you are using your electronic notary seal as opposed to using a rubber stamp or embosser. The notarization is performed electronically; computer to computer and no paper is involved. The signer **must** physically appear before the notary public at the time of the electronic notarization.

4. What type of identification does the signer need before I notarize his/her electronic document?

The signer will need at least one current document issued by a federal, state, or tribal government agency bearing the photographic image of the person’s face and signature and a physical description of the person, though a properly stamped passport without a physical description is acceptable.

5. Will my notary public commission date be different from the date of my electronic notary seal?

No, your notary public commission date will remain the same. This is the date that you receive when you applied for your notary commission (refer to expiration date on your commission certificate). **Do not confuse this date with your electronic device date.**

6. Should I keep a journal of my electronic notarizations?

It is not a requirement by law; however it is strongly recommended and encouraged that you keep a journal of paper-based notarizations and electronic notarizations.

7. What is an electronic notarial certificate?

The electronic certificate is a portion of a notarized electronic document that is completed by the notary public. It contains the notary public's electronic signature and/or official electronic seal, official title, commission expiration date and any required information concerning the date and place of the electronic notarization and states the facts attested to or certified by the notary public in the particular notarization. This certificate should already be pre-printed on the document.

8. What fees may I charge for performing an electronic notarization?

The fees a notary public may charge for performing electronic notarial acts are:

- A. acknowledgements - \$10.00
- B. jurats - \$10.00
- C. oaths or affirmations - \$10.00

An employer shall not establish fees for electronic notarial services that are in excess of the above. A notary public may charge less than the maximum fee or waive the fee.

9. Is there a fee for registering to perform electronic notarial acts?

No, all that is necessary for you to do is to submit your "Intent to Perform Notarial Act Form" and proof of completion of your course in e-notarization. You are already commissioned as a notary public and paid the fee when you applied to become a notary.

10. May my name be different on my electronic seal than my regular commission?

Your name on your electronic seal **must be identical** to the name you used when you applied to become a notary public.

11. As a notary public do I have to perform electronic notarizations?

This is strictly optional and not required as a notary public. E-notarization will benefit banks, title and mortgage companies in that they will be able to e-record their documents rapidly with their county recorders who are accepting e-recordings. E-notarization and e-recording will streamline the process and save

time for everyone. Check with your county clerk in your county to see if they are accepting e-recordings.

12. Where may I obtain a list of County Clerks that are accepting e-recordings in New Mexico?

You will need to contact each individual county clerk, attached for your reference is a list: <http://www.sos.state.nm.us/sos-CClerk.html>

HOW e-NOTARIZATION WORKS

