



STATE OF NEW MEXICO

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SECRETARY OF STATE

New Mexico Notarial Officer Handbook

Table of Contents

Contents

- Definitions.....3
- Requirements to be commissioned as a Notary Public3
- Applying with the Office of the Secretary of State4
- Commission and Recommission5
- Registering as an Automatic Notarial Officer5
- Becoming a Remote Online Notary (RON)5
- Official Stamp Requirements by Type6
- Notarial Acts7
- Online Notarial Acts.....8
- Journal Requirements.....12
- Notary Information Changes.....13
- Allowable Notary.....13
- Fees13
- Prohibited Acts14
- Resigning a Notary Commission15
- Resigning as an Automatic Notarial Officer15
- Suspension or Removal from Office.....16
- References.....17

Definitions

- **Automatic notarial officer:** a judicial officer, Secretary of State or full-time staff member of the Secretary of State's office, court clerk, deputy court clerk, county clerk, deputy county clerk, or an attorney licensed to practice law in the State of New Mexico.
- **Judicial Officer:** a judge of a state court in New Mexico; a special commissioner or hearing officer appointed pursuant to supreme court rule and employed by a state court; a special master appointed pursuant to supreme court rule or state statute; and a court clerk or deputy court clerk of a state court in New Mexico.
- **Notarial act:** an act performed by a notarial officer; taking an acknowledgement, administering an oath or affirmation, taking a verification on oath or affirmation, witnessing or attesting a signature, certifying or attesting a copy and noting a protest of a negotiable instrument.
- **Notarial Officer:** a term that includes both commissioned Notary Publics and Automatic Notarial Officers.
- **Notary Public:** an individual commissioned by the secretary of state to perform a notarial act.
- **Official stamp:** a physical image affixed to a tangible record with the capability of being photocopied or an electronic image attached to an electronic record.
- **Remote online notarization (RON):** an electronic record presented for notarization with the individual signing the record and the notary public meet face-to-face online using communication technology.

Requirements to be commissioned as a Notary Public

The applicant must:

- Be at least eighteen years of age;
- Be a resident of or have a place of employment in the State of New Mexico;
- Be able to read and write the English language;
- Successfully complete the Notary Education course and exam
- Not have had a notary public commission denied, suspended, or revoked in another state
- Not be disqualified to receive commission under Section 22 of the Revised Uniform Law on Notarial Acts [14-14A-22 NMSA 1978]
- A judicial officer, the secretary of state or a full-time staff member of the secretary of state's office, county clerk or deputy county clerk who is not licensed to practice law,

may also be commissioned as a notary public to perform notarial acts outside the individual's scope of duties as an automatic notarial officer. [Steps to Becoming a Notary Public](#)

- Each applicant is required to obtain a surety bond or its functional equivalent in the amount of ten thousand dollars (\$10,000). The assurance must be issued by a surety or other entity licensed or authorized to do business in this state. Each surety bond must contain:
 - the applicant's signature as the principal applicant and their signature must be notarized by a current New Mexico Notary Public under the section 'Acknowledgment of Principal (Applicant)'. **The applicant should never notarize their own signature, even if their commission is currently active.**
- Each applicant is required to take the New Mexico State Notary Qualification course and pass the corresponding exam. The course and exam must be from an approved vendor of the Secretary of State. Associated fees will be paid directly to the approved vendor supplying the course. Training information is available at <https://www.sos.nm.gov/notary-and-apostille/notary-commissions/training-resources/>.

Applying with the Office of the Secretary of State

- There is a \$30.00 filing fee for the notary application which can be paid via e-check or credit card.
- The Notary Application can be electronically filed at www.enterprise.sos.nm.gov
- The notary application must be completed online and requires uploads to complete the filing:
 - Certificate of Completion of Notary Education Course
 - A signed and notarized Oath of Office, which should be administered by a current New Mexico Notarial Officer. **The applicant should never notarize their own signature, even if they are a currently actively commissioned notarial officer.**
 - Notarized Surety Bond in the amount of \$10,000.
 - All uploads must be in PDF format.
 - Paper applications may be requested from the Secretary of State's Office and will be mailed to the applicant.
- Renewals can be submitted as soon as 1 month prior to the notary commission expiration date. If the renewal is received after the expiration date it will still be processed as a renewal with an expiration date of 4 years from the date of filing.

- Applicants who are renewing their commission do not need to retake the qualification course and exam (if taken after 01/01/2022) so long as their commission has not been expired more than one year.
- Within 45 days of the notary application being approved the notary must purchase and provide proof of their official stamp by filing a Notary Public Stamp Registration. See *Official Stamp Requirements by Type*.
- If the stamp registration is not completed within **45 days**, the Secretary of State is required to refer the notary to the State Ethics Commission.

Commission and Recommission

- A Notary Public is commissioned for a term of four (4) years. Once approved, the Notary will be issued a Certificate of Commission that provides the commission number and term expiration date.
- A Notary Public is sent a notice of their term's expiration one month before the commission expiration date.
- A Notary Public may be recommissioned every four years by submitting an online renewal at www.enterprise.sos.nm.gov. If a renewal is submitted before the expiration date, the notary will retain the same month and day expiration. If there is a lapse in renewal, a new expiration date will be established.
- A stamp registration is required within 45 days of renewal.

Registering as an Automatic Notarial Officer

- A person who is authorized as an Automatic Notarial Officer (see definitions) must complete the Notarial Officer Training and register their stamp with the Secretary of State's Office before performing notarial acts.
- Training information and resources can be found at <https://www.sos.nm.gov/notary-and-apostille/notary-commissions/training-resources/>. There is a fee payable directly to the training provider.
- Stamp requirements can be found in this handbook under [Official Stamp Requirements by Type](#)
- Stamp registration must be completed online at www.enterprise.sos.nm.gov.
- There is no fee to file an Automatic Notarial Officer Stamp Registration.

Becoming a Remote Online Notary (RON)

Application to become a RON must be completed online at www.enterprise.sos.nm.gov.

The applicant must:

- Be a commissioned New Mexico Notary Public or Automatic Notarial Officer; the application is an amendment to a current notary public or automatic notarial officer.
- Successfully complete the Remote Online Notary Education course and exam.
- File the Remote Online Notary Application online, upload a PDF file of the electronic stamp to be used, and pay the \$75.00 filing fee via e-check or credit card.

Official Stamp Requirements by Type

- 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 contain the notary’s legal name identically as shown on the issued Certificate of Commission;
 - Shall contain the issued commission number and expiration date as shown on the issued Certificate of Commission;
 - The official stamp **shall** contain the New Mexico State seal.
- Official Stamp requirements for a County Clerk, Deputy County Clerk
 - Shall be in 10-point font;
 - Shall contain the words “State of New Mexico” and “Notarial Officer”;
 - Shall contain the notarial officer’s legal name as it appears in the office held;
 - Shall list the county for which the notarial officer is employed as such;
 - The official stamp **shall** contain the County appointed seal, or the New Mexico State seal.
- Official Stamp requirements for a Judge, Court Clerk, Deputy Court Clerk
 - Shall be in 10-point font;
 - Shall contain the words “State of New Mexico” and “Notarial Officer”;
 - Shall contain the notarial officer’s legal name as it is used in the office held;
 - Shall contain the judicial district for which the notarial officer serves;
 - The official stamp **shall** contain the State Judicial appointed seal, the seal of the court, or 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 contain the notarial officer’s legal name as it appears in the office held;
- Shall contain the notarial officer’s state bar number;
- Shall contain “State of New Mexico” as the jurisdiction;
- Shall contain the appointed seal or the New Mexico State seal.

Notarial Acts

A Notarial Officer is empowered to perform the following notarial acts:

- Acknowledgements. “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 signed 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 notarial officer;
 - 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.

- Copy certifications. “Copy certification” means a notarial act in which a notary public:
 - is presented with an original document that is neither a vital record, a public record nor publicly recordable;
 - copies or supervises the copying of the original document using a photographic or electronic copying process;
 - compares the original document to the copy; and
 - determines that the copy is accurate and complete.

Online Notarial Acts

- A notarial officer is authorized to perform Remote Online Notarizations if the notarial officer:
 - is approved as a Remote Online Notary (RON) by the Secretary of State;
 - is physically located in New Mexico at the time the notarial act takes place.
- A notarial officer authorized to perform Remote Online Notarizations shall:
 - Verify the identity of the individual at the start of the online notarial session via communication technology;
 - Perform authorized notarial acts relating to electronic records only if the individual requesting notarization appears before the notarial officer at the time of notarization by means of communication technology;
 - Observe the individual’s behavior and surroundings to ensure they are acting of their own free will and are not acting under coercion or undue influence.
- A notarial officer may refuse to complete the notarization if:
 - They are unable to verify the identity of the individual;
 - They become aware that the communication technology is not secure;
 - They determine the signature of the individual cannot be attached to the electronic record;
 - They cannot attach their own electronic stamp to the record;
 - They have reasonable grounds to believe that the individual is acting under coercion or undue influence.

(14-14A-15) Short-form certificates.

The following short-form certificates of notarial acts are sufficient for the purposes indicated, if completed with the information required by Subsections A and B of Section 14 [14-14A-14 NMSA 1978] of the Revised Uniform Law on Notarial Acts:

A. For an acknowledgment in an individual capacity:

State of _____

County of _____

This instrument was acknowledged before me on _____ [date] _____ by _____ [Name(s) of individual(s)] _____ .
[Signature of notarial officer]

[Official Stamp]

Title of office: _____

B. For an acknowledgement in a representative capacity:

State of _____

County of _____

This instrument was acknowledged before me on _____ [date] _____ by _____ [Name(s) of individual(s)] _____
as _____ [type of authority, e.g., officer, trustee, etc.] of _____ [name of party on behalf of whom instrument was executed].

[Signature of notarial officer]

[Official Stamp]

Title of Office: _____

C. For a verification upon oath or affirmation:

State of _____

County of _____

Signed and sworn to (or affirmed) before me on _____ [date] _____ by _____ [Name(s) of person(s) making statement] _____ .
[Signature of notarial officer]

[Official Stamp]

Title of Office: _____

D. For witnessing or attesting a signature:

State of _____

County of _____

Signed or attested before me on _____ [date] _____ by _____ [Name(s) of person(s)] _____ .
[Signature of notarial officer]

[Official Stamp]

Title of Office: _____

E. For certifying of a copy of a record:

State of _____

County of _____

I certify this is a true and correct copy of a record in the possession of _____ [Name of person] Dated _____ [date on document] _____ .
[Signature of notarial officer]

[Official Stamp]

Title of Office: _____

14-14A-15) Certificados de formularios cortos.

Los siguientes certificados abreviados de actos notariales son suficientes para los fines indicados, si se completan con la información requerida por las Subsecciones A y B de la Sección 14 [14-14A-14 NMSA 1978] de la Revisión Ley uniforme de actos notariales:

A. Para el reconocimiento de capacidad individual:

Estado de _____

Condado de _____

Este documento fue reconocido ante mi _____ [fecha] por _____ [nombre de la persona o de las personas] .

_____ [Firma del oficial notarial]

[Sello

Título de la oficina: _____

B. Para un reconocimiento en capacidad de apoderado:

Estado de _____

Condado de _____

Este documento fue reconocido ante mi _____ [fecha] por _____ [nombre de la persona o de las personas] en su capacidad de _____ [tipo de autoridad de las persona, ej., oficial fideicomisario, etc.] nombre de las persona de parte de quien el document fue firmado.

_____ [Firma del oficial notarial]

[Sello oficial]

Título de la oficina: _____

C. Para verificar bajo juramento o afirmación:

Estado de _____

Condado de _____

Firmado bajo juramento (o afirmado) ante mi _____ [fecha] _____ [nombre de la persona o de las personas] que ha declara/n .

_____ [Firma del oficial notarial]

[Sello oficial]

Título de la oficina: _____

D. Para atestiguar o dar fe respect a una firma Estado de _____

Condado de _____

Firmado o atestiguado ante mi _____ por _____ [nombre de la persona o de las personas] .

_____ [fec ha] _____ [Firma del oficial notarial]

[Sello oficial]

Título de la oficina: _____

E. Para atestiguar copia de un document:

Estado de _____

Condado de _____

Yo certifico que esta es copia fiel de un documento en la posesión de _____ [nombre de la persona] Fechado _____ [fecha de documento] .

_____ [Firma del oficial notarial]

[Sello oficial]

Título de la oficina: _____

Journal Requirements

- **Journal** - A notarial officer 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 or Automatic Notarial Officer's journal is lost or stolen, the notary public shall promptly notify the secretary of state, and can do so as an amendment filing.
 - 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 requirements above, 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 provided in PDF format.

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

Notary Information Changes

- You must notify the Secretary of State, within 30 days, any time there is a change to your name, address, your official stamp, or surety bond.
- Name change amendments must be filed at www.enterprise.sos.nm.gov. A rider from the company that issued the bond showing the changed name is required to be uploaded. A \$3.00 filing fee can be paid via e-check or credit card.
- General Amendments, which include address or contact information change, official stamp change or bond change may be made via the online portal as an amendment. If the bond has changed you will need to provide the new original surety bond completed in its entirety.
- A Notary commission is the property of the Notary Public. Even if provided by your employer and you are separated from employment, the commission should not be surrendered to the employer. However, you will likely require a new bond from an insurance company. You will need to notify the Office of the Secretary of State of the change in address, phone number, and bond within 30 days of the change.
- You must notify the Secretary of State within 30 days if the official stamp or journal is stolen or lost. The report can be filed free of charge via www.enterprise.sos.nm.gov. You can include a copy of any relevant police report if applicable. You must replace your stamp and file a Stamp Registration with the replacement stamp.
- If the official stamp has changed or must be replaced as a result of damage or is no longer able to provide a legible impression or image, you can file a General Amendment to replace the stamp.
- If you misplace your certificate of commission, you may request a duplicate for a \$3.00 fee at www.enterprise.sos.nm.gov.

Allowable Notary Fees

Although not required, a notary public may charge up to the maximum fee specified in this section.

- A notary public shall not discriminate by conditioning the fee for a notarial act on the attributes of the principal.
- An employer shall not establish fees for notarial services that exceed those specified in this section as outlined below.
- The maximum fees that may be charged by a notary public for notarial acts are:
 - For acknowledgments, \$5.00 per acknowledgment;
 - For oaths or affirmations without a signature, \$5.00 per person;
 - For jurats, \$5.00 per jurat; and
 - For copy certifications, \$.50 per page with a minimum total charge of \$5.00.
 - A notary may charge a travel fee when traveling to perform a notarial act if:
 - The notary public and the person requesting the notarial act agree upon the travel fee in advance of the travel; and
 - The notary public explains to the person requesting the notarial act that the travel fee is separate from the notarial act fees listed in this section and not mandated by law.
- A notary public may charge a technology fee not to exceed \$25 per notarial act for those acts performed electronically.

Prohibited Acts

A commissioned notary public **does not** have the authority to:

- Assist persons in drafting legal records, give legal advice, or otherwise practice law;
- Act as an immigration consultant or expert on immigration matters;
- Represent a person in a judicial or administrative proceeding relating to immigration to the United States, United State citizenship or related matters;
- Receive compensation for performing any of the activities listed above.

A notary public **shall not**:

- Engage in false or deceptive advertising;
- Use the term “*notario*” or “*notario publico*”;
- Advertise or represent that they may assist persons in drafting legal records, give legal advice or otherwise practice law;
- Withhold access to or possession of an original record provided by a person that seeks performance of a notarial act by the notary public;

- Perform a notarial act on a blank or incomplete record;
- Certify or authenticate a photograph;
- Perform a notarial act with the intent to deceive or defraud;
- Use title of notary public or official stamp to endorse, promote, denounce or oppose any product, service, contest, candidate or other offering.
- Perform a notarial act without identification of the individual requesting notarial services, in compliance with 14-14A-6 NMSA 1978;
- Perform a notarial act on a document or record where they or their spouse or domestic partner is a party or in which either of them has a direct beneficial interest.
- A notarial officer who violates any of the above is guilty of a misdemeanor for each violation and upon conviction shall be punished by a fine not exceeding \$1,000 or by imprisonment for a period not exceeding six months, or both.
- An individual who performs a purported notarial act with the knowledge that the individual's commission has expired or that the individual is otherwise disqualified from the office of notary public or notarial officer is guilty of a misdemeanor and upon conviction shall be punished by a fine of \$500.00 and shall be removed from office by the state ethics commission.

Resigning a Notary Commission

A notary public must notify the Office of the Secretary of State that they are resigning your notary commission and must deface or destroy their official stamp if the following occur:

- They are no longer a resident or have a place of employment in New Mexico;
- They are unable to perform notarial duties; or
- They no longer want to be a Notary Public.
- Resignation can be filed using the online portal.
- Upon the death of a Notary Public, a personal representative should notify the Secretary of State in writing. The personal representative is responsible for destroying or defacing the official seal or stamp and either storing the official notary journals or submitting the journals to the Secretary of State.

Resigning as an Automatic Notarial Officer

An automatic notarial office can notify the secretary of state of their resignation when:

- They no longer qualify as an automatic notarial officer; or
- They no longer want to perform the duties of an automatic notarial officer.
- Resignation can be filed online using the online portal.
- Upon the death of an automatic notarial officer, a personal representative should notify the Secretary of State in writing. The personal representative is responsible for destroying or defacing the official seal or stamp and either storing the official notary journals or submitting the journals to the Secretary of State.

Suspension or Removal from Office

The state ethics commission may deny, refuse to renew, revoke, suspend or impose a condition on a commissioned notary public for any act or omission that demonstrates that the individual lacks the honesty, integrity, competence, or reliability to act as a notary public, including:

- Failure to comply with the Revised Uniform Law on Notarial Acts.
- A misstatement or omission in the application for a commission as a notary public.
- A conviction of any felony or a crime involving fraud, dishonesty or deceit during the term of the notary public's commission or during the five years immediately preceding such term.
- A finding against, or admission of liability by, the applicant or notary public in any legal proceeding or disciplinary action based on the applicant's or notary public's fraud, dishonesty or deceit.
- Failure by the notary public to discharge any duty required of a notary public.
- Use of false or misleading advertising or representation by the notary public.
- Denial, refusal to renew, revocation, suspension or conditioning of a notary public commission in another state.
- Failure to maintain an assurance or surety bond.

References

Revised Uniform Law on Notarial Acts (RULONA) [§14-14A-1 to 14-14A-32 NMSA 1978](#)

Notarial Officer Rules [§12.9.4.1 to 12.9.4.19 NMAC](#)

Secretary of State website www.sos.nm.gov

Notary Online Filing <https://enterprise.sos.nm.gov>

Online Filing Help [File Online help documents](#)

[Remote Online Notarization FAQs](#)