

## Digest for Adopted Regulation R\_116-13

Existing law authorizes the Secretary of State to adopt regulations prescribing the procedure for the appointment and mandatory training of a notary public. (NRS 240.017) Under existing law, a notary public is required to enter in his or her journal, for each notarial act performed and at the time the act is performed, a description of the evidence used by the notary public to verify the identification of the person whose signature is being notarized. (NRS 240.120) **Section 2** of this regulation authorizes a notary public to enter “known personally” as the description of the evidence used if the notary public has personal knowledge of the identity of the person. Existing law also requires a notary public to keep his or her stamp and journal in a secure location during any period in which the notary public is not using the stamp to perform a notarial act or is not making an entry or notation in the journal for a notarial act performed. (NRS 240.040, 240.120) **Section 3** of this regulation explains what the Secretary of State will interpret the term “secure location” to include.

Existing law prohibits a notary public from performing a notarial act on a document, including a form that requires the signer to provide information within blank spaces, unless the document has been filled out completely and has been signed. (NRS 240.075) **Section 4** of this regulation sets forth examples of when the Secretary of State will deem a document that requires the signer to provide information within blank spaces to be filled out completely.

Existing law also authorizes the Secretary of State to require each person applying for appointment as a notary public to submit: (1) a complete set of the fingerprints of the applicant and written permission authorizing the Secretary of State to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report; and (2) a fee established by regulation of the Secretary of

State which must not exceed the sum of the amounts charged by the Central Repository and the Federal Bureau of Investigation for processing the fingerprints. (NRS 240.030) **Section 5** of this regulation implements such requirements.

Existing law additionally authorizes a person who is physically unable to sign a document that is presented to a notarial officer for the performance of a notarial act to direct a person other than the notarial officer to sign the person's name on the document. (NRS 240.1655) **Section 6** of this regulation specifies that if such a person directs another person to sign the person's name on a document, both the person who is physically unable to sign the document and the person directed to sign the document are required to appear before a notarial officer at the time the document is signed.

Finally, existing law authorizes a notary public to: (1) apply for and obtain a certificate of permission to perform marriages from the county clerk of the county in which the notary public resides; and (2) charge a fee of \$75 for performing a marriage ceremony. (NRS 122.064, 240.100) **Section 7** of this regulation specifies that: (1) a notary public may only charge such a fee if the notary public possesses a valid certificate to perform marriages; and (2) a notary public who charges such a fee without possessing a valid certificate to perform marriages may have his or her appointment as a notary public suspended or revoked.

**Section 8** of this regulation repeals obsolete provisions relating to certified court reporters who apply for appointment as a notary public with limited powers.