

NOTARIES WITHOUT BOND  
STATUTORY REQUIREMENTS  
AND  
BEST PRACTICES

PRESENTED BY ROBERT SUMNERS  
OFFICE OF THE TEXAS SECRETARY OF STATE

# NOTARIES WITHOUT BOND



# RIGHTS AND RESPONSIBILITIES





# KEEPING OUT OF TROUBLE



## TEXAS GOVERNMENT CODE

Sec. 406.010. BOND; (a) Each person to be appointed a notary public shall, before entering the official duties of office, execute a bond in the amount of \$10,000 with a solvent surety company authorized to do business in this state as a surety. (b) The notary bond shall be deposited in the office of the secretary of state...

(f) Subsections (a) and (b) do not apply to a person whose services as a notary public are performed primarily as a state officer or employee

# Texas Government Code

Sec. 653.012. QUALIFICATION FOR OFFICE OR EMPLOYMENT. Notwithstanding any other law that requires a **state officer or employee** to obtain a surety bond, a state officer or employee otherwise qualified to hold office, employment, or to serve as a notary public shall **not** be disqualified because a surety bond has **not** been obtained for such officer or employee.

Title 1 Part 4 Section 87.20(a) Texas  
Administrative Code

(a) An applicant who is an officer or employee of a **state agency** is not required to provide a surety bond. For the purpose of this chapter, "state agency" has the meaning assigned by §2052.101, Government Code.

Sec. 2052.101. DEFINITION. In this subchapter, "state agency" means:

(1) a department, commission, board, office, or other agency that is in the executive or legislative branch of state government and that was created by the constitution or a statute, including an institution of higher education; or

(2) the supreme court, the court of criminal appeals, a court of appeals, or the Texas Judicial Council or another agency in the judicial branch of state government.



# 930 TEXAS AGENCIES

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Click on a column heading to sort by that column

Number	Name	Acronym
010	Texas Guaranteed Student Loan	TGSLC
011	Texas Mutual Insurance Company	
012	Texas State Affordable Housing Corporation	TSAHC
013	Correctional Managed Health Care Committee	CMHCC
014	Texas A&M Research Foundation	TAMRF
016	Texas Council on Alzheimer's Disease and Related Disorders	
101	Senate	
102	House of Representatives	
103	Texas Legislative Council	TLC
104	Legislative Budget Board	LBB
105	Legislative Reference Library	LRL
107	Commission on Uniform State Laws (Administered by 103)	
116	Sunset Advisory Commission	
201	Supreme Court	
202	State Bar of Texas	
203	Board of Law Examiners	BLE
204	Court Reporter Certification Board (Administered by 212)	CRCB
205	Judicial Branch Certification Commission	
211	Court of Criminal Appeals	CCA

# RULE 87.20 (SOS RULE)

b) An applicant who is an officer or employee of a state agency and does not provide a surety bond must complete the traditional notary public application entitled "Application for Appointment as a Notary Public Without Bond" (Form 2301-NB).

(c) The State Agency employing the applicant must submit the completed application to the State Office of Risk Management (SORM)

(d) The State Office of Risk Management shall complete the verification certificate on the application and forward the completed application to the Office of the Secretary of State for processing.

# SORM'S Verification of Employment

COPY OF AN INTERAGENCY TRANSACTION VOUCHER (ITV) VERIFYING THE PRE-PAYMENT FROM THE AGENCY TO THE SECRETARY OF STATE WITH THE EMPLOYEE'S NAME IN THE USAS TRANSACTION BOX

A STATE AGENCY/UNIVERSITY CHECK FOR \$11, PAYABLE TO THE SECRETARY OF STATE; OR

A STATE WARRANT FOR \$11 PAYABLE TO SOS.

(e) The secretary of state shall commission the applicant if:

(1) the applicant meets the eligibility requirements stated in §87.10 of this title (relating to Eligibility to Hold the Office of Notary Public);

(2) the applicant submits:

(A) a properly completed and executed application verified by the State Office of Risk Management;

(B) the statement of officer required by article XVI, §1 Texas Constitution;

(C) the payment of fees required by §406.007(a)(2) and §406.007(b), Government Code; and

(3) no good cause exists for rejecting the application.

## REQUIREMENTS FOR SEAL (STAMP)

a) A notary public commissioned as a notary public without bond shall obtain a seal which complies with the requirements of §406.013, Government Code and §87.44 of this title (relating to Notary Seal) and which contains an additional line reading "Notary without Bond".



## Administrative Rule 87.22

(b) A state employee is not prohibited from purchasing a notary bond at personal expense. However, an individual commissioned as a notary without bond shall only notarize documents pursuant to their official state duties.

## RULE 87.22(d) (SOS RULE)

NOTARIES WITHOUT BOND WHO EITHER 1) NOTARIZE DOCUMENTS OUTSIDE OF THEIR OFFICIAL STATE DUTIES OR 2) WHO FAIL TO USE THE "NOTARY WITHOUT BOND" SEAL SHALL BE SUBJECT TO DISCIPLINARY ACTION BY THEIR RESPECTIVE AGENCIES, AND SUCH ACTION MAY CONSTITUTE GOOD CAUSE TO SUSPEND OR REVOKE THEIR NOTARY COMMISSION BY THE SECRETARY OF STATE.

TITLE 28, PART 4, SECTION 252.509 (SORM'S  
RULE)

NOTARIES WITHOUT BOND WHO NOTARIZE  
DOCUMENTS OUTSIDE OF THEIR STATE DUTIES  
AND WHO FAIL TO USE THE "NOTARY WITHOUT  
BOND" STAMP SHALL BE SUBJECT TO  
DISCIPLINARY ACTION BY THEIR RESPECTIVE  
AGENCIES.

## WHAT IF YOU TRANSFER TO ANOTHER AGENCY ?

IF A NOTARY PUBLIC WHO HAS QUALIFIED WITHOUT A SURETY BOND TRANSFERS TO ANOTHER STATE AGENCY, THE AGENCY TO WHICH THE NOTARY PUBLIC TRANSFERS SHALL NOTIFY THE STATE OFFICE OF RISK MANAGEMENT AND THE OFFICE OF THE SECRETARY OF STATE OF THE TRANSFER.

TEX.ADMIN.CODE TITLE 1, PART 4, SECTION 87.21

**TITLE 28, PART 4, SECTION 252.507 (SORM'S RULE)**

**UPON TERMINATION OF ANY NOTARY WITHOUT BOND,  
THE TERMINATING AGENCY SHALL IMMEDIATELY  
NOTIFY THE BONDS AND INSURANCE SECTION OF THE  
OFFICE USING SORM-204.**



# TERMINATION OF STATE EMPLOYMENT

If a notary public terminates state employment, the notary public shall:

- (1) voluntarily surrender the notary public commission;
- (2) purchase and provide evidence to the secretary of state of the purchase of a notary public bond for the time period remaining on the notary's current term of office (must obtain a new seal); or
- (3) voluntarily surrender the notary public commission and apply for a new term of office, provide a notary public bond, and pay the applicable fees.

Failure to take one of the actions set forth above within 30 days of termination of state employment is good cause for revocation of the notary public's commission.

# BEST TO HANG ONTO YOUR LOG BOOK



# Retention Period for Notary Log

## Administrative Rule 87.54

(A) RECORDS OF A NOTARIZATION OTHER THAN AN ONLINE NOTARIZATION SHALL BE RETAINED, IN A SAFE AND SECURE MANNER, FOR THE LONGER OF THE TERM OF THE COMMISSION IN WHICH THE NOTARIZATION OCCURRED OR THREE YEARS FOLLOWING THE DATE OF NOTARIZATION.

Already a traditional notary with a bond



# NAME CHANGE

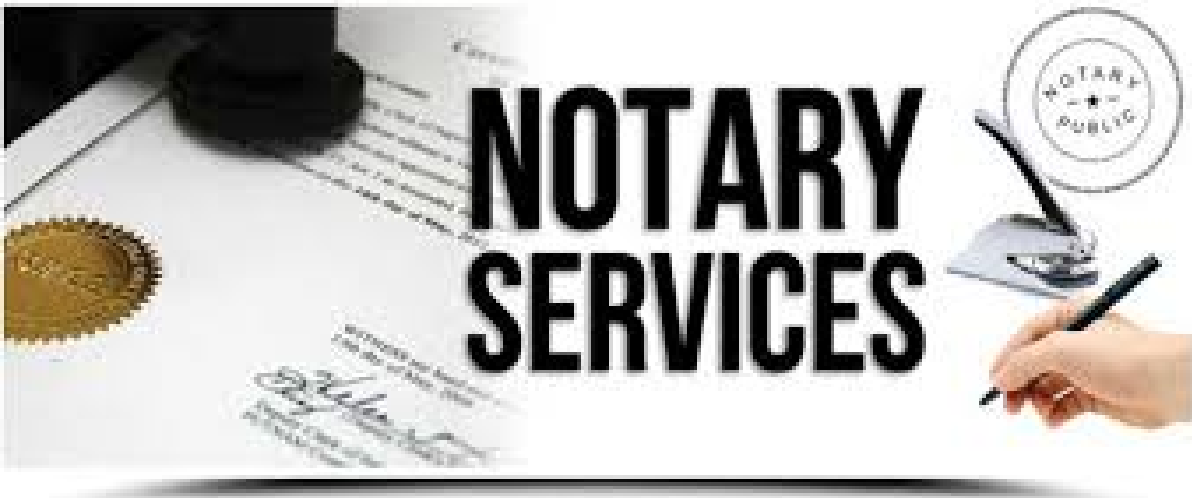




# NOTARY COMPLAINTS



Ten things to keep you out of trouble and off our complaint docket



Unless you are an online (remote) notary, the signing party must be in your presence.



Always, Always, Always provide copies of your log book if the requestor has made the request and paid you \$.50/page. Redact if necessary.



# SOS Rule 87.52

ON PAYMENT OF ALL FEES, THE NOTARY PUBLIC SHALL PROMPTLY PROVIDE A CERTIFIED COPY OF ANY ENTRIES IN THE NOTARY PUBLIC'S RECORDS TO ANY PERSON REQUESTING THE COPY. THE NOTARY SHALL PROVIDE THE CERTIFIED COPY NO LATER THAN 10 BUSINESS DAYS FROM THE DATE OF RECEIPT OF THE FEES, UNLESS THE NOTARY CANNOT PRODUCE THE CERTIFIED COPY WITHIN 10 BUSINESS DAYS FROM THE DATE OF RECEIPT OF THE FEES, IN WHICH CASE THE NOTARY SHALL CERTIFY THAT FACT IN WRITING TO THE PERSON REQUESTING THE COPY ON OR BEFORE THE 10TH BUSINESS DAY FROM THE DATE OF RECEIPT OF THE FEES, AND SET A DATE AND HOUR WITHIN A REASONABLE TIME WHEN THE CERTIFIED COPY WILL BE PROVIDED, AND SHALL PROVIDE THE INFORMATION BY THAT DATE AND HOUR.

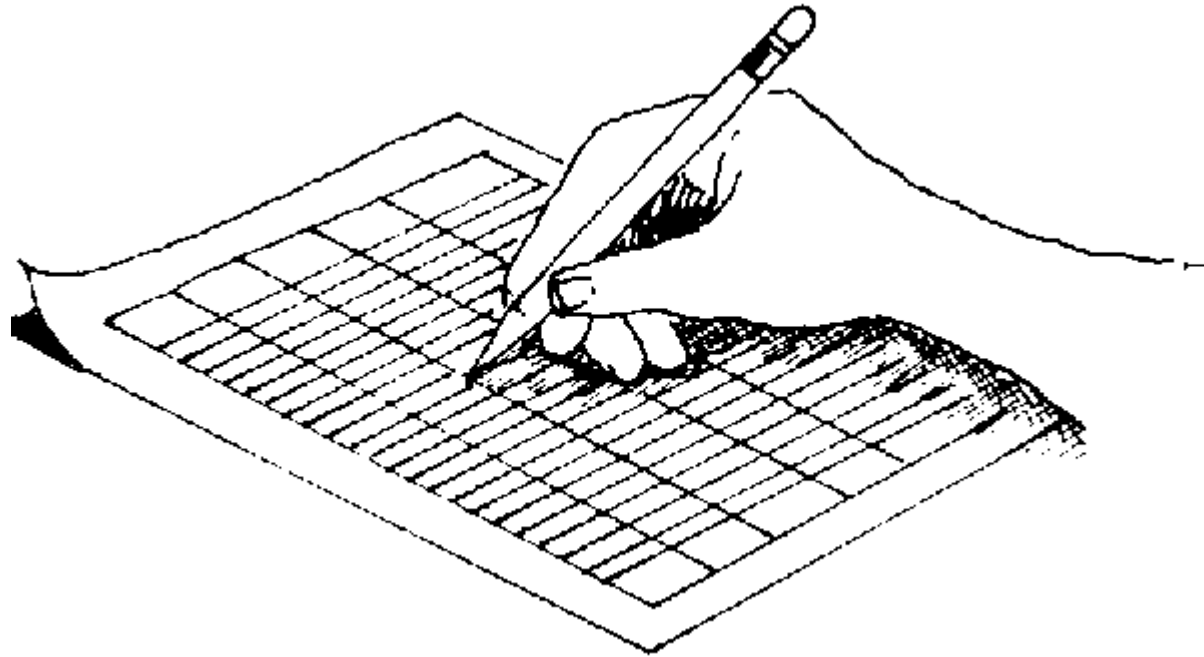
## SOS Rule 87.52

IF THE NOTARY HAS INADVERTENTLY INCLUDED PERSONAL IDENTIFIABLE INFORMATION IN THE RECORD CONTRARY TO SECTION 87.50 OF THIS TITLE (RELATING TO THE PROHIBITION AGAINST RECORDING PERSONAL INFORMATION), THE NOTARY MUST REDACT THAT PERSONAL INFORMATION PRIOR TO RELEASE OF THE INFORMATION.

Do not include personally identifiable information in your log book, such as SSN's and DOB's.



Always write down in your log book the information required by Gov. Code 406.014.





# Gov. Code 406.014

- (1) THE DATE OF EACH INSTRUMENT NOTARIZED;
- (2) THE DATE OF THE NOTARIZATION;
- (3) THE NAME OF THE SIGNER, GRANTOR, OR MAKER;
- (4) THE SIGNER'S, GRANTOR'S, OR MAKER'S **MAILING** ADDRESS;
- (5) WHETHER THE SIGNER, GRANTOR, OR MAKER IS PERSONALLY KNOWN BY THE NOTARY PUBLIC, WAS IDENTIFIED BY AN IDENTIFICATION CARD ISSUED BY A GOVERNMENTAL AGENCY OR A PASSPORT ISSUED BY THE UNITED STATES, OR WAS INTRODUCED TO THE NOTARY PUBLIC AND, IF INTRODUCED, THE NAME AND MAILING ADDRESS OF THE INDIVIDUAL INTRODUCING THE SIGNER, GRANTOR, OR MAKER;

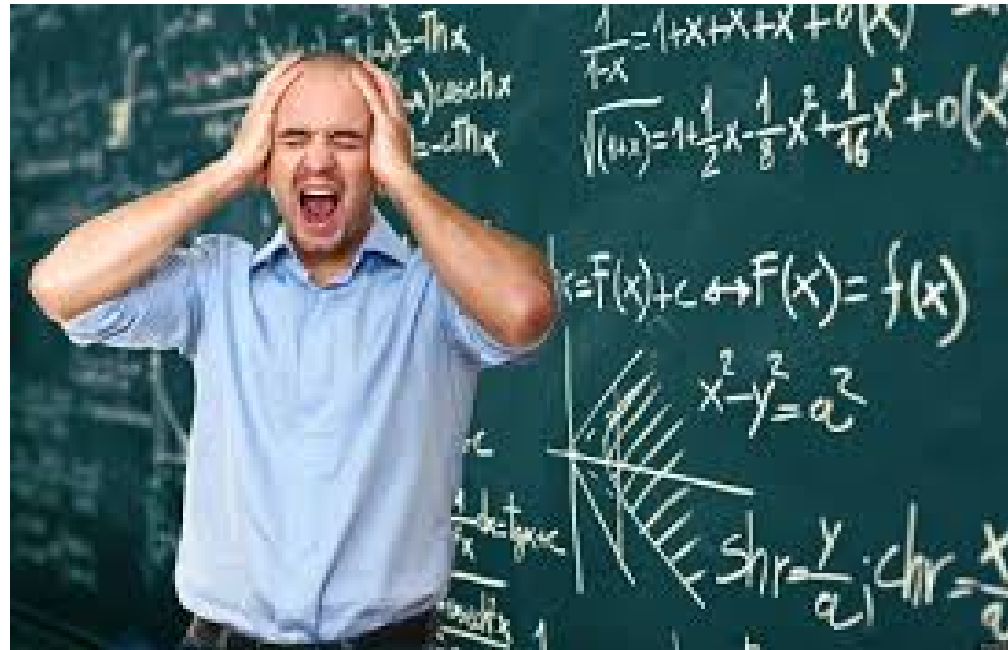
# Gov. Code 406.014 (CON'T)

- (6) IF THE INSTRUMENT IS PROVED BY A WITNESS, THE MAILING ADDRESS OF THE WITNESS, WHETHER THE WITNESS IS PERSONALLY KNOWN BY THE NOTARY PUBLIC OR WAS INTRODUCED TO THE NOTARY PUBLIC AND, IF INTRODUCED, THE NAME AND MAILING ADDRESS OF THE INDIVIDUAL INTRODUCING THE WITNESS;
- (7) THE NAME AND MAILING ADDRESS OF THE GRANTEE;
- (8) IF LAND IS CONVEYED OR CHARGED BY THE INSTRUMENT, THE NAME OF THE ORIGINAL GRANTEE AND THE COUNTY WHERE THE LAND IS LOCATED;
- (9) A BRIEF DESCRIPTION OF THE INSTRUMENT.

Do not practice law and do not claim to be a notario publico – unless you are one.



Do charge the correct fee for your services.



# Example

1. SWORN TO AND SUBSCRIBED BEFORE ME THIS 1<sup>ST</sup> DAY OF JULY, 2018, BY JOHN MORALES AND MARIA MORALES. ( 1 JURAT WITH 2 SIGNATURES = \$7)

2. SWORN TO AND SUBSCRIBED BEFORE ME THIS 1<sup>ST</sup> DAY OF JULY, 2018, BY JOHN MORALES.

SWORN TO AND SUBSCRIBED BEFORE ME THE 1<sup>ST</sup> DAY OF JULY, 2018, BY MARIA MORALES. ( 2 JURATS WITH 2 SIGNATURES = \$12)

If you have been convicted of a felony or a misdemeanor of moral turpitude (theft, etc) you are not eligible to be a notary unless the conviction has been expunged.



Do put the signing party under  
oath.



Be sure to properly identify signing parties and witnesses





You are required to keep your mailing address current in the records of the SOS.



# NOTARY BEST PRACTICES

Do Have the Signing Party Sign Your Log  
Although it is not required by Texas law.



Do not notarize a document in which you have a financial or beneficial interest



Always Maintain Your Notary Commission. If you have misplaced it, ask SOS for another one.

IN THE NAME AND BY THE AUTHORITY OF  
THE STATE OF TEXAS



**Notary Public Commission**

TO ALL TO WHOM THESE PRESENTS SHALL COME—GREETINGS,

To have and to hold, I, **Iman Notary**

has been appointed by the Secretary of State of Texas a Notary Public in the State of Texas. Now, therefore, the above named person is hereby commissioned a Notary Public for the State of Texas under the laws of the State of Texas with all the rights, privileges and emoluments appertaining to said office.

TERMS OF OFFICE: 09/21/2025 - 09/21/2028      NOTARY HAS RESIGNED



*Greg Abbott*  
GRIG ABBOTT, GOVERNOR OF TEXAS

*Greg Abbott*  
GREG ABBOTT, SECRETARY OF STATE

NOTARY PUBLIC OATH OR OFFICE:

State of Texas, \_\_\_\_\_  
County of \_\_\_\_\_

I, \_\_\_\_\_ do solemnly swear (or affirm) that I will faithfully perform the duties of the office of \_\_\_\_\_ of the State of Texas, and will to the best of my ability protect, defend and uphold the Constitution and laws of the United States and the State, so help me God.

I have read and understood before me by and this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Notary Public Signature \_\_\_\_\_

When Requesting an Apostille from SOS, Send us the Original Document. We cannot yet provide an Apostille for an Electronically signed document.



Do not certify copies of documents that are in the public records such as birth certificates

STATE OF NEW MEXICO



OFFICE OF THE  
SECRETARY OF STATE

**NOTARY PUBLIC CERTIFICATION**

I, MARY HERRERA, SECRETARY OF STATE FOR NEW MEXICO, DO HEREBY CERTIFY

THAT

IS A QUALIFIED NOTARY PUBLIC BY AND FOR THE STATE OF NEW MEXICO, DULY COMMISSIONED  
ON \_\_\_\_\_, 20\_\_\_\_, WITH EXPIRATION DATE OF SAME COMMISSION EFFECTIVE  
ON \_\_\_\_\_, 20\_\_\_\_.

I FURTHER CERTIFY THAT RECORDS PERTAINING TO THE APPOINTMENT OF  
AS A NOTARY PUBLIC IN THE STATE OF NEW MEXICO,  
ARE IN FACT ON FILE IN MY OFFICE.



GIVEN UNDER MY HAND AND THE GREAT SEAL OF THE STATE  
OF NEW MEXICO, IN THE CITY OF SANTA FE, THE CAPITAL,  
ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D. 20\_\_\_\_.

*Mary Herrera*  
SECRETARY OF STATE

# ONLINE (REMOTE) NOTARIZATION



In 2017 the Legislature passed  
HB 1217 which can found online  
at [Capitol.texas.gov](http://Capitol.texas.gov)

HB 1217 Became Effective on July 1, 2018.  
Notary Rules Became Effective August 19, 2018.

A Texas Online Notary can Notarize a Document  
Being Signed Anywhere in the World with Internet  
Access.



IS IT WORTH IT TO BE AN ONLINE NOTARY?

