

Functions and Duties of a California Notary Public

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**This Study Guide only includes
information for Video #2.
The full version is available only with
the full On-Line course at
<http://www.NotaryClasses.com/online>.**

Chapter I. Obtaining and Managing a Commission

Part A. Eligibility for Appointment

The California Secretary of State appoints notaries public in California. (**California Government Code section 8200.**) The California Secretary of State may appoint as many notaries public as necessary for the public convenience. (**California Government Code section 8200.**)

To be eligible for appointment, a person must:

- Be a California resident at the time of appointment (unless appointed to serve on a military or naval reservation);
- Be at least 18 years of age;
- Complete a course of study approved by the California Secretary of State;
- Pass a written, proctored, closed-book examination; and
- Pass a background check.

(**California Government Code sections 8201, 8201.1 and 8203.1.**)

Section 1. Residence/Citizenship Requirement

Except for notaries public appointed to serve on military and naval reservations, a notary public appointed in California must be a resident of California at the time of appointment. (**California Government Code sections 8201(a)(1) and 8203.1.**) Similarly, a notary public does not need to be a United States citizen; however, California law requires that a notary public appointed to serve on a military or naval reservation must be a United States citizen. (**California Government Code section 8203.1.**)

Section 2. Age Requirement

All applicants for appointment must be at least 18 years of age. (**California Government Code sections 8201(a)(2) and 8203.1.**)

Section 3. Course of Study Requirement

An applicant for a notary public commission must satisfactorily complete a six-hour course of study that is approved by the California Secretary of State concerning the functions and duties of a notary public. (**California Government Code section 8201(a)(3).**) Also, an applicant for a notary public commission who (1) holds an active notary public commission and (2) has satisfactorily completed a six-hour notary public education course approved by the California Secretary of State must satisfactorily complete a three-hour refresher course approved by the California Secretary of State prior to reappointment as a notary public. (**California Government Code section 8201(b)(2).**)

An individual whose commission expires before applying for a new commission must take an approved six-hour notary public education course before they can be appointed for another term as a notary public, even if the individual previously satisfactorily completed an approved six-hour course. **(California Government Code section 8201(b)(2).)** Notaries public who have satisfactorily completed another six-hour course within two years of applying for reappointment as a notary public have satisfied the three-hour refresher course requirement. **(California Government Code section 8201(a)(3) and (b)(1).)**

Section 4. Examination Requirement

All applicants for appointment must pass a written, proctored, closed-book examination prescribed by the California Secretary of State. **(California Government Code section 8201(a)(4).)**

Section 5. Background Check Requirement

All applicants must complete a background check by submitting fingerprints to the California Department of Justice within one year of satisfactorily completing the examination. **(California Government Code section 8201.1(a).)** The Department of Justice will compare the applicant's fingerprints and identity information with California conviction records. The Department of Justice will forward the applicant's fingerprints and other identifying information to the Federal Bureau of Investigation and both the Department of Justice and Federal Bureau of Investigation will advise the California Secretary of State whether the applicant has a criminal history record anywhere in the United States. An applicant convicted of a disqualifying crime may be denied appointment. **(California Government Code section 8214.1(b).)** A disqualifying crime is any felony, or a lesser offense involving moral turpitude or of a nature incompatible with the duties of a notary public. **(California Government Code section 8214.1(b).)** For more information about disqualifying crimes, please review the current Notary Public Disciplinary Guidelines, available on the California Secretary of State's website at www.sos.ca.gov/business/notary/. **(California Code of Regulations, title 2, section 20804.)**

Section 6. Application

All applicants for appointment must complete the Notary Public Application form prescribed by the California Secretary of State each time they apply for a commission, whether they currently hold a commission as a notary public, a previous commission has expired or they are applying for the first time.

A Notary Public Application form and information regarding the appointment process can be found on the California Secretary of State's website at www.sos.ca.gov/business/notary/.

The California Secretary of State must determine that an applicant possesses the required honesty, credibility, truthfulness and integrity to fulfill the responsibilities of the office of notary public. **(California Government Code section 8201.1(a).)** An applicant must disclose any arrest for which trial is pending and any conviction, whether or not the conviction may be a disqualifying conviction, and regardless of where and when the conviction occurred, including

any convictions dismissed under California Penal Code sections 1203.4 or 1203.4a. Convictions and arrests for which a trial is pending must be disclosed on every application submitted to the California Secretary of State, even those convictions that were disclosed on a previous application, and including convictions dismissed under California Penal Code sections 1203.4 or 1203.4a. Failure to disclose any conviction or arrest for which a trial is pending may be a substantial and material misstatement or omission on the application and grounds for denial of an application for appointment. **(California Government Code section 8214.1(a).)**

Other grounds for denying an application for appointment are detailed later in this course. The key point to remember is that the application for appointment as a notary public must be complete without any omission or misstatement of required information.