

SENATE JUDICIARY COMMITTEE SUBSTITUTE FOR  
SENATE BILL 12

**55TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2021**

AN ACT

RELATING TO NOTARIAL ACTS; ENACTING THE REVISED UNIFORM LAW ON  
NOTARIAL ACTS; REQUIRING RULEMAKING BY THE SECRETARY OF STATE;  
REPEALING SECTIONS OF THE NMSA 1978 PERTAINING TO NOTARIAL  
ACTS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. [NEW MATERIAL] SHORT TITLE.--Sections 1  
through 32 of this act may be cited as the "Revised Uniform Law  
on Notarial Acts".

SECTION 2. [NEW MATERIAL] DEFINITIONS.--In addition to  
the general definitions provided in Section 12-2A-3 of the  
Uniform Statute and Rule Construction Act, as used in the  
Revised Uniform Law on Notarial Acts:

A. "acknowledgment" means a declaration by an  
individual before a notarial officer that the individual has

1 signed a record for the purpose stated in the record and, if  
2 the record is signed in a representative capacity, that the  
3 individual signed the record with proper authority and signed  
4 it as the act of the individual or entity identified in the  
5 record;

6 B. "electronic" means relating to technology having  
7 electrical, digital, magnetic, wireless, optical,  
8 electromagnetic or similar capabilities;

9 C. "electronic signature" means an electronic  
10 symbol, sound or process attached to or logically associated  
11 with a record and executed or adopted by an individual with the  
12 intent to sign the record;

13 D. "foreign state" means a government other than  
14 the United States, a state or a federally recognized Indian  
15 tribe;

16 E. "in a representative capacity" means acting as:

17 (1) an authorized officer, agent, partner,  
18 trustee or other representative for a person other than an  
19 individual;

20 (2) a public officer, personal representative,  
21 guardian or other representative, in the capacity stated in a  
22 record;

23 (3) an agent or attorney-in-fact for a  
24 principal; or

25 (4) an authorized representative of another in

1 any other capacity;

2 F. "notarial act" means an act, whether performed  
3 with respect to a tangible or electronic record, that a  
4 notarial officer may perform under the law of this state. The  
5 term includes taking an acknowledgment, administering an oath  
6 or affirmation, taking a verification on oath or affirmation,  
7 witnessing or attesting a signature, certifying or attesting a  
8 copy and noting a protest of a negotiable instrument;

9 G. "notarial officer" means a notary public or  
10 other individual authorized to perform a notarial act;

11 H. "notary public" means an individual commissioned  
12 to perform a notarial act by the secretary of state;

13 I. "official stamp" means a physical image affixed  
14 to or embossed on a tangible record or an electronic image  
15 attached to or logically associated with an electronic record  
16 and includes an official notary seal;

17 J. "person" also includes a statutory trust, public  
18 corporation, government or governmental subdivision, agency or  
19 instrumentality;

20 K. "record" means information that is inscribed on  
21 a tangible medium or that is stored in an electronic or other  
22 medium and is retrievable in perceivable form;

23 L. "sign" or "subscribe", when used with present  
24 intent to authenticate or adopt a record, means to:

25 (1) execute or adopt a tangible symbol; or

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1 (2) attach to or logically associate with the  
2 record an electronic symbol, sound or process;

3 M. "signature" means a tangible symbol or an  
4 electronic signature that evidences the signing of a record;

5 N. "stamping device" means:

6 (1) a physical device capable of affixing to  
7 or embossing on a tangible record an official stamp; or

8 (2) an electronic device or process capable of  
9 attaching to or logically associating with an electronic record  
10 an official stamp; and

11 O. "verification on oath or affirmation" means a  
12 declaration, made by an individual on oath or affirmation  
13 before a notarial officer, that a statement in a record is  
14 true.

15 SECTION 3. [NEW MATERIAL] AUTHORITY TO PERFORM NOTARIAL  
16 ACT.--

17 A. A notary public or notarial officer shall  
18 perform all notarial acts pursuant to the Revised Uniform Law  
19 on Notarial Acts or by law of this state other than the Revised  
20 Uniform Law on Notarial Acts.

21 B. A notarial officer shall not perform a notarial  
22 act with respect to a record to which the officer or the  
23 officer's spouse or domestic partner is a party or in which  
24 either of them has a direct beneficial interest. A notarial  
25 act performed in violation of this subsection is voidable.

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1 C. A notarial officer may certify that a tangible  
2 copy of an electronic record is an accurate copy of the  
3 electronic record.

4 SECTION 4. [NEW MATERIAL] REQUIREMENTS FOR CERTAIN  
5 NOTARIAL ACTS.--

6 A. A notarial officer who takes an acknowledgment  
7 of a record shall determine, from personal knowledge or  
8 satisfactory evidence of the identity of the individual, that  
9 the individual appearing before the officer and making the  
10 acknowledgment has the identity claimed and that the signature  
11 on the record is the signature of the individual.

12 B. A notarial officer who takes a verification of a  
13 statement on oath or affirmation shall determine, from personal  
14 knowledge or satisfactory evidence of the identity of the  
15 individual, that the individual appearing before the officer  
16 and making the verification has the identity claimed and that  
17 the signature on the statement verified is the signature of the  
18 individual.

19 C. A notarial officer who witnesses or attests to a  
20 signature shall determine, from personal knowledge or  
21 satisfactory evidence of the identity of the individual, that  
22 the individual appearing before the officer and signing the  
23 record has the identity claimed.

24 D. A notarial officer who certifies or attests a  
25 copy of a record or an item that was copied shall determine

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1 that the copy is a full, true and accurate transcription or  
2 reproduction of the record or item.

3 E. A notarial officer who makes or notes a protest  
4 of a negotiable instrument shall determine the matters set  
5 forth in Subsection B of Section 55-3-505 NMSA 1978.

6 SECTION 5. [NEW MATERIAL] PERSONAL APPEARANCE REQUIRED--  
7 EXCEPTION AUTHORIZED FOR REMOTE NOTARIZATIONS.--

8 A. If a notarial act relates to a statement made in  
9 or a signature executed on a record, the individual making the  
10 statement or executing the signature shall appear personally  
11 before the notarial officer.

12 B. A remotely located individual may comply with  
13 this section or with any other requirement of the laws of this  
14 state that state that a person appear before a notarial officer  
15 at the time of a notarial act by using communication technology  
16 to appear before a notary public or notarial officer.

17 C. A notary public or notarial officer located in  
18 this state may perform a notarial act using communication  
19 technology for a remotely located individual if:

20 (1) the notary public:

21 (a) has personal knowledge of the  
22 identity of the individual pursuant to Subsection A of Section  
23 6 of the Revised Uniform Law on Notarial Acts;

24 (b) has satisfactory evidence of the  
25 identity of the remotely located individual by oath or

1 affirmation from a credible witness appearing before the notary  
2 public pursuant to Subsection B of Section 6 of the Revised  
3 Uniform Law on Notarial Acts or this section; or

4 (c) has obtained satisfactory evidence  
5 of the identity of the remotely located individual by using at  
6 least two different types of identity proofing;

7 (2) the notary public is able to reasonably  
8 confirm that a record before the notary public is the same  
9 record in which the remotely located individual made a  
10 statement or on which the individual executed a signature;

11 (3) the notary public, or a person acting on  
12 behalf of the notary public, creates an audiovisual recording  
13 of the performance of the notarial act; and

14 (4) for a remotely located individual located  
15 outside the United States:

16 (a) the record: 1) is to be filed with  
17 or relates to a matter before a public official or court,  
18 governmental entity or other entity subject to the jurisdiction  
19 of the United States; or 2) involves property located in the  
20 territorial jurisdiction of the United States or involves a  
21 transaction substantially connected with the United States; and

22 (b) the act of making the statement or  
23 signing the record is not prohibited by the foreign state in  
24 which the remotely located individual is located.

25 D. If a notarial act is performed pursuant to this

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1 section, the certificate of notarial act required by Section 15  
2 of the Revised Uniform Law on Notarial Acts and the short-form  
3 certificate provided in Section 15 of the Revised Uniform Law  
4 on Notarial Acts shall indicate that the notarial act was  
5 performed using communication technology.

6 E. A short-form certificate provided pursuant to  
7 Section 15 of the Revised Uniform Law on Notarial Acts for a  
8 notarial act subject to this section is sufficient if it:

9 (1) complies with rules adopted under  
10 Paragraph (1) of Subsection H of this section; or

11 (2) is in the form provided in Section 15 of  
12 the Revised Uniform Law on Notarial Acts and contains a  
13 statement substantially as follows: "This notarial act  
14 involved the use of communication technology."

15 F. A notary public, a guardian, a conservator or an  
16 agent of a notary public or a personal representative of a  
17 deceased notary public shall retain the audiovisual recording  
18 created pursuant to Paragraph (3) of Subsection C of this  
19 section or cause the recording to be retained by a repository  
20 designated by or on behalf of the person required to retain the  
21 recording. Unless a different period is required by rule  
22 adopted pursuant to Paragraph (4) of Subsection H of this  
23 section, the recording must be retained for a period of at  
24 least ten years after the recording is made.

25 G. Before a notarial officer performs the notarial



1 officer's initial notarial act with a remotely located  
2 individual under this section, the notarial officer shall  
3 notify the secretary of state that the notarial officer will be  
4 performing notarial acts with respect to remotely located  
5 individuals and identify the technologies the notarial officer  
6 intends to use. If the secretary of state has established  
7 standards pursuant to Subsection H of this section and Section  
8 26 of the Revised Uniform Law on Notarial Acts for approval of  
9 communication technology or identity proofing, the  
10 communication technology and identity proofing shall conform to  
11 the standards.

12 H. In addition to adopting rules pursuant to  
13 Section 26 of the Revised Uniform Law on Notarial Acts, the  
14 secretary of state may adopt rules under this section regarding  
15 performance of a notarial act. The rules may:

16 (1) prescribe the means of performing a  
17 notarial act involving a remotely located individual using  
18 communication technology;

19 (2) establish standards for communication  
20 technology and identity proofing;

21 (3) establish requirements or procedures to  
22 approve providers of communication technology and the process  
23 of identity proofing; and

24 (4) establish standards and a period for the  
25 retention of an audiovisual recording created pursuant to

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1 Paragraph (3) of Subsection C of this section.

2 I. Before adopting, amending or repealing a rule  
3 governing performance of a notarial act with respect to a  
4 remotely located individual, the secretary of state shall  
5 consider:

6 (1) the most recent standards regarding the  
7 performance of a notarial act with respect to a remotely  
8 located individual promulgated by national standard-setting  
9 organizations and the recommendations of the national  
10 association of secretaries of state;

11 (2) standards, practices and customs of other  
12 jurisdictions that have laws substantially similar to this  
13 section; and

14 (3) input from governmental officials and  
15 entities and other interested persons.

16 J. By allowing its communication technology or  
17 identity proofing to facilitate a notarial act for a remotely  
18 located individual or by providing storage of the audiovisual  
19 recording created pursuant to Paragraph (3) of Subsection C of  
20 this section, the provider of the communication technology,  
21 identity proofing or storage appoints the secretary of state as  
22 the provider's agent for service of process in a civil action  
23 in this state related to the notarial act.

24 K. As used in this section:

25 (1) "communication technology" means an

1 electronic device or process that:

2 (a) allows a notarial officer and a  
3 remotely located individual to communicate with each other  
4 simultaneously by sight and sound; and

5 (b) when necessary and consistent with  
6 other applicable law, facilitates communication with a remotely  
7 located individual who has a vision, hearing or speech  
8 impairment;

9 (2) "identity proofing" means a process or  
10 service by which a third person provides a notarial officer  
11 with the means to verify the identity of a remotely located  
12 individual by a review of personal information from public or  
13 private data sources;

14 (3) "outside the United States" means a  
15 location outside the geographic boundaries of the United  
16 States, Puerto Rico, the United States Virgin Islands and any  
17 territory, insular possession or other location subject to the  
18 jurisdiction of the United States; and

19 (4) "remotely located individual" means an  
20 individual who is not in the physical presence of the notarial  
21 officer who performs a notarial act under Subsection C of this  
22 section.

23 SECTION 6. [NEW MATERIAL] IDENTIFICATION OF INDIVIDUAL.--

24 A. A notarial officer has personal knowledge of the  
25 identity of an individual appearing before the officer if the

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1 individual is personally known to the officer through dealings  
2 sufficient to provide reasonable certainty that individual has  
3 the identity claimed.

4 B. A notarial officer has satisfactory evidence of  
5 the identity of an individual appearing before the officer if  
6 the officer can identify the individual:

7 (1) by means of:

8 (a) a passport, driver's license or  
9 government-issued nondriver identification card, which is  
10 current or expired not more than one year before performance of  
11 the notarial act; or

12 (b) another form of government  
13 identification issued to an individual, which is current or  
14 expired not more than one year before performance of the  
15 notarial act, contains the signature or a photograph of the  
16 individual and is satisfactory to the officer; or

17 (2) by a verification on oath or affirmation  
18 of a credible witness personally appearing before the officer,  
19 who is unrelated to and unaffected by the document or  
20 transaction, and known to the officer and whom the officer can  
21 identify on the basis of a passport, driver's license or  
22 government-issued nondriver identification card, which is  
23 current or expired not more than one year before performance of  
24 the notarial act.

25 C. A notarial officer may require an individual to

1 provide additional information or identification credentials  
2 necessary to assure the officer of the identity of the  
3 individual.

4 SECTION 7. [NEW MATERIAL] AUTHORITY TO REFUSE TO PERFORM  
5 NOTARIAL ACTS.--

6 A. A notarial officer may refuse to perform a  
7 notarial act if the officer is not satisfied that:

8 (1) the individual executing the record is  
9 competent or has the capacity to execute the record; or

10 (2) the individual's signature is knowingly  
11 and voluntarily made.

12 B. A notarial officer may refuse to perform a  
13 notarial act unless refusal is prohibited by a state or federal  
14 law other than the Revised Uniform Law on Notarial Acts.

15 C. In accordance with the Human Rights Act, a  
16 notary public or notarial officer shall not discriminate in the  
17 performance of a notarial act pursuant to the Revised Uniform  
18 Law on Notarial Acts.

19 SECTION 8. [NEW MATERIAL] SIGNATURE IF INDIVIDUAL IS  
20 UNABLE TO SIGN.--If an individual is physically unable to sign  
21 a record, the individual may direct an individual other than  
22 the notarial officer to sign the individual's name on the  
23 record. The notarial officer shall insert "Signature affixed  
24 by (name of other individual) at the direction of (name of  
25 individual)" or words of similar import.

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1           SECTION 9.   ~~[NEW MATERIAL]~~ NOTARIAL ACTS IN THIS STATE.--

2           A.   A notarial act may be performed in this state  
3 by:

4                       (1)   a notary public of this state;  
5                       (2)   a judge of a court of this state;  
6                       (3)   a court clerk or deputy court clerk of  
7 this state while performing a notarial act within the scope of  
8 a court clerk's or deputy court clerk's duties;

9                       (4)   a county clerk or deputy county clerk  
10 while performing a notarial act within the scope of the county  
11 clerk's or deputy county clerk's duties;

12                      (5)   an individual licensed to practice law in  
13 this state; or

14                      (6)   any other individual authorized to perform  
15 a specific notarial act by the law of this state other than the  
16 Revised Uniform Law on Notarial Acts.

17           B.   The signature and title of an individual  
18 performing a notarial act in this state are prima facie  
19 evidence that the signature is genuine and that the individual  
20 holds the designated title.

21           C.   The signature and title of a notarial officer  
22 described in Subsection A of this section conclusively  
23 establish the authority of the officer to perform the notarial  
24 act.  An official stamp is required if the laws of this state  
25 require an official stamp.

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1           SECTION 10.   [NEW MATERIAL] NOTARIAL ACT IN ANOTHER  
2 STATE.--

3           A.   A notarial act performed in another state has  
4 the same effect under the law of this state as if performed by  
5 a notarial officer of this state, if the act performed in that  
6 state is performed by a notarial officer or other individual  
7 authorized by the law of that state to perform the notarial  
8 act.

9           B.   The signature and title of an individual  
10 performing a notarial act in another state are prima facie  
11 evidence that the signature is genuine and that the individual  
12 holds the designated title.

13           C.   The signature and title of a notarial officer  
14 described in Subsection A of this section conclusively  
15 establish the authority of the officer to perform the notarial  
16 act. An official stamp is required if the laws of this state  
17 require an official stamp.

18           SECTION 11.   [NEW MATERIAL] NOTARIAL ACT UNDER THE  
19 AUTHORITY OF A FEDERALLY RECOGNIZED INDIAN TRIBE.--

20           A.   A notarial act performed under the authority and  
21 in the jurisdiction of a federally recognized Indian tribe has  
22 the same effect as if performed by a notarial officer of this  
23 state, if the act performed in the jurisdiction of the tribe is  
24 performed by a notarial officer or other individual authorized  
25 by the law of the tribe to perform the notarial act.

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1           B. The signature and title of an individual  
2 performing a notarial act under the authority of and in the  
3 jurisdiction of a federally recognized Indian tribe are prima  
4 facie evidence that the signature is genuine and that the  
5 individual holds the designated title.

6           C. The signature and title of a notarial officer  
7 described in Subsection A of this section conclusively  
8 establish the authority of the officer to perform the notarial  
9 act. An official stamp is required if the laws of the tribe  
10 require an official stamp.

11           SECTION 12. [NEW MATERIAL] NOTARIAL ACT UNDER FEDERAL  
12 AUTHORITY.--

13           A. A notarial act performed under federal law has  
14 the same effect under the law of this state as if performed by  
15 a notarial officer of this state, if the act performed under  
16 federal law is performed by:

- 17                   (1) a judge;  
18                   (2) a court clerk or deputy court clerk;  
19                   (3) an individual in military service or  
20 performing duties under the authority of military service who  
21 is authorized to perform notarial acts under federal law;  
22                   (4) an individual designated a notarizing  
23 officer by the United States department of state for performing  
24 notarial acts overseas; or  
25                   (5) any other individual authorized by federal



1 law to perform the notarial act.

2 B. The signature and title of an individual acting  
3 under federal authority and performing a notarial act are prima  
4 facie evidence that the signature is genuine and that the  
5 individual holds the designated title.

6 C. The signature and title of an officer described  
7 in Subsection A of this section conclusively establish the  
8 authority of the officer to perform the notarial act.

9 SECTION 13. [NEW MATERIAL] FOREIGN NOTARIAL ACTS.--

10 A. If a notarial act is performed under authority  
11 and in the jurisdiction of a foreign state or constituent unit  
12 of the foreign state or is performed under the authority of a  
13 multinational or international governmental organization, the  
14 act has the same effect under the law of this state as if  
15 performed by a notarial officer of this state.

16 B. If the title of office and indication of  
17 authority to perform notarial acts in a foreign state appears  
18 in a digest of foreign law or in a list customarily used as a  
19 source for that information, the authority of an officer with  
20 that title to perform notarial acts is conclusively  
21 established.

22 C. The signature and official stamp of an  
23 individual holding an office described in Subsection B of this  
24 section are prima facie evidence that the signature is genuine  
25 and the individual holds the designated title.

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1           D. An apostille in the form prescribed by the Hague  
2 Convention of October 5, 1961 and issued by a foreign state  
3 party to the Hague Convention of October 5, 1961 conclusively  
4 establishes that the signature of the notarial officer is  
5 genuine and that the officer holds the indicated office.

6           E. A consular authentication issued by an  
7 individual designated by the United States department of state  
8 as a notarizing officer for performing notarial acts overseas  
9 and attached to the record with respect to which the notarial  
10 act is performed conclusively establishes that the signature of  
11 the notarial officer is genuine and that the officer holds the  
12 indicated office.

13           SECTION 14. [NEW MATERIAL] CERTIFICATE OF NOTARIAL ACT.--

14           A. A notarial act shall be evidenced by a  
15 certificate. The certificate shall:

16                   (1) be executed contemporaneously with the  
17 performance of the notarial act;

18                   (2) be signed and dated by the notarial  
19 officer and, if the notarial officer is a notary public, be  
20 signed in the same manner as on file with the secretary of  
21 state;

22                   (3) identify the jurisdiction in which the  
23 notarial act is performed;

24                   (4) contain the title of office of the  
25 notarial officer;

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1 (5) if the notarial officer is a notary  
2 public, indicate the notary public's commission number and the  
3 date of expiration of the notarial officer's commission;

4 (6) identify the judicial district or area  
5 served if the notarial officer is a judge, court clerk or  
6 deputy court clerk;

7 (7) identify the county served if the notarial  
8 officer is a county clerk or deputy county clerk; and

9 (8) identify the state bar number if the  
10 notarial officer is an attorney but is not in a category  
11 identified in Paragraph (6) or (7) of this subsection and is  
12 not a judge.

13 B. If a notarial act regarding a tangible record is  
14 performed by a notary public, an official stamp shall be  
15 affixed to or embossed on the certificate. If a notarial act  
16 is performed regarding a tangible record by a notarial officer  
17 other than a notary public and the certificate contains the  
18 information specified in Paragraphs (2), (3), (4), (5), (6) and  
19 (7) of Subsection A of this section, an official stamp shall be  
20 affixed to or embossed on the certificate. If a notarial act  
21 regarding an electronic record is performed by a notarial  
22 officer and the certificate contains the information specified  
23 in Paragraphs (2), (3), (4), (5), (6) and (7) of Subsection A  
24 of this section, an official stamp shall be attached to or  
25 logically associated with the certificate.

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1           C. A certificate of a notarial act is sufficient if  
2 it meets the requirements of Subsections A and B of this  
3 section and:

4                   (1) is in a short-form set forth in Section 15  
5 of the Revised Uniform Law on Notarial Acts;

6                   (2) is in a form otherwise permitted by the  
7 law of this state;

8                   (3) is in a form permitted by the law  
9 applicable in the jurisdiction in which the notarial act was  
10 performed; or

11                   (4) sets forth the actions of the notarial  
12 officer, and the actions are sufficient to meet the  
13 requirements of the notarial act as provided in Sections 4, 5  
14 and 6 of the Revised Uniform Law on Notarial Acts or law of  
15 this state other than the Revised Uniform Law on Notarial Acts.

16           D. By executing a certificate of a notarial act, a  
17 notarial officer certifies that the officer has complied with  
18 the requirements and made the determinations specified in  
19 Sections 4, 5 and 6 of the Revised Uniform Law on Notarial  
20 Acts.

21           E. A notarial officer shall not affix the officer's  
22 signature to, or logically associate it with, a certificate  
23 until after the notarial act has been performed.

24           F. If a notarial act is performed regarding a  
25 tangible record, a certificate shall be part of, or securely

1 attached to, the record. If a notarial act is performed  
2 regarding an electronic record, the certificate shall be  
3 affixed to, or logically associated with, the electronic  
4 record. If the secretary of state has established standards  
5 pursuant to Section 26 of the Revised Uniform Law on Notarial  
6 Acts for attaching, affixing or logically associating the  
7 certificate, the process shall conform to the standards.

8 SECTION 15. [NEW MATERIAL] SHORT-FORM CERTIFICATES.--The  
9 following short-form certificates of notarial acts are  
10 sufficient for the purposes indicated, if completed with the  
11 information required by Subsections A and B of Section 14 of  
12 the Revised Uniform Law on Notarial Acts:

13 A. for an acknowledgment in an individual capacity:

14 State of \_\_\_\_\_

15 [County] of \_\_\_\_\_

16 This record was acknowledged before me on \_\_\_\_\_

17 \_\_\_\_\_  
Date

18 by \_\_\_\_\_.

19 Name(s) of individual(s)  
20 \_\_\_\_\_

21 Signature of notarial officer

22 Stamp

23 [\_\_\_\_\_]

24 Title of office

25 [New Mexico state bar identification number, judicial district

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1 or area, county or notary public commission number and date of  
2 commission expiration: \_\_\_\_\_];

3 B. for an acknowledgment in a representative  
4 capacity:

5 State of \_\_\_\_\_

6 [County] of \_\_\_\_\_

7 This record was acknowledged before me on \_\_\_\_\_ by

8 Date

9 \_\_\_\_\_

10 Name(s) of individual(s)

11 as (type of authority, such as officer or trustee) of (name of  
12 party on behalf of whom record was executed).

13 \_\_\_\_\_

14 Signature of notarial officer

15 Stamp

16 [\_\_\_\_\_]

17 Title of office

18 [New Mexico state bar identification number, judicial district  
19 or area, county served or notary public commission number and  
20 date of commission expiration: \_\_\_\_\_];

21 C. for a verification on oath or affirmation:

22 State of \_\_\_\_\_

23 [County] of \_\_\_\_\_

24 Signed and sworn to (or affirmed) before me on \_\_\_\_\_

25 Date

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1 by \_\_\_\_\_.

2 Name(s) of individual(s)

3 making statement

4 \_\_\_\_\_

5 Signature of notarial officer

6 Stamp

7 [ \_\_\_\_\_ ]

8 Title of office

9 [New Mexico state bar identification number, judicial district  
10 or area, county served or notary public commission number and  
11 date of commission expiration: \_\_\_\_\_];

12 D. for witnessing or attesting a signature:

13 State of \_\_\_\_\_

14 [County] of \_\_\_\_\_

15 Signed (or attested) before me on \_\_\_\_\_ by

16 Date

17 \_\_\_\_\_.

18 Name(s) of individual(s)

19 \_\_\_\_\_

20 Signature of notarial officer

21 Stamp

22 [ \_\_\_\_\_ ]

23 Title of office

24 [New Mexico state bar identification number, judicial district  
25 or area, county served or notary public commission number and

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1 date of commission expiration: \_\_\_\_\_]; and

2 E. for certifying a copy of a record:

3 State of \_\_\_\_\_

4 [County] of \_\_\_\_\_

5 I certify that this is a true and correct copy of a record in  
6 the possession of \_\_\_\_\_.

7 Dated \_\_\_\_\_

8 \_\_\_\_\_

9 Signature of notarial officer

10 Stamp

11 [\_\_\_\_\_]

12 Title of office

13 [New Mexico state bar identification number, judicial district  
14 or area, county served or notary public commission number and  
15 date of commission expiration: \_\_\_\_\_].

16 SECTION 16. [NEW MATERIAL] OFFICIAL STAMP.--The official  
17 stamp of a notarial officer shall:

18 A. include the notarial officer's name,  
19 jurisdiction and New Mexico state bar identification number if  
20 the notary public is licensed to practice law in this state,  
21 judicial district or area served if the notarial officer is a  
22 judge, court clerk or deputy court clerk, county if the  
23 notarial officer is a county clerk or deputy county clerk or  
24 notary public commission number and date of commission  
25 expiration and other information required by the secretary of

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1 state;

2 B. be capable of being copied together with the  
3 record to which it is affixed or attached or with which it is  
4 logically associated; and

5 C. be filed with the secretary of state before the  
6 notarial officer performs the notarial officer's initial  
7 notarial act.

8 SECTION 17. [NEW MATERIAL] STAMPING DEVICE.--

9 A. A notary public is responsible for the security  
10 of the notary public's stamping device and may not allow  
11 another individual to use the device to perform a notarial act.  
12 On resignation from, or the revocation or expiration of, the  
13 notary public's commission, or on the expiration of the date  
14 set forth in the stamping device, if any, the notary public  
15 shall disable the stamping device by destroying, defacing,  
16 damaging, erasing or securing it against use in a manner that  
17 renders it unusable. On the death or adjudication of  
18 incompetency of a notary public, the notary public's personal  
19 representative or guardian or any other person knowingly in  
20 possession of the stamping device shall render it unusable by  
21 destroying, defacing, damaging, erasing or securing it against  
22 use in a manner that renders it unusable.

23 B. If a notary public's stamping device is lost or  
24 stolen, the notary public or the notary public's personal  
25 representative or guardian shall promptly notify the secretary

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1 of state on discovering that the device is lost or stolen.

2 SECTION 18. [NEW MATERIAL] JOURNAL.--

3 A. A notary public in this state shall maintain a  
4 journal in which the notary public chronicles all notarial acts  
5 that the notary public performs. The notary public shall  
6 retain the journal for ten years after the performance of the  
7 last notarial act chronicled in the journal.

8 B. A journal may be created on a tangible medium or  
9 in an electronic format. A notary public performing notarial  
10 acts pursuant to Subsection E of this section shall maintain  
11 only one journal at a time to chronicle all notarial acts,  
12 whether those notarial acts are performed regarding tangible or  
13 electronic records; provided that a notary public may keep a  
14 journal in a tangible medium for tangible records and an  
15 electronic journal for electronic records. If the journal is  
16 maintained on a tangible medium, it must be a permanent, bound  
17 register with numbered pages. If the journal is maintained in  
18 an electronic format, it must be in a permanent, tamper-evident  
19 electronic format complying with the rules of the secretary of  
20 state.

21 C. An entry in a journal must be made  
22 contemporaneously with performance of the notarial act and  
23 contain the following information:

- 24 (1) the date and time of the notarial act;  
25 (2) a description of the record, if any, and

1 type of notarial act;

2 (3) the full name and address of each  
3 individual for whom the notarial act is performed;

4 (4) if identity of the individual is based on  
5 personal knowledge, a statement to that effect;

6 (5) if identity of the individual is based on  
7 satisfactory evidence, a brief description of the method of  
8 identification and the identification credential presented, if  
9 any, including the date of issuance and expiration of any  
10 identification credential; and

11 (6) the fee, if any, charged by the notary  
12 public.

13 D. If a notary public's journal is lost or stolen,  
14 the notary public shall promptly notify the secretary of state  
15 on discovering that the journal is lost or stolen.

16 E. Pursuant to the requirements provided in  
17 Subsections B and C of this section, a notarial officer  
18 licensed to practice law in this state shall maintain a journal  
19 when performing notarial acts for members of the public  
20 unrelated to an established attorney-client relationship.

21 F. On resignation from, or the revocation or  
22 suspension of, a notary public's commission, the notary public  
23 shall retain the notary public's journal in accordance with  
24 Subsection A of this section and inform the secretary of state  
25 of where the journal is located.

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1           G. Instead of retaining a journal as provided in  
2 Subsections A and F of this section, a current or former notary  
3 public may transmit the journal to the secretary of state, the  
4 state records officer or a repository approved by the secretary  
5 of state.

6           H. On the death or adjudication of incompetency of  
7 a current or former notary public, the notary public's personal  
8 representative or guardian or any other person knowingly in  
9 possession of the journal shall transmit the journal to the  
10 secretary of state, the state records officer or a repository  
11 approved by the secretary of state.

12           **SECTION 19. [NEW MATERIAL] NOTIFICATION REGARDING**  
13 **PERFORMANCE OF NOTARIAL ACT ON ELECTRONIC RECORD--SELECTION OF**  
14 **TECHNOLOGY.--**

15           A. A notary public or notarial officer shall select  
16 one or more tamper-evident technologies to perform notarial  
17 acts with respect to electronic records. A person may not  
18 require a notary public or notarial officer to perform a  
19 notarial act with respect to an electronic record with a  
20 technology that the notary public has not selected.

21           B. Before performing the notary public's or  
22 notarial officer's initial notarial act with respect to an  
23 electronic record, a notary public or notarial officer shall  
24 notify the secretary of state that the notary public will be  
25 performing notarial acts with respect to electronic records and

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1 identify the technology the notary public intends to use. If  
2 the secretary of state has established standards for approval  
3 of technology pursuant to Section 26 of the Revised Uniform Law  
4 on Notarial Acts, the technology must conform to the standards.  
5 If the technology conforms to those standards, the secretary of  
6 state shall approve the use of the technology.

7 SECTION 20. [NEW MATERIAL] COMMISSION AS NOTARY PUBLIC  
8 QUALIFICATIONS--NO IMMUNITY OR BENEFIT.--

9 A. An individual may apply to the secretary of  
10 state for a commission as a notary public. The applicant shall  
11 comply with and provide the information required by rules  
12 established by the secretary of state and pay any application  
13 fee.

14 B. To qualify for the commission as a notary  
15 public, an applicant shall:

- 16 (1) be at least eighteen years of age;  
17 (2) be a citizen or permanent legal resident  
18 of the United States;  
19 (3) be a resident of or have a place of  
20 employment in this state;  
21 (4) be able to read and write English;  
22 (5) not be disqualified to receive a  
23 commission under Section 22 of the Revised Uniform Law on  
24 Notarial Acts;  
25 (6) have passed the examination required

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1 pursuant to Subsection A of Section 21 of the Revised Uniform  
2 Law on Notarial Acts; and

3 (7) not otherwise be qualified as a notarial  
4 officer; provided that an individual who is employed as a court  
5 clerk, deputy court clerk, county clerk or deputy county clerk  
6 may also be commissioned as a notary public.

7 C. Before issuance of a commission as a notary  
8 public, an applicant for the commission shall execute an oath  
9 of office pursuant to the laws of this state and submit it to  
10 the secretary of state.

11 D. Before issuance of a commission as a notary  
12 public, the notary public or applicant for a commission shall  
13 submit to the secretary of state an assurance in the form of a  
14 surety bond or its functional equivalent in the amount of ten  
15 thousand dollars (\$10,000). The assurance must be issued by a  
16 surety or other entity licensed or authorized to do business in  
17 this state. The assurance must cover acts performed during the  
18 term of the notary public's commission and must be in the form  
19 prescribed by the secretary of state. If a notary public  
20 violates law with respect to notaries public in this state, the  
21 surety or issuing entity is liable under the assurance. The  
22 surety or issuing entity shall give thirty days notice to the  
23 secretary of state before canceling the assurance. The surety  
24 or issuing entity shall notify the secretary of state not later  
25 than thirty days after making a payment to a claimant under the

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1 assurance. A notary public may perform notarial acts in this  
2 state only during the period that a valid assurance is on file  
3 with the secretary of state.

4 E. On compliance with this section, the secretary  
5 of state shall issue a commission as a notary public to an  
6 applicant for a term of four years.

7 F. A commission to act as a notary public  
8 authorizes the notary public to perform notarial acts. The  
9 commission does not provide the notary public any immunity or  
10 benefit conferred by law of this state on public officials or  
11 employees.

12 G. At least thirty days before expiration of each  
13 notary public's commission, the secretary of state shall mail a  
14 notice of expiration to the notary public's mailing address of  
15 record. A notary public may be reappointed upon making an  
16 application in the same manner as required for an original  
17 application.

18 SECTION 21. [NEW MATERIAL] EXAMINATION OF NOTARY PUBLIC  
19 AND NOTARIAL OFFICERS--CONTINUING LEGAL EDUCATION  
20 REQUIREMENTS.--

21 A. An applicant for a commission as a notary public  
22 who does not hold a commission in this state is required to  
23 pass an examination administered by the secretary of state or  
24 an entity approved by the secretary of state. The examination  
25 will be based on the course of study described in Subsection B

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1 of this section.

2 B. The secretary of state or an entity approved by  
3 the secretary of state shall offer regularly a course of study  
4 to applicants who do not hold commissions as notaries public in  
5 this state. The course must cover the laws, rules, procedures  
6 and ethics relevant to notarial acts.

7 C. A notarial officer authorized to practice law in  
8 this state may obtain one unit of continuing legal education  
9 credit, pursuant to rules established by the board of bar  
10 commissioners of the state of New Mexico, for participating in  
11 continuing legal education related to performing the notarial  
12 acts.

13 SECTION 22. [NEW MATERIAL] GROUNDS TO DENY, REFUSE TO  
14 RENEW, REVOKE, SUSPEND OR CONDITION COMMISSION OF NOTARY  
15 PUBLIC.--

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

21 (1) failure to comply with the Revised Uniform  
22 Law on Notarial Acts;

23 (2) a fraudulent, dishonest or deceitful  
24 misstatement or omission in the application for a commission as  
25 a notary public submitted to the state ethics commission;

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1 (3) a conviction of the applicant or notary  
2 public of any felony or a crime involving fraud, dishonesty or  
3 deceit during the term of the notary public's commission or  
4 during the five years immediately preceding such term;

5 (4) a finding against, or admission of  
6 liability by, the applicant or notary public in any legal  
7 proceeding or disciplinary action based on the applicant's or  
8 notary public's fraud, dishonesty or deceit;

9 (5) failure by the notary public to discharge  
10 any duty required of a notary public, whether by the provisions  
11 of the Revised Uniform Law on Notarial Acts, rules of the  
12 secretary of state or any federal or state law;

13 (6) use of false or misleading advertising or  
14 representation by the notary public representing that the  
15 notary has a duty, right or privilege that the notary does not  
16 have;

17 (7) violation by the notary public of a rule  
18 of the secretary of state regarding a notary public;

19 (8) denial, refusal to renew, revocation,  
20 suspension or conditioning of a notary public commission in  
21 another state;

22 (9) failure of the notary public to maintain  
23 an assurance as provided in Subsection D of Section 20 of the  
24 Revised Uniform Law on Notarial Acts; or

25 (10) if the individual ceases to be a resident

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1 of this state or ceases to be employed in this state.

2 B. The secretary of state may deny or refuse to  
3 renew an applicant upon notice from the state ethics commission  
4 of adverse action upon a notary public.

5 C. The authority of the state ethics commission to  
6 deny, refuse to renew, suspend, revoke or impose conditions on  
7 a commission as a notary public does not prevent a person from  
8 seeking and obtaining other criminal or civil remedies provided  
9 by law.

10 SECTION 23. [NEW MATERIAL] DATABASE OF NOTARIES PUBLIC.--

11 The secretary of state shall maintain an electronic database of  
12 notaries public providing the following:

13 A. information and a means through which a person  
14 may verify the authority of a notary public to perform notarial  
15 acts; and

16 B. indication of whether a notary public has  
17 notified the secretary of state that the notary public will be  
18 performing notarial acts on electronic records.

19 SECTION 24. [NEW MATERIAL] PROHIBITED ACTS.--

20 A. A commission as a notary public does not  
21 authorize an individual to:

22 (1) assist persons in drafting legal records,  
23 give legal advice or otherwise practice law;

24 (2) act as an immigration consultant or an  
25 expert on immigration matters;

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1 (3) represent a person in a judicial or  
2 administrative proceeding relating to immigration to the United  
3 States, United States citizenship or related matters; or

4 (4) receive compensation for performing any of  
5 the activities listed in this subsection.

6 B. A notary public shall not engage in false or  
7 deceptive advertising.

8 C. A notary public, other than an attorney licensed  
9 to practice law in this state, shall not use the term "notario"  
10 or "notario publico".

11 D. A notary public shall not advertise or represent  
12 that the notary public may assist persons in drafting legal  
13 records, give legal advice or otherwise practice law. If a  
14 notary public who is not an attorney licensed to practice law  
15 in this state in any manner advertises or represents that the  
16 notary public offers notarial services, whether orally or in a  
17 record, including broadcast media, print media and the  
18 internet, the notary public shall include the following  
19 statement or an alternate statement authorized or required by  
20 the secretary of state, in the advertisement or representation,  
21 prominently and in each language used in the advertisement or  
22 representation: "I am not an attorney licensed to practice law  
23 in this state. I am not allowed to draft legal records,  
24 give advice on legal matters, including immigration, or charge  
25 a fee for those activities.". If the form of advertisement or

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1 representation is not broadcast media, print media or the  
2 internet and does not permit inclusion of the statement  
3 required by this subsection because of size, the statement  
4 shall be displayed prominently or provided at the place of  
5 performance of the notarial act before the notarial act is  
6 performed.

7 E. Except as otherwise allowed by law, a notary  
8 public shall not withhold access to or possession of an  
9 original record provided by a person that seeks performance of  
10 a notarial act by the notary public.

11 F. A notary public shall not:

12 (1) perform a notarial act on a blank or  
13 incomplete record;

14 (2) certify or authenticate a photograph;

15 (3) perform a notarial act with intent to  
16 deceive or defraud; or

17 (4) use the title of notary public or official  
18 stamp to endorse, promote, denounce or oppose any product,  
19 service, contest, candidate or other offering.

20 G. A notarial officer shall not:

21 (1) make or deliver a certificate of notarial  
22 act containing statements that the notarial officer knows to be  
23 false; or

24 (2) knowingly perform a notarial act for an  
25 individual who does not comply with Section 6 of the Revised

1 Uniform Law on Notarial Acts.

2 H. A notarial officer who violates any of the  
3 provisions of Subsections A through G of this section is guilty  
4 of a misdemeanor for each violation and upon conviction shall  
5 be punished by a fine not exceeding one thousand dollars  
6 (\$1,000) or by imprisonment for a period not exceeding six  
7 months, or both.

8 I. An individual who performs a purported notarial  
9 act with knowledge that the individual's commission as a notary  
10 public has expired or that the individual is otherwise  
11 disqualified from the office of notary public or as a notarial  
12 officer is guilty of a misdemeanor and upon conviction shall be  
13 punished by a fine of five hundred dollars (\$500) and shall be  
14 removed from office by the state ethics commission.

15 SECTION 25. [NEW MATERIAL] VALIDITY OF NOTARIAL ACTS.--

16 Except as otherwise provided in Subsection B of Section 3 of  
17 the Revised Uniform Law on Notarial Acts, the failure of a  
18 notarial officer to perform a duty or meet a requirement  
19 specified in the Revised Uniform Law on Notarial Acts does not  
20 invalidate a notarial act performed by the notarial officer.  
21 The validity of a notarial act under the Revised Uniform Law on  
22 Notarial Acts does not prevent an aggrieved person from seeking  
23 to invalidate the record or transaction that is the subject of  
24 the notarial act or from seeking other remedies based on law of  
25 this state other than the Revised Uniform Law on Notarial Acts

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1 or law of the United States. This section does not validate a  
2 purported notarial act performed by an individual who does not  
3 have the authority to perform notarial acts.

4 SECTION 26. [NEW MATERIAL] RULES.--

5 A. The secretary of state may adopt rules to  
6 implement the Revised Uniform Law on Notarial Acts. Rules  
7 adopted regarding the performance of notarial acts with respect  
8 to electronic records may not require, or accord greater legal  
9 status or effect to, the implementation or application of a  
10 specific technology or technical specification. The rules may:

11 (1) prescribe the manner of performing  
12 notarial acts regarding tangible and electronic records;

13 (2) include provisions to ensure that any  
14 change to or tampering with a record bearing a certificate of a  
15 notarial act is self-evident;

16 (3) include provisions to ensure integrity in  
17 the creation, transmittal, storage or authentication of  
18 electronic records or signatures;

19 (4) prescribe the process of granting,  
20 renewing, conditioning, denying, suspending or revoking a  
21 notary public commission and assuring the trustworthiness of an  
22 individual holding a commission as notary public;

23 (5) include provisions to prevent fraud or  
24 mistake in the performance of notarial acts;

25 (6) establish the process for approving and

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1 accepting surety bonds and other forms of assurance pursuant to  
2 Subsection D of Section 20 of the Revised Uniform Law on  
3 Notarial Acts;

4 (7) provide for the administration of the  
5 examination pursuant to Subsection A of Section 21 of the  
6 Revised Uniform Law on Notarial Acts and the course of study  
7 pursuant to Subsection B of Section 21 of the Revised Uniform  
8 Law on Notarial Acts; and

9 (8) provide for the administration of  
10 continuing legal education for notarial officers authorized to  
11 practice law in this state in collaboration with the board of  
12 bar commissioners of the state of New Mexico and pursuant to  
13 rules adopted by the board of bar commissioners of the state of  
14 New Mexico.

15 B. In adopting, amending or repealing rules about  
16 notarial acts with respect to electronic records, the secretary  
17 of state shall consider, so far as is consistent with the  
18 Revised Uniform Law on Notarial Acts:

19 (1) the most recent standards regarding  
20 electronic records promulgated by national bodies, such as the  
21 national association of secretaries of state;

22 (2) standards, practices and customs of other  
23 jurisdictions that substantially enact the Revised Uniform Law  
24 on Notarial Acts; and

25 (3) the views of governmental officials and

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1 entities and other interested persons.

2 SECTION 27. [NEW MATERIAL] NOTARY PUBLIC COMMISSION IN  
3 EFFECT.--

4 A. A commission as a notary public in effect on the  
5 effective date of the Revised Uniform Law on Notarial Acts  
6 continues until its date of expiration.

7 B. A notarial officer authorized to practice law in  
8 this state is authorized to practice notarial acts with no  
9 expiration of this authority but shall maintain an active  
10 license to practice law.

11 C. A notary public not authorized to practice law  
12 in this state who applies to renew a commission as a notary  
13 public on or after the effective date of the Revised Uniform  
14 Law on Notarial Acts is subject to and shall comply with the  
15 Revised Uniform Law on Notarial Acts.

16 D. A notary public or notarial officer, in  
17 performing notarial acts after the effective date of the  
18 Revised Uniform Law on Notarial Acts, shall comply with the  
19 Revised Uniform Law on Notarial Acts.

20 SECTION 28. [NEW MATERIAL] FEES.--

21 A. A notary public or notarial officer may charge  
22 the maximum fee specified in this section, charge less than the  
23 maximum fee or waive the fee.

24 B. An employer shall not establish fees for  
25 notarial services that are in excess of those specified in this

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1 section nor on the attributes of the principal as delineated.

2 C. The maximum fees that may be charged by a notary  
3 public or notarial officer licensed to practice law for  
4 notarial acts are:

5 (1) for acknowledgments, five dollars (\$5.00)  
6 per acknowledgment;

7 (2) for oaths or affirmations without a  
8 signature, five dollars (\$5.00) per person;

9 (3) for jurats, five dollars (\$5.00) per  
10 jurat; and

11 (4) for copy certifications, fifty cents  
12 (\$.50) per page with a minimum total charge of five dollars  
13 (\$5.00).

14 D. A notary public or notarial officer may charge a  
15 travel fee when traveling to perform a notarial act if:

16 (1) the notary public and the person  
17 requesting the notarial act agree upon the travel fee in  
18 advance of the travel; and

19 (2) the notary public explains to the person  
20 requesting the notarial act that the travel fee is separate  
21 from the notarial fees and not mandated by law.

22 E. In addition to the fees prescribed in  
23 Subsections C and D of this section, a notary public may charge  
24 a technology fee not to exceed twenty-five dollars (\$25.00) or  
25 other amount established by rule by the secretary of state per

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1 notarial act performed with respect to an electronic record.

2 SECTION 29. [NEW MATERIAL] INSPECTION OF PUBLIC RECORDS  
3 ACT COMPLIANCE.--

4 A. Members of the public may request journal entry  
5 or audiovisual recordings related to a specified notarial act  
6 transaction pursuant to the Inspection of Public Records Act.

7 B. A request made pursuant to Subsection A of this  
8 section shall name the notarial act transaction with  
9 particularity, naming the document subject to the notarial act  
10 in the request for which the journal entry or audiovisual  
11 recording is sought.

12 C. No request for records relating to a notarial  
13 act that does not name the document subject to the notarial act  
14 shall be enforceable pursuant to the Inspection of Public  
15 Records Act.

16 SECTION 30. [NEW MATERIAL] SAVING CLAUSE.--The Revised  
17 Uniform Law on Notarial Acts does not affect the validity or  
18 effect of a notarial act performed before the effective date of  
19 the Revised Uniform Law on Notarial Acts.

20 SECTION 31. [NEW MATERIAL] UNIFORMITY OF APPLICATION AND  
21 CONSTRUCTION.--In applying and construing the Revised Uniform  
22 Law on Notarial Acts, consideration shall be given to the need  
23 to promote uniformity of the law with respect to its subject  
24 matter among states that enact it.

25 SECTION 32. [NEW MATERIAL] RELATION TO FEDERAL ELECTRONIC

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1 SIGNATURES IN GLOBAL AND NATIONAL COMMERCE ACT.--The Revised  
 2 Uniform Law on Notarial Acts modifies, limits and supersedes  
 3 the federal Electronic Signatures in Global and National  
 4 Commerce Act, but does not modify, limit or supersede Section  
 5 101(c) of that act, 15 U.S.C. Section 7001(c), or authorize  
 6 electronic delivery of any of the notices described in Section  
 7 103(b) of that act, 15 U.S.C. Section 7003(b).

8 SECTION 33. Section 10-16G-9 NMSA 1978 (being Laws 2019,  
 9 Chapter 86, Section 9) is amended to read:

10 "10-16G-9. COMMISSION JURISDICTION--COMPLIANCE  
 11 PROVISIONS.--

12 A. The commission has jurisdiction to enforce the  
 13 applicable civil compliance provisions for public officials,  
 14 public employees, candidates, persons subject to the Campaign  
 15 Reporting Act, government contractors, lobbyists and lobbyists'  
 16 employers of:

- 17 (1) the Campaign Reporting Act;
- 18 (2) the Financial Disclosure Act;
- 19 (3) the Gift Act;
- 20 (4) the Lobbyist Regulation Act;
- 21 (5) the Voter Action Act;
- 22 (6) the Governmental Conduct Act;
- 23 (7) the Procurement Code;
- 24 (8) the State Ethics Commission Act; [~~and~~]
- 25 (9) the Revised Uniform Law on Notarial Acts;

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1 and

2 [~~9~~] (10) Article 9, Section 14 of the  
3 constitution of New Mexico.

4 B. All complaints filed with a public agency  
5 regarding the statutes listed in Subsection A of this section  
6 shall be forwarded to the commission.

7 C. The commission may choose to act on some or all  
8 aspects of a complaint and forward other aspects of a complaint  
9 to another state or federal agency with jurisdiction over the  
10 matter in accordance with Subsection E of this section.

11 D. If the commission decides not to act on a  
12 complaint, whether the complaint was filed with the commission  
13 or forwarded from another public agency, or decides only to act  
14 on part of a complaint, the commission shall promptly forward  
15 the complaint, or any part of a complaint on which it does not  
16 wish to act, to the public agency that has appropriate  
17 jurisdiction within ten days of the decision. The complainant  
18 and respondent shall be notified in writing when the  
19 complainant's request has been forwarded to another agency  
20 unless otherwise provided pursuant to Subsection H of Section  
21 [~~10 of the State Ethics Commission Act~~] 10-16G-10 NMSA 1978.

22 E. The commission may share jurisdiction with other  
23 public agencies having authority to act on a complaint or any  
24 aspect of a complaint. Such shared jurisdiction shall be  
25 formalized through an agreement entered into by all

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1 participating agencies involved with the complaint and the  
 2 director. The commission may also investigate a complaint  
 3 referred to the commission by the legislature, or a legislative  
 4 committee, in accordance with an agreement entered into  
 5 pursuant to policies of the New Mexico legislative council or  
 6 rules of the house of representatives or senate.

7 F. The commission may file a court action to  
 8 enforce the civil compliance provisions of an act listed in  
 9 Subsection A of this section. The court action shall be filed  
 10 in the district court in the county where the respondent  
 11 resides."

12 SECTION 34. Section 14-8-4 NMSA 1978 (being Laws 1901,  
 13 Chapter 62, Section 18, as amended) is amended to read:

14 "14-8-4. ACKNOWLEDGMENT NECESSARY FOR RECORDING--  
 15 EXCEPTIONS--RECORDING OF DUPLICATES.--

16 A. Any original instrument of writing duly  
 17 acknowledged may be filed and recorded. Any instrument of  
 18 writing not duly acknowledged may not be filed and recorded or  
 19 considered of record, though so entered, unless otherwise  
 20 provided in this section.

21 B. For purposes of this section, "acknowledged"  
 22 means notarized by a person empowered to perform notarial acts  
 23 pursuant to the [~~Notary Public Act or the~~] Revised Uniform Law  
 24 on Notarial Acts.

25 C. The following documents need not be acknowledged

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1 but may be filed and recorded:

2 (1) court-certified copies of a court order,  
3 judgment or other judicial decree;

4 (2) court-certified transcripts of any money  
5 judgment obtained in a court of New Mexico or, pursuant to  
6 Section 14-9-9 NMSA 1978, in the United States district court  
7 for the district of New Mexico;

8 (3) land patents and land office receipts;

9 (4) notice of lis pendens filed pursuant to  
10 Section 38-1-14 NMSA 1978;

11 (5) provisional orders creating improvement  
12 districts pursuant to Section 4-55A-7 NMSA 1978;

13 (6) notices of levy on real estate under  
14 execution or writ of attachment when filed by a peace officer  
15 pursuant to Section 39-4-4 NMSA 1978;

16 (7) surveys of land that do not create a  
17 division of land but only show existing tracts of record when  
18 filed by a professional surveyor pursuant to Section 61-23-28.2  
19 NMSA 1978;

20 (8) certified copies of foreign wills,  
21 marriages or birth certificates duly authenticated; and

22 (9) instruments of writing in any manner  
23 affecting lands in the state filed pursuant to Section 14-9-7  
24 NMSA 1978, when these instruments have been duly executed by an  
25 authorized public officer.

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1           D. If an original instrument of writing is  
2 unavailable but, if it were available, could be filed and  
3 recorded in accordance with this section, a duplicate of that  
4 instrument shall be accepted for filing and recording if  
5 accompanied by an affidavit executed pursuant to this  
6 subsection. The affidavit shall:

7                   (1) provide the name, [~~phone~~] telephone number  
8 and mailing address of the affiant;

9                   (2) provide information regarding the  
10 execution of the instrument, consideration paid, delivery or  
11 other information establishing that the original instrument, if  
12 it were available, would be entitled to be recorded pursuant to  
13 Subsection A of this section;

14                   (3) specify the reason the duplicate is filed  
15 and recorded in place of the original instrument;

16                   (4) include a statement that the duplicate is  
17 a true and correct copy of the original instrument; and

18                   (5) be acknowledged and made under oath  
19 confirming that the statements set forth in the affidavit are  
20 true and correct and of the personal knowledge of the affiant.

21           E. The filing of a duplicate instrument in  
22 accordance with Subsection D of this section shall not incur a  
23 fee in addition to the fee, if any, charged for filing an  
24 original instrument. When the clerk records the instrument,  
25 the grantor and grantee shall be those of the duplicate

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1 instrument and the name of the affiant shall be indexed under  
2 miscellaneous information.

3 F. Any filing or recording permitted or required  
4 under the provisions of the Uniform Commercial Code need not  
5 comply with the requirements of this section.

6 G. Instruments acknowledged on behalf of a  
7 corporation need not have the corporation's seal affixed  
8 thereto in order to be filed and recorded."

9 SECTION 35. TEMPORARY PROVISION--REVISED UNIFORM LAWS ON  
10 NOTARIAL ACTS.--References in the New Mexico Statutes Annotated  
11 to the Notary Public Act or the Uniform Law on Notarial Acts  
12 shall be deemed to be references to the Revised Uniform Law on  
13 Notarial Acts.

14 SECTION 36. REPEAL.--Sections 14-12A-1 through 14-12A-26  
15 and 14-14-1 through 14-14-11 NMSA 1978 (being Laws 2003,  
16 Chapter 286, Sections 1 through 26 and Laws 1993, Chapter 281,  
17 Sections 1 through 11) are repealed.

18 SECTION 37. APPLICABILITY.--The provisions of this act  
19 apply to notarial acts performed in this state on and after  
20 January 1, 2022.

21 SECTION 38. EFFECTIVE DATE.--The effective date of the  
22 provisions of this act is January 1, 2022.