

Nevada Chapter: U.S. Notary Reference



Owned by Craig Tew ...

Last updated: Apr 12, 2023 • 79 min read



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Last Update: April 12, 2023

QUICK FACTS

Notary Jurisdiction	Statewide (NRS 240.020).
Notary Term Length	Four years (NRS 240.020).
Notary Bond	10,000 (NRS 240.030.1[d]).
Notary Seal	Required (NRS 240.1655.1[d]).

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ADMINISTRATION AND RULES

Commissioning and Regulating Official

The Nevada Secretary of State appoints, regulates, and maintains records on the state's Notaries (NRS 240.010).

Contact Information

Office of Secretary of State
Notary Division
101 N. Carson Street, Suite 3
Carson City, NV 89701-3714
1-775-684-5708

Website: <https://www.nvsos.gov/sos/licensing/notary>

Laws, Rules and Guidelines

Laws: Most Notary statutes are in the Nevada Revised Statutes (NRS) Chapter 240, "Notaries Public and Commissioned Abstracters," including the "Uniform Law on Notarial Acts" and "Electronic Notarization Enabling Act"; Chapter 111, "Estates in Property; Conveyancing and Recording"; and Chapter 122, "Marriage."

Rules: Rules regulating Notaries are set forth in the Nevada Administrative Code, Chapter 240.

Guidelines: Guidelines for Notaries may be found in the Nevada "Notary Public Handbook" (NPH) (2023-2027), which may be downloaded from the Secretary of State's website.

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COMMISSION AND APPOINTMENT

Generally, all information filed with or obtained by the Secretary — except that relating either to investigations of alleged notarial misconduct or to the appointment of someone previously convicted of certain crimes — is public information and available for public examination (NRS 240.007[1] through [3] and 240.010[3]). However, Notaries are not required to submit a residential address or telephone number on any application document that will become available to the public (NRS 240.030[3]).

Appointment Process

Qualifications: An applicant for appointment as a Nevada Notary Public must (NRS 240.015[1] and [3]):

- (a) Be at least 18 years old,
- (b) Be a resident of Nevada or be a resident of a bordering state and maintain or be employed at a licensed place of business in Nevada,
- (c) Possess his or her civil rights, and
- (d) Have completed a course of study pursuant to NRS 240.018.

To qualify as a resident of Nevada pursuant to NRS 240.015, the applicant must have been "actually, physically and corporeally present in this state with the intent to establish permanent habitation for at least 30 days before the date on which he or she submitted his or her application" and, once appointed as a Notary, "must maintain residency in this state during the term of his or her appointment" (NAC 240.260).

Persons holding public office in the U.S. federal government are not eligible to become Nevada Notaries, though federal employees are (NV Atty. Gen. Op. 56-229).

Course: All new and renewing applicants for a Notary appointment must pass an approved course of instruction, as must a person who has committed a violation of NRS Chapter 240 or whose appointment has

been suspended and who has been required by the Secretary of State to enroll in such a course (NRS 240.018[3]).

The Nevada Secretary of State's office is the official provider of Notary courses. There is a \$45 fee for the course. Registration instructions are on the Secretary's website. Individual Notary applicants must take the online course; the in-person class is available only to organizational groups (website, "Training & Class Information").

"An applicant for appointment as a notary public who is required pursuant to NRS 240.018 to enroll in and successfully complete a course of study for the mandatory training of notaries public must include with his or her application a certificate of successful completion of such a course, which must contain a validation stamp from the Secretary of State. A certificate of successful completion of a course of study for the mandatory training of notaries public is valid for 90 days after the date of its issuance" (NAC 240.270.2).

Exam: Effective July 1, 2015, the course of study required for a Notary appointment must include at least three hours of instruction and an examination (NRS 240.018[1][a]). The fee for the training is \$45 and is paid at the time of creating an application for appointment as a Notary (see below). At the conclusion of the training and successful passing of the exam, the applicant will receive a certificate of course completion to upload when creating an application for appointment. Certificates of completion are valid for 90 days after their date of issuance.

Application: All applicants must obtain a \$10,000 surety bond and take and sign the required oath office, both of which must be filed with the county clerk in the applicant's county of residence or employment prior to applying to become a Notary Public. The county clerk will then issue a filing notice to the applicant, as proof that the oath and bond have been filed and recorded.

Applicants must create an account and log in to the Secretary of State's SilverFlume online business registration system to apply for a Notary appointment. An applicant must declare under penalty of perjury that he or she has never had an appointment as a Notary revoked or suspended in Nevada or any other U.S. state or territory (NRS 240.030[1][e]).

Upon completing all required fields in the online Notary application, the applicant must print out the application, sign it, and upload the signed application, county clerk filing notice and certificate of course completion (if on hand). "During the notary application submission process, the system allows one upload attempt of the required documentation" (website, "Step-By-Step Guide To Become A Notary"). The Secretary of State recommends uploading the Certificate of Course Completion at this time since it will shorten the commission approval process. At that time, the applicant will pay the \$35 application and \$45 training fee (\$80 combined).

"A person applying for appointment as a notary public may use his or her given name, a short or familiar form of his or her given name or the first initial of his or her given name, followed by the person's surname" (NAC 240.210.1).

"A notary public may use his or her given name, a short or familiar form of his or her given name or the first initial of his or her given name, followed by the notary public's surname, as his or her official signature which must be consistent with the original signature on the application for appointment as a notary public" (NAC 240.210.3).

Background Screening: "Each person applying for appointment as a notary public must 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 in an amount equal to the sum of the amounts charged by the Central Repository for Nevada Records of Criminal History and the Federal Bureau of Investigation for processing the fingerprints" (NAC 240.215).

Nonresidents: Residents of bordering states (i.e., Arizona, California, Idaho, Oregon, Utah) may become Nevada Notaries if they maintain or are employed at a licensed place of business in Nevada (NRS 240.015[3]). Such nonresident applicants must include with their applications a notarized "Nonresident

Notary Public Affidavit." Nonresident applicants who are employed by a licensed employer must also submit a notarized "Affidavit of Applicant's Employer" and a copy of the employer's business license(s); applicants who are self-employed must also submit a notarized "Affidavit of Self-Employed Applicant" and a copy of the applicant's business license(s) in the Secretary of State's SilverFlume system. The applicant's bond and oath must be filed in his or her county of employment (NRS 240.030[1][d], [2] and [4]; NAC 240.262, 240.264 and 240.266).

"A notary public who is a resident of an adjoining state shall submit to the Secretary of State annually, within 30 days before the anniversary date of his or her appointment as a notary public, a copy of the state business license of the place of employment of the notary public in the State of Nevada ..., a copy of any license required by the local government where the business is located and the information required pursuant to subsection 2 of NRS 240.030" (NRS 240.031).

Reappointment: Notaries seeking to be reappointed to a new term must follow the same steps as with the initial appointment.

Online Search

Not available.

Jurisdiction

"A person appointed as a notary public pursuant to this chapter may perform notarial acts in any part of this state...." (NRS 240.020).

Term Length

"A person appointed as a notary public pursuant to this chapter may perform notarial acts ... for a term of 4 years, unless sooner removed" (NRS 240.020).

Bond

Requirement: "Each person applying for appointment as a notary public must ... [e]nter into a bond to the State of Nevada in the sum of \$10,000, to be filed with the clerk of the county in which the applicant resides or, if the applicant is a resident of an adjoining state, with the clerk of the county in this State in which the applicant maintains a place of business or is employed. The applicant must submit to the Secretary of State a certificate issued by the appropriate county clerk which indicates that the applicant filed the bond required pursuant to this paragraph" (NRS 240.020.1[d]).

"The bond required to be filed pursuant to NRS 240.030 must be executed by the person applying to become a notary public as principal and by a surety company qualified and authorized to do business in this State. The bond must be made payable to the State of Nevada and be conditioned to provide indemnification to a person determined to have suffered damage as a result of an act by the notary public which violates a provision of NRS 240.001 to 240.169, inclusive or, if applicable, an act by the electronic notary public which violates a provision of NRS 240.001 to 240.206, inclusive" (NRS 240.033.1).

"The bond that a person applying for appointment as a notary public must enter into pursuant to the provisions of paragraph (d) of subsection 1 of NRS 240.030 must be entered under the same form of the person's name that appears on the application for appointment" (NAC 240.210.2).

Exhaustion of Bond: "If the penal sum of the bond is exhausted, the surety company shall notify the Secretary of State in writing within 30 days after its exhaustion" (NRS 240.033.2).

Suspension Without Bond: "The appointment of a notary public is suspended by operation of law when the notary public is no longer covered by a surety bond as required by this section and NRS 240.030 or the penal sum of the bond is exhausted" (NRS 240.033.5).

A Notary whose commission has been suspended due to exhaustion or cancellation of a bond may apply to the Secretary of State for reinstatement by submitting an application for an amended certificate of appointment, a certificate from the county clerk stating the suspended Notary filed a new bond, and a \$10 application fee (NRS 240.033.6).

Release of Surety: "A surety on a bond filed pursuant to NRS 240.030 may be released after the surety gives 30 days' written notice to the Secretary of State and notary public, but the release does not discharge or otherwise affect a claim filed by a person for damage resulting from an act of the notary public which is alleged to have occurred while the bond was in effect" (NRS 240.033.4).

Changes of Status

Address and Employment Change: "If, at any time during his or her appointment, a notary public changes his or her mailing address, county of residence or signature or, if the notary public is a resident of an adjoining state, changes his or her place of business or employment, the notary public shall submit to the Secretary of State a request for an amended certificate of appointment on a form provided by the Secretary of State" (NRS 240.036.1). The cost is \$10.

"If I leave my current job and that employer paid for my becoming a notary, am I no longer a notary? — No, you are still a notary. However, be aware that the employer may cancel your bond, and you would be required to get a new one. If you are not allowed to take your stamp with you, it must be destroyed and you can purchase a new one. The stamp, journal, and Certificate of Appointment are the property of the notary (see NRS 240.143)" (website, "FAQs").

Name or Signature Change: Within 30 days after changing a signature or a name with the intention to use the new signature or name in performing notarial duties, the Notary must apply for an amended certificate of appointment with the Secretary of State. The cost is \$10 (NRS 240.036.1 and 3).

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NOTARIAL ACTS

Authorized Acts

Nevada Notaries Public and notarial officers are authorized to perform the following notarial acts (NRS 240.004 unless otherwise noted):

- Take acknowledgments and proofs;
- Administer oaths and affirmations;
- Execute jurats;
- Certify copies;
- Make or note protests of negotiable instruments, if employed by a depository institution;
- Perform marriage ceremonies after qualifying with a county clerk (NRS Chapter 122);
- Perform other duties as prescribed by a specific statute.

Acknowledgments

Definition: "'Acknowledgment' means a declaration by a person that he or she has executed an instrument for the purposes stated therein and, if the instrument is executed in a representative capacity, that the person signed the instrument with proper authority and executed it as the act of the person or entity represented and identified therein" (NRS 240.002).

"In a representative capacity' means:

- "1. For and on behalf of a corporation, partnership, trust or other entity, as an authorized officer, agent, partner, trustee or other representative;
- "2. As a public officer, personal representative, guardian or other representative, in the capacity recited in the instrument;
- "3. As an attorney-in-fact for a principal; or
- "4. In any other capacity as an authorized representative of another" (NRS 240.003)

Standards: "In taking an acknowledgment, determine, from personal knowledge or satisfactory evidence, that the person making the acknowledgment is the person whose signature is on the document. The person who signed the document shall present the document to the notarial officer in person" (NRS 240.1655.2[a]).

"The document signer must present the document to you, the notarial officer, and acknowledge or declare (state) that he or she previously signed the document, or the document signer can sign the document in your presence. If the document is signed in a representative capacity — for example, the person is an officer of a corporation — the person must declare (state) to you that he or she signed the document with proper authority and executed it as the act of the person or entity represented" (website, "Duties").

Proofs

NRS 111.265 authorizes certain officers, including Notaries, to take proofs of conveyances affecting real property: "The proof or acknowledgment of every conveyance affecting any real property, if acknowledged or proved within this State, must be taken by one of the following persons:

"1. A judge or a clerk of a court having a seal.

"2. A notary public.

"3. A justice of the peace."

There are provisions for a proof by handwriting in the event that a subscribing witness is dead or cannot be found (NRS 111.135 through 111.150).

"If a document signer cannot personally appear before a notary, a subscribing witness may swear, or affirm, that the signature is that of the document signer. The subscribing witness had to be present when the document was signed by the principle and be Personally Known by the Notarial Officer to have subscribing witness' signature notarized. Only documents requiring an acknowledgment can be notarized through a subscribing witness" (NPH).

Oaths and Affirmations

Definition: "Oath' includes affirmation or declaration" (NRS 10.035).

Standards: "A notarial officer shall ... in administering an oath or affirmation, determine, from personal knowledge or satisfactory evidence, the identity of the person taking the oath or affirmation" (NRS 240.1655.2[b]).

"The individual taking the oath or affirmation raises one's right hand while you, the notarial officer, state the words of the oath or affirmation. The oath-taker then repeats these words back to you, and the notarial officer completes the document as required" (website, "Duties").

"To be sensitive to people who wish not to take an oath by swearing, the Notary Public may substitute the word 'affirm' for 'swear' and exclude the phrase 'so help you God.' The person must still answer 'Yes' and sign the document in the presence of the Notary Public" (NPH).

Jurats

Definition: "Jurat' means a declaration by a notarial officer that the signer of a document signed the document in the presence of the notarial officer and swore ... or affirmed that the statements in the document are true" (NRS 240.0035).

Standards: "A notarial officer shall ... in executing a jurat, administer an oath or affirmation to the affiant and determine, from personal knowledge or satisfactory evidence, that the affiant is the person named in the document. The affiant shall sign the document in the presence of the notarial officer. The notarial officer shall administer the oath or affirmation required pursuant to this paragraph in substantially the following form: Do you (solemnly swear, or affirm) that the statements in this document are true, (so help you God)?" (NRS 240.1655.2[e]).

Copy Certifications

Standards: "A notarial officer shall ... in certifying a copy of a document, photocopy the entire document and certify that the photocopy is a true and correct copy of the document that was presented to the notarial officer" (NRS 240.1655.2[c]). However, Notaries may not certify photocopies of a certificate of birth, death or marriage or of a divorce or annulment decree (NRS 240.075.5 and 440.175.2).

"When a notary public certifies that a document is a certified or true copy of an original document, the certification shall not be deemed to be evidence that the notary public knows the contents of the document" (NRS 240.063.2).

"In certifying a copy of a document, the Notarial Officer must photocopy the entire document and certify that the photocopy is a true and correct copy of the document that was presented to the notarial officer. The Notary Public must create the copy and is prohibited from completing a certificate on copy produced by another person" (NPH).

"Must I see the original document when notarizing a certified copy? — No, the law allows you to certify to a document presented to you. The notarial wording used to certify a copy does not indicate that you are certifying to an original document" (website, "FAQs").

Regarding the Notary certifying a copy of a document written in a foreign language, "[i]f you are asked to certify a copy [of a document written in a foreign language], you should make the photocopy yourself rather than try to compare two copies" (website, "FAQs").

Paper Printout of Electronic Record: Effective July 1, 2021, Chapter 243 of 2021 (Assembly Bill 325) authorized Electronic Notaries to certify that a tangible copy of an electronic record is a true and correct copy. See "Certificate of Notarial Act," below for the notarial certificate for this new type of copy certification.

"In certifying a copy of an electronic document, the Notarial Officer is certifying that a paper document is a true and correct copy of an electronic document and was printed by the Notarial Officer or under their supervision. The Notarial Officer must print the entire document and complete the certificate on the printed paper document" (NPH).

Protests

Definition: "A protest is a certificate of dishonor made by a United States consul or vice consul, or a notarial officer or other person authorized to administer oaths by the law of the place where dishonor occurs" (NRS 104.3505.2).

Standards: "A notarial officer shall ... in making or noting a protest of a negotiable instrument, verify compliance with the provisions of subsection 2 of NRS 104.3505" (NRS 240.1655.2[d]).

"[A protest] may be made upon information satisfactory to him or her. The protest must identify the instrument and certify either that presentment has been made or, if not made, the reason why it was not made, and that the instrument has been dishonored by nonacceptance or nonpayment. The protest may also certify that notice of dishonor has been given to some or all parties" (NRS 104.3505.2).

"A notary public shall not ... make or note a protest of a negotiable instrument unless the notary public is employed by a depository institution and the protest is made or noted within the scope of that employment. As used in this subsection, 'depository institution' has the meaning ascribed to it in NRS 657.037" (NRS 240.075.10).

Marriages

A law taking effect on October 1, 2013, as Chapter 264 of the Acts of 2013 (Senate Bill 419) amends NRS Chapter 122 to authorize Notaries in good standing to qualify with the county clerk of their county of residence to solemnize marriages. The application fee for such qualification is \$25. Alternatively, any Notary in good standing may apply to the local county clerk, up to five times a year, to perform a specific marriage. The application fee for each such marriage is \$25. In either case, the county clerk may require the applying Notary to pay for a background screening.

Upon being granted county certification of permission to perform marriages, the Notary may officiate at the marital rite of any couple who presents the Notary with a valid marriage license issued by a clerk of a Nevada county. The Notary must take a course offered by the county clerk, if the county clerk has a course. In officiating at nuptial ceremonies, Notaries must comply with all laws of Nevada relating to solemnization of marriages. A Notary who performs a marriage without the couple presenting a valid license is guilty of a misdemeanor. After a marriage is solemnized, the Notary gives each couple a marriage certificate.

A certificate of permission to perform marriages is valid as long as the Notary's appointment is in effect. Upon appointment expiration and renewal, the Notary may renew the certificate of permission without a fee if the application is made within three months of appointment expiration. If the Notary moves from the county, the certificate of permission to perform marriages expires.

A Notary may charge \$75 to perform a marriage (NRS 240.100.1). "A notary public may only charge the fee ... for performing a marriage ceremony if the notary public possesses a valid certificate to perform marriages that has been issued to the notary public pursuant to NRS 122.064" (NAC 240.320.1). Violations may result in revocation or suspension of the Notary's appointment (NAC 240.310.2).

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STANDARDS OF PRACTICE

Personal Appearance

Requirement: "A notary public who is appointed pursuant to [Chapter 240] shall not willfully notarize the signature of a person unless the person is in the presence of the notary public" (NRS 240.155.1).

Identification

Requirement: In taking an acknowledgment, executing a jurat, or administering an oath or affirmation, a Notary must identify the principal "from personal knowledge or satisfactory evidence" (NRS 240.1655.2).

"A notary public who is appointed pursuant to [Chapter 240] shall not willfully notarize the signature of a person unless the person is in the presence of the notary public and:

"(a) Is known to the notary public; or

"(b) If unknown to the notary public, provides a credible witness or documentary evidence of identification to the notary public" (NRS 240.155.1).

Personal Knowledge: "A notarial officer has personal knowledge of the identity of a person appearing before the officer if the person is personally known to the officer through dealings sufficient to provide reasonable certainty that the person has the identity claimed" (NRS 240.062).

Satisfactory Evidence: "[A] notarial officer has satisfactory evidence that a person is the person whose signature is on a document if the person:

"(a) Is personally known to the notarial officer;

"(b) Is identified upon the oath or affirmation of a credible witness who personally appears before the notarial officer;

"(c) Is identified on the basis of an identifying document which contains a signature and a photograph;

"(d) Is identified on the basis of a consular identification card;

"(e) Is identified upon an oath or affirmation of a subscribing witness who is personally known to the notarial officer; or

"(f) In the case of a person who is 65 years of age or older and cannot satisfy the requirements of paragraphs (a) to (e), inclusive, is identified upon the basis of an identification card issued by a governmental agency or a senior citizen center" (NRS 240.1655.4).

Credible Witness: "'Credible witness' means a person who:

"1. Swears or affirms that the signer of a document is the person whom he or she claims to be; and

"2. Is known personally to the signer of the document and the notarial officer" (NRS 240.0025).

The credible witness must be present at the time of notarization (NRS 240.1655.4).

An oath or affirmation administered by a Notary to a credible witness must be in substantially the following form: "Do you (solemnly swear, or affirm) that you personally know _____ (name of person who signed the document) (so help you God)?" (NRS 240.1655.5).

"If a credible witness is used, that person must also sign your journal.... The credible witness needs to be present" (website, "FAQs").

Documentary ID: "How many pieces of ID should I require? — As many as necessary to give you satisfactory evidence that the person whose signature is on the document is that person. One may be sufficient. If you rely on an identifying document, that document must contain a signature and a photograph of the document signer" (website, "FAQs").

"Can I use an expired photo ID if the signature and photo match the person before me? — The statute doesn't address expired IDs. You, the notary, have to make the determination of whether the ID presented is satisfactory or not" (website, "FAQs").

In regard to the documentary identification standards allowed by statute for signers 65 years of age or older (i.e., any card issued by a governmental agency or senior citizen center), the Notary is cautioned to "[u]se this method of identification only if there is absolutely no other way to identify the document signer" (website, "FAQs").

Proofs: "No proof by a subscribing witness shall be taken unless the witness shall be personally known to the person taking the proof to be the person whose name is subscribed to the conveyance as witness thereto, or shall be proved to be such by the oath or affirmation of a credible witness" (NRS 111.120).

Incomplete Documents

Prohibition: "A notary public shall not ... perform 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 240.075.9).

"Filled Out Completely" Defined: "For the purposes of subsection 9 of NRS 240.075, the Secretary of State will deem a document that requires the signer to provide information within blank spaces to be filled out completely if the signer:

"(a) Provides information in each blank space; or

"(b) Designates any blank space in which information is not provided as not applicable or draws a line through the blank space" (NAC 240.310.1).

Blank Signature Line: "If a document contains any blank signature line that is designated for an additional signer but the remainder of the document, exclusive of any such blank signature line, satisfies the requirements of subsection 1, the Secretary of State will deem the document to be filled out completely if it is clear that the notarization does not apply to any such blank signature line" (NAC 240.310.2).

Blank Document: "A notary public shall not ... [p]erform a notarial act on a document that contains only a signature" (NRS 240.075.8).

"What if I am asked to notarize a signature that is on a blank piece of paper (no text)? — You must ask your customer to write an explanation as to why they want their signature notarized.... This statement may be as simple as: 'I have been asked to have my signature notarized for verification'" (website, "FAQs").

Awareness or Competence

"Must I determine if the person signing before me understands what he or she is signing? — You are not obligated to make this determination. If you are not comfortable performing a notarial service, you may refuse ..." (website, "FAQs").

Signature by Mark

"1. The signature of a party, when required to a written instrument, is equally valid if the party cannot write, if:

"(a) The person makes his or her mark;

"(b) The name of the person making the mark is written near it; and

"(c) The mark is witnessed by a person who writes his or her own name as a witness.

"2. In order that a signature by mark may be acknowledged or may serve as the signature to any sworn statement, it must be witnessed by two persons who must subscribe their own names as witnesses thereto" (NRS 52.305).

Signature by Proxy

"If a person is physically unable to sign a document that is presented to a notarial officer pursuant to this section, the person may direct a person other than the notarial officer to sign the person's name on the document. The notarial officer shall insert 'Signature affixed by (insert name of other person) at the direction of (insert name of person)' or words of similar import" (NRS 240.1655.8).

"Both the person who is physically unable to sign the document and the person directed to sign the person's name on the document shall appear before the notarial officer at the time the document is signed" (NAC 240.340.1).

Signature Stamp

Under NRS Chapter 426, a person who is unable to write a signature due to a physical disability may use a signature stamp to affix a signature "any time that a signature is required by law":

"A person, government, governmental agency and political subdivision of a government must treat each signature affixed by [such a person] through the use of a signature stamp in the same manner as it treats a signature made in writing" (NRS 426.257).

Disqualifying Interest

Personal: "A notary public may not perform a notarial act if:

"(a) The notary public executed or is named in the instrument acknowledged, sworn to or witnessed or attested;

"(b) Except as otherwise provided in [NRS 240.065] subsection 2, the notary public has or will receive directly from a transaction relating to the instrument or pleading a commission, fee, advantage, right, title, interest, property or other consideration in excess of the fee authorized pursuant to NRS 240.100 for the notarial act; (NRS 240.065[1]):

Relatives: "A notary public may not perform a notarial act if:

...

"(c) The notary public and the person whose signature is to be acknowledged, sworn to or witnessed or attested are domestic partners; or

"(d) The person whose signature is to be acknowledged, sworn to or witnessed or attested is a relative of the domestic partner of the notary public or a relative of the notary public by marriage or consanguinity" (NRS 240.065.1[c] and [d]).

"As used in this section, 'relative' includes, without limitation:

"(a) A spouse or domestic partner, parent, grandparent or stepparent;

"(b) A natural born child, stepchild or adopted child;

"(c) A grandchild, brother, sister, half brother, half sister, stepbrother or stepsister;

"(d) A grandparent, parent, brother, sister, half brother, half sister, stepbrother or stepsister of the spouse or domestic partner of the notary public; and

"(e) A natural born child, stepchild or adopted child of a sibling or half sibling of the notary public or of a sibling or half sibling of the spouse or domestic partner of the notary public" (NRS 240.065.3).

Attorneys: "A notary public who is an attorney licensed to practice law in this State may perform a notarial act on an instrument or pleading if the notary public has or will receive directly from a transaction relating to the instrument or pleading a fee for providing legal services in excess of the fee authorized pursuant to NRS 240.100 for the notarial act" (NRS 240.065.2).

Other Notarial Officers: "A notarial officer other than a notary public may not perform a notarial act with respect to a document to which the officer or the officer's spouse or domestic partner is a party, or in which either of them has a direct beneficial interest.... A notarial act performed in violation of this subsection is voidable" (NRS 240.061.2).

Foreign-Language Document

"Can I notarize a document that is written in a foreign language? — In most instances, yes. All you need is a title to put in your journal, and you can use the title the person gives you. However, you may not be able to witness a signature because you must be able to tell if that person is named in the document. If you are asked to certify a copy, you should make the photocopy yourself rather than try to compare two copies. You may need to check with an interpreter as to the type, or title, of the document. If this document is false or endorses or promotes a product, you will not know that. Finally, if the document is written in a language you cannot read, you must add the notarial wording in English" (website, "FAQs").

"Can I notarize a document written in a foreign language? – Yes. But, like all notarial acts you complete, this depends on if the Notary Public can obtain the information required to perform the Notarial Act.

"• Can the notary obtain the title of document needed for the journal?

"• When executing a Jurat, can the Notary Public determine the individual is named within the instrument?

"• Is the Notary Public able to verify that the document does not use the Notary's signature to endorse or promote a product?" (NPH)

"If I am asked to certify a copy of a document that is in a language I do not understand, may I refuse to complete the Notarial Act because I am worried, I may be photocopying a document which I am prohibited for copying? – Yes. Again, you should not feel forced to complete a notarization" (NPH).

Steps to Proper Notarization

"Print and use the following Quick Reference Procedure to prevent errors in notarizing" (website, "Notarial Wording"). The steps listed are as follows:

1. Read notarial wording.
2. Examine signer's ID, compare picture and description.
3. Require signer to sign journal.
4. Complete journal entry.
5. Have document signer sign document, if unsigned.
6. Complete notarial wording.
7. Sign and stamp document.

Notarizing After Hours

"Can my employer deny me the right to notarize after hours? — No, your appointment belongs to you, the notary, not your employer (see NRS 240.101, 240.100.4, and 240.143)" (website, "FAQs").

Serving the Public

"May I set aside certain hours to notarize documents for the general public and limit notarization to those hours (example: 1 p.m. to 2 p.m. only)? — This is a business decision to be made by each notary. The law does not prohibit such a practice" (website, "FAQs").

"Do I have to declare that I am a notary if a person off the street asks, 'Where can I find a notary?' — No. The notary law simply states that 'a notary public may, during normal business hours, perform notarial acts in lawful transactions for a person who requests the act and tenders the appropriate fee' (see NRS 240.060)" (website, "FAQs").

Undue Influence

"A notary public shall not ...[i]nfluence a person to enter or not enter into a lawful transaction involving a notarial act performed by the notary public" (NRS 240.075.1).

Deceit and Fraud

"A notary public shall not ...[p]erform any act as a notary public with intent to deceive or defraud, including, without limitation, altering the journal that the notary public is required to keep pursuant to NRS 240.120" (NRS 240.075.3).

Testimonials

"A notary public shall not ...[e]ndorse or promote any product, service or offering if his or her appointment as a notary public is used in the endorsement or promotional statement" (NRS 240.075.4).

Advertisements

Foreign Language Ads: "Every notary public who is not an attorney licensed to practice law in this State and who advertises his or her services as a notary public in a language other than English by any form of communication, except a single plaque on his or her desk, shall post or otherwise include with the advertisement a notice in the language in which the advertisement appears. The notice must be of a conspicuous size, if in writing, and must appear in substantially the following form: "I AM NOT AN ATTORNEY IN THE STATE OF NEVADA. I AM NOT LICENSED TO GIVE LEGAL ADVICE. I MAY NOT ACCEPT FEES FOR GIVING LEGAL ADVICE" (NRS 240.085.1).

Use of 'Notario': "A notary public who is not an attorney licensed to practice law in this State shall not use the term "notario," "notario publico," "licenciado" or any other equivalent non-English term in any form of communication that advertises his or her services as a notary public, including, without limitation, a business card, stationery, notice and sign" (NRS 240.085.2).

Employer Restrictions: Effective July 1, 2015, laws governing employers of Notaries have been added to those cited above. Henceforth, an employer of a Notary may not:

"(a) Prohibit the notary public from meeting the requirements set forth in subsection 1 [of NRS 240.085]; or

"(b) Advertise using the term "notario," "notario publico" or any other equivalent non-English term in any form of communication that advertises notary public services, including, without limitation, a business card, stationery, notice and sign, unless the notary public under his or her employment is an attorney licensed to practice law in this State" (NRS 240.085.5).

Fraudulent Documents

"What should I do if I determine a document is forged or fraudulent? — Don't notarize it. As a responsible citizen, you should also report the crime to law enforcement although nothing in the notarial law requires this" (website, "FAQs").

False Titles: A law that took effect July 1, 2011, defines the crime of "making a false representation concerning title" and makes it a category C felony. This crime applies when any person "executes or notarizes a document purporting to create an interest in, or a lien or encumbrance against, real property, that is recorded in the office of the county recorder in which the real property is located and who knows or has reason to know that the document is forged or groundless, contains a material misstatement or false claim or is otherwise invalid ..." (NRS 205.395).

Document Correctness

"It's not the notary's responsibility to check that the form is properly filled out, but it is the notary's responsibility to make sure the notarial wording is correct and complete" (website, "FAQs").

Document Preparation Services

A law enacted in 2013 as Chapter 535 (Assembly Bill 74) and effective March 1, 2014, puts in place a statutory framework for the regulation of persons, including Notaries Public, who provide document preparation services. The law now defines a document preparation service provider as a person who, for compensation and at the direction of a client, provides assistance to the client in a legal matter through such tasks as:

- (a) preparing or completing a pleading, application or other document;
- (b) translating an answer to a question posed in such a document;
- (c) securing any needed support document, such as a birth certificate; or
- (d) submitting a completed document on behalf of the client to a court or administrative agency.

The law does not apply to attorneys, law students, or government employees or persons who provide only secretarial services, among others (NRS 240A.030).

Under the law, any would-be provider of document preparation services must register with the Nevada Secretary of State and obtain a \$50,000 surety bond (NRS 240A-120). The law sets rules for dealing with clients and prohibits advertisements using the terms "legal aid," "legal services," "law office," "notary public," "notary," "licensed," "attorney," "lawyer," or any similar term in English or any other language. The law gives the Secretary of State authority to investigate and discipline violators. It also provides a statutory list of prohibited acts for document preparation professionals, including claiming to have special influence with a court or agency with which a document is to be filed (NRS 240A-240 and 240A-260).

Chapters 449 and 199 of the Acts of 2015 (Senate Bill 401 and Assembly Bill 65, respectively) include additional restrictions and requirements for document preparation service providers. Registrants must declare to the Secretary of State under penalty of perjury that they have never had a registration to provide document preparation services revoked or suspended in Nevada or any other U.S. state or territory (NRS 240A-100[4]). Registrants are prohibited from using the terms "notario," "notario publico," "licenciado" or similar terms in any language, which imply that the registrant offers services at no charge if the registrant does not do so or is not an attorney licensed to practice law in Nevada (NRS 240A-240[3]). The law now prohibits the Secretary of State from registering as a document preparation service provider any person who has had a registration revoked or suspended for cause, in Nevada or any other state, and authorizes the Secretary to inspect required documentation to ensure registrants' compliance with the law (NRS 240A-100[2][b]) and 240A-265).

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CERTIFICATE OF NOTARIAL ACT

Certificate Requirements

"A notarial act must be evidenced by a certificate that:

"(a) Identifies the county, including, without limitation, Carson City, in this state in which the notarial act was performed in substantially the following form:

"State of Nevada

"County of _____

"(b) Except as otherwise provided in this paragraph, includes the name of the person whose signature is being notarized. If the certificate is for certifying a copy of a document, the certificate must include the name of the person presenting the document. If the certificate is for the jurat of a subscribing witness, the certificate must include the name of the subscribing witness.

"(c) Is signed and dated in ink by the notarial officer performing the notarial act. If the notarial officer is a notary public, the certificate must be signed in the same manner as the signature of the notarial officer that is on file with the Secretary of State.

"(d) If the notarial officer performing the notarial act is a notary public, includes the statement imprinted with the stamp of the notary public, as described in NRS 240.040.

"(e) If the notarial officer performing the notarial act is not a notary public, includes the title of the office of the notarial officer and may include the official stamp or seal of that office. If the officer is a commissioned officer on active duty in the military service of the United States, the certificate must also include the officer's rank" (NRS 240.1655.1).

"A notarial officer shall not ... affix his or her stamp to any document which does not contain a notarial certificate" (NRS 240.075.11).

"Your signature and stamp by themselves do not constitute a complete notarization. You also need to complete the notarial wording" (website, "FAQs").

Certificate Forms

Nevada has adopted the *Uniform Law on Notarial Acts* short-form certificates (NRS 240.166, 240.1665, 240.167, and 240.168, respectively) for:

1. Acknowledgment by individual;
2. Acknowledgment by representative;
3. Jurat ("verification upon oath or affirmation");
4. Certifying a copy of document.

Nevada also has adopted certificates for an acknowledgment by a signer who is identified by a credible witness, for an acknowledgment by an attorney in fact, for the jurat of a subscribing witness, and for an oath or affirmation of office (NRS 240.169, 240.1667, 240.1685 and 240.1663, respectively). The text of these certificates appears below.

Specifically, for the acknowledgment of a durable power of attorney for either finances or health care, effective October 1, 2009, Nevada has adopted the Uniform Power of Attorney Act (NRS Chapter 162A). This act stipulates specific wording for the Notary certificate on such documents (NRS 162A.620). Effective June 4, 2015, Nevada has added to this chapter laws governing the acknowledgment of a durable power of attorney for health care by a person with an intellectual disability; the same Notary certificate wording applies.

The text of these certificates appears below.

Acknowledgment by Individual Signer (Short Form) (NRS 240.166)

State of Nevada

County of _____

This instrument was acknowledged before me on _____ (date) by _____ (name of person).

(Stamp) _____ (Signature of notarial officer)

_____ (Title and rank [optional])

Acknowledgment by Representative Signer (Short Form) (NRS 240.1665)

State of Nevada

County of _____

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

(Stamp) _____ (Signature of notarial officer)

_____ (Title and rank [optional])

Jurat (Short Form) (NRS 240.167)

State of Nevada

County of _____

Signed and sworn to (or affirmed) before me on _____ (date) by _____ (name of person making statement).

(Stamp) _____ (Signature of notarial officer)

_____ (Title and rank [optional])

Copy Certification (Short Form) (NRS 240.168)

State of Nevada

County of _____

I certify that this is a true and correct copy of a document in the possession of _____ (name of person who presents the document).

Dated _____

(Stamp) _____ (Signature of notarial officer)

_____ (Title and rank [optional])

Acknowledgment by Signer Identified by Credible Witness (Short Form) (NRS 240.169)

State of Nevada

County of _____

This instrument was acknowledged before me on _____ (date) by _____ (name of person), who personally appeared before me and whose identity I verified upon the oath of _____ (name of credible witness), a credible witness personally known to me and to the person who acknowledged this instrument before me.

(Stamp) _____ (Signature of notarial officer)

_____ (Title and rank [optional])

Acknowledgment by Attorney in Fact (Short Form) (NRS 240.1667)

State of Nevada

County of _____

This instrument was acknowledged before me on _____ (date) by _____ (name of person holding power of attorney), as attorney in fact for _____ (name of principal/person named in the document).

(Stamp) _____ (Signature of notarial officer)

_____ (Title and rank [optional])

Acknowledgment by Person Physically Unable to Sign Directing Another to Sign on His/Her Behalf (NAC 240.340[2])

State of Nevada

County of _____

This instrument was acknowledged before me on _____ (date) by _____ (name of person physically unable to sign document), who directed that his or her signature be affixed to the above instrument by _____ (name of person directed to sign document).

(Stamp) _____ (Signature of notarial officer)

_____ (Title and rank [optional])

Acknowledgment for Durable Power of Attorney for Finances or Health Care (NRS 162A.620)

State of Nevada

County of _____

On this ____ day of _____ in the year _____, before me _____ (name of Notary), personally appeared _____ (name of principal), personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to this instrument, and acknowledged that he or she executed it. I declare under penalty of perjury that the person whose name is subscribed to this instrument appears to be of sound mind and under no duress, fraud or undue influence.

(Stamp) _____ (Signature of notarial officer)

_____ (Title and rank [optional])

Jurat of Subscribing Witness (Short Form) (NRS 240.1685)

State of Nevada

County of _____

On _____ (date), _____ (name of subscribing witness) personally appeared before me, whom I know to be the person who signed this jurat of a subscribing witness while under oath, and swears that he/she was present and witnessed _____ (name of principal signer) sign his/her name to the above document.

_____ (Signature of subscribing witness)

Signed and sworn before me on _____ (date) by _____ (name of subscribing witness).

(Stamp) _____ (Signature of notarial officer)

_____ (Title and rank [optional])

Jurat of Person Taking Oath or Affirmation of Office (NRS 240.1663)

State of Nevada

County of _____

I, _____ (name of person taking oath or affirmation of office), do solemnly swear (or affirm) that I will support, protect and defend the Constitution and Government of the United States and the Constitution and Government of the State of Nevada against all enemies, whether domestic or foreign, and that I will bear true faith, allegiance and loyalty to the same, any ordinance, resolution or law of any state notwithstanding, and that I will well and faithfully perform all the duties of the office of _____ (title of office), on which I am about to enter; (if an oath) so help me God; (if an affirmation) under the pains and penalties of perjury.

_____ (Signature of person taking oath or affirmation of office)

Signed and sworn to (or affirmed) before me on _____ (date) by _____ (name of person taking oath or affirmation of office).

(Stamp) _____ (Signature of notarial officer)

_____ (Title and rank [optional])

Copy Certification of a Paper Copy of an Electronic Record (NRS 240.19902)

State of Nevada

County of _____

I certify that this is a true and correct copy of an electronic document printed by me or under my supervision. I further certify that, at the time of printing, no security features present on the electronic document indicated any changes or errors in an electronic signature or other information in the electronic document since its creation or execution.

Dated _____

(Stamp) _____ (Signature of notarial officer)

_____ (Title and rank [optional])

Sufficiency of Certificate

"A certificate of a notarial act is sufficient if it meets the requirements of subsections 1 and 2 [of NRS 240.1655] and it:

"(a) Is in the short form set forth in NRS 240.166 to 240.169, inclusive;

"(b) Is in a form otherwise prescribed by the law of this state;

"(c) Is in a form prescribed by the laws or regulations applicable in the place in which the notarial act was performed; or

"(d) Sets forth the actions of the notarial officer and those are sufficient to meet the requirements of the designated notarial act ..." (NRS 240.1655.3).

Providing a Certificate

"When there is no room for the notarial certificate (such as on many DMV documents), may I attach one on another piece of paper? How should I indicate that this is what I have done? — The notary stamp must be readable, and the 1997 law prohibits placing your notary stamp or your signature over printed material. Note on the document that a notarial certificate is attached and note on the notarial certificate the kind of document to which it is attached. This will also apply if you notarized the back of the document. Keep in mind, the best place for the notary wording and your notary stamp is on the face of the document where the signature of the document signer appears" (website, "FAQs").

"A notary is not allowed to decide which notary wording will be added. It is up to the document signer to select the type of notary wording to be added" (website, "Notarial Wording").

Correcting a Certificate

"May I change the venue if it is printed with the wrong state or county? – The Notary Public shall authenticate all acts with a Nevada compliant certificate. It is best practice to complete a new certificate rather than editing or correcting prepopulated wording" (NPH).

Unlawful Use of Certificate

"It is unlawful for any person to:

"(a) Photocopy or otherwise reproduce a completed notarial certificate with a notary's statement and signature if that certificate is reproduced for use in a mailing to endorse, promote or sell any product, service or offering; or

"(b) Include a photocopy or other reproduction of a completed notarial certificate with a notary's statement and signature in a mailing to endorse, promote or sell any product, service or offering" (NRS 240.145.1).

False Certificate

"A notary public shall not ... [c]ertify an instrument containing a statement known by the notary public to be false" (NRS 240.075.2).

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SEAL AND SIGNATURE

Stamp Requirement

A notarial act must be evidenced by a certificate that ... [i]f the notarial officer performing the notarial act is a notary public, includes the statement imprinted with the stamp of the notary public, as described in NRS 240.040" (NRS 240.1655.1[d]).

Stamp Format

Rubber or Other Mechanical Stamp: The seal must be "imprinted in indelible, photographically reproducible ink with a rubber or other mechanical stamp" (NRS 240.040.1[a]). "As used in this section, 'mechanical stamp' includes an imprint made by a computer or other similar technology" (NRS 240.040.6). In all cases, the stamp must produce a legible imprint (NRS 240.040.3[b]).

In Nevada, the Notary's official imprinting device is generally referred to as the "Notary stamp," which typically is a rubber inking stamp. The term "Notary seal" is reserved for embossers, which Notaries in the state were required to use prior to July 1, 1965 (NRS 240.040.2).

Shape and Size: Rectangular, not larger than 1 inch by 2½ inches. A border design for the stamp is optional (NRS 240.040.3[a]).

Components:

"1. The statement [imprinted with the stamp of the notary public] must

...

"(b) Set forth:

"(1) The name of the notary public;

"(2) The phrase "Notary Public, State of Nevada";

"(3) The date on which the appointment of the notary public expires;

"(4) The number of the certificate of appointment of the notary public;

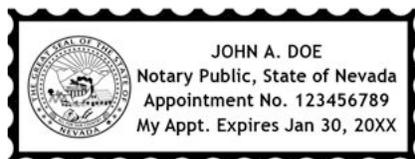
"(5) If the notary public so desires, the Great Seal of the State of Nevada; and

"(6) If the notary public is a resident of an adjoining state, the word 'nonresident'" (NRS 240.040.1).

The use of the Great Seal of the State of Nevada is optional.

Example

The below typical, actual-size examples of rubber stamp, embossing, and electronic Notary seals are allowed by Nevada law. Other formats may also be permitted. The Great Seal and border are optional.



Ink Color

"How important is it that I use black ink for my stamp as opposed to some other color? — The notary law states that you may use any color ink as long as it is indelible and photographically reproducible" (website, "FAQs"; see also NRS 240.040.1[a]).

Seal Embosser

"After July 1, 1965, an embossed notarial seal is not required on notarized documents" (NRS 240.040.2).

Placement of Stamp

"A notary public shall not affix his or her stamp over printed material" (NRS 240.040.4).

"When there is no room for the notarial certificate, may I use my stamp on the back or attach one on another piece of paper? How should I indicate that this is what I have done? – The notary stamp must be readable, and Statute prohibits placing a Notary Public’s stamp or signature over printed material. You may use the back of the document or an attached sheet. When a notarial certificate is attached, please note on the notarial certificate the document to which it is attached" (NPH).

Manufacturing Stamp

Commission Certificate Required: "A person or governmental entity shall not make, manufacture or otherwise produce a notary’s stamp unless the notary public presents his or her original or amended certificate of appointment or a certified copy of his or her original or amended certificate of appointment to that person or governmental entity" (NRS 240.045.3).

Multiple Stamps Allowed: A Notary may obtain and use more than one stamp (website, "FAQs").

Lost or Damaged Stamp

"1. If the stamp of a notary public is lost, the notary public shall, within 10 days after the stamp is lost, submit to the Secretary of State a request for an amended certificate of appointment, on a form provided by the Secretary of State, and obtain a new stamp.... The request must be accompanied by a fee of \$10.

"2. If the stamp is destroyed, broken, damaged or otherwise rendered inoperable, the notary public shall immediately notify the Secretary of State of that fact and obtain a new stamp" (NRS 240.045).

Security of Stamp

"A notary public shall keep his or her stamp in a secure location during any period in which the notary public is not using the stamp to perform a notarial act" (NRS 240.040.5).

"As used in NRS 240.040 and 240.120, the Secretary of State will interpret the term 'secure location' to include, without limitation:

"1. In the sole possession of the notary public to whom a stamp or journal belongs; or

"2. A locked location over which the notary public to whom a stamp or journal belongs has sole control" (NAC 240.300).

Unauthorized Use of Stamp

"A notary public shall not ...[a]llow any other person to use his or her notary's stamp" (NRS 240.075.6).

New Stamp Required for Amended Certificate

"When the notary public receives the amended certificate of appointment, the notary public shall ... [d]estroy his or her notary's stamp and obtain a new notary's stamp which includes the information on the amended certificate" (NRS 240.036.5[a]).

Withholding Notary's Stamp

"It is unlawful for a person who comes into possession of the official stamp, journal or certificate of appointment of a notary public to withhold such an item from the notary public, whether or not the person provided the notary public with the money to acquire the item" (NRS 240.143).

Destruction of Stamp

Upon the resignation or death of a current Notary, the Notary — or the executor of the Notary's estate — must notify the Secretary of State and destroy the official stamp (NRS 240.051[1]). "The stamp must be destroyed immediately" (website, "FAQs").

Notary's Signature

Conformity to Signature on File: On every notarial certificate, an official signature must "be signed and dated in ink by the notarial officer performing the notarial act. If the notarial officer is a notary public, the certificate must be signed in the same manner as the signature of the notarial officer that is on file with the Secretary of State" (NRS 1655.1[c]).

Overlapping Text: "A notarial officer shall not affix his or her signature over printed material" (NRS 240.1655.6).

Evidentiary Value: "The signature of a notary public on a document shall be deemed to be evidence only that the notary public knows the contents of the document that constitute the signature, execution, acknowledgment, oath, affirmation or affidavit" (NRS 240.063.1).

Unauthorized Use of Signature: "A notary public shall not ... [a]llow any other person to sign the notary's name in a notarial capacity" (NRS 240.075.7).

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RECORDS OF NOTARIAL ACTS

Records Requirement

Journal of Notarial Acts: A Nevada Notary Public must keep a journal of notarial acts (NRS 240.120.1).

Electronic Journal of Electronic Notarial Acts: "An electronic notary public shall keep an electronic journal of each electronic notarial act which includes, without limitation, the requirements of subsections 1 and 5 of NRS 240.120, but does not include the electronic signatures of the person for whom the electronic notarial act was performed and any witnesses: (NRS 240.201.1).

Recording of Remote Notarial Acts: "An electronic notary public shall arrange for a recording to be made of each electronic notarial act performed using audio-video communication" (NRS 240.1995.1).

Journal Format

Notarial Acts: "The journal must ... [b]e in a bound volume with preprinted page numbers" (NRS 240.120.6[b]).

Electronic Notarial Acts: "An electronic journal must:

- "(a) Enable access by a password or other secure means of authentication; and
- "(b) Be capable of providing tangible or electronic copies of any entry made therein" (NRS 240.201.5).

Journal Entries

"Except as otherwise provided in subsection 2, each notary public shall keep a journal in his or her office in which the notary public shall enter for each notarial act performed, at the time the act is performed:

- "(a) The fees charged, if any;
- "(b) The title of the document;
- "(c) The date on which the notary public performed the act;
- "(d) Except as otherwise provided in subsection 3, the name and signature of the person whose signature is being notarized;
- "(e) Subject to the provisions of subsection 4, a description of the evidence used by the notary public to verify the identification of the person whose signature is being notarized;
- "(f) An indication of whether the notary public administered an oath; and
- "(g) The type of certificate used to evidence the notarial act, as required pursuant to NRS 240.1655" (NRS 240.120.1).

Refusal for Failure to Sign: "May I refuse to complete a notarization for someone who refuses to sign my journal? – You must. Chapter 240 of Nevada Revised Statute requires the journal be signed. It is a good practice to complete the journal entry before you complete the notarial certificate" (NPH).

Delegating Journal Duties: "To save time, can I have another employee enter the information required in the journal, then have the document signer sign the journal in my presence? – No, you may not have any other person than yourself enter information into your journal" (NPH).

One Entry, Multiple Acts: "A notary public may make one entry in the journal which documents more than one notarial act if the notarial acts documented are performed:

- "(a) For the same person and at the same time; and
- "(b) On one document or on similar documents" (NRS 240.120.2).

Signature Exception: "When performing a notarial act for a person, a notary public need not require the person to sign the journal if:

- "(a) The notary public has performed a notarial act for the person within the previous 6 months;
- "(b) The notary public has personal knowledge of the identity of the person; and
- "(c) The person is an employer or coworker of the notary public and the notarial act relates to a transaction performed in the ordinary course of the person's business" (NRS 240.120.3).

"If, pursuant to [NRS 240.120] subsection 3, a notary public does not require a person to sign the journal, the notary public shall enter 'known personally' as the description required to be entered into the journal pursuant to paragraph (e) of subsection 1" (NRS 240.120.4).

Personally Known: "A notary public may enter in his or her journal 'known personally' as the description of the evidence used by the notary public to verify the identification of a person whose signature is being notarized pursuant to NRS 240.120 if the notary public has personal knowledge of the identity of the person" (NAC 240.330).

Credible Witness: "If the notary verifies the identification of the person whose signature is being notarized on the basis of a credible witness, the notary public shall:

- "(a) Require the witness to sign the journal in the space provided for the description of the evidence used;

and

“(b) Make a notation in the journal that the witness is a credible witness” (NRS 240.120.5).

Travel Fees: Any travel fee charged must be noted in the journal, along with the “date and time that the notary public began and ended such travel” (NRS 240.100.5).

Electronic and Online Acts: For each electronic notarial act performed, an Electronic Notary must create a journal entry that conforms to the requirements of NRS 240.120 (NRS 240.201).

Personal Information Protected: “The electronic journal required pursuant to NRS 240.201 must not contain any personal identifying information (PII) that would not be otherwise required pursuant to this act. The electronic journal of a notarial act shall not include the recording of the notarial act if the act is performed by audio-video communication required under NRS 240.1995 and this chapter.” (NAC 240 Sec. 41).

“An electronic journal may not allow a record to be deleted or altered in content or sequence by the electronic notary public or any other person after the journal entry is recorded. This provision does not preclude a solution provider from providing technical services or maintenance with respect to an electronic journal” (NAC 240 Sec. 42).

“Pursuant to NRS 240.201, the electronic journal must be open to lawful inspection” (NAC 240 Sec. 43).

“The electronic journal required pursuant to NRS 240.201 must be securely backed up” (NAC 240 Sec. 44).

Inspection and Copying of Journal

“The journal must ... [b]e open to public inspection” (NRS 240.120.6[a]).

“A notary public shall, upon request and payment of the fee set forth in NRS 240.100, provide a certified copy of an entry in his or her journal” (NRS 240.120.7).

Any person may inspect the Notary’s journal during the time that the Notary “would normally be at work” (website, “FAQs”).

Lost or Stolen Journal

“A notary public shall file a report with the Secretary of State and the appropriate law enforcement agency if the journal of the notary public is lost or stolen” (NRS 240.120.10).

Retention of Journal

Notary Public: “A notary public shall retain each journal that the notary public has kept pursuant to this section until 7 years after the date on which he or she ceases to be a notary public” (NRS 240.120.9).

“If I stop being a notary or if I die, what happens to my journal? — Notify the Secretary of State writing as to the location of the journal if it is within [7 years]. After this time frame, your estate may dispose of the journal(s) (website, “FAQs”).

Electronic Notary Public: “Upon surrender, revocation or expiration of a registration as an electronic notary public, all notarial records required pursuant to NRS 240.001 to 240.206, inclusive, and sections 30 to 38.7, inclusive, of this act must, except as otherwise provided by law, be kept by the electronic notary public for a period of 7 years after the termination of the registration of the electronic notary public” (NRS 240.201.7).

Security of Journal

“A notary public shall keep his or her journal in a secure location during any period in which the notary public is not making an entry or notation in the journal pursuant to this section” (NRS 240.120.1.8).

“As used in NRS 240.040 and 240.120, the Secretary of State will interpret the term ‘secure location’ to include, without limitation:

- “1. In the sole possession of the notary public to whom a stamp or journal belongs; or
- “2. A locked location over which the notary public to whom a stamp or journal belongs has sole control” (NAC 240.300).

Willful Alteration of Journal

"A notary public shall not ... [p]erform any act as a notary public with intent to deceive or defraud, including, without limitation, altering the journal that the notary public is required to keep pursuant to NRS 240.120" (NRS 240.075.3).

Withholding Notary's Journal

"It is unlawful for a person who comes into possession of the official stamp, journal or certificate of appointment of a notary public to withhold such an item from the notary public, whether or not the person provided the notary public with the money to acquire the item." Such items are considered the personal property of the Notary (NRS 240.143).

Destruction and Concealment of Journal

"It is unlawful for a person to knowingly destroy, deface or conceal a notarial record" (NRS 240.147).

Other Notarial Officers

None of the journal requirements and provisions of NRS 240.120 that apply to Notaries Public apply to the following "notarial officers": a judge, clerk or deputy clerk of any court in Nevada; a justice of the peace; any other person authorized to perform notarial acts by Nevada law; and any person authorized to notarize by the law of a federally recognized Indian tribe (NRS 240.120.11 and 240.1635.1).

Recording of Remote Notarizations

Notice of Recording: "Before performing any electronic notarial act using audio-video communication, the electronic notary public must inform all participating persons that the electronic notarization will be electronically recorded" (NRS 240.1995.1).

Contents of Recording: "If the person for whom the electronic notarial act is being performed is identified by personal knowledge, the recording of the electronic notarial act must include an explanation by the electronic notary public as to how he or she knows the person and how long he or she has known the person" (NRS 240.1995.2)

"If the person for whom the electronic notarial act is being performed is identified by a credible witness:

"(a) The credible witness must appear before the electronic notary public; and

"(b) The recording of the electronic notarial act must include:

"(1) A statement by the electronic notary public as to whether he or she identified the credible witness by personal knowledge or satisfactory evidence; and

"(2) An explanation by the credible witness as to how he or she knows the person for whom the electronic notarial act is being performed and how long he or she has known the person" (NRS 240.1995.2).

Personal Information Protected: "The recording of an electronic notarial act pursuant to NRS 240.1995 and any personal identifying information (PII) disclosed during the performance of a notarial act using audio-video communication must be protected from unauthorized access" (NAC 240 Sec. 45).

Availability of Recording: "The recording of an electronic notarial act pursuant to NRS 240.1995 is available:

"1. To the principal for whom the electronic notarial act was performed;

"2. To the Secretary of State's Office;

"3. To law enforcement or state, federal or local agencies in the course of an enforcement action or otherwise in accordance with duties set forth by law;

"4. Pursuant to subpoena or court order; and (sic)

"5. To the electronic notary public that performed the electronic notarial act using audio-video communications for the purposes of subsections 1-4.

"6. To other parties in accordance with permission granted by the parties to the transaction" (NAC 240 Sec. 46).

Repository of Journals, Recordings: "A Nevada notary public is responsible for maintaining accurate and reliable notarial records. A Nevada electronic notary public may use a solution provider for the storage of the electronic journal and the recording of an electronic notarial act using audio-video communication subject to the provisions of this chapter and NRS Chapter 240 if the solution provider:

- "1. Has registered with the Secretary of State;
- "2. Demonstrates the capability of providing such service;
- "3. Allows the electronic notary public sole control of the electronic journal and the recording of the electronic notarial act using audio-video communication, subject to the authorized access granted by the notary; and
- "4. Provides access to the electronic journal and the recording of the electronic notarial act using audio-video communication pursuant to this chapter" (NAC 240 Sec. 48).

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FEES FOR NOTARIAL ACTS

Maximum Fees

Paper Notarizations: A notary public may charge the following fees and no more (NRS 240.100.1 – NOTE, AT TIME OF PUBLICATION, THE CHANGES TO NEVADA'S FEES STATUTE ENACTED BY CHAPTER 200 OF 2021 [ASSEMBLY BILL 245] STATED BELOW HAD NOT YET BEEN CODIFIED INTO THE STATUTE):

- 1. For taking an acknowledgment, for the first signature of each signer \$15.00
- 2. For each additional signature of each signer \$7.50
- 3. For administering an oath or affirmation \$7.50
- 4. For a certified copy \$7.50
- 5. For a jurat, for each signature on the affidavit \$15.00
- 6. For performing a marriage ceremony \$75.00

Electronic and Online Notarizations: An electronic notary public may charge the following fees (NRS 240.197.1[a]):

- 1. For taking an acknowledgment, for each signature \$25
- 2. For executing a jurat, for each signature \$25
- 3. For administering an oath or affirmation \$25

"An electronic notary public shall not charge a fee to perform an electronic notarial act unless he or she is authorized to charge a fee for such an electronic notarial act pursuant to this section" (NRS 240.197.1[b]).

Travel Fees

Notaries and electronic Notaries may charge an additional fee for traveling to perform a notarial act if (NRS 240.100[3]; see also NRS 240.197.1[d]):

- (a) They are asked to travel by the person requesting the notarial act;
- (b) They explain to the person requesting the act that the fee is in addition to the statutory fee and not required by law;
- (c) There is an agreement in advance upon the hourly rate to be charged for the travel; and
- (d) The fee does not exceed \$15 per hour for travel between 6 a.m. and 7 p.m. (\$10 per hour for an electronic notarization) or \$30 per hour for travel between 7 p.m. and 6 a.m. (\$25 per hour for an electronic notarization).
- (e) The Notary may charge a minimum of two hours for such travel and must charge on a pro-rata basis after the first two hours (NRS 240.100.3[d]).

Advance Payment of Travel Fee: "A Notary is entitled to the travel fee agreed upon in advance if:

- "(a) The person requesting the notarial act cancels the request after the notary public begins his or her travel to perform the requested notarial act.
- "(b) The notary public is unable to perform the requested notarial act as a result of the actions of the

person who requested the notarial act or any other person who is necessary for the performance of the notarial act" (NRS 240.100.4; see also NRS 240.197.1[e]).

"If a travel fee is going to be assessed, pursuant to NRS 240.100(3)(d)(1)(2), full disclosure of the travel fee must be made in advance of the travel and be agreed upon by the person requesting the service" (website, "FAQs").

The travel fee must be noted in the Notary's official journal, along with the "date and time that the notary public began and ended such travel" (NRS 240.100.5).

Advance Payment of Fee

All fees are payable in advance, if demanded (NRS 240.100.2).

Unauthorized Fees

"A notary public shall not charge a fee to perform a service unless the notary public is authorized to charge a fee for such a service pursuant to this chapter" (NRS 240.130).

Discriminatory Fees

"The statute doesn't require that you charge a fee. But if you charge one person and not another, other laws such as those prohibiting discrimination may be applicable. Check with an attorney" (website, "FAQs").

Employers and Fees

"A person who employs a notary public may prohibit the notary public from charging a fee for a notarial act that the notary public performs within the scope of the employment. Such a person shall not require the notary public whom the person employs to surrender to the person all or part of a fee charged by the notary public for a notarial act performed outside the scope of the employment of the notary public" (NRS 240.100.6).

"The statutes state that the notary can charge a fee. The issue of who keeps the fee [notary or employer] can be negotiated between you and your employer" (website, "FAQs").

Posting of Fees

"If a notary public charges fees for performing notarial acts, the notary public shall publish and set up in some conspicuous place in his or her office a table of those fees, according to this chapter, for the inspection of all persons who have business in his or her office. The schedule must not be printed in smaller than 1/2-inch type. A notary public shall not charge fees unless the notary public has published and set up a table of fees in accordance with this subsection" (NRS 240.110).

"If you don't charge fees, you don't have to post the fees" (website, "FAQs").

Wedding Fees

"A notary public may only charge the fee set forth in NRS 240.100 for performing a marriage ceremony if the notary public possesses a valid certificate to perform marriages that has been issued to the notary public pursuant to NRS 122.064" (NAC 240.320.1).

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ELECTRONIC NOTARIAL ACTS

Applicable Law

Uniform Electronic Transactions Act: In 2001, Nevada adopted the *Uniform Electronic Transactions Act (UETA)* (NRS 719.010 through 719.350), including the provision on notarization and acknowledgment. The *UETA* recognizes the legal validity of electronic signatures used by Notaries: "If a law requires a signature or record to be notarized, acknowledged, verified or made under oath, the requirement is satisfied if the electronic signature of the person authorized to perform those acts, together with all other information required to be

included by other applicable law, is attached to or logically associated with the signature or record" (NRS 719.280).

Uniform Real Property Electronic Recording Act: Nevada enacted the *Uniform Real Property Electronic Recording Act* (NRS 111.366 through 111.3697) and clarified that an image of a seal is not required on an electronic real property document: "A physical or electronic image of a stamp impression or seal need not accompany an electronic signature" (NRS 111.3685.3).

Electronic Notarization Enabling Act: Effective July 1, 2009, Nevada enacted the *Electronic Notary Public Authorization Act* (NRS 240.181 through 240.206). Effective July 1, 2018, the Act was renamed the *Electronic Notarization Enabling Act*. This Act regulates Electronic Notaries and Online Notaries in the state. These provisions are summarized below

Nevada Administrative Code, Chapter 240: Effective December 14, 2018, the Secretary of State promulgated temporary regulations to implement the *Electronic Notarization Enabling Act*. These regulations are summarized below.

Definitions

"Electronic notarial act" means an act that an electronic notary public of this State is authorized to perform. The term includes:

- "1. Taking an acknowledgment;
- "2. Administering an oath or affirmation;
- "3. Executing a jurat;
- "4. Certifying a true and correct copy; and
- "5. Performing such other duties as may be prescribed by a specific statute" (NRS 240.185).

"Electronic notarial certificate" means the portion of an electronically notarized electronic document that is completed by an electronic notary public and that bears the notary public's electronic signature, electronic seal and certification language as provided by Nevada law" (NAC 240 Sec. 3).

"Electronic notarization solution" means a set of applications, programs, hardware, software or technology designed to enable the performance of an electronic notarial act" (NAC 240 Sec. 4).

"Electronic notary public" means a person registered with the Secretary of State pursuant to NRS 240.181 to 240.206, inclusive, to perform electronic notarial acts" (NRS 240.186).

"Electronic seal" means information within a notarized electronic document that includes the name, jurisdiction and expiration date of the registration of an electronic notary public and generally includes the information required to be set forth in a mechanical stamp pursuant to NRS 240.040 (NRS 240.187).

"Solution provider" means a third-party vendor providing a software solution or other service enabling a Nevada electronic notary public to perform his or her duties or complete an electronic notarial act" (NAC 240 Sec. 10).

"Tamper-evident" means that any change to an electronic document shall display evidence of the change" (NAC 240 Sec. 11).

Registration

"1. Except as otherwise provided in subsection 5, each person registering as an electronic notary public must:

- "(a) At the time of registration, be a notarial officer in this State who has complied with the requirements pertaining to taking an oath and filing a bond set forth in NRS 240.030 and 240.033 and have complied with all applicable notarial requirements set forth in this chapter;
- "(b) Register with the Secretary of State by submitting an electronic registration pursuant to subsection 2;
- "(c) Pay to the Secretary of State a registration fee of \$50, which is in addition to the application fee required pursuant to NRS 240.030 to be a notarial officer in this State; and
- "(d) Submit to the Secretary of State with the registration proof satisfactory to the Secretary of State

that the registrant has:

"(1) Successfully completed any required course of study on electronic notarization provided pursuant to NRS 240.195; and

"(2) Complied with the requirements pertaining to taking an oath and filing a bond set forth in NRS 240.030 and 240.033.

"2. Unless the Secretary of State establishes a different process for submitting a registration as an electronic notary public, the registration as an electronic notary public must be submitted as an electronic document by electronic email to nvnotary@sos.nv.gov or, if another electronic mail address is designated by the Secretary of State, to such other designated electronic mail address, and must contain, without limitation, the following information:

"(a) All information required to be included in an application for appointment as a notary public pursuant to NRS 240.030.

"(b) A description of the technology or device that the registrant intends to use to create his or her electronic signature in performing electronic notarial acts.

"(c) The electronic signature of the registrant.

"(d) Any other information required pursuant to any rules or regulations adopted by the Secretary of State.

"3. Unless the Secretary of State establishes a different process for the payment of the registration fee required pursuant to paragraph (c) of subsection 1, the registration fee must be paid by check or draft, made payable to the Secretary of State and transmitted to the Office of the Secretary of State.

"4. Except as otherwise provided in subsection 5, registration as an electronic notary public shall be deemed effective upon the payment of the registration fee required pursuant to paragraph (c) of subsection 1 if the registrant has satisfied all other applicable requirements.

"5. The Secretary of State may establish a process for a person to simultaneously apply for appointment as a notary public and register as an electronic notary public. If the Secretary of State establishes such a process, registration as an electronic notary public shall be deemed effective upon the person complying with:

"(a) The requirements pertaining to taking an oath and filing a bond set forth in NRS 240.030 and 240.033 and with all other applicable notarial requirements set forth in this chapter; and

"(b) The requirements set forth in this section to register as an electronic notary. (NRS 240.192).

"In addition to the provisions of NRS 240.192, a registration as an electronic notary public shall include:

"1. The notary public's commission number as assigned by the Secretary of State;

"2. The name of the solution provider(s) whose platform or product the notary public intends to use to perform electronic notarization;

"3. A copy of the notary public's electronic seal and electronic signature which is an exact representation of the signature on file with the Secretary of State; and

"4. A statement certifying that the notary public will comply with the provisions of this Chapter and NRS Chapter 240" (NAC 240 Sec. 14).

"A registrant for registration as an electronic notary public must provide the electronic signature required by NRS 240.192(2)(c) in a file format that can be read without the need for additional software and that can be compared to the exemplar of the electronic notary public's holographic (handwritten) signature on file with the Secretary of State for authentication purposes" (NAC 240 Sec. 29).

"A notary public whose registration as an electronic notary public has been approved by the Secretary of State will retain the commission number related to the notary public's underlying commission" (NAC 240 Sec. 31).

Course: "1. In addition to any courses of study a notary public is required to complete pursuant to NRS 240.018, the Secretary of State may, by rule or regulation, require a notary public who registers with the Secretary of State as an electronic notary public pursuant to NRS 240.192 to complete an additional course of study on electronic notarization in accordance with this section.

"2. Except as otherwise provided in subsection 3, a registrant for appointment as an electronic notary public must successfully:

"(a) Complete any course of study on electronic notarization that is required pursuant to subsection 1 in accordance with the requirements of subsection 6; and

"(b) Pass an examination at the completion of the course.

"3. The following persons are required to enroll in and successfully complete any course of study on electronic notarization that is required pursuant to subsection 1:

"(a) A person registering for the first time as an electronic notary public;

"(b) A person renewing his or her registration as an electronic notary public; and

"(c) A person who has committed a violation of this chapter or whose registration or an electronic notary public has been suspended, and who has been required by the Secretary of State to enroll in a course of study provided pursuant to this section.

"4. A course of study required to be completed pursuant to subsection 1 must:

"(a) Be taken online and be of a duration of not more than 3 hours, including instruction and completion of an examination of the course content;

"(b) Provide instruction in electronic notarization, including, without limitation, notarial law and ethics, technology and procedures;

"(c) Comply with any regulations adopted pursuant to NRS 240.206 relating to course of study on electronic notarization; and

"(d) Be approved by the Secretary of State.

"5. The Secretary of State may, with respect to a course of study required to be completed pursuant to subsection 1, charge a reasonable fee to each person who enrolls in such a course of study.

"6. A course of study provided pursuant to this section:

"(a) Must satisfy the criteria set forth in subsection 4 and comply with any requirements set forth in the regulations adopted pursuant to NRS 240.206 relating to course of study on electronic notarization.

"(b) May be provided by the Secretary of State or a vendor approved by the Secretary of State.

"7. The Secretary of State shall deposit the fees collected pursuant to subsection 5 in the Notary Public Training Account created pursuant to NRS 240.018" (NRS 240.195).

"An applicant for registration as an electronic notary public who is required pursuant to NRS 240.1943 to enroll in and successfully complete a course of study for the mandatory training of electronic notaries public must include with his or her registration as an electronic notary public a certificate of successful completion of such a course. A certificate of successful completion for the mandatory training of electronic notaries public is valid for 90 days after the date of its issuance" (NAC 240.270.3).

Term: "The period of registration as an Electronic Notary is coterminous with his or her term of appointment as a notary public pursuant to NRS 240.010" (NRS 240.194.1).

"The registration of an electronic notary public is suspended by operation of law when the electronic notary public is no longer appointed as a notary public in this State. If the registration of an electronic notary public has expired or been revoked or suspended, the Secretary of State shall immediately notify the electronic notary public in writing that his or her registration as an electronic notary public will be suspended by operation of law until he or she is appointed as a notary public in this State" (NRS 240.194.2).

Renewal: "Registration as an electronic notary public must be renewed at the same time a person renews his or her appointment as a notary public" (NRS 240.194.1).

Change of Name, Address or Technology: "If, at any time during his or her appointment, an, a registered electronic notary public changes his or her electronic mail address, county of residence, name, electronic signature or the technology or device used to create his or her electronic signature, the electronic notary public shall, within 10 days after making the change, submit to the Secretary of State:

"(a) An electronic document, signed with the electronic signature submitted by the electronic notary public pursuant to subsection 2 of NRS 240.192, that includes the change of information; and

"(b) A fee of \$10" (NRS 240.194.3).

Termination of Resignation or Death of Notary: "1. Except as otherwise provided in subsection 3, if an electronic notary public dies during his or her period of registration, or if the registration of the electronic notary public is surrendered or revoked or expires, the electronic notary public, the executor of his or her

estate or an authorized representative of the electronic notary public, as appropriate, shall:

“(a) Notify the Secretary of State of the resignation or death; and

“(b) Erase, delete, destroy or otherwise render ineffective the technology or device used to create his or her electronic signature.

“2. Upon receipt of the notice required by subsection 1, the Secretary of State shall cancel the registration of the electronic notary public, effective on the date on which the notice was received.

“3. A former electronic notary public whose previous registration as an electronic notary public was not revoked and whose previous registration as an electronic notary public was not denied is not required to erase, delete, destroy or otherwise render ineffective the technology or device used to create his or her electronic signature if the former electronic notary public renews his or her registration, using the same electronic signature, within 3 months after the expiration of his or her previous registration as an electronic notary public” (NRS 240.203).

Authorized Acts

“Electronic notarial act’ means an act that an electronic notary public of this State is authorized to perform. The term includes:

“1. Taking an acknowledgment;

“2. Administering an oath or affirmation;

“3. Executing a jurat;

“4. Certifying a true and correct copy; and

“5. Performing such other duties as may be prescribed by a specific statute” (NRS 240.185; see also NRS 240.196).

Unauthorized Acts and Transactions

“Except as otherwise specifically provided by law... An electronic notary public shall not willfully electronically notarize the signature or electronic signature of a person unless the person is in the presence of the electronic notary public at the time of notarization and:

“(a) Is known to the electronic notary public; or

“(b) If unknown to the electronic notary public, provides a credible witness or documentary evidence of identification to the electronic notary public” (NRS 240.198.1).

“Registration as an electronic notary public pursuant to NRS 240.181 to 240.206, inclusive, does not authorize the electronic notary public to perform notarial acts in another state” (NRS 240.198.3).

Notary Statutes Apply

An Electronic Notary must comply with all provisions in NRS Chapter 240 that pertain to Notaries Public (NRS 240.189).

“The penalties, prohibitions, liabilities, sanctions and remedies for the improper performance of electronic notarial acts are the same as provided by law for the improper performance of non-electronic notarial acts” (NAC 240 Sec. 50).

Authentication

The Nevada Secretary of State must issue a certificate of authentication or apostille, as appropriate, certifying that an Electronic Notary’s signature is genuine and that the Electronic Notary holds an appointment to perform electronic notarial acts (NRS 240.205).

Approval of Technology of Device

The *Electronic Notary Public Enabling Act* requires the Nevada Secretary of State to approve the technology or device used by an Electronic Notary to create his or her electronic signature and Sections 21-24 of the temporary electronic notarization rules prescribe the requirements for technology providers.

Electronic Signature and Seal

"The electronic seal used by an electronic notary public affixed to an electronic document during an electronic notarial act must include information required in NRS 240.040 and shall generally conform to the size and other requirements of a seal used by a traditional notary except:

"1. That once the electronic seal, electronic signature and electronic notarial certificate are affixed and the electronic notarial act is complete, the document is rendered tamper-evident; and

"2. If the electronic notarial act is performed by audio-video communication, a statement that the electronic notarial act was performed by means of audio-video communication and substantially conforming to 'Notarial act performed by audio-video communication' must appear adjacent to the stamp or in the notarial certificate" (NAC 240 Sec. 40)

Exclusive Use of Electronic Signature, Seal: "The electronic signature and electronic seal of an electronic notary public must be used only for the purposes of performing electronic notarial acts" (NRS 240.202[1]).

Compromise of Electronic Signature: "An electronic notary public shall take reasonable steps to maintain the technology or device used to create his or her electronic signature, and to ensure that the technology or device has not been recalled, revoked, terminated or otherwise rendered ineffective or unsecure by the entity that created the technology or device. Upon learning that the technology or device used to create his or her electronic signature has been rendered ineffective or unsecure, an electronic notary public shall cease performing electronic notarial acts until:

"(a) A new technology or device is acquired; and

"(b) The electronic notary public sends an electronic notice to the Secretary of State that includes the electronic signature of the electronic notary public required pursuant to paragraph (e) of subsection 2 of NRS 240.192" (NRS 240.202.3).

Safeguarding Electronic Signature, Seal, and Records: "An electronic notary public shall safeguard his or her electronic signature, the electronic seal and all notarial records maintained by the electronic notary public as follows:

"(a) When not in use, the electronic notary public shall keep the electronic signature, electronic seal and all notarial records secure, under the exclusive control of the electronic notary public and protected by a password where applicable.

"(b) An electronic notary public shall not permit his or her electronic signature or electronic seal to be used by any other person.

"(c) An electronic notary public shall not surrender or destroy his or her notarial records except as otherwise required by the order of a court or as allowed pursuant to NRS 240.001 to 240.206, inclusive, or any regulations adopted pursuant thereto" (NRS 240.202.2).

Lost, Stolen Electronic Signature and Seal: "Except as otherwise provided in subsection 3, an electronic notary public, within 10 days after discovering that his or her electronic signature or electronic seal has been stolen, lost, damaged or otherwise rendered incapable of affixing a legible image, shall:

"(1) Inform the appropriate law enforcement agency in the case of theft or vandalism; and

"(2) Notify the Secretary of State and the entity from which the electronic notary public obtained the electronic signature or electronic seal in writing, including, without limitation, a signature using the name on the certificate of appointment issued pursuant to subsection 5 of NRS 240.192" (NRS 240.202.2[d]).

Digital Signature as Acknowledgment

"The Secretary of State shall adopt regulations regarding digital signatures, including, without limitation, regulations pertaining to ... the use of a digital signature as an acknowledgment, as that term is defined in NRS 240.002 ..." (NRS 720.150.5).

"1. Except as otherwise provided by specific statute, regulation or contract, a digital signature that is verifiable with reference to the public key set forth in a valid certificate shall be deemed to satisfy the requirements for an acknowledgment, regardless of whether the person who executed the digital signature appeared before the certification authority or a person who is authorized to take acknowledgments in this state, if:

"(a) The digitally signed message includes a statement that the digital signature is intended as an

acknowledgment;

“(b) The digital signature is verified by the public key set forth in the certificate;

“(c) The certificate was a valid certificate when the digital signature was affixed; and

“(d) The certificate provides that the digital signature satisfies the requirements for an

acknowledgment.

“2. If a certificate provides that a digital signature satisfies the requirements for an acknowledgment, the certification authority who issued the certificate is liable for the digital signature to the same extent as if the certification authority was a notary public who had acknowledged the signature, except that his or her liability must not exceed any recommended limit of reliance set forth in the certificate. No certification authority may waive, disclaim or otherwise limit by agreement the provisions of this subsection.

“3. As used in this section, ‘acknowledgment’ has the meaning ascribed to it in NRS 240.002” (NAC 720.770).

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REMOTE NOTARIAL ACTS

Applicable Law

[Electronic Notarization Enabling Act](#): The *Electronic Notarization Enabling Act* regulates Online Notaries in Nevada. These provisions are summarized below

[Nevada Administrative Code, Chapter 240](#): Effective December 14, 2018, the Secretary of State promulgated temporary regulations to implement the *Electronic Notarization Enabling Act*. These regulations are summarized below.

Definitions

“‘Audio-video communication’ means communication by which a person is able to see, hear and communicate with another person in real time using electronic means” (NRS 240.1821).

“‘Credential’ means a tangible record evidencing the identity of a person” (NRS 240.1823).

“‘Credential’ includes a government-issued card or other document issued as a means of identifying the principal that complies with NRS 240.1655 and that contains the photograph and signature of the principal” (NAC 240 Sec. 12).

“‘Dynamic knowledge-based authentication assessment’ means an identity assessment that is based on a set of questions formulated from public or private data sources for which the person taking the assessment has not previously provided an answer and that meets any rules or regulations adopted by the Secretary of State” (NRS 240.1825).

“‘Identity proofing’ means a process or a service operating according to this chapter through which a third person or party affirms the identity of the principal through a review of personal information from public or proprietary data sources” (NAC 240 Sec. 6).

“‘In the presence of’ or ‘appear before’ means being:

“1. In the same physical location as another person and close enough to see, hear, communicate with and exchange credentials with that person; or

“2. In a different physical location from another person but able to see, hear and communicate with the person by means of audio-video communication that meets any rules or regulations adopted by the Secretary of State” (NRS 240.1882).

Registration

“Before an electronic notary public performs electronic notarial acts using audio-video communication, he or she must register with the Secretary of State pursuant to NRS 240.192 and identify the technology that the electronic notary public intends to use, which must conform to any rules or regulations adopted by the Secretary of State” (NRS 240.1991.2).

Technology Systems

Approval of Systems: Required. "A person may not perform an electronic notarial act, including, without limitation, an electronic notarial act performed using audio-video communication, unless the Secretary of State has approved the registration of the person as an electronic notary public pursuant to NAC 240.658 and the registration is in active status" (NAC 240.645.1).

Registration of System Providers: The Nevada Administrative Code provides rules for registration as a technology system provider (NAC 240.700.1 240.720 and 240.722). The system's capability to provide identity proofing must be approved by the Secretary.

Listing of System Providers. The Secretary of State maintains a listing of technology system providers whose systems are approved for use by Nevada Notaries (website, "Electronic Notary Solution Provider Information").

Requirements for Audio-Video Communication

"If an electronic notarial act is performed using audio-video communication:

"(a) The technology used must allow the persons communicating to see and speak to each other simultaneously;

"(b) The signal transmission must be in real time; and

"(c) The electronic notarial act must be recorded in accordance with NRS 240.1995" (NRS 240.1991[3]).

"Real time' means the actual span of uninterrupted, simultaneous communication during which all parts of an electronic notarial act using audio-video communication occur" (NAC 240 Sec. 8).

Location of Signer

"1. An electronic notary public may perform an electronic notarial act using audio-video communication in accordance with NRS 240.181 to 240.206, inclusive, and any rules or regulations adopted by the Secretary of State for a person who is physically located:

"(a) In this State;

"(b) Outside this State but within the United States; or

"(c) Outside the United States if:

"(1) The electronic notary public has no actual knowledge of the electronic notarial act being prohibited in the jurisdiction in which the person is physically located; and

"(2) The person placing his or her electronic signature on the electronic document confirms to the electronic notary public that the requested electronic notarial act and the electronic document:

"(I) Are part of or pertain to a matter that is to be filed with or is currently before a court, governmental entity or other entity in the United States;

"(II) Relate to property located in the United States; or

"(III) Relate to a transaction substantially connected to the United States.

"2. An electronic notary public who is registered with the Secretary of State pursuant to NRS 240.192 may perform an electronic notarial act using audio-video communication in accordance with NRS 240.181 to 240.206, inclusive, and any rules or regulations adopted by the Secretary of State if the electronic notary public is physically present in this State at the time of performing the electronic notarial act, regardless of whether the person who placed the electronic signature on the electronic document is physically located in another jurisdiction at the time of the electronic notarial act. The validity of the notarial act will be determined by applying the laws of this State" (NRS 240.1993).

Identification of Signer

"1. For the purposes of performing an electronic notarial act for a person using audio-video communication, an electronic notary public has satisfactory or documentary evidence of the identity of the person if the electronic notary public confirms the identity of the person by:

"(a) Personal knowledge;

"(b) Each of the following:

"(1) Remote presentation by the person of a government-issued identification credential that

contains a photograph and the signature of the person;

"(2) Credential analysis of the government-issued identification credential and the data thereon;

and

"(3) A dynamic knowledge-based authentication assessment;

"(c) Any other method that complies with any rules or regulations adopted by the Secretary of State; or

"(d) A valid certificate that complies with any rules or regulations adopted by the Secretary of State.

"2. As used in this section:

"(a) "Certificate" has the meaning ascribed to it in NRS 720.030.

"(b) "Credential analysis" means a process or service that complies with any rules or regulations adopted by the Secretary of State through which a third party affirms the validity of a government-issued identification credential or any data thereon through the review of data sources.

"(c) "Remote presentation" means the transmission of a quality image of a government-issued identification credential to an electronic notary public through communication technology for the purpose of enabling the electronic notary public to identify the person appearing before the electronic notary public and to perform a credential analysis" (NRS 240.1997).

Credential Analysis: "Credential analysis must be provided by a reputable third-party vendor or software tool that can demonstrate proven credential analysis processes and shall employ at a minimum technology that provides the following:

"1. The credential must pass an authenticity test, consistent with sound commercial practices that:

"a. Use appropriate technologies to confirm the integrity of visual, physical or cryptographic security features;

"b. Use appropriate technologies to confirm that the credential is not fraudulent or inappropriately modified;

"c. Use information held or published by the issuing source or authoritative source(s), as available, to confirm the validity of credential details; and

"2. Provide the output of the authenticity test to the electronic notary public. The credential analysis procedure must enable the electronic notary public to visually compare the following for consistency;

"a. The information and photograph on the presented credential image; and

"b. The principal as viewed by the electronic notary public in real-time through audio-video communication" (NAC 240 Sec. 35).

"If the electronic notary public is unable to validate a presented credential of the principal, or to match the principal's physical features with the credential, the electronic notary public shall not complete the electronic notarial act. No further attempt may be made by that notary or solution provider to complete the notarial act using audio-video communication using that credential" (NAC 240 Sec. 36).

Dynamic Knowledge-Based Authentication: "Dynamic knowledge-based authentication procedure must meet the following requirements:

"1. Each principal must answer questions and achieve a passing score. The procedure must include:

"a. Five questions, drawn from public or private data sources.

"b. A minimum of five possible answer choices per question.

"c. Require that 80% of the questions are correctly answered within two minutes by the principal;

"2. Require that if the principal does not correctly answer 80% of the questions that:

"a. The principal may make an additional two attempts with the same electronic notary public within a 48-hour period;

"b. If the principal retakes the quiz an additional time within the 48-hour period, 40% (two) of the prior questions must be replaced.

"3. Confirm affirmatively that that (sic) the principal has or has not correctly answered the questions; and

"4. Keep the questions asked and responses of the knowledge-based authentication confidential" (NAC 240 Sec. 37).

"An electronic notary public may satisfy NRS 240.1997(l)(b)(2) by utilizing a solution provider approved by the Secretary of State to verify the identity of the principal for whom an electronic notarial act by audio-

video communication is performed. The solution must meet or exceed the accuracy of identity verifications conducted through a dynamic knowledge-based authentication assessment" (NAC 240 Sec. 38).

Exiting the Workflow: "If the principal or electronic notary public must exit the audio-video communication session, the audio-video communication link is broken, or the resolution or quality of the transmission becomes such that the electronic notary public believes the process has been compromised and cannot be completed, the identity authentication process and any incomplete electronic notarial acts must be started from the beginning" (NAC 240 Sec. 20).

Identification of Record

"A Nevada electronic notary public performing an electronic notarial act using audio-video communication must be able to ...[i]dentify the document as the same document in which the principal executed the signature" (NAC 240 Sec. 16).

Evidence of Electronic Notarial Act

"1. An electronic notarial act must be evidenced by the following, which must be attached to or logically associated with the electronic document that is the subject of the electronic notarial act and which must be immediately perceptible and reproducible:

"(a) The electronic signature of the electronic notary public;

"(b) The electronic seal of the electronic notary public; and

"(c) The wording of a notarial certificate pursuant to NRS 240.1655, 240.166 to 240.167, inclusive, 240.1685 or 240.169, including, without limitation, language explicitly stating that the notarial act was performed using audio-video communication, if applicable.

"2. Upon the completion of an electronic notarial act in accordance with subsection 1, an electronic notary public shall use technology to render the electronic document tamper-evident" (NRS 240.199).

Journal and Recording

For the requirements of keeping a journal and a recording of a remote online notarial act, see "Records of Notarial Acts," above.

Fees

For the maximum fees and ancillary fees that an electronic Notary may charge, see "Fees For Notarial Acts," above.

Prohibited Acts

"In addition to the prohibited acts provided by NRS 240.075, an electronic notary public shall not:

"1. Perform an electronic notarial act using audio-video communication while the electronic notary public is outside Nevada;

"2. Fail to record and/or properly store the recording of the electronic notarial act performed using audio-video communication;

"3. Use an invalid electronic seal or digital certificate in the performance of an electronic notarial act;

"4. Fail to report a change in electronic seal or digital certificate;

"5. Use the electronic notary public's electronic signature and electronic seal together, or the electronic seal, except in the performance of an electronic notarial act;

"6. Allow unauthorized access to the electronic notary journal, electronic signature, digital certificate or to the solution used to perform electronic notarial acts; or

"7. Violate any other requirement of this chapter and NRS Chapter 240 pertaining to the performance of an electronic notarial act" (NAC 240 Sec. 49).

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REAL ESTATE PRACTICES

Notary Signing Agents

Nevada does not have statutes, rules, or guidelines regulating Notary Signing Agents within the state.

Recording Requirements

Acknowledgment: Every conveyance in writing whereby any real property is conveyed or may be affected must be acknowledged or proved and certified in the manner provided in this chapter and in NRS 240.161 to 240.169, inclusive" (NRS 111.240).

Certificate, Signature, and Seal: "[A] certificate of the acknowledgment of any conveyance or other instrument in any way affecting the title to real or personal property, or the proof of the execution thereof,... signed by the person taking the same, and under the seal or stamp of that person, if the person is required by law to have a seal or stamp, entitles the conveyance or instrument, with the certificate or certificates, to be recorded in the office of the recorder of any county in this state.

Document Formatting: "Except as otherwise provided in this section, ... a document, except a map, certificate or affidavit of death, military discharge or document regarding taxes that is issued by the Internal Revenue Service of the United States Department of the Treasury, that is submitted for recording must be on a form authorized by NRS 104.9521 for the type of filing or must:

- "(a) Be on white, 20-pound paper that is 8 1/2 inches by 11 inches in size.
- "(b) Have a margin of 1 inch on the left and right sides and at the bottom of each page.
- "(c) Have a space of 3 inches by 3 inches at the upper right corner of the first page and have a margin of 1 inch at the top of each succeeding page.
- "(d) Not be on sheets of paper that are bound together at the side, top or bottom.
- "(e) Not contain printed material on more than one side of each page.
- "(f) Not have any documents or other materials physically attached to the paper.
- "(g) Not contain:
 - "(1) Colored markings to highlight text or any other part of the document;
 - "(2) A stamp or seal that overlaps with text or a signature on the document, except in the case of a validated stamp or seal of a professional engineer or land surveyor who is licensed pursuant to chapter 625 of NRS;
 - "(3) Text that is smaller than a 10-point Times New Roman font and is printed in any ink other than black; or
 - "(4) More than nine lines of text per vertical inch" (NRS 240.110.3)

Legibility: "Except as otherwise provided in NRS 247.145, each county recorder shall, upon the payment of the prescribed statutory fees, record separately, in a manner which will allow a legible copy to be made..." (NRS 247.120.1).

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RECOGNITION OF NOTARIAL ACTS

Notarial Acts in Nevada

- "1. A notarial act may be performed within this State by the following persons:
 - "(a) A notary public of this State;
 - "(b) A judge, clerk or deputy clerk of any court of this State;
 - "(c) A justice of the peace;
 - "(d) Any other person authorized to perform the specific act by the law of this State; or
 - "(e) A person authorized to perform the specific act by the law of a federally recognized Indian tribe or nation.
- "2. Notarial acts performed within this State under federal authority as provided in NRS 240.1645 have the same effect as if performed by a notarial officer of this State.

"3. The signature and title of a person performing a notarial act are prima facie evidence that the signature is genuine and that the person holds the designated title" (NRS 240.1635).

Court Reporters: A law that took effect July 1, 2007, gives Nevada court reporters automatic power to administer oaths and affirmations in the course of taking depositions without the need to apply for an appointment as a limited-power Notary, as was the case prior to that date (NRS 656.315). All such limited-power Notary appointments became null and void on the law's effective date. The powers of these former Notaries had been limited solely to administering oaths and affirmations; they did not have to post a bond or keep a journal.

Notarial Acts in U.S. State or Jurisdiction

"1. A notarial act has the same effect under the law of this State as if performed by a notarial officer of this State, if performed in another state, commonwealth, territory, district or possession of the United States by any of the following persons:

"(a) A notary public of that jurisdiction;

"(b) A judge, clerk or deputy clerk of a court of that jurisdiction; or

"(c) Any other person authorized by the law of that jurisdiction to perform notarial acts.

"2. Notarial acts performed in other jurisdictions of the United States under federal authority as provided in NRS 240.1645 have the same effect as if performed by a notarial officer of this State.

"3. The signature and title of a person performing a notarial act are prima facie evidence that the signature is genuine and that the person holds the designated title.

"4. The signature and indicated title of an officer listed in paragraph (a) or (b) of subsection 1 conclusively establish the authority of a holder of that title to perform a notarial act" (NRS 240.164).

Notarial Acts Under Federal Authority

"1. A notarial act has the same effect under the law of this State as if performed by a notarial officer of this State if performed anywhere by any of the following persons under authority granted by the law of the United States:

"(a) A judge, clerk or deputy clerk of a court;

"(b) A commissioned officer on active duty in the military service of the United States;

"(c) An officer of the foreign service or consular officer of the United States; or

"(d) Any other person authorized by federal law to perform notarial acts.

"2. The signature and title of a person performing a notarial act are prima facie evidence that the signature is genuine and that the person holds the designated title.

"3. The signature and indicated title of an officer listed in paragraph (a), (b) or (c) of subsection 1 conclusively establish the authority of a holder of that title to perform a notarial act" (NRS 240.1645).

Notarial Acts in Foreign Country

"1. A notarial act has the same effect under the law of this State as if performed by a notarial officer of this State if performed within the jurisdiction of and under authority of a foreign nation or its constituent units or a multinational or international organization by the following persons:

"(a) A notary public;

"(b) A judge, clerk or deputy clerk of a court of record;

"(c) A person authorized by the law of that jurisdiction to perform notarial acts;

"(d) A person authorized by federal law to perform notarial acts; or

"(e) A person authorized by the law of a federally recognized Indian tribe or nation to perform notarial acts.

"2. A certificate by an officer of the foreign service or consular officer of the United States stationed in the nation under the jurisdiction of which the notarial act was performed, or a certificate by an officer of the foreign service or consular officer of that nation stationed in the United States, conclusively establishes a matter relating to the authenticity or validity of the notarial act set forth in the certificate.

"3. An official stamp or seal of the person performing the notarial act is prima facie evidence that the signature is genuine and that the person holds the indicated title.

"4. An official stamp or seal of an officer listed in paragraph (a) or (b) of subsection 1 is prima facie evidence that a person with the indicated title has authority to perform notarial acts.

"5. If the title of office and indication of authority to perform notarial acts appears either in a digest of foreign law or in a list customarily used as a source for that information, the authority of an officer with that title to perform notarial acts is conclusively established" (NRS 240.165).

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AUTHENTICATION OF NOTARIAL ACTS

Secretary of State

U.S. Notary Reference / Nevada Chapter: U.S. Notary Reference



"(a) The document has not been notarized in accordance with the provisions of [Chapter 240];

"(b) The Secretary of State has reasonable cause to believe that the document may be used to accomplish any fraudulent, criminal or other unlawful purpose; or

"(c) The request to issue an authentication does not include a statement, in the form prescribed by the Secretary of State and signed under penalty of perjury, that the document for which the authentication is requested will not be used to:

"(1) Harass a person; or

"(2) Accomplish any fraudulent, criminal or other unlawful purpose" (NRS 240.1657.2).

Fees: There is a fee of \$20 per certification or apostille (NRS 240.1657[1]). In addition to the standard fee, fees for expedited service per Notary name are as follows: \$75 for 24-hour expedite (1-100 documents); \$125 for 4-hour expedite (1-100 documents); \$500 for 2-hour expedite; and \$1,000 for 1-hour expedite.

Address:

Office of Secretary of State
202 N. Carson St.
Carson City, NV 89701

Telephone: 1-775-684-5708

Las Vegas Address:

Office of Secretary of State
2250 Las Vegas Blvd. North, Suite 400
North Las Vegas, NV 89030

Telephone: 1-702-486-2880

Procedure: Persons requiring authenticating certificates must complete and print out an "Apostille/Certification Order Form," downloadable from the website. The form contains a statement that must be signed under penalty of perjury by the individual submitting the request, stating that the document for which authentication or certification is requested will not be used to harass a person or accomplish any fraudulent, criminal or other unlawful purpose. Requests may be mailed or presented in person with the original notarized document and fee. Payment by credit card requires completion of a "Credit Card Checklist," also downloadable from the website. "It is necessary to provide an email address, a return address or self-addressed, stamped envelope AND the name of the country in which the Apostille/Certification will be used... All documents are returned by First Class Mail, regardless if the document is expedited. If you would like your documents returned using a special handling company please include a pre-paid self-addressed mailing envelope ..." (website, "Apostille"). Standard requests may take 10-14 days to process. See "Fees" above for expedited service options.

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