

Date of Hearing: March 17, 2026

ASSEMBLY COMMITTEE ON JUDICIARY  
Ash Kalra, Chair  
AB 1977 (Irwin) – As Introduced February 13, 2026

**SUBJECT:** NOTARIES PUBLIC

**KEY ISSUE:** SHOULD CERTAIN AMBIGUITIES, INCONSISTENCIES, AND OMISSIONS IN THE ONLINE NOTARIZATION ACT OF 2023 BE CORRECTED, SO THAT THE SECRETARY OF STATE CAN MEET ITS OBLIGATION TO IMPLEMENT THE ACT BY JANUARY 1, 2030?

**SYNOPSIS**

*A notary public plays a key role in our legal system by serving as an impartial witness to the signing of legal documents, thereby ensuring the authenticity of the signature and safeguarding against fraud or coercion. For most of our history, people in need of notary services had to take physical documents to a notary office to have documents and signatures authenticated in person. Modern technology, however, allows sufficient and reliable authentication to occur remotely. SB 696 (Portantino) Chap. 291, Stats. 2023, established a framework for licensed California notaries to conduct remote online notarizations, as well as provisions for the licensure and registration of online notarization platforms and depositories that allow individual notaries to perform online notarization. However, as the Secretary of State's Office began to implement this measure, it discovered ambiguities and inconsistencies in definitions and procedures that made implementation difficult. In addition, SB 696 did not update existing licensing and training requirements to account for the very different skills and knowledge required to conduct online notarization, nor did it provide clear guidance on how to authenticate digital seals.*

*According to the author, this bill makes several changes in the existing law that will address the problems identified by the Secretary of State, the sponsor of this legislation. In addition, the bill in print also expressly prohibits a notary from charging fees for incomplete or terminated online sessions. As discussed in the analysis, even the supporters and would be supporters of the bill have concerns about this prohibition on charging fees for terminated sessions. Although the author and sponsor want to consider permitting notaries to recover reasonable technology costs for terminated sessions, it is still not clear what those costs would entail. As such, while the analysis discusses the issue, the author will not amend the bill to address the concern in this Committee, the author will certainly continue to consider the issue should the bill move forward.*

*This bill is sponsored by the Office of the Secretary of State and supported by the National Notary Association. The California League of Independent Notaries supports the bill if amended to remove the prohibition on charging for terminated sessions.*

**SUMMARY:** Makes both clarifying and substantive amendments to the Online Notarization Act. Specifically, **this bill:**

- 1) Requires an applicant for a commission as a notary public to have satisfactorily completed a course of study and examination developed by the Secretary of State (SOS).

- 2) Establishes a fee of \$100 to obtain a permit issued by the SOS to manufacturers or vendors authorized to issue notary seals.
- 3) Requires the SOS to review and approve any vendor-offered course of study that is designed for an applicant seeking a commission to perform online notarizations.
- 4) Requires the signature of a notary public who performs online notarization to include an image of the notary public's handwritten signature and requires the signature to match the notary public's handwritten signature on their official oath.
- 5) Prohibits a notary from charging a fee if the notary must terminate an online notarization session because, in the notary's judgement, the adequacy of the audio-video communications is insufficient for all participants to be clearly seen and understood at all times.
- 6) Requires a person or entity that applies for registration as an online notarization platform or depository to apply annually for renewal, as specified, and permits the SOS to charge a \$50 renewal fee.
- 7) Requires an online notarization platform or depository to notify the SOS, as well as each notary public who has used the platform, as specified, if certain events occur, including if the online notarization platform ceases to provide an online notarization system or depository for use within California.
- 8) Makes other technical, conforming, and non-substantive changes to the provisions relating to online notaries public.

**EXISTING LAW:**

- 1) Authorizes the SOS to appoint and commission notaries public for an established term and establishes minimum requirements that people seeking a commission must meet, including completion of a prescribed course of study and a written exam. (Government Code Sections 8200, 8201, 8201.1, and 8204.)
- 2) When executing a jurat (a notarial act in which the signer is swearing to the content of the document), requires a notary to administer an oath or affirmation and requires the affiant to sign the document in the presence of the notary. (Government Code Section 8202.)
- 3) Establishes the duties of a notary public, which include taking the acknowledgment or proof of advance health care directives, powers of attorney, mortgages, deeds, grants, transfers, and other instruments of writing executed by any person, and to give a certificate of that proof or acknowledgment, endorsed on or attached to the instrument. (Government Code Section 8205.)
- 4) Requires a notary public to keep one active sequential journal at a time, of all official acts performed as a notary public, with specified information that must be included relating to the identity of the person signing, the fee charged, the document notarized and other information. (Government Code Section 8206.)
- 5) Requires a notary public to provide and keep an official seal, with specified requirements. (Government Code Section 8207.)

- 6) Requires every commissioned notary public to execute an official bond in the sum of \$15,000 in the form of a bond executed by an admitted surety insurer. (Government Code Section 8212.)
- 7) Authorizes the proof or acknowledgement of an instrument to be made outside of the state, but within the United States, before a notary public, a justice, judge, court clerk, or any other officer authorized to take proof of acknowledgment. Specifies that any certificate or acknowledgement taken in another place shall be sufficient in this state if it is taken in accordance with the laws of the place where the acknowledgement is made. (Civil Code Sections 1182, 1189 (b).)
- 8) Requires a notary public not to acknowledge an instrument unless the notary has satisfactory evidence that the person making the acknowledgment is the individual who is described in and who executed the instrument. Defines “satisfactory evidence” as the absence of information, evidence, or other circumstances that would lead a reasonable person to believe that the person making the acknowledgment is not who that person claims to be, and certain other criteria. These criteria include the requirement that if the document to be notarized is a deed, quitclaim deed, deed of trust, or other document affecting real property or a power of attorney document, the notary public shall obtain the signing party to place a thumbprint in the notary’s journal. (Civil Code Section 1185.)
- 9) Establishes, under the Online Notarization Act, a comprehensive system for notaries public to register with the SOS for purposes of offering online notarization services. (Civil Code 8231 *et seq.*)
- 10) Prohibits an online notarization platform from providing an online notarization for any principal prior to the earlier of the following: the certification by the Secretary of State on its internet website that the Secretary of State’s technology project necessary to implement statutes related to online notarization is complete or January 1, 2030, except as specified. (Civil Code Section 1181.1.)
- 11) Specifies the topics that the Secretary of State must address in its rulemaking, including electronic journals and electronic seals, credential analysis, identity proofing, remote presentation, retention and storage of records, security and encryption, and the fees that may be charged by an online notary public and an online notary platform. (Government Code Section 8231.2.)
- 12) Provides that a notary public who holds a California notary public commission but is not yet registered with the Secretary of State to perform online notarizations may obtain registration before the expiration of their term by completing a course of study specified by the Secretary of State, applying for a commission, and paying an additional fee for registration as an online notary. (Government Code Section 8231.3.)
- 13) Provides that a requirement under state law that a principal must appear in the presence of the notary public shall be satisfied by appearing by means of audio-video communication, so long as the audio-video communication in an online notarization consists of continuous, synchronous audio and video feeds with adequate clarity such that all participants can be clearly seen and understood at all times and requires the notary to terminate a session if this is not the case. (Government Code Section 8231.4.)

- 14) Permits an online notarization platform to retain custody of the electronic journal on behalf of the notary public and an online notarization platform shall notify the Secretary of State and the notaries public using its online notarization system, by certified or registered mail or any other means of delivery that provides a receipt, and all appropriate law enforcement agencies of the unauthorized use by another person, loss, compromise, theft, vandalism, corruption, or breach of the online notarization system. (Government Code 8231.5.)
- 15) Provides for the registration of a person or entity to operate an online notarization platform or depository that provides technology and software that enables individual notaries to perform online notarization. (Government Code Section 8231.14.)
- 16) Provides that a seal is presumed to be genuine and its use authorized if it purports to be the seal of a notary public within any state of the United States. (Evidence Code Section 1452.)
- 17) Provides that in civil and criminal actions, a signature is presumed to be genuine and authorized if it purports to be the signature, affixed in the signer's official capacity, of a notary public within any state of the United States. (Evidence Code Section 1453.)

**FISCAL EFFECT:** As currently in print this bill is keyed fiscal.

**COMMENTS:** According to the author:

Thousands of Californians rely on notaries for various transactions and official documents every day. In 2023 the Legislature and Governor recognized the need to authorize online notarization to increase access and meet the digital-first expectations of Californians by enacting SB 696 (Portantino). As the Secretary of State works to implement this law and bring online notary services to the State, changes and updates to the statute have been identified by Notary Public Section to ensure a timely roll-out.

***SB 696: The Online Notarization Act.*** A notary public plays a key role in our legal system by serving as an impartial witness to the signing of legal documents, thereby ensuring the authenticity of the signature and safeguarding against fraud or coercion. For most of our history, people needing notary services had to take physical documents to a notary office to have documents, signatures, and oaths authenticated in person. Modern technology, however, allows sufficient and reliable authentication to occur remotely. SB 696 (Portantino) Chap. 291, Stats. 2023, attempted to account for these changes by establishing a framework for licensed California notaries to conduct remote online notarizations, as well as provisions for the licensure of remote online notarization platforms and depositories that provide the technology and software that allows individual notaries to perform online notarization. SB 696 also authorized the online notary to perform online notarizations by means of audio-video communication, and specified that where a state law required a “principal” (the individual whose signature or oath is notarized) to appear in the physical presence of a notary, that requirement was satisfied by appearing via audio-video communications before a registered online notary. To the extent necessary, SB 696 tailored certain other existing requirements that pertain to in-person notaries so that they would be applicable to online notarization.

Finally, SB 696 provided that the Online Notarization Act would become operative when the SOS certifies on its internet website that the necessary technical requirements are complete, but in any event no later than January 1, 2030, unless the SOS informs the Legislature and the

Governor, in writing on or before January 1, 2029, that the technical requirements will not be complete by the statutory deadline.

***Implementation date and proposed changes to existing law.*** However, as the SOS moved toward implementation of SB 696, it discovered ambiguities and inconsistencies in definitions and procedures that made implementation difficult or uncertain. In addition, SB 696 did not update existing licensing and training requirements to account for the very different skills and knowledge required to conduct online notarization, nor did it provide clear guidance on how to authenticate digital seals, which would necessarily replace the seal that is embossed, stamped, impressed, or otherwise affixed to a paper document.

According to the SOS, the bill now before the Committee is necessary if the Online Notarization Act is to meet the January 2030 deadline. As reflected in the bill summary above, this bill makes both technical and substantive changes to the existing law, all of which address aspects of implementing an SOS-administered registration system for online notarization. Some of the more substantive amendments entail modifying training and course requirements to include online notarization; imposing requirements for electronic or digital seals, given that tangible pressed or stamped seals will no longer apply; requiring the notaries electronic signature to include an image of the notary's handwritten signature that matches the notary's handwritten signature on their official oath; modifying journal-keeping requirements to account for online practice; modifying existing forms that reference only written documents; and providing for registration and renewal of persons or entities that apply to serve as an online notarization platform or depository. Other amendments add mostly non-substantive clarifications or additional context to existing definitions.

***Deferring the question of fees for terminated notarization sessions.*** Where an existing law requires a "principal" – the person whose signature or oath is authenticated by the notary public – to appear in person before the notary, the Online Notarization Act provided that an online notarization performed with the use of audio-video communications could satisfy the in-person requirement. However, the Act also required the notary, in such cases, to terminate the notarization session if, in the judgement of the notary, the quality of the communication was not sufficient for all parties to see and hear one another. This bill expressly prohibits a notary public from charging a fee for terminating a notarization session prior to completion.

However, the supporters (and would be supporters) of this bill have suggested eliminating this prohibition on charging fees. For example, the National Notary Association (NNA) supports this bill, but in its letter of support it suggests that the author and sponsor should reconsider this prohibition. The California League of Independent Notaries (CLIN) supports the bill only if amended to remove this prohibition. Both NNA and CLIN agree that while a notary cannot charge a *notarization* fee for a notarization that was not completed, they contend that the bill should permit recovery of "third-party technology costs" incurred by the notary simply by initiating an online notarization session. Unlike traditional in-person notarizations, CLIN notes, online notarization requires the use of third-party technology platforms that charge transaction-based fees to the notary for each session initiated, regardless of whether the notarization was completed. CLIN contends that the prohibition in the current bill would require the notary "to absorb these third-party technology costs, creating a financial disincentive for notaries to offer online services."

At the time of this writing, the author and sponsor were considering permitting at least partial fees for terminated sessions. However, the Committee urges the author to retain the prohibition on fees until such time as NNA and CLIN can more clearly identify the exact sources and amounts of these “technology costs,” and how these costs can be fairly allocated between the notary and the individual consumers who use the service. The author may also wish to consider why platform costs are not simply part of the cost of doing business. That is, if notaries public elect to offer their services online, they do so because they believe that offering online services will benefit their bottom line by giving them more business. It should also be noted that the fee in question only applies when the notary is using audio-video communication to satisfy the in-person requirement, and, in the judgement of the notary, the quality of the audio-video communication is insufficient. It is not clear, at least based on information provided to the Committee thus far, why the consumer should pay a fee for a terminated session if the consumer was not responsible for the poor quality of audio-video communication.

***ARGUMENTS IN SUPPORT:*** Secretary of State Shirley Weber, the sponsor, writes in support: “When the Online Notarization Act was signed into law, it represented a significant step forward in modernizing notarial services for California. However, following enactment, my office identified various ambiguities, [and]inconsistencies with existing notary law, and gaps in administrative procedures that need to be addressed before the Act takes effect in 2030.”

Secretary Weber believes that AB 1977 addresses these ambiguities and inconsistencies by (1) clarifying “ambiguous definitions and procedures;” (2) harmonizing “electronic seal requirements between traditional and online notaries to strengthen security; (3) establishing “registration, renewal, amendment, and termination procedures for online notarization platforms and depositories;” (4) setting “specific fee amounts for filings that were authorized but not specified in the original Act;” and (5) correcting “technical errors, including citation mistakes and grammatical issues.”

In sum, Secretary Weber maintains that AB 1977 will ensure that when “remote online notarization becomes operational, California will have clear, consistent, and enforceable statutory language that protects both notaries public and the consumers they serve.”

***ARGUMENTS IN SUPPORT, IF AMENDED:*** The California League of Independent Notaries (CLIN) supports the aims of this bill, but they seek amendments that will allow a notary to recover costs incurred by use of the online platform. Specifically, CLIN writes:

CLIN appreciates the Legislature’s continued effort to develop a thoughtful regulatory framework for online notarization. AB 1977 includes important consumer protections, including provisions requiring a notary public to terminate an online session when communication technology is insufficient to allow the notary to properly perform the notarial act. These safeguards help ensure the integrity of the notarization process and maintain public trust in emerging digital notarization systems.

However, CLIN respectfully requests that the Committee amend the bill’s provision stating that “a notary public shall not charge a fee for a terminated session.” While we agree that a notary should not collect notarial fees when a notarization cannot be completed, the current language does not account for the technology costs incurred by the notary simply by initiating an online notarization session.

Unlike traditional in-person notarizations, online notarization requires the use of third-party technology platforms that charge transaction-based fees to the notary for each session initiated.

Without clarification, the bill's current language would unintentionally require notaries to absorb these third-party technology costs, creating a financial disincentive for notaries to offer online services.

**REGISTERED SUPPORT / OPPOSITION:**

**Support**

California Secretary of State (sponsor)  
National Notary Association

**Support, if amended**

California League of Independence Notaries

**Opposition**

None on file

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