
THIRD READING

Bill No: AB 1977
Author: Irwin (D)
Amended: 5/27/26 in Senate
Vote: 21

SENATE JUDICIARY COMMITTEE: 10-2, 6/9/26

AYES: Umberg, Allen, Ashby, Caballero, Durazo, Laird, Reyes, Wahab, Weber
Pierson, Wiener

NOES: Niello, Valladares

NO VOTE RECORDED: Stern

SENATE APPROPRIATIONS COMMITTEE: Senate Rule 28.8

ASSEMBLY FLOOR: 61-5, 4/13/26 - See last page for vote

SUBJECT: Notaries public

SOURCE: Secretary of State Dr. Shirley N. Weber

DIGEST: This bill amends the Online Notarization Act and other statutes related to notaries public in California to resolve issues identified by the Secretary of State's office as it prepares for the rollout of remote online notarization (RON) by notaries public in this state.

ANALYSIS:

Existing law:

- 1) Authorizes the Secretary of State to appoint and commission notaries public, who may act as such notaries in any part of this state. (Government (Gov.) Code, § 8200.)
- 2) Requires that every person appointed as a notary public in this state meet specified requirements, including having satisfactorily completed certain

courses of study and passed a written exam prescribed by the Secretary of State. (Gov. Code, §§ 8201, 8201.2.)

- 3) Requires the Secretary of State, prior to granting an appointment as a notary public, to take certain actions to determine the applicant's honesty, credibility, truthfulness, and integrity to fulfill the position, including by obtaining the applicant's fingerprint images to information relating to the applicant's convictions and arrests, if any, and provide certain personal information. (Gov. Code, §§ 8201.1, 8201.5.)
- 4) 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 giving a certificate of that proof or acknowledgment endorsed on or attached to the instrument; a notary public must also provide certain information to the Secretary of State upon written request. (Gov. Code, § 8205.)
- 5) Establishes the Online Notarization Act. (Gov. Code, tit. 2, div. 1, ch. 3, art. 2, §§ 8231 et seq.)
- 6) Provides that a notary public commissioned in California shall not provide online notarization prior to registering with the Secretary of State or prior to completion of the Secretary of State's technology project to develop the capabilities necessary to support RON, which must be completed on or before January 1, 2030, unless the Secretary of State provides notice to the Legislature and the Governor on or before January 1, 2029, that it needs more time to implement the statutes. (Gov. Code, § 8231.)
- 7) Establishes procedures and requirements for a person or entity to apply for registration with the Secretary of State to provide online notarization platform or depository services for online notarizations. (Gov. Code, §§ 8231.14, 8231.15.)
- 8) Establishes requirements for a business that provides software to a notary public to facilitate online notarizations, including a requirement that any such business consent to jurisdiction in the courts of this state, and data security requirements. (Gov. Code, § 8231.18.)
- 9) Provides that any waiver of the provisions of the Online Notarization Act is contrary to public policy and is void and unenforceable. (Gov. Code, § 8231.19.)

This bill:

- 1) Requires a notary public, as a condition of reappointment of their commission, to pass a written examination prescribed by the Secretary of State and to provide proof of that passage to the Secretary of State; if the notary public is also seeking reauthorization to perform RONS, the notary public must pass, and provide evidence of their passage, an examination prescribed by the Secretary of State relating to RON.
- 2) Requires the Secretary of State to review a course of study offered by a vendor to be available to satisfy the course of study requirement for a notary public to perform RONS, and to approve the proffered course of study if it includes all of the required material.
- 3) Clarifies provisions relating to the use of the notary public's electronic signature, including electronic storage security requirements.
- 4) Clarifies provisions relating to the use of the notary public's electronic seal, including the use of the seal on electronic records and electronic storage security requirements.
- 5) Permits the Secretary of State to charge a \$100 processing fee for the issuance of a permit to issue notary seals.
- 6) Clarifies that the Secretary of State may refuse to appoint a person as a notary public, or revoke or suspend the commission of a notary public, for violations of specified RON statutes.
- 7) Requires a notary public to maintain, in addition to their electronic journal or journals, a tangible sequential journal, which can be permanently bound or digital, as specified, in which the notary public must maintain a sequential record of all in-person notarizations and RONS they perform.
- 8) Prohibits a notary public from providing a fee for a RON session until the online notarial act is completed.
- 9) Permits a notary public, notwithstanding 8), to charge a technology fee for a terminated online notarial act session if the fee does not exceed the actual and reasonable cost incurred by the notary public for the use of an online notarization platform and the session is terminated due to either of the following:

- a) The notary public determines that completion of the notarial act would violate the notary's legal obligations, as specified.
 - b) An act or omission that can reasonably be attributed to the principal and is not due, in whole or in part, to an error, a failure, or noncompliance by the notary public or online notarization platform.
- 10) Requires a person or entity that is registered with the Secretary of State as an online notarization platform or a depository to renew their registration annually, as follows:
- a) If there has been no change in the information in the last filed application, the platform or depository may, in lieu of filing a full application for re-registration, advise the Secretary of State, on a form prescribed by the Secretary of State, that there are no such changes.
 - b) The applicable filing period for a re-registration is the calendar month in which the platform or depository filed their initial registration and the immediately preceding five calendar months.
 - c) The Secretary of State shall provide notice to a platform or depository approximately three months prior to the close of the applicable filing period through the Secretary of State's web portal.
 - d) The platform or depository's failure to receive the filing period notice is not an excuse for failure to re-register.
- 11) Requires a registered online notarization platform or depository to file an updated application with the Secretary of State if there is a change to specified information relating to the platform or depository, including the entity's name and address and whether any order, judgment, or decree has been entered against the entity for specified civil or criminal acts.
- 12) Permits the Secretary of State to charge a fee of \$5,000 for an initial application from an entity to provide online notarization platform or depository services; \$1,000 for a renewal registration; and \$50 for an updated application.
- 13) Requires an online notarization platform or depository that is going out of business, ceasing operations, or merging with a non-registered entity to notify the Secretary of State through its online platform of (1) its intent to cease offering services in California, and (2) that it is providing the notaries public who use its services with a reasonable opportunity to download the records of their online notarial acts.

- 14) Requires the Secretary of State to publish information on its website demonstrating that an online notarization platform or depository is registered to provide RON services; the Secretary of State must update the information at least every 30 days.

Comments

In 2023, the Legislature enacted the Online Notarization Act (SB 696 (Portantino, Ch. 291, Stats. 2023)), which establishes the requirements for a notary public to perform RONs and the requirements for the supporting software, platforms, and databases necessary to facilitate those RONs. The Online Notarization Act also requires the Secretary of State to adopt RON-related regulations and to complete a significant technology project to provide the support needed to ensure that RONs are technologically secure and records are preserved. California notaries cannot perform RONs until the technology project is complete, which must be no later than January 1, 2030.

Now that the Secretary of State's technology project is well underway, the Secretary of State's office has identified portions of the Online Notarization Act and other notary-related statutes that need updating for the implementation of RON in the state. This bill is a clean-up bill to make the changes identified by the Secretary of State's office; the author has also incorporated feedback from stakeholders.

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: No

SUPPORT: (Verified 6/15/26)

Secretary of State Dr. Shirley N. Weber (source)
California League of Independent Notaries
National Notary Association

OPPOSITION: (Verified 6/15/25)

None received

ARGUMENTS IN SUPPORT: According to Secretary of State Dr. Shirley N. Weber:

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,

inconsistencies within existing notary law, and gaps in administrative procedures that need to be addressed before the Act takes effect in 2030.

AB 1977 accomplishes the following:

- Clarifies ambiguous definitions and procedures to ensure the law is implementable;
- Harmonizes electronic seal requirements between traditional and remote online notaries to strengthen security;
- Establishes registration, renewal, amendment, and termination procedures for online notarization platforms and depositories with the Secretary of State;
- Sets specific fee amounts for filings that were authorized but not specified in the original Act;
- Corrects technical errors, including citation mistakes and grammatical issues.

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.

ASSEMBLY FLOOR: 61-5, 4/13/26

AYES: Addis, Aguiar-Curry, Ahrens, Alanis, Alvarez, Arambula, Ávila Farías, Bains, Bauer-Kahan, Bennett, Berman, Boerner, Bonta, Bryan, Calderon, Caloza, Carrillo, Connolly, Elhawary, Fong, Gabriel, Garcia, Gipson, Jeff Gonzalez, Mark González, Haney, Harabedian, Hart, Irwin, Jackson, Kalra, Krell, Lowenthal, McKinnor, Muratsuchi, Nguyen, Ortega, Pacheco, Papan, Patel, Pellerin, Petrie-Norris, Quirk-Silva, Ramos, Ransom, Michelle Rodriguez, Rogers, Blanca Rubio, Schiavo, Schultz, Sharp-Collins, Solache, Soria, Stefani, Tangipa, Wallis, Ward, Wicks, Wilson, Zbur, Rivas

NOES: Davies, DeMaio, Ellis, Hadwick, Ta

NO VOTE RECORDED: Castillo, Chen, Dixon, Flora, Gallagher, Hoover, Johnson, Lackey, Lee, Macedo, Patterson, Celeste Rodriguez, Sanchez, Valencia

Prepared by: Allison Whitt Meredith / JUD. / (916) 651-4113

6/16/26 16:43:02

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