

CONCURRENCE IN SENATE AMENDMENTS

AB 1977 (Irwin)

As Amended May 27, 2026

Majority vote

SUMMARY

Makes both clarifying and substantive amendments to the Online Notarization Act.

Major Provisions

- 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) *Specifies that a notary may charge a fee for a terminated online notarial session only 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) *A determination by the notary public that completion of the notarial act would violate the law, as specified.*
 - b) *An act or mission that can reasonably be attributed to the principal, and not due, in whole or in part, to an error, failure, or noncompliance by the notary public or the online notarization platform.*
- 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.

Senate Amendments

- 1) *Clarify the conditions under which a notary public may charge a fee for a terminated notarial act.*

2) *Make other technical and conforming amendments.*

COMMENTS

SB 696 (Portantino) Chapter 291, Statutes of 2023, 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) Chapter 291, Statutes of 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, this bill 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.

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.

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.

Arguments in Opposition

None on file

FISCAL COMMENTS

According to the Senate Appropriations Committee, pursuant to Senate Rule 28.8, negligible state costs.

VOTES:

ASM JUDICIARY: 9-1-2

YES: Kalra, Bauer-Kahan, Bryan, Connolly, Harabedian, Pacheco, Papan, Stefani, Zbur

NO: Sanchez

ABS, ABST OR NV: Macedo, Dixon

ASM APPROPRIATIONS: 11-1-3

YES: Wicks, Arambula, Caloza, Fong, Mark González, Krell, Muratsuchi, Pacheco, Pellerin, Solache, Tangipa

NO: Ta

ABS, ABST OR NV: Hoover, Calderon, Dixon

ASSEMBLY FLOOR: 61-5-14

YES: 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

NO: Davies, DeMaio, Ellis, Hadwick, Ta

ABS, ABST OR NV: Castillo, Chen, Dixon, Flora, Gallagher, Hoover, Johnson, Lackey, Lee, Macedo, Patterson, Celeste Rodriguez, Sanchez, Valencia

UPDATED

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CONSULTANT: Tom Clark / JUD. / (916) 319-2334

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