

# SENATE . . . . . No. 2306

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## The Commonwealth of Massachusetts

—————  
In the Year Two Thousand Fourteen  
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SENATE, Thursday, July 24, 2014

The committee on Ways and Means, to whom was referred the Senate Bill regulating notaries public to protect consumers and the validity and effectiveness of recorded instruments (Senate, No. 2252),- reports, recommending that the same ought to pass with an amendment substituting a new draft with the same title (Senate, No. 2306).

For the committee,  
Stephen M. Brewer

**The Commonwealth of Massachusetts**

\_\_\_\_\_  
**In the Year Two Thousand Fourteen**  
\_\_\_\_\_

An Act regulating notaries public to protect consumers and the validity and effectiveness of recorded instruments.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1           SECTION 1. The introductory paragraph of section 30 of chapter 183 of the General  
2 Laws, as appearing in the 2012 Official Edition, is hereby amended by striking out the first  
3 sentence and inserting in place thereof the following sentence:- The acknowledgment of the  
4 execution of a deed or other written instrument required to be acknowledged shall be by 1 or  
5 more of the grantors or by any attorneys or representatives executing it on behalf of the grantors.

6           SECTION 2. Said chapter 183 is hereby further amended by striking out section 42, as  
7 so appearing, and inserting in place thereof the following section:-

8           Section 42. The forms set forth in the appendix to this chapter for taking  
9 acknowledgments to deeds and other instruments and for certifying the authority of officers  
10 taking proofs or acknowledgments may be used but this shall not preclude the use of any other  
11 forms lawfully used as required or authorized by any general or special law or any regulation or  
12 executive order regulating notaries public, including a form that acknowledges the voluntary act

13 of an individual executing a document in a representative capacity but which fails to  
14 acknowledge the deed or instrument as the voluntary or free act of the principal or grantor.

15 SECTION 3. Chapter 222 of the General Laws is hereby amended by striking out section  
16 1, as so appearing, and inserting in place thereof the following 2 sections:-

17 Section 1. For the purposes of this chapter, the following words shall have the following  
18 meanings unless the context clearly requires otherwise:

19 "Acknowledgment", a notarial act in which an individual, at a single time and place  
20 appears, in person, before a notary public, is identified by the notary public through satisfactory  
21 evidence of identity and presents a document to the notary public and indicates to the notary  
22 public that the signature on the document before the notary was voluntarily affixed by the  
23 individual for the purposes stated within the document or that the signature on the document was  
24 the individual's free act and deed and, if applicable, that the individual was authorized to sign in  
25 a particular representative capacity.

26 "Affirmation", a notarial act, or part thereof, that is legally equivalent to an oath and in  
27 which an individual, at a single time and place appears, in person, before a notary public, is  
28 identified by the notary public through satisfactory evidence of identity and the individual makes  
29 a vow of truthfulness or fidelity under the penalties of perjury without invoking a deity.

30 "Copy certification", a notarial act in which a notary public is presented with a document  
31 which the notary public copies, or supervises the copying of, the document by a photographic or  
32 electronic copying process, compares the original document to the copy and determines that the  
33 copy is accurate and complete.

34 "Credible witness", an honest, reliable and impartial person who personally knows an  
35 individual appearing before a notary and who takes an oath or affirmation before the notary to  
36 vouch for that individual's identity.

37 "Journal of notarial acts" or "journal", a permanently bound book that creates and  
38 preserves a chronological record of notarizations performed by a notary public.

39 "Jurat", a notarial act in which an individual, at a single time and place appears, in  
40 person, before a notary public, is identified by the notary public through satisfactory evidence of  
41 identity and: (i) presents a document; (ii) signs the document in the presence of the notary public:  
42 and (iii) takes an oath or affirmation before the notary vouching for the truthfulness or accuracy  
43 of the contents of the signed document.

44 "Notarial act" or "notarization", an act that a notary public is empowered to perform.

45 "Notary public" or "notary", a person commissioned to perform official acts pursuant to  
46 Article IV of the Amendments of the Constitution.

47 "Oath", a notarial act, or part thereof, that is legally equivalent to an affirmation and in  
48 which an individual, at a single time and place, appears in person before a notary, is identified by  
49 the notary through satisfactory evidence of identity and takes a vow of truthfulness or fidelity  
50 under the penalties of perjury or by invoking a deity.

51 "Official misconduct", a violation of sections 13 to 24, inclusive, or any other general or  
52 special law in connection with a notarial act or a notary's performance of an official act in a  
53 manner found to be grossly negligent or against the public interest.

54 "Personal knowledge of identity", familiarity with an individual resulting from  
55 interactions with that individual over a period of time sufficient to ensure beyond doubt that the  
56 individual is the person whose identity is claimed.

57 "Principal", a person whose signature is notarized or a person taking an oath or  
58 affirmation before a notary.

59 "Regular place of work or business", a place where an individual spends a substantial  
60 portion of their working or business hours.

61 "Satisfactory evidence of identity", identification of an individual based on: (i) at least 1  
62 current document issued by a federal or state government agency bearing the photographic image  
63 of the individual's face and signature; (ii) the oath or affirmation of a credible witness unaffected  
64 by the document or transaction who is personally known to the notary and who personally knows  
65 the individual; or (iii) identification of an individual based on the notary public's personal  
66 knowledge of the identity of the principal; provided, however, that for a person who is not a  
67 United States citizen, "satisfactory evidence of identity" shall mean identification of an  
68 individual based on a valid passport or other government-issued document evidencing the  
69 individual's nationality or residence and which bears a photographic image of the individual's  
70 face and signature.

71 "Signature witnessing", a notarial act in which an individual, at a single time and place,  
72 appears, in person, before a notary public, is identified by the notary public through satisfactory  
73 evidence of identity and presents a document and signs the document in the presence of the  
74 notary public.

75           Section 1A. Justices of the peace and notaries public shall be appointed by the secretary  
76 of the commonwealth and their commissions shall be issued for the commonwealth. Justices of  
77 the peace and notaries public shall have jurisdiction throughout the commonwealth when acting  
78 under the sole authority of such a commission and shall perform their duties subject to sections 8  
79 to 27, inclusive. Unless otherwise expressly provided, justices of the peace and notaries public  
80 may administer oaths or affirmations in all cases in which an oath or affirmation is required and  
81 take acknowledgments of deeds and other instruments.

82           SECTION 4. Said chapter 222 is hereby further amended by striking out sections 8 and  
83 8A, as so appearing, and inserting in place thereof the following section:-

84           Section 8. (a) When taking acknowledgment of any instrument or administering an oath  
85 for an instrument filed in court, a justice of the peace, notary public or other person duly  
86 authorized shall print or type such justice of the peace, notary public or other person's name  
87 directly below such person's signature and affix thereto the date of the expiration of such  
88 person's commission in the following language: "My commission expires \_\_\_\_\_."

89           (b) A notary public shall keep an official notarial seal or stamp that shall be the exclusive  
90 property of the notary. A notary shall not permit another to use such notarial seal or stamp. A  
91 notary public shall obtain a new seal or stamp upon renewal of the commission, upon receipt of a  
92 new commission or if the name of the notary public is changed. The notarial seal or stamp shall  
93 include: (i) the notary public's name exactly as indicated on the commission; (ii) the words  
94 "notary public" and "Commonwealth of Massachusetts" or "Massachusetts"; (iii) the expiration  
95 date of the commission in the following words: "My commission expires \_\_\_\_"; and (iv) a  
96 facsimile of the seal of the commonwealth. Whenever a notarial seal that requires ink is

97 employed, black ink shall be used. The requirements of this subsection shall be satisfied by  
98 using a stamp and a seal that, together, include all of the information required in this section.  
99 Failure to comply with this section shall not affect the validity of any instrument or the record  
100 thereof.

101 SECTION 5. Section 11 of said chapter 222, as so appearing, is hereby amended by  
102 inserting after the word “dependents” in line 2, the following words:- or members of the  
103 Massachusetts National Guard or other reserve component commands when conducting  
104 mobilization exercises and soldier readiness processing.

105 SECTION 6. Said chapter 222 is hereby further amended by striking out section 12, as so  
106 appearing, and inserting in place thereof the following section:-

107 Section 12. Notwithstanding section 23 or any other general or special law to the  
108 contrary, a notary public who is an attorney or who is employed by an attorney and by virtue of  
109 such employment performs notary duties shall not be required to maintain a journal of notary  
110 transactions.

111 SECTION 7. Said chapter 222 is hereby further amended by adding the following 14  
112 sections:-

113 Section 13. (a) A person qualified for a notary public commission shall be at least 18  
114 years of age, reside or have a regular place of work or business within the commonwealth and be  
115 a United States citizen or have permanent residency status in the United States.

116 (b) In the governor's discretion, an application for appointment, reappointment or renewal  
117 of a commission may be denied based on:

- 118 (i) submission of an official application containing a material misstatement or  
119 omission of fact;
- 120 (ii) the applicant's conviction of an offense that resulted in a prison sentence;
- 121 (iii) the applicant's conviction of a misdemeanor offense that resulted in a  
122 sentence to probation or a fine or a conviction for a violation of paragraph (a) of subdivision (1)  
123 of section 24 of chapter 90 or subsection (a) of section 8 of chapter 90B;
- 124 (iv) the applicant's admission to sufficient facts to warrant a finding of guilt of  
125 any offense;
- 126 (v) a finding or admission of responsibility or liability against the applicant in a  
127 civil action based on the applicant's fraud or deceit;
- 128 (vi) revocation, suspension, restriction or denial of a notarial commission or  
129 professional licensure by the commonwealth or any other jurisdiction; or
- 130 (vii) any other reason, including for official misconduct, that, in the governor's  
131 discretion, would render the applicant unsuitable to hold a commission as a notary public.

132 Section 14. A person commissioned as a notary public may perform notarial acts in any  
133 part of the commonwealth for a term of 7 years unless the commission is earlier revoked or the  
134 notary resigns.

135 Section 15. (a) A notary public may perform the following notarial acts: (i)  
136 acknowledgments; (ii) oaths and affirmations; (iii) jurats; (iv) signature witnessings; (v) copy  
137 certifications; (vi) issuance of summonses for witnesses as set forth in section 1 of chapter 233;

138 (vii) issuance of subpoenas; and (viii) witnessing the opening of a bank safe, vault or box as set  
139 forth in section 32 of chapter 167.

140 (b) A notary shall take the acknowledgment of the signature or mark of persons  
141 acknowledging for themselves or in any representative capacity by using substantially the  
142 following form:

143 “On this \_\_\_\_ day of \_\_\_\_\_, 20\_\_, before me, the undersigned notary public,  
144 \_\_\_\_\_ (name of document signer) personally appeared, proved to me  
145 through satisfactory evidence of identification, which were \_\_\_\_\_, to be  
146 the person whose name is signed on the preceding or attached document, and acknowledged to  
147 me that (he) (she) signed it voluntarily for its stated purpose.

148 (as partner for \_\_\_\_\_, a partnership)

149 (as \_\_\_\_\_ for \_\_\_\_\_, a corporation or other entity)

150 (as attorney in fact for \_\_\_\_\_, the principal)

151 (as \_\_\_\_\_ for \_\_\_\_\_, (a) (the) \_\_\_\_\_)

152 \_\_\_\_\_ (official signature and seal of notary)”

153 (c) A notary shall use a jurat certificate in substantially the following form in notarizing a  
154 signature or mark on an affidavit or other sworn or affirmed written declaration:

155 “On this \_\_\_\_ day of \_\_\_\_\_, 20\_\_, before me, the undersigned notary public,  
156 \_\_\_\_\_ (name of document signer) personally appeared, proved to me  
157 through satisfactory evidence of identification, which were \_\_\_\_\_, to be

158 the person who signed the preceding or attached document in my presence and who swore or  
159 affirmed to me that the contents of the document are truthful and accurate to the best of (his)  
160 (her) knowledge and belief.

161 \_\_\_\_\_ (official signature and seal of notary)”

162 (d) A notary shall witness a signature in substantially the following form in notarizing a  
163 signature or mark to confirm that it was affixed in the notary's presence without administration of  
164 an oath or affirmation:

165 “On this \_\_\_\_ day of \_\_\_\_\_, 20\_\_, before me, the undersigned notary public,  
166 \_\_\_\_\_ (name of document signer) personally appeared, proved to me  
167 through satisfactory evidence of identification, which were \_\_\_\_\_, to be  
168 the person whose name is signed on the preceding or attached document in my presence.

169 \_\_\_\_\_ (official signature and seal of notary)”

170 (e) A notary shall certify a copy by using substantially the following form:

171 “On this \_\_\_\_ day of \_\_\_\_\_, 20\_\_, I certify that the (preceding) (following)  
172 (attached) document is a true, exact, complete and unaltered copy made by me of  
173 \_\_\_\_\_ (description of the document), presented to me by  
174 \_\_\_\_\_.

175 \_\_\_\_\_ (official signature and seal of notary)”

176 (f) A notary public may certify the affixation of a signature by mark on a document  
177 presented for notarization if:

178 (i) the principal affixes the mark in the presence of the notary public and 2  
179 witnesses unaffected by the document;

180 (ii) both witnesses sign their own names beside the mark; and

181 (iii) the notary public notarizes the signature by mark through an  
182 acknowledgment, jurat or signature witnessing.

183 (g) A notary public may sign the name of a principal who is physically unable to sign or  
184 make a mark on a document presented for notarization if:

185 (i) the principal directs the notary to do so in the presence of 2 witnesses who are  
186 unaffected by the document;

187 (ii) the principal does not have a demeanor that causes the notary public to have a  
188 compelling doubt about whether the principal knows the consequences of the transaction or  
189 document requiring the notarial act;

190 (iii) in the notary public's judgment, the principal is acting of the principal's own  
191 free will;

192 (iv) the notary public signs the principal's name in the presence of the principal  
193 and the witnesses;

194 (v) both witnesses sign their own names beside the signature;

195 (vi) the notary public writes below the signature: "Signature affixed by notary  
196 public in the presence of (names and addresses of principal and 2 witnesses)"; and

197 (vii) the notary public notarizes the signature through an acknowledgment, jurat  
198 or signature witnessing.

199 (h) This section shall not require a notary public to use the forms in this section if another  
200 form of acknowledgment, jurat, signature witnessing or copy certification is required or allowed  
201 by any court rule or court form or is required by any general or special law including, but not  
202 limited to, section 2-504 of chapter 190B, any federal law or any regulation adopted pursuant to  
203 any such law; provided, however, that the forms in this section may be used in lieu of any  
204 equivalent form authorized or promulgated by any such law or regulation including, but not  
205 limited to, section 42 of chapter 183 and the forms in the appendix to said chapter 183 if any  
206 such law or regulation does not expressly prohibit the use of other forms.

207 (i) This section shall not require a notary public to use the forms in this section if the  
208 form of acknowledgment, jurat, signature witnessing or copy certification of a document  
209 contains an alternative form from another state if the document is to be filed or recorded in or  
210 governed by the laws of that other state.

211 (j) This section shall not require a notary public to use the forms in this section if the  
212 form of acknowledgment, jurat, signature witnessing or copy certification appears on a printed  
213 form that contains an express prohibition against altering such form.

214 Section 16. (a) A notary public shall not perform a notarial act if:

215 (i) the principal is not in the notary's presence at the time of notarization;

216 (ii) the principal is not identified by the notary through satisfactory evidence of  
217 identity;

218 (iii) the principal has a demeanor that causes the notary public to have a  
219 compelling doubt about whether the principal knows the consequences of the transaction or  
220 document requiring the notarial act;

221 (iv) in the notary public's judgment, the principal is not acting of the principal's  
222 own free will;

223 (v) the notary public is a party to or is named in the document that is to be  
224 notarized, unless: (1) the notary public is named in the document for the sole purpose of  
225 receiving notices relating to the document; or (2) the notary public is licensed as an attorney in  
226 the commonwealth or is employed by an attorney so licensed and is named as an executor,  
227 trustee or any other fiduciary capacity in a document;

228 (vi) the notary public will receive as a direct result of the notarial act any  
229 commission, fee, advantage, right, title, interest, cash, property or other consideration exceeding  
230 the maximum fees provided in section 24 or has any financial interest in the subject matter of the  
231 document; provided, however, that this section shall not preclude a notary public who is licensed  
232 as an attorney in the commonwealth or who is employed by an attorney so licensed from notarial  
233 acts relative to any document in connection with which the attorney receives a legal fee for  
234 professional legal services; or

235 (vii) the notary public is a spouse, domestic partner, parent, guardian, child or  
236 sibling of the principal, including in-law, step or half relatives, except if a principal witnesses a  
237 will or other legal document prepared by the notary public who is an attorney licensed in the  
238 commonwealth.

239 (b) A notary public shall not refuse to perform a notarial act solely based on the  
240 principal's race, age, sex, gender identity, sexual orientation, religion, national origin, health,  
241 disability or status as a nonclient or noncustomer of the notary public or the notary public's  
242 employer.

243 (c) A nonattorney notary public shall not influence a person to enter into or avoid a  
244 transaction involving a notarial act by the notary public; provided, however, that the notary  
245 public may provide assistance relating to that transaction, if the notary public is duly qualified,  
246 trained or acting pursuant to a standard or practice recognized in a particular industry or  
247 professional field in selecting, drafting or completing a certificate or other document related to a  
248 matter within such industry or field.

249 (d) A notary public shall not execute a certificate containing information which the  
250 notary knows or believes to be false.

251 (e) A notary public shall not affix an official signature or seal on a notarial certificate that  
252 is incomplete.

253 (f) A notary public shall not provide or send a signed or sealed notarial certificate to  
254 another person with the understanding that it will be completed or attached to a document  
255 outside of the notary public's presence; provided, however, that in connection with a  
256 commercial, nonconsumer transaction, a notary public may deliver a signed, sealed or signed and  
257 sealed notarial certificate to an attorney with the understanding that: (i) the attorney will attach  
258 the certificate to a document outside of the notary's presence; (ii) the attorney will hold such  
259 notarial certificate in escrow; and (iii) the attorney informs the notary public that the attorney

260 will obtain the approval of any principals involved before attaching the certificate to the  
261 document.

262 (g) A notary public shall not notarize a signature on a blank or incomplete document,  
263 except as provided in subsection (f).

264 (h) A notary public shall not perform any official notarial act with the intent to deceive or  
265 defraud.

266 (i) A notary public shall not use the term "notario" or "notario publico" or any equivalent  
267 non-English term in a business card, advertisement, notice or sign.

268 (j) A notary public shall not claim to have powers, qualifications, rights or privileges that  
269 the office of notary public does not provide.

270 Section 17. (a) A notary public shall not advise clients, offer legal advice or represent or  
271 advertise the notary public as a legal specialist or consultant unless the notary public is an  
272 attorney licensed to practice law in the commonwealth. A notary public shall not state or imply  
273 in any communication that the notary public can or will obtain special favors from or has special  
274 influence with any government agency. A notary public who is not licensed to practice law in the  
275 commonwealth shall not make a literal translation of the notary public's status as "licensed" or  
276 as a "notary public" into a language other than English without regard to the true meaning of the  
277 word or phrase in that language or use any other term that implies that the notary public is an  
278 attorney so licensed, in any document, including an advertisement, stationery, letterhead,  
279 business card or other written or broadcast material describing the notary public or the notary  
280 public's services.

281 (b) A notary public who is not an attorney licensed to practice law in the commonwealth:

282 (i) shall not offer legal advice or advise a client as to the immigration status of a  
283 client, secure or attempt to secure supporting documents including, but not limited to, birth  
284 certificates, necessary to complete a client's immigration forms or submit completed  
285 immigration forms on a client's behalf to any governmental agency;

286 (ii) may translate questions presented on an immigration form for another person  
287 and may complete those forms at the explicit direction of such other person only if translation of  
288 such other person's answers is necessary; and

289 (iii) prior to providing services of any kind related to an immigration matter or  
290 any matter that that could influence or affect a person's legal status under immigration law, shall  
291 provide a client with a written statement that states "I am not an attorney licensed to practice law.  
292 I may not give you legal advice or advise you about immigration policies or procedures. You  
293 should seek the advice of a qualified attorney to assist you with any legal questions or with  
294 questions about legal status under immigration law."

295 (c) Subsection (b) shall not apply to:

296 (i) an attorney licensed to practice law in any state or territory of the United States  
297 or in any foreign country when authorized by the supreme judicial court, to the extent the  
298 attorney renders immigration assistance service in the course of the attorney's practice as an  
299 attorney;

300 (ii) a paralegal, legal intern or law student employed by an attorney so licensed  
301 and rendering immigration assistance in the course of the intern's or student's employment; and

302 (iii) any organization employing or desiring to employ a person not a citizen of  
303 the United States if the organization, its employees or agents provide advice or assistance in  
304 immigration-related matters to noncitizen employees or potential employees without  
305 compensation from the individuals to whom such advice or assistance is provided.

306 (d) A notary public who is not an attorney shall not engage in the practice of law. This  
307 subsection shall not preclude a notary public who is duly qualified, trained or experienced in a  
308 particular industry or professional field from selecting, drafting or completing a certificate or  
309 other document related to a matter within that industry or field.

310 (e) A notary public who is not an attorney licensed to practice law in the commonwealth  
311 or who is not employed by an attorney so licensed shall not conduct a real estate closing and  
312 shall not act as a real estate closing agent. A notary public who is employed by an attorney so  
313 licensed may notarize a document in conjunction with a real estate closing conducted by the  
314 attorney. A notary public who is employed by a lender may notarize a document in conjunction  
315 with the closing of the employer's real estate loans.

316 (f) This section shall apply to any person who employs, contracts with or otherwise uses  
317 the services of a notary public with knowledge or reason to know of conduct that is in violation  
318 of this section.

319 Section 18. (a) The attorney general or district attorney may prosecute any person  
320 committing a violation of this chapter. A person convicted of committing a violation of this  
321 chapter shall be punished for a first offense by a fine of not more than \$1,000 or by  
322 imprisonment in a jail or house of correction for not more than 6 months, or by both such fine  
323 and imprisonment and, for a second or subsequent offense, by a fine of not more than \$5,000 or

324 by imprisonment in a jail or house of correction for not more than 1 year, or by both such fine  
325 and imprisonment. The attorney general or district attorney may file a petition for injunctive  
326 relief against any person who violates this chapter. If the attorney general, district attorney or the  
327 state secretary has cause to believe that, as a result of official misconduct, a person holding the  
328 office of notary public is unsuitable to hold that office, the attorney general, district attorney or  
329 state secretary shall provide notice to the governor of such official misconduct. Any conviction  
330 based on a violation of this chapter shall be grounds for the revocation of a notary public's  
331 appointment. If the court finds that a person so convicted either knew or should have known that  
332 the conduct would be in violation of this chapter, the court may require such person to pay a  
333 civil penalty of not more than \$5,000 for each such violation and may also require the person to  
334 pay the reasonable costs of investigation and litigation of such violation, including reasonable  
335 attorneys' fees.

336 (b) A person having an interest or right that is or may be adversely affected by a violation  
337 of section 17 may initiate an action for private remedies and, if the attorney general or district  
338 attorney has not done so, for injunctive relief. Such person may be awarded actual damages and,  
339 if the court finds that the person against whom the action is brought either knew or should have  
340 known the conduct would be in violation of said section 17, punitive damages of not more than  
341 \$5,000 per violation, attorney's fees and court costs.

342 (c) A violation of section 17 shall constitute an unfair or deceptive act or practice  
343 pursuant to chapter 93A.

344 (d) It shall not be a defense in an action pursuant to this section that the conduct that is  
345 the subject of the action, in whole or in part, occurred primarily or substantially outside the  
346 commonwealth.

347 Section 19. A notary shall perform a notarial act for any person requesting such act who  
348 tenders the fee provided for in section 24, unless:

349 (i) the notary public knows or has reason to believe that the notarial act or the  
350 associated transaction is unlawful;

351 (ii) the principal has a demeanor that causes the notary public to have a  
352 compelling doubt about whether the principal knows the consequences of the transaction or  
353 document requiring the notarial act;

354 (iii) the act is prohibited by this chapter or any other applicable law; or

355 (iv) the number of notarial acts requested practicably precludes completion of all  
356 acts at once, in which case, the notary public shall arrange for later completion of the remaining  
357 acts.

358 Section 20. (a) A notary public shall not have the power or duty to investigate, ascertain,  
359 or attest to the lawfulness, propriety, accuracy or truthfulness of a document or transaction  
360 involving a notarial act.

361 (b) Except as may be required by the office of the state secretary for the issuance of an  
362 apostille:

363 (i) failure of a document to contain the forms of acknowledgment, jurat, signature  
364 witnessing or copy certification set forth in section 15 or otherwise to comply with the

365 requirements set forth in sections 8 to 23, inclusive, shall not have any effect on the validity of  
366 the underlying document or the recording of the underlying document;

367 (ii) failure of a document to contain the forms of acknowledgment, jurat, signature  
368 witnessing or copy certification set forth in said section 15 shall not be the basis of a refusal to  
369 accept the document for filing, recordation, registration or acceptance by a third party; and

370 (iii) failure of a document executed in a representative capacity to contain an  
371 acknowledgment that the instrument was also the voluntary or free act and deed of the principal  
372 or grantor shall not effect the validity of the underlying document or the recording of the  
373 document.

374 Section 21. A notary public who is not an attorney who advertises notarial services in a  
375 language other than English shall include in the advertisement, notice, letterhead or sign the  
376 following statement prominently displayed in the same language: "I am not an attorney and I  
377 have no authority to give advice on immigration or other legal matters."

378 Section 22. (a) Except as provided in subsection (f), a notary public shall keep, maintain,  
379 protect and provide for lawful inspection a chronological official journal of notarial acts that is a  
380 permanently bound book with numbered pages, except as otherwise provided in this section.

381 (b) A notary public shall keep not more than 1 active journal at the same time.

382 (c) For every notarial act, except for the issuance of summons or subpoenas or the  
383 administration of an oral oath, the notary public shall record in the journal at the time of the  
384 notarization the following:

385 (i) the date and time of the notarial act, proceeding or transaction;

386 (ii) the type of notarial act;

387 (iii) the type, title or a description of the document, transaction or proceeding;

388 provided, however, that if multiple documents are signed by the same principal in the course of a  
389 transaction or during a single date, a single journal entry shall be sufficient;

390 (iv) the signature, printed name and address of each principal and witness, except  
391 that if a principal or witness tells the notary that the principal or witness is a battered person, the  
392 notary shall make a note in the journal that the person's address shall not to be subject to public  
393 inspection; and

394 (v) a description of the satisfactory evidence of identity of each person, including:

395 (1) a notation of the type of identification document, the issuing agency,  
396 its serial or identification number and its date of issuance or expiration; provided, however, that  
397 if the identification number on the document is the person's social security number then, instead  
398 of including the number, the notary shall write in the words "Social Security number" or the  
399 acronym "SSN";

400 (2) a notation if the notary identified the individual on the oath or  
401 affirmation of a credible witness or based on the notary's personal knowledge of the individual;

402 (3) the fee, if any, charged for the notarial act; and

403 (4) the address where the notarization was performed.

404 (d) A notary public shall not record a social security or credit card number in the journal.

405 (e) A notary public shall record in the journal the reason for not completing a notarial act  
406 requested by a principal.

407 (f) A journal shall not be required for a notary public who is an attorney admitted to  
408 practice law in any jurisdiction or who is employed by any such attorney. If such attorney or  
409 person so employed elects to maintain a journal, the provisions of this section shall not be  
410 construed in any way to impair or infringe on the attorney-client privilege or the attorney work  
411 product doctrine.

412 A notary public who works for a government entity shall not be required to maintain a  
413 journal for the notarial acts performed in the course of said employment.

414 (g) Except as provided in subsection (f), a journal may be examined without restriction  
415 by a law enforcement officer in the course of an official investigation, subpoenaed by court order  
416 or surrendered at the direction of the state secretary. Nothing in this section shall prevent a  
417 notary public from seeking appropriate judicial protective orders.

418 (h) A notary public shall maintain and safeguard a journal and all other notarial records  
419 and shall surrender or destroy such records only as directed by law, court order or regulation or  
420 at the direction of the state secretary.

421 (i) When not in use, a journal shall be kept in a secure area under the exclusive control of  
422 the notary public and shall not be used by any other notary nor surrendered to an employer upon  
423 termination of employment.

424 Section 23. Notwithstanding section 41 of chapter 262, no fee shall be charged by a  
425 notary public to notarize a signature on an absentee ballot identification envelope or other voting

426 materials or on any application or claim by a United States military veteran for a pension,  
427 allotment, allowance, compensation, insurance or other veterans' benefit.

428           Section 24. When a notary commission expires, is resigned or revoked, the notary shall as  
429 soon as reasonably practicable, destroy or deface all notary seals and stamps so that they may not  
430 be used and shall retain the notarial journal and records for 7 years after the date of expiration,  
431 resignation or revocation.

432           Section 25. Within 10 days after the change of a notary public's name, residence, business  
433 address or mailing address, the notary shall send to the state secretary a signed notice of the  
434 change, providing both the old and new information.

435           Section 26. A notary public's commission may be revoked for official misconduct as  
436 defined in section 1 or for other good cause as determined by the governor with the consent of  
437 the governor's council.

438           SECTION 8. This act shall apply to all commissions of notaries public and justices of the  
439 peace authorized by chapter 222 of the General Laws, including commissions received or  
440 renewed before the effective date of this act.