

**TEXAS STATE NOTARY BUREAU**

**4107 SOUTH FIRST STREET**

**AUSTIN, TEXAS 78745**

**[www.TexasStateNotary.com](http://www.TexasStateNotary.com)**

**512-4439202 Fax: 512-707-7115**

*So,*

*You're*

*a*

*Notary!*

**Texas State Notary Bureau**

**512-443-9202**

*Texas Notary Public  
Educational Materials*

## **SUBPOENAS**

### **§ 87.50. AUTHORITY**

A notary is authorized to issue a subpoena or subpoena duces tecum for written depositions. This is a powerful authorization and should be exercised cautiously.

### **§ 87.52. ISSUING**

Prior to issuing a subpoena, the notary shall:

- (1) require proof of service of notice to take a deposition from the requesting party or attorney; or
- (2) personally execute service of the notice to take a deposition. Additionally, the notary shall confirm that there is no court or administrative order or procedure that precludes the issuance of the subpoena. The notary shall obtain an affidavit from the requesting party or attorney stating whether the party or attorney is aware of any such procedure or order.

### **§ 87.54. GOVERNED BY OTHER LAW**

These rules do not independently authorize a notary public to issue a subpoena. The issuance of a subpoena by a notary public must be authorized by other law, rule, or procedure and in conformity with such law, rule, or procedure. Failure of a notary public to conform to these administrative rules does not affect the validity of a subpoena but may subject the notary public to disciplinary proceedings by the Office of the Secretary of State.

**Rule revisions: Effective: Jan. 1, 2010, 34 TexReg 9395**

**Texas Administrative Code  
TITLE 1 ADMINISTRATION  
PART 4 OFFICE OF THE SECRETARY OF STATE  
CHAPTER 87 NOTARY PUBLIC, Subchapters**

**A NOTARY PUBLIC QUALIFICATIONS  
B REJECTION AND REVOCATION  
C ADMINISTRATIVE ACTION  
D REFUSAL TO PERFORM NOTARIAL SERVICES  
E NOTARY RECORDS  
F CHANGE IN ADDRESS  
G ELECTRONIC SUBMISSIONS OF NOTARY  
APPLICATIONS AND BONDS  
H APPOINTMENT OF QUALIFIED ESCROW OFFICER AS  
NOTARY PUBLIC**

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**512-443-9202**

- (e) If the secretary of state determines to proceed on a complaint, the notary public shall be required to respond to the complaint within 20 days of mailing of the notice of complaint to the notary public. The response shall be in writing; the response should specify any disputed facts and provide such additional information as the notary public shall desire.
- (f) The secretary of state shall review the response, and determine whether further administrative action is appropriate. If the secretary determines that no further action is appropriate, the secretary shall notify in writing the notary public and the complainant of the determination.
- (g) If the secretary determines that further administrative action is appropriate, the secretary shall cause the initiation of a contested case under the rules of practice and procedure before the Office of the Secretary of State.

**§ 87.48. OTHER DISCIPLINARY ACTION**

- (a) The secretary of state may determine that the conduct which is the basis of a complaint against a notary public does not warrant the suspension or revocation of the commission of the notary public. In the discretion of the secretary of state and after the initiation of a contested case, the secretary of state may seek, but is not limited to, the following disciplinary actions:
  - (1) official reprimand to the notary public;
  - (2) a consent decree to cease and desist from engaging from any further misconduct;
  - (3) an agreement to voluntarily surrender the notary public commission;
  - (4) an agreement to complete a course of study relating to the powers, duties, and responsibilities of a notary public;
  - (5) an agreement not to seek renewal of a notary public commission for a specified period of time; or
  - (6) to take such information action as the secretary deems appropriate.
- (b) If no agreement can be reached, the secretary of state shall give written notice to the affected party of a right to a hearing in accordance with the rules of practice and procedure before the secretary of state.

**§ 87.49. TIME FOR ACTION**

- (a) A complaint which arises during the time of office of a notary public which is not disposed of prior to the end of the term may be pursued in subsequent term of office. The secretary of state shall not be barred from seeking suspension or revocation of a notary public for acts or omissions which occurred during a prior term of office.
- (b) In the discretion of the secretary of state, the secretary may determine to take other disciplinary action after the expiration of the term of office of a notary public regardless of whether the notary public has renewed or will seek to renew the notary public commission.

**FOREWORD**

The following educational materials are provided to you in accordance with Tex. Gov't. Code Ann. § 406.008.

This information should be kept for reference throughout your four (4) year term. Please read through this information at least once before you begin to notarize in order to familiarize yourself with the responsibilities of your office.

THE STATUTES REFERRED TO IN THESE MATERIALS ARE SUBJECT TO LEGISLATIVE CHANGE. The Secretary of State will provide a copy of these changes only upon request. Contact the Secretary of State, Notary Public Unit, P. O. Box 12079, Austin, Texas 78711-2079 or call (512) 463-5705 following each legislative session.

The Secretary of State's office would like to thank the Texas Young Lawyers Association for permitting us to use excerpts from their former publication, Texas Notary Public Handbook.

**TABLE OF CONTENTS**

	Page
Introduction . . . . .	2
Statutes	
Record Book and Public Records . . . . .	3
Notary Seal . . . . .	3
Change of Address . . . . .	3
Unauthorized Practice of Law . . . . .	4
Revocation or Suspension of Commission by Secretary of State . . . . .	4-5
Fees Posted . . . . .	5
Fee Book . . . . .	5
To Itemize Costs . . . . .	5
Fees . . . . .	5-6
Questions Frequently Asked . . . . .	6-8
List of Prohibited Acts . . . . .	9
Notarial Definitions . . . . .	9-10
Sample Forms	
Acknowledgments . . . . .	10-11
Jurat . . . . .	12
Verifications . . . . .	12
Oath or Affirmation . . . . .	12
Statements of Officer . . . . .	13
Depositions . . . . .	13
Protests . . . . .	14-15
Certified Copy of a Non-Recordable Document . . . . .	15
Notary Public Act . . . . .	A - G
Notary Public Rules . . . . .	Rules 1-7

## INTRODUCTION

A Notary Public is a public servant with statewide jurisdiction who is authorized to take acknowledgments, protest instruments permitted by law to be protested (primarily negotiable instruments and bills and notes), administer oaths, take depositions, and certify copies of documents not recordable in the public records.

A Notary Public is, in the true sense of the word, "a public servant" and "an officer of the State of Texas," conveniently located in the community so that he/she may be of service to the public. Each Notary Public takes an official oath of office to faithfully perform the duties of the office, and to insure such performance is required to post a \$10,000.00 bond with the Secretary of State.

The primary duty of a Notary Public is to show a disinterested party (the Notary Public) has admonished the signer of an instrument as to the importance of such document, and the signer of such document has declared that his/her identity, his/her signature and his/her reasons for signing such instrument are genuine. The signature and seal of a Notary Public do not prove these facts conclusively, but do provide prima facie proof of them, and allow persons in trade and commerce to rely upon the truth and veracity of the Notary Public as a third party who has no personal interest in the transaction.

A Notary Public is personally liable for negligence or fraud in the performance of the duties of the office. The bond is to insure that the person injured can recover at least \$10,000.00, but this does not protect the Notary Public from personal liability for the full extent of damages caused by a breach of official duty. In addition to civil liability, Notaries Public may be subject to criminal prosecution and the revocation or suspension of their notary public commission by the Secretary of State's office.

The Secretary of State's office may revoke or suspend the commission of any Notary Public for good cause subject to Tex. Gov't. Code Ann. § 406.009 and the notary public rules. A high standard of conduct should always be maintained by a Notary Public.

- (3) the current certificate of commission or a statement that the notary public will perform all future notarial acts under the name specified on the amended commission; and
  - (4) the statutory fees for the issuance of a commission and the filing of a bond.
- (b) The change of name will be effective as of the date of receipt of the properly completed and executed elements listed in this section.
  - (c) When the name change is effective, the notary public will perform all notarial acts using the name on the amended commission.

### § 87.45. REJECTION

If the submission of the change of name does not comply with § 87.44(a) of this title (relating to Qualification under New Name), the secretary of state shall notify the notary public in writing of any deficiency. The notary public shall have 30 days from the date of the notice to respond; if no response is received, the request for the change of name will be considered abandoned and all fees paid will be forfeited.

### § 87.46. ISSUANCE OF AMENDED COMMISSION

The secretary of state shall issue an amended commission to the notary public in the name requested.

### § 87.47. COMPLAINT PROCEDURES

- (a) A person harmed by the actions of a notary public may file a complaint with the secretary of state. The complaint shall be filed on the form prescribed by the secretary of state for such purposes, shall be signed and verified by the person alleging misconduct on the part of the notary public, and shall substantially comply with the requirements set forth on the prescribed form.
- (b) The complaint shall be reviewed by an employee of the secretary of state to determine if the complaint substantially complies with the requirements set forth on the prescribed form and if the actions complained of are sufficient to constitute good cause for suspension, revocation, or other disciplinary action.
- (c) The secretary of state may determine that the actions of the notary public are not sufficiently egregious to warrant formal disciplinary action. The secretary may determine to take no action on the complaint, or the secretary may determine to informally advise the notary public of the appropriate conduct and the applicable statutes and rules governing the conduct. The secretary of state shall notify the complainant of the determination not to take further or formal action.
- (d) If the secretary of state determines that the complaint alleges sufficient facts to constitute good cause for the suspension or revocation of the notary public's commission, or other disciplinary action against the notary public, the secretary of state shall notify the notary public of the filing of the complaint and send a copy of the complaint to the notary public.

## STATUTES

- (8) a failure to administer an oath or affirmation as required by law;
  - (9) the collection of a fee in excess of those authorized by the Texas Government Code, § 406.024;
  - (10) the execution of any certificate as a notary public containing a statement known to the notary public to be false;
  - (11) a failure to complete the acknowledgment at the time the notary public's signature and seal are affixed to the document;
  - (12) the advertising in any manner whatsoever that the notary public is an immigration specialist, immigration consultant, or any other title or description reflecting an expertise in immigration matters;
  - (13) the use of false or misleading advertising of either an oral or written nature, whereby the notary public has represented or indicated that he or she has duties, rights, powers, or privileges that are not possessed by law;
  - (14) taking an acknowledgment when the person whose signature is acknowledged did not personally appear before the notary at the time of taking the acknowledgment;
  - (15) previous disciplinary action against the notary public in accordance with these sections; and
  - (16) a failure to comply with, or violation of, a previous disciplinary action taken pursuant to § 87.48 of this title (relating to Other Disciplinary Action).
- (b) A crime involving moral turpitude means the commission of a crime mala in se (an offense that is evil or wrong from its own nature or by natural law irrespective of statute) which may include, but not be limited to:
- (1) Class A and B type misdemeanors; and
  - (2) felony convictions which have not been set aside, or for which no pardon or certificate of restoration of citizenship rights have been granted.
- (c) The dismissal and discharge of proceedings under either misdemeanor adult probation and supervision law or the adult probation, parole, and mandatory supervision law shall not be considered a conviction for the purposes of determining good cause.
- (d) Final Class C type misdemeanor convictions shall not be considered in determining good cause.

### ADMINISTRATIVE ACTION

#### § 87.44. QUALIFICATION UNDER A NEW NAME

- (a) During the four-year term of office, a notary public may change the name on the notary commission by submitting the following to the secretary of state:
- (1) a complete change of name form;
  - (2) a rider or endorsement to the bond on file with the secretary of state from the surety company or its agent or representative specifying the change of name;

#### RECORD BOOK AND PUBLIC RECORDS

Tex. Gov't. Code Ann. § 406.014 requires that a Notary Public maintain a record book. This record book must be maintained whether or not any fees are charged for your notary public services.

*A notary public other than a court clerk notarizing instruments for the court shall keep in a book a record of: (1) the date of each instrument notarized; (2) the date of the notarization; (3) the name of the signer, grantor, or maker; (4) the signer's, grantor's, or maker's residence or alleged residence; (5) whether the signer, grantor, or maker is personally known by the notary public, was identified by an identification card issued by a governmental agency or a passport issued by the United States, or was introduced to the notary public and, if introduced, the name and residence or alleged residence of the individual introducing the signer, grantor, or maker; (6) if the instrument is proved by a witness, the residence of the witness, whether the witness is personally known by the notary public or was introduced to the notary public and, if introduced, the name and residence of the individual introducing the witness; (7) the name and residence of the grantee; (8) if land is conveyed or charged by the instrument, the name of the original grantee and the county where the land is located; and (9) a brief description of the instrument. Entries in the notary's book are public information. A notary public shall, on payment of all fees, provide a certified copy of any record in the notary public's office to any person requesting the copy.*

#### NOTARY SEAL

Tex. Gov't. Code Ann. § 406.013 requires a Notary Public to use a seal of office to authenticate all his/her acts. A printed seal does not mean a hand drawn seal.

*(a) A notary public shall provide a seal of office that clearly shows, when embossed, stamped, or printed on a document, the words "Notary Public, State of Texas" around a star of five points, the notary public's name, and the date the notary public's commission expires. The notary public shall authenticate all official acts with the seal of office.*

*(b) The seal may be a circular form not more than two inches in diameter or a rectangular form not more than one inch in width and 2.5 inches in length. The seal must have a serrated or milled edge border.*

*(c) The seal must be affixed by a seal press or stamp that embosses or prints a seal that legibly reproduces the required elements of the seal under photographic methods. An indelible ink pad must be used for affixing by a stamp the impression of a seal on an instrument to authenticate the notary public's official act.*

#### CHANGE OF ADDRESS

Tex. Gov't. Code Ann. § 406.019 requires a Notary Public to notify the Secretary of State of any change of address within ten (10) days. You may fill out a Notary Public Change of Address form or send a letter with your name, social security number, old address, and new address to: Secretary of State, Notary Public Unit, P.O. Box 12079, Austin, Texas 78711-2079.

## UNAUTHORIZED PRACTICE OF LAW

Tex. Gov't. Code Ann. § 406.017 requires any Notary Public that is not an attorney and advertises in a language other than English to state that they are not an attorney. This section also prohibits the use of "Notario Publico."

In Mexico, a Notary Public must be a lawyer and must have earned at least a bachelor's degree in law. To avoid deception by such persons and to dispel erroneous assumptions, the Texas Legislature enacted Section 406.017 to prescribe special provisions applicable to advertisements by a Notary Public in languages other than English.

*(a) A notary public who is not an attorney and who advertises the services of a notary public in a language other than English, whether by signs, pamphlets, stationery, or other written communication or by radio or television, shall post or otherwise include with the advertisement a notice that the notary public is not an attorney.*

*(b) The notice must be in English and in the language of the advertisement and in letters of a conspicuous size. If the advertisement is by radio or television, the statement may be modified, but must include substantially the same message. The notice must include the fees that a notary public may charge and the following statement:*

***"I AM NOT AN ATTORNEY LICENSED TO PRACTICE LAW  
IN TEXAS AND MAY NOT GIVE LEGAL ADVICE OR ACCEPT  
FEES FOR LEGAL ADVICE."***

*(c) Literal translation of the phrase "Notary Public" into Spanish is prohibited. In this subsection, "literal translation" means the translation of a word or phrase without regard to the true meaning of the word or phrase in the language that is being translated.*

*(d) Failure to comply with this section is, in addition to a violation of any other applicable law of this state, a deceptive trade practice actionable under Chapter 17, Business & Commerce Code.*

## REVOCATION OR SUSPENSION OF COMMISSION BY THE SECRETARY OF STATE

Tex. Gov't. Code Ann. § 406.009 gives the Secretary of State the authority to reject an application, or suspend or revoke the commission of any Notary Public for "good cause."

*(a) The secretary of state may, for good cause, reject an application or suspend or revoke the commission of a notary public.*

*(b) An action by the secretary of state under this section is subject to the rights of notice, hearing, adjudication, and appeal.*

*(c) An appeal under this section is to the district court of Travis County. The secretary of state has the burden of proof, and the trial is conducted de novo.*

## REJECTION AND REVOCATION

### § 87.41. REJECTION OF APPLICATION AND REVOCATION OF COMMISSION

The secretary of state by final decision and order may, for ineligibility or good cause, reject any application, suspend or revoke the commission of any notary public, or take other disciplinary action against a notary public. The other disciplinary action shall include, but not be limited to, those actions outlined in § 87.48 of this title (relating to Other Disciplinary Acts). Rejection, revocation, and disciplinary proceedings will be held pursuant to the right of notice, hearing, and adjudication as set out in the rules of practice and procedure before the Office of the Secretary of State and the Administrative Procedure Act, Texas Government Code §§ 2001.001 - 2001.902. Any party to a contested case has the right to be represented by legal counsel. Such action will be subject to the right of appeal to a district court of Travis County.

### § 87.42. ELIGIBILITY FOR APPOINTMENT OR TO HOLD THE OFFICE OF NOTARY PUBLIC

An application for appointment will be rejected if the applicant is not 18 years of age and a resident of the United States and Texas. A notary public commission will be revoked if the applicant was not at least 18 years of age at the time of appointment, or is no longer a resident of the United States and Texas. An applicant or notary public will no longer be eligible to hold the public office of notary public if convicted of a felony which has become final, and not set aside, for which no pardon or certificate of restoration of citizenship rights has been granted. The dismissal and discharge of proceedings under the adult probation, parole, and mandatory supervision law will not be considered a conviction for the purpose of determining a person's eligibility to be appointed or hold the office of notary public.

### § 87.43. GOOD CAUSE

- (a) Good cause as stated in § 87.41 of this title (relating to Rejection of Application and Revocation of Commission) may include, but not be limited to, the following:
- (1) a final conviction for a crime involving moral turpitude;
  - (2) any false statement knowingly made in an application for appointment or reappointment as a notary public;
  - (3) a final conviction for the violation of any law concerning the regulation of the conduct of notaries public in this state or any other state;
  - (4) the failure to comply with the Texas Government Code § 406.017(b) or (c), concerning the restrictions imposed on the advertising of notary services in a foreign language and the prohibition against the literal translation of notary public into Spanish;
  - (5) a failure to fully and faithfully discharge any of the duties or responsibilities required of a notary public;
  - (6) the unauthorized practice of law;
  - (7) a failure by the notary public to utilize a correct notary seal as described in the Notary Public Act, § 406.013;

## NOTARY PUBLIC QUALIFICATIONS

### § 87.22. COMPLETION AND EXECUTION OF THE BOND AND STATEMENT OF OFFICER

- (a) The bond and statement of officer will be completed as follows.
- (1) All information entered on the application will be legible.
  - (2) The name and social security number of the applicant will be entered in the space provided in the application.
  - (3) The complete name of the insurance or bonding company will be entered in the spaces provided in the bond.
  - (4) The name and address of the agent or agency will be entered in the space provided in the bond.
  - (5) The applicant will sign in the space provided for signature for the principal. The surety officer or an attorney-in-fact for an insurance or bonding company will sign in the space provided and give the surety company's Texas Department of Insurance license number.
  - (6) A bond form that is preprinted with a surety company's name may be used only by that surety for the issuance of a notary bond.
  - (7) The applicant's name to be used as a notary will be entered in the space provided in the statement of officer.
  - (8) The applicant will execute the statement of officer before a notary public or other qualified officer and sign in the space provided for signature. Both the initial qualification as well as renewals require the referenced statement of officer.

### § 87.23. REVIEW OF THE BOND AND STATEMENT OF OFFICER

- (a) The bond and statement of officer shall be approved by the secretary of state if:
- (1) the form is properly completed and executed as hereinabove provided in § 87.22(a) of this title (relating to Completion and Execution of the Bond and Statement of Officer); and
  - (2) the fees specified in the Notary Public Act, § 406.007, Texas Government Code, Annotated §§ 406.001 - 406.025, are remitted with the form to the secretary of state.
- (b) When all conditions for qualification have been met, the application form shall be approved, stamped "qualified" with the date of qualification, and filed. The secretary of state shall cause a commission to be issued and sent to each notary public who has qualified, which commission shall be effective as of the date of qualification for a term of office as provided by law.

(d) In this section, "good cause" includes:

- (1) a final conviction for a crime involving moral turpitude;
- (2) a false statement knowingly made in an application;
- (3) the failure to comply with Section 406.017;
- (4) a final conviction for a violation of a law concerning the regulation of the conduct of notaries public in this or another state;
- (5) the imposition on the notary public of an administrative, criminal, or civil penalty for a violation of a law or rule prescribing the duties of a notary public; or
- (6) performing any notarization when the person for whom the notarization is performed did not personally appear before the notary at the time the notarization is executed.

### FEES POSTED

Tex. Gov't. Code Ann. § 603.008 (Vernon Supp. 1994) requires that a Notary Public keep the fees posted that they are authorized by law to charge.

*A county judge, clerk of a district or county court, sheriff, justice of the peace, constable, or notary public shall keep posted at all times in a conspicuous place in the respective offices a complete list of fees the person may charge by law.*

### FEE BOOK

Tex. Gov't. Code Ann. § 603.006 (Vernon Supp. 1994) requires a Notary Public that charges a fee for his/her services to keep a fee book.

*An officer who by law may charge a fee for a service shall keep a fee book and shall enter in the book all fees charged for services rendered.*

### TO ITEMIZE COSTS

Tex. Gov't. Code Ann. § 603.007 (Vernon Supp. 1994) states that a Notary Public must itemize or be prepared to itemize the fees he/she charges for performing notarial services.

*A fee under this chapter is not payable to a person until a clerk or officer produces, or is ready to produce, a bill in writing containing the details of the fee to the person who owes the fee. The bill must be signed by the clerk or officer to whom the fee is due or who charges the fee or by the successor in office or legal representative of the clerk or officer.*

### FEES

Tex. Gov't. Code Ann. § 406.024 sets out the maximum fees a Notary Public, or its employer, may charge for their notary public services. A Notary Public that charges more than the maximum set out below subjects himself/herself to possible criminal prosecution and suspension or revocation of his/her notary public commission by the Secretary of State's office.

A list of the fees that notaries public may charge follows on page 6.

**Notaries Public may charge the following fees:**

Protesting a bill or note for non-acceptance or nonpayment, register and seal .....	\$4.00
Each notice of protest .....	1.00
Protesting in all other cases .....	4.00
Certificate and seal to a protest .....	4.00
Taking the acknowledgment or proof of any deed or other instru- ment in writing, for registration, including certificate and seal:	
(1) for the first signature .....	6.00
(2) for each additional signature .....	1.00
Administering an oath or affirmation with certificate and seal .....	6.00
All certificates under seal not otherwise provided for .....	6.00
Copies of all records and papers in their office, for each page .....	.50
All notarial acts not provided for .....	6.00
Taking the depositions of witnesses, for each 100 words .....	.50
Swearing a witness to depositions, making certificate therefor with seal, and all other business connected with taking such deposition .....	6.00

**QUESTIONS FREQUENTLY ASKED**

The following section consists of questions Notaries Public often have about their office. If you have any questions about notarizing a document, you should contact the maker of the document, the Notary Public Unit of the Secretary of State's office, or an attorney.

1. MAY I NOTARIZE MY SPOUSE'S SIGNATURE?
2. MAY I NOTARIZE FOR MY SPOUSE'S BUSINESS?
3. MAY I NOTARIZE FOR MY RELATIVES?

There is no statute that directly answers these questions. The basic rules are *"the act of taking and certifying acknowledgments cannot be performed by a notary public financially or beneficially interested in the transaction,"* Creosoted Wood Block Paving Co. v. McKay, (Civ. App. 1919) 211 S.W. 822, and *"one who is a party to an instrument, no matter how small or nominal is his interest therein, cannot act as a notary public, with reference thereto,"* Morris v. Dunn, (Civ. App. 1942) 164 S.W.2d 562. Better practice requires the use of a disinterested Notary Public, so the best answer to each of the above questions is "NO." This is particularly true with spouses where it appears that either the husband or wife would always have some interest because of Texas community property laws. Alone, none of the above constitutes a valid complaint against a Notary Public which the Secretary of State's office would pursue.

**NOTARY PUBLIC RULES**  
**1 TEX. ADMIN. CODE §§ 87.1 - 87.54**

**NOTARY PUBLIC APPOINTMENTS**

**§ 87.1. APPLICATION FOR A COMMISSION AS A NOTARY PUBLIC**

- (a) All persons applying for a commission as a notary public shall use the application form prescribed by the secretary of state.
- (b) The application form may be obtained by writing the Office of the Secretary of State, Notary Public Unit, P.O. Box 12079, Austin, Texas 78711-2079.

**§ 87.4. ISSUANCE OF THE NOTARY PUBLIC COMMISSION BY THE SECRETARY OF STATE**

- (a) The secretary of state shall commission each applicant if:
  - (1) the application is properly completed and executed;
  - (2) the applicant is a resident of the United States and of Texas, and is at least 18 years of age;
  - (3) the applicant is eligible and no good cause is known for rejection of the application as provided by law and hereafter by § 87.41 of this title (relating to Rejection of Application and Revocation of Commission);
  - (4) the fees specified in the Texas Government Code, § 406.007 are submitted with the application form; and
  - (5) if a renewal, the form is received by the secretary of state no later than the expiration date of the term for which the notary public is presently serving.
- (b) The secretary of state shall not commission an applicant if he or she has had a prior application rejected or a commission revoked for a finding of ineligibility or good cause which still continues.
- (c) If any application is received that is not properly completed and executed, the qualification of that particular applicant will be delayed. The secretary of state shall notify the applicant by means of a rejection notice stating why the commission was not issued, and the steps which should be taken to correct the errors or omissions. The applicant will have 30 days from the date of the notice to respond; otherwise, the application will be considered abandoned and all fees deposited forfeited.
- (d) When an applicant states that he or she has been convicted of either a felony or a crime involving moral turpitude, or for the violation of any law concerning the regulation of the conduct of notaries public, the secretary of state may request such additional facts or supporting documentation as may be deemed necessary for fair consideration of the application. Once a request for additional facts or supporting documentation is made, the applicant shall have 30 days from the date of the request to respond; otherwise, the application will be considered abandoned and all fees deposited forfeited.



**Sec. 406.025. SIGNATURE ON COMMISSION AFTER CHANGE IN OFFICE**

If the governor or secretary of state ceases to hold or perform the duties of office, existing stocks of commissions bearing the person's printed name, signature, or facsimile signature may be used until they are exhausted, and the person succeeding to the office or the duties of the office shall have the commissions issued with:

- (1) the obsolete printed name, signature, or facsimile signature struck through;
- (2) the successor's printed name submitted for the obsolete printed name, signature, or facsimile signature; and
- (3) the inscription "Printed name authorized by law" near the successor's printed name.

**4. MAY I ALTER OR CHANGE THE INSTRUMENT I NOTARIZE?**

To answer this question, a distinction must be made between the instrument and the acknowledgment. A Notary Public is not authorized to change, alter or draft any instrument. However, a Notary Public may correct the certificate of acknowledgment to reflect the proper facts. For example, if an acknowledgment is taken in Webb County and the certificate shows Marion County, the certificate may be corrected as follows:

*The State of Texas  
County of ~~Marion~~ Webb*

*Before me, (Notary Public's name), a Notary Public, on this day personally . . . etc.*

**5. MAY I PERFORM NOTARIAL ACTS IN OTHER COUNTIES?**

Yes. Jurisdiction to perform notarial acts is co-extensive with the boundaries of the State of Texas.

**6. MAY I PERFORM FUNCTIONS OTHER THAN THOSE OUTLINED IN TEX. GOV'T. CODE § 406.016 AND MAY I CHARGE FEES IN EXCESS OF THOSE AUTHORIZED IN TEX. GOV'T. CODE § 406.024?**

No. Notary public functions are statutorily stated and should be provided in accordance with the law prescribed. A Notary Public may not deviate from the prescribed fees for performance of notarial acts.

**7. WHAT IF THERE IS A DIFFERENCE BETWEEN THE DATE THE INSTRUMENT IS SIGNED AND THE DATE THE ACKNOWLEDGMENT IS ACTUALLY TAKEN?**

To answer this question, an example is given. If an instrument ends with the wording: "*Signed and executed at Tyler, Smith County, Texas, this 25th day of October, 1993,*" and the party whose name appears on such instrument appears before the Notary Public on October 27th, 1993, the Notary Public would fill in the acknowledgment with the true and correct date of the appearance before the Notary Public.

**8. MAY I TAKE AN ACKNOWLEDGMENT OVER THE TELEPHONE?**

No. A Notary Public may not perform by telephone those notarial acts which require a personal appearance.

**9. MAY I CHANGE MY NAME FROM THE NAME SHOWN ON MY NOTARY PUBLIC COMMISSION?**

Yes. A Notary Public may change the name on their commission by sending the Secretary of State a new application, certificate of commission, a rider or endorsement from the insurance agency or surety, and a \$20.00 filing fee. The above four elements must be sent at the same time. For an instruction sheet, please contact the Notary Public Unit at (512) 463-5705.

10. MAY I MAKE A CERTIFIED COPY OF A BIRTH CERTIFICATE?

No. A birth certificate is a recordable document. However, a Notary Public has the authority to make certified copies of documents **not** recordable in the public records. This provision was enacted in order to deter fraud and hand-copying mistakes. Two key words a Notary Public may use in determining whether or not they may make a certified copy of a document are "Filed" and "Recorded." If a Notary Public is brought a document which contains either of these words, the Notary Public may not supply the person with a certified copy. The document need not be recorded, but merely recordable, for the Notary Public to be unable to make a certified copy. The person must obtain a certified copy from the custodian of the record: county clerk, registrar, Secretary of State.

When making certified copies, the Notary Public must be brought the original document. He/she will then make two (2) photocopies, one of which the Notary Public will retain for his/her journal. The types of documents a Notary Public may make certified copies of would include letters or in-house business documents. The Notary Public **may not** make certified copies of birth certificates, death certificates, Deeds of Trust, liens, etc. **THESE ARE ALL RECORDABLE DOCUMENTS.**

11. MAY A NOTARY PUBLIC DETERMINE WHICH TYPE OF NOTARIAL CERTIFICATE SHOULD BE ATTACHED TO A DOCUMENT?

No. A Notary Public who is not an attorney should only complete a notarial certificate which is already on the document or type a certificate of the maker's choosing. **If a Notary Public is brought a document without a certificate and decides which certificate to attach, that Notary Public would be "practicing law."** Therefore, never decide which certificate should be used — leave that up to the maker of the document.

12. SHOULD A NOTARY PUBLIC RELY ONLY ON A CREDIT CARD IN DETERMINING THE IDENTIFICATION OF A SIGNER?

No. If the signer is not personally known by the Notary Public or identified by a credible witness, the Notary Public **must** use an identification card issued by a governmental agency or a passport issued by the United States to identify the signer.

**Sec. 406.020. REMOVAL FROM STATE**

A notary public who removes his residence from this state vacates the office.

**Sec. 406.021. REMOVAL FROM PRECINCT**

An ex officio notary public who moves permanently from the notary public's precinct vacates the office.

**Sec. 406.022. EFFECT OF VACANCY**

If the office of a notary public becomes vacant due to resignation, removal, or death, the county clerk of the county in which the notary public resides shall obtain the record books and public papers belonging to the office of the notary public and deposit them in the county clerk's office.

**Sec. 406.023. ADMINISTRATION AND ENFORCEMENT**

- (a) The secretary of state shall adopt rules necessary for the administration and enforcement of this subchapter. The rules must be consistent with the provisions of this subchapter.
- (b) The secretary of state may employ an investigator to aid in the enforcement of this subchapter.
- (c) The secretary of state may provide for the appointment of county clerks as deputy custodians for the limited authentication of notary public records deposited in the clerks' offices.

**Sec. 406.024. FEES CHARGED BY NOTARY PUBLIC**

- (a) A notary public or its employer may charge the following fees:
  - (1) for protesting a bill or note for nonacceptance or nonpayment, register and seal, a fee of \$4;
  - (2) for each notice of protest, a fee of \$1;
  - (3) for protesting in all other cases, a fee of \$4;
  - (4) for certificate and seal to a protest, a fee of \$4;
  - (5) for taking the acknowledgment or proof of a deed or other instrument in writing, for registration, including certificate and seal, a fee of \$6 for the first signature and \$1 for each additional signature;
  - (6) for administering an oath or affirmation with certificate and seal, a fee of \$6;
  - (7) for a certificate under seal not otherwise provided for, a fee of \$6;
  - (8) for a copy of a record or paper in the notary public's office, a fee of 50 cents for each page;
  - (9) for taking the deposition of a witness, 50 cents for each 100 words;
  - (10) for swearing a witness to a deposition, certificate, seal, and other business connected with taking the deposition, a fee of \$6; and
  - (11) for a notarial act not provided for, a fee of \$6.
- (b) A notary public may charge a fee only for an acknowledgment or official act under Subsection (a). The fee charged may not exceed the fee authorized by Subsection (a).

## PROHIBITED ACTS

THE SECTION BELOW PROVIDES A NOTARY PUBLIC WITH A LIST OF PROHIBITED ACTS HE/SHE MAY NOT DO IN CARRYING OUT THEIR OFFICE. IF THE NOTARY PUBLIC PERFORMS ANY OF THE FOLLOWING, HE/SHE MAY BE SUBJECTING THEMSELVES TO POSSIBLE CRIMINAL PROSECUTION, CIVIL LIABILITY, AND THE REVOCATION OR SUSPENSION OF HIS/HER NOTARY PUBLIC COMMISSION.

### A Notary Public may not:

1. perform acts which constitute the practice of law, the performance thereof being restricted to licensed attorneys at law.
2. prepare, draft, select, or give advice concerning legal documents.
3. translate the term "Notary Public" into Spanish (Notario Publico).
4. overcharge for his/her services.
5. **notarize a document without the signer being in his/her presence.**
6. notarize his/her own signature.
7. issue identification cards.
8. sign a document under any other name than the one under which he/she was commissioned.
9. fail to attach his/her seal to any document he/she notarizes.
10. certify copies of documents recordable in the public records.

## NOTARIAL DEFINITIONS

**ACKNOWLEDGMENT:** A formal declaration before an authorized official, by the person who executed the instrument, that it is his/her free act and deed. The certificate of the officer on such instrument that it has been so acknowledged.

**AFFIDAVIT:** A written or printed declaration or statement of facts, made voluntarily, confirmed by the oath or affirmation of the party making it, and taken before a Notary Public or other officer having the authority to administer such oath. It is made either with or without notice to adverse parties thereto.

**AFFIRMATION:** The act of affirming the truth of a document, not an oath. *"I solemnly affirm and declare the foregoing to be a true statement . . ."* Note that an affidavit may appear in two forms: a sworn affidavit with oath, or an affirmed affidavit with affirmation. Each has the same legal import.

**JURAT:** The clause written at the foot of an affidavit or document stating when, where and before whom such affidavit was sworn or affirmed. The expiration date of the Notary Public's commission is commonly included.

**OATH:** An external pledge or affirmation, made in verification of statements made or to be made, coupled with an appeal to a sacred or venerated object, in evidence of the seriousness and reverent state of mind of the party; an invocation to a supreme being to witness the words of the party and to visit them with punishment if they be false.

of, or is affected by, the document being signed. The notary shall require identification of the witness in the same manner as from an acknowledging person under Section 121.005, Civil Practice and Remedies Code.

- (b) A notary who signs a document under this section shall write, beneath the signature, the following or a substantially similar sentence:

"Signature affixed by notary in the presence of (name of witness), a disinterested witness, under Section 406.0165, Government Code."

- (c) A signature made under this section is effective as the signature of the individual on whose behalf the signature was made for any purpose. A subsequent bona fide purchaser for value may rely on the signature of the notary as evidence of the individual's consent to execution of the document.
- (d) In this section, "disability" means a physical impairment that impedes the ability to sign or make a mark on a document.

### Sec. 406.017. REPRESENTATION AS ATTORNEY

- (a) A notary public who is not an attorney and who advertises the services of a notary public in a language other than English, whether by signs, pamphlets, stationery, or other written communication or by radio or television, shall post or otherwise include with the advertisement a notice that the notary public is not an attorney.
- (b) The notice must be in English and in the language of the advertisement and in letters of a conspicuous size. If the advertisement is by radio or television, the statement may be modified, but must include substantially the same message. The notice must include the fees that a notary public may charge and the following statement:

"I AM NOT AN ATTORNEY LICENSED TO PRACTICE LAW IN TEXAS AND MAY NOT GIVE LEGAL ADVICE OR ACCEPT FEES FOR LEGAL ADVICE."

- (c) Literal translation of the phrase "Notary Public" into Spanish is prohibited. In this subsection, "literal translation" means the translation of a word or phrase without regard to the true meaning of the word or phrase in the language that is being translated.
- (d) Failure to comply with this section is, in addition to a violation of any other applicable law of this state, a deceptive trade practice actionable under Chapter 17, Business & Commerce Code.

### Sec. 406.018. REMOVAL FROM OFFICE

- (a) A notary public guilty of wilful neglect of duty or malfeasance in office may be removed from office in the manner provided by law.
- (b) A notary public indicted for and convicted of a wilful neglect of duty or official misconduct shall be removed from office. The court shall include the order for removal as part of its judgment.

### Sec. 406.019. CHANGE OF ADDRESS

A notary public shall notify the secretary of state of a change of the notary public's address not later than the 10th day after the date on which the change is made.

**PROTEST:** A statement issued by a Notary Public that a certain bill or note was presented for payment or acceptance, and such payment or acceptance was refused. The Notary Public attests that the refuser shall be held liable for any losses arising from the dishonor of the document.

**VERIFICATION:** The ascertaining of an allegation to be true; the acceptance of a Notary Public that the person appearing before him/her has been properly identified as being the person purported to be; to make sure of proper procedure and verify same; to give a verification over his/her official signature and seal where necessary to the transaction of the business.

## SAMPLE FORMS

In the following examples a personalized seal includes the words "Notary Public, State of Texas" around a star of five points, the Notary Public's name, and the date the Notary Public's commission expires.

### ACKNOWLEDGMENTS

#### I. Ordinary Certificate

*State of Texas*

*County of \_\_\_\_\_*

*Before me, \_\_\_\_\_ (Notary Public's name), a notary public, on this day personally appeared \_\_\_\_\_, known to me (or proved to me on the oath of \_\_\_\_\_) to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he/she executed the same for the purposes and consideration therein expressed.*

*Given under my hand and seal of office this \_\_\_\_\_ day of \_\_\_\_\_, (year) \_\_\_\_\_.*

*(Personalized Seal)*

\_\_\_\_\_  
*Notary Public's Signature*

#### II. Short Forms

A. For a natural person acting in his/her own right:

*State of Texas*

*County of \_\_\_\_\_*

*This instrument was acknowledged before me on \_\_\_\_\_ (date) by \_\_\_\_\_ (name or names of person or persons acknowledging) \_\_\_\_\_.*

*(Personalized Seal)*

\_\_\_\_\_  
*Notary Public's Signature*

- (5) whether the signer, grantor, or maker is personally known by the notary public, was identified by a current identification card or other document issued by the federal government or any state government that contains the photograph and signature of the acknowledging person, or was introduced to the notary public and, if introduced, the name and residence or alleged residence of the individual introducing the signer, grantor, or maker;
  - (6) if the instrument is proved by a witness, the residence of the witness, whether the witness is personally known by the notary public or was introduced to the notary public and, if introduced, the name and residence of the individual introducing the witness;
  - (7) the name and residence of the grantee;
  - (8) if land is conveyed or charged by the instrument, the name of the original grantee and the county where the land is located; and
  - (9) a brief description of the instrument.
- (b) Entries in the notary's book are public information.
- (c) A notary public shall, on payment of all fees, provide a certified copy of any record in the notary public's office to any person requesting the copy.
- (d) A notary public who administers an oath pursuant to Article 45.01, Code of Criminal Procedure, is exempt from the requirement in Subsection (a) of recording that oath.

#### Sec. 406.015. COPIES CERTIFIED BY COUNTY CLERK

- (a) A copy of a record, declaration, protest, or other official act of a notary public may be certified by the county clerk with whom the instrument is deposited.
- (b) A copy of an instrument certified by the county clerk under Subsection (a) has the same authority as if certified by the notary public by whom the record, declaration, protest, or other official act was originally made.

#### Sec. 406.016. AUTHORITY

- (a) A notary public has the same authority as the county clerk to:
- (1) take acknowledgments or proofs of written instruments;
  - (2) protest instruments or proofs of written instruments;
  - (3) administer oaths;
  - (4) take depositions; and
  - (5) certify copies of documents not recordable in the public records.
- (b) A notary public shall sign an instrument in Subsection (a) in the name under which the notary public is commissioned.
- (c) A notary public may not issue an identification card.
- (d) A notary public not licensed to practice law in this state may not give legal advice or accept fees for legal advice.

#### Sec. 406.0165. SIGNING DOCUMENT FOR INDIVIDUAL WITH DISABILITY

- (a) A notary may sign the name of an individual who is physically unable to sign or make a mark on a document presented for notarization if directed to do so by that individual, in the presence of a witness who has no legal or equitable interest in any real or personal property that is the subject

- (b) The notary bond shall be deposited in the office of the secretary of state, is not void on first recovery, and may be sued on in the name of the injured party from time to time until the whole amount of the bond is recovered.
- (c) A notary public, before entering on the duties of office, shall take the official oath required by Section 1, Article XVI, Texas Constitution.
- (d) The oath shall be signed and sworn to or affirmed by the notary public in the presence of a notary public or other person authorized to administer oaths in this state. A notary public cannot execute his or her own oath of office.
- (e) The secretary of state shall provide an oath of office form along with the commission and educational materials.

**Sec. 406.011. REAPPOINTMENT**

- (a) Not earlier than 90 days prior to the expiration date of the notary's term, a notary public may apply for reappointment on submission of a new application to the secretary of state.
- (b) A notary public who is not reappointed on or before the expiration date of the term the notary public is serving will be appointed for a new term expiring four years from the date of qualification.

**Sec. 406.012. INSPECTION OF RECORDS**

All records concerning the appointment and qualification of the notary public shall be kept in the office of the secretary of state. The records are public information.

**Sec. 406.013. SEAL**

- (a) A notary public shall provide a seal of office that clearly shows, when embossed, stamped, or printed on a document, the words "Notary Public, State of Texas" around a star of five points, the notary public's name, and the date the notary public's commission expires. The notary public shall authenticate all official acts with the seal of office.
- (b) The seal may be a circular form not more than two inches in diameter or a rectangular form not more than one inch in width and 2.5 inches in length. The seal must have a serrated or milled edge border.
- (c) The seal must be affixed by a seal press or stamp that embosses or prints a seal that legibly reproduces the required elements of the seal under photographic methods. An indelible ink pad must be used for affixing by a stamp the impression of a seal on an instrument to authenticate the notary public's official act.
- (d) Repealed by Acts 1989, 71st leg., ch 4 § 2.71(d), eff. Sept. 1, 1989.

**Sec. 406.014. NOTARY RECORDS**

- (a) A notary public other than a court clerk notarizing instruments for the court shall keep in a book a record of:
  - (1) the date of each instrument notarized;
  - (2) the date of the notarization;
  - (3) the name of the signer, grantor, or maker;
  - (4) the signer's, grantor's, or maker's residence or alleged residence;

B. For a natural person as principal acting by attorney-in-fact:

State of Texas

County of \_\_\_\_\_

This instrument was acknowledged before me on \_\_\_\_\_ (date) by \_\_\_\_\_ (name of attorney-in-fact) as attorney-in-fact on behalf of \_\_\_\_\_ (name of principal).

(Personalized Seal)

\_\_\_\_\_  
Notary Public's Signature

C. For a partnership acting by one or more partners:

State of Texas

County of \_\_\_\_\_

This instrument was acknowledged before me on \_\_\_\_\_ (date) by \_\_\_\_\_ (name of acknowledging partner or partners), partner(s) on behalf of \_\_\_\_\_ (name of partnership), a partnership.

(Personalized Seal)

\_\_\_\_\_  
Notary Public's Signature

D. For a corporation:

State of Texas

County of \_\_\_\_\_

This instrument was acknowledged before me on \_\_\_\_\_ (date) by \_\_\_\_\_ (name of officer), \_\_\_\_\_ (title of officer) of \_\_\_\_\_ (name of corporation acknowledging), a \_\_\_\_\_ (state of incorporation) corporation, on behalf of said corporation.

(Personalized Seal)

\_\_\_\_\_  
Notary Public's Signature

E. For a public officer, trustee, executor, administrator, guardian, or other representative:

State of Texas

County of \_\_\_\_\_

This instrument was acknowledged before me on \_\_\_\_\_ (date) by \_\_\_\_\_ (name of representative) as \_\_\_\_\_ (title of representative) of \_\_\_\_\_ (name of entity or person represented).

(Personalized Seal)

\_\_\_\_\_  
Notary Public's Signature

**JURAT**

State of Texas

County of \_\_\_\_\_

Sworn to and subscribed before me on the \_\_\_\_\_ day of \_\_\_\_\_,  
(year) .

(Personalized Seal)

\_\_\_\_\_  
Notary Public's Signature

**VERIFICATIONS**

**Form 1:**

State of Texas

County of \_\_\_\_\_

\_\_\_\_\_, personally appeared before me, and being first duly sworn declared that he/she signed this application in the capacity designated, if any, and further states that he/she has read the above application and the statements therein contained are true.

(Personalized Seal)

\_\_\_\_\_  
Notary Public's Signature

**Form 2:**

State of Texas

County of \_\_\_\_\_

Before me, a notary public, on this day personally appeared \_\_\_\_\_, known to me to be the person whose name is subscribed to the foregoing document and, being by me first duly sworn, declared that the statements therein contained are true and correct.

(Personalized Seal)

\_\_\_\_\_  
Notary Public's Signature

**OATH OR AFFIRMATION**

State of Texas

County of \_\_\_\_\_

I, \_\_\_\_\_ (affiant), do solemnly swear (or affirm), that I will faithfully execute the duties of the office of \_\_\_\_\_ of the State of Texas, and will to the best of my ability preserve, protect, and defend the laws of the United States and of this State, so help me God.

\_\_\_\_\_  
Signature of Affiant

Sworn to and subscribed before me \_\_\_\_\_ (affiant) on this \_\_\_\_\_ day of \_\_\_\_\_, (year) .

(Personalized Seal)

\_\_\_\_\_  
Notary Public's Signature

- (b) The secretary of state shall charge for use of the state a fee of \$10 for a notary public commission. The applicant must pay the fee in advance to the secretary of state.

**Sec. 406.008. COMMISSION; NOTARY MATERIALS**

- (a) Immediately after the qualification of a notary public, the secretary of state shall send notice of appointment along with a commission to the notary public. The commission is effective as of the date of qualification.
- (b) When the commission is issued, the secretary of state shall supply the notary public with:
  - (1) materials outlining the powers and duties of the office;
  - (2) a list of prohibited acts; and
  - (3) sample forms for an acknowledgment, jurat, and verification and for the administering of an oath, protest, and deposition.

**Sec. 406.009. REJECTION OF APPOINTMENT; SUSPENSION OR REVOCATION OF COMMISSION**

- (a) The secretary of state may, for good cause, reject an application or suspend or revoke the commission of a notary public.
- (b) An action by the secretary of state under this section is subject to the rights of notice, hearing, adjudication, and appeal.
- (c) An appeal under this section is to the district court of Travis County. The secretary of state has the burden of proof, and the trial is conducted de novo.
- (d) In this section, "good cause" includes:
  - (1) a final conviction for a crime involving moral turpitude;
  - (2) a false statement knowingly made in an application;
  - (3) the failure to comply with Section 406.017;
  - (4) a final conviction for a violation of a law concerning the regulation of the conduct of notaries public in this or another state;
  - (5) the imposition on the notary public of an administrative, criminal, or civil penalty for a violation of a law or rule prescribing the duties of a notary public; or
  - (6) performing any notarization when the person for whom the notarization is performed did not personally appear before the notary at the time the notarization is executed.
- (e) The dismissal and discharge of proceedings under either the misdemeanor adult probation and supervision law or the adult probation, parole, and mandatory supervision law shall not be considered a conviction for the purposes of determining good cause.

**Sec. 406.010. BOND; OATH**

- (a) Each person to be appointed a notary public shall, before entering the official duties of office, execute a bond in the amount of \$10,000 with a solvent surety company authorized to do business in this state as a surety. The bond must be approved by the secretary of state, payable to the governor, and conditioned on the faithful performance of the duties of office. The secretary of state has the authority to accept an electronic filing of the notary public bond if an agreement has been made with the surety company.

**NOTARY PUBLIC ACT  
TEXAS GOV'T. CODES ANNOTATED  
TITLE 4, SUBCHAPTER A**

**Sec. 406.001. APPOINTMENTS**

The secretary of state may appoint a notary public at any time.

**Sec. 406.002. TERM**

The term of a notary public expires four years after the date the notary public qualifies.

**Sec. 406.003. JURISDICTION**

A notary public has statewide jurisdiction.

**Sec. 406.004. ELIGIBILITY**

Each person appointed and commissioned as a notary public shall be at least 18 years of age and a resident of the State of Texas and must not have been convicted of a felony or crime involving moral turpitude.

**Sec. 406.005. APPOINTMENT PROCEDURE - STATEMENT**

- (a) Each person to be appointed a notary public shall submit an application to the secretary of state on a form prescribed by the secretary of state. The application must satisfy the secretary of state that the applicant is qualified. The application must state:
- (1) the applicant's name to be used in acting as a notary public;
  - (2) the applicant's post office address;
  - (3) the applicant's county of residence;
  - (4) the applicant's date of birth;
  - (5) the applicant's driver's license number or the number of other official state-issued identification; and
  - (6) the applicant's social security number.
- (b) The applicant shall also execute the statement of officers as required by Section 1, Article XVI, Texas Constitution.
- (c) The statement shall be signed and sworn to or affirmed by the applicant in the presence of a notary public or other person authorized to administer oaths in this state.

**Sec. 406.006. QUALIFICATION**

An individual qualifies by:

- (1) properly completing the application form;
- (2) executing the statement;
- (3) providing the bond;
- (4) paying the required filing fees; and
- (5) meeting the eligibility requirement.

**Sec. 406.007. FEES PAID TO SECRETARY OF STATE**

- (a) The applicant must submit to the secretary of state:
- (1) a fee of \$10 for approving and filing the bond of the notary public; and
  - (2) a fee of \$1 to be appropriated to and used by the secretary of state only for hiring an investigator and for preparing and distributing the materials required to be distributed under Section 406.008.

**STATEMENT OF ELECTED OFFICER**

State of Texas

County of \_\_\_\_\_

I, \_\_\_\_\_ (affiant), do solemnly swear (or affirm), that I have not directly or indirectly paid, offered, promised to pay, contributed, or promised to contribute any money or thing of value, or promised a public office or employment for the giving or withholding of a vote at the election at which I was elected so help me God.

\_\_\_\_\_  
Signature of Affiant

Sworn to and subscribed before me by \_\_\_\_\_ (affiant) on this \_\_\_\_\_ day of \_\_\_\_\_, (year).

(Personalized Seal)

\_\_\_\_\_  
Notary Public's Signature

**STATEMENT OF APPOINTED OFFICER**

State of Texas

County of \_\_\_\_\_

I, \_\_\_\_\_ (affiant), do solemnly swear (or affirm), that I have not directly or indirectly paid, offered, or promised to pay, contributed, or promised to contribute any money, or valuable thing, or promised a public office or employment, as a reward to secure my appointment or confirmation thereof, so help me God.

\_\_\_\_\_  
Signature of Affiant

Sworn to and subscribed before me by \_\_\_\_\_ (affiant) on this \_\_\_\_\_ day of \_\_\_\_\_, (year).

(Personalized Seal)

\_\_\_\_\_  
Notary Public's Signature

**DEPOSITIONS**

**Form 1: Certificate to Deposition - Written Questions**

State of Texas

County of \_\_\_\_\_

\_\_\_\_\_ (Plaintiff) ) In the \_\_\_\_\_ Court  
v. ) of \_\_\_\_\_ County, Texas  
\_\_\_\_\_ (Defendant) ) Cause No. \_\_\_\_\_

I hereby certify that the foregoing answers of \_\_\_\_\_, the witness forenamed, were signed and sworn to before me on \_\_\_\_\_ (date), by said witness.

**Form 2: Certificate of Deposition - Oral Questions**

State of Texas

County of \_\_\_\_\_

\_\_\_\_\_  
(Plaintiff) ) In the \_\_\_\_\_ Court  
v. ) of \_\_\_\_\_ County, Texas  
\_\_\_\_\_  
(Defendant) ) Cause No. \_\_\_\_\_

I, \_\_\_\_\_ (Notary Public's name), Notary Public in \_\_\_\_\_ County, Texas, do hereby certify that the said witness, \_\_\_\_\_ (name), was first sworn to testify the truth and nothing but the truth; that he/she was then carefully examined; that his/her testimony which is above given was by me reduced to writing (or typewriting) (or to writing or typewriting by \_\_\_\_\_ (name), a person under my personal supervision; or by the deponent himself/herself in my presence) and by no other person, and that after it had been so reduced to writing (or typewriting) subscribed by the deponent before me all on \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ (year).

(Personalized Seal)

\_\_\_\_\_  
Notary Public's Signature

**PROTESTS**

**(Insert bill or note or copy thereof)**

United States of America

State of Texas

County of \_\_\_\_\_

Be it known that on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ (year), at the request of \_\_\_\_\_ (name), of \_\_\_\_\_, I, \_\_\_\_\_ (Notary Public's name), a Notary Public duly commissioned and sworn, residing in \_\_\_\_\_ County, Texas, did present the original \_\_\_\_\_ (instrument), hereto attached, for \$ \_\_\_\_\_, with accrued interest thereon of \$ \_\_\_\_\_, dated \_\_\_\_\_, and demanded payment (or acceptance) thereof, which was refused.

Whereupon I, at the request of the aforesaid \_\_\_\_\_, did protest, and by these presents do protest, as well against the drawer, maker, endorsers, and acceptors of said instruments as against all others whom it may concern, for exchange, costs, charges, damages, and interest already incurred and hereinafter to be incurred by reason of non-payment thereof. I further certify that on \_\_\_\_\_ (date), notice in writing of the foregoing presentment, demand, refusal and protest was given by \_\_\_\_\_ (persons and status) by depositing notices thereof in the post office at \_\_\_\_\_, Texas, postage paid, directed as follows: \_\_\_\_\_ I further certify that notices were left as follows:

Notice left for \_\_\_\_\_ at \_\_\_\_\_

Notice left for \_\_\_\_\_ at \_\_\_\_\_

Each of the named places the reputed place of residence of the person for whom the notice was left.

In testimony whereof I have hereunto set my hand and affixed my seal of office at \_\_\_\_\_, Texas, on \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ (year).

(Personalized Seal)

\_\_\_\_\_  
Notary Public's Signature

**(List fees and expenses to include postage)**

**CERTIFIED COPY OF A NON-RECORDABLE DOCUMENT**

State of Texas

County of \_\_\_\_\_

On this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ (year), I certify that the preceding or attached document, and the duplicate retained by me as a notarial record, are true, exact, complete, and unaltered photocopies made by me of \_\_\_\_\_ (description of document), presented to me by the document's custodian, \_\_\_\_\_, (\*held in my custody as a notarial record) and that, to the best of my knowledge, the photocopied document is neither a public record nor a publicly recordable document, certified copies of which are available from an official source other than a notary.

(Personalized Seal)

\_\_\_\_\_  
Notary Public's Signature

\* This phrase would be inserted and the preceding phrase, "presented to me by the document's custodian," would be deleted in the event a person was requesting a certified copy of the Notary Public's journal.