

# Perspectives from the Secretary of State

By: Kevin Tipton



# Updating Information



## Change of Name

- A notary public may change the name on his or her commission by sending the following:
  - a name change application (Form 2305)
  - his or her certificate of commission
  - a rider or endorsement from the insurance agency or surety showing the name change, and
  - a \$20 filing fee.



Form #2305 Rev. 05/2013

Submit to:  
SECRETARY OF STATE  
Statutory Documents Section  
P O Box 13375  
Austin, TX 78711-3375  
512-463-5705  
Filing Fee: \$20



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## APPLICATION FOR CHANGE OF NAME OF TEXAS NOTARY PUBLIC

Social Security No.: \_\_\_\_\_ OR Notary ID: \_\_\_\_\_

New Name:

\_\_\_\_\_  
*Last First Middle Suffix*

Mailing Address:

\_\_\_\_\_  
*Street City State Zip*

County of Residence: \_\_\_\_\_ Commission Expires: \_\_\_\_\_

Email Address for Return of Commission: \_\_\_\_\_

Name in which present commission is issued: \_\_\_\_\_

### Statement Regarding Commission

Select one of the following:

A. My original notary public commission is included with this application.

OR

B. I no longer have my original notary public commission. I will perform all future notarial acts under the name specified on the amended commission.

### Attachments

The following items are included with this application:

1. Rider to notary bond;
2. Original notary public commission, if option A above was selected; and
3. \$20 filing fee.

### Execution

*I certify that the information provided in this Application for Change of Name as Texas Notary Public is true and correct and that I am not disqualified by law or any other reason from holding the office of notary public.*

Date: \_\_\_\_\_

\_\_\_\_\_  
Signature of Notary

\_\_\_\_\_  
Printed or typed name of Notary

**Print**

**Reset**



## Name Change

- If the submission of the change of name meets the requirements and is accepted, the secretary of state will issue an amended commission to the notary public in the name requested.
- Upon issuance of the amended commission, the notary public must perform all notarial acts using the name on the amended commission. You will need a new seal.



# Requirement to Update Address

- The secretary of state sends all official notices, including notices of complaints, to the notary at the address on file with the secretary's office. Requests to obtain copies of or inspect the records in the notary record book are also directed to the notary at the address on file.
- Failure to change the address may, consequently, result in a revocation of the notary commission if the notary fails to timely respond to a complaint or to a request for public information.
- A notary must notify the secretary of state in writing of a change in address within 10 days of the change.



## Update Address

- To notify the secretary of state of a change of address, the notary should complete and submit form 2302 (Notary Public Change of Address Form).
- This form is available on the secretary of state web site at [www.sos.state.tx.us/statdoc/statforms.shtml](http://www.sos.state.tx.us/statdoc/statforms.shtml).



Form #2302 Rev. 06/2016

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Submit to:  
SECRETARY OF STATE  
Statutory Documents Section  
P O Box 13375  
Austin, TX 78711-3375  
512-463-5705  
512-463-5255 - Fax  
Filing Fee: None



**NOTARY PUBLIC CHANGE OF ADDRESS**

Name: \_\_\_\_\_ Commission Expires: \_\_\_\_\_

Social Security No.: \_\_\_\_\_

Old Address: \_\_\_\_\_ TX \_\_\_\_\_  
*Street City County State Zip*

New Address: \_\_\_\_\_ TX \_\_\_\_\_  
*Street City County State Zip*

**Print**

**Reset**





## Leaving Texas

- A notary public who removes his or her residence from Texas vacates the office of notary public and must surrender the notary commission to the secretary of state.



# Recordkeeping



# Recordkeeping in Texas

- For each notarization, the notary must record the following information: (Tex. Gov't Code 406.014)
  1. The date of each document being notarized
  2. The date the notarization is taking place
  3. The name of the individual seeking the notarization (e.g., the signer, grantor or maker)
  4. The mailing address of the individual seeking the notarization



# Recordkeeping in Texas

## 5. How the individual was identified

- The individual may be personally known to the notary
- The individual could have provided a government issued ID or passport
  - While the type of ID can be noted (e.g., TX driver's license), **a notary should not record the specific identifying number** (e.g., driver's license number, SSN, etc.) (1 TAC §87.40)
- The individual could have been introduced by someone else
  - If the individual was introduced to the notary, the name and mailing address of the person who did the introduction



# Recordkeeping in Texas

6. If the instrument is proved by a witness
  - The mailing address of the witness
  - Whether the witness is personally known by the notary or was introduced to the notary
    - If introduced, the name and mailing address of the person who did the introduction
7. The name and mailing address of the grantee
8. If land is conveyed or charged by the document being notarized, the name of the original grantee and the county where the land is located
9. A brief description of the instrument



# What Can a Notary Not Record?

- Confidential Information
  - Examples can include driver's license number, bank account number, social security number, biometric information, email address, etc.
    - Tex. Bus. & Comm. Code Chs. 503 and 521 for more information regarding confidential information and biometric identifiers, including possible civil penalties
  - The notary can record what was provided (driver's license, social security card, passport, etc.), just not the number that can be used to identify a specific individual




# Recordkeeping in Texas

- Notary Public record books are public information
  - Why it can be especially important for what you include in your record book
  - If someone requests information and pays appropriate fees, you have to provide copies of the appropriate records
  - If you've already recorded confidential information, you must redact that before providing those copies



# Record book

## Examples of Recorded Information




PAGE 1	DATE NOTARIZED	TYPE OF NOTARIZATION	DATE OF DOCUMENT	TYPE OF DOCUMENT	PRINTED NAME OF INDIVIDUAL	SIGNATURE OF INDIVIDUAL	ADDRESS OF INDIVIDUAL	DETAILED IDENTIFICATION OF INDIVIDUAL	FINGERPRINT AND OTHER INFORMATION	NOTARY FEE
1	7/1/2017	Acknowledgment	6/30/2017	Application	Dorian Gray	<i>Dorian Gray</i>	PO Box 123, Dallas, TX	TX D.L.	N/A	N/A
2	7/1/2017	Affidavit/Jurat	6/28/2017	Sworn Statement	Ed Dantes	<i>Ed Dantes</i>	PO Box 456, Houston, TX	Personally known	N/A	\$1
3	7/1/2017	Verification	7/1/2017	License application	Beth March	<i>Beth March</i>	1320 Main St, Austin, TX	US Passport #8549	N/A	\$2
4	7/1/2017	Acknowledgment	7/1/2017	Release and Waiver	Diana Barry	<i>Diana Barry</i>	45 Prince Edward Rd, San Antonio, TX	Intro'd by Anne Shirley, 48 Prince Edward Rd, SA, TX		\$6





# Record book

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# Record book

## Request for copy of records

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# Complaints



# What is a Complaint?

- When a member of the public believes you have violated any of your duties as a notary, they may make a formal complaint with our office against your commission. This complaint can trigger an investigation from our office.
- “Should I be worried?” Yes!



# The Complaint Process

1. Our office receives the complaint. We will review the complaint and determine whether it makes a proper allegation. If so, the complaint will be opened.
2. Our office will send you a letter to your official address. This is your opportunity to respond to the allegations against you and tell your side of the story.



# The Complaint Process

3. Our office will investigate the allegations in the complaint. We will send follow-up letters to the notary, the complainant, and any relevant witnesses.
4. Our office will take action based on our findings in the investigation.



# Outcome of a Complaint

A complaint will have many different outcomes depending on the facts and the severity of the violations:

- Revocation of Notary Commission
- Suspension (up to three months)
- Educational Action (such as a training video or a test)
- Formal Warning
- Find No Grounds for Action



# What Should You Do?

A complaint can be very serious. It's often possible for a complaint to end in suspension or even revocation. If a complaint is filed against you, you should:

- Keep Your Address Updated – If you don't know about the complaint, you can't respond at all.
- Be Honest – If you made a mistake, we will take that into account when deciding what action to take. We will investigate all of the issues.
- Read Carefully – Especially when the allegation is based on an unfamiliar situation, read the complaint carefully and ensure that all the facts line up. If they don't, let us know in your response.
- Be Communicative – Even if there is a violation, we will work with you.

Don't forget that our office does not work for the complainant. We act as an independent investigator in the complaint. We will not assume a complainant is correct simply because they made the allegations. We always want to hear your side of the story.

