

SENATE JUDICIARY COMMITTEE
Senator Thomas Umberg, Chair
2025-2026 Regular Session

AB 1977 (Irwin)
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Fiscal: Yes
Urgency: No
AWM

SUBJECT

Notaries public

DIGEST

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

EXECUTIVE SUMMARY

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

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

This bill is sponsored by Secretary of State Dr. Shirley N. Weber and is supported by the California League of Independent Notaries and the National Notary Association. The Committee has not received timely opposition to this bill.

PROPOSED CHANGES TO THE LAW

Existing law:

- 1) Authorizes the Secretary of State to appoint and commission notaries public, who may act as such notaries in any part of this state. (Gov. Code, § 8200.)
- 2) Requires that every person appointed as a notary public in this state meet specified requirements, including having satisfactorily completed certain courses of study and passed a written exam prescribed by the Secretary of State. (Gov. Code, §§ 8201, 8201.2.)
- 3) Requires the Secretary of State, prior to granting an appointment as a notary public, to take certain actions to determine the applicant's honesty, credibility, truthfulness, and integrity to fulfill the position, including by obtaining the applicant's fingerprint images to information relating to the applicant's convictions and arrests, if any, and provide certain personal information. (Gov. Code, §§ 8201.1, 8201.5.)
- 4) Establishes the duties of a notary public, which include taking the acknowledgment or proof of advance health care directives, powers of attorney, mortgages, deeds, grants, transfers, and other instruments of writing executed by any person, and giving a certificate of that proof or acknowledgment endorsed on or attached to the instrument; a notary public must also provide certain information to the Secretary of State upon written request. (Gov. Code, § 8205.)
- 5) Establishes requirements for a notary public in the execution of their duties, including:
 - a) Maintaining a sequential journal of all the official acts performed by the notary public, subject to specified storage and data collection requirements, including, in certain cases, recording a thumbprint from the person for whom the document is notarized. (Gov. Code, § 8206.)
 - b) Providing and keeping an official seal, as specified, with which they authenticate all official acts. (Gov. Code, §§ 8207, 8207.2.)
- 6) Sets forth the grounds upon which the Secretary of State may refuse to appoint any person as a notary public or may revoke a notary public's commission, including the failure to secure the notary's sequential journal as required. (Gov. Code, § 8214.1.)
- 7) Establishes the Online Notarization Act. (Gov. Code, tit. 2, div. 1, ch. 3, art. 2, §§ 8231 et seq.)
- 8) Defines the following relevant terms:

- a) "Depository" means an individual or entity that has an active registration with the Secretary of State and is capable of storing a journal entry or audio-visual recording on behalf of a notary public.
 - b) "Electronic journal" means an active sequential record of official acts performed by a notary public while using an online notarization system, and which is maintained in a secure electronic format according to the requirements of this article and any rules or regulations adopted by the Secretary of State.
 - c) "Notary public's electronic signature" means an electronic signature that satisfies the requirements of the Online Notarization Act and any rules or regulations adopted by the Secretary of State, and that includes an image of the notary public's handwritten signature, as specified.
 - d) "Online notarization" and "online notarial act" mean a notarial act performed by a notary public authorized to perform online notarization by means of an online notarization system that meets the requirements of this article and any rules or regulations adopted by the Secretary of State pursuant to this article, if the record that is the subject of the notarial act is an electronic record.
 - e) "Online notarization platform" means an individual or entity that has an active registration with the Secretary of State and provides an online notarization system to a notary public authorized to perform online notarization.
 - f) "Online notarization system" means the computer hardware and software that enable a notary public to both (1) perform an online notarial act by means of audio-visual communication, and (2) create an audio-video recording and a corresponding entry for the appropriate electronic journal for each online notarial act performed. (Gov. Code, § 8231.1.)
- 9) Provides that a notary public commissioned in California shall not provide online notarization prior to registering with the Secretary of State or prior to completion of the Secretary of State's technology project to develop the capabilities necessary to support RON, which must be completed on or before January 1, 2030, unless the Secretary of State provides notice to the Legislature and the Governor on or before January 1, 2029, that it needs more time to implement the statutes. (Gov. Code, § 8231.)
- 10) Provides requirements and processes for remote online notarizations, including:
- a) A notary public, or person seeking a commission as a notary public, must separately register with the Secretary of State to perform online notarizations, subject to the requirements for registration. (Gov. Code, § 8231.3)
 - b) An online notarization must be completed through continuous, synchronous audio and visual feeds with adequate clarity, and the notary public must create and retain an audio-visual recording of the notarization session. (Gov. Code, §§ 8231.4, 8231.6.)

- c) A notary public must record each online notarial act in one tangible sequential journal and one or more secure electronic journals, as specified. (Gov. Code, § 8231.5.)
 - d) A notary public must employ an electronic signature or electronic seal, as specified, maintain them in a secure encrypted manner under the notary's direct and exclusive control, and take steps to disable them when they resign, are disqualified, or allow their registration to lapse; the Secretary of State must develop an application process through which a manufacturer or vendor can be approved to create electronic seals. (Gov. Code, § 8231.7.)
 - e) A notary public must verify the identity of the principals involved in the online notarization through the presentation of satisfactory evidence, as specified. (Gov. Code, §§ 8231.8, 8312.11.)
 - f) A notary public authorized to perform online notarizations must execute a larger bond than a notary public who does in-person notarizations only (\$25,000 vs. \$15,000). (Gov. Code, § 8231.10.)
- 11) Establishes procedures and requirements for a person or entity to apply for registration with the Secretary of State to provide online notarization platform or depository services for online notarizations, including:
- a) The amount and type of security an online notarization platform or depository must maintain.
 - b) Requirements for when an online notarization platform or depository can delete an online journal entry or audio-visual recording of an online notarization.
 - c) The provision that a notary public shall not be vicariously liable for damages arising from an online notarization platform's or depository's failure to comply with its obligations.
 - d) Privacy and access requirements, including that an online notarization platform or depository shall not access a notary public's electronic journal, the records of a transaction, or the notary public's seal, except to comply with a court order or other lawful request or as otherwise specified.
 - e) Establishes the scope of liability for a violation of the Online Notarization Act by an online notarization platform or depository, including statutory damages of \$250 per violation. (Gov. Code, §§ 8231.14, 8231.15.)
- 12) Establishes requirements for a business that provides software to a notary public to facilitate online notarizations, including a requirement that any such business consent to jurisdiction in the courts of this state, and data security requirements. (Gov. Code, § 8231.18.)
- 13) Provides that any waiver of the provisions of the Online Notarization Act is contrary to public policy and is void and unenforceable. (Gov. Code, § 8231.19.)

This bill:

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

- b) An act or omission that can reasonably be attributed to the principal and is not due, in whole or in part, to an error, a failure, or noncompliance by the notary public or online notarization platform.
- 10) Requires a person or entity that is registered with the Secretary of State as an online notarization platform or a depository to renew their registration annually, as follows:
- a) If there has been no change in the information in the last filed application, the platform or depository may, in lieu of filing a full application for re-registration, advise the Secretary of State, on a form prescribed by the Secretary of State, that there are no such changes.
 - b) The applicable filing period for a re-registration is the calendar month in which the platform or depository filed their initial registration and the immediately preceding five calendar months.
 - c) The Secretary of State shall provide notice to a platform or depository approximately three months prior to the close of the applicable filing period through the Secretary of State's web portal.
 - d) The platform or depository's failure to receive the filing period notice is not an excuse for failure to re-register.
- 11) Requires a registered online notarization platform or depository to file an updated application with the Secretary of State if there is a change to specified information relating to the platform or depository, including the entity's name and address and whether any order, judgment, or decree has been entered against the entity for specified civil or criminal acts.
- 12) Permits the Secretary of State to charge a fee of \$5,000 for an initial application from an entity to provide online notarization platform or depository services; \$1,000 for a renewal registration; and \$50 for an updated application.
- 13) Requires an online notarization platform or depository that is going out of business, ceasing operations, or merging with a non-registered entity to notify the Secretary of State through its online platform of (1) its intent to cease offering services in California, and (2) that it is providing the notaries public who use its services with a reasonable opportunity to download the records of their online notarial acts.
- 14) Requires the Secretary of State to publish information on its website demonstrating that an online notarization platform or depository is registered to provide RON services; the Secretary of State must update the information at least every 30 days.
- 15) Makes nonsubstantive technical and conforming changes.

COMMENTS

1. Author's comment

According to the author:

Thousands of Californians rely on notaries for various transactions and official documents every day. In 2023 the Legislature and Governor recognized the need to authorize online notarization to increase access and meet the digital-first expectations of Californians by enacting SB 696 (Portantino). As the Secretary of State works to implement this law and bring online notary services to the State, changes and updates to the statute have been identified by the Notary Public Section to ensure a timely roll-out.

2. Background on RON

Notaries public perform a vital function within this state, serving to authenticate and certify documents and transactions for individuals and businesses alike. According to the National Notary Association, the functions of notaries public date back to the Roman Empire, while the official character and functions of the modern notary public originate in 13th and 14th century England.¹ For obvious reasons, notarial services were exclusively an in-person affair until the last decade.

Things began to change in 2011, when Virginia became the first state to authorize its notaries public to conduct notarial transactions through remote online means. The adoption of remote online notarization, or RON, accelerated during the COVID-19 pandemic: by 2023, 45 states and Washington, D.C., had authorized RON through either law or emergency authorization.² RON requirements and procedures vary from state to state.³ While California did not authorize its own notaries public to perform RONs during the pandemic, California's interstate notarial recognition statute allowed Californians to have documents notarized online by notaries public in states that did allow RONs.⁴ Concerns that Californians would increasingly turn to out-of-state notaries for RONs – under state laws which may not have adequate data security protections – was part of the impetus for adopting RON in California.

¹ National Notary Association, Notary History, <https://www.nationalnotary.org/knowledge-center/about-notaries/notary-history>. All links in this analysis are current as of June 4, 2026.

² See Sen. Com. on Judiciary, Analysis of Sen. Bill No. 696 (2023-2024 Reg. Sess.) as amended Apr. 10, 2023, p. 14.

³ See National Association of Secretaries of State (NASS), Remote Electronic Notarization, <https://www.nass.org/initiatives/remote-electronic-notarization>.

⁴ See Civ. Code, § 1182.

After several failed attempts,⁵ the Legislature in 2023 enacted legislation to authorize California notaries public to perform RONs. SB 696 (Portantino, Ch. 291, Stats. 2023) implemented the Online Notarization Act, which establishes the requirements for a notary public to perform RONs, as well as the requirements for the supporting software, platforms, and databases necessary to facilitate RONs. SB 696 also requires the Secretary of State to adopt RON-related regulations and to complete a significant technology project to provide the support needed to ensure that RONs are technologically secure and records are preserved; SB 696, therefore, does not permit California notaries to perform RONs until the technology project is complete, which must be no later than January 1, 2030.⁶

3. This bill cleans up the Online Notarization Act and related provisions in anticipation of the implementation of RON in California

This bill, sponsored by the Secretary of State's office, makes a number of changes to the Online Notarization Act and related notarization statutes which the office determined need cleaning up as they prepare for the RON roll-out. The bill also incorporates feedback from stakeholders, including notaries public. The bill's changes include:

- Requiring a notary public to pass a written examination, prescribed by the Secretary of State, as a condition of reappointment of their commission to perform in-person or online notarizations.
- Requiring the Secretary of State to review and approve any vendor's proposed course of study offered to satisfy the training requirement under the Online Notarization Act.
- Adding requirements for the secure storage of a notary public's electronic signature and electronic seal used in RON.
- Clarifying the requirements relating to a notary public's electronic journal for RON transactions and requiring a notary public to maintain a tangible sequential journal, separate from the electronic journal, with a sequential record of all the notary public's notarial acts.
- Providing that a notary public may not charge a fee for a RON unless the online notarial act is completed, but permitting a notary public to charge a reasonable technology fee, not to exceed the actual and reasonable cost incurred by the notary for the use of the online notarization platform, when the session is terminated due to either (1) a determination by the notary that the completion of

⁵ See AB 1093 (Jones-Sawyer, 2022); SB 1322 (Rubio, 2020); AB 199 (Calderon, 2019); AB 2368 (Calderon, 2018).

⁶ See Gov. Code, § 8231. If the Secretary of State determines that they need more time to complete the project, they must notify the Legislature and the Governor on or before January 1, 2029. (*Ibid.*) Given the state of deepfake technology, it is unclear for how long an audio-video notarial transaction can be treated as the equivalent of an in-person appearance. AI-based technology can already superimpose the face of another person onto the user during a video call in Zoom, Teams, and other commonly used teleconferencing software. (See Cox, 'HELLO BOSS': Inside the Chinese Realtime Deepfake Software Powering Scams Around the World (May 7, 2026) 404 Media, Gov. Code, <https://www.404media.co/hello-boss-inside-the-chinese-realtime-deepfake-software-powering-scams-around-the-world/>.)

the notarial act would violate the laws relating to notarizations, including the obligation to confirm a principal's identity, or (2) any other act or omission reasonably attributable to the principal and that is not, in whole or in part, due to the notary public, e.g., an attempt to obtain notarization of a document through fraud or coercion, or a session that cannot be completed due to the principal's inadequate internet connection.

- Requiring an entity registered with the Secretary of State to serve as an online notarization platform or depository to annually renew their registration, and providing a streamlined renewal process for entities whose relevant information has not changed in the preceding year.
- Setting the fee amounts for applications and renewals for registration to serve as an online notarial platform or depository.
- Clarifying the obligations of an online notarization platform or depository that intends to cease operation and the Secretary of State's obligation to post information relating to online notarization platforms and depositories on its website.
- Cleaning up terms and language for consistency and clarity.

The Committee has not received timely opposition to this bill.

4. Arguments in support

According to Secretary of State Dr. Shirley N. Weber:

When the Online Notarization Act was signed into law, it represented a significant step forward in modernizing notarial services for California. However, following enactment, my office identified various ambiguities, inconsistencies within existing notary law, and gaps in administrative procedures that need to be addressed before the Act takes effect in 2030.

AB 1977 accomplishes the following:

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

When remote online notarization becomes operational, California will have clear, consistent, and enforceable statutory language that protects both notaries public and the consumers they serve.

SUPPORT

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

OPPOSITION

None received

RELATED LEGISLATION

Pending legislation: AB 1597 (Castillo, 2026) increases the maximum fee that a notary public may charge for notary public services. AB 1597 is pending before this Committee and is set to be heard on the same date as this bill.

Prior legislation:

SB 696 (Portantino, Ch. 291, Stats. 2023) enacted the Online Notarization Act and is discussed further in Comment 2 of this analysis.

AB 743 (Petrie-Norris, 2023) was similar to SB 696 (Portantino, Ch. 291, Stats. 2023) in that it would have authorized California notaries to perform RONS, but included substantive differences including not recognizing out-of-state RONS for in-state transactions and a broader private right of action against online notarial platforms for violations of the bill's requirements. AB 743 died the Assembly Appropriations Committee.

AB 1093 (Jones-Sawyer, 2022) was somewhat similar to SB 696 (Portantino, Ch. 291, Stats. 2023) in that it would have established a framework for licensed California notaries to conduct RONS and provided for the licensure of RON platforms by the Secretary of State and the registration of licensed California notaries to provide RONS; the bill did not, however, recognize out-of-state remote notarizations and authorized a broader private right of action against online notarial platforms. AB 1093 died in the Senate Judiciary Committee.

SB 1322 (Rubio, 2020) an urgency measure, would have legalized RON for the duration of the COVID-19 state of emergency, delegating details of implementation to the Secretary of State. SB 1322 died in the Senate Judiciary Committee.

AB 199 (Calderon, 2019) would have established the California Online Notary Act of 2019, which would have implemented a remote online notarization framework similar, but not identical to, SB 696 (Portantino, Ch. 291, Stats. 2023). AB 199 died in the Senate Judiciary Committee.

AB 2368 (Calderon, 2018) would have established the California Online Notary Act of 2018, which would have implemented a remote online notarization framework similar, but not identical to, SB 696 (Portantino, Ch. 291, Stats. 2023). AB 2368 died in the Assembly Judiciary Committee.

PRIOR VOTES:

Assembly Floor (Ayes 61, Noes 5)
Assembly Appropriations Committee (Ayes 11, Noes 1)
Assembly Judiciary Committee (Ayes 9, Noes 1)
