

NOTARIAL DEFINITIONS

Acknowledgment

“Acknowledgment” means a notarial act in which a person at a single time and place:

1. appears in person before the notary public and presents a document;
2. is personally known to the notary public or identified by the notary through satisfactory evidence; and
3. indicates to the notary public that the signature on the document was voluntarily affixed by the person for the purposes stated within the document and, if applicable, that the person had due authority to sign in a particular representative capacity.

Affirmation

“Affirmation” means a notarial act, that is legally equivalent to an oath and in which a person at a single time and place:

1. appears in person before the notary public;
2. is personally known to the notary public or identified by the notary public through satisfactory evidence; and
3. makes a vow of truthfulness or fidelity on penalty of perjury, based on personal honor and without invoking a deity or using any form of the word “swear”.

Commission

“Commission” means both to empower to perform notarial acts and the written evidence of authority to perform those acts.

Copy Certification

“Copy certification” means a notarial act in which a notary public:

1. is presented with a document that is neither a vital record, a public record nor publicly recordable;
2. copies or supervises the copying of the document using a photographic or electronic copying process;
3. compares the documents to the copy; and
4. determines that the copy is accurate and complete.

Credible Witness

“Credible Witness” means an honest, reliable and impartial person who personally knows the person appearing before a notary and takes an oath or affirmation from the notary to vouch for that person’s identity.

Jurat

“Jurat” means a notarial act in which a person at a single time and place:

1. appears in person before the notary public and presents a document;
2. is personally known to the notary public or identified by the notary public through satisfactory evidence;
3. signs the document in the presence of the notary public; and
4. is voluntarily affixing his signature and vouching for the truthfulness or accuracy of the signed document;

Notarial Act and Notarization

“Notarial act” and “notarization” means any act that a notary public is empowered to perform under this act.

Notarial Certificate and Certificate

“Notarial certificate and “certificate” means the part of, or attachment to a notarized document that is completed by the notary, bears the notary’s signature and seal and states the facts attested by the notary in a particular notarization.

Notary Public and Notary

“Notary public” and “notary” means any person commissioned by the Governor to perform official acts under this act.

Oath

“Oath” means a notarial act that is legally equivalent to an affirmation and in which a person at a single time and place:

1. appears in person before the notary public;
2. is personally known to the notary public or identified by the notary public through satisfactory evidence; and
3. makes a vow of truthfulness or fidelity on penalty of perjury while invoking a deity or using any form of the word “swear”.

Official Misconduct

“Official Misconduct” means:

1. a notary public’s performance of an act prohibited, or failure to perform an act mandated, by this act or by any other law in connection with a notarial act by the notary public; or
2. a notary public’s performance of an official act in a manner found by the Governor to be negligent or against the public interest.

Personal Appearance and Appears Before the Notary

“Personal appearance” and “appears before the notary” mean that the principal and the notary public are physically close enough to see, hear, communicate with and give identification documents to each other.

Personal Knowledge of Identity and Personally Knows.

“Personal knowledge of identity “ and “personally knows” mean familiarity with a person resulting from interactions with that person over a period time sufficient to dispel any reasonable uncertainty that the person has the identity claimed.

Principal

“Principal” means:

1. a person whose signature is notarized; or
2. a person, other than a credible witness, taking an oath or affirmation from the notary.

Satisfactory Evidence of Identity

“Satisfactory evidence of identity” means identification of a person based on:

1. at least one current document issued by a federal, state, or tribal government agency bearing the photographic image of the person’s face and signature and a physical description is acceptable; or
2. the oath or affirmation of one credible witness unaffected by the document or transaction who is personally known to the notary public and who personally knows the person, or of two credible witnesses unaffected by the document or transaction who each personally knows the person and show to the notary public documentary identification as described in subparagraph 1 of this section.

Seal and Stamp

“Seal” and “stamp” mean a device for affixing on a paper document an image containing the notary’s name, the words “State of New Mexico” and, in the case of a rubber stamp, the commission expiration date.

These definitions are pursuant to section (14-12A-2) NMSA, as used in the
Notary Public Act.