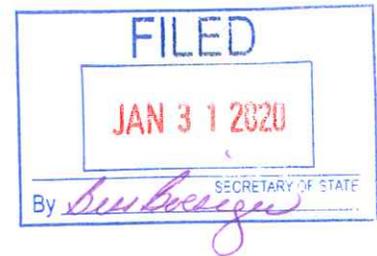


Legal Notice
Notice of Rule Making Hearing
Secretary of State



Notice is hereby given that the Secretary of State will hold a rulemaking hearing on March 9, 2020, at 1:00 P.M. at Center on N, 1221 N St, 2nd Floor Conference Room, Lincoln, Nebraska, to receive public testimony on proposed regulations relating to the Electronic Notary Public Act. The purpose is to amend regulations regarding Notaries Public and Electronic Notaries Public and establish new regulations regarding Online Notaries Public.

Copies of the proposed rules and regulations, and the description, including an estimated quantification, of the fiscal impact on state agencies, political subdivisions, and persons being regulated are available at the Office of the Secretary of State, 1201 N. Street, Suite 120, Lincoln, Nebraska, 68509.

All interested persons are invited to attend and testify at the hearing. Interested persons may also submit written comments prior to the hearing, which shall be made a part of the hearing record at the time of the hearing. Written comments should be directed to David L. Wilson Jr, Associate General Counsel, Secretary of State's Office, 1201 N. Street, Suite 120, Lincoln, Nebraska, 68509, FAX (402) 471-2530, email david.wilson@nebraska.gov. Comments may also be posted on-line through the Secretary of State's website. To view a copy of the proposed rule or to comment on-line, go to: <http://www.sos.ne.gov/rules-and-regs/regtrack/index.cgi>.

If auxiliary aids or reasonable accommodations are needed for attendance at the hearing, please call the Secretary of State's Office at (402) 471-4071. For persons with hearing/speech impairments, please call the Nebraska Relay System at (800) 833-7352 (TDD) or (800) 833-0320 (Voice). Advance notice of at least seven days is needed when requesting an interpreter.

This notice is provided pursuant to the Administrative Procedure Act.

FISCAL IMPACT STATEMENT

AGENCY: Nebraska Secretary of State PREPARED BY: David L. Wilson Jr.
TITLE: 433 DATE: January 31, 2020
CHAPTERS: 6, 7, and 8 TELEPHONE: 402-471-4071
SUBJECT: Notaries Public, Electronic Notaries Public, and Online Notaries Public

TYPE OF FISCAL IMPACT

	STATE AGENCY	POLITICAL SUBDIVISION	REGULATED PUBLIC
NO FISCAL IMPACT	X	X	X
INCREASED COSTS			
DECREASED COSTS			
INCREASED REVENUE			
DECREASED REVENUE			

DESCRIPTION OF IMPACT

STATE AGENCY:

No fiscal impact.

The changes proposed for the Notaries Public and Electronic Notaries Public regulations do not add any additional cost or revenue from the current regulations.

The fiscal impact of the Online Notary Public Act was consider during the adoption of LB 186 in 2019. These rules and regulations do not add any additional cost or revenue than that which is anticipated in the Fiscal Note for the bill.

POLITICAL SUBDIVISION:

No fiscal impact. See above.

REGULATED PUBLIC:

No fiscal impact. See above.

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TITLE 433 – SECRETARY OF STATE

CHAPTER 6 – NOTARIES PUBLIC

~~08.~~ 001. DEFINITIONS.

For purposes of Chapter 6 of these regulations:

~~08.04~~ 001.01 Act shall mean Neb. Rev. Stat. §§64-101 through 64-118.

001.02 Applicant shall mean a person who has submitted any of the documents listed in Section 3.

001.03 Application shall mean both the initial and renewal application for Notary Public.

001.04 Form shall mean and include an application submitted on paper or an application submitted electronically in a digital format approved by the Secretary.

001.05 Malfeasance in office occurs when a Notary Public (1) fails to follow the requirements and procedures for Notarial acts provided for in statute under Chapter 64, ~~a~~Articles 1 and 2, and this administrative code, (2) fails to respond to written communications or requests from the Secretary, or, (3) being convicted of a felony or other crime involving fraud or dishonesty within the last five (5) years.

001.06 Nebraska employer means an entity with an office or regular place of business within the physical boundaries of Nebraska. The Secretary's ~~office~~ shall use a US Postal Service address to determine the physical location of the business.

001.07 Notarial act means an act which the law and regulations of this State authorize Notaries Public of this State to perform, including the administering of oaths and affirmations, taking proof of execution and acknowledgments of instruments, and attesting documents.

001.08 Notarial certificate or acknowledgement shall mean the section at the end of a document where a Notary Public verifies by notarization that the signor of the document presented satisfactory evidence of identity, appeared in the Notary's presence, and that he or she ~~he/she~~ actually signed the document.

~~001.09~~ 001.09 "Notary Public" means a person commissioned as a notary public under the Act and Neb. Rev. Stat. § 64-119.

~~001.09~~ 001.10 Regular place of work or business in Nebraska means any place where any person is to work, is working, or customarily works, for gain or reward within the physical boundaries of Nebraska.

~~001.10~~ 001.11 Resident means that the applicant considers Nebraska his or her permanent home, or the place to which he or she intends to return after a period of absence. To meet the

residency requirement the applicant must live in Nebraska for more than six (6) months out of the year.

~~001.11~~ 001.12 Secretary shall mean the Secretary of State and his or her designated staff.

~~Annotation:~~ Citation: Neb. Rev. Stat. §§64-101 through 64-118.

002. NOTORIAL ACTS.

002.01 Document.

002.01(A) The Notarial certificate or acknowledgement must be completed in its entirety including dates, state and county of notarial act.

002.01(B) Blank or incomplete documents should not be notarized.

002.01(C) Notaries Public may not post-date or pre-date a document.

002.02 Seal.

002.02(A) Notaries Public must affix a clear and legible impression of his or her ~~their~~ stamp to a document. The seal and signature may not be affixed over printed material or other signatures on the document.

002.02(B) Notaries Public must obtain a new seal each time the commission is renewed which includes the new commission dates.

002.02(C) Notary commissions are issued to an individual regardless of whether or not another business or entity paid the notary application fee, bond, or seal.

002.02(D) The seal should be secured and only accessible by the Notary Public.

002.03 Signature.

002.03(A) The signature on the most recent application, whether on an Initial Application for Notary Public Commission, Renewal Application for Notary Public Commission or Notary Public Request to Change Record, will be used for verification; therefore the Notary Public should always sign consistently with his or her ~~their~~ application signature.

002.04 Notaries Public must be aware of the condition of the signor. Special attention should be given when asked to notarize the signature of a minor child or persons that might not have the capability of understanding the document that they are signing. If the Notary Public reasonably believes the signor does not understand the document they should refuse to

notarize.

002.05 Notaries Public cannot refuse to provide services on the basis of race, color, national origin, religion, sex (including pregnancy), disability, or marital status.

~~Annotation:~~ Citation: Neb. Rev. Stat. §§64-101 through 64-118.

003. APPLICATIONS AND OTHER FORMS.

003.01 The following forms are required to obtain and maintain a Notary Public ~~C~~ommission under the Act:

003.01(A) Initial Application for Notary Public Commission;

003.01(B) U.S. Citizenship Attestation Form;

003.01(C) Bond Form;

003.01(D) Renewal Application for Notary Public Commission;

003.01(E) Evidence of Employment in Nebraska;

003.01(F) Notary Public Request to Change Record; and

003.01(G) Bond Rider.

003.02 A \$15,000 surety bond is required and must be concurrent with the Notary Public commission term.

003.03 The forms listed in this section ~~and attached hereto~~ shall be made available to all applicants on the Secretary of State's website or upon request. ~~under the Act and shall be incorporated by reference into these rules and regulations.~~

~~Annotation:~~ Citation: Neb. Rev. Stat. §64-102 and §64-109.

004. COMMISSION REQUIREMENTS.

004.01 Before being considered by the Secretary of State, every application for a Notary Public ~~C~~ommission shall include the following information and meet the following requirements:

004.01(A) All questions on the application form(s) must be answered;

004.01(B) A fee of \$30 must be submitted;

004.01(C) A passing examination score;

004.01(D) Submission of a license surety bond for \$15,000;

004.01(E) U.S. Citizenship Attestation Form; and

004.01(F) Non-resident Evidence of Employment Form.

004.02 Renewal applications must be received no later than the date the commission expires. If the commission expiration date falls on a weekend or holiday the renewal must be received prior to that expiration date. If received after the expiration date the renewal shall be considered an initial application. A renewal application shall include the following:

004.02(A) Notary Public Commission Renewal Form ~~as referenced in appendix~~;

004.02(B) A fee of \$30;

004.02(C) A bond form or bond rider that updates the initial bond;

004.02(D) U.S. Citizenship Attestation Form; and

004.02(E) Non-resident Evidence of Employment Form.

004.03 No appointment shall be made if the applicant has been convicted of a felony unless a full pardon has been granted by the Nebraska Board of Pardons.

004.04 No appointment shall be made if the applicant has been convicted of a crime involving fraud or dishonesty within the last five (5) years unless a full pardon has been granted by the Nebraska Board of Pardons.

004.04(A) A “crime involving fraud or dishonesty” means a violation of, or a conspiracy to violate, a civil or criminal law involving fraud, dishonesty, bribery, perjury, larceny, theft, robbery, extortion, forgery, counterfeiting, embezzlement, misappropriation of property, or any other offense adversely affecting such person's fitness to serve as a Notary Public.

004.04B “Conviction within the last five (5) years” means being convicted by a court of law within the last five (5) years from the date the application is received.

004.05 An applicant must be a resident of the State of Nebraska or (1) reside in one of the following states: Colorado, Iowa, Kansas, Missouri, South Dakota, or Wyoming and (2) maintain a regular place of work or business in Nebraska.

004.05(A) Non-resident applicants will be required to submit the form entitled "Evidence of Employment in Nebraska" listed under Section 003.01(E).

004.05(B) If an applicant is self-employed a written explanation must be attached to the "Evidence of Employment in Nebraska" form noted above.

~~Annotation:~~ Citation: Neb. Rev. Stat. §§64-101 through 64-104.

005. CHANGES TO NOTARY PUBLIC COMMISSION INFORMATION.

005.01 Name Change.

005.01(A) A Notary Public may continue to use his or her ~~their~~ current Notary Commission as it was issued until the expiration or termination of such commission. The Notary Public must continue to sign his or her ~~their~~ name using the name as listed on the commission certificate.

~~005.01(B) A Notary Public may change the name on the Notary Commission by filling out the "Notary Public Request to Change Record" form and submitting a fee of \$30.00. A bond issued under the new name must accompany the form. A Notary Public who has changed his or her name during his or her commission, may apply for a new commission under his or her new name by following the procedures set forth in subsection 005.04~~

005.02 Address Change.

005.02(A) A Notary Public must update his or her ~~their~~ address when moving by filling out and submitting the "Notary Public Request to Change Record" form within 45 days of moving.

005.02(B) No fee will be assessed for updating address information.

005.03 Employment Change.

005.03(A) If a non-resident Notary Public is terminated from a regular place of work or business in Nebraska a ~~Notary Public~~, he or she must relinquish his or her ~~their~~ Notary Public ~~C~~ommission by returning the commission certificate and seal to the Secretary.

005.04 Signature or Name Change Process.

~~005.04(A) A Notary Public may change their signature by filing a new "Initial Application for a Notary Public" form. A Notary Public who has changed his or her signature or name may be issued a new commission with the updated signature or name by submitting a~~

“Change of Signature or Name Application for a Notary Public” form to the Secretary. If the name or signature change occurs within thirty days prior to the expiration of the Notary Public’s commission, the Notary Public does not need to submit the “Change of Signature or Name Application for a Notary Public” form but should instead include the name or signature change on his or her renewal application.

~~005.04(B) The Notary Public Examination is only valid for 2 years and by applying anew the Notary Public may have to re-test. A “Change of Signature or Name Application for A Notary Public” application will be considered a new application and the Notary Public must meet all the requirements and qualifications for a Notary Public commission, except that the Notary Public will not be required to take the written examination.~~

005.05 Criminal Conviction Reporting.

005.05(A) A Notary Public who is convicted of a felony or crime involving fraud or dishonesty during his or her commission term must notify the Secretary of this conviction to the Secretary in writing within forty-five (45) days after the conviction occurs.

~~Annotation: Citation: Neb. Rev. Stat. §64-101, and §64-105.04, and §64-114.~~

006. NOTARY PUBLIC EXAMINATION.

006.01 The Notary Public Examination shall consist of questions aimed at determining whether the applicant has the reasonably necessary knowledge, experience, and competency to engage in and perform the duties of a Notary Public. An applicant must score 85% or better to pass the exam.

006.01(A) Knowledge of the Notary Public Act and laws related to or affecting notarial work, including but not limited to:

006.01(A)(1) Provisions of Neb. Rev. Stat. §§ 64-101 through 64-118 ~~the Nebraska Notary Public statutes;~~

006.01(A)(2) Uniform Recognition of Acknowledgements Act Neb. Rev. Stat §§64-209 through 64-215, and any other relevant statutes; and

006.01(A)(3) These Rules and Regulations.

006.02 The written examination will be an open resources test sent to the applicant upon receipt of the \$30.00 fee and a completed application.

006.03 Applicants shall have three attempts at passing the Notary Public Examination.

If the applicant does not pass the ~~second~~ exam ~~they must~~ he or she may be required to wait at least thirty (30) days before re-taking the exam. If the applicant does not pass the test after three attempts the applicant shall be considered incompetent to receive a Notary Public commission in the State of Nebraska, and shall not be eligible to take the exam again.

006.03(A) A passing exam score shall be valid for 2 years from the date of examination.

006.03(B) If a passing exam score is not used within 2 years the applicant only has the remainder of prior opportunities to retake the exam.

006.04 The examination may be completed electronically if authorized by the Secretary.

Annotation Citation: Neb. Rev. Stat. §64-101.01.

007. ALLEGED MALFEASANCE AGAINST NOTARIES PUBLIC.

007.01 In investigating an alleged malfeasance ~~against~~ by a Notary Public, the Secretary must consider the totality of the offense, facts, and circumstances in each individual case.

007.02 Factors Considered.

007.02(A) While evaluating an alleged malfeasance to determine if it should be set for hearing or recommend to a stipulation process, the Secretary may consider a variety of factors, including, but not limited to, the following:

007.02(A)(1) Nature and severity of the act, offense, or crime under consideration;

007.02(A)(2) Number and/or variety of current violations;

007.02(A)(3) Evidence pertaining to the requisite honesty, credibility, truthfulness, and integrity of the Notary Public;

007.02(A)(4) Actual or potential harm to the general public, group, individual, or customer;

007.02(A)(5) History of complaints received by the Secretary; and

007.02(A)(6) Prior disciplinary record or warning from the Secretary.

007.03 Discipline.

007.03(A) Stipulations are a voluntary agreement between the Secretary and Notary Public. A stipulation will be sought in lieu of setting a hearing to simplify the discipline

process and provide cost savings to the Secretary.

007.03(A)(1) Stipulations will include the following: (i) statement of facts, (ii) acknowledgment of malfeasance, and (iii) a penalty.

007.03(A)(2) Stipulations must be in writing and signed by the Secretary and Notary Public.

007.03(B) Total Revocation means the Notary Public ~~€~~commission is revoked and cannot ever be reinstated.

007.03(B)(1) The following, nonexclusive list of acts of malfeasance will likely result in the total revocation of a Notary Public ~~€~~commission:

007.03(B)(1)(a) The signor was not in the physical presence of the Notary Public at the time of the Notarial act;:

007.03(B)(1)(b) The signor was not personally known to the Notary Public or identified by the Notary Public through satisfactory evidence during the Notarial act;:

007.03(B)(1)(c) A Notary Public engaged in the unauthorized practice of law. This would include using the term "notario publico" or any non-English equivalent term in a manner which misrepresents the authority of the Notary Public;:

007.03(B)(1)(d) A Notary Public permitting another person to use the Notary Public's official seal or official seal embosser;:

007.03(B)(1)(e) A Notary Public being convicted of a felony or crime involving fraud or dishonesty while commissioned; and

007.03(B)(1)(f) A Notary Public fails to respond to written communications or requests from the Secretary within thirty (30) days from the date the written communication or request was sent.

~~007.03C~~ 007.03(B)(2) If revoked the Notary Public ~~€~~commission and seal must be returned to the Secretary's office.

~~007.03D~~ 007.03(C) Temporary Revocation means a revocation of the Notary Public ~~€~~commission for as little as one month or as long as 4 years.

~~007.03D1~~ 007.03(C)(1) The following, nonexclusive list of acts of malfeasance will likely result in the temporary revocation of a Notary Public ~~€~~commission:

~~007.03D1a~~ 007.03(C)(1)(a) Notarizing a document in which the Notary Public has a personal interest;:

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~~007.03D1b~~ 007.03(C)(1)(b) A Notary Public making a materially false statement on the application; and

~~007.03D1c~~ 007.03(C)(1)(c) Failure of the Notary Public to maintain the required bond.

~~007.03De~~ 007.03(C)(2) During the revocation the Notary commission and seal must be returned to the Secretary's office.

~~007.03E~~ 007.03(D) An Admonishment will be issued to a Notary Public and notated in his or her ~~their~~ paper and electronic file when the Secretary feels that the alleged malfeasance rises to the level of warning but not revocation.

~~007.03E1~~ 007.03(D)(1) The following, nonexclusive list of acts of malfeasance will likely result in an official warning to the Notary Public:

~~007.03E1a~~ 007.03(D)(1)(a) A Notary Public overlooks changing the County or State of the Notarial document; and

~~007.03E1b~~ 007.03(D)(1)(b) A Notary Public Notarizes a document with blanks.

~~007.03E~~ 007.03(D)(2) An official admonishment will not hinder the Notary Public from performing his or her ~~their~~ duties.

~~Annotation~~ Citation: Neb. Rev. Stat. §§ 64-105, 64-105.01, and 64-113.

008. FEES.

008.01 The application fee is \$30.00, which includes affixing the State Seal to the commission and approving the bond for the Notary Public.

008.01(A) A refund of the application fee will only be issued if requested by the applicant upon failure of the third examination and within two (2) years of initial payment.

008.02 The fee to change the name on a commission is \$30.00.

008.03 Duplicate commissions will be provided at a cost of \$15.00.

008.04 Notaries Public may charge the following fees for his or her ~~their~~ services:

008.04(A) For each protest: \$1.00; For recording the same, \$2.00;

008.04(B) For each notice of protest: \$2.00;

008.04(C) For taking affidavits and seal: \$2.00;

008.04(D) For administering oath or affirmation: \$2.00;

008.04(E) For each certificate and seal: \$5.00; and

008.04(F) For each mile traveled in serving notice based on the rate established by the Department of Administrative Services

~~Annotation~~ Citation: Neb. Rev. Stat. §33-102 and 33-133.

APPENDIX
Title 433 Chapter 6

~~Initial Application for Notary Public Commission~~
~~U.S. Citizenship Attestation Form~~
~~Bond Form~~
~~Renewal Application for Notary Public Commission~~
~~Evidence of Employment in Nebraska~~
~~Notary Public Request to Change Record~~
~~Bond Rider~~

NEBRASKA SECRETARY OF STATE

Business Services Division: Notary
1445 K St., 1301 State Capitol Bldg.
P. O. Box 95104 * Lincoln, NE 68509
www.sos.ne.gov

INITIAL APPLICATION FOR NOTARY COMMISSION

Please type or print legibly in black ink. Applications will be rejected for incomplete responses.

APPLICANT INFORMATION			
Last Name	First	M.I.	Date
Home Address			
Street Address		Apartment/Unit #	
PO Box (if any)			
City	State	Zip	
Home Phone		E-mail Address (optional)	
Business Address (Required for non-resident applicant, optional for resident applicant)			
Company Name			
Street Address			
City	State	Zip	
Work Phone		Extension	
<i>Non-resident applicants must also submit an Evidence of Employment in Nebraska form.</i>			
NOTARY PUBLIC QUALIFICATIONS IN THE STATE OF NEBRASKA			
1. Are you 19 years of age or older?	YES <input type="checkbox"/>	NO <input type="checkbox"/>	4. Have you previously been commissioned as a Notary Public in the State of Nebraska?
2. Have you been convicted of a felony?	YES <input type="checkbox"/>	NO <input type="checkbox"/>	5. Has your name changed?
3. Have you been convicted of a crime involving fraud or dishonesty within the last 5 years?	YES <input type="checkbox"/>	NO <input type="checkbox"/>	5a. If yes, please give previous name:
3a. If yes, please detail the conviction, the state and the date of the crime: (attach additional pages if needed)	6. If you are bilingual, would you allow your name to be placed on a list of bilingual Notaries?		
	YES <input type="checkbox"/>	NO <input type="checkbox"/>	6a. List languages in which you are fluent:
NOTARIAL OATH			
<i>Your signature below will be used to verify your signature on other documents. You must sign consistently.</i>			

State of _____ County of _____

I, _____, do solemnly (swear), (affirm) under penalty of perjury, that the answers to all questions on this application are true and complete to the best of my knowledge; and, I do solemnly (swear) (affirm) that upon appointment, I will support the Constitution and laws of the United States and the State of Nebraska, and I will faithfully discharge the duties of Notary Public in and for the State of Nebraska according to the best of my ability.

X _____
Applicant's Signature

Subscribed and (sworn) (affirmed) before me: this _____ day of _____, 20____.
(Month) (Year)

Signature of Notary Public

JAN 31 2020 Revised 08/01/2013

NEBRASKA SECRETARY OF STATE

Business Services Division: Notary
 1445 K St., 1301 State Capitol Bldg.
 P. O. Box 95104 * Lincoln, NE 68509
www.sos.ne.gov

INITIAL APPLICATION FOR NOTARY COMMISSION INSTRUCTIONS

APPLICANT INFORMATION:

Name: You must provide your name to include: Last Name, First Name, and Middle Initial. If you do not have a middle initial, please state "none" in the MI field.

Date: Enter the date you are completing the application.

~~**Home Address:** You are required to enter your home street address. If you use a P.O. Box, you may include the P.O. Box in addition to your street address.~~

Business Address: If you are a non-resident applicant, your business address is required and you must complete this section in its entirety. If you are a Nebraska resident, this section is optional, but if provided, this information may be used to contact you if needed.

Non-resident applicants must also complete and submit an Evidence of Employment in Nebraska form.

NOTARY PUBLIC QUALIFICATIONS IN THE STATE OF NEBRASKA:

All questions in this section must be answered. Please read each question carefully and clearly mark the appropriate box or fill in the details to answer question.

NOTORIAL OATH:

Do not complete this section until you are in the presence of a Notary. You must sign in the presence of a Notary. The Notary will complete the state and county information, date, sign, and impress their seal. PLEASE NOTE: You may not notarize your own signature.

The signature you place on this application is the signature that you must use when Notarizing documents. You must sign consistently. Your signature on the application will be used to verify your signature on additional forms in the filing process, if a complaint is ever filed against you, or if a document you notarize must be certified in another country.

If you have any questions completing the applications, please contact the Notary department at:
www.sos.ne.gov/business/notary or (402) 471-2558.

JAN 31 2020

GENERAL NOTARY PUBLIC BOND FORM

KNOW ALL MEN BY THESE PRESENTS:

THAT _____

Of the town of _____ in the county of _____ and State of _____, has been appointed General Notary Public or has applied to be a General Notary Public within and for said State of Nebraska, as principal, and

_____ as surety, is held and firmly bound unto the State of Nebraska in the penal sum of FIFTEEN THOUSAND DOLLARS, good and lawful money of the United States, to be paid to the State of Nebraska, for which payment well and truly made, we bind ourselves our heirs, executors and administrators, jointly and severally by these presents:

Whereas, the above principal has been appointed to the office of General Notary Public or has applied to be a General Notary Public within and for said State of Nebraska, for a term of four years FROM EFFECTIVE DATE OF COMMISSION.

Now the conditions of the above obligation are such that if the said principal shall faithfully and in all things perform all duties required of him/her by law as a General Notary Public within and for said State of Nebraska, during his/her continuance in office by virtue of said appointment, then the above obligation to be void else to remain in full force.

SEALED WITH OUR SEALS, and dated this _____ day of _____, 20_____.

Signature of Principal (Applicant)

Signature of Agent*

*The bond must be signed by an agent of the bonding company.

STATE OF _____)
County of _____)

"I, _____, do solemnly swear that I will support the Constitution of the United States and the constitution of the State of Nebraska, and that I will faithfully and impartially perform the duties of the office of General Notary Public according to law, and to the best of my ability. And I do further swear that I do not advocate, nor am I a member of any political party or organization that advocates the overthrow of the government of the United States or of this State by force or violence: and that during such time as I am in this position I will not advocate nor become a member of any political party or organization that advocates the overthrow of the government of the United States or of this State by force or violence. So help me God."

Signature of Principal (Applicant)

_____ personally appeared before me and is known by the undersigned to be the same person designated as principal in the foregoing bond and the identical person signing the oath of office of a general notary public.

Subscribed and sworn to before me this _____ day of _____, 20_____.

Notary Public

^Affix Official Notary Seal^

NEBRASKA SECRETARY OF STATE

Business Services Division: Notary
1445 K St., 1301 State Capitol Bldg.
P. O. Box 95104 * Lincoln, NE 68509
www.sos.ne.gov

RENEWAL APPLICATION FOR NOTARY COMMISSION

Please type or print legibly in black ink. Applications will be rejected for incomplete responses.
This application is only accepted within the 30 days immediately preceding your current commission expiration date.

APPLICANT INFORMATION			
Last Name	First	M.I.	Date
Home Address			
Street Address		Apartment/Unit #	
PO Box (if any)			
City	State	Zip	
Home Phone		E-mail Address (optional)	
Business Address (Required for non-resident applicant, optional for resident applicant)			
Company Name			
Street Address			
City	State	Zip	
Work Phone		Extension	

Non-resident applicants must also submit an Evidence of Employment in Nebraska form.

NOTARY PUBLIC QUALIFICATIONS IN THE STATE OF NEBRASKA			
Since last commissioned:		3. Has your name changed? YES <input type="checkbox"/> NO <input type="checkbox"/>	
1. Have you been convicted of a felony?	YES <input type="checkbox"/> NO <input type="checkbox"/>	3a. If yes, please give previous name:	
2. Have you been convicted of a crime involving fraud or dishonesty?	YES <input type="checkbox"/> NO <input type="checkbox"/>	4. If you are bilingual, would you allow your name to be placed on a list of bilingual Notaries? YES <input type="checkbox"/> NO <input type="checkbox"/>	
2a. If yes, please detail the conviction, the state and the date of the crime: (attach additional pages if needed)		4a. List languages in which you are fluent:	
		5. List date current commission expires:	

NOTARIAL OATH

Your signature below will be used to verify your signature on other documents. You must sign consistently.

State of _____ County of _____

I, _____, do solemnly (swear), (affirm) under penalty of perjury, that the answers to all questions on this application are true and complete to the best of my knowledge; and, I do solemnly (swear) (affirm) that upon appointment, I will support the Constitution and laws of the United States and the State of Nebraska, and I will faithfully discharge the duties of Notary Public in and for the State of Nebraska according to the best of my ability.

X _____
Applicant's Signature

Subscribed and (sworn) (affirmed) before me: this _____ day of _____, 20____.
(Month) (Year)

Signature of Notary Public

JAN 31 2020

NEBRASKA SECRETARY OF STATE

Business Services Division: Notary
1445 K St., 1301 State Capitol Bldg.
P. O. Box 95104 * Lincoln, NE 68509
www.sos.ne.gov

RENEWAL APPLICATION FOR NOTARY COMMISSION INSTRUCTIONS

APPLICANT INFORMATION:

Name: You must provide your name to include: Last Name, First Name, and Middle Initial. If you do not have a middle initial, please state "none" in the MI field.

Date: Enter the date you are completing the application. Please note: This application is only accepted within the 30 days immediately preceding your current commission expiration date.

Home Address: You are required to enter your home street address. If you use a P.O. Box, you may include the P.O. Box in addition to your street address.

Business Address: If you are a non-resident applicant, your business address is required and you must complete this section in its entirety. If you are a Nebraska resident, this section is optional, but if provided, this information may be used to contact you if needed.

Non-resident applicants must also complete and submit an Evidence of Employment in Nebraska form.

NOTARY PUBLIC QUALIFICATIONS IN THE STATE OF NEBRASKA:

All questions in this section must be answered. Please read each question carefully and clearly mark the appropriate box or fill in the details to answer question.

NOTORIAL OATH:

Do not complete this section until you are in the presence of a Notary. You must sign in the presence of a Notary. The Notary will complete the state and county information, date, sign, and impress their seal. PLEASE NOTE: You may not notarize your own signature.

The signature you place on this application is the signature that you must use when Notarizing documents. You must sign consistently. Your signature on the application will be used to verify your signature on additional forms in the filing process, if a complaint is ever filed against you, or if a document you notarize must be certified in another country.

If you have any questions completing the applications, please contact the Notary department at:
www.sos.ne.gov/business/notary or (402) 471-2558.

NEBRASKA SECRETARY OF STATE

Business Services Division: Notary
1445 K St., 1301 State Capitol Bldg.
P. O. Box 95104 * Lincoln, NE 68509
(402) 471-2558 or (402) 471-4094
<http://www.sos.ne.gov>

Evidence of Employment in Nebraska Form

This form must be completed for a non-resident applicant who is employed by a business located within the physical boundaries of Nebraska. The form must be completed by one of the officers, directors, managers, or authorized representatives of the business.

_____ being first duly sworn on oath say that _____
Name of Authorized Representative Name of Notary
Applicant

is employed as a(n) _____ for _____, whose regular place of business
Position of Notary Applicant Name of Business
is located within the physical boundaries of Nebraska.

The applicant is employed at the following location: _____
Address of Business

Signature of Authorized Representative Title of Authorized Representative

Subscribed and sworn to before me this _____ day of _____, 20 _____

Signature of Notary Officer

My Commission expires _____, 20 _____



↑ Affix Notary Seal Here ↑

NEBRASKA SECRETARY OF STATE

Business Services Division: Notary
1445 K St., 1301 State Capitol Bldg.
P. O. Box 95104 * Lincoln, NE 68509
www.sos.ne.gov

Notary Public Request to Change Record

Please type or print legibly in black ink
Please return the form with the applicable fee to the address listed above.
\$30.00 fee for Name Change and no fee for address change.

Please print:

Name as it appears on your commission:

Date commission issued:

Mark all boxes that apply:

I would like to change my name on my notary public commission.

I would like to change my mailing address, email or phone on file to the information below.

Complete the following for change of address:

New Home Address

Street Address		Apartment/Unit #
PO Box (if any)		
City	State	Zip
Home Phone	E-mail Address (optional)	

New Business Address (Required for non-resident applicant, optional for resident applicant)

Non-resident Notaries Public must submit the Evidence of Employment form if the work address is being changed.

Company Name		
Street Address		
City	State	Zip
Work Phone	Extension	

Complete the following for change of name:

A bond under the new name must accompany this change form and a copy of the marriage certificate or court order.

Applicant Information

Last Name	First	M.I.
Date of name change:	Changed by:	<input type="radio"/> Marriage <input type="radio"/> Court Order

NOTARIAL OATH

Your signature below will be used to verify your signature on other documents. You must sign consistently.

State of _____ County of _____

I, _____, do solemnly (swear), (affirm) under penalty of perjury, that the answers to all questions on this application are true and complete to the best of my knowledge.

X _____
Applicant's Signature

Subscribed and (sworn) (affirmed) before me : this _____ day of _____, 20____.
(Month) (Year)

^Affix Official Notary Seal^

Signature of Notary Public

JAN 31 2020

BOND RIDER

To be attached to and form a part of _____
Name and Address of Surety Bond Number

_____, for _____ as Principal, and
Dated _____ Name and Address of Owner/Operator
_____, as Surety, in favor of the Nebraska Secretary of State, 1445 K Street,
Name of Surety
Suite 1301, P.O. Box 95104, Lincoln, NE 68509, as Obligee.

It is understood and agreed that the Bond is changed or revised in the particulars as indicated below:
That the effective date of the bond is has changed from _____ to _____
Date Date

Said Bond shall be subject to all its terms, conditions, and limitations, except as herein expressly
modified. This Bond Rider shall become effective: _____
Date

IN WITNESS WHEREOF, _____ has caused its corporate seal to be
Name of Surety
hereunto affixed this:

Signature Date

STATE OF NEBRASKA)
County of _____)

"I, _____ do solemnly swear that I will support the
Constitution of the United States and the constitution of the State of Nebraska, and that I will faithfully and impartially
perform the duties of the office of General Notary Public according to law, and to the best of my ability. And I do further
swear that I do not advocate, nor am I a member of any political party or organization that advocates the overthrow of the
government of the United States or of this State by force or violence: and that during such time as I am in this position I will
not advocate nor become a member of any political party or organization that advocates the overthrow of the government of
the United States or of this State by force or violence. So help me God."

Signature of Applicant

_____ personally appeared before me and is known by the
undersigned to be the same person designated as principal in the foregoing bond and the identical person signing the
oath of office of a general notary public.

Subscribed and sworn to before me this _____ day of _____,
20_____.

Witness my hand and official seal at _____ Notary Public
_____, Nebraska. My Commission expires _____

TITLE 433 – SECRETARY OF STATE

CHAPTER 7 – ELECTRONIC NOTARIES PUBLIC

001. SCOPE.

001.01 The Rules in this ~~Subchapter~~ Chapter implement the Electronic Notary Public Act, Neb. Rev. Stat. §§ 64-301 through 64-317. (~~“Act”~~)

Citation: Neb. Rev. Stat. § 64-316.

002. DEFINITIONS.

In addition to terms defined Neb. Rev. Stat. § 64-302 in the Electronic Notary Public Act, the following definitions apply for purposes of Chapter 7 of these regulations:

002.01 "Applicant" means a person applying for registration as a Nebraska electronic notary public.

002.02 "Approved Electronic Notary Solution Provider" means a person or entity approved to provide an Electronic Notarization System by the Secretary pursuant to the Electronic Notary Public Act.

002.03 "Biometric Authentication" means proving the identity of a user by requiring verification of the user's identity through technologies that require measurement and analysis of one or more human physiological or behavioral characteristics of the user in order to access and use an ~~electronic notarization system~~ Electronic Notarization System. Biometric ~~authentication~~ Authentication technologies include fingerprint scanning devices, retinal scanning devices, and handwriting analysis devices.

~~002.04 “Secretary means the Nebraska Secretary of State and his or her designated staff.~~

~~002.05~~ 002.04 "Electronic Notarization System" means a set of applications, programs, hardware, software, or technology designed to enable an electronic notary public to perform electronic notarizations.

~~002.06~~ 002.05 "Independently Verifiable" means capable of government or third-party authentication of a notarial act, a notary's identity, and a ~~notary public's~~ Notary Public's relevant authority.

002.06 “Notary Public” means a person commissioned as a notary public under Neb. Rev. Stat. §§ 64-101 to 64-119.

002.07 "Password Authentication" means requiring the user to enter a secret word, phrase, or symbol set in order to access and use an ~~electronic notarization system~~ Electronic Notarization System.

002.08 "Secretary" means the Nebraska Secretary of State and his or her designated staff.

~~002.08~~ 002.09 "Token Authentication" means requiring use of a physical device in addition to a password or personal identification number ("PIN" ~~number~~) in order to access and use an ~~electronic notarization system~~ Electronic Notarization System. Physical devices used in ~~token authentication~~ Token Authentication technologies include magnetic cards or "smart cards" and Universal Serial Bus (USB) memory sticks or "USB keys".

~~002.09~~ 002.10 "Under ~~the his or her~~ exclusive control ~~of the notary public~~", for the purposes of the Secretary's interpretation of the requirements of Neb. Rev. Stat. § 64-310, means "under the electronic notary public's sole control" as defined in this Chapter.

~~002.10~~ 002.11 "Under the electronic notary public's sole control" means accessible by and attributable solely to the electronic notary public to the exclusion of all other persons and entities, either through being in the direct physical custody of the electronic notary public or through being secured with one or more ~~biometric authentication~~ Biometric Authentication, ~~password authentication~~ Password Authentication, ~~token authentication~~ Token Authentication, or other authentication technologies in an ~~electronic notarization system~~ Electronic Notarization System provided by an ~~approved electronic notary public solution provider~~ Approved Electronic Notary Public Solution Provider approved pursuant to the Electronic Notary Public Act and this Chapter.

Citation: Neb. Rev. Stat. §§ 64-304, 64-310, and 64-316.

003. APPLICATION.

003.01 ~~Qualifications. To qualify for registration as an electronic notary public, An an~~ Applicant shall provide:

003.01(A) ~~All~~ Provide all information required for registration pursuant to Neb. Rev. Stat. § 64-304;

003.01(B) ~~Verification that the applicant holds~~ Hold a valid Nebraska Notary Public ~~notary public~~ commission; ~~and continues to meet the qualifications to hold the notary public~~ commission;

003.01(C) ~~Verification~~ Certify that the applicant is in compliance with all provisions of Neb. Rev. Stat. §§ 64-101 through 64-118; ~~he or she continues to meet the qualifications of a notary public~~ Notary Public;

~~003.01(D) Verification of the passage of~~ Take the required course of instruction and pass the examination as required pursuant to Neb. Rev. Stat. § 64-305;

~~003.01(E) Any other information requested by the Secretary to prove the qualifications of the applicant. Pay the required registration fee; and,~~

003.01(F) Provide any other information requested by the Secretary to prove the qualifications of the Applicant.

Citation: Neb. Rev. Stat. §§ 64-303, 64-304, 64-305 and 64-306.

004. REGISTRATION RENEWAL.

004.01 A Notary Public applying to renew his or her registration as an electronic notary public shall so indicate on his or her ~~their~~ notary public renewal application and pay the fee for registration as an electronic notary public, in addition to the fee for renewal of his or her Notary Public ~~notary public~~ commission.

004.02 If an electronic notary public fails to renew their registration at the same time the Notary Public commission is renewed, he or she must submit a new application for registration and meet all of the requirements of Section 003 of this Chapter to be registered as an electronic notary public.

Citation: Neb. Rev. Stat. §§ 64-306 and 64-316

005. APPROVED COURSE OF STUDY FOR ELECTRONIC NOTARIES PUBLIC.

005.01 The Secretary shall administer the training course and testing for Applicants for electronic notary public registration.

005.02 Upon the Secretary's determination of a need for additional instructors, the Secretary may ~~train~~ designate a third-part training course for Applicants or appoint certified ~~notary public~~ Notary Public instructors ~~who are also registered as electronic notaries public~~ to administer the training course and testing for Applicants for electronic notary public registration.

005.03 An Applicant must score 85% or better to pass the examination.

005.04 If an Applicant fails the examination, the application for registration shall be denied. An Applicant who fails the examination must wait thirty (30) days to reapply for registration, including submitting a new application for registration, paying the registration fee, taking the course of instruction, and passing the exam. An Applicant who fails the examination three (3) times shall be considered incompetent to be registered as an electronic notary public and shall not be eligible to take the exam again.

Citation: Neb. Rev. Stat. § 64-305

006. ELECTRONIC NOTARY PUBLIC'S ELECTRONIC SIGNATURE.

006.01 The ~~electronic signature of an~~ electronic notary public ~~signature~~ shall be ~~independently verifiable~~ Independently Verifiable and unique to the electronic notary public.

006.02 The electronic notary public's electronic signature shall be retained under the electronic notary public's sole control.

006.03 When the electronic notary public performs an electronic notarization, the electronic signature used by the electronic notary public must be accessible by and attributable solely to the electronic notary public to the exclusion of all other persons and entities for the entire time necessary to perform the electronic notarization.

006.04 The electronic notary public's electronic signature shall be attached or logically associated with the document, linking the data in such a manner that any subsequent alterations to the underlying document or electronic notary certificate are observable through visual examination.

006.05 An image of the electronic notary's public's handwritten signature shall appear on any visual or printed representation of an electronic notary public certificate regardless of the technology being used to affix the electronic notary public's electronic signature.

Citation: Neb. Rev. Stat. § 64-310.

007. ELECTRONIC NOTARY SEAL.

007.01 The electronic notary seal shall be ~~independently verifiable~~ Independently Verifiable and unique to the electronic notary public.

007.02 The electronic notary seal shall be retained under the electronic notary public's sole control.

007.03 When the electronic notary public performs an electronic notarization, the electronic seal used by the electronic notary public shall be accessible by and attributable solely to the electronic notary public to the exclusion of all other persons and entities for the entire time necessary to perform the electronic notarization.

007.04 The electronic notary seal shall be attached or logically associated with the document, linking the data in such a manner that any subsequent alterations to the underlying document or electronic notary certificate are observable through visual examination.

007.05 An image of the electronic notary's public's electronic notary seal shall appear on any visual or printed representation of the electronic notary certificate regardless of the technology being used to affix the electronic notary's public's electronic notary seal.

007.06 The perimeter of the electronic notary seal shall contain a border such that the physical appearance of the seal replicates the appearance of an inked seal on paper.

007.07 The electronic notary seal must have, within its border, the electronic notary's public's name exactly as commissioned, the words "Electronic Notary Public", the words "Nebraska" and the commission expiration date.

Citation: Neb. Rev. Stat. §§ 64-302 and 64-310.

008. PHYSICAL PRESENCE REQUIREMENT FOR ELECTRONIC NOTARIZATION.

When an electronic notary public performs an electronic notarization, the principal and the electronic notary public shall be in each other's physical presence during the entire electronic notarization so that the principal and the electronic notary public can see, hear, communicate with, and give identification documents as required under Neb. Rev. Stat. § 64-105 to each other without the use of electronic devices such as telephones, computers, video cameras, or facsimile machines.

Citation: Neb. Rev. Stat. § 64-308.

009. ELECTRONIC NOTARY SOLUTION PROVIDER APPLICATION.

009.01 Any person or entity applying to the Secretary for designation as an ~~approved electronic notary solution provider~~ Approved Electronic Notary Solution Provider must complete and submit an application to the Secretary for review and approval before authorizing any electronic notary seals or electronic signatures to Nebraska electronic notaries. The application shall include the following information:

009.01(A) Hardware and software specifications and requirements for the provider's ~~electronic notarization system~~ Electronic Notarization System;

009.01(B) A description of the type(s) of technology used in the provider's ~~electronic notarization system~~ Electronic Notarization System; and

009.01(C) A demonstration of how the technology is used to perform an electronic notarization.

009.02 An electronic notary solution provider may appeal the Secretary's ~~rejection~~ denial of the provider's application for designation as an ~~approved electronic notary solution provider~~ Approved Electronic Notary Solution Provider as provided under the Nebraska Administrative Procedures Act, Neb. Rev. Stat. §§ 84-901 through 84-920.

Citation: Neb. Rev. Stat. § 64-316

010. CRITERIA FOR APPROVAL OF ELECTRONIC NOTARY SOLUTION PROVIDERS.

010.01 Each ~~applicant~~ Applicant and each ~~approved electronic notary solution provider~~ Approved Electronic Notary Solution Provider shall:

010.01(A) Provide a free and readily available viewer/reader so as to enable all parties relying on the electronically notarized record or document to view the electronic notary's public's electronic signature and the electronic notary seal without incurring any cost.

010.01(B) Comply with the laws, policies, and rules that govern Nebraska ~~notaries public~~ Notaries Public;

010.01(C) Provide an ~~electronic notarization system or solution~~ Electronic Notarization System that complies with the technical specifications of the rules and standards that govern electronic notarization processes and procedures in Nebraska;

010.01(D) Require such of the provider's principals or employees to take the mandatory electronic notary public education course and pass the required examination as is necessary to ensure the provider possesses sufficient familiarity with Nebraska's electronic notary public laws and requirements;

010.01(E) Require ~~notaries public~~ Notaries Public to present the ~~Electronic Notary Certificate of Registration to act as an to Perform~~ Electronic Notary Public Acts issued pursuant to Neb. Rev. Stat. § 64-312 prior to authorizing an electronic notary seal and electronic signature;

010.01(F) Verify the authorization of a Nebraska ~~notary public~~ Notary Public to perform electronic notary acts ~~by accessing Secretary's website and comparing the name and notary commission expiration date with the information on the Electronic Notary Certificate to Perform Electronic Notary Acts prior to authorizing an electronic notary seal and signature~~ by confirming through the Secretary or the Secretary's website should an online listing be made available;

010.01(G) Provide prorated fees to align the usage and cost of the ~~electronic notarization system or solution~~ Electronic Notarization System with the commission term limit of the electronic notary public purchasing the electronic notary seal and electronic signature;

010.01(H) Suspend the use of any ~~electronic notarization system or solution~~ Electronic Notarization System for any ~~notary public~~ Notary Public whose commission has been revoked, suspended, or canceled by the ~~Nebraska Secretary of State~~; and

010.01(I) Submit an exemplary of the electronic notary's ~~public's electronic~~ signature and the electronic notary seal to the Secretary for each electronic notary public who subscribes to the provider's ~~electronic notary solution~~ Electronic Notarization System.

Citation: Neb. Rev. Stat. § 64-316.

011. ELECTRONIC NOTARY SOLUTION PROVIDER CHANGES.

011.01 An electronic notary solution provider shall notify the Secretary within forty-five (45) days of changes, modifications, or updates to information previously submitted to the Secretary.

011.02 An ~~approved electronic notary solution provider~~ Approved Electronic Notary Solution Provider shall ~~obtain approval of~~ provide notice to the Secretary pursuant to the Electronic Notary Public Act and this Subchapter Chapter within forty-five (45) days before making available to Nebraska electronic notaries public any updates or subsequent versions of the provider's ~~electronic notarization system~~ Electronic Notarization System. The Secretary may remove the designation of the Approved Electronic Notary solution provider if the changes to Electronic Notarization System do not meet the requirements of the Electronic Notary Public Act and this Chapter.

Citation: Neb. Rev. Stat. § 64-316.

012. SEPARATE ATTESTATIONS.

012.01 Each electronic signature requiring notarization and attestation in the form of an acknowledgment shall be individually affixed to the electronic document by the principal signer and shall be acknowledged separately by the principal signer, except in the following situation:

012.01(A) The notarized document is executed on behalf of:

012.01(A)(i) Any foreign or domestic:

012.01(A)(i)(1) Corporation, non-profit corporation, professional corporation;

012.01(A)(i)(2) Limited liability company;

012.01(A)(i)(3) Unincorporated association or partnership;

012.01(A)(i)(4) Business trust, estate, partnership, trust; or

012.01(A)(ii) The United States, any state, or any foreign government

~~012.01(B) The notarized document does not adversely affect the claim, right or obligation of another.~~

Citation: Neb. Rev. Stat. § 64-316.

013. ACCESS AND USE OF ELECTRONIC NOTARY SEAL AND ELECTRONIC SIGNATURE.

013.01 Neither the employer nor any of the employer's employees or agents shall use or permit the use of an electronic notary seal or signature by anyone other than the authorized electronic notary public to whom it is registered.

013.02 Access to electronic notary signatures and electronic notary seals shall be protected by the use of a Biometric Authentication, Password Authentication, Token Authentication, or other form of authentication approved by the Secretary according to the Electronic Notary Public Act and this Chapter.

Citation: Neb. Rev. Stat. § 64-310.

~~014. PROTECTED ACCESS. Access to electronic notary signatures and electronic notary seals shall be protected by the use of a password authentication, token authentication, biometric authentication, or other form of authentication approved by the Secretary according to Electronic Notary Public Act § 64-301 to § 64-317.~~

014. REPORT OF THEFT OR VANDALISM.

014.01 An electronic notary public who is required to report, pursuant to Neb. Rev. Stat. § 64-310, the theft or vandalism of his or her electronic signature, electronic notary seal, or electronic record, including the backup record, shall do so in writing to the Secretary within ten (10) days after discovering the theft or vandalism.

014.02 Failure to report the theft or vandalism as required in Neb. Rev. Stat. § 64-310 may subject the electronic notary public to having his or her registration as an electronic notary public removed.

Citation: Neb. Rev. Stat. § 64-310 and 64-314.

015. JOURNAL RECORD OF ELECTRONIC NOTARIAL ACTS.

015.01 An Pursuant to Neb. Rev. Stat. § 64-310, an electronic notary public shall keep a journal of all electronic notarizations he or she performs and shall present this journal, or any portion thereof, to the Secretary of State upon written request.

015.02 The electronic notary public shall maintain this record, and the backup record, for at least ten (10) years after the date of the notarial act.

015.03 An electronic notary public who fails to maintain the record or backup record for the required period, or fails to timely provide the record upon request by the Secretary, shall be subject to having his or her registration removed.

Citation: Neb. Rev. Stat. §§ 64-310, 64-314, and 64-316.

016. REMOVAL OF REGISTRATION.

016.01 An electronic notary public violating the Electronic Notary Public Act or this Chapter is subject to having his or her registration removed.

016.02 Any removal of a registration shall be under the removal procedures provided in Neb. Rev. Stat. § 64-113 and 433 NAC 6 007.

Citation: Neb. Rev. Stat. §§ 64-314 and 64-316

017. CHANGE OF ELECTRONIC NOTARY PUBLIC INFORMATION OR REGISTRATION STATUS.

017.01 In addition to complying with the notification requirements to changes to the Notary Public's information required by 433 NAC 6 005, an electronic notary public must also notify the Secretary in writing within forty-five (45) days after changing his or her Approved Electronic Notary Solution Provider.

017.01(A) The new Approved Electronic Notary Solution Provider must submit an exemplary of the new electronic notary public's electronic signature and the electronic notary seal to the Secretary for the electronic notary public.

017.02 Failure to timely notify the Secretary may subject the electronic notary public to having his or her registration removed.

Citation: Neb. Rev. Stat. §§ 64-314 & 64-316.

018. EXPIRATION OF REGISTRATION; RESIGNATION, CANCELLATION, OR REVOCATION; DEATH OF ELECTRONIC NOTARY PUBLIC; REQUIRED ACTIONS.

An electronic notary public, or his or her duly authorized representative, who is required to certify that he or she has erased, deleted, or destroyed the coding, disk, certificate, card, software, file, password, or program that enables the electronic affixation of the electronic notary public's electronic signature and electronic notary seal, in compliance with Neb. Rev. Stat. § 64-311, shall do so in writing to the Secretary within three months after the registration of the electronic notary public expires, is resigned, canceled, or revoked or upon the death of the electronic notary public.

Citation: Neb. Rev. Stat. § 64-311.

~~016.~~ 019. FEES.

The fee for registering or re-registering as an electronic notary public shall be \$100.00.

Citation: Neb. Rev. Stat. § 64-306.

~~017.~~ 020. APPLICATIONS AND OTHER FORMS

~~017.01~~ 020.01 The following forms shall be available for registration as an electronic notary public:

- ~~017.01(A)~~ 020.01(A) Initial Electronic Notary Public Registration form;
- ~~017.01(B)~~ 020.01(B) Electronic Notary Public Renewal Application and Re-Registration form; and
- ~~017.01(C)~~ 020.01(C) Electronic Notary Public Solution Provider application.

~~017.02~~ 020.02 The forms listed in this section ~~and attached hereto~~ shall be made available to all Applicants for license under the Act ~~and shall be incorporated by reference into these rules and regulations.~~ on the Secretary's website or upon request.

For Office Use Only

Test Score

NEBRASKA SECRETARY OF STATE
Business Services Division: Notary
1445 K St., Suite 1301 State Capitol Bldg.
P. O. Box 95104 * Lincoln, NE 68509
www.sos.ne.gov

ELECTRONIC NOTARY PUBLIC REGISTRATION

APPLICANT INFORMATION									
Print your legal name as it appears on your driver's license, state identification card, or voter's registration (if no driver's license). We suggest your legal name, signature, and seal all match.									
Last Name		First Name		M I		Date			
Home Address									
Street Address						Suite/Unit#			
PO Box (if any)			City			State		Zip Code	
E-mail Address					Phone Number				
Business Address (Required for non-resident applicant.)									
Company Name									
Street Address						Suite/Unit#			
PO Box (if any)			City			State		Zip Code	
E-mail Address					Work Phone Number				
Return Certificate to:	<input type="checkbox"/> Home Address	<input type="checkbox"/> Business Address	<input type="checkbox"/> E-mail Address at:						
<i>Non-resident applicants must also submit an Evidence of Employment in Nebraska form.</i>									
ELECTRONIC NOTARY PUBLIC QUALIFICATIONS IN THE STATE OF NEBRASKA									
1. When does your notary commission expire? Affix impression of your seal below:					2. Provide contact information to enroll you in the next eNotary educational course:				
3. What technology do you plan to use for electronic notarization?									
NOTARIAL OATH									
<i>Your signature below will be used to verify signature authenticity when performing notarial acts. You must sign consistently.</i>									

State of _____ County of _____

I, _____, do solemnly (swear), (affirm) under penalty of perjury, that the answers to all questions on this application are true and complete to the best of my knowledge; and, I do solemnly (swear) (affirm) that upon appointment, I will support the Constitution and laws of the United States and the State of Nebraska, and I will faithfully discharge the duties of Electronic Notary Public in and for the State of Nebraska according to the best of my ability.

X _____
—Applicant's Signature

Subscribed and (sworn) (affirmed) before me: this _____ day of _____, 20____.

(Month)

(Year)

—Signature of Notary Public

NEBRASKA SECRETARY OF STATE
Business Services Division: Notary
1445 K St., 1301 State Capitol Bldg.
P. O. Box 95104 * Lincoln, NE 68509
www.sos.ne.gov

ELECTRONIC NOTARY PUBLIC REGISTRATION INSTRUCTIONS

—APPLICANT INFORMATION:

Name: Enter your legal name for our records. Print name as is listed on your state issued driver's license, identification card, or voter registration name (if no driver's license).

Home Address: You are required to enter your home street address. If you use a P.O. Box, you may include the P.O. Box in addition to your street address. Entering your email is optional.

Business Address: If you are a non-resident applicant, your business address is required and you must complete this section in its entirety. If you are a Nebraska resident, this section is optional, but if provided, this information may be used to contact you if needed. Entering your email is optional.

Indicate where you would like your registration returned by checking the appropriate box. If email is selected, provide the email address where the registration should be sent.

Please note that email addresses submitted on this application become part of the public record.

Non-resident applicants must also complete and submit an Evidence of Employment in Nebraska form.

ELECTRONIC NOTARY PUBLIC QUALIFICATIONS IN THE STATE OF NEBRASKA:

Please read each question carefully and clearly mark the appropriate box or fill in the details to answer question.

Eligibility to register as an Electronic Notary Public requires a notary public to hold a valid commission in the State of Nebraska, satisfy the educational requirement of section 64-305, and pay the fee required under section 64-306. If you have not met this eligibility but want to register, please complete this registration form and email sos.enotary@nebraska.gov or call (402) 471-4425 for more information.

You are not authorized to perform electronic notarial acts (enotarizations) until all requirements are completed and you have received your Electronic Notary Certificate of Registration.

NOTARIAL OATH:

~~Do not complete this section until you are in the presence of a Notary Public.~~ You must sign in the presence of a Notary Public. The Notary Public will complete the state and county information, date, sign, and impress their seal. PLEASE NOTE: You may not notarize your own signature.

~~The signature you place on this application is the signature that you must use when notarizing documents. You must sign consistently. Your signature on the application will be used to verify your signature on additional forms in the filing process, if a complaint is ever filed against you, or if a document you notarize must be certified for use in another country.~~

REQUIREMENTS:

Applicant must submit the following: ~~Electronic Notary Public Registration form and \$100 fee made to the Nebraska Secretary of State. The applicant is then required to satisfy the educational requirements and pass an Electronic Notary Public Exam.~~

If you have any questions when completing the application, please contact the Business Services Division — Notary online at: sos.enotary@nebraska.gov or call (402) 471-4425.

NEBRASKA SECRETARY OF STATE
Business Services Division: Notary
 1445 K St., Suite 1301 State Capitol Bldg.
 P. O. Box 95104 * Lincoln, NE 68509
www.sos.ne.gov

NOTARY PUBLIC RENEWAL APPLICATION

This application is only accepted within the 30 days immediately preceding your current commission expiration date.

APPLICANT INFORMATION							
Print your legal name as it appears on your driver's license, state identification card, or voter's registration (if no driver's license). We suggest your legal name, signature, and seal all match.							
Last Name		First Name		M I		Date	
Home Address							
Street Address						Suite/Unit #	
PO Box (if any)		City		State		Zip Code	
E-mail Address				Phone Number			
Business Address (Required for non-resident applicant.)							
Company Name							
Street Address						Suite/Unit #	
PO Box (if any)		City		State		Zip Code	
E-mail Address				Work Phone Number			
Return Commission Certificate to:	<input type="checkbox"/> Home Address	<input type="checkbox"/> Business Address	<input type="checkbox"/> Email Address at:				
<i>Non-resident applicants must also submit an Evidence of Employment in Nebraska form.</i>							
NOTARY PUBLIC QUALIFICATIONS IN THE STATE OF NEBRASKA							
1. Have you been convicted of a felony?	YES <input type="checkbox"/>	NO <input type="checkbox"/>	4. If you are bilingual, would you allow your name to be placed on a list of bilingual notaries?			YES <input type="checkbox"/>	NO <input type="checkbox"/>
2. Have you been convicted of a crime involving fraud or dishonesty?	YES <input type="checkbox"/>	NO <input type="checkbox"/>	4a. List languages in which you are fluent:				
2a. If yes, please detail conviction, the state and the date of the crime. (Attach additional pages if needed.)			5. When does your current commission expire? —Affix impression of your seal below:				

3. Has your name changed since your previous commission?	YES <input type="checkbox"/>	NO <input type="checkbox"/>
3a. If yes, please list previous name:		

ELECTRONIC NOTARY PUBLIC QUALIFICATIONS IN THE STATE OF NEBRASKA

6. If you're an electronic notary in the State of Nebraska do you want to renew the registration?	YES <input type="checkbox"/>	NO <input type="checkbox"/>
---	---------------------------------	--------------------------------

7. What technology do you intend to use for electronic notarization?

8. I prefer an electronic registration certificate be sent to me at the following email address:

NOTARIAL OATH

Your signature below will be used to verify signature authenticity when performing notarial acts. You must sign consistently.

State of _____ County of _____

I, _____, do solemnly (swear), (affirm) under penalty of perjury, that the answers to all questions on this application are true and complete to the best of my knowledge; and, I do solemnly (swear) (affirm) that upon appointment, I will support the Constitution and laws of the United States and the State of Nebraska, and I will faithfully discharge the duties of Notary Public and/or Electronic Notary Public in and for the State of Nebraska according to the best of my ability.

X _____
Applicant's Signature

Subscribed and (sworn) (affirmed) before me: this _____ day of _____, 20____.
(Month) (Year)

^Affix Official Notary Seal^

JAN 31 2020

NEBRASKA SECRETARY OF STATE

Business Services Division: Notary
1445 K St., 1301 State Capitol Bldg.
P. O. Box 95104 * Lincoln, NE 68509
www.sos.ne.gov

NOTARY PUBLIC RENEWAL APPLICATION

~~APPLICANT INFORMATION:~~

Name: Enter your legal name for our records. Print name as is listed on your state issued driver's license, identification card, or voter registration name (if no driver's license).

Home Address: You are required to enter your home street address. If you use a P.O. Box, you may include the P.O. Box in addition to your street address. Entering your email address is optional.

Business Address: If you are a non-resident applicant, your business address is required and you must complete this section in its entirety. If you are a Nebraska resident, this section is optional, but if provided, this information may be used to contact you if needed. Entering your email address is optional.

Indicate where you would like your certificate(s) returned by checking the appropriate box. If email is selected, provide the email address where the certificate(s) should be sent.

Please note that email addresses submitted on this application become part of the public record.

Non-resident applicants must also complete and submit an Evidence of Employment in Nebraska form.

NOTARY PUBLIC QUALIFICATIONS IN THE STATE OF NEBRASKA:

All questions in this section must be answered. Read each question carefully and clearly mark the appropriate box or fill in the details to answer question.

ELECTRONIC NOTARY PUBLIC QUALIFICATIONS IN THE STATE OF NEBRASKA:

If you've previously been registered as an electronic notary public, complete questions 6 and 7 in this section in order to renew your electronic notary registration. Read each question carefully and clearly mark the appropriate box or fill in the details to answer the question. Provide an email for question 8 if you would like an electronic certificate of registration sent to you. If you are not an electronic notary and would like to register, complete the Electronic Notary Registration available online at www.sos.ne.gov.

Eligibility to register as an Electronic Notary requires a notary hold a valid commission in the State of Nebraska, satisfy the educational requirement of section 64-305; pay the fee required under section 64-306. If you have not met this eligibility but want to register, please email sos.enotary@nebraska.gov or call (402) 471-4425 for more information.

You are not authorized to perform electronic notarial acts (enotarizations) until all requirements are completed and you have received your Electronic Notary Certificate of Registration.

NOTARIAL OATH:

~~**Do not complete this section until you are in the presence of a Notary Public.** You must sign in the presence of a Notary Public. The Notary Public will complete the state and county information, date, sign, and impress their seal. You may not notarize your own signature.~~

~~The signature you place on this application is the signature that you must use when notarizing documents. You must sign consistently. Your signature on the application will be used to verify your signature on additional forms in the filing process, if a complaint is ever filed against you, or if a document you notarize must be certified for use in another country.~~

~~Your commission certificate and seal will be issued to match your signature as signed on this application.~~

REQUIREMENTS:

~~Applicant must submit the following: Notary Public Renewal Application for Notary Commission and/or Electronic Notary Public Registration, \$15,000 surety bond, U.S. Citizenship Attestation Form, Evidence of Employment in Nebraska Form (Non-residents Only) and pay the \$30 renewal fee for notary. If the applicant is also renewing their electronic notary registration they must pay the \$100 renewal fee for electronic notary in addition to the notary renewal fee. All fees must be made to the Nebraska Secretary of State.~~

~~If you have any questions when completing the application, contact the Business Services Division—Notary online at: sos.notary@nebraska.gov or call (402) 471-2558. eNotary online at: sos.enotary@nebraska.gov or call (402) 471-4425.~~

NEBRASKA SECRETARY OF STATE

Business Services Division: Notary
 1445 K St., 1301 State Capitol Bldg.
 P. O. Box 95104 * Lincoln, NE 68509
www.sos.ne.gov

APPLICATION FOR ELECTRONIC NOTARY PUBLIC SOLUTION PROVIDER

Applications will be rejected for incomplete responses. Please attach additional pages if needed.

1. Name of Company or Organization:							
2. Mailing Address of Company Headquarters:							
Street Address						Suite/Unit #	
PO Box (if any)		City:		State		Zip Code	
3. Physical Address of Company Headquarters:							
Street Address						Suite/Unit #	
PO Box (if any)		City		State		Zip Code	
4. Name and Title of Contact Person:							
5. Mailing Address of Contact Person:							
Street Address						Suite/Unit #	
PO Box (if any)		City		State		Zip Code:	
Phone:		Fax:		Email:			
6a. Are you currently registered to do business in Nebraska?						YES <input type="checkbox"/>	NO <input type="checkbox"/>
6b. If yes, provide your Nebraska Secretary of State Entity Account Number or Formation Original Document ID Number:							
7. Providers must demo the product for the Secretary of State's Office. How will you present?					In Person <input type="checkbox"/>	Remotely <input type="checkbox"/>	
8. What program or software would you use to make a remote demonstration?							
9. Provide a working model, licensed copy, or account access to your electronic notary solution, including any media (CD or DVD).							
10. List the States, specific jurisdictions, enterprises, agencies, and/or industries using your e-notary solution.							
11. How long has the solution's underlying technology been used in electronic notarizations/transactions or electronic commerce?							

12a. Is your technology interoperable with all other related forms of technology?
12b. List any technology it is not compatible with?
13. What are the specific elements, features or operating system(s) that make your system compatible or incompatible with related technologies?
14. Describe the different technologies that do work with your system and how this was confirmed.
15. List the applications that interface with your solution.
16. List the technical components that assure document security and describe how these are applied to the notarized document.
17. Describe how the Secretary of State and other users will be able to electronically authenticate the notary's electronic signature and seal.
18. Describe the process and list the steps used to authenticate the notary.
19. How are document and notarization authenticity and integrity maintained if your solution becomes obsolete or you go out of business?

20a. Does your solution require proprietary applications, software or hardware?				YES <input type="checkbox"/>	NO <input type="checkbox"/>	
20b. If yes, which ones and who needs to own, access, purchase, download or license what applications, software or hardware?						
21a. Is special hardware required?				YES <input type="checkbox"/>	NO <input type="checkbox"/>	
21b. If yes, what kind?						
22. Which users need special hardware or software?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Sender	Recipient	Customer	Notary	State	None
<input type="checkbox"/> Other (explain)						
23. What is the name of the current version of your e-notary solution?						
24. How many versions are there?						
25. In the past, how often have you introduced a new version of your e-notary solution and how often in the future do you intend to do so?						
26a. Will notaries/businesses be required to update the version, license or software of the e-notary solution when you introduce a new version of your software?				YES <input type="checkbox"/>	NO <input type="checkbox"/>	
26b. If yes, how much will it cost?						
27. How will you handle suspended, revoked and expired e-notary commissions?						
28. What will trigger the revocation?						
29. How long after you are notified of a revocation will the revocation take to execute?						
30. You must notify the notary and the Nebraska Secretary of State of any suspensions, revocation and terminations. Please specify how you will make these notifications:						
31a. Will you have an appeal or review process for the notary whose commission is suspended or revoked?				YES <input type="checkbox"/>	NO <input type="checkbox"/>	

31b. If yes, please explain this process:		
32a. Do you provide instructional documents, online tutorials, technical support or other assistance to users?	YES <input type="checkbox"/>	NO <input type="checkbox"/>
32b. If yes, please describe:		

By signing and submitting this application, I,

_____, as

_____, (title/position) of

_____ (name of provider) agree to:

- ~~1. Provide a free and readily available viewer/reader so as to enable all parties relying on the electronically notarized record or document to view the electronic notary signature and the electronic notary seal without incurring any cost;~~
- ~~2. Comply with the statutes, policies, rules and regulations that govern Nebraska notaries public and eNotaries public;~~
- ~~3. Register (or remain registered) to conduct business in the state of Nebraska and remain in good standing while serving as an approved solution provider for e-notaries;~~
- ~~4. Provide an electronic notarization system or solution that complies with the technical specifications and performance standards of the statutes, rules and standards that govern electronic notarization processes and procedures in Nebraska;~~
- ~~5. Suspend the use of any electronic notarization system or solution for any notary public whose commission has been suspended, revoked, or expired by the Nebraska Secretary of State;~~
- ~~6. Require notaries public to present the Electronic Notary Public Certificate of Registration prior to authorizing an electronic notary seal and signature;~~
- ~~7. Verify the authorization of an Nebraska notary public to perform electronic notary acts by accessing the Nebraska Secretary of State's records and comparing the name and electronic notary registration expiration date with the information on the Electronic Notary Public Certificate prior to authorizing an electronic notary seal and signature;~~
- ~~8. Designate an employee to take the mandatory electronic notary public information course and pass the exam in order to establish basic familiarity with Nebraska notary public statutes and rules;~~

- 9. ~~Submit changes, modifications, or updates to information previously submitted and approved by the Nebraska Secretary of State's office prior to making any updates or subsequent versions of the provider's electronic notarization system available to Nebraska's electronic notaries;~~
- 10. ~~Notify the Nebraska Secretary of State of each notary public who purchases or agrees to use your electronic notarization solution and also who has suspended, revoked or terminated use of the eNotary solution;~~
- 11. ~~Submit an exemplar of the electronic notary public signature and electronic notary seal to the Nebraska Secretary of State for each electronic notary public who subscribes to the provider's electronic notary solution.~~

By my signature below, I, _____ swear or affirm that I have reviewed all of the statutes and the Nebraska Secretary of State's rules and regulations on electronic notarization and that the system or solution offered complies with all the electronic notarization statutes, rules and regulations

Authorized Signature: _____

Title: _____

Date: _____

Please return to:

Email: sos.enotary@nebraska.gov

Mailing Address: _____ Business Services Division
 Attn: eNotary
 1445 K St., Suite 1301
 P. O. Box 95104
 Lincoln, NE 68509
 Phone: (402) 471-4425

TITLE 433 – SECRETARY OF STATE

CHAPTER 8 – ONLINE NOTARIES PUBLIC

001. SCOPE.

001.01 The Rules in this Chapter implement the Online Notary Public Act, Neb. Rev. Stat. §§ 64-401 through 64-418.

Citation: Neb. Rev. Stat. § 46-407.

002. DEFINITIONS.

In addition to terms defined in the Online Notary Public Act, the following definitions apply for purposes of Chapter 8 of these regulations:

002.01 "Applicant" means a person applying for registration as a Nebraska online notary public.

002.02 "Approved Online Notary Solution Provider" means a person or entity approved to provide an Online Notarization System by the Secretary pursuant to the Online Notary Public Act.

002.03 "Biometric Authentication" means proving the identity of a user by requiring verification of the user's identity through technologies that require measurement and analysis of one or more human physiological or behavioral characteristics of the user in order to access and use an Online Notarization System. Biometric Authentication technologies include fingerprint scanning devices, retinal scanning devices, and handwriting analysis devices.

002.04 "Independently Verifiable" means capable of government or third-party authentication of a notarial act, a notary's identity, and a Notary Public's relevant authority.

002.05 "Notary Public" means a person commissioned as a notary public under Neb. Rev. Stat. §§ 64-101 to 64-119.

002.06 "Online Notarization System" means a set of applications, programs, hardware, software, or technology designed or provided by an Approved Online Notary Solution Provider to enable a Notary Public to perform online notarizations.

002.07 "Password Authentication" means requiring the user to enter a secret word, phrase, or symbol set in order to access and use an Online Notarization System.

002.08 "Secretary" means the Nebraska Secretary of State and his or her designated staff.

002.09 "Token Authentication" means requiring use of a physical device in addition to a password or personal identification number ("PIN") in order to access and use an Online Notarization System. Physical devices used in Token Authentication technologies include magnetic cards or "smart cards" and Universal Serial Bus (USB) memory sticks or "USB keys".

002.10 "Under his or her exclusive control", for the purposes of the Secretary's interpretation of the requirements of Neb. Rev. Stat. § 64-410, means "under the online notary public's sole control" as defined in this Chapter.

002.11 "Under the online notary public's sole control" means accessible by and attributable solely to the online notary public to the exclusion of all other persons and entities, either through being in the direct physical custody of the online notary public or through being secured with one or more Biometric Authentication, Password Authentication, Token Authentication, or other authentication technologies in an Online Notarization System provided by an Approved Online Notary Solution Provider approved pursuant to the Online Notary Public Act and this Chapter.

Citation: Neb. Rev. Stat. §§ 64-402, 64-407, and 64-410.

003. APPLICATION.

003.01 To qualify for registration as an online notary public, an Applicant shall:

003.01(A) Provide all information required for registration pursuant to Neb. Rev. Stat. § 64-406;

003.01(B) Hold a valid Nebraska Notary Public commission;

003.01(C) Certify that he or she continues to meet the qualifications of a Notary Public;

003.01(D) Take the required course of instruction and pass examination as required by Neb. Rev. Stat. § 64-404;

003.01(E) Pay the required registration fee; and,

003.01(F) Provide any other information requested by the Secretary to prove the qualifications of the applicant.

Citation: Neb. Rev. Stat. §§ 64-403, 64-404, 64-405, 64-406, & 64-407.

004. REGISTRATION RENEWAL.

004.01 A Notary Public applying to renew his or her registration as an online notary public shall so indicate on his or her notary public renewal application and pay the fee for registration as an online notary public, in addition to the fee for renewal of his or her Notary Public commission.

004.02 If an online notary public fails to renew his or her registration at the same time the Notary Public commission is renewed, he or she must submit a new application for registration and meet all of the requirements of Section 003 of this Chapter to be registered as an online notary public.

Citation: Neb. Rev. Stat. §§ 64-605 and 64-406.

005. APPROVED COURSE OF STUDY AND EXAMINATION FOR ONLINE NOTARIES PUBLIC.

005.01 The Secretary shall administer the training course and testing for Applicants for online notary public registration.

005.02 Upon the Secretary's determination of a need for additional instructors, the Secretary may designate a third-party training course for applicants or appoint certified Notary Public instructors to administer the training course and testing for Applicants for online notary public registration.

005.03 An Applicant must score 85% or better to pass the examination.

005.04 If an Applicant fails the examination, the application for registration shall be denied. An Applicant who fails the examination must wait thirty (30) days to reapply for registration, including submitting a new application for registration, paying the registration fee, taking the course of instruction, and passing the exam. An Applicant who fails the examination three (3) times shall be considered incompetent to be registered as an online notary public and shall not be eligible to take the exam again.

Citation: Neb. Rev. Stat. §§ 64-404 and 64-407.

006. ONLINE NOTARY PUBLIC ELECTONIC SIGNATURE.

006.01 The online notary public's electronic signature shall be Independently Verifiable and unique to the online notary public.

006.02 The online notary public's electronic signature shall be retained under the online notary public's sole control.

006.03 When the online notary public performs an online notarization, the electronic signature used by the online notary must be accessible by and attributable solely to the online notary public to the exclusion of all other persons and entities for the entire time necessary to perform the online notarial act.

006.04 The online notary public's electronic signature shall be attached or logically associated with the document, linking the data in such a manner that any subsequent alterations to the underlying document or online notarial certificate are observable through visual examination.

006.05 An image of the online notary's handwritten signature shall appear on any visual or printed representation of an online notarial certificate regardless of the technology being used to affix the online notary public's electronic signature.

Citation: Neb. Rev. Stat. §§ 64-402, 64-407, and 64-410.

007. ONLINE NOTARY SEAL.

007.01 The online notary seal shall be Independently Verifiable and unique to the online notary public.

007.02 The online notary seal shall be retained under the online notary public's sole control.

007.03 When the online notary performs an online notarial act, the online notary seal used by the online notary public shall be accessible by and attributable solely to the online notary public to the exclusion of all other persons and entities for the entire time necessary to perform the online notarial act.

007.04 The online notary seal shall be attached or logically associated with the document, linking the data in such a manner that any subsequent alterations to the underlying document or online notary certificate are observable through visual examination.

007.05 An image of the online notary seal shall appear on any visual or printed representation of the online notarial certificate regardless of the technology being used to affix the online notary public's online notary seal.

007.06 The perimeter of the online notary seal shall contain a border such that the physical appearance of the seal replicates the appearance of an inked seal on paper.

007.07 The online notary seal must have, within its border, the online notary public's name exactly as commissioned, identifying number, and commission expiration date, as well as the words "Online Notary Public" and the word "Nebraska".

Citation: Neb. Rev. Stat. §§ 64-402, 64-407, and 64-410.

008. PHYSICAL LOCATION OF ONLINE NOTARY PUBLIC DURING PERFORMANCE OF ONLINE NOTARIAL ACT.

When an online notary public performs an online notarial act, he or she must be physically located in the State of Nebraska.

Citation: Neb. Rev. Stat. §§ 64-607, 64-411, and 64-418.

009. ONLINE NOTARY SOLUTION PROVIDER APPLICATION.

009.01 Before issuing any online notary seals or electronic signatures to Nebraska online notaries public, an online notary solution provider must be approved by the Secretary.

009.02 To be approved, the online notary solution provider must complete and submit an application to the Secretary. The application shall include the following information:

009.02(A) Hardware and software specifications and requirements for the provider's Online Notarization System,

009.02(B) A description of the type(s) of technology used in the provider's online notarization system, and

009.02(C) A demonstration of how the technology is used to perform an online notarization.

009.02(D) Any other information that the Secretary requests related to the provider's Online Notarization System.

009.03 An online notary solution provider may appeal the Secretary's denial of the provider's application for designation as an Approved Online Notary Solution Provider as provided under the Nebraska Administrative Procedures Act, Neb. Rev. Stat. §§ 84-901 through 84-920.

Citation: Neb. Rev. Stat. § 64-407.

010. CRITERIA AND STANDARDS FOR APPROVAL OF ONLINE NOTARY SOLUTION PROVIDERS.

010.01 Each applying and each Approved Online Notary Solution Provider shall:

010.01(A) Provide a free and readily available viewer/reader so as to enable all parties relying on the online notarized record or document to view the electronic signature and the online notary seal without incurring any cost.

010.01(B) Comply with the laws, policies, and rules that govern Nebraska Notaries Public and online notaries public;

010.01(C) Provide an Online Notarization System that complies with the technical specifications of the rules and standards that govern online notarization processes and procedures in Nebraska, including the minimum requirements for credential analysis, identity proofing, and communication technologies;

010.01(D) To ensure the provider possesses sufficient familiarity with Nebraska's online notary public laws and requirements, require the individual signing the application on behalf of the online notary solution provider to take the mandatory online notary public education course and pass the required examination;

010.01(E) Require notaries public to present the Certificate of Registration to act as an online notary public issued by the Secretary prior to authorizing an online notary seal and electronic signature;

010.01(F) Verify the authorization of a Nebraska Notary Public to perform online notarial acts by confirming through the Secretary or the Secretary's website should an online listing be made available;

010.01(G) Provide prorated fees to align the usage and cost of the online notary solution with the commission term limit of the Notary Public purchasing the online notary seal and electronic signature;

010.01(H) Suspend the use of any online notary solution for any Notary Public whose commission or registration has been revoked, suspended, or canceled by the Secretary; and

010.01(I) Submit an exemplary of the online notary public's electronic signature and the online notary seal to the Secretary for each online notary public who subscribes to the provider's Online Notarization Solution.

010.02 Communication technology provided by the online notary solution provider shall, at a minimum:

010.02(A) Provide for continuous, synchronous audio-visual feeds;

010.02(B) Provide sufficient video resolution and audio clarity to enable the online notary public and the principal to see and speak to each other simultaneously through live, real time transmission;

010.02(C) Provide sufficient captured image resolution for credential analysis to be

performed in accordance with the Online Notary Public Act and this Chapter.

010.02(D) Include a means of authentication that reasonably ensures only the proper parties have access to the audio-video communication;

010.02(E) be capable of securely creating and storing or transmitting securely to be stored an electronic recording of the audio-video communication, keeping confidential the questions asked as part of any identity proofing quiz, and the means and methods used to generate the credential analysis output; and

010.02(F) provide reasonable security measures to prevent unauthorized access to:

010.02(F)(i) the live transmission of the audio-video communication;

010.02(F)(ii) a recording of the audio-video communication;

010.02(F)(iii) the verification methods and credentials used to verify the identity of the principal; and

010.02(F)(iv) the electronic documents presented for online notarization.

010.03 Credential analysis provided by an online notary solution provider shall, at a minimum:

010.03(A) Use automated software processes to aid the online notary public in verifying the identity of a principal or any credible witness;

010.03(B) Ensure that the credential passes an authenticity test, consistent with sound commercial practices that:

010.03(B)(i) Use appropriate technologies to confirm the integrity of visual, physical, or cryptographic security features;

010.03(B)(ii) Use appropriate technologies to confirm that the credential is not fraudulent or inappropriately modified;

010.03(B)(iii) Use information held or published by the issuing source or authoritative sources, as available, to confirm the validity of personal details and credential details; and

010.03(B)(iv) Provide the result of the authenticity test to the online notary public;

010.03(C) Enable the online notary public to visually compare the following for consistency: the information and photo presented on the credential itself and the principal as viewed by the online notary public in real time through audio-visual transmission.

010.04 Identity proofing provided by an online notary solution provider shall, at a minimum,

meet the following requirements:

010.04(A) Require the principal to complete a quiz consisting of a minimum of five questions related to the principal's personal history or identity, formulated from public and proprietary data sources;

010.04(B) Each question must have a minimum of five possible answer choices;

010.04(C) At least 80% of the questions must be answered correctly;

010.04(D) All questions must be answered within two minutes;

010.04(E) If the principal fails his or her first attempt, he or she may retake the quiz one time within 24 hours;

010.04(F) During the retake, a minimum of 60% of the prior questions must be replaced; and

010.04(G) If the principal fails his or her second attempt, he or she is not permitted to retry with the same online notary public for 24 hours.

010.05 If the principal or online notary public exit the online notary solution or the audio or visual feed is interrupted or terminated, the principal must restart the online notarial process from the beginning.

Citation: Neb. Rev. Stat. §§ 64-402, 64-407, 64-409, and 64-411.

011. ONLINE NOTARY SOLUTION PROVIDER CHANGES.

011.01 An online notary solution provider shall notify the Secretary within forty-five (45) days of changes, modifications, or updates to information previously submitted to the Secretary.

011.02 An approved online notary solution Provider shall provide notice to the Secretary pursuant to the Online Notary Public Act and this Chapter within forty-five (45) days before making available to Nebraska online notaries public any updates or subsequent versions of the provider's online notarization system. The Secretary may remove the designation of the Approved Online Notary Solution Provider if the changes to the online notary system do not meet the requirements of the Online Notary Public Act and this Chapter.

Citation: Neb. Rev. Stat. § 64-407.

012. SEPARATE ATTESTATIONS.

012.01 For an online notarial act, each principal's signature requiring notarization and attestation in the form of an acknowledgment shall be individually affixed to the electronic document by the principal and shall be acknowledged separately by the principal, except in the following situations:

012.01(A) The notarized document is executed on behalf of:

012.01(A)(i) Any foreign or domestic:

012.01(A)(i)(1) Corporation, non-profit corporation, professional corporation

012.01(A)(i)(2) Limited liability company;

012.01(A)(i)(3) Unincorporated association or partnership

012.01(A)(i)(4) Business trust, estate, partnership, trust; or

012.01(A)(ii) The United States, any state, or any foreign government

Citation: Neb. Rev. Stat. § 64-407.

013. ACCESS AND USE OF ONLINE NOTARY SEAL AND ELECTRONIC SIGNATURE.

013.01 Neither the employer of an online notary public nor any of the employer's employees or agents shall use or permit the use of an online notary seal or electronic signature by anyone other than the authorized online notary public to whom it is registered.

013.02 Access to an online notary public's signature and online notary seal shall be protected by the use of a password authentication, token authentication, biometric authentication, or other form of authentication approved by the Secretary according to the Online Notary Public Act.

Citation: Neb. Rev. Stat. §§ 64-407 and 64-410.

014. REPORT OF THEFT OR VANDALISM.

014.01 An online notary public who is required to report, pursuant to Neb. Rev. Stat. § 64-410, the theft or vandalism of his or her electronic signature, online notary seal, or electronic record, including the backup record, shall do so in writing to the Secretary within ten (10) days after the discovery of the theft or vandalism.

014.02 Failure to report the theft or vandalism as required in Neb. Rev. Stat. § 64-410 may subject the online notary public to having his or her registration as an online notary public removed.

Citation: Neb. Rev. Stat. §§ 64-410.

015. RECORD OF ONLINE NOTARIAL ACTS.

015.01 Pursuant to Neb. Rev. Stat. § 64-409, an online notary public is required to maintain a secure electronic record of all online notarial acts by the online notary public.

015.02 The online notary public shall maintain this record, and a backup record, for at least ten (10) years after the date of the online notarial act.

015.03 The online notary public shall make this record, or any portion thereof, available to the Secretary upon request by the Secretary.

015.04 An online notary public who fails to maintain the record or backup record for the required period, or fails to timely provide the record upon request by the Secretary, shall be subject to having his or her registration removed.

Citation: Neb. Rev. Stat. §§ 64-409.

016. REMOVAL OF REGISTRATION.

016.01 An online notary public violating the Online Notary Public Act or this Chapter is subject to having his or her registration removed.

016.02 Any removal of a registration shall be under the procedures provided in Neb. Rev. Stat. § 64-113 and 433 NAC 6 007.

Citation: Neb. Rev. Stat. §§ 64-407 and 64-416.

017. CHANGE OF ONLINE NOTARY INFORMATION OR REGISTRATION STATUS

017.01 In addition to complying with the notification requirements to changes to the Notary Public's information required by 433 NAC 6 005, an online notary public must also notify the Secretary in writing within forty-five (45) days after any changing Online Notary Systems or Approved Online Notary Solution Providers.

17.01(A) The new Approved Online Notary Solution Provider must submit an exemplary of the new online notary public's electronic signature and the online notary seal to the Secretary for the online notary public.

017.02 Failure to timely update this information may subject the online notary public to having his or her registration removed.

Citation: Neb. Rev. Stat. §§ 64-407 & 64-416.

018. EXPIRATION OF REGISTRATION; RESIGNATION, CANCELLATION, OR REVOCATION; DEATH OF ONLINE NOTARY PUBLIC; REQUIRED ACTIONS.

018.01 An online notary public, or his or her duly authorized representative, who is required to certify that he or she has erased, deleted, or destroyed the coding, disk, certificate, card, software, file, password, or program that enables the electronic affixation of the online notary public's electronic signature and online notary seal, in compliance with Neb. Rev. Stat. § 64-413, shall do so in writing to the Secretary within three months after the registration of the online notary public expires, is resigned, canceled, or revoked or upon the death of the online notary public.

Citation: Neb. Rev. Stat. § 64-413.

019. FEES.

The fee for registering or renewing a registration as an online notary public shall be \$50.00.

Citation: Neb. Rev. Stat. § 64-405.

020. APPLICATIONS AND OTHER FORMS

020.01 The following forms shall be available for registration as an online notary public:

- 020.01(A) Initial Online Notary Public Registration form;
- 020.01(B) Online Notary Public Renewal Application and Re-Registration form; and
- 020.01(C) Online Notary Public Solution Provider application.

020.02 The forms listed in this section shall be made available to all Applicants on the Secretary's website or upon request.

Citation: Neb. Rev. Stat. § 64-407.

021. EFFECTIVE DATE.

This chapter becomes effective on July 1, 2020.

Citation: LB 186 (2019) § 27.

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