



EL PASO COUNTY DEPARTMENT OF HUMAN RESOURCES

Notary Public Policy

Adopted Date: February 25, 2019

I. **PURPOSE**

A notary public is an important function related to the business needs of the County of El Paso. Employees who perform notary duties assist administration, elected and appointed officials by notarizing documents that are used in the course of County business.

The purpose of this policy is to provide guidelines to employees who perform notary public duties for the County of El Paso. These guidelines are necessary to reduce the risks to the County of El Paso and the notary due to improper notarial acts.

This policy applies to all County employees, offices, departments, and to all County Elected Officials and their employees.

II. **FEES**

The County of El Paso will pay for the cost of the notary application filing fee, notary public surety bond, and purchases the notary stamp and record book for employees serving as a notary public on behalf of the County, subject to availability of funds.

III. **DEFINITIONS**

Notary Public - an individual commissioned by the Secretary of State to perform a notarial act and is a public official who is subject to legal retention requirements governed predominantly by Chapter 406 of the Texas Government Code, Chapter 121 of the Texas Civil Practice & Remedies Code, and the Secretary of State's administrative rules found in Title 1, Part 4, Chapter 87 of the Texas Administrative Code.

IV. **DUTIES OF DEPARTMENT**

All notary public employees performing notary duties on behalf of the County must be approved by their Department Head or Elected Official to perform those duties on behalf of the County or on County property.

- a) The number of authorized notaries for each department are at the discretion of the Department Head or Elected Official.
- b) The notary stamp and record book will be obtained through the employee's designated department and processed through their department's budget.

V. **DUTIES OF NOTARY**

Upon Department Head or Elected Official approval, employees assigned to notary duties will need to submit an application to the Human Resources Department unless already a registered notary public.

All employees who apply and become a notary public on behalf of the County must comply with and be responsible for the following requirements:

- a) Shall be at least 18 years of age and a resident of the State of Texas and must not have been convicted of a felony or crime involving moral turpitude..
- b) Shall use their post office address on their application.
- c) Shall authenticate all official acts with the seal of office and keep a record book that lists each instrument notarized and other information related to the document and notarization, pursuant to Government Code Chapter 406).
- d) Shall be responsible and safeguard the notary stamp and record book(s) at all times and keep in a secure location that only the notary can access.

- e) Shall immediately notify their Department Head or Elected Official and the Secretary of State when a record book or stamp is lost or stolen.
- f) During their working hours or while on County property shall only perform notarial acts pertaining to County related business or business related to an elected or appointed officials duties or requirements of office.
- g) Shall not accept any form of payment or fees for notarial acts related to County business or performed while on County property, unless payment is collected on behalf of the County as part of the notary public's job duties. Collection must be in accordance to Sec. 406.024.
- h) Shall not identify themselves as a County employee or identify themselves as providing services on behalf of the County when performing notarial acts not related to County business or not on County property.
- i) Shall maintain a separate record book to document notarial acts performed outside of official County business.
- j) Shall be responsible for updating notary information to the Secretary of State, including name and address changes. Shall notify the Secretary of State of any change of address within ten (10) days of the date on which the change is made. The notary is also responsible for all applicable fees relating to updating notary information.
- k) Shall take the oath of office before an officer authorized to administer oaths. For purposes of notarizing a document, a notary covered by this policy may administer an oath to another notary public, but may not administer his or her own oath.
- l) Shall be responsible for abiding by all Texas Notary laws, policies, and Administrative rules.
- m) Upon separation of employment and payment of all fees, shall provide a certified copy of all records in the notary's record book, pursuant to Government Code 406.014(c).

VI. DUTIES OF HUMAN RESOURCES DEPARTMENT

Upon receiving the application from the employee, the Human Resources Department will ensure authorization for payment for the application filing fee from the Department.

- a) The Human Resources Department will ensure application is submitted to the Secretary of State for examination.
- b) Upon examination the employee will receive an official email from notarypubliccommission@so.state.tx.us with the State's Notary Public Commission approval or denial.

VII. NOTARY RECORDS

The County may not retain the original notary records and seal of an employee who is a notary public upon termination of employment. The record books belong to the office of the notary public, rather than to the individual or the individual's employer.

- a) Pursuant to section 406.014(b) entries in the notary's record book are public information. Because the notaries public journal, record books, and public papers belong to the notary public and are considered public records, the records are subject to review and duplication upon request.