

**CODE OF ALABAMA 1975**

**TITLE 13A. CRIMINAL CODE  
CHAPTER 10. OFFENSES AGAINST PUBLIC ADMINISTRATION  
ARTICLE 6 OFFENSES RELATING TO JUDICIAL AND OTHER  
PROCEEDINGS**

**§ 13A-10-132.**

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(e) It shall be unlawful for a person to knowingly act, without authority under state law, as any judge, magistrate, hearing officer, juror, a clerk of court, a commissioned notary public, or any other official authorized to determine a controversy or adjudicate the rights or interests of others, or to sign a document as if authorized by state law. A person violating this subsection is guilty of a Class A misdemeanor.

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**TITLE 35. PROPERTY  
CHAPTER 4 CONVEYANCES AND CREATION OF ESTATES**

**§ 35-4-20. Conveyance required to be in writing; signature; attestation by witnesses.**

Conveyances for the alienation of lands must be written or printed, or partly written and partly printed, on parchment or paper, and must be signed at their foot by the contracting party or his agent having a written authority; or, if he is not able to sign his name, then his name must be written for him, with the words "his mark" written against the same, or over it; the execution of such conveyance must be attested by one witness or, where the party cannot write, by two witnesses who are able to write and who must write their names as witnesses; or, if he can write his name but does not do so and his name is written for him by another, then the execution must be attested by two witnesses who can and do write their names.

**§ 35-4-21. Seal unnecessary.**

A seal is not necessary to convey the legal title to land to enable the grantee to bring a civil action. Any instrument in writing, signed by the grantor or his agent having a written authority, is effectual to transfer the legal title to the grantee, if such was the intention of the grantor, to be collected from the entire instrument.

**§ 35-4-22. Effect of writings importing to be under seal.**

All writings which import on their face to be under seal are to be taken as sealed instruments and have the same effect as if the seal of the parties was affixed thereto.

**§ 35-4-23. Acknowledgment — Operates as compliance with witness requirements.**

The acknowledgment provided for in this article operates as a compliance with the requisitions of section 35-4-20 upon the subject of witnesses.

**§ 35-4-24. Acknowledgment — Officers authorized to take in this state.**

Acknowledgments and proofs of conveyances may be taken by the following officers within this state: Judges of the supreme court, the court of civil appeals, the court of criminal appeals, circuit courts and district courts, and the clerks of such courts; registers of the circuit court, judges of the court of probate, and notaries public.

**§ 35-4-25. Same — Officers holding stock in certain corporations.**

An acknowledgment or proof of any deed, mortgage or other conveyance to or by a corporation, national banking association, building and loan association or savings and loan association at any time heretofore or hereafter taken by an officer authorized by law to take acknowledgments and proofs of conveyances and at that time owning or holding not more than one percent of the total issued and outstanding capital stock of such corporation, national banking association, building and loan association or savings and loan association, and not then holding any office in said corporation, national banking association or building and loan association shall have the same effect as if such officer did not hold or own any of such stock.

**§ 35-4-26. Same — Officers authorized to take in other states or foreign countries.**

Acknowledgments, proofs of conveyances and affidavits may be taken within the United States and beyond the state of Alabama, by judges and clerks of any federal court, judges and clerks of any state court of record in any state, notaries public, commissioners appointed by the governor of this state, or the commissioner of deeds for the state wherein the acknowledgment is taken, or by any commissioned officer of any of the armed forces of the United States. Beyond the limits of the United States, such acknowledgments, proofs and affidavits may be taken by the judges of any court of record, mayor or chief magistrate of any city, town, borough or county, or by any diplomatic, consular or commercial agent of the United States, notaries public or by any commissioned officer of any of the armed forces of the United States; provided, however, that when any such acknowledgment shall be taken by any commissioned officer of any of the armed forces of the United States, no seal of office shall be required, and his signature shall be prima facie proof of his authority hereunder.

**§ 35-4-27. Acknowledgment — Proof of official seal.**

All deeds, powers of attorney and other instruments of conveyance, affidavits or contracts purporting to be acknowledged, proved or verified as prescribed by law, and which have been recorded or may hereafter be recorded in the office of the judge of probate of the proper county in this state, and transcripts thereof from such record shall be prima facie evidence that the seal of such officer acknowledging or attesting such instrument was his official seal and that it was affixed by him in his official capacity; and all such instruments and certified copies thereof shall have the same force and effect and shall be received in evidence in any court in this state without further proof of the due execution of such instrument or proof of the seal of any officer so certifying or attesting and that the same was affixed by him as his official seal, in his official capacity, whether he be an officer of this state or of any other state, territory or district of the United States.

**§ 35-4-28. Same — Powers of attorney, etc.**

Powers of attorney or other instruments conferring authority to convey property or to enter satisfaction of mortgages or other liens may be proved or acknowledged and recorded in the same manner and must be received as evidence to the same extent as conveyances.

**§ 35-4-29. Form of acknowledgment.**

The following are substantially the forms of acknowledgment to be used in this state, on conveyances and instruments of every description admitted to record:

ACKNOWLEDGMENT FOR INDIVIDUAL

The State of ..... }.  
..... County }

I (name and style of officer) hereby certify that ..... whose name is signed to the foregoing conveyance, and who is known to me, acknowledged before me on this day that, being informed of the contents of the conveyance, he executed the same voluntarily on the day the same bears date. Given under my hand this ..... day of ....., A. D. 19....

A. B. Judge, etc. (or as the case may be)

ACKNOWLEDGMENT FOR CORPORATION

The State of ..... }.  
..... County }

I, ....., a ..... in and for said County in said State, hereby certify that ..... whose name as ..... of the ....., a corporation, is signed to the foregoing conveyance and who is known to me, acknowledged before me on this day that, being informed of the contents of the conveyance, he, as such officer and with full authority, executed the same voluntarily for and as the act of said corporation.

Given under my hand this the ..... day of ....., 19....

.....  
(Style of Officer)

ACKNOWLEDGMENT FOR AN OFFICIAL OR OTHER PERSON IN REPRESENTATIVE CAPACITY

The State of..... }.  
..... County }

I, ....., a ....., in and for said County in said State, hereby certify that ....., whose name as ..... (here state representative capacity) is signed to the foregoing conveyance and who is known to me, acknowledged before me on this day that, being informed of the contents of the conveyance, he, in his capacity as such ....., executed the same voluntarily on the day the same bears date.

Given under my hand this the ..... day of ....., 19 ....

.....  
(Style of Officer)

ACKNOWLEDGMENT FOR CORPORATION, IN REPRESENTATIVE CAPACITY

The State of ..... }.  
..... County }

I, ....., a ..... in and for said County, in said State, hereby certify that ..... whose name as .....of ....., a corporation as ..... of the estate of ..... (or as the case may be) is signed to the foregoing ....., and who is known to me, acknowledged before me on this day, that being informed of the contents of said ....., he, as such officer, and with full authority, executed the same voluntarily for and as the act of said corporation, acting in its capacity as ..... as aforesaid.

Given under my hand this the ..... day of ....., 19....

.....  
(Style of Officer)

**§ 35-4-30. Form of probate of conveyance.**

The form of a probate of a conveyance or other instrument is as follows:

The State of ..... }  
..... County. }

I, (name and style of the officer), hereby certify that ....., a subscribing witness to the foregoing conveyance, known to me, appeared before me on this day, and being sworn, stated that ....., the grantor, voluntarily executed the same in his presence, and in the presence of the other subscribing witness, on the day the same bears date; that he attested the same in the presence of the grantor, and of the other witness, and that such other witness subscribed his name as a witness in his presence.

Given under my hand, this ..... day of ....., A. D. ....

A. B., Judge, etc. (or as the case may be).

**TITLE 36. PUBLIC OFFICERS AND EMPLOYEES  
CHAPTER 20. NOTARIES PUBLIC  
ARTICLE 1. GENERALLY**

**Section 36-20-1 – Repealed**

**Section 36-20-2 – Repealed**

**Section 36-20-3 – Repealed**

**Section 36-20-4 – Repealed**

**Section 36-20-5 – Repealed**

**Section 36-20-6 – Repealed**

**Section 36-20-7 – Repealed**

**Section 36-20-8 – Repealed**

**Section 36-20-9 – Repealed**

**Section 36-20-10 – Repealed**

**Section 36-20-11 – Repealed**

## **ARTICLE 2. NOTARIES PUBLIC FOR STATE AT LARGE**

**Section 36-20-30 – Repealed**

**Section 36-20-31 – Repealed**

**Section 36-20-32 – Repealed**

## **ARTICLE 3. CIVIL LAW NOTARIES**

### **§ 36-20-50. Definitions.**

For purposes of this article, the following terms shall have the following meanings:

(1) **AUTHENTICATION INSTRUMENT.** An instrument executed by an Alabama international notary referencing this article, which includes the particulars and capacities to act of transacting parties, a confirmation of the full text of the instrument, the signatures of the parties or legal equivalent thereof, and the signature and seal of an Alabama international notary as prescribed by the Secretary of State for use in a jurisdiction outside the borders of the United States.

(2) **ALABAMA INTERNATIONAL NOTARY.** A person who is admitted to the practice of law in this state, who has practiced law for at least five years, and who is appointed by the Secretary of State as an Alabama international notary.

(3) **PROTOCOL.** A registry maintained by an Alabama international notary in which the acts of the Alabama international notary are archived.

### **§ 36-20-51. Alabama international notaries.**

(a) The Secretary of State may appoint Alabama international notaries and administer this article.

(b) An Alabama international notary may issue authentication instruments for use in non-United States jurisdictions. An Alabama international notary may not issue authentication instruments for use in a non-United States jurisdiction if the United States Department of State has determined that the jurisdiction does not have diplomatic relations with the United States or is a terrorist country, or if trade with the jurisdiction is prohibited under the Trading With the Enemy Act of 1917, as amended, 50 U.S.C. § 1, et seq.

(c) The authentication instruments of an Alabama international notary shall not be considered authentication instruments within the borders of the United States and shall have no consequences or effects as authentication instruments in the United States.

(d) The authentication instruments of an Alabama international notary shall be recorded in the Alabama international notary's protocol in a manner prescribed by the Secretary of State.

### **Section 36-20-52. Rules of procedure.**

The Secretary of State may adopt rules prescribing all of the following:

- (1) The form and content of signatures and seals or their legal equivalents for authentication instruments.
- (2) Procedures for the permanent archiving of authentication instruments.
- (3) The charging of reasonable fees to be retained by the Secretary of State for the purpose of administering this article.
- (4) Educational requirements and procedures for testing applicants' knowledge of the effects and consequences associated with authentication instruments in jurisdictions outside the United States.
- (5) Procedures for the disciplining of Alabama international notaries, including the suspension and revocation of appointments for misrepresentation or fraud regarding the Alabama international notary's authority, the effect of the Alabama international notary's authentication instruments, or the identities or acts of the parties to a transaction.
- (6) Other matters necessary for administering this article.

**Section 36-20-53. Discipline, etc., relating to practice of law.**

The Secretary of State shall not regulate, discipline or attempt to discipline, or establish any educational requirements for any Alabama international notary for, or with regard to, any action or conduct that would constitute the practice of law in this state. The Secretary of State shall not establish as a prerequisite to the appointment of an Alabama international notary any test containing any question that inquires of the applicant's knowledge regarding the practice of law in the United States.

**Section 36-20-54. Construction.**

This article shall not be construed as abrogating the provisions of any other act relating to notaries public, attorneys, or the practice of law in this state.

**ARTICLE 4. NOTARIES PUBLIC**

**Section 36-20-70.**

(a) A competent number of notaries public for the state at large shall be appointed and commissioned by the judges of probate of the several counties of the state and shall hold office for four years from the date of their commission. Such notaries public shall perform all the acts and exercise all authority under the general laws of the State of Alabama. The jurisdiction of such notaries public shall not be limited to the counties of their residence and shall extend to any county of the state. The judges of probate shall collect a fee of twenty-five dollars (\$25) for each notary commission issued. The judges of probate shall also report to the Secretary of State the name, county of residence, date of issuance, and date of expiration of the commission of each notary public appointed and commissioned under this subsection.

(b) All existing notaries public functioning on September 1, 2023, shall continue to function pursuant to their existing authority for the remainder of their existing commission.

(c) Each applicant for notary public commission shall pay a ten dollar (\$10) application fee. A Judge of probate may accept or deny any application for notary public commission, as developed by the Alabama Probate Judges Association and the Alabama Law Institute, and shall deny an application for notary public commission on any of the following grounds:

- (1) The applicant is not a resident of this state.
- (2) The applicant makes the application to a judge who is not the judge of probate of

the county of the applicant's residence.

(3) The applicant has been convicted of a felony or crime of moral turpitude.

(4) The applicant is currently a debtor in a bankruptcy proceeding.

(5) The applicant is under a current order adjudicating him or her incapacitated.

(6) The applicant provides false information on the application.

(7) The applicant is unable or unwilling to successfully complete the training program required in subsection (e) within 30 days after submitting his or her application. This time frame may be extended by the judge of probate upon good cause shown.

(d) A notary public is not an insurer but is under a duty to act honestly, skillfully, and with reasonable diligence. A notary public shall not perform an acknowledgment in any transaction where he or she has a pecuniary interest.

(e) Before being commissioned, an applicant for a notary public commission shall successfully complete a training program prepared by the Alabama Probate Judges Association and the Alabama Law Institute that reinforces and updates the applicant's knowledge of all matters relevant to the appointment, authority, duties, and legal and ethical responsibilities of a notary public. An attorney who is commissioned as a notary public under this article is not required to complete the training requirement. A notary public who is commissioned as of the effective date of this act shall be required to complete the training requirement upon submitting an application for the renewal of his or her expired commission.

#### **Section 36-20-71.**

(a) Notaries public shall give bond with sureties, obtained from an Alabama licensed producer of such bonds, to be approved by the judge of probate of the county of their residence, in the sum of fifty thousand dollars (\$50,000), payable to the State of Alabama and conditioned to faithfully discharge the duties of the office so long as they may continue therein or discharge any of the duties thereof. Such bond shall be executed, approved, filed, and recorded in the office of the judge of probate of the county of their residence, before they enter on the duties of such office.

(b) All existing notaries public functioning on September 1, 2023, shall continue to function pursuant to their existing bond for the remainder of their existing commission.

#### **Section 36-20-72.**

(a) For the authentication of his or her official acts, each notary shall provide a seal of office, which shall present, by its impression or stamp, the name, office, and the state for which he or she was appointed.

(b) The form and content of any notarial act on an instrument to be recorded in the public records, including the court system, shall include an oath, acknowledgment, and signature of each party to the document, or his or her mark, and the signature of the notary public and their seal of office by either ink stamp or embossed impression.

#### **Section 36-20-73.**

Notaries public may do all of the following:

(1) Administer oaths in all matters incident to the exercise of their office.

(2) Take the acknowledgment or proof of instruments of writing relating to commerce or navigation and certify the same and all other of their official acts under their seal of office.

(3) Demand acceptance and payment of bills of exchange, promissory notes, and all other writings which are governed by the commercial law as to days of grace, demand,

and notice of nonpayment and protest the same for nonacceptance or nonpayment and to give notice thereof as required by law.

(4) Exercise such other powers, according to commercial usage or the laws of this state, as may belong to notaries public.

### **Section 36-20-73.1.**

(a) Except as otherwise provided in this section, any signature acknowledged by a notary public shall be executed within this state and shall be executed in the physical presence of the notary public at the time of the acknowledgment, only after the notary public has positively identified the prospective signatory via personal knowledge of the affiant or the examination of photo identification issued by a governmental entity or agency.

(b) For the purposes of this section, the following terms shall have the following meanings:

(1) ORIGINAL SIGNATURE. A signature signed directly onto a document in wet ink by a person who is named on the document.

(2) SIGNATORY. The person who is named on the document and is to sign the document.

(c) Unless otherwise provided by law, the powers and functions of a notary public require his or her original signature.

(d) For purposes of this article, and subject to subsections (e) to (g), inclusive, an individual may personally appear before an acknowledging notary by either of the following:

(1) Physically appearing before the notary as provided in subsection (a).

(2) Appearing through the use of two-way audio-video communication technology that allows a notary public and a remotely located signatory to communicate with each other simultaneously by sight and sound, provided that the notary public is physically located in this state and the two-way audio-video communication is recorded and maintained for a period of seven years by the notary public.

(e) If appearing through the use of two-way audio-video communication, the identity of the signatory shall be verified by the notary public using either of the following methods:

(1) The personal knowledge of the notary public of the identity of the signatory.

(2)a. The presentation of two valid forms of government issued identification, one of which shall include the face and signature of the signatory; and

b. A process by which the notary public verifies the identity of the signatory through a review of public or private data sources.

(f) The two-way audio-video communication recording shall contain all of the following:

(1) The date and time of the remote notarial act.

(2) A description of the documents to which the remote notarial act relates.

(3) An attestation by the notary public of being physically located in this state.

(4) A description of how the identification of the signatory was verified.

(5) A clear image of any government issued identification, if applicable.

(6) A clear image of the act of signing observed by the notary public.

(g) The official date and time of the notarization is the date and time the notary public witnessed the signature, including the date and time the signature was witnessed via two-way audio-video communication technology. All documents used during the two-way



audio-video communication, shall be provided to the notary for his or her authentication and original signature.

(h) Any action taken before July 1, 2021, allowing for the remote notarization of signatures under the Emergency Management Act of 1955, Article 1 of Chapter 9 of Title 31, is ratified and confirmed.

(i) Remote notarization may not be used to notarize an absentee ballot application or an absentee ballot affidavit, or for any purpose related to voting.

#### **Section 36-20-74.**

A notary public commissioned pursuant to this article is permitted a reasonable fee, not to exceed ten dollars (\$10), for each notarial act performed. No fee may be charged by a state, county, or municipal employee for a notarial act performed during, and as a part of, his or her public service, unless otherwise provided by law.

#### **Section 36-20-75.**

(a) The commissioning judge of probate, or his or her successor in office, may issue a warning to a notary or restrict, suspend, or revoke a notarial commission for a violation of this article and on any ground for which an application for a commission may be denied under this article. A period of restriction, suspension, or revocation does not extend the expiration date of a commission.

(b) Except as otherwise permitted by law, an individual who commits any of the following acts is guilty of a Class C misdemeanor:

- (1) Holding one's self out to the public as a notary without being commissioned.
- (2) Performing a notarial act with an expired, suspended, or restricted commission.
- (3) Performing a notarial act before taking an oath of office.
- (4) Charging a fee for a notarial act in excess of the maximum fee allowed by this article.

(5) Taking an acknowledgment or administering an oath or affirmation without the principal appearing in person before the notary or following the procedures for remote notarization set out in this article.

(6) Taking an acknowledgment or administering an oath or affirmation without personal knowledge or satisfactory evidence of the identity of the principal.

(7) Taking a verification or proof without personal knowledge or satisfactory evidence of the identity of the subscribing witness.

(c) A notary is guilty of a Class D felony if he or she does any of the following with the intent to commit fraud or to intentionally assist in the commission of a fraudulent act:

(1) Takes an acknowledgment, or a verification or proof, or administers an oath or affirmation he or she knows or reasonably believes to be false.

(2) Takes an acknowledgment or administers an oath or affirmation without the principal appearing in person before the notary, or without following the procedures for remote notarization set out in this article.

(3) Takes a verification or proof without the subscribing witness appearing in person before the notary, or without following the procedures for remote notarization set out in this article.

(4) Performs notarial acts in this state with the knowledge that he or she is not properly commissioned under this chapter.

(d) For purposes of enforcing this chapter, all of the following are applicable:

- (1) Any party to a transaction requiring a notarial certificate for verification and any

attorney licensed in this state who is involved in such a transaction in any capacity, may execute an affidavit and file it with either the Secretary of State or the judge of probate who issued the commission to the notary public, setting forth the actions which the affiant alleges are violations. Upon receipt of an affidavit, the Secretary of State or judge of probate shall forward the affidavit to the Alabama State Law Enforcement Agency. Upon receipt of the affidavit, the Alabama State Law Enforcement Agency shall initiate and carry out, on their own or in coordination with local law enforcement agencies, investigations of violations. Founded investigations shall be referred to the appropriate district attorney for prosecution.

(2) Resignation or expiration of a notarial commission does not terminate or preclude an investigation into the conduct of a notary by the Secretary of State, a judge of probate, or a law enforcement agency who may pursue the investigation to a conclusion, whereupon it may be a matter of public record whether or not the finding would have been grounds for disciplinary action.

(3) The commissioning judge of probate may order injunctive relief against any individual who violates this chapter including, but not limited to, ordering the surrender and destruction of a notary commission and a notary seal.

(e) Any individual who knowingly solicits, coerces, or in any material way influences a notary to commit official misconduct is guilty as an aider and abettor and is subject to the same level of punishment as the notary.