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RE: Opinion on October 1, 2018 Implementation; Change of Notary Public Stamp

This letter is to clarify a point of confusion pertaining to Notaries Public. Specifically, in 2017, legislation was passed to include a notary public's commission number on their official notarial seal (stamp). This change is set to take effect October 1, 2018 and redefines the information required and the information allowed to appear on a stamp.

Upon review, it is our belief that the statute fell short of properly communicating the legislative intent in which it was proposed and adopted. In multiple discussions, lawmakers commented that they did not want to force existing notaries into an across-the-state reorder of their stamping devices, instead allowing for them to use their existing stamp until their current commission expired.

To this end, we have adopted the following policy, intended to bridge the time between the October 1, 2018 implementation of this statute and the time at which we will be able to propose corrective legislation in the 2019 Legislative Session.

It is therefore the policy of the Secretary of State's office that:

1. Notaries commissioned prior to October 1, 2018 may continue to use their existing stamps, without their commission number, until the end of their current commission.
2. Any stamp purchased by an existing notary public ON OR AFTER October 1, 2018 should be consistent with the requirements outlined in I.C. 51-117 (effective October 1, 2018) and I.C. 51-118-1.
3. All notaries commissioned on or after October 1, 2018 will be required to have a stamp consistent with I.C. 51-118-1 and I.C. 51-117 (effective October 1, 2018).
4. As of October 1, 2024, ALL Idaho notaries will use stamps that contain the notary public's commission number.

This policy is intended to serve as an interim policy only, and will be reviewed following the outcome of proposed legislative changes during the 2019 Legislative Session.

Respectfully,


Lawrence Denney
Idaho Secretary of State