

How long must I Retain my Notary Journals?

A document signer expects a notary not only to exercise reasonable care in notarizing his or her signature on a document, but also to be able to show evidence, often years after the date of the act, that the notarization was performed in accordance with proper notarial procedures. It is in the best interest of a notary public to record every notarial act properly in a notary journal and to archive his or her notary journals securely and indefinitely, or at least for the retention period set forth in his or her state's notary laws. It is very important to read your notary laws to determine the length of time to retain your notary journals.

Below are examples of the notary laws of certain states that have addressed the retention periods for notary journals.

Arizona: Requires notaries to keep all notary records and journals for at least five years after the date the last documented notarial act was performed. If a notary resigns, or decides not to renew his or her notary commission, the notary must deliver his or her notary journals to the Secretary of State within 90 days. Notaries who neglect to turn in their notary journals within the specified time may be fined up to \$500.

Nevada: Requires notaries to retain their notary journals for seven years from the time they resign or do not renew their notary commissions.

Oregon: Requires notaries to retain their notary journals for ten years after the performance of the last notarial act recorded in their notary journals.

Texas: Requires notaries to retain notarial records for the duration of their notary commissions or three years after the last notarial act they perform (whichever is longer).

California: Upon resignation or non-renewals, notaries are required to deliver notary journals within 30 days to the county clerk's office where their oaths are on file. Notaries who neglect to abide by this law may be found guilty of a misdemeanor and shall be held personally liable for damages to any person injured by their actions or inactions.

Montana: Requires all notaries who resign or choose not to renew a commission to submit their notary journals to the Secretary of State's office.

Some states do not mandate notarial recordkeeping (such as North Carolina, Michigan, and Florida) nonetheless require notaries who have voluntarily decided to maintain notary journals to retain them for at least five years.

The importance of retaining notarial journals after the lapse or expiration of a notary commission has been widely underestimated by many notaries. Comprehensive legal protection is derived from keeping and maintaining a journal of notarial acts performed, even if a journal is not mandated by a notary's state. This protection extends to the public years after the expiration of a notary's commission.

NOTE: Delaware DOES NOT require keeping a Journal but does recommend in doing so. The Delaware Notary Association recommends that you contact the State of Delaware Notary Public office at (302)739-4111 or email: Notary@Delaware.gov to find out how long to retain your journal(s) and where to deliver them when you do not renew your commission.