

**SECRETARY OF STATE[721]**

**Adopted and Filed Emergency**

Pursuant to the authority of Iowa Code sections 9E.3 and 9E.7, the Secretary of State hereby amends Chapter 43, “Notarial Acts,” Iowa Administrative Code.

The rules in Chapter 43 describe the requirements of a notarial act, including the effects of notarial acts under law. Rule 721—43.1(9E) states that a notarial certificate “may include the official stamp or seal of office.” However, Iowa Code section 9E.6A(1) states that “[e]ach person performing a notarial act pursuant to section 9E.10 must acquire and use a stamp or seal as provided by this chapter.” In addition, Iowa Code section 9E.14(1) states that the “certificate must include identification of the jurisdiction in which the notarial act is performed and the title of the office of the notarial officer and shall include the official stamp or seal of the office.” This amendment changes the permissive language regarding the stamp or seal on notarial documents to required action.

In compliance with Iowa Code section 17A.4(3), the Secretary of State finds that notice and public participation are impracticable because of the immediate need for rule making to implement the provisions of this law.

The Secretary also finds, pursuant to Iowa Code section 17A.5(2)“b”(2), that the normal effective date of the amendment should be waived and this amendment should be made effective upon filing with the Administrative Rules Coordinator on March 19, 2012, because the amendment is necessary for consistency between Iowa Code section 9E.6A(1) and rule 721—43.1(9E).

After analysis and review of this rule making, no adverse impact on jobs has been found.

This amendment is intended to implement Iowa Code chapter 9E.

This amendment became effective March 19, 2012.

The following amendment is adopted.

Amend rule 721—43.1(9E), introductory paragraph, as follows:

**721—43.1(9E) Certificate of notarial acts.** A notarial act shall be evidenced by a certificate signed and dated by a notarial officer. The certificate shall include identification of the jurisdiction in which the notarial act is performed and the title of the office of the notarial officer (for example, notary public, judge, clerk of court) and ~~may~~ shall include the official stamp or seal of office. A certificate of a notarial act is sufficient if it substantially meets the requirements of this rule, or other applicable law. The form of the certificate may consist of:

[Filed Emergency 3/19/12, effective 3/19/12]

[Published 4/18/12]

EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 4/18/12.