

Date Issued: March 13, 1981 (AGO 81-25)

Requested by: Earl R. Myers, Jr.
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- QUESTIONS PRESENTED -

I.

Whether the use of a stamped seal by a notary public is acceptable in lieu of an imprinted seal under North Dakota law.

II.

Whether a specific inscription must appear on the face of the notarial seal.

- ATTORNEY GENERAL'S OPINION -

I.

It is my opinion that a notary public may use a stamped seal pursuant to section 1-01-38 of the North Dakota Century Code.

II.

It is my further opinion that a notarial seal, whether imprinted or stamped, must contain on its face the following information: "State of North Dakota," "Notary Public," and the name of the notary public holding said seal.

- ANALYSIS -

I.

Section 1-01-38 of the North Dakota Century Code defines "seal" as follows:

When the seal of a court, public officer, or person is required by law to be affixed to any process, commission, paper, or instrument, the word "seal" shall include an impression of such seal upon the paper alone as well as upon wax or a wafer affixed thereto. (Emphasis supplied).

The term "impression" is not defined within the North Dakota Century Code and therefore it must be understood in its ordinary sense according to section 1-02-02, N.D.C.C. The word "impression" is defined as an act of impressing; as an affecting by stamping or pressing. Webster's New Collegiate Dictionary, p. 577 (1975). Thus, a seal is an impression or mark produced by pressure or by a stamp. In addition, section 11-18-15,

N.D.C.C., provides that a notary seal on any document which is filed with a register of deeds office may be stamped or imprinted.

II.

The inscriptions that must appear on the face of the notarial seal are governed by various sections of the law. Section 44-06-04, N.D.C.C., states in part: "Each notary public, before entering upon the duties of such office, shall provide himself with an official seal bearing his name. . . ." Section 44-08-06, N.D.C.C., sets forth additional inscription requirements and the size requirements of every seal of a court or officer in the State of North Dakota.

Section 44-08-06, N.D.C.C., states as follows:

Upon every seal of a court or officer of this state required or authorized to have a seal, there shall be engraved the words "State of North Dakota" and the name of the court or office in which the seal is to be used. All such seals, except the great seal, shall be either one and five-eighths of an inch 41.28 millimeters in diameter or of a rectangular design, seven-eighths inch 22.23 millimeters vertically by two and five-eighths inches 66.68 millimeters horizontally. (Emphasis supplied).

Every notary taking an acknowledgment to any instrument immediately following his signature to the jurat shall legibly print, stamp, or type his name and endorse the date of the expiration of his commission. This may be connected or disconnected from the seal itself under section 44-06-12, N.D.C.C. Therefore, the expiration date of the notary's commission may be but is not required to be contained within the seal itself; however, it must appear following the notary's signature. The mandatory information which must be contained in the stamped or impressed notarial seal is the following: the name of the notary holding said seal, and the words "State of North Dakota" and "Notary Public" pursuant to sections 44-06-04 and 44-08-06, N.D.C.C.

- EFFECT -

This opinion is issued pursuant to section 54-12-01, N.D.C.C. It governs the actions of public officials until such time as the question presented is decided by the courts.

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