

Notary Commission Guide

From the Office of the Minnesota Secretary of State



CONGRATULATIONS!

As a notary public, you are an appointed and commissioned officer that serves the public by administering oaths and acting as an official witness to people who seek your assistance in certifying or attesting to documents.

NOTARY CHECKLIST:

Follow these next steps to prepare you for your duties:

- Register your commission with the county in which you reside. If you are not a Minnesota resident, you may register in any Minnesota county. The fee to register a commission with a county is \$20. Visit www.sos.state.mn.us for county office locations.
- Submit two sample signatures to the county when registering your commission: one that includes your full name as listed on the commission and one that is your customary signature, which you should use to sign all notarial acts.
- Purchase a notary stamp from a stamp manufacturer or office supply store. It must contain the state seal, the term “Notary Public,” your name as it appears on your notary certificate, and the commission expiration date. See *Minnesota Statutes* 359.03, subd. 3 for additional stamp requirements. If it is ever lost or stolen, contact the Office of the Minnesota Secretary of State.
- Obtain a journal to keep a record of your notarial acts (optional—see “Notarial Journal” section for more information).
- Ask your employer or insurance provider if securing a bond or insurance is necessary.
- Seek additional training and education (optional). Visit <http://notary.sos.state.mn.us> for more information.
- Review *Minnesota Statutes* chapters 357, 358 and 359 at www.leg.state.mn.us to familiarize yourself with notary requirements.

PERFORMING YOUR DUTIES:

You may only perform notarial acts if:

1. the document signer appears in person before you; and
2. you are in the state of Minnesota at the time.

NOTARIAL ACTS:

As a notary, you will likely perform the following:

1. Witnessing signatures.
2. Attesting to copies of documents. Notaries evaluate copied documents to determine that they are complete and correct reproductions of the original documents.
3. Certifying that the document signer swears (or affirms) that the document contents are truthful.
4. Providing acknowledgments, which means certifying that the signature already appearing on the document is genuine. If individuals have signed on behalf of another person or an organization, they must also demonstrate their authority to do so (see page 3 for example).
5. Administering written oaths.
6. Administering oral oaths. Oath-takers must raise their hand and say the oath aloud.

You may charge up to \$5 for most notarial acts (see *Minnesota Statutes*, section 357.17 for a list of exceptions).

NOTARIZING A DOCUMENT

There are six steps to notarizing a document:

1. Verify the identity of document signers either by seeing their identification or by having a credible witness swear to their identity (verifying identities is not necessary if you personally know the document signers).
2. Verify a document signer's willingness to sign the document.
3. Perform the notarial act.
4. Complete the certificate or "jurat," to certify that the document was signed, sworn to, or acknowledged in front of you. The certificate will usually be pre-printed on documents with blanks for you to fill in the following information:
 - a. the state (Minnesota) and the county in which you are administering the notarial act;
 - b. the date;
 - c. the names of the document signers;
 - d. your signature;
 - e. your title; and
 - f. the date that your commission expires.

Be sure to use your customary signature when signing. Please note, if your name is typed or printed as part of the certificate, it must be in the same form as it appears on your stamp and your notary commission.

5. Affix your stamp to the document.
6. Record the notarial act in your journal (optional—see "Notarial Journal" section for more information).

DO NOT NOTARIZE IF:

- The document signer or oath-taker does not personally appear before you.
- The document signer or oath-taker appears unwilling or coerced.
- The document signer does not provide satisfactory evidence that he or she is the person whose true signature appears on the document.
- You have not fully completed the certificate or jurat.
- You are outside of the State of Minnesota.
- The document is an original birth, death or marriage certificate. Certified copies should be obtained from the Minnesota Department of Health or the county.
- You believe the document or transaction is deceptive or fraudulent.
- You are the signer of the document to be notarized.
- You will profit or gain from the transaction.
- You do not have adequate time to carry out the notarial act properly.
- You believe doing so will violate the law governing notarial acts.
- There is a potential for a conflict of interest (i.e., notarizing for a family member).

GUIDELINES FOR NOTARIES

No Advice: Do not provide unauthorized advice or services; leave that to the experts in those fields.

Privacy: Respect the privacy of each signer and do not divulge or use personal or proprietary information disclosed during the execution of a notarial act for other than an official purpose.

NOTARIAL JOURNAL

State law does not require a notary to keep records of their official acts. However, it is recommended that you keep a journal to assist in recalling what you have done, if needed or if legally challenged. You should record the following information:

1. Date
2. Type of notarial act
3. A description of the document
4. The signature, printed name and address of each document signer
5. How the signer proved their identity
6. County
7. Fee charged, if any

Safeguard your journal because it serves as an important public record. Please note, even if you became a notary as a function of your employment, the stamp and journal are your personal property.

EXAMPLE CERTIFICATE FOR AN ACKNOWLEDGMENT

Below is an example of the certificate that a notary completes for an acknowledgment of an individual who signed on his or her own behalf. For other examples see *Minnesota Statutes*, Chapter 358.48.

STATE OF MINNESOTA
 COUNTY OF <insert county where notarial act is performed>

This instrument was acknowledged before me on(date) by(name(s) of document signer(s)).

(Signature of notarial officer)

Title (and Rank)

My Commission Expires:
 dd/mm/yyyy

KEEPING YOUR COMMISSION UP-TO-DATE

- Register any name or address changes with the Office of the Secretary of State within 30 days of the change.
- Renew your commission with the Office of the Secretary of State and re-register with your county every five years.
- To cancel your commission, email the Office of the Secretary of State at notary.sos@state.mn.us, or call us at 651-296-2803 or toll free at 1-877-551-6767 and press option #3.

This is a general guide and is not intended to provide guidance for every situation you may encounter as a notary. If at anytime you are unsure how to proceed, it is recommended you seek legal advice; as a notary you may be criminally and civilly liable for any negligent or fraudulent acts.

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