

## Apostille

**Notarial errors** are a common cause of authentication rejections. Be certain you are following all notary rules and regulations including fully and accurately completing the notarial certificate, keeping your notary commission valid and up to date, the expiration date on your notary stamp is accurate, and your name on your Notary stamp matches your name as it appears on your Notary Commission Certificate.

Signers often ask about apostilles, so it is helpful to understand what they are and how they work.

An apostille is a certificate attached to document that certifies the document for international use. Authentication is the process of verifying the government official or notary public that certified or notarized a document. International officials often require document authentication to prove that the document is genuine and acceptable in another country. Notarized documents commonly submitted include adoption dossiers, transcripts, business records and powers of attorney.

## 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 or report your notary stamp as lost or stolen, call 651-296-2803 or email [notary.sos@state.mn.us](mailto:notary.sos@state.mn.us).

## Electronic Notary (E) and Remote Online Notary (RON)

Separate authorizations are required to perform RON and E-Notarizations.

**E-Notarization** is the performance of a notarial act on an electronic document using an electronic signature and electronic seal. The signers appear in person before the notary public.

**Remote Online Notarization (RON)** is the performance of a notarial act over the internet using digital tools and a live audio/video call.

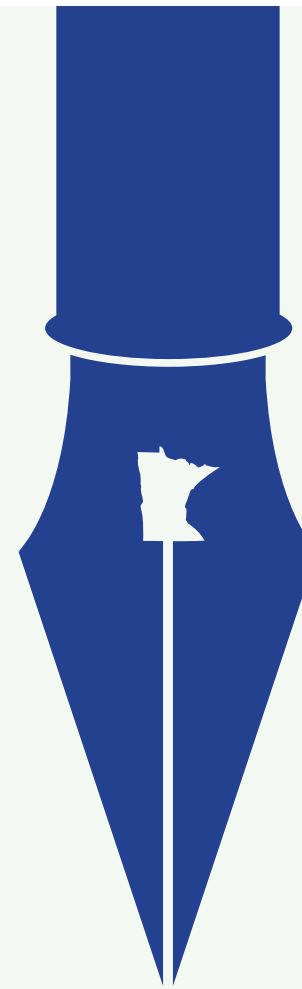
As a registered and active Minnesota Notary you may request authorization(s) to perform E and RON services. Remote Online Notaries also need to know and follow RON laws and rules. See Minnesota Statute, Chapter 359.645.

E Authorization and RON Authorization forms are available to download and print from our website. There is no fee due for either type of authorization.

<https://www.sos.state.mn.us/notary-apostille/notary-forms/>

This brochure is a general guide and is not intended to provide direction for every situation you may encounter as a notary. Answers to frequently asked questions can be found on the Office of the Minnesota Secretary of State website. <https://www.sos.state.mn.us/notary-apostille/notary-help/>

If at any time 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.



# Notary Commission Guide

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.*

Office of the Secretary of State  
Notary Services

<http://notary.sos.state.mn.us>  
E-mail: [notary.sos@state.mn.us](mailto:notary.sos@state.mn.us)  
Fax: 651-215-1009  
Phone: 651-296-2803  
Toll Free: 1-877-551-6767  
Minnesota Relay Service: 711

*This document is available  
in alternative formats.*

## Notary Checklist

### *PRIOR to performing notarial acts:*

- **Register your commission** with your county of residence. Non-residents register with the county designated on your commission certificate. The fee to register with a county is \$20. County contact information is included in your Commission Instructions.
  - **Purchase a notary stamp** from a stamp manufacturer or office supply store. Your stamp must contain the state seal, your title “Notary Public,” your name as it appears on your notary certificate, and your commission expiration date. See Minnesota Statute 359.03, subd. 3 for additional stamp specifications.
  - **Review Minnesota Statutes 357, 358 and 359.** Minnesota Notaries are responsible for understanding and following the rules and regulations of notarization.  
<https://www.leg.mn.gov/>
- Optional:**
- **Obtain a notarial journal** to keep a record of your notarial acts. You should record the following information:  
Date; Type of notarial act; A description of the document; The signature, printed name, and address of each document signer; How the signer proved their identity; County; and Fee charged, if any.
  - **Ask your employer or insurance provider** if securing a bond or insurance is necessary.
  - **Seek additional training and education.**
  - **Create your Online Notary Account**  
Your online account can be used to print your Notary Commission Certificate, change your contact information, and renew your notary commission.  
<https://notary.sos.state.mn.us/Account/Register>

## Performing Notarial Acts

### *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.

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

### *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** that certify the signature already appearing on the document is genuine (see example certificate).
5. **Administering** written oaths.
6. **Administering** oral oaths. Oath-takers must raise their hand and say the oath aloud.

**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.

## Notarizing a Document

### *Six Steps to Notarizing*

1. Verify the identity of each signer either by seeing their identification, having a credible witness swear to their identity, or personal knowledge.
2. Verify a document signer’s willingness to sign the document.
3. Perform the notarial act.
4. Complete a Certificate of Notarial Act (short form or jurat). (See Certificate of Notarial Act.)
5. Affix your stamp.
6. Record the notarial act in your journal (optional).

### *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 can 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).

## Certificate of Notarial Act

A notarial act must be evidenced by a certificate. Certificates of Notarial Act include Acknowledgment, Verification upon Oath or Affirmation, Witnessing or Attesting a signature, and Attestation of a Copy of a Document.

The certificate may be pre-printed on the document with spaces to fill in or a separate form to be attached to the document by the notary after performing the notarial act.

**Complete the certificate fully and accurately.** Be sure to use your customary signature when signing. 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.

Acknowledgement Certificate Example:

State of Minnesota County Of [county where notarial act is performed]
This instrument was acknowledged before me on [date] by [name(s) of document signer(s)].
[stamp] _____ [Signature of notarial officer]
_____
Title / Rank
My Commission Expires: [date]

- A. the State (Minnesota) and the County in which you are administering the notarial act
- B. the date of notarization
- C. the names of the document signers
- D. your signature
- E. your title
- F. the date that your commission expires
- G. your Stamp

Certificate examples for other notarial acts can be found in Minnesota Statute 358.66 and on our website: <https://www.sos.state.mn.us/media/2001/notarial-acts-short-form.pdf>