

Notary - Frequently Asked Questions

What is a Notary?

A Notary is a responsible person appointed by state government to witness the signing of important documents and administer oaths.

Why are documents notarized?

To deter fraud. An impartial witness (the Notary) ensures that the signers of documents are who they say they are and not impostors. The Notary makes sure that signers have entered into agreements knowingly and willingly.

How does a Notary identify a signer?

Generally, the Notary will ask to see a current identification document that has a photograph, a physical description, and a signature. A driver's license, military ID, or passport will usually be acceptable.

Can any document be notarized?

For a document to be notarized, it must contain: 1) text committing the signer in some way, 2) an original signature (not a photocopy) of the document signer, 3) a notarial "certificate" which may appear on the document itself or on an attachment. The Notary fills in the certificate, signs it, and applies his/her seal to complete the notarization.

Is notarization required by law?

For many documents, yes. Certain affidavits, real estate deeds and other documents, may not be legally binding unless they are properly notarized.

Does notarization mean that a document is "true" or "legal"?

No. Notaries are not responsible for the accuracy or legality of documents they notarize. Notaries certify the identity of the signers. The signers are responsible for the content of the documents.

May a Notary give legal advice or draft legal documents?

Absolutely not. A Notary is forbidden from preparing legal documents for others or acting as a legal advisor unless he/she is also an attorney.

May a Notary refuse to serve people?

Only if the Notary is uncertain of a signer's identity, willingness, or general competence, or has a good reason to suspect fraud. Notaries should not refuse to serve anyone because of race, religion, nationality, lifestyle, or because the person is not a client or customer. Discrimination on any basis is not a suitable policy for a public official.