

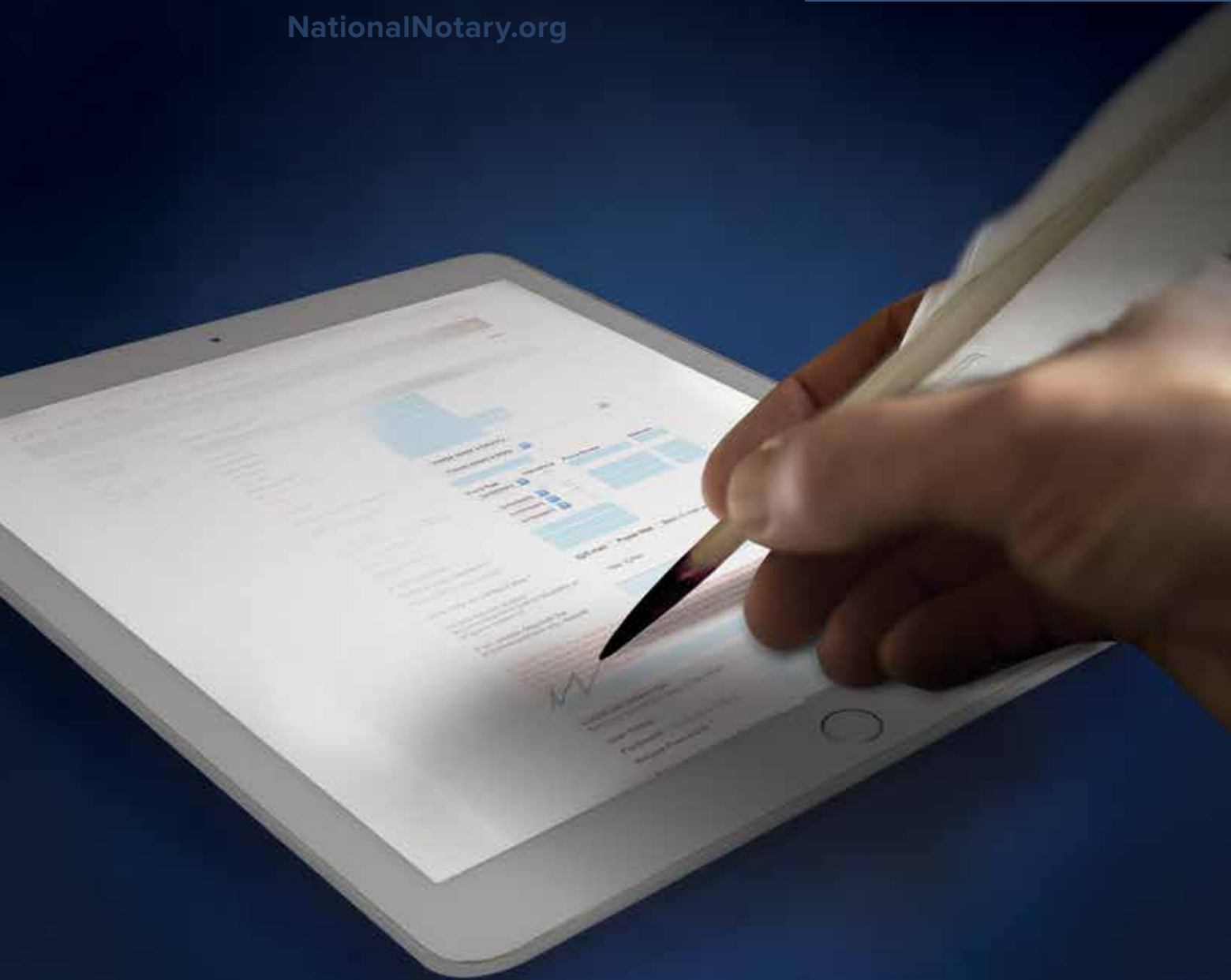
September 2018

# The National NOTARY®

NationalNotary.org

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- 18 State Notary Requirement Chart
- 20 Building Your Notary Biz One Byte At A Time



What is a  
*Signature?*  
EVERYTHING YOU NEED TO KNOW

May 5-8

# NNA 2019 ST. LOUIS

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Make plans to attend

# The Notary Event of the

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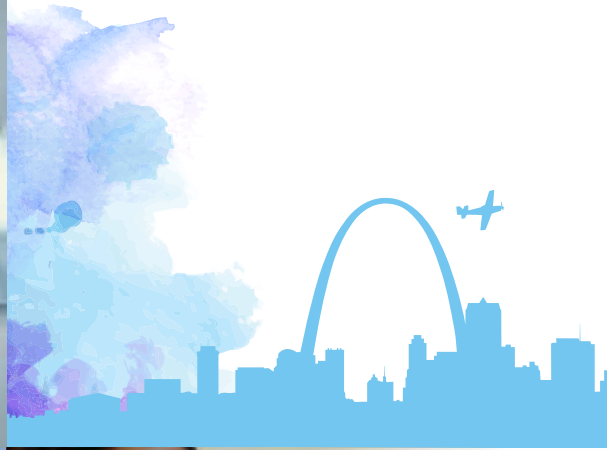
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## OUR MISSION

The National Notary Association is committed to the education and service of Notaries throughout the United States. As the foremost authority on the American Notary office, we are dedicated to imparting knowledge, understanding and unity among all Notaries, and instilling in them the highest ethical standards of conduct and sound notarial practice.

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## OUR CORE VALUES

The National Notary Association serves its membership by promoting five essential core values that empower and protect Notaries when they assume their responsibilities of the office and perform their official notarial acts.

Our Core Values of Membership promote:

- **Compliance** with state laws and regulations
- **Liability Protection** for Notaries, signers and employers
- **Risk Management** to reduce fraud and identity crimes
- **Professionalism** with reliability, competence and integrity
- **Opportunities** to increase earning potential

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## What Is A Signature? Everything You Need To Know

*Michael Closen & Timothy Reiniger*

Throughout human history, people have signed documents the same way: with pen and ink. But in the modern age, signatures take on many different forms: handwritten, signature stamp, a digital certificate, a typed name on a pdf, a checked box on your Amazon order and more. For Notaries, this poses a 21st century challenge. Your task is to verify that the signature on a document belongs to the person who appears before you. But exactly what constitutes a signature? What makes a signature acceptable? And how would you know whether a symbol, a checked box or a typed name on a digital document is a genuine signature? Legal experts Michael Closen and Timothy Reiniger answer the question: What is a signature?

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## 13 Electronic Signatures: Changing The Game

From the click of the “submit order button” on an online retail website to signing mortgage documents to executing multibillion-dollar business deals, just about any transaction can be signed, sealed and delivered electronically. E-signatures are becoming ever more common, and that means the digital environment will increasingly change the way Notaries do their jobs.

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## A Guide To State Notary Fees And Provisions

*NNA Staff*

The amount you can charge for a notarization varies widely from state to state. So do the requirements and provisions for getting a commission. *The National Notary* has put together a chart that lets you see where your state compares to others.

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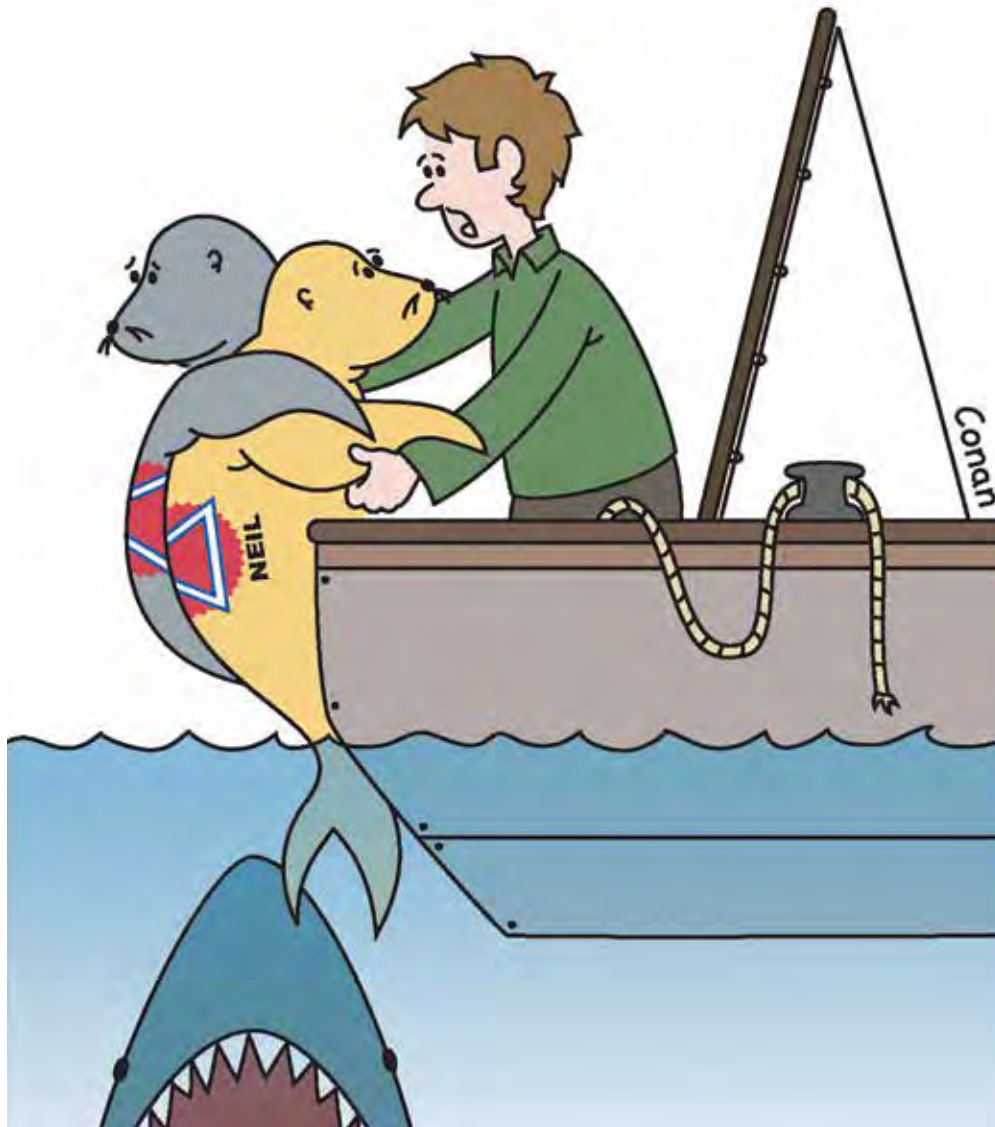
## Building Your Notary Business One Byte At A Time

*Sonita Leak*

When Sonita Leak of Greenville, South Carolina, launched her Notary business in 2012, she decided to market her services via a web-based strategy, and leveraged blogging, social media posts and podcasts to build a thriving business. She shares the secrets of her success that any enterprising Notary can follow.

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## Show Me Some ID

**NOTARIES ENCOUNTER** the strangest signers with some bizarre identification cards. What's the most unusual form of ID a signer has shown you for a notarization? Leave a comment at [bitly.com/signerID](http://bitly.com/signerID).

"A driver's license expired in 1969. She was very proud of it because she had it at Woodstock. It expired the same year. She carried it ever since."

*David Hendron, Vista, CA*

"A Dollywood pass with picture. We love Dolly here in Tennessee."

*Joey Stevens, Elizabethton, TN*

"Costco Card and an American Express with a photo on it."

*Daniel S. Lovejoy, Bangor, ME*

"A black and white copy of a driver's license."

*Joel Martinez, Modesto, CA*

## Protect Your Seal

**NOTARIES ALWAYS NEED TO BE ON GUARD** against scammers trying to commit fraud. Members of the NNA's community shared advice on how they protect their Notary seals from the unexpected.

"Never notarize a document without the signer present, always ID the signer with proper identification and scrutinize that ID with the signer. Never notarize a signature of someone who is not fully aware of what they are signing, and never give anyone access to your Notary stamp — that includes your spouse and your boss."

*Stacie Hoover, San Diego, CA*

"My seal is secured in a locked bag, which I keep in a locked briefcase, and I have the only keys. I carry it with me everywhere."

*Shandah Martin, Orlando, FL*

"I keep it secured, and when I have had to replace stamps or seals due to expiration or name change, I make sure to completely destroy the old ones."

*Vanessa Laro, Bozrah, CT*

"I am the only person with access to my Notary seal. People around me respect me and know I am the only one to use it, and I have cameras all around."

*Maribel Gonzales, Bakersfield, CA*



## Your Tools, Your Responsibility



**REGARDLESS OF WHO PAYS FOR A COMMISSION, it belongs to the individual Notary, not the employer. Many employers incorrectly believe they should be able to control, or at least have access to, their employees' stamps and journals. Has an**

**employer ever tried to control how you notarize? Let us know on our Facebook page at [bitly.com/controllingemployer](https://bitly.com/controllingemployer).**

"I'm also a paralegal, and my former attorney, who was a commissioned Notary in the 80's, could not wrap her head around my need for proper identification. She always "personally knew" the clients and didn't understand why I could not/would not do the same."

*Evelyn Moots, Cameron Park, CA*

"No but I've had an employer order me to notarize an affidavit which was not signed in my presence (I didn't and soon found a new job)."

*Linda McGrath-Cruz, Cutlet Bay, FL*

"Yes, so I wasn't there long. He closed a loan and then dropped it on my desk to be notarized when I was managing his title company. That only happened once. I don't notarize documents I'm not present for."

*Jeannie Miller Wenzlaff, Tampa, FL*

## Notary 101: The Case Of An Errant Lawyer And A Gullible Notary

**A FLORIDA NOTARY LOST HIS COMMISSION because he fell for the bogus tale of a local lawyer. The attorney took the signed POA to a Notary at a local shipping store, but the brother was not with her. The Notary lost his commission as result of performing an improper notarization. Members weighed in on the issue:**

"The Notary needs to remember the oath taken when becoming a Notary and

always look up new laws and refresh on old laws. Seems to me that the Notary didn't take their job seriously."




*Arline Culbertson, Temecula, CA*

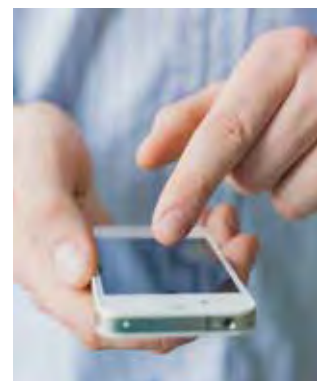
"Better off he lost his commission — he shouldn't be entrusted with such responsibility. As for the attorney not losing his license, one should never think lawyers can police themselves."

*Frank Bagnato, Sun City West, AZ*



**Join our online communities and interact with the NNA and Notaries everywhere!**

-  [facebook.com/nationalnotary](https://facebook.com/nationalnotary)
-  [linkedin.com/company/national-notary-association](https://linkedin.com/company/national-notary-association)
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### Government Affairs Without Borders



Photo (L to R): Mr. Phillip Browne (NNA), Ms. Ender Tri Ariningsih, Mr. Victor Sibarani (Consulate General of Republic of Indonesia), Mr. Bill Anderson (NNA), Mr. Freddy Harris (Director General of Intellectual Property), Mr. Nur Icwana, Ms. Margaretha Pakpahan, Mr. Wisnu Sindhutrisno (Consulate General of Republic of Indonesia).

**THE TRUST AND PROFESSIONALISM YOU bring to the American Notary Public office is gaining international attention. The government of Indonesia sought out the NNA to discuss best practices for Notaries in the United States, including how to handle ethical violations. They are working to reestablish procedures for their own Notary Public system and may join The Hague Apostille Convention in the coming years.**

Indonesian government officials traveled to Los Angeles for a meeting at NNA headquarters on July 23. Six representatives from the Ministry of Law and Human Rights — including the Director General of Intellectual Property — and the Consulate General of Republic of Indonesia discussed these, and other related issues with NNA Vice Presidents, Bill Anderson and Phillip Browne.

### Searching The Country For Notary MVPs

**THE NOTARY OF THE YEAR AWARD IS given to an outstanding Notary who sets a high standard for other Notaries to emulate by demonstrating professionalism and unwavering ethical conduct. In addition to excellence in the performance of notarial duties, recipients of the Notary of the Year honor are distinguished by their achievements in one or more of the following activities:**

- Community service.
- Mentoring other Notaries.
- Working to enact Notary legislation.
- Providing notarial services to the less fortunate.

- Trailblazing new technologies.
- Public speaking to promote the Notary office.

Does that sound like someone you know? If the answer is yes, please fill out a nomination form before November 1 ([bitly.com/NOTYForm](https://bitly.com/NOTYForm)). You can nominate yourself, a friend, a family member, a coworker or any Notary you think deserves to be the NNA's 2019 Notary of the Year. NNA membership is not required.

Join us at NNA 2019 in St. Louis where we will honor the recipient during our Gala Banquet on Tuesday, May 7. Register at [NationalNotary.org/nna2019](https://NationalNotary.org/nna2019).

### Helping You Help Those In Need

**AS A UNITED NOTARY community, we can improve life for our less fortunate fellow Americans and others in need around the globe, which is why the National Notary Foundation was established as a 501(c)(3) more than 20 years ago. Through the humanitarian and philanthropic work of the Foundation, Notaries can help bring about important medical, research, educational and victim-assistance goals on the micro and macro level that can change our world.**

One-hundred percent of your contributions go directly to the worthy programs we support — on your behalf — because all of the National Notary Foundation's operating costs are donated by the NNA.





## Five More States Approve Remote Notarization

**REMOTE NOTARIZATION** continues to gain traction in the U.S., with five more states — Michigan, Minnesota, Indiana, Tennessee and Vermont — passing new laws to allow the use of online audiovisual communication in place of personal appearance starting in 2019.

These states join the growing number of jurisdictions authorizing qualified Notaries to communicate remotely with a signer using audiovisual communication technology during certain types of notarizations instead of physically appearing before the Notary.

Minnesota’s remote notarization law takes effect on January 1, 2019, while



the Indiana, Tennessee and Vermont statutes take effect July 1, 2019. While Michigan’s law officially takes effect on September

26, 2018, technology providers for remote notarization platforms will not start the approval process until March 30, 2019.

## Colorado OKs Commissions For Out-Of-State Residents

**COLORADO HAS ENACTED** a new law allowing persons living outside the state to apply for a Colorado Notary commission.

Senate Bill 132, which took effect July 1, permits out-of-state residents to become Colorado Notaries, provided the applicant has a place of employment in Colorado.

Senate Bill 132 also authorizes all Colorado Notaries to perform an act known as “signature witnessing” where Notaries may watch and verify a signature being made on a document in their official capacity. Signature witnessing is a separate act from acknowledgments and other notarizations.

The new law also requires all Notaries to include the time a notarization was performed and any fee charged in the journal entry.

## New Idaho Stamp Requirements Take Effect In October

**STARTING OCTOBER 1, IDAHO NOTARIES** must use new ink stamps that conform to guidelines enacted under a new state law.

The new Notary stamp requirements include the following:

- An Idaho Notary’s official stamp can be no larger than 2.25 inches by 1 inch for a rectangular stamp, or 1.75 inches in diameter for a circular stamp.
- The stamp must contain the Notary’s commission number, the name under which the commission is issued and the words “Notary Public” and “State of Idaho.”
- While not required, Notaries may also

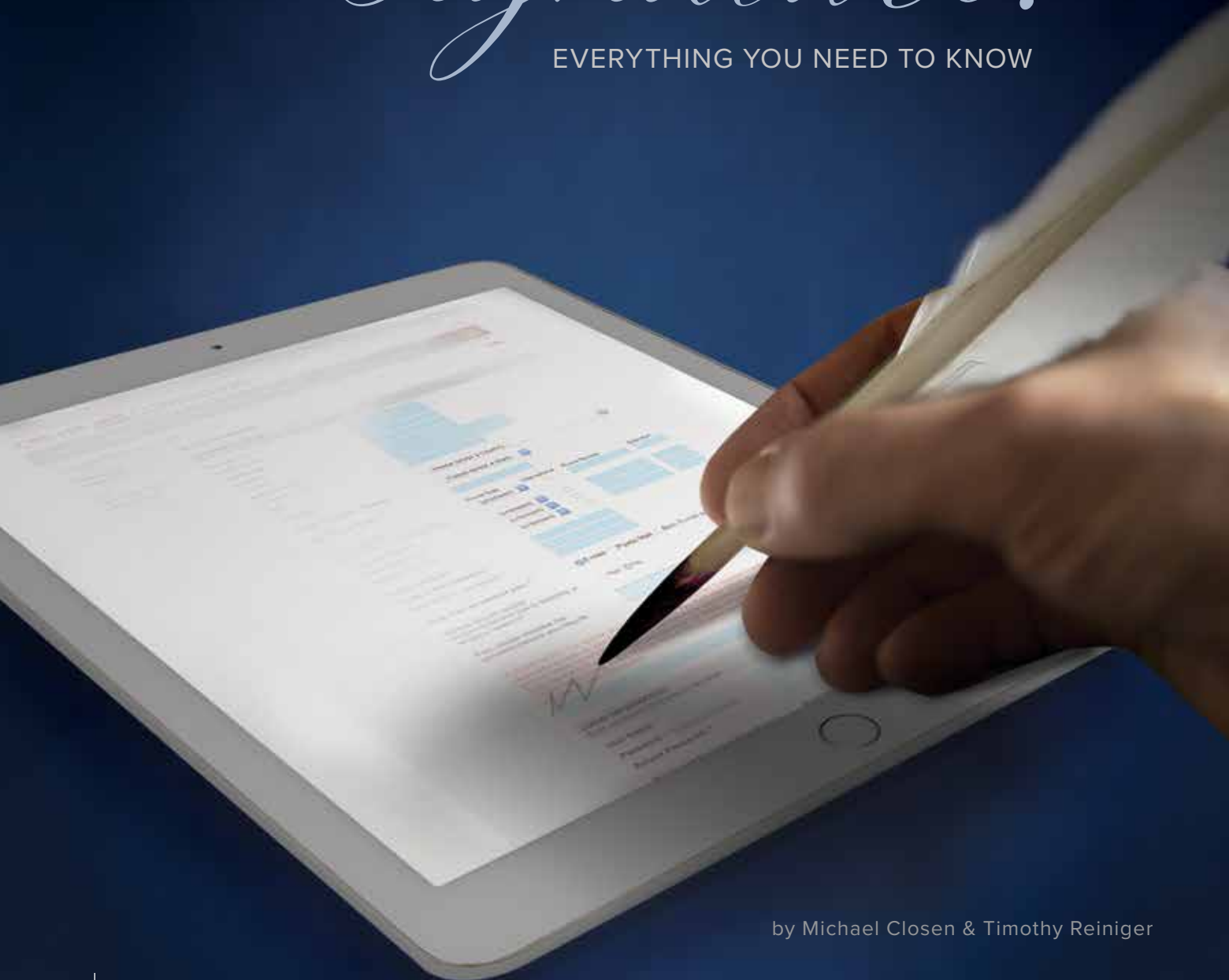
JANE QUINN DOE  
Notary Public - State of Idaho  
Commission Number 12345678

include the words “My commission expires” followed by the Notary’s commission expiration date. (Notaries may wish to include this information on the stamp because Idaho law requires Notaries to indicate their commission expiration date on each certificate they complete and sign.)

The Idaho Secretary of State’s office has clarified that all Notaries will need to purchase and use a stamp that complies with the new requirements from October 1 onward. Stamps meeting the new requirements and purchased in advance cannot be used until October 1, 2018.

You can read more about updates to Notary Laws in these states at the NNA’s Notary Laws database ([bitly.com/notarylawupdates](http://bitly.com/notarylawupdates)).

What is a *Signature?*  
EVERYTHING YOU NEED TO KNOW



by Michael Closen & Timothy Reiniger

Throughout human history, people have signed documents the same way: with pen and ink. Sometimes they wrote out their names. Sometimes they made a mark. But in the modern age, signatures can take on many different forms: handwritten, signature stamp, a digital certificate, a typed name on a pdf, a checked box on your Amazon order and more. For Notaries, this poses a 21st century challenge. Your task is to verify that the signature on a document belongs to the person who appears before you. But exactly what constitutes a signature? What makes a signature acceptable? And how would you know whether a symbol, a checked box or a typed name on a digital document is a genuine signature?

In this edition of *The National Notary*, legal experts Michael Clozen and Timothy Reiniger answer the question: What is a signature?

## The Many Shades Of

# Paper and Ink Signatures



For all the technological advancements of the 21st century, countless times a day we still put pen to paper to sign our names to all kinds of documents: from credit card receipts to school permission slips to home purchases to laws enacted by Congress.

The way we do this has not changed much since humankind invented writing and paper. People generally sign paper documents in only a couple of ways — by hand writing their name on a document with pen and ink, or by making a mark to represent their signature. This can be

a symbol impressed in wax on a paper document, or by drawing an “X” by hand.

One of the most basic features of every paper notarization is the signature, whether an individual signs in front of the Notary or acknowledges that the signature is his or hers. Nevertheless, the signature can be the source of much confusion, mistaken notarial practice, and possibly invalidate the notarization.

### Signature Defined

Under the law in every state, a signature can be any mark or symbol which the signer intends to serve as her or his symbol to authenticate the document. Thus, a signature can be a handwritten name, a printed or typed

name, or a symbol of some sort, such as an “X” or a signature stamp.

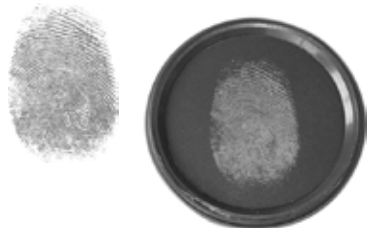
For a notarization, as long as the signature is either signed or acknowledged in front of you, it is acceptable for notarization.

If the signer is physically unable or hindered to write a signature, the law will accommodate the signer in one of two ways. However, before addressing those two methods of accommodation, we should emphasize that the signer is the one to determine whether he or she is unable to hand write a conventional signature wishes to use an alternative. The law does not require it to be impossible for the signer to hand-write a signature, nor does it require you to demand proof of inability of the signer to personally perform the signing. Perhaps, the signer is uncomfortable with physical signing or has developed a shaky hand and is embarrassed to personally attempt to sign. It should be up to the signer to choose the method for signing.

The signer should be permitted to seek accommodation and allowed to utilize one of two methods:

- Use a signature by a mark or symbol, or
- Authorize a surrogate to execute a signature on her or his behalf.

In either case, the signature can be notarized.





## Signature By Mark

Regarding a signature by mark or symbol, the classic example is the handmade “X.” But, another mark or symbol can be used, including the image from a signature stamp bearing a facsimile of the signer’s signature or the printed name of the signer (see “Signing By Signature Stamp” in the May 2018 edition of *The National Notary*).

In some jurisdictions, there is a specified procedure to follow in conducting a notarization of a signature by mark, such as the need for one or two witnesses and noting of the use of a mark in the notarial certificate. In other jurisdictions, the notarization of a signature by mark is handled as the notarization of any other signature.

In either case, you should prepare a detailed Notary journal entry describing the circumstances regarding the signing by mark.

## Signature By Surrogate

For the use of a surrogate, there also are two possible options. Some jurisdictions have Notary laws specifying how to conduct the signing by a surrogate (perhaps by you or another individual) and the notarization of the signature executed by the surrogate.

If the jurisdiction in question has no such law, you should allow a third person to sign on behalf of the signer with the signer’s consent and should fully note such circumstances in both the notarial certificate and the journal entry.

## Illegible Signatures

Everyone jokes about the unreadable signatures which doctors scribble, but the truth is that many people’s signatures are illegible. And that’s OK because you should be sure the signer’s name and signature are correctly recorded — so we will be able to tell whose signature was affixed.

You should legibly write or print the signer’s name in both the notarial certificate and the journal entry (and will compare the name and signature with those appearing on the signer’s ID[s]). You also should require the signer to place a present signature in the journal entry for every type of document notarization. This will give you three signatures or scribbles to compare. Hence, you can exercise reasonable care in regard to the signature issue, so an illegible signature is not really a problem after all.

## Originals v. Copies Of Signatures On Paper Records

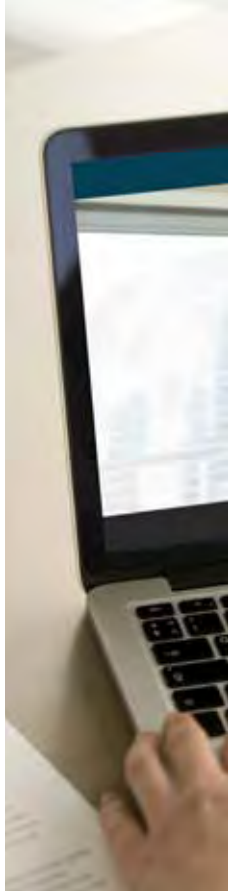
For signatures on paper documents, the law has always required that only original signatures may be notarized. This view coincides nicely with the prevailing requirement for the document signer to be physically in the presence of the Notary during the notarization.

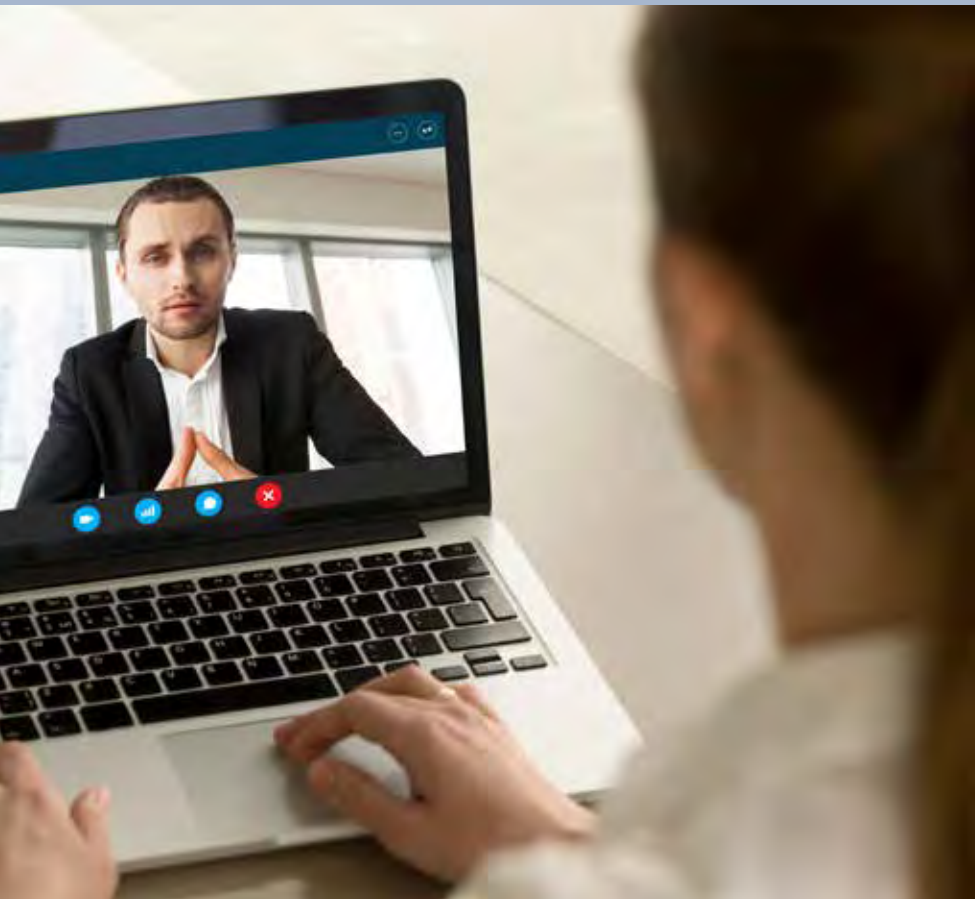
On the other hand, copies or photocopies of signatures cannot be notarized. Thus, for example, you could not notarize a signature on a paper document when communicating with a signer at another location by audio-video technology if the original document were not in your possession. (Note: Only Montana permits remote notarization of paper documents, but the document must be in the Notary’s possession.) Even if the signer were to sign a document on camera in your view and immediately fax it to you, you could not notarize it. The reason for this is that the signature received by fax would be a copy — not the original.

## Keep Compassion And Accommodation In Mind

Remember, no mentally competent person should be denied notarial service simply because he or she is either unable to write a traditional signature. If a competent individual is unable to write a traditional ‘John Hancock’ signature, there will always be a way to accommodate the individual to permit the affixing of a signature that the law will approve and that can then be notarized.

The savvy Notary who is careful and thorough should never be surprised or confused by issues regarding signatures, especially if you undertake a diligent identification of the signer and record the details of the notarization in the notarial certificate and your journal.





## *Electronic Signatures:*

### Changing the Game

For thousands of years, the only way to sign a document was putting ink to paper. The pens may have evolved, but the method remained largely the same — until the age of computers. The speed and convenience brought by digital technology created a whole new concept of signing and executing transactions.

From the click of the “submit order” button on an online retail website to signing mortgage documents to executing multibillion-dollar business deals, just about any transaction can be signed, sealed and delivered electronically.

In many jurisdictions, notarizations can be performed electronically, using a digital seal and digital signature.

With the growing acceptance of e-commerce and eNotarization, it's helpful to remember that the digital signatures you notarize can be just about anything. This means you will have to accept e-signatures in any form. But you will be on sound legal footing.

### **The Legal Basis For E-Signatures**

The legal foundation for e-signatures has been created by two pieces of legislation: The federal E-SIGN act, and the state-level Uniform Electronic Transactions Act (UETA) (see box on



page 14). The effect of these laws means that e-signatures have the same legal validity and effect of a traditional paper and ink signature.

Both acts define an e-signature as “an electronic sound, symbol, or process attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record.” That means e-signatures can be created with many processes and appear in many forms, including as digital signatures, smart-cards, typed names, box clicks, email names, PINs, voice, electronic sounds, biometrics and biodynamic versions.

In practice, e-signatures have three functions:

- They provide a legally binding means for a user to adopt or accept the contents of a document with the required intent to sign.
- They can be used as a method to enable authorized individuals to electronically sign on and obtain access to secure networks.
- They can attribute the authorship or origin of a message so that the recipient can better trust the integrity and identity of the sender.

However, an e-signature needs to include several elements, including the following:

- The signer must demonstrate the intent to sign. This can be accomplished by clicking an “accept” button on an application; typing a name; or using the mouse to create a signature or symbol.
- Most e-signature laws also include a requirement that the signer consent to do business electronically. Most e-commerce applications include some type of simple consent action, such as a “click to accept” clause.

Depending on the system or application used, a signer often is asked to “create” their digital signature, which could be a handwritten signature on a signature pad or a typed name using any number of fonts or a symbol that represents their signature. This would hold true for any eNotarization, whether the signer is in your physical presence or is half a world away and the notarization is being completed online.

When dealing with paper and ink signatures, Notaries often try to compare the signature on the document to the signature on the signer’s ID as an extra means of verifying a signer’s identity. This is not practical for e-signatures because they can take so many different forms.

In fact, an individual can have more than one e-signature. It is conceivable that the same individual could go to a Notary on different occasions with different digital documents containing different, valid e-signatures.

In addition, if you are in a state that authorizes online notarizations, your signer’s identity



will be verified by knowledge-based authentication (KBA) or, in Montana, personal knowledge or credible identifying witness. So you won’t be able to compare signatures.

Once the legal basis for electronic signatures was established, states began addressing the need to notarize electronic documents. Today eNotarization is legally authorized in all states by E-SIGN and UETA. However, many states have yet to put into place the rules that would enable it to be reliably implemented.

In the states that have rules, some require the Notary to use a particular type of electronic signature or

signing process to render a notarized document tamper-evident. Be sure to check with the NNA or your local commissioning official to learn about applicable requirements in your state.

### Questions And Limitations

Despite having a legal basis for e-signatures in place, many questions of trust, reliability, acceptability and practice remain.

Technology for e-signatures and eCommerce has come a long way in the past several decades. Depending on the process used, e-signatures can be more capable than traditional signatures of providing strong evidence of a signer’s intent and identity; the integrity of the document; and time it was signed.

But e-signatures have limitations. E-SIGN and UETA, for example, do not authorize their use for:

- Court pleadings,
- Family documents,
- Testamentary trusts,
- Powers of attorney, and
- Certain other documents.

However, many states have passed separate laws authorizing e-signatures for these types of documents, so anyone working with them will need to check the local statutes and regulations.



### E-SIGN And UETA

In 2000, Congress passed the Electronic Signatures in Global and National Commerce Act (E-SIGN), which authorized the use of e-signatures and eNotarization for transactions between two or more parties.

In 1999, the Uniform Law Commission (ULC) drafted the Uniform Electronic Transactions Act (UETA), which has similar language to E-SIGN. The UETA has been adopted by the District of Columbia and every state except Illinois, New York and Washington.



For Notaries, there is a growing likelihood of coming across e-signed, digital documents that need a notarization. But that does not mean you are required to be able to perform an eNotarization. Current laws neither require a Notary to be capable of performing an eNotarization nor perform one with a noncompliant electronic signing system.

Another limitation is that, absent encryption, e-signatures do not prevent a digital document from being altered without the signer's knowledge. The e-signature laws do not expressly mandate that e-signature technology must prevent tampering or forgery. Currently, use of an encrypted digital signature is the prevailing process for detecting unauthorized changes e-document.

However, if we have learned anything about technology it's that any limitation or shortcoming can be fixed. So it's likely that in the future e-signatures will be more secure, more robust and more difficult to fake or forge.

Technology also is accelerating the integration of e-signatures into the Notary world. That is most evident with the growing acceptance of online notarization, sometimes called remote or webcam notarization. To date, nine states have authorized the practice, and more are likely to follow suit in the coming years.

This means that e-signatures in all forms will become much more commonplace. Ultimately, they may become the norm and paper and ink signatures the exception. ■



## About The Authors

**Michael Closen** is Professor Emeritus at the John Marshall Law School in Chicago, Illinois. A respected consultant on model Notary statutes and legislation, Closen served on the drafting committees for *The Notary Public Code of Professional Responsibility* and various editions of the *Model Notary Act*, and recently authored the book, *Professor Closen's Notary Best Practices: Expert's Guide to Notarization of Documents*.

**Timothy Reiniger** is a licensed attorney in California and Washington, D.C. He leads the Timothy Reiniger LLC advisory practice from Cape Elizabeth, Maine. He is an author of the Virginia online notarization law as well as the Virginia Digital Identity Management Law. As a nationally recognized expert on the Notary office and identity policy, he has testified before the U.S. House Judiciary Committee and The Hague Conference on Private International Law, and was appointed as an ABA Advisor to the Uniform Law Commission Committee for the *Revised Uniform Law on Notarial Acts*.

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*Michael Lewis*



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# A GUIDE TO NOTARY FEES AND PROVISIONS

State	Term	Edu & EX	Seal	Bond	Journal Requirement	Notarial Act			Travel Fee Provision or Restriction
						Ack	Jurats	Oaths/Aff.	
Alabama	4		Either	\$25k	Recommended	\$5	\$5	\$5	No restrictions or provisions
Alaska	4		Either	\$1k	Recommended	NFS	NFS	NFS	No restrictions or provisions
Arizona	4		Stamp	\$5k	Yes	\$10	\$10	\$10	May charge the amount state employees are allowed, current 44.5 cents per mile
Arkansas	10	Exam	Either	\$7,500	Recommended	NFS	NFS	NFS	No restrictions or provisions
California	4	ED & EX	Either	\$15k	Yes	\$15	\$15	\$15 PP	No restrictions or provisions
Colorado	4	ED & EX	Either	None	Yes*	\$5	\$5	\$5	\$10 per electronic notarization
Connecticut	5	Exam	Optional	None	Recommended	\$5	\$5	\$5	35 cents per mile (CGS 3-95)
Delaware	4		Either	None	Only for electronic acts	\$5	\$5	\$5	\$25 per electronic notarial act
District of Columbia	5		Embossed	\$2k	Yes	\$5	\$5	\$5	No restrictions or provisions
Florida	4	Education	Stamp	\$7,500	Recommended	\$10 PNA	\$10 PNA	\$10 PNA	No restrictions or provisions
Georgia	4		Either	None	Recommended	\$2	\$2	\$2	None. But it is recommended that the travel fee should be agreed to in advance and billed separately
Guam			Both	Yes	Yes				
Hawaii	4	Exam	Either	\$1k	Yes	\$5 PS	\$5	\$5, \$0	Charges for "unofficial services" are permitted, but Notaries may not charge "a round sum" for notarial and other services
Idaho	6		Stamp	\$10k	Recommended	\$5	\$5	\$5	A Notary may charge for "actual and reasonable expense of travel"
Illinois	4		Stamp	\$5k	None	\$1; \$25	\$1	\$1	No restrictions or provisions
Indiana	8	ED & EX	Either	\$25k	Recommended	\$10 PP	\$10 PP	\$10 PP	Yes, but fee may not exceed the travel fees established by the federal government
Iowa	3		Either	None	Recommended	NFS	NFS	NFS	No restrictions or provisions
Kansas	4		Either	\$7,500	Recommended	NFS	NFS	NFS	No restrictions or provisions
Kentucky	4		Optional	Varies	Recommended	NFS	NFS	NFS	No restrictions or provisions
Louisiana	5	Exam	Optional	\$10k	For real property transactions	NFS	NFS	NFS	No restrictions or provisions
Maine	7	Exam	Optional	None	For marriages performed	NFS	NFS	NFS	No restrictions or provisions
Maryland	4		Either	None	Yes	\$4 PONA	\$4 PONA	\$4 PONA	\$5 plus .31 cents per mile
Massachusetts	7		Either	None	Yes	NFS	NFS	NFS	No restrictions or provisions
Michigan	6		Optional	\$10k	Recommended	\$10	\$10	\$10	The Notary and client "may" agree on a travel fee in advance
Minnesota	5		Stamp	None	Recommended	\$5	\$5	\$5	No restrictions or provisions
Mississippi	4		Stamp	\$5k	Yes	\$5	\$5	\$5 PP	If agreed on in advance**
Missouri	4	Education	Either	\$10k	Yes	\$2	\$2	\$1	Yes, up to the federal mileage rate; may charge up to \$25 for expedited convenience

State	Term	Edu & EX	Seal	Bond	Journal Requirement	Notarial Act			Travel Fee Provision or Restriction
						Ack	Jurats	Oaths/Aff.	
Montana	4	Education	Stamp	\$10k	Yes	\$10, \$1 each additional signer	\$10, \$1 each additional signer	\$10, \$1 each additional signer	55 cents per mile
Nebraska	4	Exam	Stamp	\$15k	Recommended	\$5	\$2	\$2	51 cents per mile
Nevada	4	ED & EX	Stamp	\$10k	Yes	\$5, \$2.50 each additional signer	\$5, \$2.50 each additional signer	\$2.50	\$10 per hour for travel between 6 a.m. and 7 p.m. and \$25 per hour from 7 p.m. to 6 a.m.; the Notary may charge a minimum of 2 hours and prorate the amount for additional travel
New Hampshire	5		Either	None	Recommended	\$10	\$10	\$10	When traveling to swear witnesses, the Notary may charge 20 cents per mile
New Jersey	5		Optional	None	For protests	\$2.50	\$2.50	\$2.50	No restrictions or provisions
New Mexico	4		Either	\$10k	Recommended	\$5	\$5	\$5 PP	30 cents per mile
New York	4	Exam	Optional	None	For electronic acts	\$2 PP	\$2 PP	\$2 PP	No restrictions or provisions
North Carolina	5	ED & EX	Either	None	Recommended	\$5	\$5	\$5 PP	Travel fees not permitted
North Dakota	4		Stamp	\$7,500k	Recommended	\$5 PNA	\$5 PNA	\$5 PNA	If agreed on in advance**
Ohio	5	Exam	Either	None	Yes	\$2	\$1.50	\$2	No restrictions or provisions
Oklahoma	4		Either	\$1k	Recommended	\$5 PNA	\$5 PNA	\$5 PNA	No restrictions or provisions
Oregon	4	ED & EX	Stamp	None	Yes	\$10	\$10	\$10	If agreed on in advance**
Pennsylvania	4	ED & EX	Stamp	\$10k	Yes	\$5, \$2	\$5, \$2	\$5 PP	No restrictions or provisions
Rhode Island	4		Optional	None	Recommended	\$1	\$0.25	NFS	10 cents per mile
South Carolina	10		Either	None	Recommended	\$5	\$5	\$5	If agreed on in advance**
South Dakota	6		Either	\$5k	Recommended	\$10 PIN	\$10 PIN	\$10 PIN	No restrictions or provisions
Tennessee	4		Stamp	\$10k	Only if fee charged	NFS	NFS	NFS	No restrictions or provisions
Texas	4		Either	\$10k	Yes	\$6, each additional signer \$1	\$6, each additional signer \$1	\$6, each additional signer \$1	No restrictions or provisions
Utah	4	Exam	Stamp	\$5k	Recommended	\$5	\$5	\$5 PP	Yes, up to the federal mileage rate; fee must be agreed on in advance**
Vermont	4		Optional	None	Recommended	\$0.50	\$0.50	\$0.50	No restrictions or provisions
Virginia	4		Either	None	Recommended	\$5 PNA	\$5 PNA	\$5 PNA	A Notary may charge for actual and reasonable expenses if agreed on in advance
Washington	4		Either	\$10k	Recommended	\$10	\$10	\$10 PP	If agreed on in advance**
West Virginia	5		Stamp	None	Recommended	\$5	\$5	\$5	No restrictions or provisions
Wisconsin	4		Either	\$500	Recommended	\$5 PD	\$5	\$5	No restrictions or provisions
Wyoming	4		Either	\$500	Recommended	\$5	\$5	\$5	If agreed on in advance**

Source: NNA Research Center

Legend			
NFS	No Fee Schedule	PNA	Per Notarial Act
PD	Per Document	PNS	Per Notary Signature
PIN	Per Instrument Notarized	PP	Per Person
PONA	Per Original Notarial Act	PS	Per Signer

\*If document includes all information that would be entered in your journal, and your firm/employer stores that document, a journal entry is not required.

\*\*Notary also should explain that the travel fee is separate from the Notary fee and is neither specified nor mandated by law.

# BUILDING YOUR NOTARY BUSINESS ONE BYTE AT A TIME

By Sonita Leak



**W**HEN I BEGAN MY NOTARY BUSINESS BACK IN APRIL 2010, I had no clue where to start. Having worked in the telemarketing and teleservices industry for over 15 years, I thought my future career growth would remain in that field, and I had no intention of starting my own business.

But ultimately, I needed a change of pace, and I was always intrigued by Notaries. One of the companies I worked for had a Notary on hand to notarize its lien paperwork, and when I saw the fancy-looking seal, I thought “Wow, this looks very interesting.”

Then I went to a website for people who want to get out of the rat race and saw mobile Notary mentioned. There were four companies listed. I did a little bit more research and thought maybe there was some way I could make a living doing it.

I didn't know it would be so exciting, but once I started doing the work, it just stuck to me like glue. Over the years, I have built a thriving business, and a large part of my success has been because of the online marketing strategies.

### **Building a Website**

When I first started my Notary business, I did research on the different website building platforms. Even though I could have built one from scratch, I wanted something that was more responsive. I came across WordPress, which was excellent because not only was I able to build my website, I was able to install special features like a chat interface.

For the technologically challenged, there are lots of website builders out there.

Before you start building your website, I would suggest mapping it out first, so you can decide what you want the site to look like. Do a rough draft before you even touch whichever website platform you choose.

Make decisions about the placement of your phone number, email address, and social media links on your website. Think about the type of font you want to use, as well as the font size for text and headlines.

As you play around with things on your website, remember to keep your audience in mind. Learn your audience as much as you can because if you don't, you won't know what they will respond to, and you can't build your website in a way that will fully cater to the people you want to serve.

When I started my blog, I started small, posting little bits of information on my signings. As my website audience grew, the blog itself evolved and I began writing more article-style blogs — which means I am always thinking of content ideas. One brainstorming idea is to go to a list of holidays — every day is a holiday somewhere — if I need to pull something out of a hat. For instance, I write about Grandparents Day every year because I deal with seniors and it shows that I care about that demographic.

No matter what you write about, you want to create crisp, engaging content.

For example, many of the people I serve are 60 and older and may be in the hospital or assisted living facilities, but the people who are actually looking at my website often are their children or grandchildren. So when you look at the content on my website, I customized it to the people who are looking at it — in this case, the family members of clients.

### **Maintaining a Blog**

A important strategy is maintaining a blog. It keeps your website fresh and lets your audience know that you're active. It also can help make it easier to find your website when people search for a Notary.

Some other ideas for blog posts may come from life experience and situations that I've run into during my time as a Notary. I'll inform the public of different things in our field, such as people asking Notaries to do things we're not supposed to do and cases of fraud in our industry.

No matter what you write about, you want to create crisp, engaging content. There are ways of writing that will bore people, so don't fill your content with so much legalese or make it so hard to read that people lose interest. Add a little laughter at times. I make my blog funny sometimes because without laughter, without joy, without cheer,

then you get into a monotonous routine. Even though our position as a Notary is serious, you don't always have to be serious in your blog.

### **Maintaining a Social Media Presence**

Being active on social media is another great strategy to build business. It helps to be on several different social media sites, such as Facebook, Pinterest, Twitter and others where potential clients might be.

When I began my social media venture, I was very skeptical at what any of it could do for my business, but it has helped get people to my website. Since I'm a bit shy, social media took some getting used to. I have never been outwardly boisterous or extroverted, so I let my social media be my extrovert. All of my social media reflects how I really am. It's all real.

But even though you want to be authentic on your social media, you should remember to keep it professional, too. If you wouldn't want your mother to read something, don't put it on your platform.

Post items, photos, even video about your business activities.

### **Adding a Chat Feature**

I've incorporated a chat interface into my website so that customers and those with questions can contact me in real time, and it has helped my business immensely. This is definitely a good idea for a mobile Notary who is always on the go because being able to answer customers' requests is the number one priority for retaining your customer base. Messages come directly to me, so I can talk to customers on my computer or on my phone. If I miss a chat, the program

will send the message to my email, so I have access to the chat at all times.

### **Schedule Online Activities**

I block out certain times to handle my social media and work on my blog content because if you're manning that stuff all day long, you're not working. Also, I write down as much as I can. Every time I get an idea, I write it down so I don't forget it and can act on it during my online time.

Running a Notary business is busy enough. When you add the tasks of blogging and social media to your plate, your online strategy can become its own monster. Don't let the monster take control of you. Preparation is key. When you are well prepared to face the day or week ahead, you're already ahead of the game. ■

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# How To Correct Notary Journal Entries

Address Where Notarization Performed	Date of Document
510 Main Street	6ra
<del>Chatsworth</del> , CA 91304	
Canoga Park	D.L. 8/16/18

Your journal contains a record of every notarization you perform. So it's important to get every detail of every entry correct. But what happens if you make a mistake? How do you correct it?

While most states either require (like Pennsylvania) or recommend (like Florida) that Notaries keep a journal, none offer specific rules about making corrections to an entry. The NNA's Hotline counselors frequently receive calls from Notaries who have made all kinds of mistakes, including:

- Entering the signer's wrong address or ID information (Texas Notaries are prohibited from recording ID numbers in their journal entries).
- Entering the wrong document title or omitting it altogether.
- Having signers write their signatures in the wrong space.
- Failing to obtain the signer's signature and thumbprint (California requires a thumbprint if the document is a power of attorney, deed, quit-

claim deed, deed of trust or other document affecting real property).

Here are a few things to keep in mind.

### When The Signer Is Still There

Most of the time, you will discover a mistake while you're completing the journal entry. Say, for example, you wrote the wrong street in the address box. The simplest way to make the correction is as follows (note: for the purpose of these tips, we'll assume you are using the NNA's Official Journal of Notarial Acts):

- Line through the incorrect information.
- Write the correct information in the same box, if there is room to write it legibly.
- If there is not enough space in the same box, use the box in the line below the entry. There is no rule that says you can only use one line per journal entry.

You also may make a notation about the correction in the "additional information" box.

If you have two or more signers and multiple notarizations, it can be easy to get information mixed up between journal entries. Say, for example, you're handling a loan signing for a couple and one partner signs the box for the other's journal entries and vice versa.

- Cross out the signature and have the partners sign the correct signature spaces.
- If there isn't enough room for the signers to sign the correct entries — say, for example, you're a California Notary and the signers also have placed their thumbprints in the wrong spaces, then correct the other line entries (Name and Address of Signer column, Identification of Signer column, etc.) to make them match.
- Note an explanation in each journal entry.
- If the resulting corrections will render the entries illegible, then start over and create new entries. It is better to be legible and correct than illegible and correct.

### After The Signer Has Left

What happens if you discover a mistake after the signer is long gone? You can try to contact the signer to see if they will give you the information, but that may not be possible. Your best course of action is to note the omission in the "additional information" box of the journal entry.

### Do's And Don'ts

If you rush the process of completing journal entries, you're more likely to make a mistake. So take your time and make sure to record all the information correctly. It also can help to double-check an entry.

Don't use correction fluid or tape to cover over a mistake and then write on top of it. The fluid or tape could come off.

If you discover a mistake sometime later, don't cross out the entire entry and make a new one. Many states have laws that require the entries to be in sequential order, meaning they must be recorded chronologically.



## Notarizing Birth Certificates, Changing Venue Wording, Notarizing Multiple Copies

**NOTARIES NATIONWIDE RELY** on the NNA's Notary Hotline to answer their most challenging questions. The following are among the thousands our Information Services Team receives each month.

**Q** Can a California Notary notarize a copy of a birth certificate?

*J.C., California*

**A** No. California Notaries can only certify copies of powers of attorney, or, upon written request from the Secretary of State or a court order, copies of their journal.

**Q** Can I change the wording in a certificate from "State of Florida" to "State of North Carolina"?

*J. O., North Carolina*

**A** If you are referring to the venue at the top of the certificate wording, then

the answer is yes. The venue on a Notary certificate should always indicate where the notarization is performed ("State of \_\_\_\_, County of \_\_\_\_"). If the venue is incorrect, you should draw a line through the incorrect information, make the correction and initial the change.

**Q** When notarizing multiple copies of the same document, how should I record this in the journal? Can information for all copies be entered on the same line, or does each copy need its own entry?

*B.G., Tennessee*

**A** The best practice is to create a separate journal entry for each signature notarized. By keeping a separate entry for each notarized signature, you'll be better able to respond to a request to inspect or copy an entry for a particular notarization. Otherwise, you would have to provide information for all the documents notarized for the signer on that date.

**Q** If I am notarizing a will, financial power of attorney, and health care power of attorney, can these three items be listed under one

act in my journal, or must each document be listed as a separate entry?

*R. L., Pennsylvania*

**A** You must create a separate entry in your Notary journal for every notarization you perform (57 Pa.C.S. 319(c)). Thus, you would make three entries if you notarize a signature on each document.

**Q** May I write my county and name in advance on my certificates, so all I have left to do is stamp and sign for future notarizations?

*A.A., California*

**A** The NNA does not recommend completing







notarial certificates in advance of a notarization. A certificate should be completed in its entirety at the time you perform the notarization with the signer present before you.

**Q** What do I do if I accidentally skip a page in my journal book? Do I need to write a note on that page explaining what happened?  
*V. N., California*

**A** You can strike out the blank page with a diagonal line and include a comment such as “skipped over unintentionally.” Doing this will prevent you from recording entries on this

page in the future while ensuring that all your entries are kept in sequential order.

**Q** I have been asked to notarize an Affidavit of Residence but I don't see any Notary certificate wording. Would I need to attach an individual acknowledgment form?  
*K.T., New York*

**A** You are correct in observing that the Affidavit of Residence will require a notarial certificate form to be added to the document for you to notarize it, but as a Notary you should not determine

the type of certificate to attach. Instead, you should ask the signer which certificate to add. If the signer doesn't know, they should ask the agency that issued the document or the one that will be receiving it to provide this information.

**Q** I have a question regarding documenting identification in my journal. If a signer uses a California driver's license, do I need to include “DMV” as the issuing agency in the journal entry?  
*C.B., California*

**A** Yes, California Notaries must record in their

journals the type of identification presented and the issuing agency. In this case, the Department of Motor Vehicles (or “DMV”) is the issuing agency.

**Q** Can I notarize a document written in Spanish if I speak the language?

*M. R., Texas*

**A** Yes, Texas Notaries may notarize a document written in Spanish as long as it contains a notarial certificate in English.

**Q** A customer has requested to have 3 copies of her will notarized. Am I able to notarize these?

*M.C., Virginia*

**A** Yes, you can notarize 3 copies of the same document as long as each document has an original signature.





### Using Supplementary ID

The most important part of a Notary's duty is verifying the identities of their signers. But what if you're just not sure? Can you ask for supplementary ID?

Generally, you can ask for a secondary ID, but just what type of ID depends on your state's regulations. Some states have very strict requirements regarding the types of ID you may use. Others less so.

A common issue confounding Notaries is the disparity between the signer's appearance and their ID photo and/or description. But that doesn't necessarily mean your signer is an impostor. In many states, ID photos aren't updated for a decade or longer, and a person's appearance can change dramatically in that time. In Arizona, for example, driver's license and ID card photos are only updated every 12 years.

#### States With Strict ID Rules

States such as Florida, California and Tennessee provide specific lists of IDs that Notaries may

rely on to verify a signer's identity. These lists always include state-issued driver's licenses and ID cards; U.S. and often foreign passports; and various other specific U.S. or government-issued ID. If you're a Notary in a state with stringent rules, make sure to check your state Notary laws for the specific IDs you can use.

If you are in one of these jurisdictions, you may ask for a second ID, but it must come from your state's list. In California, if a Notary is uncertain about the state-issued driver's license, they could not rely on a school ID. But they could accept a military ID, provided it is current or has been issued in the past five years and has a serial number, photograph, signature and description of the individual.

#### States With General ID Rules

Other states have laws that prescribe the elements an ID must have but stop short of listing the specific IDs that are acceptable.

For example, in Texas, Notaries may accept a current identification card or other document issued by the federal government or any state government that contains the photograph and signature of the acknowledging person.

In these states, you have a wider range of acceptable supplemental ID available that meet the general rules. However, any ID you rely on must still have all the elements required by statute or rule.

#### States Without ID Rules

Finally, some states do not have any requirements for the types of ID you may accept. Minnesota, for example, says a Notary may rely on "identification documents" to establish the signer's identity. In some cases, a state may suggest guidelines in its Notary handbook or on its website. New York, for

example, allows Notaries to accept reliable ID cards and notes that the best types include the person's photo, physical description and signature.

In these states, Notaries have the most latitude because only the Notary must be satisfied, not a specific state law. As a best practice, *The Notary Public Code of Professional Responsibility* recommends accepting a "reliable identification document bearing a photograph."

Keep in mind that Social Security cards and similar documents are easily forged and lack elements — such as a photo and physical description — that would help you verify that your signer is who they claim to be. If you have doubts about the primary ID your signer produced, don't lower your standards for a supplemental ID.

Learn more about best practices and procedures in the NNA's Notary Essentials course:  
[NationalNotary.org/Notary-Essentials](https://www.nationalnotary.org/Notary-Essentials)

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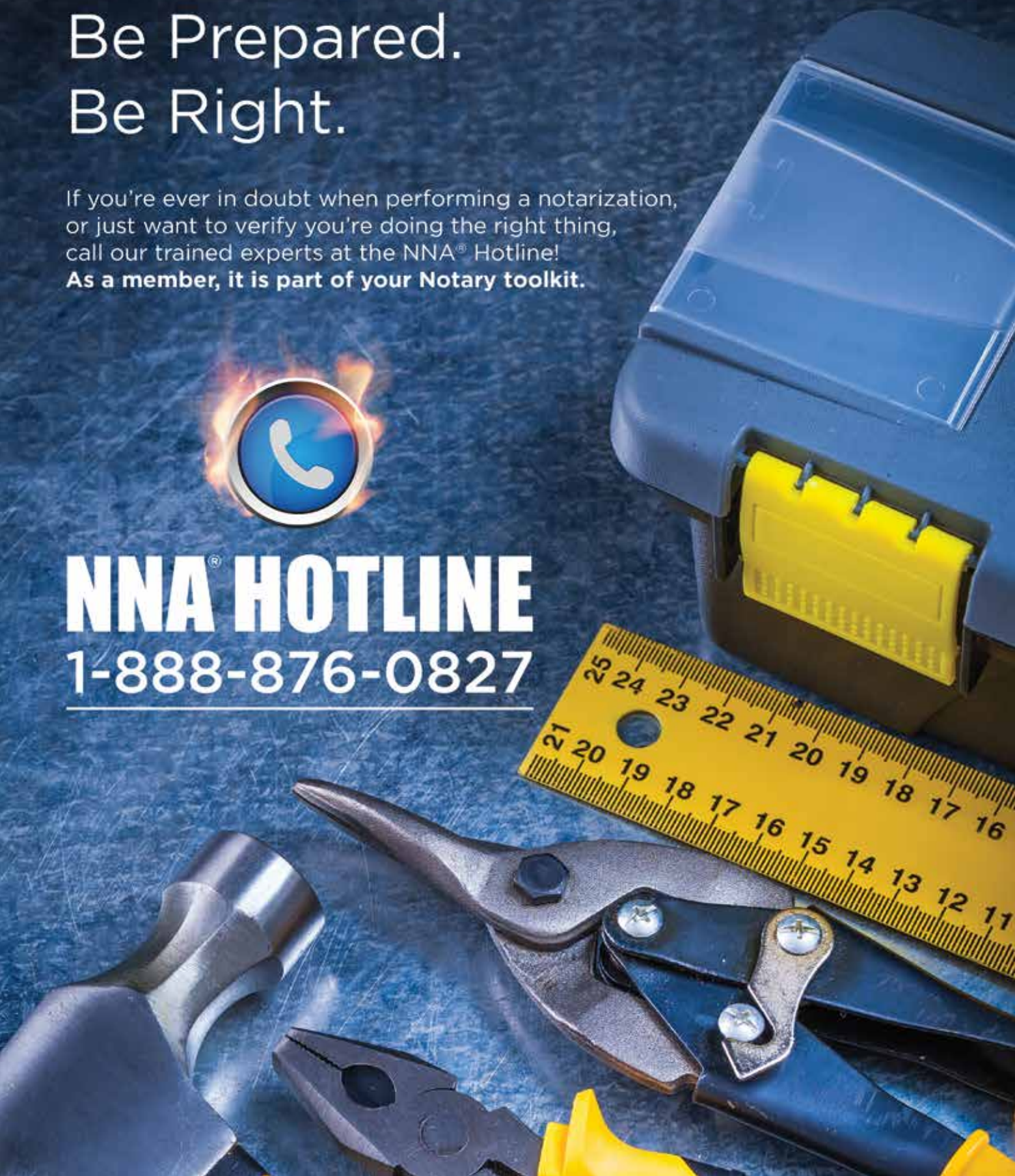
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