NOTE: The following steps are generally accepted best practices for notaries public throughout the United States. Information on state-specific notarial requirements may be found by viewing the “Authorized Duties by State” link at www.ASNNotary.org, or by reading your state notary statutes.

Step 1 - Require personal presence
Many call this the “golden rule” of notarial acts. The document signer's personal presence is required so the notary may ascertain the signer's comprehension of the document and willingness to sign, and so the essential verbal ceremony may be executed. There are simply no exceptions, such as attempting to conduct the notarial act over the phone.

Some notaries confuse personal presence with whether the document must be signed in the notary's presence. When acknowledging the execution of a document, it's permissible for the signer to have signed the document at an earlier time (also see information below on original signature). When taking an oath about the contents of the document, the signer MUST actually sign the document in the notary's presence. In BOTH cases, the signer must personally appear before the notary for the actual notarial act.

Step 2 - (Discuss fees, if any)
ASN recommends that any fees the notary wishes to charge be discussed up-front, prior to the notarial act.

Step 3 - Examine the document
A notary has very specific reasons for examining a document presented for a notarial act. These reasons do NOT include knowing or comprehending the document's purpose or effect. A notary examines a document in order to:

- **Ensure that the document is complete.** There may be no missing pages or blank spaces that should have been completed prior to the notarial act. If the signer is uncertain about the status of blank spaces, he/she may contact the document originator or recipient for help.
- **Ensure that all signatures are original and in ink.** An original signature is one that was stroked directly onto the document in wet ink. For example, a faxed document that was previously signed does not display an original signature. In contrast, a faxed document that is subsequently signed in wet ink by the signer does display an original signature.
- **Determine which notarial act is required** based on the certificate language provided with the document. If the required notarial act is not obvious from the wording of the notarial certificate, the customer will have to provide direction to the notary. The notary cannot provide this guidance, or he/she risks practicing law without a license. The notary can, however, explain the difference between the types of notarial acts, so the signer may choose. If the signer still cannot choose, he/she may contact the document originator, the document recipient, or an attorney for guidance.
- **Ensure the date on the document is the same or earlier than the date of the notarial act.** The document may NEVER be dated later than the date of the notarial act.
- **Read the notarial certificate** at the end of the document to ensure its form is correct and it contains all the necessary elements. You may need to correct or replace an incorrect notarial certificate; see Step 7 for additional information.
- **Confirm what fees you will charge,** if any, and reconfirm these with the signer(s).
Step 4 - Identify the signer

Proving identity is a crucial step in the process of performing a notarial act. Positively identifying the signer, along with requiring personal appearance, will protect the integrity of the transaction and reduce the likelihood of fraud. The following forms of identification are considered satisfactory for positive signer identification:

1. Identification Based on Personal Knowledge

Although no exact definition of personal knowledge appears in the notary laws, this term is intended to mean that the notary has a personal relationship or knowledge of the signer that leaves no doubt in the notary's mind about that person's identity. If even the slightest doubt about the person's identity exists in the notary's mind, the notary should request one of the other two forms of identification.

2. Identification Cards

According to most states' notary laws, the types of cards that serve as satisfactory evidence of identification include a U.S. passport, driver's license, or any card issued by a state or federal government agency that contains the photograph and signature of the person making the acknowledgment or taking the oath. Unless your state notary law provides otherwise, the identification card must be current, so be sure that you check the expiration date. Compare the photograph and signature to those of the person presenting the card. If the card is expired, you may not rely on the card for identification of the signer.

Only an identification card that meets these criteria is acceptable for a notarization. Do not rely on birth certificates, Social Security cards, check cashing cards, credit cards, movie rental membership cards, etc.

3. Identification by a Credible Witness

In many states, document signers who truly lack any other form of identification may rely on the affidavit of a credible witness. The credible witness is vouching for the identity of the document signer. The credible witness must be reliable, must be personally known by the notary, and must also personally know the person in need of satisfactory identification. The notary must believe the credible witness is competent, impartial, and worthy of belief. The credible witness will complete a written affidavit about the identity of the document signer, then will take a verbal oath administered by the notary. The credible witness' affidavit then becomes the document signer's form of satisfactory identification. Credible witness affidavits are generally attached to the executed document.

Step 5 - Complete the recordbook entry

Notaries in many states are required to maintain a recordbook of notarial transactions. Even if it is not required, ASN strongly recommends that notaries maintain a recordbook. The recordbook entry is the notary's evidence of the facts of each notarial act, and is his/her best defense against claims of improper procedure. By completing the recordbook at this point in the notarial act, the notary ensures the signer will not suddenly leave before all the information needed for the recordbook is recorded.

Step 6 - Perform the verbal ceremony

At this point, if satisfied with the outcome of all the preceding steps, the notary will perform the verbal ceremony for a notarial act. Do not proceed with the verbal ceremony if any doubt remains about the signer's comprehension of the act, or about his/her willingness to execute the document.

For an acknowledgment, the notary will ask (substantially in this format):

"Do you acknowledge signing this instrument willingly, for the purposes stated within it?"

For an oath, the notary will ask (substantially in this format):

"Do you swear under penalties of perjury that the contents of this document are true, so help you God?"

For an affirmation (same legal effect as an oath), the notary will ask (substantially in this format):

"Do you affirm under penalties of perjury that the contents of this document are true?"
Step 7 - Complete the notarial certificate
The notary now must complete the notarial certificate, which details the facts of the notarial act that just transpired. A separate certificate is required for each notarial act performed. Notarial certificates will contain the following elements:

1. **Venue.** This is the location where the notarization actually took place. It will detail the notary's home state (his/her state of jurisdiction), and the county in which the notarial act occurred.
2. **Type of notarial act performed,** typically an oath, affirmation, or acknowledgment. The act is evidenced by the key words, sworn, affirmed, or acknowledged.
3. **Statement attesting that the signer personally appeared at the time the notarization took place.** This fact is usually indicated by the words "before me" or "personally appeared."
4. **Exact date of the notarization.** The notarial certificate cannot be backdated or postdated to accommodate a request from the signer or another party. This date is the date that the person personally appeared before you and made an acknowledgment, took an oath, or made an affirmation. As mentioned previously, the underlying document may be dated the same day as the notarial act or earlier, but **NEVER** later.
5. **Printed name of the document signer or signers for whom the notary performed the notarial act.** Without this specific notation, one could presume that the notarial act was performed for all signers of the document. The notary's certificate must carefully detail that the notarial act was performed only for the person or persons who personally appeared; for example, John Smith, only. This can also prevent the name of a person who was not personally present for the notarial act from being added to the notarial certificate afterward.
6. **Type of identification.** The notarial certificate may include details of the satisfactory evidence of identity presented by the signer. If noting this information, however, notaries should indicate only partial identification card numbers so that an identity thief cannot obtain sensitive information.
   **NOTE:** The state of Texas prohibits notaries from recording any identification card numbers, passport numbers, or personal identification numbers associated with any signer(s).
7. **The official signature of the notary.** The notary must sign his/her signature directly onto the paper document in ink (wet-ink) using his/her exact commissioned name.
8. **The exact commissioned name of the notary typed, printed, or stamped below the signature (required in many but not all states).**
9. **The notary's official seal,** if required by your state. Impress your notary seal near your signature. The seal impression should never overlap a signature or any information within the document.

If the notarial certificate displayed on the document is flawed such that it will not accurately reflect the facts of the notarial act, the notary must correct it or replace it. Minor corrections may be made directly onto the existing certificate. Draw a single line through the incorrect information and clearly print the correct information in the same area. Initial each change. If more extensive corrections are required, ASN recommends use of a loose notarial certificate that is properly formatted. Draw a single diagonal line through the flawed certificate and initial it. **NEVER** use correction fluid. Complete the loose notarial certificate and physically attach it to the document. ASN also recommends that the loose notarial certificate contain a description of the document, in case the two items become detached from one another.

If you haven’t visited www.ASNNotary.org in a while, you’re missing a wealth of valuable information on performing your notarial duties with skill and confidence. We also offer a full range of top-quality notary supplies with our best discounts for members, as well as online education courses for new and veteran notaries. Check it out today! (If you are an ASN member, be sure to log in with your ASN ID number and password.)