



# The Commission Connection

Tips, recommendations, and information for notaries,  
from the Idaho Secretary of State

Page 1

Vol. 1 ~ December, 2012

## Notarial Acts...

*Acknowledgement*

*Copy Certification*

*Corporate  
Verification*

*Oath or  
Affirmation*



## So I'm a notary... now what?

You've got your commission certificate from the Secretary of State, your official seal, and your notary handbook, but now you don't know where to start. Suddenly you realize that the notary process is more complicated than you thought, and simply signing your name and putting a stamp next to it just won't do. There are several acts that a notary public may be asked to perform, and we will try to clarify them for you. But first, there are a few ground rules that every notary should follow.

### Ground Rules<sup>1</sup>

1. A person must be in the immediate presence of the notary when they sign. (Remote notarization through video, audio, or otherwise, is not permitted.)
2. Always verify the person's identity.
3. Always use a notarial certificate and be certain that it is the right one for the job.
4. Always put the certificate directly on the document near the signer's signature, even on the back of the page if you have to. As a last resort you may attach the certificate to the document on a separate page, but this is not recommended.
5. Always include your commission expiration date below your signature.
6. Place the notarial seal near your signature.

Now, on to the notarial acts!

### Acknowledgement<sup>2</sup>

Most often notaries perform an acknowledgement – the notary verifies that the person signing the document is the actual person named in, and is responsible for signing, the document. Simply verify that the person is who he or she says, have them sign the document in your presence, stamp or write the appropriate certificate, and then perform your notarization.

(continued on page 2...)

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*"Each and every Notary Public plays a crucial role in combating identity theft. They serve as our front line of defense and the public is safer because of the job they do." ~ Ken Salazar – United States Secretary of the Interior*



# The Commission Connection

Page 2

## *Types of Acknowledgement...*

*Person known to the notary.*

*Person unknown to the notary.*

*Person signing by mark.*

*Person physically unable to sign and unable to sign by mark.*

*Identity proven by credible witness.*

*Attorney-in-fact*

But there are multiple ways to complete an acknowledgement when a person asks you to do so. And for each method of acknowledgement there is a different certificate that you must use (and we'll show you which one at the end). Methods of acknowledgement are...

- ✚ **Person known to the notary** – This is a person who is known to the notary. You know the person, and know that he or she is, in fact, who he or she claims to be. Simply perform the notarization using the correct certificate.
- ✚ **Person unknown by the notary** – You've never met this person before and they want you to perform a notarization. Before you can perform the notarization you must verify his or her identity. All you have to do is ask for a photo I.D. A government issued driver's license or identification card (state, federal, military) is sufficient. Check the I.D. carefully. If you are absolutely certain that the identification is authentic, you can complete the notarization.
- ✚ **Person signing by mark** – This person can not sign their name in a traditional way. They may make an "X" or other mark on the signature line. Simply identify the person and stamp or write the appropriate notarial certificate.
- ✚ **Person physically unable to sign and unable to sign by mark** – This requires a credible third party witness. Once you've verified the identity of the person requesting the notarization, you stamp or write the right certificate on the document, sign the document for the person, have the witness sign indicating that you are the person signing the document, and then complete the notarial certificate.
- ✚ **Identity proven by credible witness** – This also requires a credible third party witness. Once you've verified the identity of the person requesting the notarization, you stamp or write the right certificate on the document, sign the document for the person, have the witness sign indicating that you are the person signing the document, and then complete the notarial certificate.
- ✚ **Attorney-in-fact** – This takes place when someone has been granted power-of-attorney over another person's affairs. You just verify that person's identity, review the person's power-of-attorney document, and then complete the notarization. This also requires the appropriate certificate.

(continued on page 3...)



# The Commission Connection

Page 3

*“...notaries can not certify copies of documents that can be obtained from an official custodian of records.”*

Beyond acknowledgements there are several other notarial acts that someone may ask you to perform. They are:

## **Copy Certification<sup>3</sup>**

A copy certification is exactly what it implies. You compare the original document to a copy of the document and then certify that the copy is true and complete. **Keep in mind, however, that notaries can *not* certify copies of documents that can be obtained from an official custodian of records.** (Official custodians are public record-keepers such as county recorders and other federal, state, or local public records offices.) Simply stamp or write the appropriate notarial certificate and then complete the notarization.

## **Corporate Verification<sup>4</sup>**

When a corporation officer needs to sign a document under his or her official title, a notary may perform a corporate verification. The officer appears before the notary. The notary verifies the identity of the person and then administers an oath, such as, “I, Jane Q. Public, swear (or affirm) that I am the president of SQR Corporation.” Jane Q. Public then signs the document. The notary stamps or writes the certificate and then completes the notarization.

## **Oath or Affirmation (Jurat)<sup>5</sup>**

An “oath or affirmation” – also known as a “jurat” – happens when a person needs to swear (or affirm) that he or she made a verbal or written statement. The oath or affirmation makes the statement a sworn statement. The notary verifies the identity of the person and then administers an oath, such as, “You do solemnly swear (or affirm) that the testimony you shall give in the matter in issue shall be the truth, the whole truth, and nothing but the truth.” The notary stamps or writes the appropriate certificate and completes the notarization.

## **Now, what’s with all of this swearing (or affirming)?<sup>6</sup>**

It’s simple, really. If a person takes an oath, they can either swear or affirm. If someone swears, they do so by invoking a diety – “under God,” for example. If a person has religious or other objections to using an oath, they may affirm – “I affirm that...” Either way the person chooses, both forms – oath or affirmation – are subject to penalty of perjury if the statement is found to be false.

## **Conclusion**

Notarial acts are not terribly complex. Notarization isn’t brain surgery.

(continued on page 4...)



# The Commission Connection

“Identify the person signing the document. Select the appropriate certificate. Perform an oath or affirmation if necessary. Complete the notarial certificate.”

However, notaries must remember that they are performing acts that have legal, and possibly financial, ramifications. This is why it is especially important to be certain that notarial acts are performed properly, and that certain criteria are met.

1. Identify the person signing the document.
2. Select the appropriate certificate.
3. Perform an oath or affirmation if necessary.
4. Complete the notarial certificate.

As long as you do these few simple things your notarizations should never come into question.

**Notarial Certificates**<sup>7</sup> (As promised! Though there are other notarial certificates, these are the most commonly used.)

❖ **Acknowledgement – Person known by the notary.**

State of Idaho )  
S.S.  
County of \_\_\_\_\_ )

On this \_\_\_\_ day of \_\_\_\_\_, in the year of 20\_\_, before me Notary’s Name, a notary public, personally appeared Individual’s Name, personally known to me to be the person(s) whose name(s) is (are) subscribed to the within instrument, and acknowledged to me that he (she) (they) executed the same.

Notary’s Signature  
Notary Public  
My Commission Expires on \_\_\_\_\_

❖ **Acknowledgement – Person unknown to the notary.**

State of Idaho )  
S.S.  
County of \_\_\_\_\_ )

On this \_\_\_\_ day of \_\_\_\_\_, in the year of 20\_\_, before me Notary’s Name, a notary public, personally appeared Individual’s Name, proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is (are) subscribed to the within instrument, and acknowledged that he (she) (they) executed the same.

Notary’s Signature  
Notary Public  
My Commission Expires on \_\_\_\_\_

(continued on page 5...)



# The Commission Connection

A note about the  
“credible witness”  
~ A “credible  
witness” is a  
witness that is  
known to both the  
notary and to the  
individual signer.

❖ Acknowledgement – Person signing by mark.

Mark: \_\_\_\_\_

Mark affixed by Individual’s Name in the presence of the undersigned notary.

State of Idaho )

S.S.

County of \_\_\_\_\_ )

On this \_\_\_\_ day of \_\_\_\_\_, in the year of 20\_\_, before me Notary’s Name, a notary public, personally appeared Individual’s Name, known or identified to me (or proved to me on oath of Witness Name) to be the person who’s name is subscribed to the within instrument, and acknowledged to me that he (she) executed the same by affixing his mark thereto.

Notary’s Signature

Notary Public

My Commission Expires on \_\_\_\_\_

❖ Acknowledgement – Person physically unable to sign or sign by mark.

Signature of person by notary: Individual’s signature made by Notary Public

Witness Signature: General Witness’ Signature

Signature affixed by notary in the presence of Person’s Name and Address, and Witness’ Name and Address.

State of Idaho )

S.S.

County of \_\_\_\_\_ )

On this \_\_\_\_ day of \_\_\_\_\_, in the year of 20\_\_, before me Notary’s Name, a notary public, personally appeared Individual’s Name, known or identified to me (or proved to me on oath of Credible Witness Name) to be the person who’s name is subscribed to the within instrument, and acknowledged to me that he (she) executed the same by directing the undersigned notary to affix his (her) signature thereto.

Notary’s Signature

Notary Public

My Commission Expires on \_\_\_\_\_

(Continued on page 6...)



# The Commission Connection

### ❖ Acknowledgement - Identity proven by credible witness.

State of Idaho            )  
                                          S.S.  
County of \_\_\_\_\_ )

On this \_\_\_\_ day of \_\_\_\_\_, in the year of 20\_\_, before me Notary's Name, a notary public, personally appeared Individual's Name, and satisfactorily proved to me to be the signer of the above instrument by the oath of Credible Witness' Name, a competent and credible witness for that purpose, by me duly sworn, and that he (she) executed the same.

Notary's Signature  
Notary Public  
My Commission Expires on \_\_\_\_\_

*A note about the  
"County of..." ~  
The correct county  
to use is the county  
where the  
notarization takes  
place.*

### ❖ Acknowledgement – Attorney-in-fact

State of Idaho            )  
                                          S.S.  
County of \_\_\_\_\_ )

On this \_\_\_\_ day of \_\_\_\_\_, in the year of 20\_\_, before me Notary's Name, a notary public, personally appeared Attorney-in-fact Name, known or identified to me to be the person whose name is subscribed to the within instrument as the attorney in fact of Individual's Name, and acknowledged to me that he (she) subscribed the name of Individual's Name thereto as principal, and his (her) own name as attorney in fact.

Notary's Signature  
Notary Public  
My Commission Expires on \_\_\_\_\_



# The Commission Connection

*The Corporate Verification certificate can be used for other business types. Simply change the word "corporation" to another business type, such as limited liability company.*

### ❖ Copy Certification

State of Idaho )  
S.S.  
County of \_\_\_\_\_ )

I, Notary's Name, a notary public, do hereby certify that on this \_\_\_\_ day of \_\_\_\_\_, 20\_\_, I carefully compared the attached copy of Described Document, with the original. It is a complete and true copy of the original document.

Notary's Signature  
Notary Public  
My Commission Expires on \_\_\_\_\_

### ❖ Corporate Verification (or other business type)

State of Idaho )  
S.S.  
County of \_\_\_\_\_ )

I, Notary's Name, a notary public, do hereby certify that on this \_\_\_\_ day of \_\_\_\_\_, 20\_\_, personally appeared before me Individual's Name, who, being by me first duly sworn, declared that he (she) is the Office Held of Corporate Name, that he signed the foregoing document as Office Held, of the corporation, and that the statements therein contained are true.

Notary's Signature  
Notary Public  
My Commission Expires on \_\_\_\_\_

### ❖ Oath or Affirmation (Basic Jurat)

State of Idaho )  
S.S.  
County of \_\_\_\_\_ )

Subscribed and sworn to (or affirmed) before me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Notary's Signature  
Notary Public  
My Commission Expires on \_\_\_\_\_



# The Commission Connection

Page 8



## HELP!

The Secretary of State's office hopes to make the "Commission Connection" a quarterly newsletter. To make this happen, we need your help.

- Do you have any interesting notary stories or anecdotes?
- Do you have any questions that you and other notaries would like answers to?
- Are there any legal issues with notarization that you would like to make others aware of?
- Do you have any tips on making the notarization process easier?

If so, please send them to Debbie Farnsworth at [dfarnsworth@sos.idaho.gov](mailto:dfarnsworth@sos.idaho.gov).

## References

1. Ground rules for notary publics are as recommended by the National Notary Association.
2. Information about acknowledgements is in reference to Title 55, Chapter 7, and 51-107, Idaho Code, and the Idaho Notary Public Handbook (p. 10).
3. Idaho Code 51-107(c) and the Idaho Notary Public Handbook (pp. 11-12).
4. Idaho Code 55-707 and the Idaho Notary Public Handbook (p. 11).
5. Idaho Code 51-107(b) and the Idaho Notary Public Handbook (pp. 10-11).
6. Idaho Code 51-107, Idaho Code 51-109(3) and the Idaho Notary Public Handbook (p. 10-11).
7. Idaho Codes 51-109, 55-709 through 55-715, and the Idaho Notary Public Handbook (pp. 27-31).