

Why a Notary Journal Is Required

Almost no one likes to do paperwork, especially if they don't have to do it. So, if you tell them that paperwork is not required, most people will be happy to believe you and skip it. When it comes to the notary journal, skipping the paperwork is not an option. Keeping a notary journal is needed and highly recommended for the following reasons:

1) **Law.** Roughly a third of the states require by statutory law that their notaries public keep an official record or journal of their actions. These statutes generally specify what this record must or should contain. Another third of the states have statutory laws that detail how a notary journal is to be handled, and thus one can presume that such a record is a requirement of being a notary in those states. A growing number of states have adopted or are considering adopting one or another of the long-standing model notary laws, which all require notary journals. Also, case law has often supported the need for notary journals. According to Peter J. Van Alstyne of the Notary Law Institute, a notary journal is considered prima facie evidence of the facts stated within it, which gives the entries in the notary journal legal weight. Delaware does not require keeping a journal by is highly recommended.

2) **Custom.** When you find that a given office has included certain duties for a very long time, even where there are no statutory or case law requirement for such, it is reasonable to proceed as if that duty is an essential element of the office. In the case of notaries public and their official record books, history teaches us that American notaries have been using them for centuries. William Aspinwall, a notary in Massachusetts Bay Colony, appeared in court in 1652 to defend his refusal to turn over his official record book to his successor in office. While the duties of notaries have changed somewhat since his time, the need for an official record of the actions of the notary public is no less critical today than it was then. Keeping a notary journal or record book has been a part of the office for as long as there have been notaries in America.

3) **Business.** It is a given that any business must keep records of their operations and that such records must contain sufficient detail to allow anyone a means to know what that business did at a given point in time if they have an obligation or a right to know those facts. In business and in government, it is a truism that, if it was not written, it did not happen. Without proper records, no business or government entity can operate successfully. This applies to the business of providing notary services as much as to any other business. As a notary public, you have an obligation to know what you did, so you can explain and defend it if you are ever called into court about a matter involving a document you notarized. The public has a right to know what the officers of its state have done when a matter of public interest arises from their actions. The tax collector and various other government agents have a right to know what you do when it involves the public.

4) **Protection.** Keeping a notary journal is one way that a notary can protect himself against being sued for or charged with negligence or having baseless claims filed against his bond or errors and omissions insurance. This is because a consistent record of properly performed notarizations demonstrates that the notary regularly takes all the necessary steps to fulfill his duties and follows the best practices of his office. A notary journal protects the public by providing evidence of what official actions the notary took and the manner in which the signer of the notarized document was identified. Such a record adds support for the validity of the notarization of the documents detailed in the journal and can be invaluable in prosecuting criminals if fraud or other crimes are found to have occurred.

5) **Practical matters.** A notary who regularly keeps a complete and proper journal record will find himself automatically taking all the required steps for a complete and proper notarization. Gathering the information for the journal and comparing the signature on the signer's I.D. to their signature in the notary journal will compel the notary to perform his/her duties faithfully and fully. Requiring the signer to provide I.D. and to sign the notary journal before notarizing the document helps to impress upon the signer the seriousness of the notarization, which has been known to cut down on fraud.

For all of these reasons, a notary journal is a required and necessary tool of all American notaries public. Proper use of this tool is as important as the notary signature and the notary seal.

NOTE: This article serves as information purposes to broaden the knowledge of the notary public. The Delaware Notary Association is dedicated in keeping the Delaware Notary with working information in performing their duties to the best they can and to the fullest.