

Verifying the Identity of the Signer

The most important duty of a notary public is to verify the identity of the person signing the document. How this is done will depend upon the law in the notary's jurisdiction, so please check the following general principles against your state's laws and rules.

The first and most ancient form of verifying the identity of a signer is for the notary public to know him or her personally. Personal knowledge is often (but not always) defined by law. For example, California does not allow this form of identity verification. Delaware DOES allow of Personal Knowledge. Personal knowledge means familiarity with an individual resulting from interactions with that individual over a period of time sufficient to eliminate every reasonable doubt that the individual has the identity claimed.

The second form of identity verification involves a credible witness, someone whom the notary public already personally knows and who also personally knows the document signer. The credible witness has to appear with the signer at the time that the document is being notarized. It is considered a best practice (or may be required by law) that the notary administer an oath or affirmation to the credible witness and that the witness sign an affidavit stating that he or she verifies the identity of the document signer. Because of the requirements that the credible witness be personally known to the notary public and that the witness personally know the document signer, this method of identity verification is used most often by notaries who notarize for their employer's clients or customers. Two credible witnesses are required in Delaware if the signer does NOT have a valid and current form of identification at the time of notarization.

The third form of identity verification is the one most commonly used -- satisfactory evidence. In some states, the law specifies what constitutes satisfactory evidence. Other states do not specify, thus allowing the notary to decide what satisfactory evidence means. A driver's license or a state-issued non-driver's I.D. card are the two forms of identification documents seen most often. As Americans tend to be very mobile, it is a good idea to familiarize yourself with driver's licenses and non-driver's I.D. cards from every state. You can purchase a book filled with information about driver's licenses and non-driver I.D.s to help you with this through the American Society of Notaries. Please contact them at (850) 671-5165. Other common forms of identification documents include a passport or a military I.D.

A Social Security card, a birth certificate, a wedding license, or a credit card are NOT acceptable as a form of I.D., as they lack sufficient information for the notary to determine if the person presenting them is the person whose name appears on them. Knowing what to look for on an I.D. document can mean the difference between properly verifying the identity of the signer and letting fraud take place.

When the signer presents his I.D. to you, take a moment to look at it. If the signer is wearing a hat or scarf and the picture on the I.D. lacks that, ask him to remove it. If he is smiling or frowning in the picture, ask him to do so now. See if his appearance reasonably resembles the picture. Look at the descriptive details on the I.D. - does the age (based on the birth year shown) match the age of the person in front of you? Does the eye and hair color match? Does the signature on the I.D. match the signature on the document and the one in your notary journal? Does the name match that which is shown on the document? If you spot anything about the I.D. that makes you nervous, ask the signer to explain and listen to his answer while watching his face and hands to see if he appears to be telling the truth.

If you are not satisfied as to the signer's identity, you must refuse to notarize the document.

NOTE: This article serves as informational 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.
Please feel free at any time to send questions, comments, etc. on topics for future articles.