

What Does A Notary Public Do?

If you tell someone that you are a notary public, you can often expect that he or she will nod knowingly, as if fully aware of what that means. However, most people know only that a notary is "someone who stamps documents." Why those documents are stamped and what is involved in the process is not as well-known by the general public. Some people will admit that they don't know and will come right out and ask you, "What does a notary public do?" To answer that question, you have to first understand what a notary public IS.

A notary public is an official witness to the free and willing signing of one or more documents by one or more people whose identity the notary has verified. In most cases, the document is signed in the notary's presence; in some cases, it is signed first and then brought to the notary public by the signer, who will then acknowledge to the notary that he or she signed it.

Notaries Public perform the following duties:

- 1) Verify the identity of the signer(s) who appear before them;
- 2) Have enough of a conversation with the signer(s) to be reasonably sure they are signing freely and willingly;
- 3) Witness the signer(s) signing the document(s);
- 4) Administer an oath to the signer(s) if one is required by the document;
- 5) Verify that all of the notary-specific elements of the document are present, correct any that are incorrect, complete any that are incomplete, and add any that are missing;
- 6) Sign the document in the place designated for their signature;
- 7) Place their official seal on the document (if required by their state to do so).
- 8) In many states, the notary public will record the details of the notary act he or she just completed in a notary journal and have the signer of the document sign the journal. In some states, notaries also get a thumbprint of the signer in their journals. Even if the State does not require the use of a notary journal, it is considered best practice to maintain one.

The purpose of all of this activity is to add a level of trust to the document. Notarization shows that a document was executed in such a way that it is binding upon the parties whose names appear in it. A notarized document is taken as evidence that those whose names appear in it and who signed it chose to do what the document says they will do, to authorize what it says is authorized, or to verify under oath that the statements of facts in it are true so far as the signers know.

The official witness role is standard in every state of the USA. In some states, a notary public may also have the authority to certify copies and/or to officiate at weddings. In Louisiana, a notary public can draft legal documents, which is not allowed in other states.

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.