

## Essential Facts about Notary Certificates

A notary certificate is a statement completed by the notary specifying the details of the notarization. It must contain the date of the notarization and refer to where the notarial act took place. The most commonly used notarial certificates are jurats and acknowledgments. (There is a third form in those states that allow notaries to certify copies.

A jurat is normally used when the signer is making an oath or affirmation as to the truthfulness of the facts stated in the document or as to his intent to perform the acts required by the document. The standard form of a jurat states that the signer appeared before the notary and swore (or affirmed) that the facts in the document were true and that the signer signed the document in the presence of the notary. It implies that the notary verified the identity of the signer and that the signer executed the document freely and willingly.

In an acknowledgment the signer is acknowledging before a notary that he or she signed the document freely and willingly. An acknowledgment does not specify that the signer took an oath.

There is also a notarial certificate which combines elements of the jurat and the acknowledgment. That type of certificate will be the subject of a future article.

As the notary certificate is a statement completed, signed, and sealed by the notary, it is the responsibility of the notary to be sure that it accurately states the details of the notarization. If anything in it is incorrect or missing, the notary has full authority to correct it and is required to do so using the usual method for corrections (one line through the incorrect information, print the correct information, and initial). Not correcting missing or inaccurate items in the notary certificate is a notary error that could have very serious consequences for the notary, the signer, or other members of the public. A notary commits negligence in his official duty if he signs and seals a document without verifying the details in the notary certificate.

The American Society of Notaries has supplies of the standard Jurat and Acknowledgment certificates along with other loose notarial certificates for purchase. See contact information later in this article.

This article is part of the series that began with [What Does a Notary Public Do?](#)

Society has evolved; people move between countries with the ease of taking a train trip from Tulsa to St. Louis. Notaries must stay current and develop the same ease in handling documentation that makes international travel possible.

Crossing international borders for business, pleasure, or to get a world class education are activities that are no longer confined to the very wealthy. Long distance travel has exploded. The world's population does business, spends leisure time, and seeks educational opportunities much differently than it did 15 years ago.

As the world becomes more mobile, notary copy certifications of critical documents are more necessary. The mention of a mobile world may seem absolutely unrelated to notary copy certifications, but the two are very connected. An ever-increasing number of international travelers call upon notaries for copy certifications (or attestation\*) of certain documents that they are required to produce in order to obtain travel and other types of credentials.

In addition, those who are foreign nationals often need to submit official documents to their native countries or to U.S. agencies. Both of these situations typically include a request to produce "a notarized copy of your passport" or "a notarized copy of your federal or state issued identification card or driver's license."(\*Please note that for the purpose of this article, notary

“attestation” of a true copy of a document is used interchangeably with notary copy “certification.”)

This growing trend will not diminish. Copy certification has become an important part of notaries’ duties. Therefore, the following information is a guide so notaries can become familiar with the details of notary certified copying.

### **Overview of State Rules on Copy Certification**

Public Records Are Off Limits in All States. Please note that no state allows notaries to perform copy certifications of publicly recorded documents.

Notaries must direct requests for certified copies of publicly recorded documents to the custodian of records. The following is a list of publicly recorded documents that notaries may not copy certify. Please note that this is not a complete list, but it should give readers an idea of what is meant by “publicly recorded documents.”

- Birth, marriage, and death certificates,
- Certificates of citizenship or naturalization,
- Documents filed in a court proceeding,
- Documents recorded by the Clerk of the Court,
- Public records maintained in government offices,
- Student records (transcripts, etc.) kept in public education offices
- Already filed federal or state income tax forms,
- Any document for which photocopying is prohibited by law.

States with Additional Copy Certification Limitations. The following states allow various types of copy certifications with the noted stipulations:

- Alabama – May only make copies of the notary’s register if a register is maintained by the notary.
- California – May only make copies of the notary’s record book and powers of attorney.
- Colorado – May use only with a signed written request that states that a certified copy is not available from the office of any recorder of public documents or other custodian of documents in the state.

- Florida – Note that Florida notaries “attest” to the trueness copies. They must personally supervise the making of copies from the originals.
- Georgia – Notaries must supervise the making of copies from the originals.
- Hawaii – May only make certified copies of protests and notary journal pages.
- Kentucky – May only make certified copies of protests.
- Maryland – May only make certified copies of the notary’s register.
- Montana – May only make certified copies of records that are issued or filed on the job.
- Texas – Prohibited from making notary certified copies of transcripts or diplomas. A Texas notary must keep a copy of every document that he or she copy certifies among the papers of his or her notary records.
- West Virginia – May only make certified copies with a signed written request that states that a certified copy is not available from the office of any recorder of public documents or other custodian of documents in the state.

States with No Known Restrictions. These states are allowed to make certified copies of documents with no stated restrictions other than they may not make certified copies of public records: Arizona, Arkansas, **Delaware**, District of Columbia, Idaho, Iowa, Kansas, Maine, Maryland, Massachusetts, Minnesota, Missouri, Montana, Nevada, New Hampshire, New Mexico, North Dakota, Oklahoma, Oregon, Pennsylvania, Rhode Island, Utah, Texas, Vermont, Virginia, Washington, Wisconsin, and Wyoming.

### **Passport Copies**

One of the most often requested acts related to copy certifying documents is the act of copy certifying a U.S. Passport. All notaries receive requests for a “*notarized copy of my passport*” at some point. Many of them receive requests of this nature quite often.

Notaries in states where certified copying of passports is allowed can simply follow the rules of their states. However, as shown above, many states’ notaries are not allowed to do this. There are two solutions that notaries who may not certify copies can offer to their clients.

Official Certified Copy of Passport Records. Let the requestor know his or her options. Advise him or her that he or she can obtain an official, certified, and authenticated record of his or her passport application and verification of citizenship from the **U.S. Department of State Foreign Affairs** (USDOSFA). According to the site, “*These records normally consist of applications for United States passports and supporting evidence of United States citizenship, and are protected by the Privacy Act of 1974, (5 USC 552(a)). Passport records do not include evidence of travel such as entrance/exit stamps, visas, residence permits, etc., since this information is entered into the passport book after it is issued.*”

- Requested passport records from the Department of State describe to its readers the documents that were received. It is an impressive package that includes:  
a cover letter that verifies the place and date of the requestor’s birth on USDOSFA

letterhead that is signed by the authenticating officer

- The passport application that the holder of the passport completed when he or she applied for a passport that bears every name that the passport holder has ever used or been known by. A color picture of the requestor identical to the one on his or her passport is also on the application
- An official numbered certificate on heavy bond paper that bears the official gold foil-embossed seal of the U.S. Department of State and has been signed by the U.S. Secretary of State and the authenticating officer
- A letter of certification of citizenship from the authenticating officer. The letter certifies that the U.S. Passport Application copy is a true and correct copy of the original record in the custody of the Passport Services Directorate of the United States. This letter provides the holder's passport book number and the date that the passport was issued.

All of these things are held together by a brass grommet in the upper left hand corner of the documents. This package clearly proves citizenship, but does not provide a record of travel.

Officials in the USDOSFA prefer this method for passport certification and some notary public administrators send requestors to them for fulfillment of this request. However, the major drawbacks to this method are that it costs \$50 to get the record and it may take three months or longer. However, notaries should probably inform clients about this option and then explain the alternative detailed in number two below.

When a notary is asked to produce a notary-certified copy of a passport when his or her state does not allow notaries to certify or attest copies, he or she can show the requestor an affidavit that is similar to the one below and advise the requestor that, by law, a notary cannot simply notarize a copy of a passport and attest or certify that it is a true and correct copy. The notary should then explain that he or she can notarize the requestor's signature and have him or her swear or affirm to the truth of that statement.

If the requestor completes an affidavit, the notary can have the requestor swear or affirm that the document is a true and correct copy and then perform the notarization. As promised, an adequate affidavit for this purpose is provided.

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**Copy Certification by Custodian: U.S. Passport**

**AFFIDAVIT** *[Sample Language]*

State of \_\_\_\_\_

On this day, (Name of the Requestor) appeared before me, (Name of Notary), a duly appointed notary public in the State of (State).

After (Name of the Requestor) swore or affirmed upon his/her oath to be truthful, he/she stated the following:

*"I (Name of the Requestor) swear or affirm that the attached is a true, complete, and unaltered copy of my U.S. Passport that was issued on (Date) and that bears the number (number).*

*This document is not a vital record, a public record, or a publicly recordable document, certified copies of which are available from an official source other than a notary public."*

\_\_\_\_\_  
(Signature of the Requestor)

SWORN (OR AFFIRMED) AND SUBSCRIBED TO before me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by (Name of the Requestor).

\_\_\_\_\_  
Notary Public, State of \_\_\_\_\_ [SEAL]  
(Name Printed where of required/commission  
*expiry information where required.)*

To be completed by notary:  
This affidavit is attached to:\_\_\_\_\_.

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Caution: If an Apostille or Authentication is Required...

The Delaware Notary Association cautions readers not to use the Copy Certification by Custodian method without forethought. State authenticating offices will not provide an apostille or authenticate a document if it is one that notaries should not copy certify. For instance, suppose a business owner wants a "notarized copy" of the business's articles of incorporation. The owner will likely bring the entire corporate book to the notary and extract the original articles of incorporation from the book and hand them to the notary for copying.

The notary notices that the original document has an official file stamp mark on it that indicates that it was filed with the corporate and business filing section of the state's secretary of state.

The notary tells the business owner that he or she cannot make a certified copy of a publicly recorded document and recommends that the business owner complete an affidavit of document custodian similar to the one above.

The business owner completes the affidavit, the notary notarizes his or her signature, and the business owner sends the articles of incorporation to the state authentication office to obtain an apostille. The document is going overseas and the recipient wants to be sure that it is an authentic copy notarized by a notary in good standing.

When the document reaches the authentication office, it is rejected and returned to the business owner.

An apostille will not be issued when the copy certification by custodian method has been used for a document that is a publicly recorded document or on documents that notaries are forbidden to copy and certify.

For instance, Texans are not allowed to make certified copies of diplomas or transcripts. The **rules** say, *“A school transcript or diploma may only be certified by the educational institution that issued the transcript or diploma. The certifying official for the institution must complete the certification before a Texas notary public. ... Please note that notaries cannot make certified copies of school transcripts or diplomas.”*

Notaries do not issue apostilles, but it is the burden of notaries to notarize documents properly so that they are eligible for authentication.

Copy Certifying Documents Other than Passports – If in doubt as to whether a document is recordable, you should either contact the Recorder of Deed’s office, the County Clerk’s office or the government agency that issued the document or simply refuse to make the certified copy.

You will probably need a cheat sheet.

Be prepared. Know exactly what needs to be done and know how to point your clients in the direction of the agency that handles authentication and apostilles.

For more information on copy certifications can be found in the Delaware Handbook which can be purchased by the American Society of Notaries. Notary Certificates can also be purchased at the American Society of Notaries. This topic is discussed in Chapter 6, “Authorized Duties”. They can be reached by calling (850) 671-5164 or by visiting their website at [www.asnnotary.org](http://www.asnnotary.org)

Apostilles and Authentication concerns should be directed to the State of Delaware Department of Corporations. They can be contacted by phone: (302) 739-3073.

**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.