

## **Notary Tip:** 3 Differences between Acknowledgments and Signature Witnessing



Recently, states such as **Pennsylvania** and **Colorado\*** have introduced a type of notarization — known as “signature witnessing” or “attesting a signature.” This act can be confusing for Notaries because it appears to be similar to an acknowledgment. They are, in fact, separate acts with different requirements. Here’s what makes a signature witnessing different.

### **1. For a Signature Witnessing, The Notary Must Witness The Document Being Signed**

A signature witnessing is used when it is important to establish that a document was signed on an exact date. Like an acknowledgment, a signature witnessing requires the signer to physically appear before a Notary and be identified as required by state law.

The key difference is that for a signature witnessing, the signer must always sign the document in the Notary’s presence. After witnessing the document being signed, the Notary then completes the appropriate certificate wording for the signature witnessing.

An acknowledgment, on the other hand, does not require the Notary to witness the signature. The customer may sign it in front of the Notary or even before coming to the Notary as long as they appear before the Notary to be identified and to acknowledge having signed the document.

### **2. A Signature Witnessing Doesn’t Require The Signer To Make A Verbal Declaration**

When performing an acknowledgment, a customer must verbally acknowledge that he or she signed the document. For example, the signer might say to the Notary, “I acknowledge I am the person who signed this document,” or the Notary might ask, “Do you acknowledge that you signed this document willingly?” and the signer could respond, “Yes, I did.”

A signature witnessing does not require the signer to verbally declare anything to the Notary. The Notary identifies the signer, the signer simply signs the document in front of the Notary, and the Notary then completes the certificate confirming when the signature was made.

### 3. Not All States Permit Notaries To Witness Signatures

While Notaries may perform acknowledgments in every U.S. state and territory, not every state allows Notaries to witness or attest a signature. For example, Notaries in **California, Florida** and **Texas** are not authorized to witness signatures as part of their duties.

How do you recognize when a document requires a signature witnessing? You can recognize a signature witnessing by looking at the notarial certificate. If it says, “Signed (or attested) before me...”, then it is a signature witnessing.

If you are commissioned in a state that does not allow signature witnessings and a customer asks for one, explain to the customer that state law does not permit you to perform this kind of notarization. If the customer wishes, they can choose a different type of notarization — such as an acknowledgment or jurat — as an alternative. However, remember that it is up to the customer to decide what notarization they want and, as a Notary, you may not choose the type of notarization on their behalf.