# **HOW TO BECOME A NOTARY PUBLIC**

Advocates and shelters often find it useful to have access to someone who has the authority to notarize important documents. Many documents used by battered women have to be notarized, such as Order for Protection forms and affidavits. Therefore, this technical assistance packet will provide you with the requirements for how to become a notary, the responsibilities of a notary, and notary commission application materials.

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### WHAT IS A NOTARY PUBLIC

A notary public is one who is authorized by the state government to administer oaths and to attest to the authenticity of signatures. A notary has the power to take and certify (verify the signatures on) all acknowledgments of deeds, mortgages, liens, powers of attorney and other instruments in writing.

### WHY ARE DOCUMENTS NOTARIZED

The primary reason is to defer fraud. The notary ensures that the signers of the document are who they say they are and not imposters. The notary also makes sure that the signers are entering into an agreement knowingly and willingly. Notaries are not responsible for the legality or the accuracy of the document's content. Unless they are attorneys, notaries cannot offer legal advice.

## LICENSING REQUIREMENTS

- You must be at least 18 years of age.
- You must be a resident of Minnesota or a resident of Wisconsin, Iowa, North Dakota, or South Dakota and of a county that shares a border with Minnesota.
- You must submit an application (which includes a Bureau of Criminal Apprehension and Minnesota Department of Revenue verification form) with a nonrefundable fee of \$40.00. To obtain the application materials and notary fee schedule, please visit the Department of Commerce website at <a href="https://notary.sos.state.mn.us">https://notary.sos.state.mn.us</a> or you can contact the Department of Commerce, Licensing Division at 651-296-2803 or 877-551-6767.
- After receiving the license, you must register your signature with the county court administrator of your county of residence. You must also pay a fee of \$25.00 to your court administrator. A list of county administrator numbers is attached to the packet. If you are a nonresident, you must register with the office of the county court administrator of the Minnesota county that borders your county of residence.
- Once you receive your official seal, you must purchase a notary stamp from an office supply store. The supply store should make sure that the stamp meets the following legal requirements: The stamp must include the seal of the state of Minnesota, the name of the notary, the words "Notary Public," and the words "My commission expires \_\_\_\_\_\_," with the expiration date. The stamp must be rectangular and not more than three-fourths of an inch vertically by 2½ inches horizontally, with a serrated or milled edge border.

#### TERM

- Licenses are good for 5 years. The license has to be renewed on January 31<sup>st</sup> of every fifth year. The licensing periods run from January 1995 to January 2000 to January 2005 etc.
- All notary commissions issued <u>during</u> a licensing period expire at the end of that period. For example, if you were granted a notary license in June of 2000, February of 2001, or April of 2004, then your license would expire January 31, 2005.
- You will have to keep track of your expiration date. Any notary who uses his or her stamp after the expiration of a term, or when otherwise disqualified, shall be guilty of a misdemeanor.

## **DUTIES AND RESPONSIBILITIES OF A NOTARY PUBLIC**

- The notary verifies that the name used to sign a document is indeed the name of the person signing. To be verify the name, the notary should:
  - actually see the person sign the document;
  - ask for identification (such as a driver's license) of the person signing to verify his or her identity.
- Whenever a notary witnesses a signature and signs a document, the notary must also stamp the document with the notary stamp. The stamp must be legible when photocopied.
- Every notary must notify the Department of Commerce of any name or address change within 30 days of the change. If a notary moves to a new county, the notary must re-register his or her commission with the new county court administrator. If a notary changes his or her name, the notary must re-register with the county court administrator. There is no fee for changing a name or address.
- Every notary will get an official seal. The seal comes on a small card that lists the notary's name and the expiration date of the notary's license. The seal must be returned to the district court administrator of the notary's county upon death or removal of office.
- Notaries can charge for their services. Most notaries do not charge. The law sets the amount that can be charged (generally \$1.00). The fee schedule is attached.
- If a notary advertises that he or she is a notary in a language other than English, the notary must include a notice in the advertisement that says, "I am not an attorney

licensed to practice law in Minnesota and may not give legal advice or accept fees for legal advice." The statute is attached.