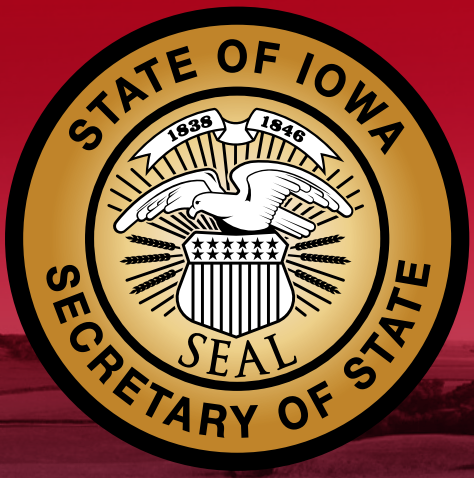
HANDBOOK FOR

IOWA NOTARIES PUBLIC



PAUL D. PATE

IOWA SECRETARY OF STATE

FAST TRACK FILING—
ONLINE APPLICATIONS



Notaries can now submit applications through our online

FAST TRACK FILING SYSTEM.

The following can be submitted through FTF:

- Application for Commission as Notary Public
- Application for Renewal of Commission

REMINDER:
Notaries who are Iowa residents must renew commissions every three years, while notaries who are **NOT** Iowa residents must renew commissions every year.

Notaries can check the status of submitted documents on the FTF dashboard after logging in.

Notaries who originally submitted an application for commission in a method other than Fast Track Filing can apply for renewal of commission through Fast Track Filing.

Notaries who need to update a name or address need to fill out the **Notary Public Change/Amendment to Application form** and return the completed form to our office.

VISIT FAST TRACK FILING AT FILINGS.SOS.IOWA.GOV

HANDBOOK FOR IOWA NOTARIES PUBLIC

Paul D. Pate
Iowa Secretary of State
2023

For more information, contact:
Iowa Secretary of State's Office
Lucas State Office Building, First Floor
321 E 12th St.
Des Moines, IA 50319

(515) 281-5204

Website: **sos.iowa.gov**
Email: **notary@sos.iowa.gov**

Dear Notary:

As your Secretary of State, I want to extend my gratitude to you for the important service you provide as an Iowa Notary. You help keep the wheels of commerce rolling in the State of Iowa. I've dedicated my life to public service; I value the work you do, and my office is committed to providing you with the tools and knowledge you need.

As a commissioned notary, you serve as an impartial and unbiased witness by identifying persons who come before you. The service you provide prevents fraud by your attestation that the person actually signed the document.

Your responsibilities as an Iowa Notary Public are critical to the legal, business, financial, and real estate communities in this state.

This handbook provides valuable information to help you perform these duties. I encourage you to take the time to read it and keep it handy as a quick reference guide.

For more detailed information, see *Chapter 9B of the Iowa Code*.

Notary services are extremely important and it's vital that you fully understand the responsibilities they entail. As always, my office is here to assist you.

Thank you again for your service.

Sincerely,

Paul D. Pate
Iowa Secretary of State



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Disclaimer: This handbook is intended to provide notaries with information on best practices. It is not legal advice, and notaries with legal questions should consult an attorney.



Definitions

Notary Public – an individual commissioned by the Secretary of State to perform notarial acts

Notarial Officer – a notary public or other individual authorized to perform notarial acts

Notarial Act – an act, whether performed with respect to a tangible or electronic record, that a notarial officer may perform under the law of this state

Notarial Acts include taking an acknowledgment, administering an oath or affirmation, taking a Verification on an Oath or Affirmation, witnessing or attesting a signature, certifying or attesting a copy, and noting a protest of a negotiable instrument (a UCC matter—see *Iowa Code chapter 554*)

- **Acknowledgment** — a declaration, made by an individual on an oath or affirmation before a notarial officer that the individual has signed a record for the purpose stated in the record and, if the record is signed in a representative capacity[1], that the individual signed the record with proper authority **AND** signed it as the act of the individual or entity identified in the record
- **Administering an Oath or Affirmation** — a notary may administer an oath or affirmation when an oath or affirmation is required
- **Verification on an Oath or Affirmation** — a declaration, made by an individual on an oath or affirmation before a notarial officer, that a statement in a record is true
- **Witnessing or Attesting a Signature** — a notarial officer who witnesses or attests to a signature shall determine, from personal knowledge or satisfactory evidence of the identity of the individual, that the individual appearing before the notarial officer and signing the record has the identity claimed
- **Certifying or Attesting a Copy** — a notarial officer who certifies or attests a copy of a record or an item that was copied shall determine that the copy is a full, true, and accurate transcription or reproduction of the record or item

Notarial Certificate — document indicating the procedure followed in performing a notarial act[2]

[1] See *Iowa Code subsection 9B.2(4)* for more information.

[2] Most notarial acts **MUST BE** evidenced by a certificate. The certificate must meet **ALL** the requirements in *Iowa Code section 9B.15*.

Person — an individual, corporation, business trust, statutory trust, estate, trust, partnership, limited liability company, association, joint venture, public corporation, government or governmental subdivision, agency, or instrumentality, or any other legal or commercial entity

Presence — any manner, physical or electronic, in which the witness and testator can see and hear the acts of each other in real time.

Principal — an individual whose act or assertion is being validated by the notarial officer

Personal Appearance — an act of a party to physically appear within the presence of a notarial officer at the time the notarial act is performed, except as provided in *Iowa Code section 9B.14A*, "personal appearance" does not include appearances which require video, optical, or technology with similar capabilities

In a Representative Capacity — acting as any of the authorized persons specified in *Iowa Code subsection 9B.2(4)*

Record — information that is transcribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form

Sign — with present intent to authenticate or adopt a record, to do any of the following: execute or adopt a tangible symbol, or attach to or logically associate with the record an electronic symbol, sound, or process

Signature — a tangible symbol or an electronic signature that evidences the signing of a record

Official Stamp — a physical image affixed to or embossed on a tangible record or an electronic image attached to or logically associated with an electronic record

Stamping Device — a physical device capable of affixing to or embossing on a tangible record an official stamp ***OR*** an electronic device or process capable of attaching to or logically associating with an electronic record an official stamp

Electronic — relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities

Electronic Notarization — Electronic notarizations are performed when the notary and the signer meet in person, the notarial certificate is signed electronically by the signer, and the notarial act is certified electronically by the notary

Electronic Signature — an electronic symbol, sound, or process attached to or logically associated with a record and executed or adopted by an individual with the intent to sign the record

Remote Online Notarization — Remote online notarizations are performed when the notary and signer meet *remotely* through an approved live audio-visual technology platform for the notary to complete the notarial act online

Remote Facilitator — a person who participates in performing a notarial act under *Iowa Code section 9B.14A* by performing any of the functions specified in *Iowa Code subsection 9B.2(13)*.

Remotely Located Individual — an individual who is not in the physical presence of the notary public who performs a notarial act using communication technology

Identity Proofing — a process or service by which a third person provides a notary public with a means to verify the identity of a remotely located individual by a review of personal information from public or private data sources

State — a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States

The Role of the Iowa Notary

Notary Public Function

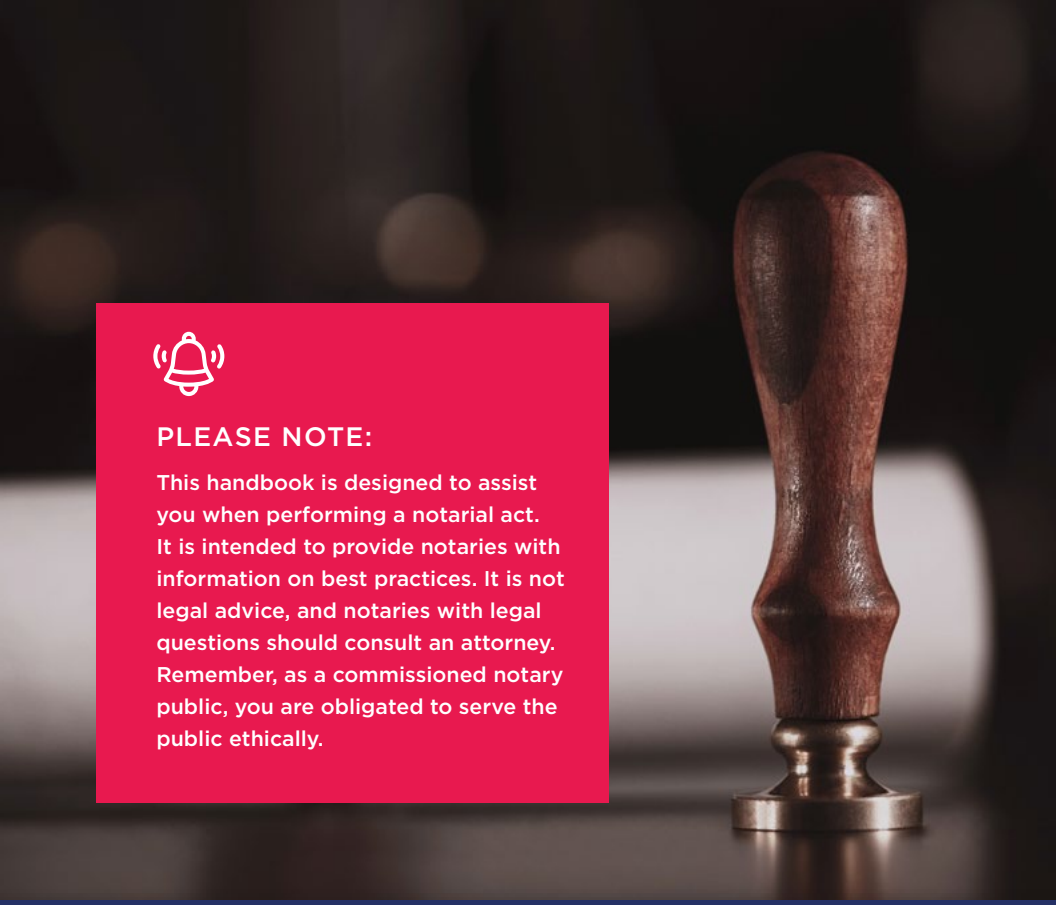
A notary public is a person of integrity commissioned by the Iowa Secretary of State to serve the public as an impartial and unbiased witness by identifying persons who come before the notary. The most common function of the notary is to prevent fraud by attesting that a person actually signed a document.

The responsibilities of an Iowa notary public are critical to the legal, business, financial, and real estate communities and should be taken seriously. You must have an understanding of Iowa law and the proper procedures to follow in order to fulfill your duties. (See *Iowa Code chapter 9B*, and *Iowa Administrative Code 721—43*)



Always keep these important points in mind when you notarize documents:

- Use your official stamp or seal on the document
- If you maintain a notary journal, always record an entry
- Complete the notarial certificate—this may include requiring the signer to give a verbal oath or acknowledgment
- All document signers must personally appear before you
- You must assess whether each document signer is competent
- While you are not responsible for the content of a document, alert the signer to any blanks
- Establish the identity of each signer through personal knowledge or with government-issued I.D. documents (see section on steps of notarization for more information)
- Make sure all parties have signed the document



PLEASE NOTE:

This handbook is designed to assist you when performing a notarial act. It is intended to provide notaries with information on best practices. It is not legal advice, and notaries with legal questions should consult an attorney. Remember, as a commissioned notary public, you are obligated to serve the public ethically.

Can a notary prepare legal documents?

Notaries do **NOT** have the authority to prepare legal documents or to provide legal advice. As a notary, your only duty is to perform the notarial act and complete the notarial certificate.

For more information about avoiding the unauthorized practice of law, see *Iowa Code section 9B.25* and *Iowa. Administrative Code 721—43*.

Additionally, we recommend that notaries take a notary public education course, as there is much more to know about protecting yourself and following the law when performing your duties.

Qualifications

Traditional Notary Public

See *Iowa Code section 9B.21*

To serve as a traditional notary public a person must:

- Be at least eighteen years of age
- Be a citizen or permanent legal resident of the United States
- Be a resident of the state of Iowa or have a place of employment or practice in the state of Iowa
- Be able to read and write in English
- Not be disqualified to receive a commission under *Iowa Code section 9B.23*

PLEASE NOTE:

Electronic notarizations **differ** from remote online notarizations. A traditional notary public can perform both paper and electronic notarizations.



Remote Online Notary

See *Iowa Code section 9B.14A* and *Iowa Administrative Code 721—43.5(9B)*

To serve as a remote online notary a person must meet ALL the previous requirements AS WELL AS the following:

Already be a commissioned Iowa notary public

AND

Within six months immediately preceding the first performance of a notarial act:

1. Complete a remote online notarization training course approved by the Secretary of State concerning the requirements and methods for performing notarial acts for remotely located individuals. Information on the course can be found through **our website**.

AND

2. Provide satisfactory proof to the Secretary of State that the applicant has completed the course.

AND

3. Complete an additional application with the Secretary of State's Office indicating that the notary meets the additional training and technology requirements of *Iowa Code section 9B.14A*, including, (1) that the notary will be performing remote notarial acts, and (2) identifying the technologies the notary intends to use.[1]

[1] Submit the **required certificate of completion with your application.**

As the notary, you will need to contact the technology vendor you choose from our list of approved vendors, which can be found on our website. For details on what elements remote online technology must include please refer to *Iowa Administrative Code 721—43.9*.

The communication and identity proofing* technology must conform to standards established by the Iowa Secretary of State's Office. – See *Iowa Code subsection 9B.14A(7)*, and *Iowa Administrative Code 721—43.9*.

*Effective July 1st, 2023, a notary public who has personal knowledge of the identity of the signer or who uses a witness that the notary personally knows to identify a signer is not required to use identity proofing technology. In all other cases, the notary must use identity proofing technology that conforms to the standards established by the Iowa Secretary of State's Office. See *Iowa Code section 9B.14A* for more information.

Commission

A qualified individual may apply to the Secretary of State for a commission as a notary public. The applicant must provide the required information and pay the application fee to the Secretary of State's Office.

- The term of a notary public residing in Iowa is three years.
- The term of a notary public residing outside of Iowa whose place of work or business is in Iowa is one year.
- The term of a notary public who is a member of the Iowa Legislature is the member's term of office. Members of the Iowa Legislature must complete an **Application for Renewal of Commission *before*** the expiration of the member's current commission. The Secretary of State's Office **does not** notify members of the Iowa Legislature when their notary commissions are about to expire. Members of the Iowa Legislature need to know the expiration date of their notary commissions.
- The term of a notary public who is an employee of a state agency appointed as provided in *Iowa Code subsection 9B.21(4)(b)* shall terminate at the end of that employee's employment with that state agency. State employees will be reminded to complete an **Application for Renewal of Commission** before the expiration of the employee's current commission. The application must be submitted ***before*** the expiration date of the state employee's commission
- Two months preceding the expiration of a commission, the Secretary of State shall notify* the notary public of the expiration date and furnish an application for reappointment.



PLEASE NOTE:

The commission does not provide the notary public any immunity or benefit conferred by law of this state on public officials or employees.

*Members of the Iowa Legislature do not receive this notification from our office.

Jurisdiction

Iowa notaries may perform notarial acts anywhere within the geographical boundaries of the state of Iowa.

Iowa notaries performing remote online notarial acts may notarize for a remotely located signer, but the notary **MUST** be within the geographical boundaries of the state of Iowa.

Specifications for Remote Online Notaries

The notary may notarize for a remotely located signer:

1. Located in the state of Iowa

OR

2. Located outside of Iowa but within the United States

OR

3. Located outside of the United States if certain conditions are met. To see what conditions apply, refer to *Iowa Code subsection 9B.14A(3)(d)*.



Notarization of Documents

Notarization Defined

Notarization is the "act of witnessing" by the notary public in accordance with specifications of state law. Notarization involves signed documents and requires the notary to ensure the signer's identity and willingness to sign.

The notarization of a document WILL:
Detect and deter fraud when the proper steps of notarization are followed.

However, a notarization DOES NOT:

1. Prove the truthfulness of statements contained in the document

OR

2. legalize or validate the document

OR

3. by itself protect a person's rights to the person's artistic creations or inventions.

Document Requirements

When notarizing, review the document for blanks. If the blanks are intended to be left unfilled, the **signer must** line through each space or write "not applicable." Also, be sure all non-electronic signatures are original *and* made in ink.

Stamps and Seals
Iowa law **requires** a notary public to use a notary stamp or seal on all notarized documents.

Our office does not provide or sell notary supplies, but you can easily locate private companies that do by searching the internet.



For a notary commissioned by the Secretary of State, the stamp or seal MUST include:

1. Your name.

AND

2. The words "Notarial Seal" and "Iowa."

AND

3. The words "Commission Number" followed by the commission number assigned to you by the Secretary of State's Office.

AND

4. The words "My Commission Expires" followed by the date of expiration or a blank line[1] to write in your commission expiration date.

Your notarial seal must be capable of being copied together with the record to which it is affixed or attached or with which it is logically associated.

For a public official NOT required to be commissioned by the Secretary of State the stamp or seal MUST include:

1. Your name.

AND

2. The words "Notarial Seal" and "Iowa."

AND

3. The title under which you may perform notarial acts.[2]

Security Responsibilities

See *Iowa Code section 9B.18*.

A notary public is responsible for the security of the notary public's stamping device and shall not allow another individual to use the device to perform a notarial act.

If a notary public's stamping device is lost or stolen, the notary public or the notary public's personal representative or guardian shall **promptly notify** the Secretary of State on discovering that the device is lost or stolen.



PLEASE NOTE:

Public official means an individual who is automatically a notarial officer because the Code of Iowa authorizes the individual to perform notarial acts. It does not necessarily include all elected officials.

[1] If the official stamp contains a blank line, the date that the notary public's term would ordinarily expire must be printed on the blank line imprinted on each record subject to a notarial act.

[2] See *Iowa Code subsection 9B.17(2)(b)* for cases in which this section does not apply.

Electronic Notarial Acts

Iowa Code subsection 9B.15(2) — if a notarial act regarding an electronic record is performed by a notarial officer and the certificate contains the information specified in subsection 1, paragraphs "*b*", "*c*", and "*d*", an official stamp may be attached to or logically associated with the certificate.

Remote Notarial Acts

The electronic stamp for a remote notarial act has the same requirements as stated above for electronic notarial acts.

3 Steps of the Notarization Process

The process of notarization involves three critical steps that a notary public **must always** follow:

1

SCREEN THE SIGNER



2

CHECK THE DOCUMENT



3

COMPLETE THE NOTARIAL CERTIFICATE





1. SCREEN THE SIGNER

Not all notarizations require the document to be signed in the presence of the notary public (e.g., acknowledgment, copy certification), but you **must always** screen the signer.

Determine Identity

You must have satisfactory evidence that a person is the individual whose true signature is on the document. Identity may be proven through personal knowledge, identification documents (e.g., driver's license), or verification on an oath or affirmation of a credible identifying witness.

- Acceptable identification documents: a passport, driver's license, or government-issued nonoperator identification card, which is current or expired not more than three years before performance of the notarial act **OR** another form of government identification issued to an individual, which is current or expired not more than three years before the performance of the notarial act, contains the signature or a photograph of the individual, and is satisfactory to the notarial officer.
- Credible witnesses must also personally appear before the notarial officer and must be:

  1. Known to the notarial officer.

  OR

  2. Identified by the notarial officer through an acceptable form of identification (see above for acceptable forms of identification).

Determine Willingness

Make sure the signer is not being forced to sign the document. **If you suspect coercion, *refuse* to notarize.**

Determine Awareness

Do **NOT** notarize the document if you have a reasonable belief that the person signing the document is not aware of the significance of the transaction.

Personal Appearance

Personal appearance by the individual requesting notarization is required at the time of notarization in **ALL** instances.[1]

Remote Online Notarization

There are additional requirements for determining the signer's identity for the performance of remote notarial acts. These include dynamic knowledge-based authentication and credential analysis.[2] See *Iowa Administrative Code 721—43.9*.

[1] For remote online notarial acts sufficient live audio-visual communication technology meets this requirement as provided in *Iowa Code section 9B.14A*.

[2] Effective July 1st, 2023, identity proofing such as dynamic knowledge-based authentication and credential analysis will not be required in instances in which the notary personally knows the signer or can verify the signer's identity through the use of a witness that the notary personally knows. See *Iowa Code section 9B.14A* for more information.



2. CHECK THE DOCUMENT

Before performing a notarial act, the notary must always check the document for completeness, an original signature, and certificate wording.

Completeness

Scan the document for any blanks. If the blanks are meant to be left unfilled, the signer must line through each space or write "not applicable." **DO NOT** advise the signer on filling in blanks. Instead, refer the signer to the signer's attorney or other appropriate person.

Original Signature

All signatures (with the exception of electronic signatures) must be original and made in ink. A new original signature can be made above or below an existing signature when applicable.

Signers with Disabilities

Iowa Code section 9B.9 states that if an individual is physically unable to sign a record, the requesting individual may direct an individual **other than** the notarial officer to sign the requesting individual's name on the record.

In this situation, the notarial officer shall insert, "Signature affixed by (name of other individual) at the direction of (name of requesting individual)" or words of similar import.

- The person who signs the document **MUST** be in the presence of the disabled person at the time of notarization.
- Communication technology must allow for communication facilitation with a remotely located individual who has a vision, hearing, or speech impairment, when necessary and consistent with other applicable law.[1]

[1] See *Iowa Code section 9B.14A* for more information.

Remotely Located Individuals

A notary public must be reasonably able to confirm that a record before the notary public is the same record in which the remotely located individual made a statement or on which the individual executed a signature.[1] See the information to the left on original signatures for information on electronic signatures.

Certificate Wording

The notary must check the document to be notarized for certificate wording to confirm which notarial act is to be performed. If there is no certificate wording present, the notary may ask the signer which notarial act the signer is requesting, and the notary may add certificate wording upon the signer's indication of which notarial act is to be performed.



PLEASE NOTE:

If the signer is unsure which notarial act should be performed, the notary CANNOT add certificate wording to suggest a particular act. The signer must make the decision either individually or in consultation with the signer's attorney or other appropriate third party.



3. COMPLETE THE NOTARIAL CERTIFICATE

When notarizing a document, you are **REQUIRED TO** complete and sign a notarial certificate. It indicates the procedure that was followed in performing the notarization. A notarial act shall be evidenced by a notarial certificate that meets **ALL** the following requirements:

1. Executed contemporaneously with the performance of the notarial act for which the certificate applies
2. Signed and dated by the notarial officer and, if the notarial officer is a notary public, signed in the same manner as on file with the Secretary of State
3. Identifies the jurisdiction in which the notarial act was performed
4. Contains the title of office of the notarial officer
5. Indicates the date of expiration, if any, of the notarial officer's commission

Reminder: The notarial certificate must **NOT** be completed until the notarial act has been performed.

The certificate includes:

1. A place at the top to fill in the jurisdiction ("State of ___" and "County of ___"). This is the location where you are physically located at the time the document is notarized.
2. A place to include the title "Notary Public" (or other notarial officer title as applicable) under your signature.

The most common types of certificates include:

Acknowledgment

A formal declaration made before the notary that the signer who signed the document did so freely, voluntarily, and for the purpose stated in the document. The document does ***NOT*** have to be signed in the notary's presence, but the signer ***MUST*** **personally appear** before the notary at the time of notarization to acknowledge being the individual who signed it.

Verification on an Oath or Affirmation
Certifies that the notary witnessed the signer sign the document and that the notary administered an oath or affirmation to have the signer swear or affirm the truthfulness of the statement(s) contained in the document.

An example of an oath is, "Do you swear that the statements in this document are true, so help you God?"

An example of an affirmation is, "Do you affirm, on your own personal honor, that the statements in this document are true?"

Copy Certification
A certified copy is a document that has been verified as an accurate reproduction of the original, privately held document.

Avoid certifying copies of documents that are public records such as birth and death certificates, court records, and deeds.

See pages 22-23 for example notarial certificate templates.

Electronic Records
A notarized document is deemed to be in compliance with the requirements for a notarial act on an electronic record under *Iowa Code chapter 9B* and *Iowa Administrative Code 721—43* when either:

- *721—43.6(1)* The notary public attaches an electronic notarial certificate that meets the requirements set out in *Iowa Code subsection 9B.15(3)*

OR

- *721—43.6(2)* The document is submitted and accepted on the electronic document management system (EDMS) administered by the Iowa Judicial Branch

Additional Steps—Remote Online Notarizations
Certificates completed for remote notarizations must include a statement indicating that the notarial act was performed using communication technology.[1]

[1] See *Iowa Code subsection 9B.14A(5)(b)* and *Iowa Code sections 9B.15*, *9B.16* for more information about certificates of notarial acts.

EXAMPLE NOTARIAL CERTIFICATE TEMPLATES

Verification on an oath or affirmation:

State of _____

County of _____

Signed and sworn to (or affirmed) before me on _____ (Date)
by _____ (Name(s) of individual(s))

making statement

_____

Signature of notarial officer

Stamp

_____

Title of office
My commission expires: _____

Certifying a copy of a record:

State of _____

County of _____

I certify that this is a true and correct copy of a record in the possession of _____

_____ (Name of individual)

Dated _____

_____

Signature of notarial officer

Stamp

_____

Title of office
My commission expires: _____



PLEASE NOTE:

The Title of office that gives notarial authority varies and may be any of the following: Notary Public, Judge, Clerk, Deputy Clerk, and other individuals authorized under state law. See *Iowa Code section 9B.10* for more information.

Acknowledgment in an individual capacity:

State of _____

County of _____

This record was acknowledged before me on _____ (Date)
by _____ (Name(s) of individual(s))

_____
Signature of notarial officer

Stamp

_____

Title of office
My commission expires: _____

Acknowledgment in a representative capacity:

State of _____

County of _____

This record was acknowledged before me on _____ (Date)
by _____ (Name(s) of individual(s))
as _____ (type of authority, such as
officer or trustee) of _____
(name of party on behalf of whom record was executed).

_____
Signature of notarial officer

Stamp

_____

Title of office
My commission expires: _____

Witnessing or attesting a signature:

State of _____

County of _____

Signed (or attested) before me on _____ (Date)
by _____ (Name(s) of individual(s))

_____
Signature of notarial officer

Stamp

_____

Title of office
My commission expires: _____

Making a Journal Entry

Although Iowa law does not require a notary public to keep a journal, it is **STRONGLY** recommended. A journal serves as a record of notarizations you perform.

When making journal entries:

1. Complete the entry in ink; do **NOT** use a pencil.
2. Enter the data **before** completing the notarial certificate to prevent the signer from leaving before all data is recorded.
3. Record all notarial interactions — even the requests for notarization that you have refused.

It is wise to keep your notary journal entries for ten years.

Journal entries should always include:

- The date and time of the notarization
- The type of notarization performed
- The date of the document being notarized
- The type of document being notarized
- The signer's printed name and address (if there are multiple signers, include the name and address of each signer)
- The method through which the signer was identified (if the signer was identified through an ID card, record card information)
- Any additional pertinent information (e.g., fee charged; if someone else signed for a principal who was unable to sign)
- The signature or mark of the document signer

An example notary journal entry page is on page 25.



PLEASE NOTE:

Most remote online notary technology solutions provide online journals for recording entries.

Example Notary Journal Entry Page

	1 Date and Time of Notarization	2 Type of Notarization	3 Document Date	4 Type of Document Notarized	5 Signer's Name and Address	6 Signer Identification	7 Additional Information	8 Signer's Signature
	7/27/2022	Verification	7/22/2022	Affidavit	Name Here	DL issued by	Relevant Info	Signature
A	9:00 AM				1234 Example St.	DL #	Here	
					City, IA 12345	Issued: Exp:		
B								
C								
D								

1. Date and time of the notarization
2. Type of notarization (e.g., verification, copy certification)
3. Document date
4. Type of document notarized
5. Signer's printed name and address
6. Signer Identification—method of Identification, if through ID card, write down ID card information
7. Any additional pertinent information (e.g., fee charged, if someone signed for a disabled principal)
8. Signature or mark of document signer

Notes:

If there are multiple signers; include each individual signer's signature or mark.

If identification of signer(s) is completed through a credible witness also include the credible witness's identification information, if not personally known to you.

ID card information to write down includes issuing agency, ID serial # and issuance, and expiration dates.

Frequently Asked Questions

Can I renew my Notary Commission after the expiration date?

You must renew your Notary Commission **before** the expiration date passes. If you do not renew your commission before the expiration date passes and you still wish to be a notary, you may complete a new Notary Commission Application and pay the required application fee of $30.00.

Can I use my commission to notarize in other states?

Iowa notary commissions **can only be used in Iowa**. Other states have notary laws regarding their notaries.

What if I change my name or address?

If you change your name, you may use your new name or continue using your former name through the end of your term. If you use your new name, inform the Secretary of State's Office **IMMEDIATELY** of the change. (Occasionally, a third-party requests certification of a commission. The Secretary of State cannot certify a commission when the notary's name has changed but has not been updated with our office.) If you move, inform the Secretary of State's Office of your new home address. If you change employers, notify the Secretary of State's Office of your new employer and new work address.

If I experience a change in employment, can I still be a notary?

Yes. The notary commission and all notary supplies belong to the notary and are the personal property of the notary, regardless of who purchased the supplies. As a notary, you have an ***ethical responsibility*** to ensure that your notary supplies stay in your possession.

What are the most common errors and omissions made by notaries?

1. Failure to sign the document
2. Failure to witness a signature
3. Failure to attach a notarial certificate
4. Omitting names and dates from the notarization
5. Failing to administer an oath or affirmation

Where can I purchase a notary stamp or seal?

You may purchase a notary stamp or seal from a private company of your choosing. Our office **does not** provide or sell notary supplies, but you can easily locate private companies that do by searching the internet.

Why are documents notarized?

To deter fraud. A notary acts as an impartial witness, ensuring that the signer of the document is who the signer claims to be. The notary confirms that the signer has entered into the agreement knowingly and willingly.

What must a document contain to be notarized?

For a document to be notarized, it must contain:

1. Text committing the signer in some way
2. Signer's original signature, **NOT** a photocopy (when signatures are required)
3. A notarial certificate which may appear on the document itself or on an attachment logically associated with the document.

Does witnessing/attesting a signature require the document to be signed in the presence of the notary?

YES. If the notary certificate states, "subscribed and sworn/affirmed to me...," then it must be signed in the notary's presence.

What if the document is already signed when brought to me for notarizing?

If the document has already been signed, and the notarial act is **not** an acknowledgment, the notary should ask the signer to sign the document again, either above or below the signature.

Does an acknowledgment require that the document be signed in my presence?

An acknowledgment does **NOT** need to be signed in your presence. The person who signed the document must appear before you and acknowledge being the signer who signed the document.

Do I have to verbally administer an oath or affirmation when performing a verification?

A verification on an oath or affirmation contains the words "signed and sworn **or** affirmed before me..." When this language is used, you **must** verbally administer an oath **or** affirmation to the signer prior to the execution of the document. An oath can be administered as follows, "Do you swear that the statements in this document are true?" An affirmation can be administered as follows, "Do you affirm that the statements contained in this document are true?"

To notarize the verification without administering the oath or affirmation **can affect the validity** of the document.

Can I, as a notary, charge a fee?

A notary in Iowa may charge a reasonable fee for the notary's services. However, a notary **cannot** refuse to perform a service because a person is not a client/customer, nor may the notary's employer restrict the notary from providing services because a person is not a client/customer of the employer.

What are the common types of notarizations?

Acknowledgments, Verifications, and Copy Certifications. (See pages 6, 16-23 for more information.)

What is the proper procedure to follow when notarizing documents?

Screening the signer, checking the document, making a journal entry, and then completing the notarial certificate. (See pages 14-25 for more information.)

Where can I perform my duties?

Iowa notaries may notarize anywhere within the geographical boundaries of the state of Iowa.

Do I need a notary bond?

No, Iowa does not require a bond.

What is a notary association?

Notary associations are privately owned organizations that provide notary supplies, training, and other resources, and are not associated with the Secretary of State's Office. You may choose to do business with them if you find it helpful, but there is no requirement to do so.

What if I change my name or address?

If you change your name, you may use your new name or continue using your former name through the end of your term. If you use your new name, inform the Secretary of State's Office **immediately** of the change. (Occasionally, a third-party requests certification of a commission. The Secretary of State cannot certify a commission when the notary's name has changed but has not been updated with our office). If you move, inform the Secretary of State's Office of your new home address. If you change employers, notify the Secretary of State's Office of your new employer and new work address.

Is it acceptable to notarize photocopies and carbon copies of documents?

Copy certification is an act where the notary determines that a photocopy is a full, true, and accurate reproduction of an **original, privately held document**. The typical types of documents for copy certification are business documents, diplomas, passports, and copies of letters. **Notaries must avoid certifying copies of documents that are public records, such as birth certificates, death certificates, court records, and deeds.**

What is an Apostille?

An Apostille is a certificate issued by the Secretary of State used for notary authentication that is required by certain countries. It is an official certificate confirming the validity of your notary commission.

Can I be sued for a notarization I make?

Yes, a notary can be sued. The most frequent causes of lawsuits are notarization of a signature not made in the notary's presence and the notary's failure to positively identify the signer. Use reasonable care to protect yourself against being sued. Knowing and understanding the law and your responsibilities as a notary will reduce your risk of liability. (See *Iowa Code chapter 9B* for more information)

If I fail to correctly notarize a document signature, what is the effect of my mistake?

An incorrect notarization of a document signature does not invalidate the contents of the document itself. It only relates to the signature and may be considered a "non-notarized" signature. The implications depend on the nature and purpose of the document. It may render the document ineffective, or it may have little effect.

May I notarize a document in which I have an interest?

The notary's duties are confined to those of an impartial witness. A notary who acts as an advocate or agent in connection with the same transaction can be accused of unduly influencing or coercing the signer. If the notary stands to gain financially by notarizing a document or is a party or representative of a party to the document, it is best practice for the notary to refer the document to another notary to avoid the risk of a lawsuit based on the conflict of interest.

What notarial acts may be performed by a notary other than one commissioned by the Secretary of State?

A person authorized to perform notarial acts in a manner other than being commissioned by the Secretary of State's Office may perform the same acts as a commissioned notary.

What must a notary, other than one commissioned by the Secretary of State, include in a notarial certificate?

The certificate must include the title of the office held by the person, (e.g., clerk of court). If the notary is a commissioned officer on active duty in the military, the certificate must also include the officer's rank. (See pages 22-23 for examples of notarial certificates)

What is the procedure for filing a complaint against a notary?

If a person believes a notary public has acted improperly in performing a notarial act, a Statement of Complaint should be completed and filed with the Secretary of State's Office. The Secretary of State may also initiate investigations without the filing of a complaint if information is provided to the Secretary of State that a notary public has allegedly engaged in conduct prohibited in *Iowa Code section 9B.23*. A copy of the complaint or a notice of investigation shall be sent to the notary public. To obtain a complaint form, visit our website, or call our office at (515) 281-5204.

Upon receipt of the complaint, an informal investigation will be conducted to determine if a formal hearing should be held on whether disciplinary action should be taken. If a formal hearing is held, both the complainant and the notary have opportunities to present evidence for consideration by the Secretary of State's Office. More information can be found in *Iowa Code sections 9B.23, 9B.25*, and *Iowa Administrative Code 721—43.8*.

What is the cost to become a remote online notary?

There is no cost associated with *registering* to become a remote online notary. However, you must already be a commissioned notary, which carries an application fee; the required training course is provided by a third-party vendor and carries a fee; and the technology solutions have varying costs.

Iowa Code subsection 9B.14A(3)(c) **requires a recording to be made and retained of each remote notarial act; should the entire interaction between the notary and principal be recorded?**

No, ***ONLY*** **the remote notarial act** should be recorded. For the safety of your principals, recordings of principals answering knowledge-based questions and the process of verifying their identities should never be recorded.



Additional Resources

The Iowa Secretary of State's Office provides additional information for notaries on our home website:

sos.iowa.gov

Fast Track Filing allows notaries to submit applications for commission and renewal online:

filings.sos.iowa.gov

Other resources include the National Association of Secretaries of State Notary Public Administrators section, the Iowa Notary Network Facebook page, the National Notary Association, and the American Society of Notaries.

Notes

CONTACT INFORMATION

Iowa Secretary of State's Office
Business Services Division—Notary Services



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321 E 12th St.
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Business Services Division: (515) 281-5204

Email: **notary@sos.Iowa.gov**

Website: **sos.Iowa.gov**

Fast Track Filing: **filings.sos.Iowa.gov**



Hours of Operation
Monday – Friday 8:00 A.M. – 4:30 P.M.

sos.Iowa.gov