NOTARY PUBLIC MANUAL

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Secretary of State

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This manual has been created to inform and assist new and existing notaries public with understanding and performing the duties and functions of a Rhode Island Notary Public.

NOTARY PUBLIC IN RHODE ISLAND

WHAT IS A NOTARY PUBLIC?

A Notary Public is an official of integrity commissioned to a four-year term by the Governor to serve the public as an impartial witness to the identity, comprehension, and intent of a person requesting a notarial act. Each act requires a notary to attest that certain formalities have been observed. Every notarial act affects the legal rights of others. A notary may be held personally responsible for improper, negligent or fraudulent acts.

JURISDICTION

Rhode Island Notaries Public may perform notarial acts anywhere within the boundaries of the State of Rhode Island.

They may **NOT** perform notarial acts outside of the State of Rhode Island.

Notarial practices in the State of Rhode Island are governed by RIGL 42-30.1 and the Standards of Conduct for Notaries Public in the State of Rhode Island and Providence Plantations.

DISCLAIMER:
Any statements made by the RI Department of State regarding notaries or notarial procedures are not intended as legal advice. If you have any specific legal questions regarding your conduct as a RI Notary Public, we urge you to seek professional legal advice.

CONTACT

notaries@sos.ri.gov

401.222.3040

sos.ri.gov

@RISecState

ADDRESS

RI Department of State
148 W. River St.,
Providence, RI 02904

Monday through Friday
8:30 am – 4:30 pm.

MORE INFO

JOHANNA PETRARCA
Notary Manager

APPLICATION FOR NOTARY PUBLIC COMMISSION

You may download the form from our website here: Notary Application Form.
Mail in the completed application along with the $80 fee for a four-year commission.

REQUIREMENTS

All applicants must meet the following requirements:

- Be at least eighteen (18) years of age;
- Be a citizen or permanent legal resident of the United States;
- Be a resident of or have a place of employment or practice in this state;
- Be able to read and write English;
- Not be disqualified to receive a commission under §42-30.1-16; and
- Demonstrate sufficient knowledge of the powers and duties pertaining to the Office.

In addition to meeting the first six requirements, attorneys and CPAs may apply if they meet either of the below requirements in lieu of meeting the residency/nonresident requirement.

- Be an attorney, in good standing, applying as a member of the RI Bar Association; or
- Be a certified public accountant, in good standing, applying as a certified RI licensee

NOTARY KNOWLEDGE ASSESSMENT

The Notary Knowledge Assessment is a multi-question tool available on our website to help notaries fullfil the requirement of demonstrating sufficient knowledge of the powers and duties of the Office of Notary Public. It is available on our website as well as in paper form. A score of 80% or higher demonstrates sufficient knowledge of the powers and duties of the Office. Notaries who receive a score of less than 80% are strongly encouraged to review the notary manual and if necessary, take the assessment again.

UPDATE OR CHANGE IN INFORMATION

Notaries are required to report updates or changes to their notary commission within 10 days of the change with the exception of updates to electronic notarization, which are to be reported within 5 days of the change. Changes or updates include name, business or residence address, employment information, telephone number(s), email address, use of electronic notarization technology or opting in or out of the notary public online city search listing.

FORMS

All forms are located beginning on page 25.

COMMISSION RENEWAL

Approximately two months prior to the notary commission expiration date, a courtesy renewal notice is mailed to the notary's address of record with our office. The renewal application should be received in our office before the commission expiration date to maintain the same expiration day and month. Failure to return the renewal form before the expiration date will result in a new commission expiration date. Once the renewal application is processed, a new Commission Certificate for a four-year term will be issued and mailed to the notary. NOTE: Renewal applications will ONLY be processed two months prior to the expiration date.

It is the notary's responsibility to inform the RI Department of State, Notary Section, of a change in their notary information. Failure to file the required Notary Public Information Update form (pg. 29) may result in non-delivery of the renewal notice.

RENEWING EXPIRED COMMISSIONS

A notary public's appointment expires on the "commission expiration date" that appears on their Certificate of Appointment. Per RI General Law 42-30.1-15(g) "Every notary public appointed by the commissioning officer and not reappointed may continue to officiate for a space of thirty (30) days after the date on which his or her commission expires." An individual whose commission has expired for more than thirty (30) days is no longer a notary public and cannot perform notarial acts.

A notary that submits a renewal application 30 days past their commission expiration date, is considered a new notary applicant for qualification purposes and must meet all new notary filing requirements. This includes demonstrating sufficient knowledge of the powers and duties pertaining to the office by taking the Notary Knowledge Assessment.

Once the notary returns the renewal application, the effective commission date will be the date the application is received by our office. As with most renewals, the notary will retain their original notary ID number.

RETURNED APPLICATIONS

An application may be returned to an applicant for error, incompleteness or for failure to meet a requirement. A returned application will be accompanied by correspondence identifying the reason for non-acceptance. It is the responsibility of the applicant to return the application to this office.

NOTARY PUBLIC COMMISSION

The Secretary of the State's office recommends that notaries display their certificates where they perform their notarial duties.

All written requests should be returned to the RI Department of State, Notary Public Section, 148 W. River Street, Providence, RI 02904.

NOTARY PUBLIC COMMISSION CERTIFICATE

Each notary public is appointed by the Governor for a term of four years. The appointment is evidenced by a certificate bearing the notary's name, the facsimile signature of the Governor and the Secretary of the State as well as the commission expiration date. Included with the certificate is a notary public pocket card with the notary's name, expiration date and identification number. The certificate is evidence of the public office that the notary holds and should be kept in a safe place.

REPLACEMENT COMMISSION CERTIFICATE

If a notary's commission certificate has been lost, damaged, or destroyed, a replacement certificate may be obtained by requesting in writing or calling the Notary Section.

RESIGNATION OR DEATH OF A NOTARY PUBLIC

A notary public who ceases to meet the qualification requirements of RIGL §42-30.1-15 or who becomes permanently unable to perform their notarial duties, should resign their commission.

A notary may resign their commission at any time by submitting a Notary Information Update Form.

Upon the expiration, voluntary resignation, or revocation of a commission, all notaries, as soon as is practical, must destroy or deface all seals or stamps so that they may not be used. If the notary public elected to use a "journal of notarial acts" as a matter of good practice, the notary should retain the journal and records for seven years after the expiration, resignation or revocation.

If a notary public dies during the term of their commission, the notary's personal representative shall, as soon as possible after the death of the notary, notify the RI Department of State, Notary Section in writing that the notary has died and provide the date of death. The notary's personal representative must destroy or deface the notary's stamp to prevent its unauthorized use, as well as, preserve the notarial journal, if applicable, for a period of seven years as a matter of good practice.

REMOVAL FROM OFFICE

RIGL §42-30.1-16

In accordance with the provisions of RIGL §42-30.1-16 a notary public's commission may be revoked for failure to comply with notary law.

a) The Commissioning Officer may deny, refuse to renew, revoke, suspend, or impose a condition on a commission as notary public for any act or omission that demonstrates the individual lacks the honesty, integrity, competence, or reliability to act as a notary public, including without limitation:

(1) Failure to comply with this chapter;

(2) A fraudulent, dishonest, or deceitful misstatement or omission in the application for a commission as a notary public submitted to the Commissioning Officer and/or Agency;

(3) A conviction of the applicant or notary public of any crime that involves fraud, dishonesty, or deceit; provided that in determining whether to deny, refuse to renew, revoke, suspend, or condition the commission, the commissioning officer shall consider such factors as the seriousness of the crime; whether the crime relates directly to the training and skills needed for the commission of a notary public; how much time has elapsed since the crime was committed; and the applicant's actions and conduct since the crime was committed;

(4) A finding against, or admission of liability by, the applicant or notary public in any legal proceeding or disciplinary action based on the applicant's or notary public's fraud, dishonesty, or deceit;

5) Use of false or misleading advertising or representation by the notary public representing that the notary public has a duty, right, or privilege that the notary public does not have;

(6) Denial, refusal to renew, revocation, suspension, or conditioning of a notary public commission in another state; or

(7) Termination or revocation of a certificate of admission to the Rhode Island bar or a certificate of public accountancy.

(b) If the Commissioning Officer denies, refuses to renew, revokes, suspends, or imposes conditions on a commission as a notary public, the applicant or notary public is entitled to timely notice and hearing in accordance with chapter RI General Laws 42-35-1 et seq.

(c) The authority of the Commissioning Officer to deny, refuse to renew, suspend, revoke, or impose conditions on a commission as a notary public does not prevent a person from seeking and obtaining other criminal or civil remedies provided by law.

(b) If the Commissioning Officer denies, refuses to renew, revokes, suspends, or imposes conditions on a commission as a notary public, the applicant or notary public is entitled to timely notice and hearing in accordance with chapter RI General Laws 42-35-1 et seq.

(c) The authority of the Commissioning Officer to deny, refuse to renew, suspend, revoke, or impose conditions on a commission as a notary public does not prevent a person from seeking and obtaining other criminal or civil remedies provided by law.

NOTARY FEES

Pursuant to the Standards of Conduct for Rhode Island Notaries.

A notary public may charge a fee not to exceed $5 per document/notarization; travel fees must be equal to or less than the then effective federal mileage rate as issued by the Internal Revenue Service. All fees must be posted in a conspicuous place in the notary's place of business or upon request, fees must be disclosed to any person utilizing the services of the notary.

FEDERAL AND MILITARY NOTARIAL POWERS

Pursuant to Title 10 of the United States Code §1044a, certain commissioned officers, enlisted and civilian personnel are authorized to serve as federal notaries. 10 U.S.C. §1044a grants general powers of notary public to:

- All judge advocates, including reserve judge advocates when not in a duty status;
- All civilian attorneys serving as legal assistance attorneys;
- All adjutants, assistant adjutants, and personnel adjutants, including reserve members when not in a duty status;
- For the performance of notarial acts at locations outside the U.S., all employees of a military department or the Coast Guard who are designated by regulations of the Secretary concerned or by statute to have those powers for exercise outside the U.S.;
- All other members of the armed forces, including reserve members when not in a duty status, who are designated by regulations of the armed forces or by statute to have those powers.
- All civilian paralegals serving at military legal assistance offices, supervised by a military legal assistance counsel (as defined in section 1044d(g) of this title).

Federal and American Consular officers also have limited notarial powers pursuant to the 22 U.S.C. 4221. A notarizing officer includes consular officers, officers of the Foreign Service who are secretaries of embassy or legation under Section 24 of the Act of August 18, 1856, 11 Stat. 61, as amended (22 U.S.C. 4221), and such U.S. citizen Department of State employees as the Deputy Assistant Secretary of State for Overseas Citizens Services may designate for the purpose of performing notarial acts overseas pursuant to section 127(b) of the Foreign Relations Authorization Act, Fiscal Years 1994-1995, Pub. L. 103-236, April 30, 1994 ('designated employees"). The authority of designated employees to perform notarial services shall not include the authority to perform authentications, to notarize patent applications, or take testimony in a criminal action or proceeding pursuant to a commission issued by a court in the United States, but shall otherwise encompass all notarial acts, including but not limited to administering or taking oaths, affirmations, affidavits or depositions.

Federal and military notarial powers include the administration of oaths and affirmations, administering acknowledgments and certifying copies.

Sample Military and American Consular seals

NOTARY TOOLS

Notaries public must use a Stamp with every notarization and we strongly recommend the use of a Journal to keep track of their notarial acts.

NOTARY STAMP

Rhode Island General Law requires the use of a notary stamp when notarizing documents. The stamp shall be in round (circular) or rectangular form with an edge border surrounding the required elements of the stamp. The stamp must include the notary's name exactly as it appears on their commission, the words "NOTARY PUBLIC" and "RHODE ISLAND." The stamp may also include the notary's identification number and commission expiration date. A notary's stamp is the exclusive property of the notary; it may not be used by any other person.

For notaries who have an embosser and wish to continue using it, they must render the seal with the ability to be photocopied and/or scanned. This may be accomplished through the use of a pre-inked seal highlighter. The highlighter is a round stamp pad that is used in conjunction with the embosser to make the embossed seal inked.

Sample of Stamps:

REPORTING A LOST OR STOLEN NOTARY STAMP

Any notary public whose stamp is lost, misplaced, destroyed, broken, damaged, stolen or otherwise unworkable should immediately deliver written notice of that fact to the Rhode Island Department of State. If and when the notary's stamp is recovered or replaced, written notice of the recovery or replacement should also be delivered immediately to the Rhode Island Department of State, Notary Division, 148 West River Street, Providence, RI 02904.

JOURNAL OF NOTARIAL ACTS

National best practices also strongly suggest that all notaries should use a journal. Many notaries find that using a journal is a protective measure and a very beneficial tool. A journal should be a permanently bound book that creates and preserves a chronological record of performed notarial acts. RI general law does not mandate that notaries use a journal of notarial acts. Notaries electing to use a journal should as a matter of good practice, record the following per the RI Notary Public Standards of Conduct:

1. The date and time of the notarial act, proceeding or transaction;
2. The type of notarial act;
3. The type, title or a description of the document, transaction or proceeding. If multiple documents are signed by the same principal in the course of a transaction or during a single time (i.e.) real estate closings, mortgage discharges, state laboratory drug analysis certificates, etc.), a single journal entry shall be sufficient;
4. The signature, printed name and address of each principal and witness;
5. Description of the satisfactory evidence of identity of each person including:
   i. A statement that the person is "personally known to me;" or
   ii. A notation of the type of identification document, the issuing agency, its serial or identification number and its date of issuance or expiration;
      1. If the identification number on the document is the person's Social Security number, instead of including the number, write in the words "Social Security number" or the acronym "SSN;" or
   iii. A notation if the notary public identified the individual on the oath or affirmation of a credible witness or based on the notary's personal knowledge of the individual;
6. The fee, if any, charged for the notarial act; and

A notary public should record in the journal the circumstances for not completing a notarial act.

NOTARY PUBLIC DUTIES AND RESPONSIBILITIES

Except for Oaths and Affirmations, all notarial acts must include the corresponding notarial certificate.

POWERS OF THE NOTARY PUBLIC

Notaries Public in RI may, within this state, perform the following notarial acts: acknowledgments, oaths and affirmations, jurats, signature witnessing, copy certifications, issuance of subpoenas and deposition of witnesses (the last two acts, should only be performed by persons having expertise in commercial transactions or by a stenographer).

It is crucial that a notary public demonstrate and have sufficient knowledge of the powers and duties pertaining to notaries public because a notary may be liable for losses that result from improper performance of their duties.

Notary Standards of Conduct

RIGL 42-30.1

ELECTRONIC NOTARIZATION

An electronic notarization or notarial act means a notarization performed by a Rhode Island notary public who has registered to perform electronic acts on or involving an electronic record using a tamper-evident technology approved by the Rhode Island Department of State.

Notaries may apply to perform electronic notarizations at the time of application, at the time of renewal or by submitting the Notary Public Information Update form. Please refer to the State of Rhode Island Electronic Notarization Standards for procedures and specific requirements.

- In accordance with the provisions of RIGL 42-30.1-14, a notary public may perform electronic notarizations by selecting one or more tamper-evidence technologies approved by the Rhode Island Department of State.
- Prior to performing e-notarizations, the notary must register with the Rhode Island Department of State and identify the technology they intend to use.
- All requirements and elements of paper-based notarizations apply to electronic notarizations.
- The liability, sanctions, and remedies of the improper performance of electronic notarial acts are the same as described and provided by law for improper performance of paper-based notarial acts.

Electronic Standards

NOTARIAL CERTIFICATES AND ACTS

A notarial certificate is a part of, or an attachment to, a notarized document that is completed by the notary public, bears the notary's signature and seal and states the facts attested by the notary in a particular notarization. Except for Oaths and Affirmations, all notarial acts require a notarial certificate to be completed. There are 5 general notarial acts: acknowledgment, oath and affirmation, jurat, signature witnessing and copy certification. Notaries public should not affix their official signature or seal on a notarial certificate that is incomplete.

The sample notarial certificates provided by the commissioning agency are not intended to replace or supersede the existing forms commonly used in conveyances of real estate or other legal documents within the State of RI, and in particular, those forms of certificates for notarial acts approved by any committee of the RI Bar Association.

A notary public is not required to use these notarial certificates if another certificate is printed on the form that contains express prohibition against altering that form or if the form has an alternative certificate from another State if the document is to be filed or recorded in, or governed by the law of that other State.

LIMITED POWERS OF A NOTARY PUBLIC

UNAUTHORIZED PRACTICE OF LAW

A notary public, other than an attorney licensed to practice law in this state, may not advertise or represent that the notary public may assist persons in drafting legal records, give legal advice, or otherwise practice law.

ADVERTISING DISCLAIMER

- A notary public, other than an attorney licensed to practice law in this state, may not use the term "notario" or "notario público".
- If a notary public who is not an attorney licensed to practice law in this state in any manner advertises or represents that the notary public offers notarial services, …the notary public shall include the following statement, or an alternate statement authorized or required by the commissioning agency, in the advertisement or representation, prominently and in each language used in the advertisement or representation: "I am not an attorney licensed to practice law in this state. I am not licensed to draft legal records, give advice on legal matters, including immigration, or charge a fee for those activities." This statement should be in the same language as the advertisement, notice, letterhead or sign.
- A notary public may not engage in false or deceptive advertising.

RESTRICTIONS OF CONDUCT

- A notary public does not have the duty or authority to investigate the lawfulness, propriety, accuracy or truthfulness of a document or transaction involving a notarial act.
- A notary public should not influence a person either to enter into or avoid a transaction involving a notarial act by the notary. The notary may advise against a transaction if the notary knows or has good reason to believe that the associated transaction is unlawful. The notary may provide advice relating to a transaction if the notary is duly qualified, trained or experienced in a particular industry or professional field.
- A notary public may not act as an immigration consultant or expert on immigration matters.

INCLUDE THIS LANGUAGE ON YOUR ADVERTISEMENT, LETTERHEAD OR SIGN:

I am not an attorney licensed to practice law in this state. I am not licensed to draft legal records, give advice on legal matters, including immigration, or charge a fee for those activities.

ACKNOWLEDGMENT

An acknowledgment is a notarial act in which an individual, at a single time and place:

- Appears in person before the notary public and presents a document;
- Is personally known to the notary public or is identified by the notary through satisfactory evidence of identity; and
- Indicates to the notary public that the signature on the document was voluntarily affixed by the individual for the purposes stated within the document and, if applicable, that the individual had authority to sign in a particular representative capacity.

The emphasis, when a notary performs an acknowledgment, is on the free act and deed of the signer and the verification of their identity.

An acknowledgment is the only notarial act that may be signed ahead of time by the signer. The signing does not have to take place before the notary.

STEPS TO PERFORM AN ACKNOWLEDGMENT

Acknowledgements may be performed as a paper or electronic notarization.

Signer must personally appear on the date and in the place indicated on the notarial certificate.

1. Review the document to determine the document type and the notarial act to be performed.
2. Identify the signer through personal knowledge or an accepted form of identification.
3. Verify that the signature on the document is the signer's, either by watching them sign the document or if it has already been signed, by comparing the signature to the one on the signer's ID and the signature made by the signer in the notary's journal.
4. Have the signer verbally acknowledge that their signature was made competently and voluntarily.
5. Complete the notarial certificate. Sign the certificate, print your name, write your title "Notary Public," list your commission expiration date, commission ID number and affix your notary stamp. Complete the journal entry.

Sample Acknowledgment Notarial Certificate:

State of Rhode Island
County of _____

On this _____ day of _____,20_, before me, the undersigned notary public, personally appeared __ _____
(name of document signer), and proved to me through satisfactory evidence of identification to be the person whose name is signed on the preceding or attached document, and acknowledged that they signed it voluntarily for its stated purpose.

(official signature and stamp of notary)_____
Printed Name, ID Number
Notary Public
My Commission expires:_____

OATH AND AFFIRMATION

An **oath** is a notarial act, or part thereof, which is legally equivalent to an affirmation, in which an individual, at a single time and place:

- Appears in person before the notary public;
- Is personally known to the notary public or is identified by the notary through satisfactory evidence of identity; and
- Makes a vow of truthfulness or fidelity under the pains and penalties of perjury by invoking a deity or using any form the word "swear."

An **affirmation** is a notarial act, or part thereof, that is legally equivalent to an oath in which an individual, at a single time and place:

- Appears in person before the notary public;
- Is personally known to the notary public or is identified by the notary through satisfactory evidence of identity; and
- Makes a vow of truthfulness or fidelity under the pains and penalties of perjury based on personal honor and without invoking a deity or using any form of the word "swear."

STEPS TO PERFORM AN OATH OR AFFIRMATION

The person must personally appear before the notary public.

1. Identify the person through personal knowledge or an accepted form of identification.
2. Administer the oath or affirmation by having the person raise their right hand and administer the oath or affirmation aloud.
3. Complete the journal entry.

The person taking the oath or affirmation shall raise their right hand as the notary administers the oath and should answer "I do."

JURAT

A jurat is a notarial act in which an individual, at a single time and place:

- Appears in person before the notary public and presents a document;
- Is personally known to the notary public or is identified by the notary through satisfactory evidence of identity;
- Signs the document in the presence of the notary public; and
- Takes an oath or affirmation before the notary public vouching for the truthfulness or accuracy of the signed document.

The emphasis, when a notary performs a jurat is on the accuracy of the statements in the document and the signer's identity.

A jurat is a notarial act where the document signer swears (oath) to or affirms (affirmation) the truthfulness of the contents of a document.

STEPS TO PERFORM A JURAT

A Jurat may be performed as a paper or electronic notarization.

Signer must personally appear on the date and in the place indicated on the notarial certificate.

1. Review the document to determine the document type and the notarial act to be performed.
2. Identify the signer through personal knowledge or an accepted form of identification.
3. Have the signer verbally acknowledge they are signing the document competently and voluntarily.
4. Watch the signer affix their signature or mark to the document.
5. Administer the oath or affirmation aloud.
6. Complete the notarial certificate. Sign the certificate, print your name, write your title "Notary Public," list your commission expiration date, commission ID number and affix your notary stamp. Complete the journal entry.

certificate
x

Sample Jurat Notarial Certificate

State of Rhode Island
County of _____

Subscribed and sworn to (or affirmed) before me on this _____ day of _____,20_, by _____ _____ who proved to me through satisfactory evidence of identification to be the person who appeared before me.

(official signature and stamp of notary)_____
Printed Name, ID Number
Notary Public
My Commission expires:_____

SIGNATURE WITNESSING

Signature witnessing is a notarial act in which an individual, at a single time and place:

- Appears in person before the notary public and presents a document;
- Is personally known to the notary public or is identified by the notary through satisfactory evidence of identity; and
- Signs the document in the presence of the notary public.

The emphasis, when a notary performs a signature witnessing, is to establish the document was signed on a specific date.

When performing a signature witnessing the Notary Public must witness the signer affixing their signature to a document.

STEPS TO PERFORM A SIGNATURE WITNESSING

A Signature Witnessing may be performed as a paper or electronic notarization.

Signer must personally appear on the date and in the place indicated on the notarial certificate.

1. Review the document to determine the document type and the notarial act to be performed.
2. Identify the signer through personal knowledge or an accepted form of identification.
3. Have the signer verbally acknowledge that they are signing the document competently and voluntarily.
4. Watch the signer affix their signature or the mark to the document.
5. Complete the notarial certificate. Sign the certificate, print your name, write your title "Notary Public," list your commission expiration date, commission ID number and affix your notary stamp. Complete the journal entry.

Sample of a Signature Witnessing Notarial Certificate:

State of Rhode Island
County of _____

On this _____ day of _____,20_, before me, the undersigned notary public, personally appeared _____ (name of signer), and proved to me through satisfactory evidence of identification to be the person whose name is signed on the preceding or attached document in my presence.

(official signature and stamp of notary)_____
Printed Name, ID Number
Notary Public
My Commission expires:_____

COPY CERTIFICATION

A copy certification is a notarial act in which a notary public:

- Is presented with a document that is neither a vital record, nor a publicly recordable document of which a certified copy may be available from an official source other than a notary public; and
- Copies or supervises the copying of the document using a photographic or electronic copying process; or
- Compares the document to the copy; and
- Determines that the copy is accurate and complete; and
- Applies an acknowledgment to the document attesting to the above-listed facts.

The emphasis, when a notary performs a copy certification, is to make an accurate and complete copy.

When performing a copy certification the notary must make sure that the copy is the same as the original by either copying the document themselves or witnessing the photocopying of the document.

STEPS TO PERFORM A COPY CERTIFICATION

A Copy Certification may be performed as a paper or electronic notarization.

1. Verify that the document is one that a RI notary may lawfully copy and certify.
2. Personally photocopy or supervise the copying of the document.
3. Compare the document to the original to determine that the copy is accurate and complete.
4. Complete the notarial certificate. Sign the certificate, print your name, write your title "Notary Public," list your commission expiration date, commission ID number and affix your notary stamp. Complete the journal entry.
5. Write the details of the copy certification in your notary journal.

Sample of Copy Certifications Notarial Certificate:

State of Rhode Island
County of _____

On this _____ day of _____,20_, I certify that this is a true, exact, complete, and unaltered copy made by me of _____(insert description of the document), presented to me by _____ _____, and to the best of my knowledge the copied document is neither a vital record nor a publicly recordable document, certified copies of which may be available from an official source other than a notary.

(official signature and stamp of notary)_____
Printed Name, ID Number
Notary Public
My Commission expires:_____

NOTARIZING IN SPECIAL CIRCUMSTANCES

If a circumstance is not addressed here, please contact the Notary Section.

SIGNATURE BY MARK

A notary public may certify the affixation of a signature by mark on a document presented for notarization if:

- The principal affixes the mark in the presence of the notary public and two witnesses unaffected by the document;
- Both witnesses sign their names beside the mark;
- The notary public writes below the mark: "Mark affixed by (name of signer by mark) in the presence of (names and addresses of witnesses) and undersigned notary; and
- The notary public notarizes the signature by mark through an acknowledgment, jurat or signature witnessing.

SIGNER PHYSICALLY UNABLE TO SIGN OR MAKE A MARK

The notary public may sign the name of a principal who is physically unable to sign or make a mark on a document presented for notarization if:

- The principal directs the notary public to do so in the presence of two witnesses who are unaffected by the document;
- The principal does not have a demeanor that causes the notary public to have a compelling doubt about whether the principal knows the consequences of the transaction requiring the notarial act;
- In the notary public's judgment, the principal is acting of their own free will;
- The notary public signs the principal's name in the presence of the principal and the witnesses;
- Both witnesses write their names beside their signatures;
- The notary public writes below the signature: "Signature affixed by notary public in the presence of (names and addresses of principal and two witnesses);" and
- The notary public notarizes the signature through an acknowledgment, jurat or signature witnessing.

SIGNER WHO IS BLIND

- The notary public should read the document to the signer before performing the notarial act.
- The notary may wish to add a statement in their notarial certificate indicating the following: "I further certify that I read the document to (name of signer) prior to notarization."
- Unless the notary is also an attorney, the notary cannot advise the person about the contents of the document; however, they may re-read any portion of the document to the person.

SIGNER WHO DOES NOT SPEAK ENGLISH

- The nature and effect of the document should be translated into a language that the person does understand. The translation does not need to be in written form; an oral translation is sufficient.
- If the notary speaks the language of the signer, the notarization may proceed, if not, an interpreter may be used. Best practices strongly suggest that the notary should administer an oath or affirmation to the interpreter attesting to the accuracy of the translation.
- The notary should add a statement in their notarial certificate noting that a translator was used by writing something substantially similar to: "I certify that the nature and effect of the document was translated for (name of signer) by (name of translator) before notarization.

NOTARIZING FOR A PERSON WITH POWER OF ATTORNEY

- If a signer indicates that they have power of attorney over the grantor the document should be signed as attorney-in-fact: for example, John Doe as attorney-in-fact for Betty Smith.
- It is strongly recommended as a best practice, that the notary verify the authority of the signer by requesting a copy of the power of attorney.
- Note the capacity of the signer in the notarial certificate.

SIGNER WHO IS DEAF

- Unless the notary and the signer are competent in sign language, they should communicate in writing.
- The notary should write a comment in their journal regarding how they communicated with the signer.

SIGNER WHO IS ILLITERATE

- The notary should read the document to the document signer before performing the notarial act.
- The notary should add a statement to the notarial certificate substantially similar to, "I certify that I read the document to (name of signer) prior to performing the notarial act."

NOTARIZING AN OUT OF STATE DOCUMENT

RI notaries public may notarize an out of state document so long as the signer(s) personally appear before the notary and the document does not specifically state that the document must be notarized by a notary from that state. All other RI notarial procedures and laws must be followed by the notary public.

NOTARIZING A DOCUMENT IN A FOREIGN LANGUAGE

A notary public may notarize a document in a foreign language even if the notary does not understand the language of the document. However, the notarial certificate must be in English or other language the notary public reads and writes. The letters and characters in the document's signature and in any ID document presented must also be understood by the notary. It is important that the notary be able to communicate with the signer.

WILLS AND "LIVING WILLS"

A will is a document providing instructions for the disposition of a signer's estate and finances after the signer's death. A living will is a written statement of a signer's wishes concerning medical treatment in the event the signer's health condition prevents the individual from providing instructions on their own behalf.

Notarizing a will is a serious matter because of the importance and complexity of the document. Notaries should be careful when asked to notarize a will. A document presented to a notary as a will should be notarized only if clear instructions and the appropriate notarial certificates are provided to the notary. Performing a notarial act on its own does not make a will "legal" or "valid" and it is important that notaries do not offer any advice regarding preparation or the legal effects of a will. A notary may not determine what type of notarial act or certificate is needed for a will, even if asked to do so by the signer. Such questions should be referred to a qualified attorney.

A "living will" may be notarized in the standard manner. All practices required by law or RI Notary Public Standards of Conduct, such as the signer appearing in person before the notary and being positively identified, should be followed.

TRANSLATIONS

A notary public has no authority to certify translations. If a notary public has the ability to prepare translations of documents from one language to another, they may not notarize any documents that they themselves have translated. The accuracy of the translation can be made under oath, but the oath and notarial certificate must be completed by another notary, or by another person authorized to administer oaths. The notary cannot perform both acts in connection with the same document.

LESS COMMON NOTARIAL ACTS

Deposition of Witnesses

- A deposition is a signed transcript of an oral statement made by an individual (the "deponent") for use in a legal matter.
- RI notaries public are empowered to take depositions of witnesses to be used in the trial of any civil suit, action, petition, or proceeding in which they are not an interested party, counsel, or the attorney of either party per RIGL § 9-18-1.

Issuance of Subpoenas

- A subpoena is an order that requires its recipient to appear before a court.
- RI notaries public are empowered to issue subpoenas to witnesses in any case, civil or criminal before any court, and in any matter before any body or person authorized by law to summon witnesses per RIGL § 9-17-3.
- Per RIGL § 8-8.2-4, notaries public are also empowered to issue subpoenas returnable before the traffic tribunal.

Protests & Protesting Bills of Exchange and Promissory Notes

- A protest is a certificate of dishonor under the hand and seal of a notary public.
- RI notaries public may act, transact, do, and finish all matters and things related to protests and protesting bills of exchange and promissory notes per RIGL § 42-30.1-2.

CASE STUDY: WHY IS PHYSICAL PRESENCE IMPORTANT?

Joan is a notary and owns a small service agency. Scott came into the office one day with a deed signed by his wife Susan and requested Joan to notarize her signature.

Susan was home sick, but Scott brought Susan's driver's license with him. At Scott's suggestion and just to be on the "safe side," Joan called Susan at home to verify her signature.

The woman identifying herself as Susan confirmed that she had signed the document voluntarily and wanted her signature notarized. Joan proceeded to perform the notarial act.

Should Joan have notarized Susan's signature?

NO!

Now, for the real story…

Unknown to Joan, Scott was planning to divorce Susan and he wanted their home transferred to his name first. Scott forged Susan's signature on the deed and took her driver's license without her knowledge.

The woman that Joan spoke to on the phone was actually Scott's girlfriend! The case ended up in divorce court and Susan was given her portion of the property.

The Governor's Office revoked Joan's notary commission and will not appoint her again as a notary. She now has a difficult time working in the service agency without a notary commission.

CONFLICTS OF INTEREST

A notary public should not notarize for family members as indicated below.

CONFLICTS

A notary public should not perform a notarial act if the notary public is a party to or is named in the document that is to be notarized, except that a notary may notarize a document if the notary is named in the document for the sole purpose of receiving notices relating to the document and except that a notary who is licensed as an attorney in the State of RI and is named as an executor, trustee or in any fiduciary capacity in a document, or employees of such attorney, may perform notarial acts concerning such document.

A notary public should not perform a notarial act if the notary public will receive as a direct result of the notarial act any commission, fee, advantage, right, title, interest, cash, property or other consideration exceeding in value the fees set forth in Section 4(3) of the Standards of Conduct for Notaries Public, or has any financial interest in the subject matter of the document. This section shall not preclude a notary who is licensed as an attorney in the State of RI or any employee of such attorney where the attorney receives a legal fee for professional legal services in connection with such document.

NOTARIZING FOR FAMILY MEMBERS

A notary public should not perform a notarial act for a spouse, domestic partner, parent, guardian, child or sibling of the principal, including in-law, step, or half relatives, except where such persons witness a will or other legal document prepared by the notary who is an attorney licensed in the State of RI.

NOTARIES WHO ARE EMPLOYEES

A notary public owns their commission, stamp and journal regardless of whether or not their employer paid for said commission and notary tools. This means that the notary must keep their stamp and journal under their control at all times and not surrender them to anyone, including an employer. Also, a notary public must always follow RI General Law and the Standards of Conduct for Notaries Public when notarizing including physical appearance. Employers cannot prohibit a notary from performing their duties nor limit when a notary may perform notarial acts.

REFUSING TO NOTARIZE

A notary public may refuse to perform a notarial act if:

- The signer is not physically present;
- The signer cannot be adequately identified;
- The signer is unwilling to swear or affirm to the contents of the document presented for notarizations that require an oath or affirmation;
- The principal has a demeanor that causes the notary public to have a compelling doubt about whether the principal knows the consequences of the transaction or document requiring the notarial act;
- If in the notary's judgment, the principal is not acting of their own free will;
- If the notary public knows that the document contains information known or believed by the notary to be false;
- If the notary knows there is intent to deceive or defraud;
- If the notary knows the notarial act or associated transaction is unlawful;
- If the act is prohibited by other applicable law;
- If the number of notarial acts requested practicably precludes completion of all acts at once, in which case the notary public shall arrange for later completion of the remaining acts.

A notary public should not refuse to perform a notarial act solely based on the principal's race, advanced age, gender, sexual orientation, religion, national origin, health or disability.

ACCEPTABLE FORMS OF IDENTIFICATION

Physical Presence is always required.

Identification of an individual is based on at least one current document issued by a Federal, State, or tribal government bearing a photo image of the individual's face and signature. Credible witnesses may also be used when following the guidelines below.

For a person who is not a United States citizen, "satisfactory evidence of identity" shall mean identification of an individual based on a valid passport, or another government-issued document evidencing the individual's nationality or residence, that bears a photographic image of the individual's face and signature.

ACCEPTABLE FORMS OF IDENTIFICATION INCLUDE:

- Driver's license or identification card issued by the RI Division of Motor Vehicles or by another state, Canada, Mexico or a territory of the United States
- Valid Passport issued by the U.S. Department of State or by a foreign government
- Identification card issued by any branch of the U.S. armed forces
- All Identification must be either current or expired not more than three years.

Copies of identification are not acceptable forms of ID.

CREDIBLE WITNESS FOR IDENTIFICATION

The credible witness must be:

- Personally known to the signer
- Identified by the notary by satisfactory evidence of identification
- Physically in the notary's presence at the time of notarization
- An unbiased third party who has no interest in, or benefit from, the transaction
- Placed under oath

Best practices encourage the notary to include a note in their journal noting that a credible witness was used and the name of the credible witness, as well as, the identification used.

CASE STUDY:

DO I REALLY NEED TO SEE IDENTIFICATION?

Tom Brady came into a local bank to have his signature notarized on a contract between him and his agent. Adrianna, the notary and a faithful fan of Tom Brady, was star-struck upon meeting him.

Tom apologized when he explained that he forgot his wallet containing his identification at home.

Adrianna decided that she could state that she personally knew Tom, since she had seen all his games. She stated "personally known" in the notarial certificate.

Adrianna completed the notarization, got Tom's autograph on a scrap of paper, and screamed with excitement after Tom left.

Should Adrianna have notarized Tom's signature without requiring identification?

NO!

Now, for the real story...

Tom Brady disagreed with his agent on the agent's proposed fee on the new contract they were negotiating, and Tom refused to sign the contract.

The agent forged Tom's signature on the contract and hired a "look-alike" to present the document for notarization.

Poor Tom is now in court fighting with his agent and Adrianna has been subpoenaed to testify. Adrianna is scared to death, embarrassed at her error, and now knows that her Tom Brady autograph is a fake!

Be careful when you state that you personally know someone. This story is purely fictional, but could actually happen to you if you aren't careful. Our apologies to Mr. Brady and his agent.

"Personally known" means that your acquaintance of and association with the individual establishes that person's identity with reasonable certainty.

COMPLAINTS AND NOTARY MISCONDUCT

Questions about filing a complaint: Please call the RI Department of Administration at 401-222-8880.

RIGL §42-30.1-16 Notaries Public

Pursuant to RIGL §42-30.1-16 and the RI Administrative Procedures Act, notary complaints and misconduct are the purview of the RI Governor and are investigated by the Department of Administration.

RIGL §42-30.1-21 Notary public – Fraud or deceit in office.

A notary public, who in the exercise of the powers, or in the performance of such office, shall practice any fraud or deceit, the punishment for which is not otherwise provided for by law, shall be guilty of a misdemeanor and fined not more than one thousand dollars ($1,000), or imprisoned not more than one year, or both.

WHO MAY FILE A COMPLAINT AGAINST A NOTARY PUBLIC?

Any identifiable person may file a complaint against a Notary Public who is alleged to have violated the Standards of Conduct for Notaries Public.

HOW DO I FILE A COMPLAINT?

To file a complaint against a notary public, the complaint must be made in writing. It should include the complainant's name and contact information, the respondent/notary public's contact information and the nature of the complaint/allegation of the violation, including the date of the alleged act, witnesses and any facts deemed relevant to the allegation.

FORM

Notary Complaint Form

Department of Administration,
One Capitol Hill
Providence, RI 02908

401-222-8880

WHAT TYPE OF ACTION MAY THE GOVERNOR AND THE RI DEPARTMENT OF ADMINISTRATION TAKE?

Upon completion of its investigation, the Department may take one of the following actions:

- If the Department determines that the Complaint fails to establish Reasonable Cause for a finding of a violation of the Standards, the Department shall take no action on the Complaint, so advising the Complainant and Respondent in writing; or,
- If the Department determines that the Complaint establishes Reasonable Cause, the Department shall take such action as it deems appropriate under applicable law and the rules and regulations adopted pursuant thereto, including the removal or suspension of the Notary Public in accordance with RIGL §42-30.1-16. The Department will provide the following notice to the Respondent via regular and certified mail, postage pre-paid, a notice of determination which shall provide:
    - A statement of legal authority and jurisdiction to proceed;
    - A statement of the allegations and findings, including a copy of the Complaint;
    - Reference to particular statutes, rules or Standards that appear to have been violated;
    - A statement of the sanctions to be imposed; and,
    - An opportunity to request a hearing within twenty (20) days of the mailing of the determination notice.

AUTHENTICATIONS: APOSTILLES AND CERTIFICATIONS

Apostilles and Certifications may be requested in person or by mail.

APOSTILLES

Documents that are going to be used outside of this country may require authentication of the official's signature, capacity and seal. The Department of State can authenticate RI public officials' signatures. Notaries Public, Clerks of the Court, and the State Registrar of Vital Records are among the most frequently authenticated public official signatures.

An apostille is a form of authentication established at the 1961 Hague Convention Abolishing the Requirement of Legalization for Foreign Public Documents, to which the United States is a subscriber. An apostille is used to authenticate public documents, certifying the authenticity of the issuing official's or notary public's signature on the document, the capacity in which the person has acted, and identifies the seal/stamp which the document bears. Apostilles are used as transmittal on documents executed in one subscribing country that are being sent to another subscribing country.

CERTIFICATIONS

A certification is a form of authentication used for countries that do not participate in the 1961 Hague Convention Abolishing the Requirement of Legalization for Foreign Public Documents. A certification is used to authenticate public documents, certifying the authenticity of the issuing official's or notary public's signature on the document, the capacity in which the person has acted, and identifies the seal/stamp which the document bears. These documents typically require additional authentication by the U.S. Department of State after receiving state authentication.

FEDERAL OR MILITARY APOSTILLES

To authenticate the signature of a Federal or U.S. Military official, the document must be presented to the U.S. Department of State's Authentication Office. Click here to learn more.

TO REQUEST

Apostille Order Forms:

- **Apostille Order Form - In-Person**
- **Apostille Order Form - By Mail**

Fee of $5.00 per apostille or certification being requested.
Checks or money orders should be made payable to the RI Department of State.

Division of Business Services
RI Department of State
148 West River Street
Providence, RI 02904

NEED TO KNOW

- Provide the name of the country to which the documents will be sent.
- Submit the original or certified copy of the document(s) that you wish to have an apostille or certification attached to.
- Mailed requests are processed daily. A mailed request will be returned to you by first class mail. A self-addressed/stamped envelope will help expedite delivery time. If overnight service is required, a pre-addressed, pre-paid air bill must be included with the request.

DEFINITIONS

As they appear in the RI Notary Standards of Conduct and the General Laws.

(1) "Acknowledgment" means a declaration by an individual 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, that the individual signed the record with proper authority and signed it as the act of the individual or entity identified in the record.

(2) "Affirmation" means a notarial act, or part thereof, that is legally equivalent to an oath in which an individual, at a single time and place:

(a) appears in person before the notary public;

(b) is personally known to the notary public or is identified by the notary through satisfactory evidence of the identity; and

(c) makes a vow of truthfulness or fidelity under the pains and penalties of perjury based on personal honor and without invoking a deity or using any form of the word "swear."

(3) "Commission" means both to empower to perform notarial acts and the written evidence of authority to perform those acts.

(4) "Commissioning agency" means the Rhode Island office of the secretary of state.

(5) "Commissioning officer" means the governor of the state of Rhode Island.

(6) "Copy certification" means a notarial act in which a notary public:

(1) is presented with a document that is neither a vital record, a public record nor publicly recordable; and

(2) copies or supervises the copying of the document using a photographic or electronic copying process; or

(3) compares the document to the copy; and

(4) determines that the copy is accurate and complete; and

(5) applies an acknowledgment to the document owner's signature attesting to the above listed facts.

(7) "Credible witness" means an honest, reliable, and impartial person who personally knows an individual appearing before a notary public and takes an oath or affirmation from the notary to vouch for that individual's identity.

(8) "Electronic" means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.

(9) "Electronic signature" means 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.

(10) "In a representative capacity" means acting as:

(i) An authorized officer, agent, partner, trustee, or other representative for a person other than an individual;

(ii) A public officer, personal representative, guardian, or other representative, in the capacity stated in a record;

(iii) An agent or attorney-in-fact for a principal; or

(iv) An authorized representative of another in any other capacity.

(11) "Journal of notarial acts" or "journal" means a permanently bound book that creates and preserves a chronological record of notarizations performed by a notary public.

(12) "Jurat" means a notarial act in which an individual, at a single time and place:

(1) appears in person before the notary public and presents a document;

(2) is personally known to the notary public or is identified by the notary through satisfactory evidence of the identity;

(3) signs the document in the presence of the notary public; and

(4) takes an oath or affirmation before the notary public vouching for the truthfulness or accuracy of the signed document.

(13) "Notarial act" means an act, whether performed with respect to a tangible or electronic record, that a notarial officer may perform under the law of this state. The term includes taking an acknowledgment, administering an oath or affirmation, taking a verification on oath or affirmation, witnessing or attesting a signature, certifying or attesting a copy, noting a protest of a negotiable instrument and transact, do and finish all matters and things relating to protests and protesting bills of exchange and promissory notes, and all other matters within their office required by law, take depositions as prescribed by law, and acknowledgments of deeds and other instruments.

(14) "Notarial Certificate" and "Certificate" mean the part of, or an attachment to, a notarized document that is completed by the notary public, bears the notary's signature and seal and states the facts attested by the notary in a particular notarization.

(15) "Notarial officer" means a notary public or other individual authorized to perform a notarial act.

(16) "Notarization" has the same meaning ascribed to "notarial act" in Section 42-30.1-2 of the Rhode Island General Laws.

(17) "Notary public" means an individual commissioned to perform a notarial act by the commissioning officer.

(18) "Oath" means a notarial act, or part thereof, which is legally equivalent to an affirmation, and in which an individual, at a single time and place:

(1) appears in person before the notary public;

(2) is personally known to the notary public or is identified by the notary through satisfactory evidence of the identity; and

(3) makes a vow of truthfulness or fidelity under the pains and penalties of perjury by invoking a deity or using any form of the word "swear."

(19) "Official stamp" means a physical image affixed to a tangible record or an electronic image attached to, or logically associated with, an electronic record.

(20) "Person" means 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.

(21) "Personal appearance" means that the principal and the notary public are physically close enough to see, hear, communicate with and hand identification documents to each other.

(22) "Personal knowledge of the identity" as used in the Uniform Law on Notarial Acts means familiarity with an individual resulting from interactions with that individual over a period of time sufficient to dispel any reasonable uncertainty that the individual has the identity claimed.

(23) "Principal" means a person whose signature is notarized, or a person other than a credible witness, taking an oath or affirmation from the notary public.

(24) "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

(25) "Regular place of work or business" means a stationary office or workspace where one spends most of one's working or business hours.

(26) "Satisfactory evidence of the identity" has the meaning ascribed to it in Section 42-30.1- 6(b) of the Rhode Island General Laws.

(27) "Sign" means, with present intent to authenticate or adopt a record:

- (i) To execute or adopt a tangible symbol; or
- (ii) To attach to, or logically associate with, the record an electronic symbol, sound, or process.
- (28) "Signature" means a tangible symbol or an electronic signature that evidences the signing of a record.

(29) "Signature witnessing" means a notarial act in which an individual, at a single time and place:

(1) appears in person before the notary public and

presents a document;

(2) is personally known to the notary public or is identified by the notary through satisfactory evidence of the identity; and

(3) signs the document in the presence of the notary public.

(30) "Stamping device" means:

(i) A physical device capable of affixing an official stamp upon a tangible record; or

(ii) An electronic device or process capable of attaching to, or logically associating an official stamp with, an electronic record.

(31) "State" means a state of the United States of America, 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.

(32) "Verification on oath or affirmation" means a declaration that a statement in a record is true, made by an individual under oath or by affirmation before a notarial officer.

NOTARY FORMS

Application for Appointment to Office of Notary Public

State of Rhode Island
Department of State - Business Services Division/Notary

FOR SECRETARY OF STATE USE ONLY

Application for Appointment to Office of Notary Public

→ Filing Fee: $80.00 (Four year commission)

APPLICATION INFORMATION

I attest I am a United States Citizen or Permanent Legal Resident of the United States.

1. Name (First, Middle, Last)	2. E-Notary Solution Provider Name Yes ☐ No ☐

3. Residential Address **(include city/town, state and zip)**	Business Address **(include city/town, state and zip)**

Telephone (H)	Telephone (W)	Telephone (C)	Email Address

4. If applicable, check one box only:

☐ **I AM NOT A RHODE ISLAND RESIDENT**, but conduct business on a regular basis within Rhode Island.

Name of Employer:	Occupation:		
Address:	City/Town:	State:	Zip Code:

☐ I am an Attorney, in good standing, applying as a member of the Rhode Island Bar. I have enclosed a copy of my most recent RI Bar Association membership card. (RI Bar #:_____)

☐ I am a Certified Public Accountant (CPA), in good standing, applying as a certified Rhode Island licensee. I have enclosed a copy of my most recent membership card. (CPA #: _____)

☐ Check this box if you would like your notary information, including your name and email address to appear in the notary public lookup on our website. The general public will use this feature to locate notary services.
Email Address: _____

QUALIFICATION STATEMENTS

Have you at any time been refused a notarial commission, been disciplined or had a notarial commission revoked?
Yes ☐ ***No*** ☐ If yes, please provide the state/jurisdiction where the commission was issued, date and reason for action, and name, if different, from the one stated on this application.

MAIL TO:
Division of Business Services/Notary
148 W. River Street, Providence, Rhode Island 02904-2615
Phone: (401) 222-3040
Website: www.sos.ri.gov

FOR SECRETARY OF STATE USE ONLY

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SAMPLE

NOTARY FORMS

Application for Appointment to Office of Notary Public - Page 2

State of Rhode Island
Department of State - Business Services Division/Notary

Application for Appointment to Office of Notary Public

Have you ever been convicted of a crime (excluding expungements and traffic violations)? ***Yes*** ☐ ***No*** ☐
If yes, on a separate sheet of paper, please give date, charge, city/town, state, court and disposition of conviction. In addition, please provide a brief summary of your actions and conduct since the conviction which supports your ability to be a notary public.

I certify that the following signature is the signature I will use when signing documents as a Rhode Island Notary Public. In addition, by remitting this application in accordance with the provisions of RIGL 42-30.1, I am attesting under penalty of false statement, that the information contained in this application is true and correct; that I am at least eighteen years of age; can speak, read and write the English language and have gained sufficient knowledge of the powers and duties pertaining to the Rhode Island Office of Notary Public.

Signature of Applicant
SIGN DOCUMENT HERE

Type or Print Name of Applicant	Date

Each applicant **MUST** take the Oath of Office before a Rhode Island Notary.

OATH OF OFFICE

Applicant

I, _____, do solemnly swear (or: affirm) that I will support, protect and defend the constitution of the United States, and the constitution and laws of the State of Rhode Island, and I will discharge the duties of my office of Notary Public for the State of Rhode Island with fidelity so help me God. [or: this affirmation I make and give under the penalty of perjury.]

Type or Print Name of Applicant	Date

Signature of Applicant
SIGN DOCUMENT HERE

Notary

State: **RHODE ISLAND**	County:

On this _____ day of_____, 20_____, before me personally appeared _____ (name of applicant) being personally known to me or proved through satisfactory evidence of identification to be the person who signed the preceding or attached document in my presence, and to whom I administered the Notary Public Oath of Office.

Type or Print Name of Notary Public	Commission ID #	Commission Expiration

Signature of Notary Public
SIGN DOCUMENT HERE

NOTARY STAMP

If you have any questions, please call us at (401) 222-3040, Monday through Friday, between 8:30 a.m. and 4:30 p.m., or email notaries@sos.ri.gov.

Notary- Revised: 07/2020
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SAMPLE

NOTARY FORMS

Application for Reappointment/Renewal to Office of Notary Public

State of Rhode Island
Department of State - Business Services Division/Notary

FOR SECRETARY OF STATE USE ONLY

Application for Reappointment/Renewal to Office of Notary Public

→ Filing Fee: $80.00 (Four year commission)

APPLICATION INFORMATION

I attest I am a United States Citizen or Permanent Legal Resident of the United States.

1. Comm. ID#	2. E-Notary Solution Provider Yes ☐ No ☐	3. Name (First, Middle, Last)

3.Residential Address **(include city/town, state and zip)**	Business Address **(include city/town, state and zip)**

Telephone (H)	Telephone (W)	Telephone (C)	Email Address

4. If applicable, check one box only:

☐ **I AM NOT A RHODE ISLAND RESIDENT** but conduct business on a regular basis within Rhode Island.

Name of Employer:		Occupation:	
Address:	City/Town:	State:	Zip Code:

☐ I am an Attorney, in good standing, applying as a member of the Rhode Island Bar. I have enclosed a copy of my most recent RI Bar Association membership card. (RI Bar #:_____)

☐ I am a Certified Public Accountant (CPA), in good standing, applying as a certified Rhode Island licensee. I have enclosed a copy of my most recent membership card. (CPA #: _____)

☐ Check this box if you would like your notary information, including your name and email address, to appear in the notary public lookup on our website. The general public will use this feature to locate notary services.
Email Address: _____

QUALIFICATION STATEMENTS

Have you at any time been refused a notarial commission, been disciplined or had a notarial commission revoked?
Yes ☐ ***No*** ☐ If yes, please provide the state/jurisdiction where the commission was issued, date and reason for action, and name, if different, from the one stated on this application.

FOR SECRETARY OF STATE USE ONLY

MAIL TO:
Division of Business Services/Notary
148 W. River Street, Providence, Rhode Island 02904-2615
Phone: (401) 222-3040
Website: www.sos.ri.gov

Notary Renewal - Revised: 07/2020

SAMPLE

NOTARY FORMS

Application for Reappointment/Renewal to Office of Notary Public - Page 2

State of Rhode Island
Department of State - Business Services Division/Notary

Application for Reappointment/Renewal to Office of Notary Public

Have you ever been convicted of a crime (excluding expungements and traffic violations)? Yes ☐ No ☐
If yes, on a separate sheet of paper, please give date, charge, city/town, state, court and disposition of conviction. In addition, please provide a brief summary of your actions and conduct since the conviction which supports your ability to be a notary public.

I certify that the following signature is the signature I will use when signing documents as a Rhode Island Notary Public. In addition, by remitting this application in accordance with the provisions of RIGL 42-30.1, I am attesting under penalty of false statement, that the information contained in this application is true and correct; that I am at least eighteen years of age; can speak, read and write the English language and have gained sufficient knowledge of the powers and duties pertaining to the Rhode Island Office of Notary Public.

Signature of Applicant	SIGN DOCUMENT HERE
Type or Print Name of Applicant	Date

Each applicant **MUST** take the Oath of Office before a Rhode Island Notary.

OATH OF OFFICE

Applicant

I, _____, do solemnly swear (or: affirm) that I will support, protect and defend the constitution of the United States, and the constitution and laws of the State of Rhode Island, and I will discharge the duties of my office of Notary Public for the State of Rhode Island with fidelity so help me God. [or: this affirmation I make and give under the penalty of perjury.]

Type or Print Name of Applicant	Date
Signature of Applicant SIGN DOCUMENT HERE	

Notary

State: **RHODE ISLAND**	County:

On this _____ day of_____, 20_____, before me personally appeared _____ (name of applicant) being personally known to me or proved through satisfactory evidence of identification to be the person who signed the preceding or attached document in my presence, and to whom I administered the Notary Public Oath of Office.

Type or Print Name of Notary Public	Commission ID #	Commission Expiration
Signature of Notary Public SIGN DOCUMENT HERE		

NOTARY SEAL

If you have any questions, please call us at (401) 222-3040, Monday through Friday, between 8:30 a.m. and 4:30 p.m., or email notaries@sos.ri.gov.

Notary Renewal - Revised: 07/2020

SAMPLE

NOTARY FORMS

Notary Public Information Update - Page 1

State of Rhode Island
Department of State - Business Services Division

FOR SECRETARY OF STATE USE ONLY

Notary Public Information Update

By remitting this form in accordance with the provisions of RIGL 42-30.1, the undersigned Rhode Island Notary Public is attesting that the information contained in this form is true and accurate and that he/she continues to meet the requirements of the Rhode Island Office of Notary Public.

NOTARY INFORMATION	
1. Commission ID Number	2. Date Commission Expires
3. Name of Notary Public (First, Middle, Last - as it appears on current commission)	

4. Indicate the item(s) to be changed: *Complete the applicable section below.*

- ☐ Name
- ☐ Business Address
- ☐ Employment Information
- ☐ Other
- ☐ Use of Electronic Notarization Solution
- ☐ Telephone Number
- ☐ Resign Commission
- ☐ Residential Address
- ☐ E-mail Address
- ☐ Opt-out of :City Search" list for business.sos.ri.gov/notarypublicsearch/

a) New Name *This update **MUST** be notarized if you are updating your name.*

Name Change Due to (check one box): ☐ Marriage ☐ Divorce ☐ Petition to Change Name ☐ Other

New Name of Notary Public (First, Middle, Last)

b) Change in Use of Electronic Notarization Solution

☐ I will be performing notarial acts with respect to electronic records. The tamper evident technology I will be using is:

☐ I will no longer be performing notarial acts with respect to electronic records.

c) New Residential Address

Residential Address	City/Town	State	Zip Code

d) New Business Address

Business Address	City/Town	State	Zip Code

MAIL TO:
Division of Business Services
Notary Public Section
148 W. River Street, Providence, Rhode Island 02904-2615
Phone: (401) 222-3040
Website: www.sos.ri.gov

FOR SECRETARY OF STATE USE ONLY

If you have any questions, please call us at (401) 222-3040, Monday through Friday, between 8:30 a.m. and 4:30 p.m., or email notaries@sos.ri.gov

NOTARY INFO UPDATE - Revised: 07/2020

SAMPLE

NOTARY FORMS

Notary Public Information Update - Page 2

e) New Telephone Number(select one: home ☐ work ☐ cell ☐)	f) New Email Address

g) New Employment Information			
Name of Employer/Business		Employer/Business Telephone Number (include area code)	
Employer/Business Address	City/Town	State	Zip Code

h) Other

5. Applicant: *I declare and affirm that I have examined this Notary Public Information Update and all statements contained herein are true and correct.*	
Type or Print Name of Notary	Date
Signature of Notary	

6. Notary: *To be completed **ONLY** if if this Notary Public has changed their name.*	
State	County
Subscribed and sworn to before me this day of , 20 .	
Signature of Notary Public	
Commission ID	Commission Expiration Date

NOTARY STAMP

SAMPLE

If you have any questions, please call us at (401) 222-3040, Monday through Friday, between 8:30 a.m. and 4:30 p.m., or email notaries@sos.ri.gov

NOTARY INFO UPDATE - Revised: 07/2020

NOTARY KNOWLEDGE ASSESSMENT

Notary Knowledge Assessment - Page 1

State of Rhode Island
Department of State - Business Services Division/Notary

FOR
SECRETARY OF STATE
USE ONLY

NOTARY KNOWLEDGE ASSESSMENT

All notary applicants are required to know the powers and duties of the Rhode Island Office of Notary Public. This twenty question assessment will help you determine if you have gained sufficient knowledge of the office's powers and duties. The assessment is available online at www.sos.ri.gov/divisions/notary-public

1. True or False. A notary public who commits fraud or deceit in the exercise of his/her duties may be imprisoned, fined or both.

   True
   False

2. True or False. If someone else presents the signer's valid identification, a Notary may notarize the signature of a signer who has not physically appeared before them.

   True
   False

3. A credible identifying witness can be used as an alternative to an expired form of identification if:

   The credible witness meets all criteria under federal law.

   The signer's ID has been expired for more three years.

   The credible witness meets all criteria under Rhode Island state law.

   The signer has known the witness for at least six months.

4. True or False. Except for the administration of an Oath or Affirmation, all notarial acts require a notarial certificate to be completed.

   True
   False

5. What information should be entered in the venue section of a notarial certificate?

   The location where the notary's commission is filed.

   The location of the notary's business address.

   The location of the signer's home address.

   The location where the notarization takes place.

6. The maximum fee a Notary may charge for a notarial act is:

   Up to $10

   Up to $1

   Up to $20

   Up to $5

7. The two most common notarial acts are:

   Acknowledgments and copy certifications

   Acknowledgments and jurats

   Protests and acknowledgments

   Jurats and copy certifications

SAMPLE

NOTARY KNOWLEDGE ASSESSMENT

Notary Knowledge Assessment - Page 2

State of Rhode Island
Department of State - Business Services Division/Notary

NOTARY KNOWLEDGE ASSESSMENT

8. What is the difference between an oath and an affirmation?

An oath is taken verbally, an affirmation is a promise in writing.

An oath is a promise to a higher power, an affirmation is a promise made on personal honor.

An oath is taken in court, but an affirmation is taken anywhere.

An oath is a promise made before a judge, an affirmation is a promise made before a civilian.

9. A jurat is a notary act that:

Is identical to an acknowledgment.

Is only administered to a member of a jury in a court.

Requires a Notary to administer an oath or affirmation to a signer.

Requires the signer to appear before a judge.

10. True or False. When you print and sign your name on a notarial certificate, it should always match the name that appears on your notary commission.

True
False

11. When identifying an individual, a notary may accept the following forms of identification (Current or expired not more than 3 years.):

A driver's license or identification card issued by a U.S. Division of Motor Vehicles, Canada, Mexico, or other territory of the U.S.

A passport issued by the U.S. Department of State or by a foreign government.

Identification card issued by any branch of the U.S. armed forces.

All responses are acceptable forms of identification.

12. True or False. "Personally known" means that you have known the signer for a sufficient amount of time and you are absolutely certain that the signer has the identity claimed.

True
False

13. Yes or No. Your roommate just introduced their cousin to you and then asked if you could notarize a document for them. For purposes of notarizing the document, can you consider your roommate's cousin to be "personally known" to you?

Yes
No

SAMPLE

State of Rhode Island
Department of State - Business Services Division/Notary

NOTARY KNOWLEDGE ASSESSMENT

14. True of False. The use of a notary stamp is optional for a notary public in the State of Rhode Island.

    True
    False

15. Which notarial act allows a signer to affix their signature to a document before they appear in front of a notary?

    Jurat Acknowledgment Signature Witnessing

16. When performing an Acknowledgment, which step is not required?

    Watch the signer affix their signature to the document.

    Have the signer verbally acknowledge that their signature was made competently and voluntarily.

    Compare the signature on the document to signer's ID and the signer's signature in your notary journal.

    Identify the signer through personal knowledge or an accepted form of identification.

17. True or False. A non-attorney notary public may not use the term "notario" or "notario publico." A non-attorney notary that advertises notarial services should prominently display in any advertisement "I am not an attorney and have no authority to give advice on immigration or other legal matters." This disclaimer should be displayed in the same language as the advertisement.

    True False

18. A notary stamp must be round (circular) or rectangular with an edged border and include the following elements. Choose all that apply:

    Notary's name exactly as it appears on their commission.

    Words "NOTARY PUBLIC" and "RHODE ISLAND."

    The notary's identification number.

    The notary's expiration date.

19. True or False. The notary's tools (commission, stamp, and journal) are the exclusive property of the notary, they may not be used by any other person.

    True
    False

20. True or False. If a notary leaves their job and their employer paid the commission filing fee, the notary must surrender their stamp and/or journal to employer.

    True
    False

A score of 80% or higher demonstrates sufficient knowledge. Please review the notary manual and if necessary, take the assessment again. To obtain the assessment answer sheet, email notaries@sos.ri.gov or call 401-222-3040.

Page 3 of 3 Notary Public Knowledge Assessment - 07/2020

SAMPLE