



NOTARY PUBLIC TOOLKIT



Nellie M. Gorbea
Secretary of State

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.



Presentation structure

NOTARY 101

- › What is a Notary Public
- › How to become a Notary Public - Requirements
- › Jurisdiction
- › Notary Fees/Accepted Forms of Identification
- › Limited powers of a Notary Public
- › Maintaining or updating your Commission

HOW TO NOTARIZE

- › Types of Notarial Acts
- › Steps to perform a proper notarization
- › Documents without notarial certificates
- › Notarizing in special circumstances
- › Do not notarize documents if...
- › Electronic Notarization

EDUCATION, SUPPLIES & TOOLS

- › Stamp - Embosser
- › Journal - Notarial Certificates - Fees
- › Rhode Island General Law
- › Rhode Island Notary Public Standards of Conduct (traditional and electronic)
- › Tutorial Videos - Manual



What is a Notary Public?

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 the 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.

Types of Notarial Acts

- › Acknowledgements
- › Oaths & Affirmations
- › Jurats
- › Copy Certifications
- › Signature Witnessing
- › Deposition of Witnesses
- › Issuance of Subpoenas
- › Protests & Protesting Bills of Exchange and Promissory Notes

Except oaths & affirmations, all **Notarial Acts** must include a notarial certificate.



How to become a Notary Public - Requirements

How to...

1. Meet all requirements per RI General Law;
2. Take the Notary Knowledge Assessment;
3. Review RIGL 42-30.1 et seq.;
4. Review the 2019 Standards of Conduct;
5. If applicable, read the Electronic Notarization Standards;
6. Complete and submit the notary public application with the corresponding fee.

Requirements

- › Be at least 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 RIGL §42-30.1-16; and
- › Demonstrate sufficient knowledge of the powers and duties pertaining to the Office.

You must **update your commission** if you change your name and/or address.

Attorneys & CPAs

In addition to meeting the first six requirements, attorneys or CPAs may apply if they meet either of the following 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.



Demonstrating Knowledge

Demonstrate sufficient knowledge of the powers and duties pertaining to the Office of Notary Public by taking the Notary Knowledge Assessment and obtaining a minimum score of 80%.

The assessment is available on our website or in paper form by requesting it from the notary division.

Qualification Statements

Pursuant to RIGL §42-30.1-16

At the time of application or renewal, applicants must answer the two qualification statement questions and, if applicable, provide the required information regarding notary misconduct and criminal convictions.



Jurisdiction

Rhode Island notaries public may perform notarial acts **anywhere** within the boundaries of the State of Rhode Island.

Rhode Island notaries may **not** perform notarial acts outside of Rhode Island.

Notarial practices in the State of RI are governed by RIGL 42-30.1 et seq., the Standards of Conduct and the Electronic Notarization Standards.





Notary fees/ Accepted forms of identification to verify signer identity

NOTARY FEE

- › Notaries may charge a fee not to exceed \$5 per document/notarization
- › Travel fees must be equal to or less than the IRS federal mileage rate
- › Fees must be conspicuously posted at the notary's place of business

FORMS OF IDENTIFICATION

- › Driver's License or identification card issued by the Rhode Island Division of Motor Vehicles, another state or territory of the United States, Canada or Mexico
- › 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



Limited powers of a Notary Public

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 complete or avoid a transaction involving a notarial act. A notary may advise against a transaction that they believe to be 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.

ADVERTISING DISCLAIMER

- › A non-attorney notary public who advertises notarial services in any language should not translate the words “notary public.” Any advertisement, notice, letterhead or sign should prominently display the disclaimer:

“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, notice, letterhead or sign.

UNAUTHORIZED PRACTICE OF LAW

- › A non-attorney notary public should not assist in drafting, completing, selecting or explaining a document or transaction requiring a notarial act, render legal advice; or otherwise engage in the practice of law.



Maintaining or updating your commission

NOTIFY US WITHIN 10 DAYS IF

- › You change your name, address, employment, telephone number, email address or other changes.

NOTIFY US WITHIN 5 DAYS IF

- › You have a change in information regarding electronic notarization including technology used.

NOTIFY US AS SOON AS POSSIBLE IF

- › You resign your commission;
- › You would like to opt-in or out of the notary public online city search listing;
- › Your notary stamp/seal is lost, stolen or damaged;
- › A notary dies during their commission.

ENDING YOUR COMMISSION

- › Notify the notary division in writing;
- › Destroy or deface all seals/stamps; and
- › Retain your notary journal for 7 years.



Types of Notarial Acts



ACKNOWLEDGEMENT

When a signer, whose identity has been verified, *declares that they have knowingly and voluntarily signed a document for the purpose stated in that document.*

COMMON TYPES OF ACKNOWLEDGEMENTS

- Advance Medical Directives
- Power of Attorney
- Deeds/Mortgages
- Waiver/Release of Claims

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

[Download the sample Acknowledgment certificate from our website.](#)



Acknowledgement

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



STEP 1

Review the document to determine the document type and the notarial act to be performed.



STEP 2

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



STEP 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.



STEP 4

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



STEP 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

Venue → State of Rhode Island
County of Providence

Exact date of notarization → On this ____ day of ____, 20__, before me, the undersigned notary public, personally appeared

Indicates presence → _____

Name of person appearing before notary → _____

(name of document signer) and proved to me, through satisfactory evidence of identification, to be the person whose name is signed on the attached document, and who **acknowledged** that they signed the document voluntarily for its stated purpose.

Indicates acknowledgment; signed earlier or before Notary → _____

Notary signature, printed name, ID number and commission expiration date → Notary Public _____
Notary Public _____
Notary ID # _____
My commission expires _____

Official Notary Stamp → (Notary stamp)



Types of Notarial Acts



JURAT

When a signer, whose identity has been verified, *swears or affirms to the truthfulness of the contents of a document.*

COMMON TYPES OF JURATS

- Minor Travel Consent Form
- Income Verification Letter
- Letter of Temporary Guardianship

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

[Download the sample Jurat certificate from our website.](#)



Jurat

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



STEP 1

Review the document to determine the document type and the notarial act to be performed.



STEP 2

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



STEP 3

Have the signer verbally acknowledge they are signing the document competently and voluntarily.



STEP 4

Watch the signer affix their signature or mark to the document.



STEP 5

Administer the oath or affirmation aloud (both notary and person taking the oath or affirmation).



STEP 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.

SAMPLE
JURAT
NOTARIAL
CERTIFICATE

Venue

State of Rhode Island
County of Providence

Means signed

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

Indicates oath

Indicates presence


Exact date of notarization

Name of person appearing before notary

Notary signature, printed name, ID number and commission expiration date

Notary Public _____
Notary Public _____
Notary ID # _____
My commission expires _____

Official Notary Stamp

(Notary stamp)




Types of Notarial Acts



OATH OR AFFIRMATION

When a signer, whose identity has been verified, *verbally promises to tell the truth by taking a solemn spoken pledge to God or a Supreme Being (oath) or made on the signer's personal honor with no reference to a higher power (affirmation).*

COMMON TYPES OF OATHS OR AFFIRMATIONS

- RI Notary Public Application
- Affidavit
- Depositions

NOTE: *As a notary you are not confirming that the statements are true – only that the person taking the oath is swearing or affirming that they are. **You have no responsibility for the honesty of the individual.***



Oath or Affirmation

Signer must personally appear on the date and in the place noted in your journal.



STEP 1

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



STEP 2

Administer the oath or affirmation by having the person raise their right hand and administer the oath or affirmation aloud (both notary and person taking the oath or affirmation).



STEP 3

Complete the journal entry.



Types of Notarial Acts



COPY CERTIFICATION

When a notary public determines and acknowledges that a copy of a document is accurate and complete by copying or supervising the copying of the document and compares the copy to the original.

COMMON TYPES OF COPY CERTIFICATIONS

- Passport
- Diploma
- Medical Records
- Driver's license
- Lease

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

[Download the sample Copy Certification certificate from our website.](#)



Copy Certification

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



STEP 1

Verify that the document is one that a Rhode Island notary may lawfully copy and certify. A notary should not certify a vital record, public record or a publicly recorded document that is available as a certified copy from an official source.



STEP 2

Personally photocopy or supervise the copying of the document.



STEP 3

Compare the document to the original to determine that the copy is accurate and complete.



STEP 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.






STEP 5


Record the details of the copy certification in your notary journal.






SAMPLE
COPY CERTIFICATION
NOTARIAL
CERTIFICATE

Venue  State of Rhode Island
County of Providence

Exact date of notarization On this ____ day of _____, 20____, I certify that the attached document is **Indicates a copy**  a true, exact, complete, and unaltered copy made by me of **Name of document holder**  _____

Description of document  _____
(description of document), presented to me by _____ (name of document holder) and to the best of my knowledge the copied document is neither a vital record or a publicly recordable document that may be available as a certified copy from an official source other than a notary public.

Notary signature, printed name, ID number and commission expiration date  _____
Notary Public _____
Notary ID # _____
My commission expires _____

Official Notary Stamp  stamp) 



Types of Notarial Acts



SIGNATURE WITNESSING

When a signer, whose identity has been verified, *signs a document in the presence of a notary public.*

COMMON TYPES OF SIGNATURE WITNESSING

- Document Translations
- Applications
- Sports Player Assumption of Risk Form
- Authorizations

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

[Download the sample Signature Witnessing certificate from our website.](#)



Signature Witnessing

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



STEP 1

Review the document to determine the document type and the notarial act to be performed.



STEP 2

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



STEP 3

Have the signer verbally acknowledge they are signing the document competently and voluntarily.



STEP 4

Watch the signer affix their signature or mark to the document



STEP 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
SIGNATURE
WITNESSING
NOTARIAL
CERTIFICATE

Venue

State of Rhode Island
County of Providence

Exact date
of notarization

Indicates
presence

Name of person
appearing before notary

On this ____ day of ____, 20____, before me, the undersigned notary public, personally appeared _____

(name of document signer) and proved through satisfactory evidence of identification to be the person whose name is
signed on the attached document in my presence.

Indicates
witnessing
a signature

Notary signature,
printed name,
ID number and
commission expiration date

Notary Public _____


Notary Public _____

Notary ID # _____

My commission expires _____

Official
Notary
Stamp

(Notary stamp)





Types of Notarial Acts



LESS COMMON NOTARIAL ACTS

Only notaries public who have the appropriate professional training should proceed with the notarial acts listed below.

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.

Rhode Island 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 for its recipient to appear before a court.

Rhode Island 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.

Rhode Island 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.



Documents without notarial certificates

- › If your customer can tell you what type of notarial act is needed, you can affix or attach an appropriate loose notarial certificate to the document and complete it.
- › If your customer can't tell you what they need, you should explain the various notarial acts and have them determine the act they would like you to perform. If they cannot determine the act, refuse the request. A notary cannot determine what type of act is required. The customer should contact the document preparer or receiving agency to determine the type of notarial act.



Notarizing in special circumstances

Review the Rhode Island Notary Public manual for how to notarize for the following:

- | | | |
|---|--|---|
| › Signature by Mark | › Notarizing for a Person with Power of Attorney | › Notarizing a Document in a Foreign Language |
| › Signer Physically Unable to Sign or Make a Mark | › Signer Who is Deaf | › Wills and Living Wills |
| › Signer Who is Blind | › Signer Who is Illiterate | › Translations |
| › Signer Who does not Speak English | › Notarizing an Out of State Document | |



Do not notarize a document if...

- › The **signer is not in your presence**
 - › You **cannot identify the signer through accepted forms of identification** or if they are not personally known to you
 - › There is reason to believe that the **signer does not understand the consequences** of the transaction or document being notarized
 - › The signer is **not acting of their free will**
- › The document presented for copy certification **is a vital record, public record or a publicly recorded document** that is available as a certified copy from an official source other than a notary public
 - › **You are a party to or are named in the document** except for the sole purpose of receiving notices relating to the document
- › If you are named as an executor, trustee or in any fiduciary capacity unless you are an attorney licensed in RI or an employee of said attorney
 - › **You are a relative of the signer** specifically, a spouse, domestic partner, parent, guardian, child or sibling including in-law, step, or half relative



Other important considerations...

- › 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.
- › A notary public should not influence a person either to enter into or avoid a transaction involving a notarial act by the notary, except that the notary may provide advice relating to that transaction if the notary is duly qualified, trained or experienced in a particular industry or professional field.
- › A notary public should not execute a certificate containing information known or believed by the notary to be false.
- › A notary public should not affix an official signature or seal on a notarial certificate that is incomplete.
- › A notary public should not provide or send a signed or sealed notarial certificate to another person with the understanding that it will be completed or attached to a document outside of the notary's presence.



Electronic Notarization

- An electronic notarization is a notarial act performed by a RI notary who has registered with the Notary Division to perform electronic notarizations on or involving an electronic record by using electronic means authorized by the RI Department of State.
- Notaries may apply via the ***new or renewing notary applications*** or by submitting a ***notary information update*** form.
- **Notaries must purchase a solution from an approved solution provider as listed on our website.**
- All requirements and elements of paper-based notarizations apply to electronic notarizations.
- The liability, sanctions, and remedies for the improper performance of electronic notarial acts are the same as described and provided by law for the improper performance of non-electronic notarial acts.

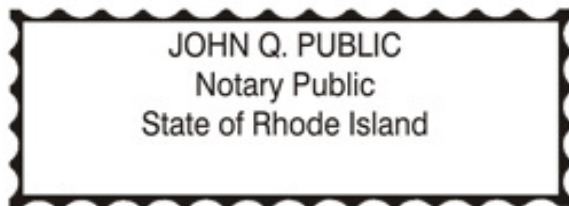
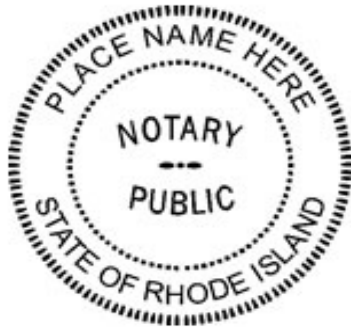


The Process...

1. The signer personally appears before the notary.
2. The signer provides the electronic document to the notary.
3. The notary reviews the document to determine the type of notarial act to be performed.
4. The notary and document signer gather around the notary's computer.
5. The notary positively identifies the signer.
6. The notary screens the signer for willingness and awareness.
7. The signer signs the document on the computer.
8. The notary completes the notarial certificate and attaches it to the document through the electronic application.
9. The notary signs and affixes the notary stamp.
10. The notary completes the journal entry.
11. The notarized document is sent to the signer or designated party who may then download or transmit the document.



Supplies & tools – Notary Stamp



NOTARY STAMP

RIGL and the Standards of Conduct require the use of a notary stamp when notarizing documents. The stamp must be:

- a self-inking device capable of being photocopied or scanned;
- round or rectangular with an edge border;
- include the notary's name as it appears on their commission, the words "Notary Public" and "Rhode island".



Embossers

- For notaries who have an embosser and elect to continue using it, they must make sure the seal can be photocopied and/or scanned. This can be done by using a pre-inked seal highlighter. The highlighter is a round stamp pad that is used in conjunction with the embosser to ink the seal.

PRE-INKED SEAL
HIGHLIGHTER





Supplies & tools



JOURNAL

A permanently bound book that creates and preserves a chronological record of notarial acts performed by a notary public.



NOTARIAL CERTIFICATES

Legally required wording that is a part of or attached to the document that states the facts attested by the notary during a particular notarial act.



LIST OF FEES

A list of the fees you charge for notarial services must be posted at your place of business.



Rhode Island General Law § 42-30.1

[§ 42-30.1-1 Title.](#)

[§ 42-30.1-2 Definitions.](#)

[§ 42-30.1-3 Authority to perform notarial act.](#)

[§ 42-30.1-4 Requirements for certain notarial acts.](#)

[§ 42-30.1-5 Personal appearance required.](#)

[§ 42-30.1-6 Identification of individual.](#)

[§ 42-30.1-7 Authority to refuse to perform notarial act.](#)

[§ 42-30.1-8 Signature if individual unable to sign.](#)

[§ 42-30.1-9 Notarial act in this state.](#)

[§ 42-30.1-10 Notarial act in another state.](#)

[§ 42-30.1-11 Notarial act under federal authority.](#)

[§ 42-30.1-12 Foreign notarial act.](#)

[§ 42-30.1-13 Official stamp.](#)

[§ 42-30.1-14 Notification regarding performance of notarial act on
electronic record – Selection of technology.](#)

[§ 42-30.1-15 Commission as notary public – Qualifications – No immunity
or benefit.](#)

[§ 42-30.1-16 Grounds to deny, refuse to renew, revoke, suspend, or
condition commission of notary.](#)

[§ 42-30.1-17 Database of notaries public.](#)

[§ 42-30.1-18 Prohibited acts.](#)

[§ 42-30.1-19 Validity of notarial acts.](#)

[§ 42-30.1-20 Fees for authentication of a notary public signature.](#)

[§ 42-30.1-21 Notary public – Fraud or deceit in office.](#)

[§ 42-30.1-22 Notary public commission effect.](#)

[§ 42-30.1-23 Savings clause.](#)

[§ 42-30.1-24 Relation to electronic signatures in global and national
commerce act.](#)



Notary Public Standards of Conduct

Electronic Notarization Standards

- [Standards of Conduct for Notaries Public in the State of Rhode Island and Providence Plantations](#)
- Electronic Notarization Standards
- Both documents may be found on our website <http://sos.ri.gov/divisions/Notary-Public>



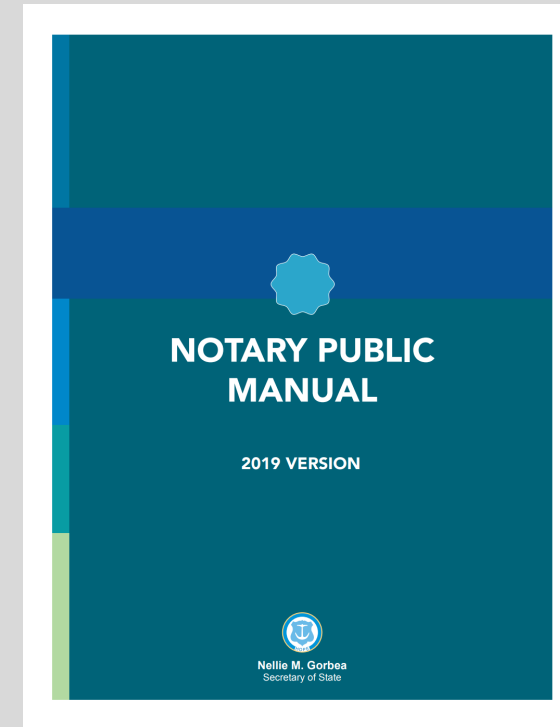
Education



[VIDEO TUTORIALS](#)



[RI NOTARY
PUBLIC MANUAL](#)



Your new **Notary Public Manual** will provide you easy to follow instructions.



Notaries fill an important role in society. Government, businesses and the public depend on the integrity of notaries public to authenticate signatures and properly complete many financial and legal transactions.

*Congratulations on
enhancing your
knowledge of the duties
and responsibilities
of notaries public
in Rhode Island.*