

Beyond Mandates:

*A Position on the Quality
of Notary Training*

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NATIONAL
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CONTENTS

Introduction2

History and Implementation.....2

Mandatory Training Course Curricula.....3

Does Mandatory Training Prepare Notaries?.....3

Compliance-Based Training Must Be Relevant and Practical.....6

Conclusion.....8

About the National Notary Association.....8

INTRODUCTION

In 2004, the National Notary Association published [*A Position on Mandatory Training for Notaries*](#), advocating for basic training as a requirement for a Notary Public commission, at a time when only a few states had such mandates. Since then, the landscape has evolved significantly. Today, nearly half of all states require Notaries to complete a training course for paper- or technology-based notarial acts.

More than twenty years later, it is time to assess whether current training programs truly equip Notaries with the knowledge and skills they need to serve as society's official impartial witnesses and first line of defense in documentary transactions. This paper contends that many current training courses are inadequate, examines the underlying causes of these shortcomings, and offers recommendations for meaningful reform.

HISTORY AND IMPLEMENTATION

Legislative and Regulatory History. The public and every industry that relies on Notaries Public owe the state of North Carolina a debt of gratitude for being the first state to enact a formal Notary Public training requirement. That was in 1983.¹ It wasn't until 2000 that Florida became the second.² Three more states soon followed.³ In the years following, an additional thirteen states added course requirements for Notaries performing traditional notarial acts.⁴ In addition to these enactments, several states began to require a course for Notaries performing in-person electronic and remote notarial acts.⁵

Course Implementations. States have taken varied approaches in implementing their training requirements. Course lengths range from one to six hours and may be delivered in a classroom setting or online. In some states, commissioning officials provide the training, while others authorize third-party providers. Some use both methods, and a few designate a single provider to deliver training. One even certifies Notaries themselves to teach courses. Depending on the jurisdiction, courses may be offered free of charge or for a fee.

¹ Session Laws of North Carolina 1983-427.

² The Laws of Florida Chapter 2000-164.

³ Pennsylvania: Laws of Pennsylvania (2002) P.L. 1269, No. 151; California: Statutes of California (2003) Chapter 513 (amended by Stats. 2004, Chapter 5390; Missouri: Laws of Missouri (2004) (House Bill 1193).

⁴ Alabama Acts 2023-548; Session Laws of Colorado (2009) Chapter 180; Laws of Illinois (2021) Public Act 102-0160; Laws of the State of Indiana (2017) Public Law 128; Laws of Maryland (2019) Chapter 407; Laws of Montana (2009) Chapter 319; Statutes of Nevada (2007) Chapter 294; New Jersey Chapter Laws P.L. 2021, Chapter 179; New Mexico Session Laws (2021) Chapter 21; Laws of Ohio 2018 (132nd General Assembly) Senate Bill 263; Oregon Laws (2005) Chapter 733; Vermont Acts (2018) No. 160; Wyoming Session Laws (2021) Chapter 27.

⁵ Arkansas Admin. Reg. Vol. XXXVIII, No. 5 (Nov. 2013), Docket No. 116.0013-003F; Statutes of California (2023) Chapter 291; Session Laws of Colorado (2020) Chapter 180; Colorado Admin. Reg. Vol. 43, No. 20, October 25, 2020; District of Columbia Acts 2018 Law No. 22-0189; Laws of Illinois (2021) Public Act 102-0160; Iowa Admin. Bull. Vol. XLII No. 24 (May 20, 2020); Session Laws of Kansas (2021) Chapter 64; Laws of Missouri (2020) House Bill 1655; Laws of Montana (2019) Chapter 123; Laws of Nebraska (2016) Legislative Bill 465; (2019) Legislative Bill 186; Statutes of Nevada (2009) Chapter 499; Session Laws of North Carolina 2005-391; Laws of Ohio 2018 (132nd General Assembly) Senate Bill 263.

MANDATORY TRAINING COURSE CURRICULA

State Law Requirements. State laws typically define the content for mandatory training courses. Among the first to implement training requirements, North Carolina, California, and Pennsylvania each outline specific curriculum standards for Notary Public education in their statutes.

North Carolina's statute is the most succinct: its course must include notarial laws, procedures, and ethics.⁶

California takes a “teach to the test” approach. Courses taught by education providers are approved if they cover all material needed to pass the written examination, which is based on the booklet of California laws relating to Notaries Public distributed by the Secretary of State.⁷

Pennsylvania has the most detailed requirements. Its initial or basic training course must cover relevant statutes, regulations, procedures, and ethics, with a core curriculum addressing the duties and responsibilities of a Notary Public, including electronic notarization.⁸ Continuing education must cover subjects which “ensure maintenance and enhancement of skill, knowledge, and competency necessary to perform notarial acts.”⁹

These examples highlight the respective distinct approaches:

- California emphasizes regulatory compliance and test preparation.
- North Carolina blends compliance training with Notary procedures and ethics.
- Pennsylvania combines a strong compliance foundation in its basic course with a greater focus on professional development in its continuing education course.

DOES MANDATORY TRAINING PREPARE NOTARIES?

Drawing on two decades of observing state-level implementations, the National Notary Association has found that mandatory Notary training often falls short in preparing Notaries to fulfill their critical duties. Why? Four key factors help explain: a focus on compliance-based training, inadequate instruction on fraud, the time gap between training and commissioning, and insufficient guidance on Notary discretion.

⁶ N.C. Gen. Stat. § 10B-8(c).

⁷ Cal. Gov't Code § 8201.2(a), (c).

⁸ 57 Pa.C.S. § 322(b).

⁹ 57 Pa.C.S. § 322(c).

Compliance Training. Mandatory education courses are typically compliance-focused, emphasizing knowledge of laws and regulations. One example among the many laws Notaries must learn in the typical mandatory Notary course is the prohibition of providing legal advice or engaging in the unauthorized practice of law (UPL).¹⁰ As a key aspect of compliance and to protect the public, Notaries must be trained to avoid UPL.

While compliance-focused training is essential for regulated professionals like Notaries Public, it can be difficult to absorb. The material is complex and abstract, and often presented in a dry, unengaging way.

Moreover, compliance-based training tends to be theoretical rather than practical. Using UPL as an example again, most training focuses on the rule itself but offers little guidance on how Notaries might inadvertently cross the line into giving legal advice or on how to handle situations where a customer asks for it. Without this practical context, Notaries may struggle to connect legal concepts with the real-world situations they face and the decisions they must make when performing notarial acts.

Fraud Training. Most mandatory Notary training fails to cover how to recognize common fraud schemes tied to notarial acts — such as deed, elder, and Notary impersonation fraud.

In addition, training ignores emerging threats like those involving artificial intelligence (AI). Today, AI can generate highly convincing and inexpensive fake identification documents¹¹ that may be used to deceive a Notary.¹² Additionally, the technology is being used to create “deepfakes” capable of impersonating individuals during remote online notarizations.¹³

These frauds can cause significant financial harm to the individuals executing or relying on notarized documents, lead to claims against Notary bonds and insurance policies, and expose Notaries to potential lawsuits and personal liability. Given these risks, any mandatory training course should at least introduce these frauds as a means of reinforcing legal compliance and proper procedures when performing notarial acts.

¹⁰ See, e.g., Ariz. Rev. Stat. Ann. § 41-273.A; Mich. Comp. Laws § 55.300a(j).

¹¹ Timothy Walden, “The Weekly Breach Breakdown: Fake It Til You Make It: ChatGPT’s New Image Generator Creates More Problems For Businesses.” Identity Theft Resource Center. April 11, 2025. <https://www.idtheftcenter.org/podcast/weekly-breach-breakdown-new-image-generator-creates-problems>. Last viewed on May 9, 2025.

¹² See “ALTA Critical Issues Study on Seller Impersonation Fraud.” American Land Title Association, 2024. <https://www.alta.org/file/Seller-Impersonation-Fraud-Study-Report.pdf>. Last viewed on October 11, 2024. The Study reports that 26% of respondents said it was highly common, common, or somewhat common for a fraudster seeking to commit seller impersonation deed fraud to pass a fake ID to a Notary.

¹³ National Notary Association, “Digitally Disguised: Deepfakes and Remote Notarial Acts.” 2024.

¹⁴ N.C. Gen. Stat. § 10B-8(a).

Training Timing. Timing is also a factor. Mandatory courses are usually taken months before a Notary begins performing duties. For example, North Carolina requires applicants for a commission to take training within three months of applying for a commission.¹⁴ In California, it must be completed before taking the Notary examination, which can precede the issuance of the commission by up to six months.¹⁵ In Pennsylvania, the course must be taken within six months prior to applying.¹⁶ With such lengthy gaps, it is easy for learners to forget much of what they were taught by the time their commissions are issued and they start performing notarial acts.

Notary Discretion. Newer Notary laws now expect Notaries to exercise significantly greater discretion¹⁷ in performing notarial acts than in the past. Historically, a Notary Public's role was considered "essentially clerical and ministerial"¹⁸ — limited to duties strictly defined by law, with little or no room for personal discretion.¹⁹ A statute stating "The notary public shall authenticate with the official seal all official acts"²⁰ allows little room for discretion.

However, newer laws requiring or authorizing Notaries to exercise discretion compel them to conduct due diligence, make evaluations, apply discernment and prudence, and render judgments. For instance, Notaries may be required to demonstrate reasonable reliance on the presentation of identification documents when verifying the identity of document signers.²¹ They may be authorized to refuse to perform a notarial act if they are not satisfied that the signer is mentally competent or signing voluntarily.²² Notaries may be permitted to use discretion in reducing or waiving Notary fees.²³ When terms like "reasonable" and "satisfied" are applied to a Notary, they imply more than simply following the law in a ministerial fashion. They inherently require the exercise of individual judgment and discretion.

Unfortunately, mandatory Notary training, being largely compliance-driven, focuses primarily on adhering to legal requirements and does not teach Notaries to exercise the expanded discretion now expected of them.

¹⁵ The California Secretary of State encourages Notaries renewing their commissions to take the examination at least six months prior to the expiration of the Notary's commission expiration date (California Notary Public Handbook, 2025, California Secretary of State, at 24.)

¹⁶ 57 Pa.C.S. § 322(b), (c).

¹⁷ Discretion means "individual choice or judgment," the "power of free decision or latitude of choice within certain legal bounds," and the "ability to make responsible decisions." "Discretion." Merriam-Webster.com dictionary. <https://www.merriam-webster.com/dictionary/discretion>. Last viewed May 7, 2025.

¹⁸ Bernal v. Fainter 467 U.S. 216 (1984).

¹⁹ Ballentine's Law Dictionary (393 (3rd. ed. 1969)) defines "ministerial duty" as "an official duty wherein the officer has no room for the exercise of discretion, official or otherwise, the performance being required by direct and positive command of the law."

²⁰ Cal. Gov't Code § 8207.

²¹ Cal. Gov't Code § 1185(b)(1)(B)(3), (4); Fla. Stat. Ann. § 117.05(5)2; Tenn. Code Ann. § 66- 22-106(c).

²² See, e.g., Del. Code Ann. tit. 29 § 4322(a)(1); Wash. Rev. Code Ann. § 42.45.060(1)(b).

²³ Haw. Admin. R. § 5-11-4.4(c).

COMPLIANCE-BASED TRAINING MUST BE RELEVANT AND PRACTICAL

At first glance, this paper may appear overly critical of state-mandatory Notary Public training. That would be the case if the discussion ended here. However, the National Notary Association firmly believes that the strength and viability of the Notary Public office depend on the strong foundation of effective training and educated practitioners. In that spirit, we offer several recommendations to enhance the effectiveness of current mandatory training.

Hands-On Training. As the Chinese proverb (often attributed to Benjamin Franklin) says, “Tell me and I forget, teach me and I may remember, involve me and I learn.”

To enhance the effectiveness of compliance-focused Notary training, it is essential to strike a balance between legal theory and practical application. Demonstrating the ability to apply knowledge — rather than just retain it — is crucial. Training should include hands-on exercises that translate legal principles into practical skills, enabling learners to navigate real-world notarial situations with confidence.

To make compliance-focused Notary education more engaging and impactful, it should draw on real-world sources such as disciplinary actions, complaints, and insurance claims. These examples bring abstract legal requirements to life and illustrate the consequences of noncompliance. Additionally, incorporating skill-based exercises into training enables students to learn through experience. Below are several practical exercises that can be incorporated into mandatory Notary compliance courses:

- Practicing the steps involved in performing each of the basic notarial acts.
- Completing proper journal entries for notarial acts.
- Identifying blank spaces in documents that must be filled in before notarization.
- Examining IDs, like driver’s licenses, to determine if they appear valid.
- Recognizing when a notarial request should be refused.

In classroom courses, learners can complete these exercises and discuss their results with classmates to reinforce understanding and share perspectives.

Online courses should include the same practical exercises rather than relying on passive, text-heavy content that merely fills the screen but fails to engage learners. This can be achieved through interactive features like drag-and-drop activities, quizzes, polls, videos, and animations that demonstrate procedures and clarify complex topics. The success of online learning depends on skilled course developers who understand how and when to use these interactive elements, as well as a platform capable of supporting dynamic, interactive learning experiences.

How to Exercise Discretion. Commissioning officials should review their statutes and administrative rules for provisions that require Notaries to exercise discretion and

ensure that their training programs actively teach Notaries how to do so effectively. This is no small task; it involves teaching critical thinking, logical reasoning, and the ability to make sound judgments.

Consider, for example, the statutory definition of personal knowledge. More than half of states have a statute that authorizes Notaries to verify a signer's identity based on personal knowledge if they have had sufficient dealings with the individual to be reasonably certain of the person's identity.²⁴ But what are sufficient dealings? How many are enough? How can a Notary be reasonably certain? What if the Notary has doubts? And if questioned in court, what would a Notary need to explain to show they acted with reasonable care?

Consider another example: State Notary laws increasingly grant Notaries broad discretion to decline requests for notarial acts.²⁵ While training should address the valid reasons for refusing a request, it should also prepare Notaries to confidently and professionally say “no” when, in their judgment, they cannot provide notarial services.

These and similar questions should be addressed in training, explored in depth, and reinforced using realistic scenarios that challenge Notaries to apply their judgment in practical situations.

“Booster” Education. State commissioning officials might consider offering concise “booster” training materials — such as short videos, newsletter articles, or brief email-based quizzes — for Notaries to review after completing their mandatory course. These materials would serve to reinforce key concepts during the period before their commissions are issued. The strength of this approach lies in its brevity: While Notaries may not be inclined or have time to take an additional full-length course while they are waiting, they are far more likely to view a quick, well-crafted, and engaging video that emphasizes a single, important teaching point.

Alternative Learning. Commissioning officials in states with mandatory training could supplement their mandatory Notary education program by offering learning opportunities that extend beyond basic compliance instruction. For example, the Montana Secretary of State has hosted several biennial statewide Notary training conferences, featuring workshops on a range of topics aimed at strengthening Notaries' knowledge and skills.

Online events also offer a valuable educational alternative at a lower cost. For example, to commemorate Notary Public Day, the California Secretary of State hosted a well-attended, one-hour virtual meeting for all California Notaries.

In another innovative approach, the North Carolina Secretary of State has launched a series of “fireside chats” across the state's 100 counties, where the Secretary and Notary division staff meet personally with Notaries to answer questions and provide guidance.

²⁴ See, e.g., Or. Rev. Stat. § 194.240(1); W.V. Code § 34-4-7; Vt. Stat. Ann. tit. 26 § 5365(a).

²⁵ See, e.g., Ind. Code Ann. § 33-42-9-5; N.D. Cent. Code § 44-06.1-07.

CONCLUSION

While states have made significant progress by requiring Notary training, more focus is needed to ensure that mandatory education programs effectively prepare Notaries for their responsibilities. Current programs are overly focused on compliance, often inaccessible to those without legal training, and lack content on fraud prevention which reinforces the importance of compliance. Delays between training and the issuance of a Notary commission undermine knowledge retention and application, while training on how to exercise discretion where it is required or authorized by law is largely neglected.

To enhance public trust in Notaries Public and protect the integrity of notarial acts, training programs should include practical, scenario-based instruction and interactive learning methods that more accurately reflect the realities of contemporary Notary practice.

ABOUT THE NATIONAL NOTARY ASSOCIATION

Established in 1957, the National Notary Association (NNA) is the leading professional authority on the American Notary office and is dedicated to educating, serving and advocating for the nation's 4.4 million Notaries. The NNA published the *Model Notary Act* and the *Model Electronic Notarization Act* to help lawmakers enact effective legislation, and created *The Notary Public Code of Professional Responsibility*, a standard for best practices and professional conduct. To learn more, visit NationalNotary.org.

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