

# What Is a Notary Public?

The National Notary Association is providing this information as a public service to consumers, immigrants and others who depend on Notaries to lend trust to their document transactions. As an advocate for sound Notary laws and practices, the NNA supports the federal government's major initiative to combat abuses of consumers and immigrants.

## What is a Notary Public?

A responsible person appointed by state government to witness the signing of important documents and administer oaths.

## Why are documents notarized?

To increase public trust in transactions and signed documents and to deter fraud. As an impartial witness, the Notary verifies that the signers of documents are who they say they are. The Notary also makes sure that signers have entered into agreements knowingly and willingly. In a society in which business dealings between strangers are the norm, notarization lends integrity to signed documents.

## What is required for a document to be notarized?

Most documents that are notarized must have the following:

- (1) Language that commits the signer in some way.
- (2) A signature.
- (3) A notarial certificate that the Notary completes to evidence the notarization.

## Is notarization required by law?

For many documents, yes. Mortgages, real estate deeds and certain affidavits are not legally binding unless they're properly notarized.

## How does a Notary identify a signer?

Generally, the Notary will ask to see a form of identification that complies with the requirements of the law. A driver's license or passport are most frequently used.

## How much does a notarization cost?

Fees are set by state law, so they vary. The cost can range from 50 cents to \$15, depending on the state.

## Does notarization make a document "true" or "legal"?

No. Notarization does not make a document legal if it's legally deficient before it is notarized. Notaries are not responsible for the accuracy or legality of documents they notarize. The document issuer or signer are responsible for the content of the documents.

## May a Notary give legal advice or draft legal documents?

No. A Notary is prohibited from preparing legal documents or acting as a legal advisor unless they're also an attorney. Violators can be prosecuted for the unauthorized practice of law.

## May a Notary notarize immigration forms?

Few immigration forms need to be notarized. However, if an immigration form requires notarization, a Notary is authorized to perform it.

## May a Notary prepare or offer advice on immigration forms?

U.S. Citizenship and Immigration Services (USCIS) regulations state that with few exceptions no one may prepare or file another person's immigration papers or represent the person in an immigration matter unless he or she is an attorney or a U.S. Justice Department-approved "accredited representative." Courts have held that even a nonattorney's selection of which legal forms to complete can constitute the unauthorized practice of law.

## Is a Notary Public and a *Notario Publico* the same?

No. Though they sound similar, the roles and duties are very different. In Latin America, a *Notario Publico* is an attorney or a high-ranking official (such as a judge). In the United States, a Notary cannot prepare legal documents or give advice on immigration or other matters unless the Notary is also an attorney.

## Where do I report illegal or improper acts by a Notary?

Any wrongdoing or illegal activity should be reported to law enforcement or to the appropriate state office that regulates Notaries. In most states the Notary regulator is the secretary of state, but depending upon the state it could be the governor, lieutenant governor or attorney general.



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