

IMPORTANT GUIDELINES FOR VIRGINIA NOTARIES

The first and most important duty of a Virginia Notary Public is to become and continue to be thoroughly familiar with everything contained in *The Virginia Handbook for Notaries*. This is the operator's manual for exercising the powers and responsibilities of the position. No one should perform any duty as notary without having an understanding of what this publication contains. Performing any duty of a notary in a manner that is contrary to the contents of the *Handbook* may result in the revocation of the notary's commission and criminal prosecution resulting in a fine and jail time. Here are some very important points to remember that are based on frequently asked questions or complaints regarding service as a Virginia Notary Public:

- A notary is a public official appointed by the Governor. Even though a notary may hold that position to serve his or her employer, no employer or supervisor can impose requirements pertaining to a notary that are contrary to Virginia's laws and regulations pertaining to notaries.
- A notary must always be completely satisfied with the identity of the person whose signature is being notarized. A notary is not obligated to notarize a person's signature without being sure that the person is who he or she claims to be. Always check identification and be satisfied that the identification is valid. Never accept the word of a third party as being sufficient for identification to justify notarizing a person's signature.
- A notary **cannot** notarize his or her own signature, the signature of his or her spouse, a document in which the name of the notary or the notary's spouse appears, or a document in which the notary or the notary's spouse may benefit. For example, a notary cannot notarize a will in which a notary or the notary's spouse is to be a beneficiary.
- A notary **cannot** certify birth, marriage, death certificates (copies or originals.)
- A notary is **not authorized** to perform marriages or any act that constitutes the practice of law.
- The term "acknowledged before me" means that the person signing the document has satisfied the notary as to be his or her identity and has actually signed the document while the notary was watching him or her doing it.
- A notary is not required to charge a fee for his or her services, but if a fee is charged, it **cannot** be more than \$5.00 for each document notarized.
- A Virginia notary may notarize a document to be filed and used outside of Virginia if it is signed and notarized in Virginia.

The notary must notify the Secretary of the Commonwealth's Office of any changes to the information provided on their application during the course of their commission.

- There are seven (7) items required for the notary to state on each document being notarized:
 1. The name of the county or independent city in which the document is signed (do not put in this space the street or name of business where the signing occurred).
 2. The date the document is signed.
 3. The notarial statement – what is being notarized (i.e. a signature, a true copy of an original, or an oath)
 4. The notary’s signature.
 5. The date that the notary’s commission expires (month, day, year)
 6. Notary registration number
 7. Photographically reproducible notary seal/stamp

- Every effort should be made to have complete notarization on the same page as the signature(s) being notarized. If notarization is on a separate page from signature(s), the notarial statement must include the name of each person whose signature is being notarized.

- A Virginia notary’s seal must contain the name of the notary exactly as it appears on the notary’s commission, words “Notary Public” and “Commonwealth of Virginia.” Stamps/seals must be ordered through an outside vendor. The Office of the Secretary of the Commonwealth does not sell or make notary stamps/seals.

- If a notary has any questions or concerns regarding any act of a Notary Public, he or she should contact the Notary Section of the Office of the Secretary of the Commonwealth BEFORE performing that act.

- If a notary violates any law or regulation governing notaries public, the Secretary of the Commonwealth may revoke his or her commission. A notary may be criminally prosecuted for willful misconduct. It is a felony to act as a notary without having a valid commission and doing so may result in imprisonment for each offense.

A notary’s commission may be renewed every fourth year by filing a new application with the Secretary of the Commonwealth’s Office.

If there are any changes to the notary laws the information will be available by July 1 of every year on our website www.commonwealth.virginia.gov/OfficialDocuments/Notary/notary.cfm or by calling the Secretary of the Commonwealth’s Office.