

# State of Iowa Notary Training



*Presentation created by the Office of the Iowa Secretary of State Paul D. Pate*

# What is a notary public?



- Commissioned by the Secretary of State to perform notarial acts
- Unbiased witness
- Helps to prevent fraud by attesting that a person actually signed a document

# Examples of a notarial act

Administering or Verifying an Oath or Affirmation



Witnessing or attesting to a signature



Taking an acknowledgement



Certifying a copy of a record



# The 3-Step notarization process



*\*Certificate examples can be found in Iowa Code 9B.16*

# ① Screen the signer

The following must be unambiguous each time you notarize a document:

- Personal appearance
- Identity of the signer
- Signer is aware of transaction
- Signer is willing to complete transaction

*There are additional requirements for determining the signer's identity for the performance of remote notarial acts.  
See Iowa Administrative Code 721-43.9 for more information.*



# Proper forms of identification

A form of government-issued identification such as a passport, driver's license, or non-operator identification card.

You **must** be able to read the form of identification to verify the information to identify the individual.

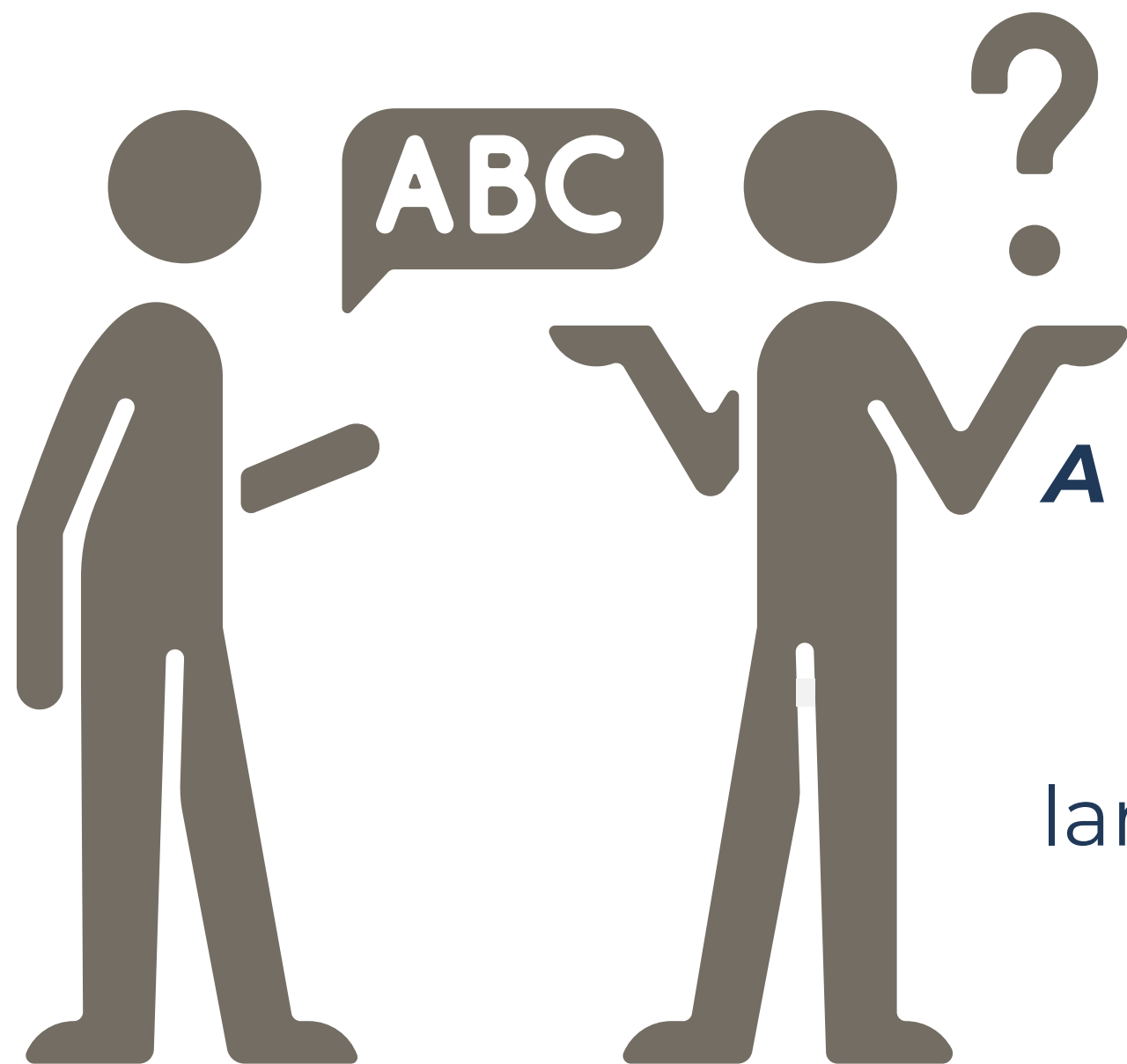


Must be current or expired no more than **3** years before the date of the notarization.

Must include a signature or a photograph of the individual and must be satisfactory to the notarial officer.

# Willingness and Awareness

If you believe that the signer is not performing this act out of their own free will, or if you have reasonable belief that they do not understand the significance of the transaction, **refuse to notarize.**



You must speak directly with the signer.

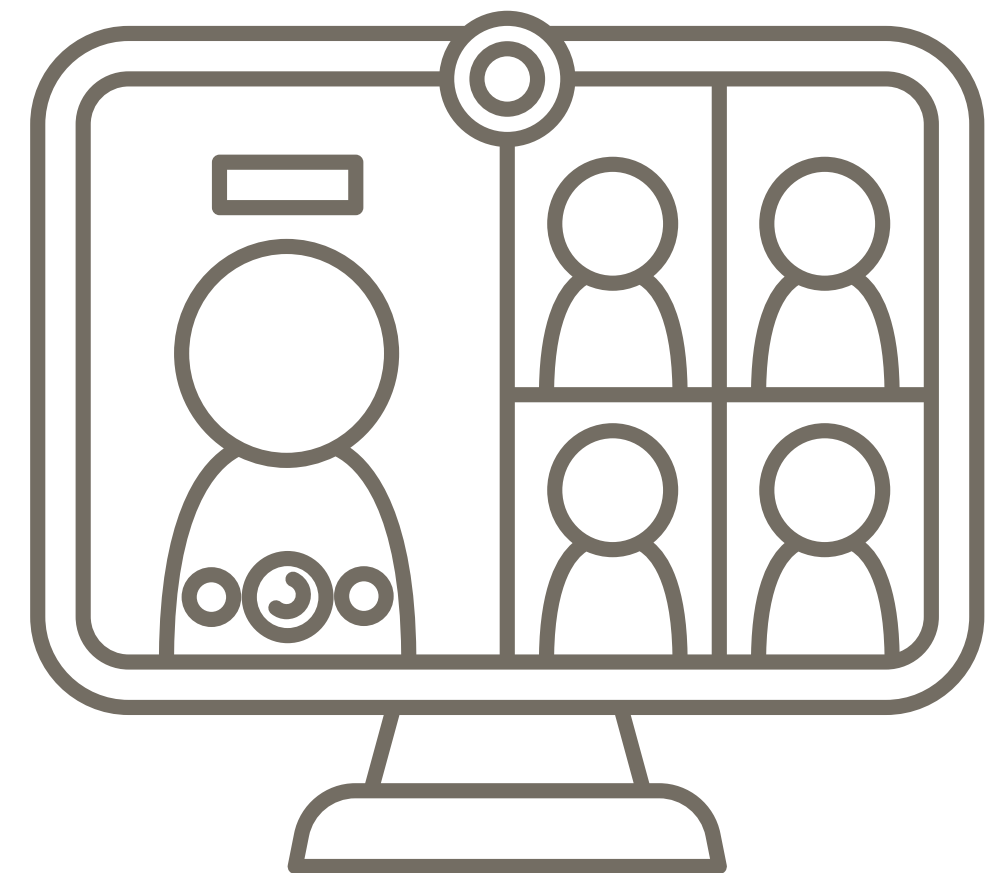
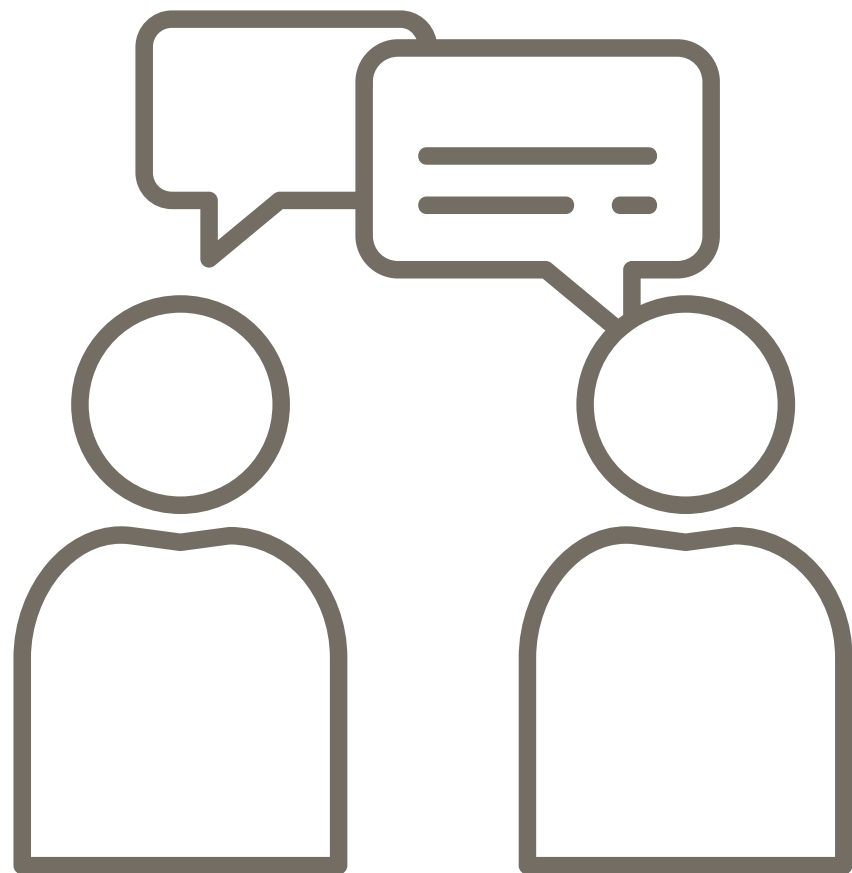
***A translator cannot be used in a notarial situation.***

The signer must find a notary that speaks their language and can confirm their understanding of the transaction taking place.

# Personal Appearance

Under no circumstances is the requirement of personal appearance of the signer to be disregarded.

Whether the notarization session is in-person, electronic, or remote, the signer must always be present and in view of the notary.





# Signers with Disabilities

If the individual is physically unable to sign a record, the requesting individual may direct an individual other than the notarial officer to sign their name on record for them.

The person who signs **must** be in the presence of the disabled person at the time of the notarization. Communication technology must allow for communication facilitation with a remotely located individual who has a vision, hearing, or speech impairment when necessary and consistent with other applicable law.

In this type of situation, the notarial officer shall insert “*signature affixed by \*name of other individual\* at the direction of \*requesting individual\**” or a similar phrase to document the circumstances of the notarization.

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# Check the Document



*This does not mean read the entire document*



You will be checking for completeness and certificate wording.

Do not advise on spots left blank on the form; instead, redirect the signer to their attorney or other appropriate party to explain what should be filled in those spots.

If a notarial certificate is not present on the document, you cannot suggest which one to use for the notarial act. The signer must already have that provided.



# 3 Completing the Notarial Certificate

Requirements for a notarial certificate include:

- \* Executed at the same time the notarial act is taking place
- \* Signed and dated by the notary
- \* Jurisdiction where notarization took place (county and state)
- \* Notary's title ("notary public" or other officer title)
- \* Date of expiration of commission
- \* The notary's seal, whether stamped or embossed

# Apostilles and Certifications

Certifies that the notarial officer was commissioned to  
serve at the time of signing

Apostilles will be issued for Hague Apostille  
Convention member countries;

Certifications will be issued for non-Hague members

Apostille and Certification will look different,  
but contain the same information

Separate certificate to attach to the original document provided

# Notary Stamp

Your notary stamp is required by Iowa Code chapter 9B to contain the following:

- Your name as it appears on your commission
- The words “Notarial Seal” and “Iowa”
- The words “Commission number” followed by the number assigned to you
- The words “My Commission expires” followed either by the expiration date, or a blank line on which the notary will indicate the date of expiration, if any



\*Your name here\*

Notarial Seal, Iowa

My commission number is 123456

My commission expires 01/01/20\_\_\_\_

# Common mistakes made by notaries



# Not watching the signature

To properly issue a notarization on a document, the act of signing must be observed by the notary public.

If they already signed the document, you must watch them sign again, unless the notarial act is an acknowledgement.

Best practice, if they signed in black ink, have them sign in blue (or vice versa). This indicates that the signature was redone in the presence of the notary.

# Notarizing for a company

*We get it - this one is confusing.*

Walmart Inc. cannot sign for Walmart Inc. However, Joe Smith, their corporate counsel, may sign on behalf of Walmart Inc., and he would list his signature as such. You would verify Joe's identity as the signer, and he would list his capacity to sign on behalf of the company (*not your concern but for reference.*)

*Joe Smith*  
ATTORNEY FOR WALMART INC.



# Not filling out a certificate

Sample short form certificates are available in Iowa Code 9B.16.  
A certificate must be issued for every notarial act performed.

Depending on the document, especially if you are not drafting it, the certificate should already be provided for you. If not, you must refer the requesting party to obtain the notarial certificate that is required for the document.

You cannot suggest which type they should use.

# Frequently asked questions

(And any more you may have)



# Electronic vs. Remote

## Electronic

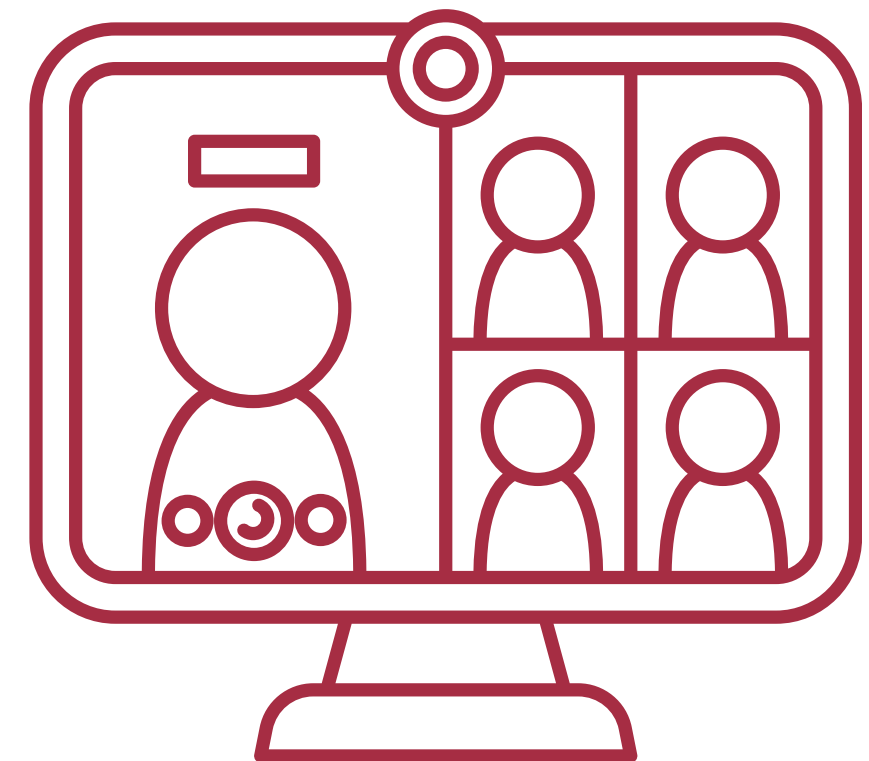
Signing your name via electronic signature pad; the notary seal is generated in the system used and you will commonly sign and initial.

*This is commonly used by state troopers, banks, car dealerships, etc.*



## Remote

This is done through remote notarization software. A remote notary will not be in the physical presence of the signer, but the signer will be in the view of the notary.



# ***Can I notarize for someone who speaks a language other than English?***

The notary must be able to be satisfied about the understanding and awareness of the signer. If they do not understand you, there is a very good chance they will not be able to complete the notarization process without getting confused. You can kindly refuse the notarization and provide them the search option on our website to assist them in finding a notary who speaks their language.

中文

한글

# *Can I notarize for family/friends?*

A notary is meant to be an impartial witness.

Use caution when notarizing for friends or family; take into consideration any benefit you may have.

A notary should not perform a notarial act for a spouse or partner or if they have a direct beneficial interest in the document or transaction.



# ***If I shouldn't benefit from the transaction, how do I get paid to be a notary?***

You can receive commission from your workplace or payment for your notary services when performing a notarial act.

You should not benefit directly from the transaction the document is required for.


For example, you should *not* notarize a will and testament that allots you or your spouse \$10,000. But you *can* accept a reasonable fee for your services as a notary to assist with closing a real estate transaction that you are not involved in.

# Notary Complaint Process



# What happens?

- Complainant submits statement of complaint
- Complaint is received by our office
- Correspondence is sent to the notary in question, detailing the complaint and asking for a response. The notary is given 30 days to respond to the notice.

	<b>PAUL D. PATE</b> Secretary of State State of Iowa	<b>Statement of Complaint</b> Regarding a Notary Public, Notarial Officer, or Remote Notarization Transaction
<small>In order for the Secretary of State to initiate an investigation this form shall be completed and signed. Complaints shall be typed or printed legibly in black or blue ink.</small>		
<b>Complainant Information:</b>		
Name:	_____	Phone Number: _____
Address:	_____	
Email (optional):	_____	
<b>Complaint Information:</b>		
Name of Notary:	_____	Date of incident: _____ Location of incident: _____
Notary's Address (if known):	_____	
Notary's Phone Number (if known):	_____	Notary's Employer (if known): _____
Identity Proofing Technology Used (if known):	_____	
Communication Technology Used (if known):	_____	
<small>Please clearly state the facts and provide information concerning the nature of your complaint including services provided, fees paid, names and contact information of witnesses, and any losses or damages. Also submit any documentation in support of your complaint. If more space is needed, attach additional pages.</small>		
Number of additional pages attached:	_____	
Complainant's Signature: _____		
Date Submitted:	_____	
<b>SECRETARY OF STATE</b> Attn: Notary Division Lucas Building, 1st Floor Des Moines, IA 50319  Phone: (515) 281-5204 Fax: (515) 242-5953 Website: sos.iowa.gov		
4/20		



# Notary Complaint Results

Should the complaint be found credible and we receive insufficient context and proof from the notary demonstrating otherwise, the notary's commission may be suspended or even revoked.

If the complaint is found not credible, the complainant receives correspondence regarding the decision.

# Remote Online Notarizations



# Remote Notary Basics

## What is a Remotely located individual?

A signer who is not in the physical presence of a notary.



## Is extra training required?

**Yes.** Remote Notary training is available through the National Notary Association; there is a direct link to the Iowa-specific class on our website. If you plan to perform remote notarizations, you must take the training.

# Your duty does not stop because of the screen in front of you

Just because you are not in the physical presence of the signer, all steps for a proper notarization are still important.

You must check their understanding, you must verify their identity, and you must verify that they are doing this out of their own free will.

Remote notarization has assisted in many transactions, making the process easier for many, but it is just as important to check all of your boxes before completing the notarial act.

# Remote Notary Training

Aforementioned, there is a required training to become a remote notary. If you plan to add remote notarizations to your commission, you can take the training as linked on our website.

The training is done through a 3rd party vendor and the Office of the Iowa Secretary of State is not associated with their pricing.

Please visit **[nationalnotary.org](https://nationalnotary.org)** for more information regarding the Iowa Remote Notary Training

**Please reach out with any questions or concerns!**

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