NOTARY PUBLIC CODE
OF PROFESSIONAL RESPONSIBILITY

Guiding Principles

1. The Notary shall, as a government officer and public servant, serve all of the public in an honest, fair and unbiased manner.

2. The Notary shall act as an impartial witness and not profit or gain from any document or transaction requiring a notarial act, apart from the fee allowed by statute.

3. The Notary shall require the presence of each signer and oath-taker in order to carefully screen each for identity and willingness, and to observe that each appears aware of the significance of the transaction requiring a notarial act.

4. The Notary shall not execute a false or incomplete certificate, nor be involved with any document or transaction that is false, deceptive or fraudulent.

5. The Notary shall give precedence to the rules of law over the dictates or expectations of any person or entity.

6. The Notary shall act as a ministerial officer and not provide unauthorized advice or services.

7. The Notary shall affix a seal on every notarized document and not allow this universally recognized symbol of office to be used by another or in an endorsement or promotion.

8. The Notary shall record every notarial act in a bound journal or other secure recording device and safeguard it as an important public record.

9. The Notary shall respect the privacy of each signer and not divulge or use personal or proprietary information disclosed during execution of a notarial act for other than an official purpose.

10. The Notary shall seek instruction on notarization, and keep current on the laws, practices and requirements of the notarial office.

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Standards of Professional and Ethical Practice

GUIDING PRINCIPLE I

The Notary shall, as a government officer and public servant, serve all of the public in an honest, fair and unbiased manner.

Article A: Refusal to Notarize

I-A-1: Refusal without Due Cause
The Notary shall not refuse to perform a lawful and proper notarial act without due cause.

I-A-2: Refusal for Reasonable Suspicion
The Notary shall refuse to notarize if the Notary has knowledge, or a reasonable suspicion that can be articulated, that the transaction is unlawful or improper.

I-A-3: Undue Cause for Refusal
The Notary shall not refuse to perform a lawful and proper notarial act because of the signer’s race, nationality, ethnicity, citizenship, religion, politics, lifestyle, age, disability, gender or sexual orientation, or because of disagreement with the statements or purpose of a lawful document.

I-A-4: Improper Refusal Due to Nonclient Status
The Notary shall not refuse to perform a lawful and proper notarial act solely because the signer is not a client or customer of the Notary or the Notary’s employer.

Article B: Fees

I-B-1: Improper Assessment of Fee
The Notary shall not base the charging or waiving of a fee for performing a notarial act, or the amount of the fee, on the signer’s race, nationality, ethnicity, citizenship, religion, politics, lifestyle, age, disability, gender or sexual orientation, or on agreement or disagreement with the statements or purpose of a lawful document.

I-B-2: Improper Assessment Due to Nonclient Status
The Notary shall not base the charging or waiving of a fee for performing a notarial act, or the amount of the fee, on whether the signer is a client or nonclient, or a customer or noncustomer, of the Notary or the Notary’s employer.

Article C: Dignity of Office

I-C-1: Dignity Befitting Public Office
The Notary shall conduct himself or herself with a dignity befitting a public officer and in a manner that does not bring disrepute or discredit upon the notarial office.

Article D: Advertising and Endorsement

I-D-1: Undignified Advertisement
The Notary shall not advertise notarial services in an undignified or excessively commercial manner.

I-D-2: Misrepresentation
The Notary shall not misrepresent the notarial office; claim or advertise powers, authority, advantages or rights that the office does not give; nor use language that is likely to mislead non-natives of the United States about the powers of the office.

I-D-3: Endorsement Improper
The Notary shall not use or allow use of the Notary’s seal or title (“Notary Public”) to endorse, extol or denigrate a product, service, program, proposal, individual, candidate, organization or contest, or to corroborate or disprove claims about them.

Article E: Ability and Availability to Serve

I-E-1: Resignation if Impaired
The Notary shall resign from office if any permanent change in the Notary’s physical status would prevent or significantly impair the proper performance of notarial duties.

I-E-2: Refusal for Lack of Knowledge
The Notary shall decline to notarize if the Notary does not feel sufficiently knowledgeable or competent to perform properly any requested notarial act.

I-E-3: Reporting Pertinent Change
The Notary shall report to the commissioning agency any pertinent change in personal status — including change of name or address, conviction of a felony, or adjudicated liability in a lawsuit involving a notarial act — affecting the Notary’s availability to the public and the repute of the Notary as a person of integrity.

GUIDING PRINCIPLE II

The Notary shall act as an impartial witness and not profit or gain from any document or transaction requiring a notarial act, apart from the fee allowed by statute.

Article A: Improper Gain

II-A-1: Actual or Potential Gain Improper
The Notary shall decline to notarize in any transaction that would result, directly or indirectly, in any actual or potential gain or advantage for the Notary, financial or otherwise, apart from the fee for performing a notarial act allowed by statute.

II-A-2: Commission or Fee Improper
The Notary shall not notarize for a client or customer who will pay the Notary a commission or fee for the resulting transaction, apart from the fee for performing a notarial act allowed by statute.

Article B: Improper Personal Interest

II-B-1: Notarization of Own Signature Improper
The Notary shall not notarize his or her own signature.

II-B-2: Notarization of Cosignature Improper
The Notary shall not notarize a signature on a document that the Notary has cosigned.

II-B-3: Notarization of Document Naming Notary Improper
The Notary shall not notarize a document that bears the name of the Notary or of a close relative, as defined below in Standard II-B-5.
II-B-4: Notarization of Personal Document Improper
The Notary shall not notarize a document that will affect or involve the Notary’s personal affairs.

II-B-5: Notarization for Close Relative Improper
The Notary shall decline to notarize the signature of a close relative or family member, particularly a spouse, parent, grandparent, sibling, son, daughter or grandchild of the Notary, or a stepchild, stepsibling, stepparent, stepgrandparent or stepgrandchild of the Notary.

Article C: Avoiding Appearance of Partiality

II-C-1: Compromise of Impartiality
The Notary shall decline to notarize in any transaction that would impugn, compromise or call into question the Notary’s impartiality or propriety, or has the potential for doing so.

Article D: Proper and Improper Influence

II-D-1: Avoidance of Influence in Lawful Transaction
The Notary shall not attempt to influence a person to sign or not sign, to act or not act, nor to proceed or not proceed in any lawful transaction requiring a notarial act that is to be performed by the Notary.

II-D-2: Refusing Unlawful Transaction
The Notary shall refuse to participate and shall attempt to influence a person not to sign, not to act or not to proceed in any unlawful transaction requiring a notarial act that is to be performed by the Notary.

Article E: Notarization for Employer

II-E-1: Notarization by Employee Proper
The Notary who is an employee shall be permitted to notarize for any officer, executive, supervisor, coworker, subordinate, client or customer of the employing organization, as long as the Notary will not gain a commission, bonus or other consideration as a result of the notarial act, other than the regular salary or hourly wage and the statutory notarial fee.

GUIDING PRINCIPLE III

The Notary shall require the presence of each signer and oath-taker in order to carefully screen each for identity and willingness, and to observe that each appears aware of the significance of the transaction requiring a notarial act.

Article A: Physical Presence

III-A-1: Insisting That Signer Appear
The Notary shall insist that the signer and any witness identifying the signer be present before the Notary at the time of the notarization.

Article B: Screening for Identity and Willingness

III-B-1: Three Identification Methods
The Notary shall carefully identify each signer through either personal knowledge, at least one reliable identification document bearing a photograph, or the sworn word of a credible witness.

III-B-2: Deterring Undue Influence
The Notary shall not notarize for any person if the Notary has a reasonable belief that can be articulated that the person is being bullied, threatened, intimidated or otherwise unduly influenced into acting against his or her will or interest.

Article C: Screening for Awareness

III-C-1: Awareness Essential in Signer
The Notary shall not notarize for any person if the Notary has a reasonable belief that can be articulated that the person at the moment is not aware of the significance of the transaction requiring a notarial act.

III-C-2: Coherent Communication Necessary
The Notary shall not notarize for any person unable to communicate coherently with the Notary at the time of notarization.

III-C-3: Direct Communication Necessary
The Notary shall not notarize for any person with whom the Notary cannot directly communicate in the same language, regardless of the presence of a third-party interpreter or translator.

Article D: Qualification of Witnesses

III-D-1: Honesty, Capacity and Disinterest Essential
The Notary shall require any witness identifying a principal signer to be honest, mentally capable and unaffected by the transaction requiring a notarial act.

III-D-2: Oath or Affirmation Necessary for Identifying Witness
The Notary shall administer an oath or affirmation to any witness identifying a principal signer in order to compel truthfulness.

III-D-3: Personal Knowledge of Identifying Witness Essential
The Notary shall personally know any individual serving as the sole witness identifying a principal signer in the Notary’s presence, and the witness shall personally know the principal signer.

III-D-4: Identifying Witness Must Be Unaffected
The Notary shall disqualify any person from serving as an identifying witness if that individual is named in or affected by the document signed by the principal.

III-D-5: Personal Knowledge of Subscribing Witness Essential
The Notary shall personally know any individual offering to serve as a subscribing witness to identify a principal signer who is not in the Notary’s presence.

III-D-6: Subscribing Witness Must Be Unaffected
The Notary shall disqualify any person from serving as a subscribing witness if that individual is named in or affected by the document signed by the absent principal.

III-D-7: Two Witnesses to Mark Must Be Disinterested
The Notary shall require that two individuals in addition to the Notary witness the affixation of a mark, and neither witness shall be named in or affected by the marked document.
GUIDING PRINCIPLE IV

The Notary shall not execute a false or incomplete certificate, nor be involved with any document or transaction that is false, deceptive or fraudulent.

Article A: Certificate Mandatory

IV-A-1: Notarial Wording Required
The Notary shall not notarize any document unless it bears jurat, acknowledgment or other notarial “certificate” wording that specifies what the Notary is attesting.

Article B: Fraudulent Certificate

IV-B-1: False Statement Improper
The Notary shall not knowingly issue a certificate containing information that is false, deceptive, inaccurate or incomplete.

IV-B-2: False Date Improper
The Notary shall not knowingly issue a certificate for a notarial act that indicates a date other than the actual date on which the notarial act was performed.

Article C: Certificate Completion and Attachment

IV-C-1: Completion by Notary Essential
The Notary shall personally prepare or verify all information and insertions on a notarial certificate, and allow no other person to affix the Notary’s official signature and seal.

IV-C-2: Secure Attachment by Notary Essential
The Notary shall take steps in attaching a “loose” notarial certificate to a document that will deter its fraudulent removal and reattachment to an unintended document.

IV-C-3: Completion or Attachment by Another Improper
The Notary shall not deliver a signed notarial certificate to another person and trust that person to complete or attach that certificate to a document outside of the Notary’s presence.

Article D: Potentially Fraudulent Documents

IV-D-1: Incomplete Documents Improper
The Notary shall refuse to notarize any document whose text is blank or incomplete.

IV-D-2: Facsimile Signature Improper
The Notary shall refuse to notarize any signature not affixed by hand in pen and ink, unless the law expressly allows otherwise.

Article E: Fraudulent Notarization or Transaction

IV-E-1: Improper Notarization
The Notary shall refuse to perform any notarial act that is illegal, dishonest, deceptive, false, improper or in violation of The Ethical Imperatives of this Notary Public Code of Professional Responsibility.

IV-E-2: Improper Transaction
The Notary shall refuse to perform any notarial act in connection with a document or transaction that the Notary knows, or has a reasonable suspicion that can be articulated, is illegal, dishonest, deceptive, false or improper.

IV-E-3: Reporting Illegality
The Notary shall report to appropriate law enforcement or disciplinary authorities any illegality requested, required, proposed or performed that involves a notarial act by the Notary or by any other Notary.

GUIDING PRINCIPLE V

The Notary shall give precedence to the rules of law over the dictates or expectations of any person or entity.

Article A: Precedence of Law

V-A-1: Conflict with Dictate or Expectation
The Notary shall obey and give precedence to any pertinent law, regulation or official directive, or any of The Ethical Imperatives of this Notary Public Code of Professional Responsibility, when they conflict with the dictates or expectations of an employer, supervisor, client, customer, coworker, associate, partner, friend, relative or any other person or entity.

V-A-2: Waiving Personal Appearance Improper
The Notary shall not waive the requirement that each signer personally appear before the Notary at the time of notarization at the direction or request of an employer, supervisor, client, customer, coworker, associate, partner, friend, relative or any other person or entity.

V-A-3: Informal Introduction Improper
The Notary shall not base the identification of any signer on the word of an employer, supervisor, client, customer, coworker, associate, partner, friend, relative or any other person unless the latter is formally sworn in as a credible witness and is not personally a party or beneficiary of the transaction.

Article B: Commission of Employee

V-B-1: Notary Retains Commission
The Notary shall not be required by an employer to surrender or resign the commission upon termination of employment, even if the employer paid for the commission.

GUIDING PRINCIPLE VI

The Notary shall act as a ministerial officer and not provide unauthorized advice or services.

Article A: Prescribing Notarial Act

VI-A-1: Selecting Certificate Improper
The Notary who is not an attorney, or a professional duly trained or certified in a pertinent field, shall not determine or prescribe the particular type of notarial act or notarial certificate required in a given transaction.

Article B: Prescribing or Preparing Document

VI-B-1: Selecting Document Improper
The Notary who is not an attorney, or a professional duly trained or certified in a pertinent field, shall not determine or prescribe the particular type of document required in a given transaction.
VI-B-2: Preparing Document Improper
The Notary who is not an attorney, or a professional duly trained or certified in a pertinent field, shall not prepare a document for another person or provide advice on how to fill out, draft or complete a document.

Article C: Providing Unauthorized Advice

VI-C-1: Legal Counseling Improper
The Notary who is not an attorney, or a professional duly trained or certified in a pertinent field, shall not provide advice on how to act or proceed in a given legal matter that may or may not involve a notarial act.

VI-D-1: Certifying Vital Record or Recordable Document Improper
The Notary shall not certify the accuracy and completeness of a copy if the original is a photocopy, a vital record or a recordable document, nor certify any handrendered reproduction.

VI-D-2: Certifying Photograph Improper
The Notary shall not certify the accuracy or authenticity of a photograph.

VI-D-3: Certifying Translation Improper
The Notary shall not certify the accuracy or completeness of a translation.

GUIDING PRINCIPLE VII

The Notary shall affix a seal on every notarized document and not allow this universally recognized symbol of office to be used by another or in an endorsement or promotion.

Article A: Affixation of Seal

VII-A-1: Seal Important on Every Document
The Notary shall affix a legible imprint or impression of an official seal on every document notarized.

The Notary shall manually affix every impression of the official seal, unless electronic affixation is expressly permitted by law, in which case the Notary shall maintain exclusive control over the means of such affixation.

VII-A-3: Preprinted Seal Disallowed
The Notary shall not affix nor allow the official seal to be affixed or preprinted on any certificate or document prior to the time of notarization.

Article B: Control of Seal

VII-B-1: Safeguarding When Not in Use
The Notary shall safeguard the official seal to prevent its misuse by others when it is out of the Notary’s sight.

VII-B-2: Use or Possession by Another Improper
The Notary shall not allow the official seal to be used or possessed by another person.

VII-B-3: Reproduction in Advertisement Improper
The Notary shall not allow others to use or reproduce the Notary’s seal in a commercial advertisement, solicitation or testimonial.

GUIDING PRINCIPLE VIII

The Notary shall record every notarial act in a bound journal or other secure recording device, and safeguard it as an important public record.

Article A: Record of Notarial Acts

VIII-A-1: Entering Every Official Act Critical
The Notary shall maintain a complete, sequential record of every notarial act performed by the Notary in a bound journal or other secure recording device allowed by law.

VIII-A-2: Essential Components of Entry
For every notarial act performed, the corresponding entry in the Notary’s journal shall contain, at least: the date, time and type of the notarial act; the date and description of the document or transaction; the name, address and signature of each person whose signature was notarized or who served as a witness; a description of the evidence used to identify any signer who is not personally known; and the fee charged for the notarial act.

VIII-A-3: Entry Contemporaneous with Act
A complete record of any notarial act performed by the Notary shall be entered in the journal at the actual time of the notarial act, not before and not after.

Article B: Public Inspection

VIII-B-1: Limiting Access to Journal
The Notary shall show or provide a copy of any entry in the journal of notarial acts to any person identified by the Notary who presents a written and signed request specifying the month and year, the document type, and the name of the signer(s) for the respective notarization.

VIII-B-2: Control of Record Essential
To prevent loss, theft or tampering, the Notary shall safeguard and maintain control over the journal of notarial acts, and not surrender it to any person who does not present a subpoena or other lawful written authorization.

Article C: Disposal of Journal

VIII-C-1: Surrender to Employer Improper
The Notary shall not surrender the journal to an employer upon termination of employment, even if the employer paid for the journal, unless law expressly authorizes.
VIII-C-2: Storage of Record
In the absence of official rules for disposal of the journal of notarial acts, the former Notary shall store and safeguard each journal at least 10 years from the date of the last entry in the journal.

GUIDING PRINCIPLE IX

The Notary shall respect the privacy of each signer and not divulge or use personal or proprietary information disclosed during execution of a notarial act for other than an official purpose.

Article A: Needless Intrusions

IX-A-1: Scrutinizing of Text
The Notary shall scrutinize the non-notarial text of a document for two purposes only: to ascertain if it appears complete and to extract data for recording in the journal of notarial acts.

IX-A-2: Extracting or Copying Unnecessary Information
The Notary shall not needlessly extract or copy information from the text of a notarized document or from other documents possessed by its signer.

Article B: Unauthorized Use of Information

IX-B-1: Revealing Document Particulars Improper
The Notary shall not divulge information about the circumstances of a notarial act to any person who does not have clear lawful authority and a need to know.

IX-B-2: Personal Use of Information Improper
The Notary shall not use for personal gain any information extracted from the text of a document that he or she has notarized.

IX-B-3: Random Journal Perusal Improper
Except for the access allowed by Standard VIII-B-1, the Notary shall not allow perusal of the journal of notarial acts by any person who does not present a subpoena or other evidence of official authorization.

GUIDING PRINCIPLE X

The Notary shall seek instruction on notarization, and keep current on the laws, practices and requirements of the notarial office.

Article A: Seeking Knowledge

X-A-1: Studying Official Literature Essential
The Notary shall study all official pamphlets, handbooks, manuals and other literature pertaining to the performance of notarial acts in the Notary’s jurisdiction.

X-A-2: Studying Laws and Regulations Essential
The Notary shall study all laws, regulations and official directives that pertain to the performance of notarial acts in the Notary’s jurisdiction.

X-A-3: Supplemental Guidance Often Necessary
In order to achieve a solid understanding of the basic principles and practices of notarization, the Notary shall be proactive in seeking out expert guidance and in supplementing any official training or materials with those provided by respected educational institutions and professional organizations.