



Knowledgeable Notary

NEBRASKA SECRETARY OF STATE'S OFFICE NOTARY SECTION

John Gale
Secretary of State

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Debbie Pester
Deputy Secretary of State

MESSAGE FROM JOHN GALE, SECRETARY OF STATE

Nebraska's new notary law has been effective for nearly one year, having taken effect on July 16, 2004. Our office staff has handled hundreds of inquiries regarding the revised law.

Our office has received a daily average of 20 requests for notary test packets and we are pleased to report that the passage rate for the tests is excellent. We hope this is an indication that our "Official Notary Public Handbook" and the new information postings on our Web site have been helpful to you.

If you have suggestions for new information you would like to see our office provide, please contact Deputy Secretary of State Debbie Pester at: Debbie.Pester@sos.ne.gov or call (402) 471-2558.

STEPS TO FOLLOW FOR PROPER NOTARIZATION

1) Scan the document to be sure that there are no blank signature lines or blank lines. Prior to notarization, blank lines or spaces should be: a) completed by the principal(s) or b) crossed through by the principal(s). Failure to do so leaves the document open to easy alteration after the notarial act is performed.

2) Properly identify the person for who will be signing. Nebraska law now specifically outlines the means by which a Notary must identify document signers. If the document signer is not personally known to the Notary, you must follow these directives:

- * Ask the signer to present U.S. state government-issued identification. This may be in the form of a state driver's license or state identification card which contains a picture and physical description of the signer and his or her signature.

- * A passport may be used as a federal government-issued means of identification even though it does not contain a physical description of the bearer.
- * If the document signer is unknown to the notary, the signer may bring someone who is personally known to him or her. The notary may have that person take an oath regarding the identity of the signer.
- * If the document signer is unknown to the notary, but has an accompanying person who is known to both the notary and the document signer, then the notary may have this person take an oath regarding the identity of the signer.

3) The signer must personally appear in the presence of the notary to affix his or her signature on the document. There are no exceptions to this rule as personal appearance, after properly identifying the signer, is the foundation of any notarization.

4) The document to be notarized must contain some form of attestation clause. The attestation clause must contain wording indicative of an oath, affirmation, or acknowledgement.

5) The Notary must carefully and properly fill in the acknowledgement clause of the document. Follow these procedures:

- * The notary should insert the **correct** state and county information where the notarization is taking place in the proper spaces provided. If the document was prepared outside Nebraska, check that the state and/or county information weren't incorrectly pre-filled to reflect notarization in the state where the document originated. If the venue for notarization isn't correct, simply cross through the incorrect information and carefully print in Nebraska and the applicable county where the notarization will take place.
- * If there is a space in the attestation clause for the notary to fill in the document signer's name, the notary must clearly print the signer's name exactly as the name was signed in the document above.
- * In the attestation clause, write in the date on which the document is actually being notarized. Documents must **never** be post-dated or pre-dated. If there is a space for the document signer to write in the date, this date and the date of notarization must always be the same because of the personal appearance requirement. There are no exceptions to this dating requirement.

6) The Notary must sign his or her name as commissioned and affix his or her inked, stamped seal. The notary seal should never be affixed over pre-printed information on the form or over signatures, including the signature of the notary. Conversely, the notary should never sign over the impression of their seal.

Although state law does not mandate it, the Secretary of State's Office recommends that notaries use a journal to record their transactions.

STEPS TO COMBAT ALTERATION

Many notaries ask how they can be assured that pages are not removed, replaced, or added to the document after a notarization has occurred. With the approval of the principals and attorneys involved, we suggest the following procedure: The notary should count the number of pages contained in the document and carefully write the page count (i.e. pg. 1 of 3, pg. 2 of 3, etc.) in the bottom right-hand corner of each page of the document and place his or her initial beside the page count. Although there is no guarantee against alteration, this may help deter fraudulent changes being made to the notarized document.

RENEWAL PROCEDURE

Nebraska statute, §64-104 clearly sets out that the allowable timeframe for submission of renewal applications is within the period 30 days prior to the commission expiration date. Renewal notary materials consists of: 1) a properly completed, signed, and notarized renewal application; 2) a properly executed notary Surety Bond in the amount of \$15,000.00; and 3) renewal commission fee of \$30.00 made payable to the Secretary of State.

Section §64-104 also states that if all completed renewal application materials are not received prior to the expiration date, the applicant will be considered a new applicant which now involves taking and passing a notary test prior to making initial application to be commissioned. If your commission expiration falls on a Saturday or Sunday, you will need to have the completed renewal materials in our office on or before 5:00 p.m. on the preceding Friday.

CONTACT INFORMATION

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**Questions or comments about information contained in this publication may be directed to:
Debbie Pester, Notary Administrator at: Debbie.Pester@sos.ne.gov.**