



# Knowledgeable Notary

## NEBRASKA SECRETARY OF STATE'S OFFICE NOTARY DIVISION

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### WELCOME MESSAGE FROM JOHN GALE, SECRETARY OF STATE

Our Notary Division has been exceptionally busy this year. In addition to issuing new and renewal Notary commissions, our Notary Office is also responsible for processing documents involving international trade and travel. If the current trend continues, we will process and authenticate 4,000 documents this calendar year.

Are you aware of the following:

- \* In order for some corporations in Nebraska to do business overseas, they must prepare documents certifying their products, which papers are then authenticated by our Notary Office.
- \* My staff prepares Apostille and Authentication documents for prospective parents in preparation for international adoptions.
- \* International students completing their education in Nebraska often need certification of their transcripts and diplomas prior to returning to their home countries.

Our Office is recognized by foreign governments as the issuing authority for certification of certain government-issued documents and the officials' signatures affixed thereon. We also certify the commission status of our Notary Publics and verify their signatures on legal documents.

In closing, before my appointment as Secretary of State in December, 2000, I practiced law in North Platte for 30 years and was myself a Notary; therefore, I am fully aware of the importance of your commission, as well as the significance of a Notary Seal on a document. My staff and I want to help you do your job in a professional manner and share tips with you on avoiding errors when notarizing. I hope you will find the "Knowledgeable Notary" to be a valuable source of information about the duties of the Notary Public and services our Notary office provides.

### Back to the Basics: Key Principles of Notarization

- A Notary Public is a commissioned government official and public servant and must perform their official duties in an honest and unbiased manner.
- A Notary Public must act as an impartial witness and should not stand to gain or profit from any document they notarize.
- A Notary Public must require the physical appearance of the person signing the document at the time the notarization is performed.
- A Notary Public must verify the identity of the document signer prior to notarization of the document. At least one valid government-issued photo I.D. containing a signature, should be presented by the signer. If the signer does not have an I.D., a credible witness with knowledge of the signer's identity may take an oath in the presence of the Notary, verifying their knowledge of the signer's identity.

- A Notary Public must notarize using the exact name as stated on their application and bond on file with the Secretary of State’s Office, Notary Division. The Notary’s seal should also reflect the commissioned name of the Notary.
- A Notary Public shall not knowingly notarize any document they know to be incomplete, false, fraudulent, or deceptive.

### **Apostilles and Authentications**

Nebraska statutes grant the Secretary of State’s Office the authority to maintain a file of past and presently commissioned Notaries for certification purposes. Our office has seen a marked increase in the number of Apostilles and Authentications that we are asked to process for international adoptions, international students returning to their home countries upon graduation, U. S. citizens staying an extended amount of time in another country, U. S. citizens marrying a citizen from a foreign country, etc.

You may be asking yourself at this point: What is an Apostille or Authentication? How does this apply to me as a Notary Public? An Apostille is a certification prepared by the Secretary of State’s Office, Notary Division. An Apostille is a ‘uniform’ document with strict formatting requirements, prepared for acceptance by countries that belong to the Hague Convention. An Authentication is a document prepared by the Secretary of State’s Office, Notary Division for acceptance by countries that do not belong to the Hague Convention.

Typically, the Notary Division is certifying on either an Apostille or Authentication one of two situations:

- 1) the signature of a Notary on a document brought to our office exactly matches the official signature of the Notary on file in our records and that their Commission was in effect at the time the document was notarized; OR
- 2) the person signing a document brought to our office holds the government position stated on the document at the time the document was issued and that the signature of this same public official exactly matches a signature our office has on file. For example: On a certified Birth Certificate issued by the Nebraska Dept. of Health & Human Services, we verify that the name of the Director of Vital Statistics on the Birth Certificate matches our records to be the person who was the Director when the document was issued and that same persons signature is verified by comparing it to an official signature we have on file in our records.

We have noticed a marked increase in the number of documents that we are unable to process for our customers because of problems with the notarization, which causes our customers both delays and additional fees. As a Notary, you must sign your name as it appears on your Notary Application and Bond which is on file with our Office as this is the official record we use to certify signatures to prepare Apostilles and Authentications. Your Notary Seal should also reflect your commissioned name.

If you need to order an Apostille or Authentication, we will need the following: document(s) that need to be certified by our office; check for \$10.00 for each document that we are required to certify, made payable to the Secretary of State’s Office; self-addressed envelope for return by regular mail or prepaid airbill if you require expedited mailing. If you include a telephone or fax number or email address, we will try to contact you if we have questions rather than returning the document unprocessed.

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Questions or comments about information contained in this publication may be directed to:

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