



Knowledgeable Notary

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NOTARY DIVISION

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Identification, Identification, Identification!

There are two basic steps that Notaries must follow each and every time they perform a notarization. The first is verification of the identity of the document signer prior to notarization. The second requirement is that the document signer physically appear before the Notary to sign the document.

Prior to performing a notarization, whether it be business or personal, it is absolutely imperative that you be certain of the identity of the person for whom you will be notarizing. Nebraska statutes allow for two means of identification: 1) the signer is personally known to the Notary or is identified by presentation of I.D. to the Notary; 2) A person accompanying the signer is personally known to the Notary and will attest that the signer is personally known to them.

What measures can you use to help safeguard yourself from potentially accepting counterfeit identification?

A Notary should require the document signer to present a current, government-issued picture identification card with their signature. Following these steps should help you to make a proper determination of identity with reasonable certainty:

- * Ask the signer to present their identification. Ask them to remove the I.D. card from their wallet so that you personally are holding the card.
- * Closely examine the I. D. card and compare the picture to the person appearing before you. Does the picture closely resemble the person? If not, ask for another picture I.D. or decline to notarize.
- * Identification cards should be current. Look at the expiration date listed on the card. Is it a date in the future (i.e. a date beyond the current date)? If not, ask for another picture I.D. or decline to notarize.
- * Is the I.D. card unusually thick in or around the picture area? Are there cracks or

broken edges anywhere on the I.D. card? If so, it's possible that the original picture has been removed and a fake picture inserted in it's place. These irregularities from the usual smooth, uniform surfaces may signal a card that has been tampered with, indicating a potential fake I.D. If so, ask for another picture I.D. or decline to notarize.

- * If the identification card has passed all the above requirements, have the person sign the document. Now, compare the signature on the document to the signature on the I.D. Are they reasonably similar? If so, fill in the Notarial acknowledgement section of the document, affix your Notary seal, and sign as the Notary.

Note: At this point, if you have a journal you would log the transaction. Although current Notary law does not mandate the use of a journal, our office highly recommends that you use a journal. A notarization properly executed and documented in a journal may significantly increase your chances of proving that you've notarized properly in the future.

- * Be forewarned: A common excuse of someone potentially perpetrating a fraudulent act is to claim to have '...lost my wallet with all my ID's...'. Obviously this does happen, but you should never accept this as a plausible excuse to proceed with the notarization. To be in compliance with Nebraska law, Notaries may only notarize after presentation of valid identification.

INKED SEALS v.s. EMBOSSED SEALS

We are seeing a marked increase in the use of embossed seals. Nebraska statute 64-118 states, in part: "All persons... heretofore authorized by law to adopt and use a seal on official documents are hereby authorized to adopt and use either an engraved or ink stamp seal for such purposes, unless the use of ink stamp seals for such purposes is specifically prohibited by law."

However, statutes continue to address this same issue in 64-210 (2) by saying: "The official seal of a notary public may be either an engraved or ink stamp seal with which he shall authenticate all of his official acts; **PROVIDED, that every notary who receives a commission either new or renewal, on or after January 1, 1972, shall use an ink stamp seal to authenticate any instrument.**

Be on notice: Our office will ONLY accept documents impressed with an inked seal. If you have an embossed or engraved seal, you will need to purchase an inked seal to notarize properly according to the law. You may choose to use both an inked and embossed stamp; however, the stamps must be affixed separately (not overlaid one on top of the other) and neither should be affixed over printed materials or signatures on the document.

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

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