

NEW JERSEY NOTARY PUBLIC MANUAL

(Revised April 20, 2020)

Introduction

The office of Notary Public is a vital public function. Notaries are called upon to perform many valuable services for New Jersey's business, legal and financial communities. Effective notary services help to ensure that documents are properly executed, that facts are duly certified, and above all, that the general public is protected from fraud. Notarization is essential for many official documents including mortgages, deeds, contracts, and various corporate transactions.

This manual is designed to provide Notaries with practical guidance on how to perform notary services. By following the manual's guidelines, Notaries will operate from a structured procedural foundation and thereby help foster the levels of diligence and accuracy required for the on-going success of the office.

The Division of Revenue's Business Support Services Bureau serves as the administrative agency for the Notary Public program in New Jersey. To contact the Bureau, e-mail us or write:

NJ Division of Revenue
Business Support Services/Notary Section
PO Box 452, Trenton, NJ 08646

Note: State law specifies that a notary public who is not licensed as an attorney-at-law shall not use or advertise the title of lawyer or attorney-at-law. A Notary who advertises his services must provide a statement "I am not an attorney licensed to practice law and may not give legal advice about immigration or any other legal matter or accept fees for legal advice".

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What Is A Notary Public?

A Notary Public is a public officer who serves as an impartial witness to the signing of documents and to the acknowledgement of signatures on documents. A Notary Public may also administer oaths and affirmations.

A duly appointed New Jersey Notary Public is authorized to perform notary services throughout the State of New Jersey.

Who Appoints Notaries, And What Is The Notary's Commission Period?

A Notary Public is appointed (commissioned) by the State Treasurer for a five-year period, and is sworn into office by the clerk of the county in which he/she resides. Appointments can be renewed for subsequent five-year periods.

The State Treasurer may remove a Notary Public's commission.

What Are The Qualifications For The Office?

Residency

A Notary Public must be a resident of New Jersey or a resident of an adjoining state who maintains, or is regularly employed in, an office in this State.

Age

A Notary Public must be 18 years or older.

Personal Background

The State Treasurer may not appoint any person who has been convicted of a crime under the laws of any state or the United States, for an offense involving dishonesty, or a crime of the first or second degree.

How Does One Apply For A New Or Renewed Commission?

Guidelines For Notary Services What Is A Notary Authorized To Do?

New Jersey State law authorizes a duly commissioned and qualified (sworn) Notary to perform the following duties in any county in New Jersey:

- Administer oaths and affirmations
- Take acknowledgments
- Execute jurats for affidavits and other verifications
- Take proofs of deeds
- Execute protests for non-payment or non-acceptance

Oaths and Affirmations

An oath is a spoken pledge, given by a person appearing before the Notary, that his/her attestation or promise is made under an immediate sense of responsibility to a Supreme Being for the truthfulness of a specific statement or statements, or the faithful performance of a specific duty or function.

An affirmation is a solemn declaration without oath. Whenever law requires an oath, an affirmation may be taken instead. This accommodates persons who have conscientious objections against taking an oath.

Notaries may administer oaths and affirmations to public officials and officers of various organizations. They may also administer oaths and affirmations in order to execute jurats for affidavits/verifications, and to swear in witnesses.

Notaries may charge only the statutory fee for administering an oath or affirmation (\$2.50). There is no fee for swearing in a witness in conjunction with an acknowledgment.

Example of an oath administered by a Notary:

"Do you swear that the information presented in this document entitled "ABC", which you have signed before me, is the truth, so help you God?"

Example of an affirmation administered by a Notary:

"Do you solemnly affirm that the information presented in this document entitled "ABC", which you have signed before me, is the truth, and this you affirm under the pains and penalties of perjury?"

For both oaths and affirmations, the signer must answer affirmatively.

The process of administering oaths and affirmations could be formalized by gestures -- e.g., asking the signer to raise his/her hand and/or place his/her hand on a holy book such as the Holy Bible, Old Testament, Koran, etc.

Acknowledgments

An acknowledgment formally documents the following:

- That the signer of a document appeared before the Notary,
- That the Notary positively identified the signer, and
- That the signer both acknowledged the signature as his/hers, and that the signature was made willingly.

A related notary act (the proof) is discussed later in this section.

Requirements for Taking an Acknowledgment

The Notary should:

- Ensure that the signer appears before him/her and presents at least one form of identification (ID) that provides a physical description of the signer-- e.g., driver's license.

Note: Identification documents are not required if: 1) the signer is personally known to the Notary, or 2) a credible witness, known to both the signer and Notary, swears to the identity of the signer.

- Review the document presented for completeness. This is not a formal legal review, such as would be performed by an accountant or an attorney. Rather, it is a review to ensure that there are no blanks in the document. Should blanks be discovered, the signer must either fill them in or strike them out by drawing a line or "X" through them.
- Ensure that the signer understands the title of the document and is signing freely and willingly. By obtaining positive ID and asking brief questions as to the title and basic substance of the document, the Notary can make these determinations.
- Sign, date, and stamp an acknowledgment certificate (see Illustrations). The ink stamp should include the date on which the Notary's commission expires. The stamp should be placed next to, but not over, the Notary's signature. (If the Notary does not have an ink stamp, his/her name and commission expiration date must be printed or typed on the certificate as indicated.)
- Make a journal entry. The journal entry provides evidence and an audit trail thereby protecting both the Notary and the general public. Required information includes: 1) date and time of notary act, 2) type of act (i.e., acknowledgment), 3) title of document, 4) date document was signed, 5) signature; printed name and address of each signer, and if applicable, each witness, and 6) form of ID -- e.g. identification document, personal knowledge, or credible witness. Note: Journals should be bound to prevent tampering. Journals may be obtained from stationers or professional associations.
- Charge only the statutory fee (\$2.50).

Proofs of Execution

A proof of execution (proof) is a declaration by a subscribing witness that he/she knows the person who signed the document being presented, and was present for its signing or acknowledgment by the signer. The subscribing witness must sign (subscribe) the same document. A proof is taken when the signer cannot be present. A proof may be taken only when the subscribing witness appears before the Notary. The Notary must personally know the witness. Further, the Notary must administer an oath or affirmation (at no extra fee) to the witness to compel truthfulness. In all other respects, the procedural components of and fee for a proof are the same as for an acknowledgment.

Note: State law indicates that a proof may be taken for a deed. There is no specific guidance with respect to taking a proof for another instrument. Therefore, it would be advisable to limit this particular notary service to deeds.

Jurats

A jurat is a certificate of office or person before whom writing was sworn and is designed to compel truthfulness on the part of the signer. The jurat is completed during the execution of an affidavit or other form of verification and is generally written at the foot of an affidavit stating when, where, and before whom such affidavit was sworn.

The jurat shares several of the basic elements of the acknowledgment. However, there are two additional requirements: 1) the signer must sign the document before the Notary; and 2) the signer must take an oath or affirmation regarding the truthfulness of the statements in the documents.

Requirements for a Jurat

The Notary should perform the following procedures:

- Ensure that the signer appears before him/her, shows at least one form of ID that provides a physical description of the signer-e.g., driver's license, AND signs the document in his/her presence.

Note: Identification documents are not required if: 1) the signer is personally known to the Notary; or 2) a credible witness, known to both the signer and Notary, swears to the identity of the signer.

- Administer an oath/affirmation.
- Sign, date, and stamp a jurat certificate (see [illustrations](#)). The ink stamp should include the date on which the Notary's commission expires. The stamp should be placed next to, but not over, the Notary's signature. (If the Notary does not have an ink stamp, his/her name and commission expiration date must be printed or typed on the certificate as indicated.)
- Make a journal entry. The journal entry provides evidence and an audit trail thereby protecting both the Notary and general public. Required information includes: 1) date and time of notary act; 2) type of act (i.e., jurat); 3) title of document; 4) date document was signed; 5) signature, printed name and address of each signer and, if applicable, each witness; and 6) form of ID -- e.g., identification document, personal knowledge, or credit witness. Note: Journals should be bound to prevent tampering. Journals may be obtained from stationers or professional associations.
- Charge only the statutory fee (\$2.50).

Protests for Non-Payment/Non-Acceptance

A protest is a formal declaration made by the Notary on behalf of a holder of a bill or note that acceptance or payment of the bill/note has been refused. Protests for non-payment/non-acceptance occur within complex and specialized financial and commercial contexts. Therefore, Notaries are advised to consult the State's Uniform Commercial Code (NJS 12:A) and if applicable, their employers for further technical guidance on providing this particular service.

Requirements for Executing a Protest

To execute a protest, a Notary should note the following:

- Identify the instrument involved (e.g., bill or note).
- Certify that due notice of payment has been made (Presentment).
- Certify that the instrument has been dishonored by non-payment or non-acceptance by individuals authorized to receive and pay/accept.

- Note the individuals to whom presentment was made.
- Record the facts above on a certificate attached to the instrument involved.
- Sign, date, and stamp a certificate. The ink stamp should include the date on which the Notary's commission expires. The stamp should be placed next to, but not over, the Notary's signature. (If the Notary does not have an ink stamp, his/her name and commission expiration date must be printed or typed on the certificate as indicated.)
- Make a journal entry. The journal entry provides evidence and an audit trail thereby protecting both the Notary and general public. Required information includes: 1) date and time of notary act, 2) type of act, 3) title of document, 4) date document was signed, 5) signature, printed name and address of each signer and if applicable, each witness, and 6) form of ID -- e.g., identification document, personal knowledge, or credible witness. Note: Journals should be bound to prevent tampering. Journals may be obtained from stationers or professional associations.

Prohibitions And Liability What Is A Notary Prohibited From Doing?

- Never pre-date an action. The Notary may never date an action (acknowledgement, jurat, etc.) prior to the execution (signature) date appearing on the document involved.
- Never lend a journal, stamp, or other personalized Notary equipment to another individual.
- Never prepare a legal document or give advice on legal matters, or matters pertaining to land titles. This includes the preparation of pleadings, affidavits, briefs and any other submissions to the court.
- Never, in the capacity as a Notary Public, appear as a representative of another person in a legal proceeding.
- Never, in the capacity as a Notary Public, act for others in the collection of delinquent bills or claims.

In addition to the general prohibitions above, Notaries should refrain from notarizing documents in which they have a personal interest including documents they have prepared for a fee.

[Opinion 41 - Notaries Public and the Unauthorized Practice of Law](#)

Are There Any Liabilities Associated With The Office?

Willful violations such as fraud can lead to the removal of the Notary's commission, and leave the Notary vulnerable to civil and/or criminal legal actions. In the capacity of a Notary, acting as a legal advocate is considered the unauthorized practice of law and will also leave the Notary vulnerable to civil and/or criminal legal actions.

Notary Fees

What Are The Fees For Notary Services?

The following are fees that Notaries may charge:

Notary Services	Fee
Administering an oath/affirmation	\$2.50/ea
Executing a jurat	\$2.50/ea
Taking proof of a deed (proof of execution)	\$2.50/ea
Taking an acknowledgment	\$2.50/ea

Information on Maintaining a Commission

What Happens When A Notary Changes His/Her Name Or Address?

Name Change

Whenever a Notary Public adopts a different name, before notarizing any document, he/she must submit a change request with the State Treasurer. Change of name and or address can be performed [online](#).

Address Change

The change form referenced above may also be used for address changes.

How Can A Notary Obtain A Duplicate Commission?

A Notary may request from the State Treasurer, or clerk of the county in which he/she was sworn, copies of his/her commission and qualification certificates for filing in other counties in this State. Upon receipt of the copies, the Notary may present the same along with an autograph copy of his/her signature, to any county clerk in this State for filing.

* Please note: To obtain a duplicate notary commission, please call (609)292-0642.

How Do You Authenticate A Notary Commission?

The State Treasurer and county clerks may, upon request by any party, attach to any notary action (acknowledgement, jurat, etc.), a certification. Executed under the Treasurer's or county clerk's hand and seal, the certification attests that at the time of the notary action, the Notary was duly commissioned, sworn and residing in this State, and was authorized to take the action.

The State Treasurer may provide certifications relating to any Notary in this State. County clerks may only provide certifications for Notaries who reside in their respective counties, or Notaries who have filed copies of their commission/qualification certificates and autograph signatures.

Reference Sources

Following are several reference sources that relate to the office of Notary Public and notary practices in general:

State Law

The laws governing notary practices can be found in Titles 2A, 22A, 46 and 52 of the New Jersey Statutes Annotated (NJSA). The New Jersey State Library and county libraries can help locate these titles. They are also available on the Internet at www.njleg.state.nj.us.

Professional Associations

There are various professional associations that provide advice publications and forums for discussing notary practices and issues. Two such associations are listed below.

National Notary Association, 9350 De Soto Ave. Chatsworth, CA 91313-2402

Telephone: 800.876.6827

Web Site: www.nationalnotary.org

American Society of Notaries, P.O. Box 5707, Tallahassee, Fl. 32314-5707

Telephone: 1.850.671.5164

Web Site: www.asnnotary.org

New Jersey Notary Association PO Box 273, Matawan, NJ 07747

Telephone: 1.732.800.NJNA

Web: www.newjerseynotaryassociation.org

Books/Guides

The following lists several books and guides that cover notary practices. It is recommended that the Notary consult at least one of these before obtaining a commission. It is further recommended that the Notary visit the library at least once a year to determine whether any new or revised texts on notary practices have been published.

- Faerber, Charles N. Notary Seal and Certificate Verification Manual. National Notary Association, Canoga Park, CA, 1994.
- Identification Standards for Notaries/How Statutory Identification Guidelines Deter Document Fraud. National Notary Association, Canoga Park, CA.
- Kessinger, Roger A. Notary Public Handbook: A State-by-State Guide. Kessinger Publishing Col. Boise, ID, 1990.
- Manual for Notaries Handbook, The New Jersey Notary Law Primer. American Society of Notaries, Tallahassee, FL.
- Piombino, Alfred E. Notary Public Handbook: A Guide for New Jersey . East Coast Publishing, Poughkeepsie, NY, 1991.

- The New Jersey Notary Law Primer. National Notary Association, Canoga Park, CA, 1994.
- The Notary Record Book, How a Journal of Notary Acts Protects the Public. National Notary Association, Canoga Park, CA.
- Wesley, Gilmer. Anderson's Manual for Notaries Public.6th Ed. Anderson Publishing Co. Cincinnati, OH. 1991.

Illustrations

The following illustrations are intended to show the basic elements of two common notary actions -- acknowledgments and jurats, as well as the basic elements for a proof of execution. The illustrations serve AS EXAMPLES ONLY, and are not intended to be comprehensive or exclusive standards.

Certificate of Acknowledgment

The following illustration reflects the basic elements of a certificate of acknowledgment. The certificate wording could be incorporated into the document involved, or may be attached to the document as a separate sheet. Language or lines that do not apply to a particular action may be crossed out -- e.g., crossing out the words "Witness(es)" when none appear.

CERTIFICATE OF ACKNOWLEDGMENT	
State of New Jersey)
)ss
County of)
_____	,
On _____, 20__	before _____, Notary Public in and for
me,	(Notary's Name)
said county, personally appeared _____,	and _____,
(Signer/Witness)	(Signer/Witness)
_____	,
(Signer/Witness)	
who has/have satisfactorily identified him/her/themselves as the signer(s) or/witness(es) to the above-referenced document.	
JOHN DOE	
<i>(Affix Notary Stamp Here)</i>	
My Commission Expires 01/03/06	_____
(Notary Signature)	(Date)

Certificate of Proof of Execution

The following illustration reflects the basic elements of a certificate of proof of execution. The certificate wording could be incorporated into the document involved, or may be attached to the document as a separate sheet. Language or lines that do not apply to a particular action may be crossed out -- e.g., crossing out the words "Credible Witness" when none appears.

CERTIFICATE OF ACKNOWLEDGMENT	
State of New Jersey)
)ss
County of)

On _____, 20__	before me, _____, Notary Public in and for said county,
	(Notary's Name)
personally appeared	
_____	_____
and	personally known to me,
(Subscribing Witness)	(Subscribing Witness)
	(Subscribing Witness)
or proved to me on the oath of	to be the person(s) whose name(s) is/are subscribed on the
_____	attached
(Credible Witness)	
document as witness(es) thereto, and who, being duly sworn by me, says that he/she	
saw	_____
	(Signer's Name)
sign the attached document, and that said affiant(s) subscribed his/her name(s) to the attached	
document at the request of	_____
	(Signer's Name)
JOHN DOE	
(Affix Notary Stamp Here)	
My Commission Expires	
01/03/06	

	(Notary Signature)

	(Date)

APPENDIX
REMOTE NOTARIAL ACTS
Published: APRIL 20, 2020

P.L. 2020, c.26 allows notaries and authorized officials to execute remote notarial acts during the public health emergency and state of emergency declared by the Governor in Executive Order 103 of 2020. In accordance with this law, and on behalf of the State Treasurer, the Division of Revenue and Enterprise Services (Division) appends the following provisions to the New Jersey Notary Public Manual. The provisions are intended to facilitate the effective implementation of the law. They include recommended practices published by authorities in this practice space – namely, the National Notary Association (NNA), Mortgage Industry Standards Maintenance Organization (MISMO), and National Association of Secretaries of State (NASS). These practices are incorporated by reference herein. Interested parties should consult the references at the end of this Appendix to access details on these practices.

*Note: These provisions and the authorization to perform remote notarial acts pursuant to P.L. 2020, c.26, are temporary. Notaries are not permitted to execute remote notarial acts once Executive Order 103 is rescinded. The provisions outlined below are subject to change and may be adjusted based on feedback from the notary and business communities as remote notarizations occur for the first time in this State. It is a notary's obligation to routinely check for updates and ensure adherence to updated guidelines and best practices.

Notaries public must read both P.L. 2020, c.26, and these appended provisions before executing notarial acts remotely and ensure that they comply with all applicable requirements.

1. Read the law concerning remote notary acts*:
<https://www.njleg.state.nj.us/2020/Bills/A4000/3903_R1.PDF>
*This link is to the revised approved version of the bill signed by Governor Murphy. The text of the chapter law has yet to be posted. The Division will post the chapter law as soon as it is available.
2. Read the following provisions for remote notary acts:
 - a. Ensure that the remote session is interactive and secure.

A session must be live and interactive, with direct communications between the remotely located individual (Principal) and the notary. It must be secure and follow the security procedure requirements set forth by the NNA (2017).

- b. Obtain Satisfactory Evidence and Conduct Identity Proofing

Visually verify proof of identity documents – the form of satisfactory evidence listed in 1.a. of P.L. 2020, c.26, which the Principal presents **and** use one of the following methods of identity proofing to authenticate the Principal's identity:

- Dynamic Knowledge-Based Authentication (KBA) that is provided online by a third-party and that substantially follows recommended practices for this form of identification set forth by the NNA (2017) and MISMO (2019).

Note: The Division recommends that the notary not screen-share or store the information displayed to the Principal during the online KBA process. Further, personal information should not be included in the recording required by P.L. 2020, c.26, 1(b)(3), but the notary should state on the recording the identify proofing process employed and the result of the process.

- Biometric Identity Verification that is in substantial compliance with National Institute of Standards and Technology requirements as set forth in Special Publication 800-76-2, authors Grother, Salamon, and Chandramouli (2013).
- Digital Public Key Certificate issued by a trusted third party in substantial compliance with NNA's (2017) model act requirements, Appendix II/Rule2, Public Key Certificate.

c. Steps Required to Execute a Remote Notary Act

Step 1: Receive the document. A document may be presented via facsimile or other electronic means.

Step 2: Review the document presented for completeness. This review is not a formal legal review, such as the work performed by an accountant or an attorney. Rather, it is a review to ensure that there are no blanks in the document. Should blanks be discovered, the Principal must either fill them in, strike them out, or delete them and then resubmit the document to the notary.

Step 3: Ensure that the signer understands the title of the document and that the Principal is signing freely and willingly by asking brief questions as to the title and basic substance of the document.

Step 4: Use the appropriate certificate to match the type of act being executed -- for example, an acknowledgement, jurat, or proof (types and Illustrations can be found on pages 5-7 and 12-14 of the New Jersey Notary Public Manual). The certificate must indicate that the notarial act was performed remotely and using communication technology.

Step 5: Have the authenticated Principal sign the document using an electronic signature and password. Alternately, the Principal may sign the document and then transmit it to the notary via facsimile or as an attachment to an electronic mail message.

Step 6: Sign the document as the notary public.

Ensure that all electronic signatures follow the basic requirements set forth by the NNA (2017)

and NASS (2018). In accordance with these requirements, signatures must be:

- Unique to the notary;
- Capable of independent verification;
- Retained under the notary's sole control and include access protection using passwords or codes under control of the notary public; and
- Attached to or logically associated with the document in a manner that any subsequent alteration to the electronic document displays evidence of the alteration.

If the Principal transmits a document to the notary by facsimile or as an attachment to an electronic mail message, this must be done on the same date it was signed by the principal. The notary public must then: 1) print the document; 2) add the required certificate language; 3) sign as the notary; and 4) transmit the notarized document back to the Principal on the same date that the document was signed by the Principal.

Step 7: Keep a Record

For each remote notarial act, in addition to the recording required by P.L. 2020, c.26, 1(b)(3), create a record of each remote notarial act and maintain it for ten (10) years. The record shall include: 1) date and time of the act; 2) type of act; 3) title of the document; 4) date document was signed; 5) name and address of each signer and, if applicable, each witness; 6) form of identification and identity proofing used; and 7) fee charged. (Fees charged must be in accordance with New Jersey law (including N.J.S.A. 22A:4-14 for fees for acknowledgements, jurats, and proofs)

References

MISMO Remote Online Notarization Standards, Final Candidate Recommendation (CR) Version, Version 1. (2019). *The Mortgage Industry Standards Maintenance Organization*. Washington, D.C.

The Model Electronic Notarization Act. (2017). The National Notary Association. Retrieved from <https://www.nationalnotary.org/file%20library/nna/reference-library/model-enotarization-act.pdf>

NASS Support for the Revised National Electronic Notarization Standards. (2018). National Association of Secretaries of State. Retrieved from https://www.nass.org/sites/default/files/resolutions/2018-02/nass-support-revised-enotarization-standards-winter18_0.pdf

Grother, P., Salamon, W. & Chandramouli, R. (2013). *National Institute of Standards and Technology*. Retrieved from <https://nvlpubs.nist.gov/nistpubs/SpecialPublications/NIST.SP.800-76-2.pdf>