

# NOTARY TIPS

It is your direct responsibility as a Notary Public to always practice reasonable care by:

- T exercising common sense
- T obeying all the Notary laws and
- T **never engaging in the unauthorized practice of law by preparing documents, giving advice and choosing notarial wording for the signer.**



Remember a Notary Public may not refuse to perform a notarial act based on a principal's race, age, gender, sexual orientation, religion, national origin, health or disability or status as a non-client or non customer of the Notary public's employer.

- T Before completing any notarization it is **imperative** that the signer and the Notary Public are physically close enough to see, hear, communicate with, and give identification documents to each other. **Never** notarize a signature of a person who is **not** in your **PRESENCE** at the time of the notarization.
- T A notary who notarizes a document without the person **appearing before him/her** may be charged with a misdemeanor and, if convicted, may be punished by imposition of a fine of not more than \$1000.00 or imprisonment for not more than six months, or both.

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## HOW TO PERFORM A NOTARIZATION STEP BY STEP

- **FIRST - IDENTIFY THE SIGNER (PERSON REQUESTING NOTARY)**

Ask the person requesting your notary services for identification. Identification of a person should be based on at least one current document issued by a federal, state, or tribal government agency bearing the photographic image of the person's face and signature and a physical description of the person, though a properly stamped passport without a physical description is acceptable.



- **SECOND - VERIFY THAT THE SIGNER UNDERSTANDS THE DOCUMENT**

You are not responsible for the contents of the document, however you should be satisfied that there is no compelling doubt about whether the signer is aware of what he/she is signing. It is important to establish the signers willingness and competence. A Notary must not notarize a document if the Notary suspects that the signer is not acting on his/her own free will.

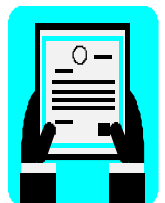


- **THIRD - CHECK THE DOCUMENT**

Visually scan the entire document for completion before notarizing.

- **FOURTH - EXAMINE THE NOTARIAL CERTIFICATE**

If notarial wording is not provided or indicated for a document, a **non-attorney** notary **shall not determine the type of notarial act or certificate to be used**; a non-attorney notary **shall not assist another person** in selecting, or understanding a document or transaction requiring a notarial act. This does not preclude a notary who is duly qualified, trained or experienced in a particular industry or professional field from selecting, drafting, completing, or advising on a document or certificate related to a



matter within that industry or field. Most notarial certificates are preprinted and already on the document(s):

(A) Note the venue: State of New Mexico

County of \_\_\_\_\_

This language should reflect where the notarization is taking place.



(B) Check the date, and make sure it is the date that you are performing the notarization. A notary should never predate or postdate a notarial certificate.

(C) Identify whether you are administering a jurat (signer takes an oath or affirmation from the notary public) or acknowledgment (signer appears in person before the notary public and presents a document), copy certification or any other type of notarial act. You may refuse to notarize a document when the document does not have notarial language. You may suggest to the signer that he return the document to the issuing agency, the receiving agency or the individual that indicated it was necessary and ask that the proper notarial certificate be placed on the document, so that it may be notarized. Make sure that all the information required on the notarial certificate is completed.

● **FIFTH - COMPLETING THE NOTARIZATION**

Upon completion of the notarial certificate, sign by hand your name exactly as it appears on your notary seal or stamp, affix your notary seal, and the expiration date of your notary commission. It is never proper for a Notary to stamp and sign a document that lacks notarial wording, this is improper and meaningless.



**KEEPING DOCUMENTATION OF YOUR NOTARIAL ACTS**

The best way of keeping a record of all your notarial acts, is by purchasing a bound notary journal (record book or log), not a loose leaf notebook. Notary journals may be purchased through an office supply store. New Mexico law does not require that notaries keep a journal, however we strongly encourage you to do so. Journals can be used to jog your memory about a notarization that took place earlier in the year and can be used as evidence if so needed in a court of law. Your journal is your personal property and should not be surrendered to an employer even if you have left their employment. Always safeguard your journal by keeping it in a locked area.



We encourage you to complete your journal before you perform your notarization, so that all the information in your journal is complete before the signer has left your presence. Keeping a journal is a smart and protective measure for a notary.

**NOTE:**

This information is provided for you as a guideline, we always suggest you refer to the Notary Public Act as your legal reference. Please contact our office at 1-800-477-3632 or 505-827-3600 if you would like to request a copy of the New Mexico Notary Public Handbook.