NOTARY EDUCATION PRESENTATION

WYOMING SECRETARY OF STATE'S OFFICE

EDUCATION OBJECTIVES

- To help you better understand your role as a notary public
- To help you understand how to perform traditional and remote notarizations
- To increase your knowledge and understanding of the Wyoming Revised Uniform Law on Notarial Acts (effective July 1, 2021)

WHAT IS A NOTARY PUBLIC?

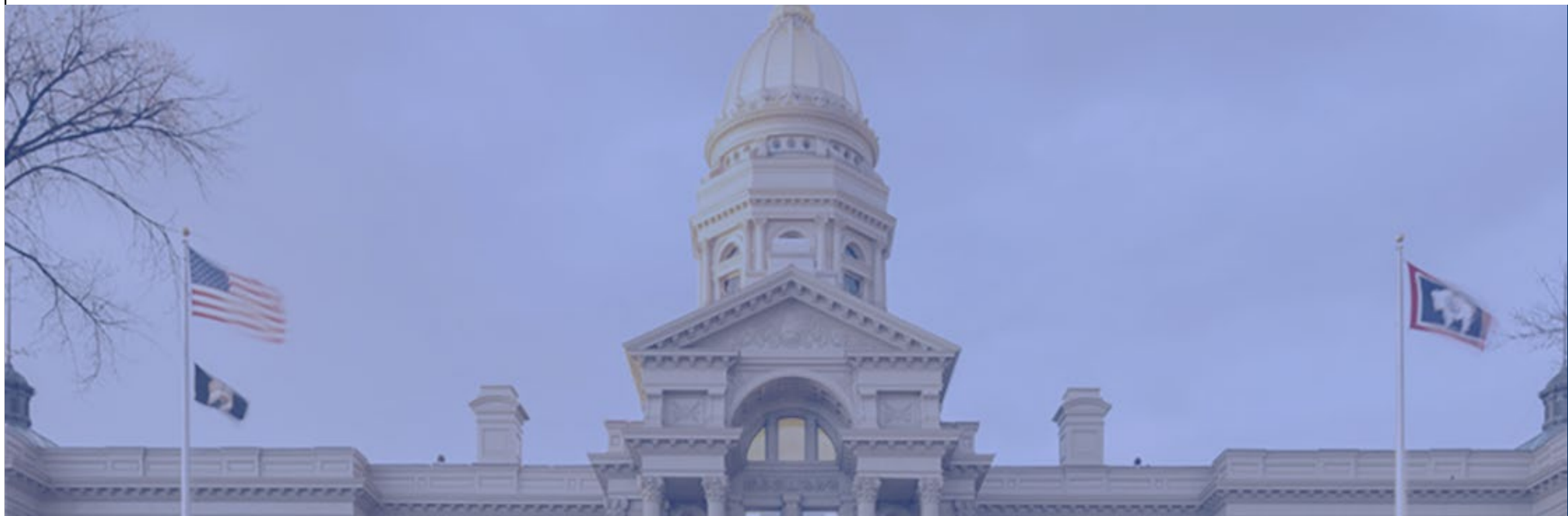
- An appointed office(r) who has been issued a notary public commission by the Wyoming Secretary of State
- Serves as an impartial witness to the signing of documents
- Establishes the identity of the person signing the document
- Attests that the signature on a document was voluntarily made in their presence
- May acknowledge deeds, mortgages, and powers of attorney or other papers
- Empowered to issue oaths and affirmations carrying the same effect as if performed before a judge
- PROTECTS AGAINST FRAUD

GOVERNING STATUTES

Wyoming Revised Uniform Law on Notarial Acts can be found at:

https://sos.wyo.gov/Services/Docs/Wyoming-Revised-Uniform-Law-on-Notarial-Acts_Effective-07.01.2021.pdf

https://www.wyoleg.gov/Legislation/2021/SF0029



NOTARIAL ACTS

Steps To Perform

- Verify identity
- Complete a notarial certificate
- Note every notarial act, refusal, and correction in your journal
- Collect a fee if you choose, up to $10.00 per act

Explanation

Keep in mind these steps can be done through traditional paper notarizations, remote online notarization, or remote ink notarization.

It is important to follow these steps when notarizing. We will go into detail on each of the steps on the next slides.

HOW DO YOU VERIFY IDENTITY

Satisfactory evidence

- Personal knowledge
- Identification credential
- Oath/affirmation of credible witness (1 or 2)

Explanation

The first step in performing a notarial act is to verify a person's identity through satisfactory evidence. Satisfactory evidence can be accomplished by personal knowledge, identification credential, (typically a driver's license), or the oath or affirmation of 1 or 2 credible witnesses.

Proof of satisfactory evidence is the same for both traditional and remote notarizations.

PERSONAL KNOWLEDGE

"Personal knowledge of identity," "personally known to the notarial officer" and "personally knows" mean familiarity with a person resulting from interactions with that person over a period of time or any other corroboration sufficient to dispel any reasonable uncertainty that the person has the identity claimed.

IDENTIFICATION CREDENTIAL

If a notary public does not personally know the principal signing the document, they must use an identification credential to verify identity. This includes a passport, driver's license, or other form of identification issued by a federal, state or tribal government.

Acceptable forms of Identification

- Passport
- State ID
- Tribal ID
- State driver's license
- Permanent resident card

ID cannot be expired for more than 3 years

COMPLETING A NOTARIAL CERTIFICATE

Types of notarial certificates

- Acknowledgement – Individual capacity
- Acknowledgement – Representative capacity
- Jurat – Signed and sworn
- Signature witness – Signed or attested
- True and correct copy certification
- Oath / Affirmation

Explanation

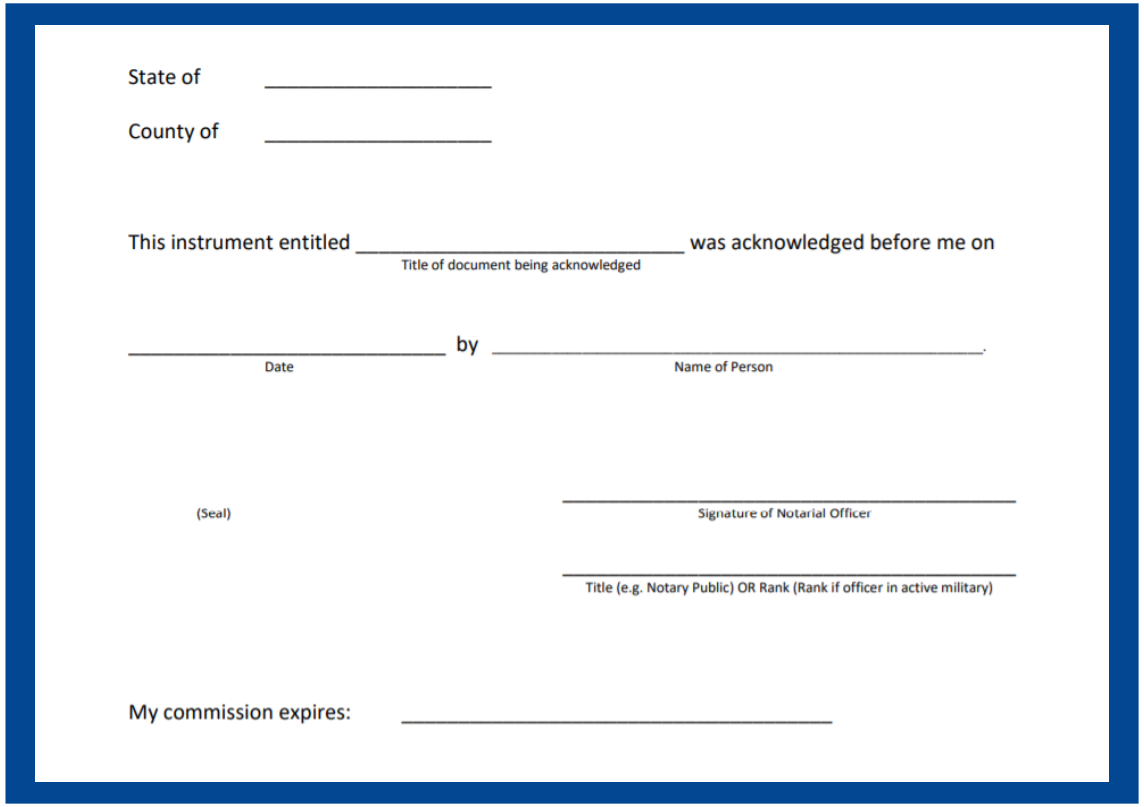
There are 6 types of notarial acts a Wyoming notary public may perform. The most common act is the signature witness.

A NOTARIZATION MUST INCLUDE A FULL NOTARIAL CERTIFICATE AND NOT JUST A STAMP.

ACKNOWLEDGMENT – INDIVIDUAL CAPACITY

An example of an acknowledgement is when a person signs a document before meeting with a notary public. For example, Jane Smith signs an operating agreement on January 1st. Then on January 10th she meets with a notary public who will perform the notarial act of an acknowledgement.

Jane "acknowledges" that she did in fact sign the document back on January 1st. The notary public then dates the act as January 10th, the date the notarial act was performed.



State of _____

County of _____

This instrument entitled _____ was acknowledged before me on
Title of document being acknowledged

_____ by _____.
Date Name of Person

(Seal)

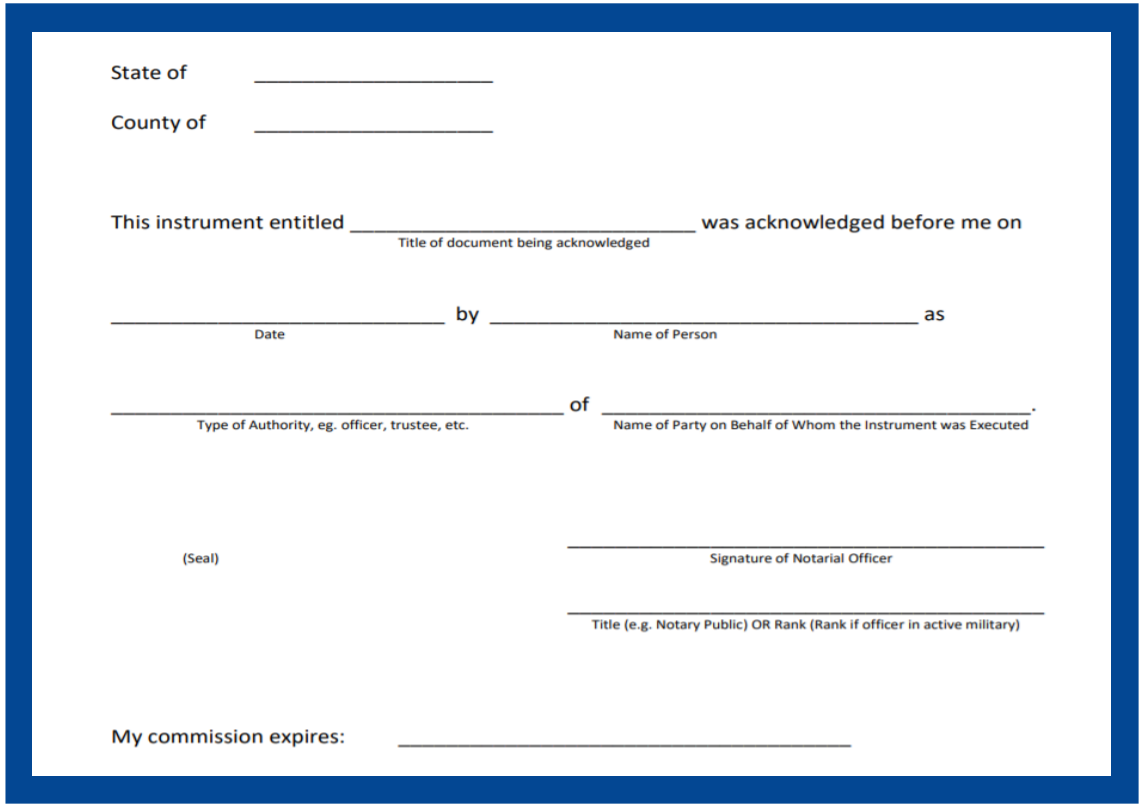
_____
Signature of Notarial Officer

_____
Title (e.g. Notary Public) OR Rank (Rank if officer in active military)

My commission expires: _____

ACKNOWLEDGMENT – REPRESENTATIVE CAPACITY

This the exact same as the previous acknowledgment but used when the signer is a representative, such as a power of attorney, legal counsel for a party, etc.



State of _____

County of _____

This instrument entitled _____ was acknowledged before me on
Title of document being acknowledged

_____ by _____ as
Date Name of Person

_____ of _____.
Type of Authority, eg. officer, trustee, etc. Name of Party on Behalf of Whom the Instrument was Executed

(Seal)

_____
Signature of Notarial Officer

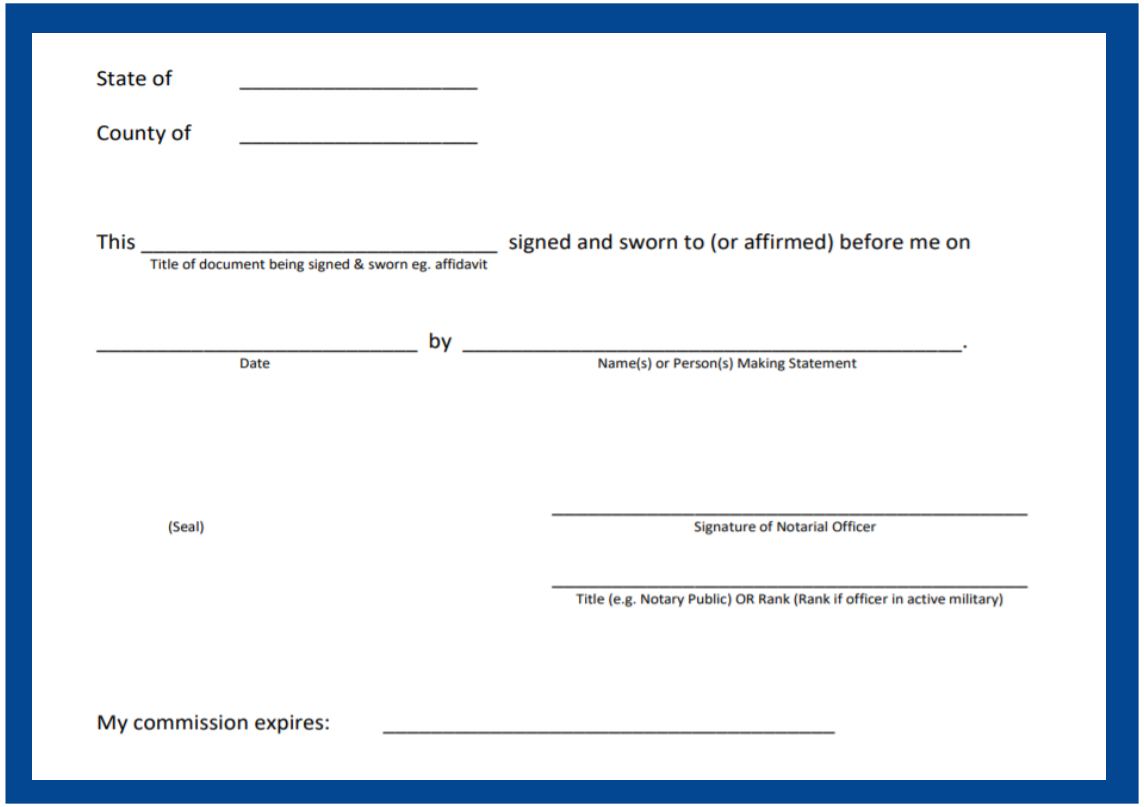
_____
Title (e.g. Notary Public) OR Rank (Rank if officer in active military)

My commission expires: _____

JURAT – SIGNED AND SWORN

This is a common notarial act you will see. **Be aware that this act requires the notary public to not only witness a signature, but issue an oath or affirmation to the person.** For either an oath or affirmation, the notary public will ask the person to raise their hand.

An acceptable oath or affirmation would be "do you swear or affirm that the statements in this document are true"? We will cover oaths and affirmations more below.



State of _____

County of _____

This _____ signed and sworn to (or affirmed) before me on
Title of document being signed & sworn eg. affidavit

_____ by _____.
Date Name(s) or Person(s) Making Statement

(Seal)

_____
Signature of Notarial Officer

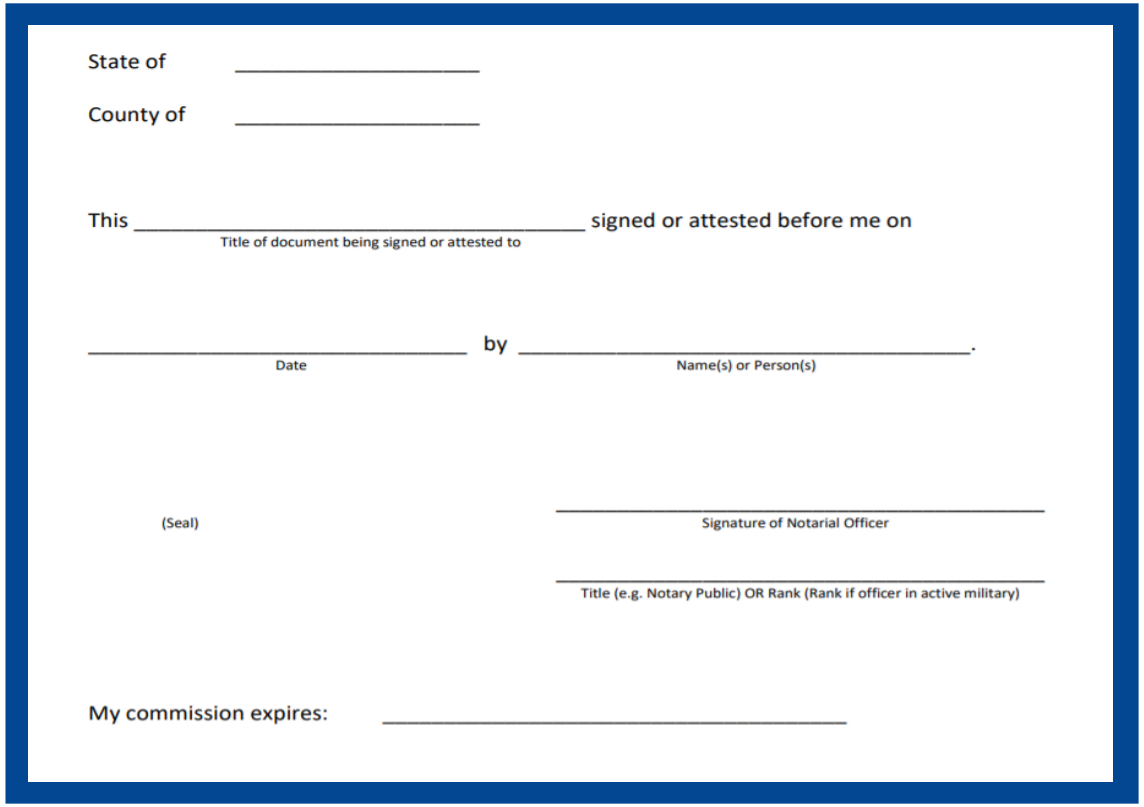
_____
Title (e.g. Notary Public) OR Rank (Rank if officer in active military)

My commission expires: _____

SIGNATURE WITNESS – SIGNED OR ATTESTED

This is the most common notarial act. You are simply witnessing a signature.

Remember that every element of the notarial certificate needs to be completed. You cannot just use your stamp to notarize a document.



State of _____

County of _____

This _____ signed or attested before me on
Title of document being signed or attested to

_____ by _____.
Date Name(s) or Person(s)

(Seal)

_____
Signature of Notarial Officer

_____
Title (e.g. Notary Public) OR Rank (Rank if officer in active military)

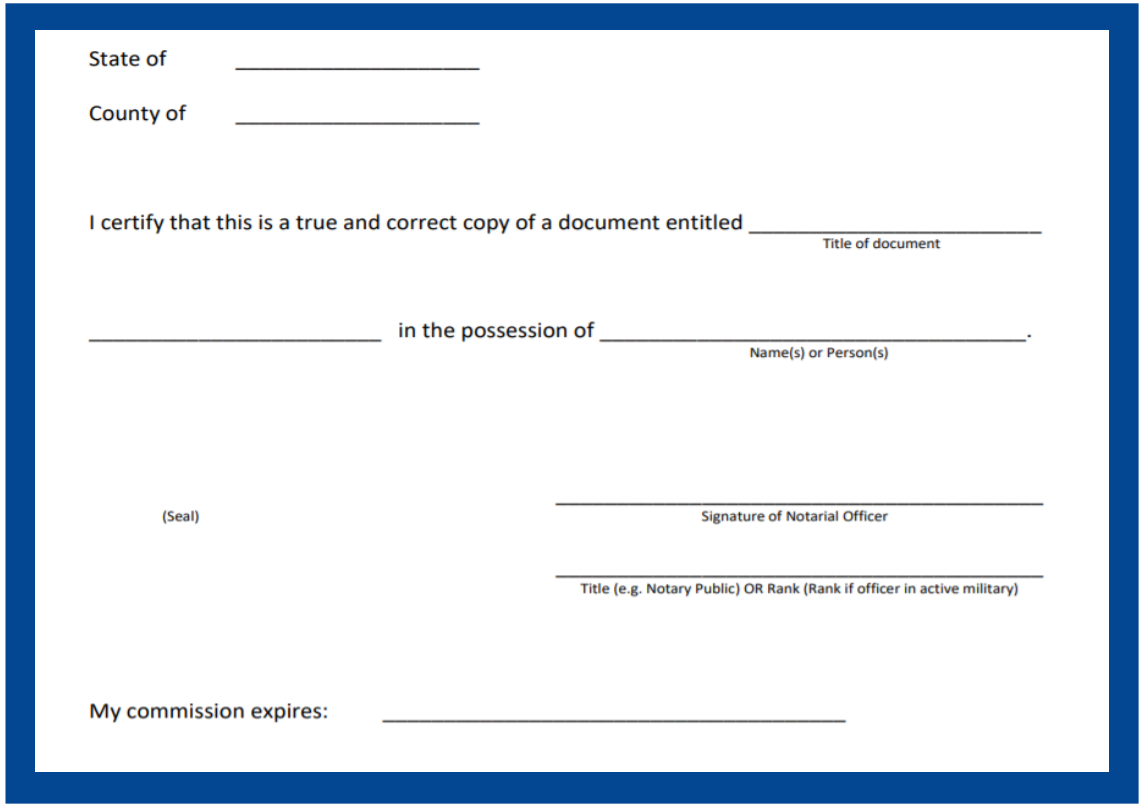
My commission expires: _____

TRUE & CORRECT COPY CERTIFICATION

A true and correct copy certification can be used when there is nothing for a person to sign, such as when you need to have a copy of your driver's license, tax forms, or copies of other forms notarized.

Here's how it works: A principal or signer hands a notary public their passport or ID. The notary public takes a copy or witnesses the copying of the document (not official records). Then the notary public fills out the certificate stating "I certify that this is a true and correct copy of a document entitled WY Driver's License of Jane Smith in the possession of Jane Smith".

A notary public should never notarize a photocopy of a vital record such a birth certificate, a marriage certificate, or school transcript. These documents are official records issued or held by a public entity and should only come from that entity.



State of _____

County of _____

I certify that this is a true and correct copy of a document entitled _____
Title of document

_____ in the possession of _____.
Name(s) or Person(s)

(Seal)

_____
Signature of Notarial Officer

_____
Title (e.g. Notary Public) OR Rank (Rank if officer in active military)

My commission expires: _____

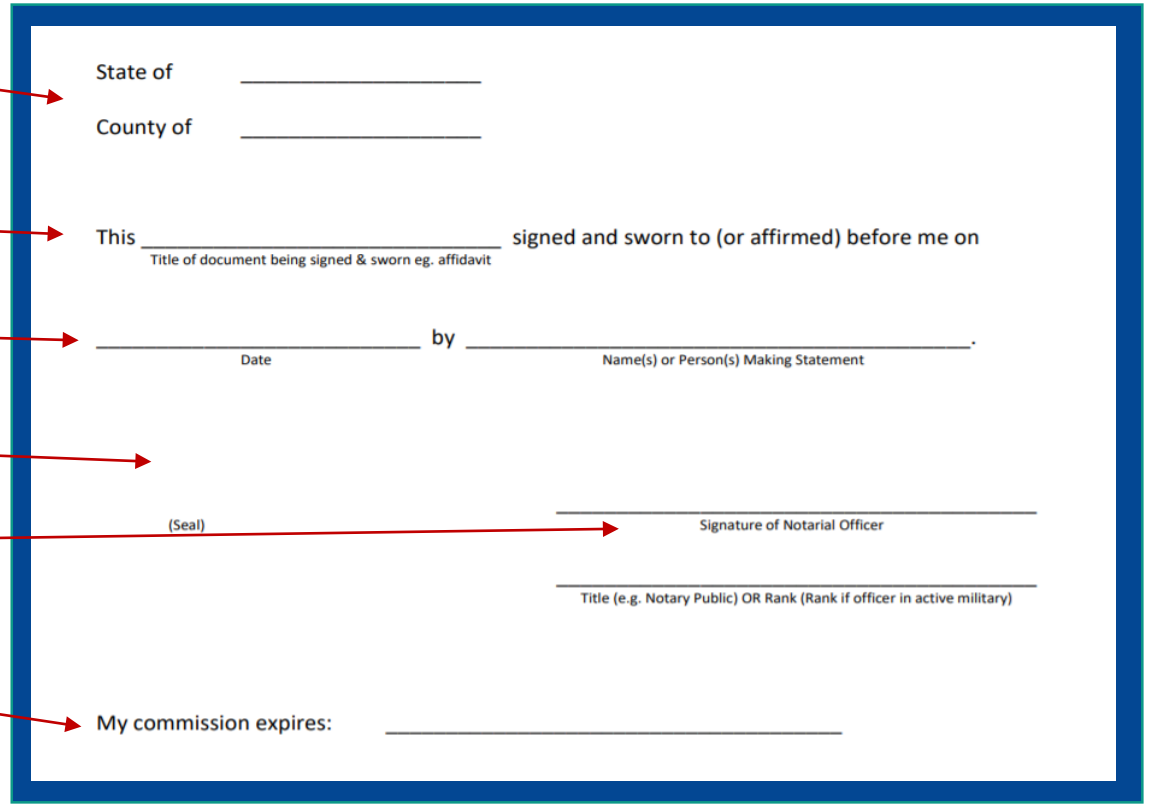
OATH AND AFFIRMATION

Acceptable Oath: Do You Swear That The Statements In This Document Are True?”

Acceptable Affirmation: “Do You Affirm That The Statements In This Document Are True?”

ELEMENTS REQUIRED FOR NOTARIAL CERTIFICATES

- Statement of venue
- Language stating what notarial act you are completing
- Date
- Seal or stamp
- Signature
- Commission expiration date
- Remote notarizations must also include language to indicate that the notarial act was performed using an electronic notarization system or other form of communication technology



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County of _____

This _____ signed and sworn to (or affirmed) before me on
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_____ by _____.
Date Name(s) or Person(s) Making Statement

(Seal)

_____
Signature of Notarial Officer

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Title (e.g. Notary Public) OR Rank (Rank if officer in active military)

My commission expires: _____

NOTARY PUBLIC COMMISSION PROCESS

- A notary public's commission term is valid for six years.
- After completing this Notary Education Presentation, you will submit the application with examination and $60 fee to the Secretary of State's Office.
- The Secretary of State will then process your application, email your appointment letter and your commission certificate directly to you.
- Once you receive your letter and certificate, you may purchase your stamp.

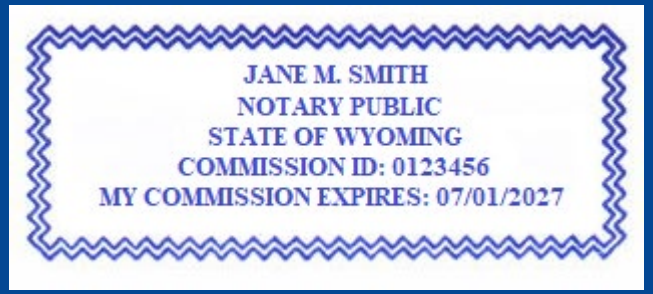
STAMP / SEAL

For all new commissions and renewals, a **NEW** stamp/seal is required (whether physical or electronic).

The design of the prescribed stamp/seal is very specific (W.S. § 32-3-116(a)(ii)). The stamp/seal shall:

- Be rectangular in shape and approximately 1 inch wide by 2 ½ inches long;
- Be in blue or black ink;
- Have a border outline in which the text contained within the border includes:
  - Your notary public commission name;
  - The words “Notary Public”;
  - The words “State of Wyoming”;
  - Your commission ID number;
  - The words “My commission expires” followed by the expiration date of your notary public commission; and
- Not include images of the Great Seal of the State of Wyoming or any other image or content other than as prescribed in this statute. *Your county of residence CANNOT be included on the stamp/seal.*

All of the above required information will be found on your new certificate of commission.



BOND/ E&O INSURANCE

There is no statutory obligation regarding bonding or insurance for a Wyoming Notary Public.

You have the option to obtain a bond or E&O insurance for yourself if you choose. These will NOT be filed with the County or the State.

WHO CAN BECOME A WYOMING NOTARY PUBLIC?

To hold a commission as a notary public in the state of Wyoming you must:

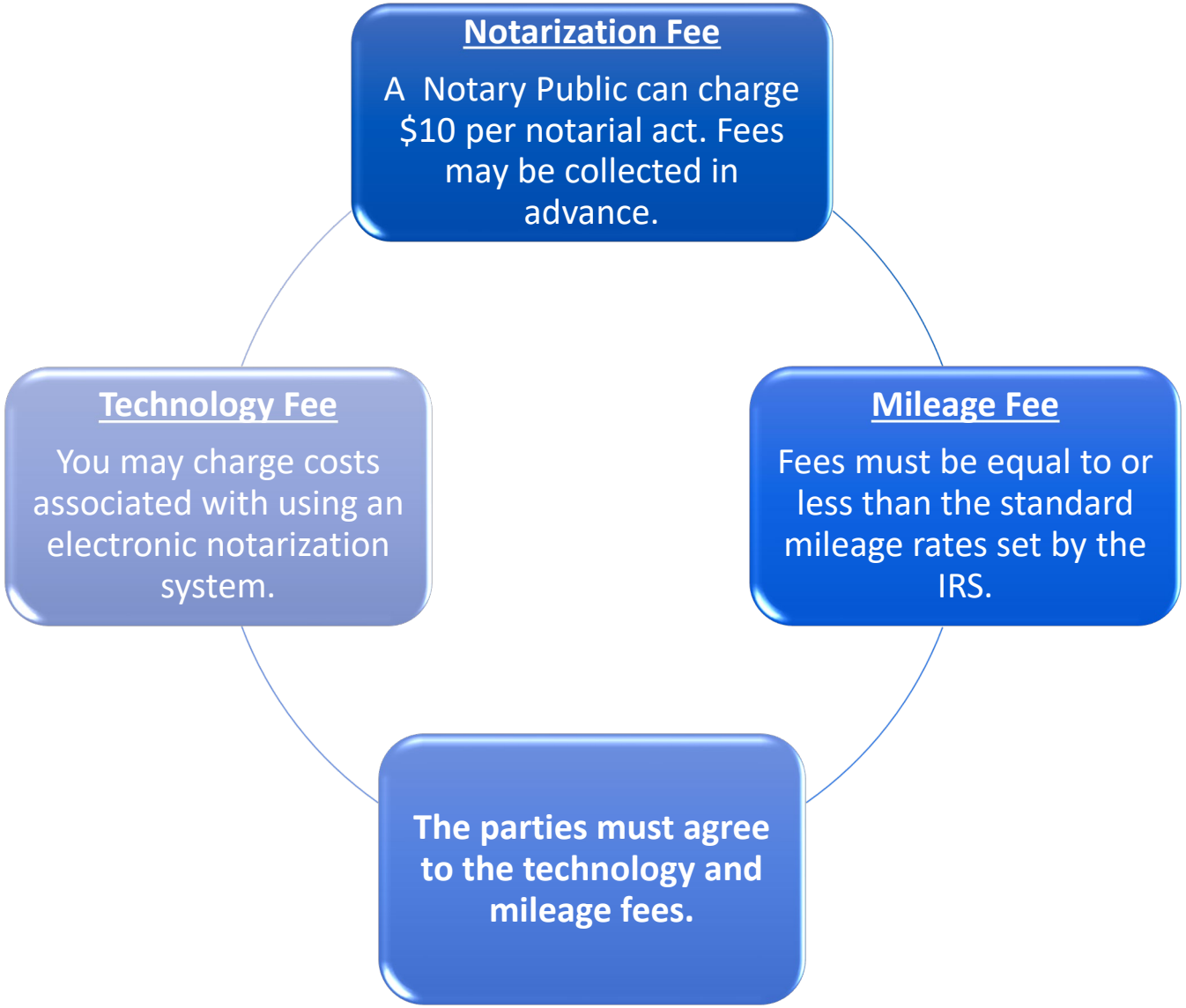
- Be at least 18 years old
- Be a citizen or permanent legal resident of the US or be lawfully present
- Be a resident of WY or have a place of employment in the state or be the spouse or legal dependent of military personnel on active duty in the state

Frequently asked question: "I live in Idaho but work in Jackson, WY. Can I become a Wyoming notary public?"

Answer: "As long as you meet the above qualifications and pass the exam, you sure can!"

AND… A Wyoming notary public may perform notarial acts in any bordering state, if the bordering state recognizes the notary public's authority within that state. If performing an allowable notarization in a bordering state, a Wyoming notary public shall adhere to the laws and rules of Wyoming.

FEES A NOTARY PUBLIC MAY CHARGE



JOURNALS

A journal entry is required for every notarial act.

Journals can be maintained electronically and/or by hard copy.

Examples of journal entries can be found at SOS.WYO.GOV, under services and information/notary public.

It is recommended that you retain your journal for your entire term.

Any corrections you make to a notarial certificate shall be recorded in your journal.

Making Corrections to a Notarial Certificate

A notary public can make corrections to a notarial certificate after the notarial act is complete pursuant to W.S. § 32-3-114(h) through (k).

REMOTE NOTARIZATIONS

Wyoming law allows remote notarizations to be performed. If you intend to perform remote notarizations, you are required to indicate this on the application or email notaries@wyo.gov.

Personal appearance includes both physical and remote appearance. ALL remote notarizations require an audio/visual recording to perform the notarial act.

There are two different types of Remote Notarizations:

Remote Online Notarizations (RON)
&
Remote Ink Notarizations (RIN)

Requirements can be found at W.S. § 32-3-111

RON

To perform a remote online notarization you can use a platform which requires multifactor authentication and has other security features, or you can use another form of communication technology.

Simultaneous audio/video connection that will be recorded is required.

Some documents require a signer to use a specific electronic notarization system rather than another form of communication technology.

RIN

A RIN is the notarial act of an **acknowledgement** performed on a **tangible** record.

Remember that an acknowledgement does not require the principal to sign before the notary public. It acknowledges that the principal signed sometime in the past.

A RIN cannot be performed for all notarial acts.

EXAMPLE OF A RIN

Jane Smith is traveling and needs a power of attorney notarized urgently. She needs a hard copy of the document with an ink signature. Jane signs and dates the document on Monday and mails it to Nancy Notary.

Nancy receives the document on Tuesday and performs a Zoom call with Jane. The Zoom call uses simultaneous audio/visual technology and Nancy ensures that the call is recorded as required by law. Nancy does not know Jane by personal knowledge so she asks Janes to hold up her identification credential to the camera.

After inspecting her ID, Nancy is satisfied that Jane is in fact Jane Smith. Nancy holds the document that Jane signed up to the camera and asks Jane if she signed the document. Jane acknowledges that she did indeed sign and date the document yesterday. Nancy completes the notarial certificate for an acknowledgement, dates it on Tuesday and affixes her stamp. Nancy logs the notarial act in her journal and mails the document back to Jane.

PROHIBITED ACTS

A notary public shall not:

- Notarize their own signature
- Notarize a document in which they are named or have a direct beneficial interest
- Notarize a document for their spouse or civil partner where they have a direct beneficial interest
- Verify that the underlying document is lawful or accurate
- Perform any official action with intent to deceive or defraud

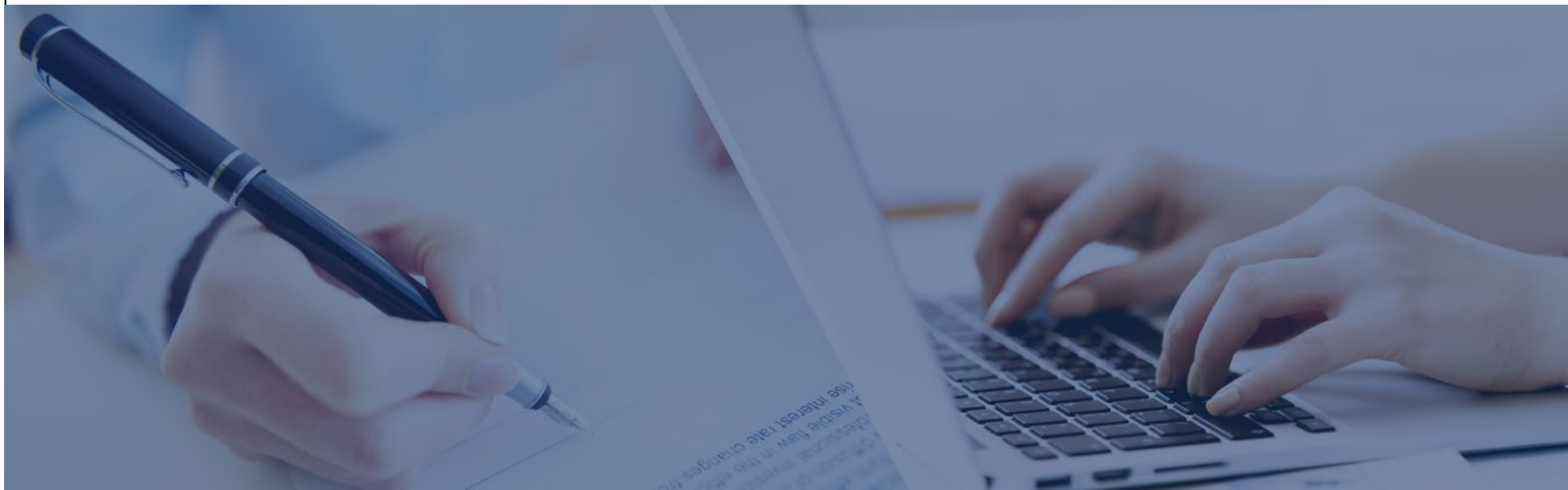
Under W.S. § 32-3-122, the Secretary of State may deny, refuse to renew or revoke a commission as notary public for any act or omission that demonstrates that the individual lacks the honesty, integrity, competence or reliability to act as a notary public.

EDUCATION & EXAM

Now that you have finished this Notary Education Presentation, you can complete the application and examination.

Every notary public must complete the educational requirement for each term. You have accomplished this for your new term.

You must achieve a passing score (70%) on your exam by getting at least 14 questions correct. This presentation has provided you with all the answers you need.



CONGRATULATIONS!

You have completed the Notary Education Presentation.

CONTACT INFORMATION:

WYOMING SECRETARY OF STATE'S OFFICE

PHONE: (307) 777-7370

EMAIL: NOTARIES@WYO.GOV

WEBSITE: SOS.WYO.GOV