

The Notary news



The North Carolina Department of
The Secretary of State, Elaine F. Marshall

STAY SAFE + HEALTHY,
NC NOTARIES!



VIDEO

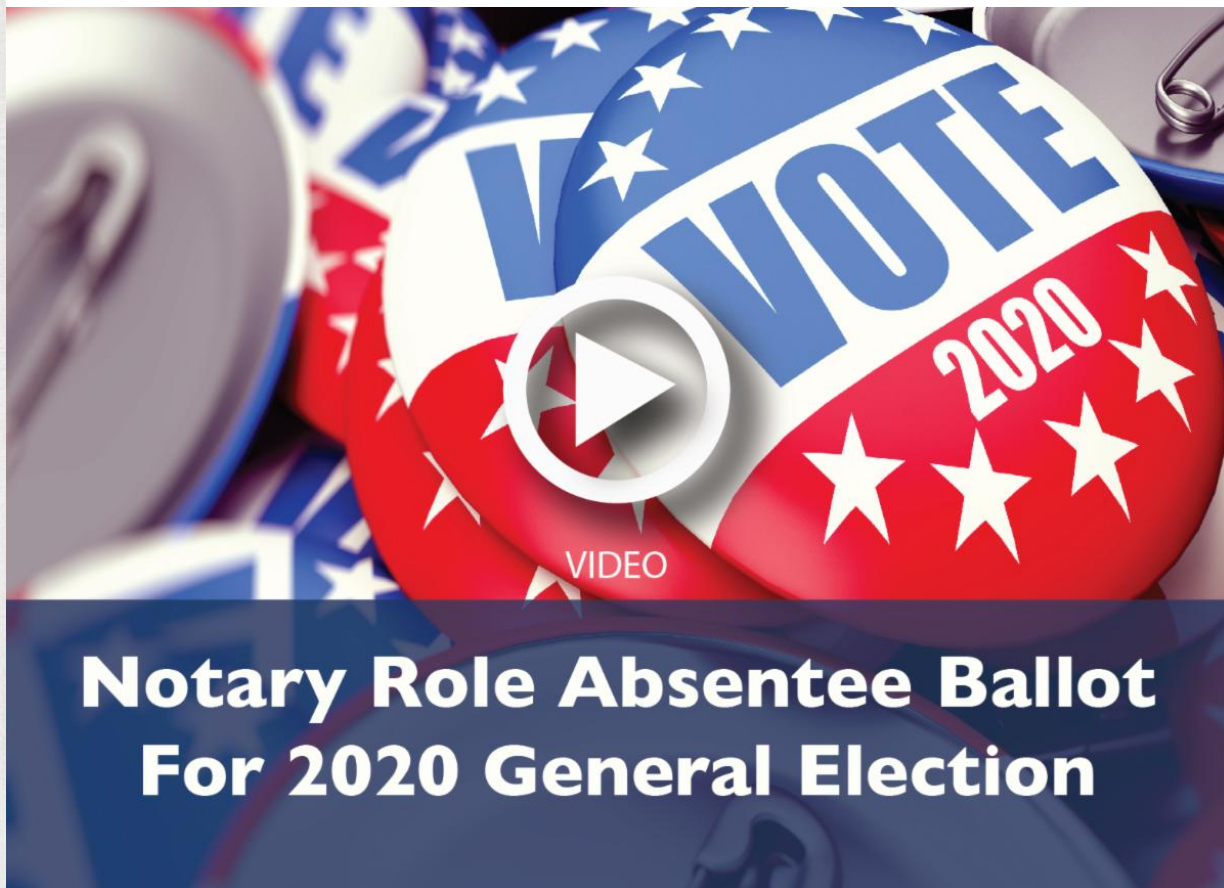
**The “Dog Days” are gone!
It’s time for cooler weather**

Message to Notaries: Your Role in Absentee Ballots

With the 2020 Election only 34 days away (eek!), we've gotten questions from some of you about the role notaries play in the absentee ballot process.

There have been changes to the law –*for this election only*– regarding our notaries’ role in the process. We put together this video to explain these changes and what you need to know about your role as a notary.

We are one notary team, so let us know at notarynews@sosnc.gov if you have any questions.



Fast Five Q &A

Q: From our Facebook group: If the signer has been exposed to COVID, is it possible as an eNotary to notarize without being in the same physical location?

The answer is yes. Under the temporary Emergency Video Notarization (EVN) law, both traditional and electronic notarizations may be performed remotely.

For an e-notarization, an approved electronic notary solution must be used by the eNotary. The eNotary solution would need to be used in conjunction with a video conferencing system that allows the eNotary to see and communicate with the principal signer in real time.

Remember eNotarys are different than traditional notaries. Please visit our EVN Resource page for a detailed explanation on how to perform an EVN notarization including an excellent video with step-by-step demonstration: https://www.sosnc.gov/divisions/notary/Emergency_Video_Notarization.

Q: Another North Carolina notary asked on our Facebook group: I moved to North Carolina from Alabama and would like to update my Notary Commission. How do I transfer my commission?

Great question. You will not be able to transfer your commission. You will need to apply for a North Carolina notary public commission. This includes successfully completing a minimum of six hours of notary public education at your local community college and passing the notary public course with at least an 80% score.

Here's the link to the community colleges in our state:
<https://www.nccommunitycolleges.edu/about-us/main-campuses>.

Q: Another question via email: I was commissioned as a notary in Orange County years ago and recently moved to Catawba County. Do I need to transfer my commission?

Another great question. You do not need to transfer your commission, you only need to send your new address to our department within 45 days of the change.

As a notary, you have statewide jurisdiction and can notarize in any of the 100 counties in the state. Please include your old and new mailing addresses.

Also, you may use your current notary stamp or seal until your commission expires. When you apply for your reappointment, you will include your new county on the application and purchase a new seal that reflects your new county.

Q: Another North Carolina notary asked on our Facebook group: Can I notarize a statement for my son that will only go to support a claim for an insurance company? I think the answer is yes.

We get this question regularly. As a notary, your role is to serve as an impartial witness to the signing of important documents. Therefore, you may not notarize any document in which you have a financial or beneficial interest.

However, notaries are not prohibited from notarizing for family members, although, it is a best practice to not notarize for immediate family members to avoid any appearance of a conflict of interest.

Q: Another question via email: Can a notary charge more money for e-notarizations? I am only a traditional notary, but one of the doctors who I work with said she needed an electronic notarization and the fee she was quoted was \$50. That sounds wrong to me. Is it true?

Thank you for this question. This is absolutely false. For performing electronic notarial acts, the maximum fees that may be charged by electronic notaries are \$10 per signature for acknowledgements, jurats and verifications or proofs.

There is nowhere in the North Carolina General Statutes stating that an eNotary may charge \$50. In order to perform an electronic notarization, notaries must first be registered as an electronic notary, which includes taking a three-hour course of instruction on the electronic notary act:

https://www.sosnc.gov/divisions/notary/become_an_enotary

Do you have a question that you'd like for us to answer for the **Fast Five**? Please send in your tips, practice ideas, and questions for us at notarynews@sosnc.gov.



Notarization Explained in Eight Simple Steps

In May, we started the series detailing the Eight Simple Steps to Notarize a Document. Our notaries are asking great questions on social media and through our email account, so we decided to step back and go through the

Eight Simple Steps you need to complete for your notarial act. We will address them one at a time in each newsletter.

We have looked at *Require the Personal Appearance of the Principal Signer(s) of the Document, Positively Identify the Principal Signer(s) of the Document and Verify the Signature on the Document*

This month tackles the **Fourth Step**:

Step 4: Take the Acknowledgement or Administer the Oath or Affirmation

The most common types of notarial acts are acknowledgements and oaths. These acts have two very distinct functions.

An **acknowledgment** is a notarial act in which a notary certifies that at a single time and place all of the following occurred:

- a. An individual appeared in person before the notary and presented a record.
- b. The individual was personally known to the notary or identified by the notary through satisfactory evidence.
- c. The individual did either of the following:
 - Indicated to the notary that the signature on the record was the individual's signature.
 - Signed the record while in the physical presence of the notary and while being personally observed signing the record by the notary. [General Statute 10B-3(1)].

An **oath** or **affirmation** is a notarial act in which a notary certifies that at a single time and place all of the following occurred:

- a. An individual appeared in person before the notary.
- b. The individual was personally known to the notary or identified by the notary through satisfactory evidence.
- c. The individual made a vow of truthfulness on penalty of perjury, based on personal honor and *without* invoking a deity or using any form of the word "swear" in an **affirmation**. OR. In an **oath**, the individual made a vow of truthfulness on penalty of perjury while invoking a deity or using any form of the word "swear". [General Statute 10B-3(2)].

If the document on an **acknowledgment** was signed already then you as a notary must ask the signer to acknowledge that the signature is in fact his or hers and that they signed the document willingly. This is sufficient to take the principal's acknowledgment.

Also remember that you as a notary must literally and physically administer the affirmation or oath. You administer the **oath** by having the signer raise his/her right hand toward the heavens, place his/her left hand on a holy book and swear before God that the statements in the document are true.

If a holy book is not available, an oath may still be administered by virtue of the fact that a form of the word swear is used and the right hand is raised to the heavens both of which invokes God or a supreme being.

An **affirmation** is the legal equivalent of an oath and is given in the same manner without reference to a supreme being or using the word “swear”. Both **MUST** be signed in your presence.

If you have additional questions about this topic or other notary subject matters, our office is always available to answer them. Reach out to us at notary@sosnc.gov



COVID-19 + Notaries

Sunset for Emergency Video Notarizations Has Been Extended:

The sunset date for conducting emergency video notarizations is now March 1, 2021.

Notary Oath Extensions:

Notaries still have 90 days to take their oaths at the Register of Deeds Office in their county of residence. This length of time was extended from the traditional 45 days that notaries typically have to appear before the Register of Deeds. The 90 day period starts on the issue date found at the top of the oath

notification letter that you receive from our office. The 90-day extension deadline is also [March 1, 2021](#).

Register of Deeds Offices:

Notaries must to contact the Register of Deeds Office in their county of residence about their hours of operation during the coronavirus pandemic. Some of these offices are accepting walk-ins while others are requiring appointments.



NC Notary Facebook Group

Have you joined our notary Facebook group ***The North Carolina Notary Network*** yet?

Well, what are you waiting for? More than 6,083 notaries around the state are in the group. If you haven't joined yet, click the link and come on in!

The purpose of the group is to connect NC notaries as well as give notaries an opportunity to share information, tips and ideas with one another.

Click [here](#) to join today!





Cozy Up To Fall

It seems like we went from wearing suntan lotion to sweatshirts in the blink of an eye.

The brisk days and cooler nights mean that fall has just arrived for its annual visit and is happy to make itself comfortable.

We know people can't wait for the changing of the seasons so we did our homework and found some of the coziest things people love about fall:

**Drinking a warm cup of apple cider
Going apple or pumpkin picking
Drinking hot chocolate with marshmallows
Wearing plaid
Baking a warm pie
Cooking chili or homemade soup
Sitting in front of a fire
Wearing your favorite sweater
Watching football**

Now we know we left off many other great things about fall, so we are looking for your input too. Notaries, let us know what you love about fall so we can share them in next month's newsletter?

Send your favorite fall faves to notarynews@sosnc.gov.

NC Secretary of State's Office
www.sosnc.gov | 919-814-5400 |
notarynews@sosnc.gov

