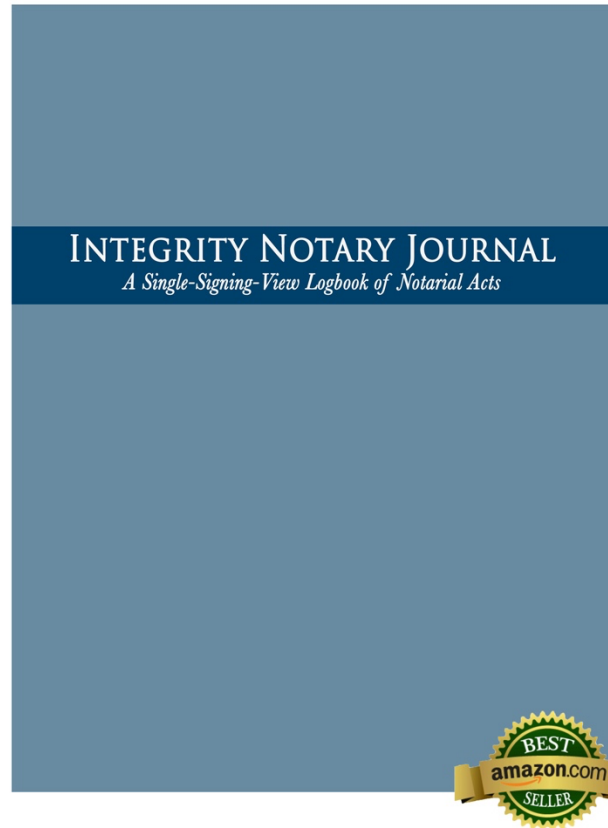


JOURNALING FOR NOTARIES PUBLIC

A white paper from the creator of the Integrity Notary Journal™.



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Mobile Notary KC LLC, Liberty, Missouri

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WHY DO WE JOURNAL?

Notaries public are professionals who are authorized to authenticate and certify the identity of individuals signing a variety of documents, such as real estate deeds, powers of attorney, and affidavits. They witness signatures and administer oaths. One important responsibility of a notary public is to keep a journal of all the notarial acts they perform whether or not their state requires it.

Notaries public have a duty to ensure the notarizations they perform are valid. A well recorded notarization in a securely retained journal (paper or electronic) protects the public and the notary public.

Consistently documenting information, from notarization to notarization, shows a habit of diligence on the part of the notary public, which provides evidence of reasonable care. Why is this important?

By law, the notary public is not required to act perfectly; however, it does require the notary public to act with reasonable care. Creating a habit of diligence provides evidence of reasonable care.

“The journal not only drives the notary to be diligent and careful but also proves the notary has actually performed [their duties] with reasonable care.” (Closen, 2018)

Here are some additional reasons why it's important for a notary public to keep a journal:

1. **Record-keeping.** A notary public's journal serves as an official record of all the notarial acts they perform. This record includes the date, time, type of document, name and signature of the signer, and any other relevant details. This information can be useful in case of any disputes or legal challenges in the future. Issues from a notarization can appear several years later. Without a journal record of the signing, it is impossible to recall the details or even if the notary performed the notarization.
2. **Evidence.** The journal can serve as evidence in court if needed. If a notarial act is challenged or questioned, the journal can provide proof that the act was performed.
3. **Protection against fraud.** Keeping a journal can help protect against fraud and unauthorized use of a notary public's seal. The journal provides a way to track and monitor all notarial acts, making it easier to identify any fraudulent activities or unauthorized use of the notary seal. It is becoming more common to have a notary public's stamp and signature forged. Criminals use sophisticated methods and the journal is the only remaining evidence of a valid notarization once everyone leaves the signing.

4. Professionalism. Keeping a journal demonstrates a notary public's professionalism and commitment to ethical standards. It shows that they take their responsibilities seriously and are committed to protecting the integrity of the notarial act that was performed.

5. Improves organization. A good journal will guide the notary public through the notarial ceremony. This can help the notary public to avoid confusion or errors, and it can make it easier to track transactions over time. The journal will prompt the notary public to collect important information and provide a place to note important details of the signing.

Overall, keeping a journal is an essential part of a notary public's duties. It helps ensure that all notarial acts are properly documented, protects against fraud and unauthorized use of the notary seal, and demonstrates professionalism and commitment to ethical standards.

The Evidence is Strong

Among the hundreds of challenges to the validity of notarizations, there are virtually no cases involving notaries who kept detailed and proper notary journals. (Closen, 2018)

In other words, when notaries public keep detailed journal entries, they are unlikely to commit errors and omissions of consequence in their notarizations, and don't get formally challenged in court.

WHAT TO INCLUDE IN A JOURNAL?

A notary journal is a record book that contains information about all notarial acts performed by a notary public in chronological order. The specific information that should be included in a notary journal may vary depending on the laws and regulations of the state where the notary is located. Always follow your state's laws and/or guidance.

For example, a few states prohibit the collection of certain information such as the serial number on an ID while other states require this information to be included.

The notary journal is an official record of acts performed by a notary public. In essence, it can be described as a public record and can be available to members of the public under appropriate conditions.

Generally, it is acceptable to include additional details in a journal entry than is required, unless your state prohibits the collection of it.

Best practices tell us to include the following information in our journal for each notarization*:

1. Date, start time, [and end time].
2. Signing location.
3. Document name/type and number of pages.
4. Notarial act performed.
5. Signer's name and address.
6. How signer was identified (type of ID).
7. If oath/affirmation was administered.
8. Signer's willingness.
9. Signer's mental competence.
10. Signer's understanding of the document to be signed.
11. Signer's signature.
12. Signer's thumbprint.
13. Notary fee, or no fee.
14. Any other additional information pertinent to the signing.
 - Other people in the room
 - Why a notarization was declined.
 - Special accommodation or circumstance (e.g., use of a signing guide).



*If not prohibited by law in your state.

IMPORTANT DETAILS

Retention of Journals

As a notary public, it is important to retain your notary journals in a secure location to protect the privacy and security of your clients' information. The length of time you need to retain your notary journals may vary depending on your state's laws and regulations. Here are some general guidelines:

1. **Secure storage.** Keep your notary journal in a secure location, such as a locked cabinet or safe, to prevent unauthorized access or theft.
2. **Record-keeping requirements.** Check your state's notary public regulations to determine the length of time you need to retain your notary journals. Some states require you to retain your notary journals for a specific period of time, such as 5 or 7 years, while others may require you to keep them indefinitely.
3. **Document destruction.** When it is time to dispose of your notary journals, make sure to do so in a secure and confidential manner. Shredding or burning the documents is usually recommended.

Remember, retaining your notary journals is an essential part of your notary public duties. Keeping accurate records can help you protect yourself from liability, and it can also provide important evidence in case of a legal dispute. Make sure to check your state's notary public regulations and keep your notary journals in a secure location for the required length of time.

Lost or Stolen Journals

If your notary journal is lost or stolen, you should take immediate steps to protect yourself and your clients. Here are the steps you should follow:

1. **Report the loss or theft to the police.** You should report the loss or theft of your notary journal to the police immediately. They will file a report, which you may need to provide to your state's notary public office.
2. **Notify your state's notary public office.** Contact your state's notary public office and inform them of the loss or theft of your notary journal. They will guide you on the steps you need to take to replace the journal and any other necessary documents.
3. **Replace your notary journal.** You will need to replace your lost or stolen notary journal as soon as possible.
4. **Review your security practices.** You should review your security practices to prevent such incidents from happening in the future. Consider using a secure storage location for your notary journal.

Remember, as a notary public, you have a responsibility to protect the personal information of your clients, and failure to do so can result in legal and professional consequences.

Death of the Notary Public

When a notary public dies, their notary journals are considered a part of their estate. The notary journals should be transferred to the executor or administrator of the estate, who will be responsible for safeguarding and maintaining the journal according to state laws and regulations.

In some states, the executor or administrator may be required to deliver the notary journals to the county clerk or the Secretary of State's office. The county clerk or Secretary of State's office will then file the notary journal and make it available for inspection to anyone who has a legitimate interest.

It is important to note that the personal representative or executor of the estate has a duty to protect the privacy of the notary's clients and ensure that the information contained in the journal is not disclosed to unauthorized persons. They should also follow the relevant state laws and regulations regarding the retention and disposal of notary journals.

It is a good idea to have a plan in place for the disposition of your notary journals in the event of your death. You may want to consider designating a trusted individual to handle the transfer of your notary journal to the appropriate parties and ensure that it is properly safeguarded.

REFERENCES

Closen, Michael (2018). Notary Best Practices: Expert's Guide to Notarization of Documents. National Notary Association: Chatsworth, CA.

DESIGNED WITH A STANDARD OF CARE

The Integrity Notary Journal is designed with the current best practices for notaries public in mind. In addition, it has an ergonomic layout that makes it extremely efficient to use—one of the main values of the Integrity Notary Journal.

At different points in the design process, the journal was reviewed by experts, and trialed in the field by notaries public. Learn more about the journal that was designed by notaries for notaries at [https:// www.mobilenotarykc.com/](https://www.mobilenotarykc.com/) .

