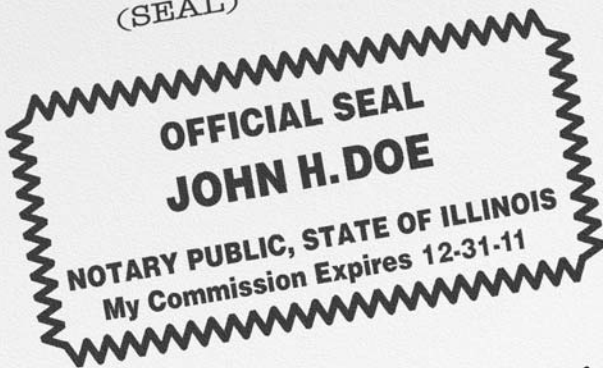


# ILLINOIS NOTARY PUBLIC HANDBOOK

(1) **IN WITNESS WHEREOF**, the undersigned have caused executed as of the date first above written.

(SEAL)



John H. Doe  
Notary

**Jesse White**  
Secretary of State



## OFFICE OF THE SECRETARY OF STATE

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This handbook outlines the important duties of a notary public. The Illinois Notary Public Act, effective July 1, 1986, was passed to better meet the needs of the modern business world. Effective in June 2000, under certain conditions, residents of states bordering Illinois may be commissioned as Illinois notaries.

Following are basic rules for proper and safe notarization: 1) Keep your notary seal in a safe place; 2) Do not notarize a signature unless the signer is present at the time of notarization; 3) Do not lend your stamp to anyone, including your employer; 4) Do not identify a document signer on the word of a friend or employer who is not willing to take an oath; 5) Sign your name on notarial certificates exactly as it appears on your commission and affix your seal.

I encourage you to read this handbook thoroughly. If you have questions, please contact: Office of the Secretary of State, Index Department, 111 E. Monroe St., Springfield, IL 62756.

*Jesse White*

Jesse White  
Secretary of State

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# ILLINOIS NOTARY PUBLIC ACT

(Illinois Compiled Statutes 5 ILCS 312)

## ARTICLE I GENERAL PROVISIONS

### 1-101. Short Title.

This Act may be cited as the Illinois Notary Public Act.

*(Source: P.A. 86-1475.)*

### 1-102. Purposes and Rules of Construction.

(a) This Act shall be construed and applied to promote its underlying purposes and policies.

(b) The underlying purposes and policies of this Act are:

- (1) to simplify, clarify, and modernize the law governing notaries public; and
- (2) to promote, serve, and protect the public interest.

*(Source: P.A. 84-322.)*

### 1-103. Prospective Effect of Act.

This Act applies prospectively. Nothing in this Act shall be construed to revoke any notary public commission existing on the effective date of this Act. All reappointments of notarial commissions shall be obtained in accordance with this Act.

*(Source: P.A. 84-322.)*

### 1-104. Notary Public and Notarization Defined.

(a) The terms “notary public” and “notary” are used interchangeably to mean any individual appointed and commissioned to perform notarial acts.

(b) “Notarization” means the performance of a notarial act.

(c) “Accredited immigration representative” means a not-for-profit organization recognized by the Board of Immigration Appeals under 8 C.F.R. 292.2(a) and employees of those organizations accredited under 8 C.F.R. 292.2(d).

*(Source: P.A. 93-1001, eff. 8-23-04.)*

## ARTICLE II APPOINTMENT PROVISIONS

### 2-101. Appointment.

The Secretary of State may appoint and commission as notaries public for a four-year term as many persons resident in a county in this State as he deems necessary. The Secretary of State may appoint and commission as notaries public for a one-year term as many persons who are residents of a state bordering Illinois whose place of work or business is within a county in this State as the Secretary deems necessary, but only if the laws of that state authorize residents of Illinois to be appointed and commissioned as notaries public in that state.

*(Source: P.A. 91-818, eff. 6-13-00.)*

### 2-102. Application.

Every applicant for appointment and commission as a notary shall complete an application form furnished by the Secretary of State to be filed with the Secretary of State, stating:

(a) the applicant’s official name, which contains his or her last name and at least the initial of the first name;

(b) the county in which the applicant resides or, if the applicant is a resident of a state bordering Illinois, the county in Illinois in which that person’s principal

- place of work or principal place of business is located;
- (c) the applicant's residence address and business address, if any, or any address at which an applicant will use a notary public commission to receive fees;
- (d) that the applicant has resided in the State of Illinois for 30 days preceding the application or that the applicant who is a resident of a state bordering Illinois has worked or maintained a business in Illinois for 30 days preceding the application;
- (e) that the applicant is a citizen of the United States or an alien lawfully admitted for permanent residence in the United States;
- (f) that the applicant is at least 18 years of age;
- (g) that the applicant is able to read and write the English language;
- (h) that the applicant has never been the holder of a notary public appointment that was revoked or suspended during the past 10 years;
- (i) that the applicant has not been convicted of a felony; and
- (j) any other information the Secretary of State deems necessary.

*(Source: P.A. 93-1001, eff. 8-23-04.)*

**2-103. Appointment Fee.**

Every applicant for appointment and commission as a notary public shall pay to the Secretary of State a fee of \$10.

*(Source: P.A. 85-1396.)*

**2-104. Oath.**

Every applicant for appointment and commission as a notary public shall take the following oath in the presence of a person qualified to administer an oath in this State:

"I, \_\_\_\_\_ (name of applicant), solemnly affirm, under the penalty of perjury, that the answers to all questions in this application are true, complete, and correct; that I have carefully read the notary law of this State; and that, if appointed and commissioned as a notary public, I will perform faithfully, to the best of my ability, all notarial acts in accordance with the law."

\_\_\_\_\_ (Signature of applicant)

Subscribed and affirmed before me on \_\_\_\_\_, \_\_\_\_\_

\_\_\_\_\_  
 (Official signature and official seal of notary)"

*(Source: P.A. 91-357, eff. 7-29-99.)*

**2-105. Bond.**

Every application for appointment and commission as a notary public shall be accompanied by an executed bond commencing on the date of the appointment with a term of four years, in the sum of \$5,000, with, as surety thereon, a company qualified to write surety bonds in this State. The bond shall be conditioned upon the faithful performance of all notarial acts in accordance with this Act. The Secretary of State may prescribe an official bond form.

*(Source: P.A. 84-322.)*

**2-106. Appointment Recorded by County Clerk.**

The appointment of the applicant as a notary public is complete when the commission is recorded with the county clerk.

The Secretary of State shall forward the applicant's commission to the county clerk of the county in which the applicant resides or, if the applicant is a resident of a state bordering Illinois, the county in Illinois in which the applicant's principal place of work or principal place of business is located. Upon receipt thereof, the county clerk shall notify the applicant of the action taken by the Secretary of State, and the applicant shall either appear at the county clerk's office to record the same and receive the commission or request by mail to have the commission sent to the applicant with a specimen signature of the applicant attached to the request. The applicant shall have a record of the appointment, and the time when the commission will expire, entered in the records of the office of the county clerk. When the applicant appears before the county clerk, the applicant shall pay a fee of \$5, at which time the county clerk shall then deliver the commission to the applicant.

If the appointment is completed by mail, the applicant shall pay the county clerk a fee of \$10, which shall be submitted with the request to the county clerk. The county clerk shall then record the appointment and send the commission by mail to the applicant.

If an applicant does not respond to the notification by the county clerk within 30 days, the county clerk shall again notify the applicant that the county clerk has received the applicant's notary public commission issued by the Secretary of State. The second notice shall be in substantially the following form:

"The records of this office indicate that you have not picked up your notary public commission from the Office of the County Clerk.

The Illinois Notary Public Law requires you to appear in person in the clerk's office, record your commission, and pay a fee of \$5 to the county clerk or request that your commission be mailed to you. This request must be accompanied by a specimen of your signature and \$10 fee payable to the county clerk.

Your appointment as a notary is not complete until the commission is recorded with the county clerk. Furthermore, if you do not make arrangements with the clerk for recording and delivery of your commission within 30 days from the date of this letter, the county clerk will return your commission to the Secretary of State. Your commission will be cancelled and your name will be removed from the list of notaries in the State of Illinois.

I should also like to remind you that any person who attests to any document as a notary and is not a notary in good standing with the Office of the Secretary of State is guilty of official misconduct and may be subject to a fine or imprisonment."

The Secretary of State shall cancel the appointment of all notaries whose commissions are returned to his office by the county clerks. No application fee will be refunded and no bonding company is required to issue a refund when an appointment is cancelled.

*(Source: P.A. 91-818, eff. 6-13-00.)*

**ARTICLE III  
DUTIES – FEES – AUTHORITY**

**3-101. Official Seal and Signature.**

- (a) Each notary public shall, upon receiving the commission from the county clerk, obtain an official rubber stamp seal with which the notary shall authenticate his official acts. The rubber stamp seal shall contain the following information:
- (1) the words "Official Seal;"
  - (2) the notary's official name;
  - (3) the words "Notary Public," "State of Illinois," and "My commission expires \_\_\_\_\_ (commission expiration date);" and
  - (4) a serrated or milled edge border in a rectangular form not more than one inch in height by two and one-half inches in length surrounding the information.
- (b) At the time of the notarial act, a notary public shall officially sign every notary certificate and affix the rubber stamp seal clearly and legibly using black ink, so that it is capable of photographic reproduction. The illegibility of any of the information required by this Section does not affect the validity of a transaction.

This subsection does not apply on or after July 1, 2013.

*(Source: P.A. 95-988, eff. 6-1-09.)*

**3-102. Notarial Record; Residential Real Property Transactions.**

- (a) This Section shall apply to every notarial act in Illinois involving a document of conveyance that transfers or purports to transfer title to residential real property located in Cook County.
- (b) As used in this Section, the following terms shall have the meanings ascribed to them:
- (1) "Document of Conveyance" shall mean a written instrument that transfers or purports to transfer title effecting a change in ownership to Residential Real Property, excluding:
    - (i) court-ordered and court-authorized conveyances of Residential Real Property, including without limitation, quit-claim deeds executed pursuant to a marital settlement agreement incorporated into a judgment of dissolution of marriage, and transfers in the administration of a probate estate;
    - (ii) judicial sale deeds relating to Residential Real Property, including without limitation, sale deeds issued pursuant to proceedings to foreclose a mortgage or execute on a levy to enforce a judgment;
    - (iii) deeds transferring ownership of Residential Real Property to a trust where the beneficiary is also the grantor;
    - (iv) deeds from grantors to themselves that are intended to change the nature or type of tenancy by which they own Residential Real Property;
    - (v) deeds from a grantor to the grantor and another natural person that are intended to establish a tenancy by which the grantor and the other natural person own Residential Real Property;
    - (vi) deeds executed to the mortgagee in lieu of foreclosure of a mortgage; and

- (vii) deeds transferring ownership to a revocable or irrevocable grantor trust where the beneficiary includes the grantor.
  - (2) “Financial Institution” shall mean a State or federally chartered bank, savings and loan association, savings bank, or credit union.
  - (3) “Notarial Record” shall mean the written document created in conformity with this Section by a notary in connection with Documents of Conveyance.
  - (4) “Residential Real Property” shall mean a building or buildings located in Cook County, Illinois and containing one to four dwelling units or an individual residential condominium unit.
  - (5) “Title Insurance Agent” shall have the meaning ascribed to it under the Title Insurance Act.
  - (6) “Title Insurance Company” shall have the meaning ascribed to it under the Title Insurance Act.
- (c) A notary appointed and commissioned as a notary in Illinois shall, in addition to compliance with other provisions of this Act, create a Notarial Record of each notarial act performed in connection with a Document of Conveyance. The Notarial Record shall contain:
- (1) The date of the notarial act;
  - (2) The type, title, or a description of the Document of Conveyance being notarized, and the property index number (“PIN”) used to identify the Residential Real Property for assessment or taxation purposes and the common street address for the Residential Real Property that is the subject of the Document of Conveyance;
  - (3) The signature, printed name, and residence street address of each person whose signature is the subject of the notarial act and a certification by the person that the property is Residential Real Property as defined in this Section, which states “The undersigned grantor hereby certifies that the real property identified in this Notarial Record is Residential Real Property as defined in the Illinois Notary Public Act.”
  - (4) A description of the satisfactory evidence reviewed by the notary to determine the identity of the person whose signature is the subject of the notarial act;
  - (5) The date of notarization, the fee charged for the notarial act, the Notary’s home or business phone number, the Notary’s residence street address, the Notary’s commission expiration date, the correct legal name of the Notary’s employer or principal, and the business street address of the Notary’s employer or principal; and
  - (6) The notary public shall require the person signing the Document of Conveyance (including an agent acting on behalf of a principal under a duly executed power of attorney), whose signature is the subject of the notarial act, to place his or her right thumbprint on the Notarial Record. If the right thumbprint is not available, then the notary shall have the party use his or her left thumb, or any available finger, and shall so indicate on the Notarial Record. If the party signing the document is physically unable to provide a thumbprint or fingerprint, the notary shall so indicate on the Notarial Record and shall also provide an explanation of that physical condition. The notary may obtain the thumbprint by any means that reliably captures the image of the finger in a physical or electronic medium.



- (d) If a notarial act under this Section is performed by a notary who is a principal, employee, or agent of a Title Insurance Company, Title Insurance Agent, Financial Institution, or attorney at law, the notary shall deliver the original Notarial Record to the notary's employer or principal within 14 days after the performance of the notarial act for retention for a period of seven years as part of the employer's or principal's business records. In the event of a sale or merger of any of the foregoing entities or persons, the successor or assignee of the entity or person shall assume the responsibility to maintain the Notarial Record for the balance of the seven-year business records retention period. Liquidation or other cessation of activities in the ordinary course of business by any of the foregoing entities or persons shall relieve the entity or person from the obligation to maintain Notarial Records after delivery of Notarial Records to the Recorder of Deeds of Cook County, Illinois.
- (e) If a notarial act is performed by a notary who is not a principal, employee, or agent of a Title Insurance Company, Title Insurance Agent, Financial Institution, or attorney at law, the notary shall deliver the original Notarial Record within 14 days after the performance of the notarial act to the Recorder of Deeds of Cook County, Illinois for retention for a period of seven years, accompanied by a filing fee of \$5.
- (f) The Notarial Record required under subsection (c) of this Section shall be created and maintained for each person whose signature is the subject of a notarial act regarding a Document of Conveyance and shall be in substantially the following form:

<p><b>NOTARIAL RECORD - RESIDENTIAL REAL PROPERTY TRANSACTIONS</b></p> <p>Date Notarized:          Fee: \$</p> <p>The undersigned grantor hereby certifies that the real property identified in this Notarial Record is Residential Real Property as defined in the Illinois Notary Public Act.</p> <p>Grantor's (Signer's) Printed Name:          Grantor's (Signer's) Signature:          Grantor's (Signer's) Residential Street Address, City, State, and Zip:          Type or Name of Document of Conveyance:          PIN No. of Residential Real Property:          Common Street Address of Residential Real Property:          Thumbprint or Fingerprint:          Description of Means of Identification:          Additional Comments:          Name of Notary Printed:          Notary Phone Number:          Commission Expiration Date:          Residential Street Address of Notary, City, State, and Zip:          Name of Notary's Employer or Principal:          Business Street Address of Notary's Employer or Principal, City, State, and Zip:          Zip:</p>
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- (g) No copies of the original Notarial Record may be made or retained by the Notary. The Notary's employer or principal may retain copies of the Notarial Records as part of its business records, subject to applicable privacy and confidentiality standards.

- (h) The failure of a notary to comply with the procedure set forth in this Section shall not affect the validity of the Residential Real Property transaction in connection to which the Document of Conveyance is executed, in the absence of fraud.
- (i) The Notarial Record or other medium containing the thumbprint or fingerprint required by subsection (c)(6) shall be made available or disclosed only upon receipt of a subpoena duly authorized by a court of competent jurisdiction. Such Notarial Record or other medium shall not be subject to disclosure under the Freedom of Information Act and shall not be made available to any other party, other than a party in succession of interest to the party maintaining the Notarial Record or other medium pursuant to subsection (d) or (e).
- (j) In the event there is a breach in the security of a Notarial Record maintained pursuant to subsections (d) and (e) by the Recorder of Deeds of Cook County, Illinois, the Recorder shall notify the person identified as the “signer” in the Notarial Record at the signer’s residential street address set forth in the Notarial Record. “Breach” shall mean unauthorized acquisition of the fingerprint data contained in the Notarial Record that compromises the security, confidentiality, or integrity of the fingerprint data maintained by the Recorder. The notification shall be in writing and made in the most expedient time possible and without unreasonable delay, consistent with any measures necessary to determine the scope of the breach and restore the reasonable security, confidentiality, and integrity of the Recorder’s data system.
- (k) Subsections (a) through (i) shall not apply on and after July 1, 2013.
- (l) Beginning July 1, 2013, at the time of notarization, a notary public shall officially sign every notary certificate and affix the rubber stamp seal clearly and legibly using black ink, so that it is capable of photographic reproduction. The illegibility of any of the information required by this Section does not affect the validity of a transaction.

(Source: P.A. 95-988, eff. 6-1-09.)

### 3-103. Notice.

- (a) Every notary public who is not an attorney or an accredited immigration representative who advertises the services of a notary public in a language other than English, whether by radio, television, signs, pamphlets, newspapers, or other written communication, with the exception of a single desk plaque, shall include in the document, advertisement, stationery, letterhead, business card, or other comparable written material the following: notice in English and the language in which the written communication appears. This notice shall be of a conspicuous size, if in writing, and shall state: “I AM NOT AN ATTORNEY LICENSED TO PRACTICE LAW IN ILLINOIS AND MAY NOT GIVE LEGAL ADVICE OR ACCEPT FEES FOR LEGAL ADVICE.” If such advertisement is by radio or television, the statement may be modified but must include substantially the same message.

A notary public shall not, in any document, advertisement, stationery, letterhead, business card, or other comparable written material describing the role of the notary public, literally translate from English into another language terms or titles including, but not limited to, notary public, notary, licensed, attorney, lawyer, or any other term that implies the person is an attorney. To illustrate, the word “notario” is prohibited under this provision.

Failure to follow the procedures in this Section shall result in a fine of \$1,000 for each written violation. The second violation shall result in suspen-

sion of notary authorization. The third violation shall result in permanent revocation of the commission of notary public. Violations shall not preempt or preclude additional appropriate civil or criminal penalties.

- (b) All notaries public required to comply with the provisions of subsection (a) shall prominently post at their place of business as recorded with the Secretary of State pursuant to Section 2-102 of this Act a schedule of fees established by law which a notary public may charge. The fee schedule shall be written in English and in the non-English language in which notary services were solicited and shall contain the disavowal of legal representation required above in subsection (a), unless such notice of disavowal is already prominently posted.
- (c) No notary public, agency or any other person who is not an attorney shall represent, hold themselves out or advertise that they are experts on immigration matters or provide any other assistance that requires legal analysis, legal judgment, or interpretation of the law unless they are a designated entity as defined pursuant to Section 245a.1 of Part 245a of the Code of Federal Regulations (8CFR 245a.1) or an entity accredited by the Board of Immigration Appeals.
- (d) Any person who aids, abets or otherwise induces another person to give false information concerning immigration status shall be guilty of a Class A misdemeanor for a first offense and a Class 3 felony for a second or subsequent offense committed within five years of a previous conviction for the same offense.

Any notary public who violates the provisions of this Section shall be guilty of official misconduct and subject to fine or imprisonment.

Nothing in this Section shall preclude any consumer of notary public services from pursuing other civil remedies available under the law.

- (e) No notary public who is not an attorney or an accredited representative shall accept payment in exchange for providing legal advice or any other assistance that requires legal analysis, legal judgment, or interpretation of the law.
- (f) Violation of subsection (e) is a business offense punishable by a fine of three times the amount received for services, or \$1,001 minimum, and restitution of the amount paid to the consumer. Nothing in this Section shall be construed to preempt nor preclude additional appropriate civil remedies or criminal charges available under law.
- (g) If a notary public of this State is convicted of two or more business offenses involving a violation of this Act within a 12-month period while commissioned, or of three or more business offenses involving a violation of this Act within a five-year period regardless of being commissioned, the Secretary shall automatically revoke the notary public commission of that person on the date that the person's most recent business offense conviction is entered as a final judgment.

*(Source: P.A. 93-1001, eff. 8-23-04.)*

### 3-104. Maximum Fee.

- (a) Except as provided in subsection (b) of this Section, the maximum fee in this State is \$1 for any notarial act performed and, until July 1, 2013, up to \$25 for any notarial act performed pursuant to Section 3-102.
- (b) Fees for a notary public, agency, or any other person who is not an attorney or an accredited representative filling out immigration forms shall be limited to the following:
  - (1) \$10 per form completion;

- (2) \$10 per page for the translation of a non-English language into English where such translation is required for immigration forms;
- (3) \$1 for notarizing;
- (4) \$3 to execute any procedures necessary to obtain a document required to complete immigration forms; and
- (5) A maximum of \$75 for one complete application.

Fees authorized under this subsection shall not include application fees required to be submitted with immigration applications.

Any person who violates the provisions of this subsection shall be guilty of a Class A misdemeanor for a first offense and a Class 3 felony for a second or subsequent offense committed within 5 years of a previous conviction for the same offense.

- (c) Upon his own information or upon complaint of any person, the Attorney General or any State's Attorney, or their designee, may maintain an action for injunctive relief in the court against any notary public or any other person who violates the provisions of subsection (b) of this Section. These remedies are in addition to, and not in substitution for, other available remedies.

If the Attorney General or any State's Attorney fails to bring an action as provided pursuant to this subsection within 90 days of receipt of a complaint, any person may file a civil action to enforce the provisions of this subsection and maintain an action for injunctive relief.

- (d) All notaries public must provide receipts and keep records for fees accepted for services provided. Failure to provide receipts and keep records that can be presented as evidence of no wrongdoing shall be construed as a presumptive admission of allegations raised in complaints against the notary for violations related to accepting prohibited fees.

*(Source: P.A. 95-988, eff. 6-1-09.)*

### 3-105. Authority.

A notary public shall have authority to perform notarial acts throughout the State so long as the notary resides in the same county in which the notary was commissioned or, if the notary is a resident of a state bordering Illinois, so long as the notary's principal place of work or principal place of business is in the same county in Illinois in which the notary was commissioned.

*(Source: P.A. 91-818, eff. 6-13-00.)*

### 3-106. Certificate of Authority.

Upon the receipt of a written request, the notarized document, and a fee of \$2 payable to the Secretary of State or County Clerk, the Office of the Secretary of State or County Clerk shall provide a certificate of authority in substantially the following form:

I \_\_\_\_\_ (Secretary of State or \_\_\_\_\_ County Clerk) of the State of Illinois, which office is an office of record having a seal, certify that \_\_\_\_\_ (notary's name) by whom the foregoing or annexed document was notarized, was, on \_\_\_\_\_ (insert date), appointed and commissioned a notary public in and for the State of Illinois and that as such, full faith and credit is and ought to be given to this notary's official attestations. In testimony whereof, I have affixed my signature and the seal of this office on \_\_\_\_\_ (insert date).

\_\_\_\_\_  
(Secretary of State) or (Lee County Clerk).

*(Source: P.A. 91-357, eff. 7-29-99.)*

**ARTICLE IV  
CHANGE OF NAME OR MOVE FROM COUNTY**

4-101. Changes causing commission to cease to be in effect.

When any notary public legally changes his or her name or moves from the county in which he or she was commissioned or, if the notary public is a resident of a state bordering Illinois, no longer maintains a principal place of work or principal place of business in the same county in Illinois in which he or she was commissioned, the commission ceases to be in effect and should be returned to the Secretary of State. These individuals who desire to again become a notary public must file a new application, bond, and oath with the Secretary of State.

*(Source: P.A. 91-818, eff. 6-13-00.)*

**ARTICLE V  
REAPPOINTMENT AS A NOTARY PUBLIC**

5-101. Reappointment.

No person is automatically reappointed as a notary public. At least 60 days prior to the expiration of a commission the Secretary of State shall mail notice of the expiration date to the holder of a commission. Every notary public who is an applicant for reappointment shall comply with the provisions of Article II of this Act.

*(Source: P.A. 84-322.)*

5-102. Solicitation to Purchase Bond.

No person shall solicit any notary public and offer to provide a surety bond more than 60 days in advance of the expiration date of the notary public's commission.

Nor shall any person solicit any applicant for a commission or reappointment thereof and offer to provide a surety bond for the notary commission unless any such solicitation specifically sets forth in bold face type not less than 1/4 inch in height the following: "WE ARE NOT ASSOCIATED WITH ANY STATE OR LOCAL GOVERNMENTAL AGENCY."

Whenever it shall appear to the Secretary of State that any person is engaged or is about to engage in any acts or practices which constitute or will constitute a violation of the provisions of this Section, the Secretary of State may, in his discretion, through the Attorney General, apply for an injunction, and, upon a proper showing, any circuit court shall have power to issue a permanent or temporary injunction or restraining order without bond to enforce the provisions of this Act, and either party to such suit shall have the right to prosecute an appeal from the order or judgment of the court.

Any person, association, corporation, or others who violate the provisions of this Section shall be guilty of a business offense and punishable by a fine of not less than \$500 for each offense.

*(Source: P.A. 84-322.)*

**ARTICLE VI  
NOTARIAL ACTS AND FORMS**

6-101. Definitions.

- (a) "Notarial act" means any act that a notary public of this State is authorized to perform and includes taking an acknowledgment, administering an oath or affirmation, taking a verification upon oath or affirmation, and witnessing or attesting a signature.
- (b) "Acknowledgment" means a declaration by a person that the person has executed an instrument for the purposes stated therein and, if the instrument is

executed in a representative capacity, that the person signed the instrument with proper authority and executed it as the act of the person or entity represented and identified therein.

- (c) "Verification upon oath or affirmation" means a declaration that a statement is true made by a person upon oath or affirmation.
- (d) "In a representative capacity" means:
  - (1) for and on behalf of a corporation, partnership, trust, or other entity, as an authorized officer, agent, partner, trustee, or other representative;
  - (2) as a public officer, personal representative, guardian, or other representative, in the capacity recited in the instrument;
  - (3) as an attorney in fact for a principal; or
  - (4) in any other capacity as an authorized representative of another.

(Source: P.A. 84-322.)

#### 6-102. Notarial Acts.

- (a) In taking an acknowledgment, the notary public must determine, either from personal knowledge or from satisfactory evidence, that the person appearing before the notary and making the acknowledgment is the person whose true signature is on the instrument.
- (b) In taking a verification upon oath or affirmation, the notary public must determine, either from personal knowledge or from satisfactory evidence, that the person appearing before the notary and making the verification is the person whose true signature is on the statement verified.
- (c) In witnessing or attesting a signature, the notary public must determine, either from personal knowledge or from satisfactory evidence, that the signature is that of the person appearing before the notary and named therein.
- (d) A notary public has satisfactory evidence that a person is the person whose true signature is on a document if that person:
  - (1) is personally known to the notary;
  - (2) is identified upon the oath or affirmation of a credible witness personally known to the notary; or
  - (3) is identified on the basis of identification documents. Until July 1, 2013, identification documents are documents that are valid at the time of the notarial act, issued by a state or federal government agency, and bearing the photographic image of the individual's face and signature of the individual.

(Source: P.A. 95-988, eff. 6-1-09.)

#### 6-103. Certificate of Notarial Acts.

- (a) A notarial act must be evidenced by a certificate signed and dated by the notary public. The certificate must include identification of the jurisdiction in which the notarial act is performed and the official seal of office.
- (b) A certificate of a notarial act is sufficient if it meets the requirements of subsection (a) and it:
  - (1) is in the short form set forth in Section 6-105;
  - (2) is in a form otherwise prescribed by the law of this State; or
  - (3) sets forth the actions of the notary public and those are sufficient to meet the requirements of the designated notarial act.

(Source: P.A. 84-322.)

#### 6-104. Acts Prohibited.

- (a) A notary public shall not use any name or initial in signing certificates other

- than that by which the notary was commissioned.
- (b) A notary public shall not acknowledge any instrument in which the notary's name appears as a party to the transaction.
  - (c) A notary public shall not affix his signature to a blank form of affidavit or certificate of acknowledgment and deliver that form to another person with intent that it be used as an affidavit or acknowledgment.
  - (d) A notary public shall not take the acknowledgment of or administer an oath to any person whom the notary actually knows to have been adjudged mentally ill by a court of competent jurisdiction and who has not been restored to mental health as a matter of record.
  - (e) A notary public shall not take the acknowledgment of any person who is blind until the notary has read the instrument to such person.
  - (f) A notary public shall not take the acknowledgment of any person who does not speak or understand the English language, unless the nature and effect of the instrument to be notarized is translated into a language, which the person does understand.
  - (g) A notary public shall not change anything in a written instrument after it has been signed by anyone.
  - (h) No notary public shall be authorized to prepare any legal instrument, or fill in the blanks of an instrument, other than a notary certificate; however, this prohibition shall not prohibit an attorney, who is also a notary public, from performing notarial acts for any document prepared by that attorney.
  - (i) If a notary public accepts or receives any money from any one to whom an oath has been administered or on behalf of whom an acknowledgment has been taken for the purpose of transmitting or forwarding such money to another and willfully fails to transmit or forward such money promptly, the notary is personally liable for any loss sustained because of such failure. The person or persons damaged by such failure may bring an action to recover damages, together with interest and reasonable attorney fees, against such notary public or his bondsmen.

(Source: P.A. 85-421.)

6-105. Short Forms.

The following short form certificates of notarial acts are sufficient for the purposes indicated.

- (a) For an acknowledgment in an individual capacity:

<p>State of _____  County of _____  This instrument was acknowledged before me on _____ (date) by  _____ (name/s of person/s.)  <div style="text-align: right; margin-top: 10px;">_____  (Signature of Notary Public)</div> </p> <p>(Seal)</p>
--

(b) For an acknowledgment in a representative capacity:

State of \_\_\_\_\_  
County of \_\_\_\_\_  
This instrument was acknowledged before me on \_\_\_\_\_ (date) by \_\_\_\_\_ (name/s of person/s) as \_\_\_\_\_ (type of authority, e.g., officer, trustee, etc.) of \_\_\_\_\_ (name of party on behalf of whom instrument was executed).

\_\_\_\_\_  
(Signature of Notary Public)

(Seal)

(c) For a verification upon oath or affirmation:

State of \_\_\_\_\_  
County of \_\_\_\_\_  
Signed and sworn (or affirmed) to before me on \_\_\_\_\_ (date) by \_\_\_\_\_ (name/s of person/s making statement).

\_\_\_\_\_  
(Signature of Notary Public)

(Seal)

(d) For witnessing or attesting a signature:

State of \_\_\_\_\_  
County of \_\_\_\_\_  
Signed and attested before me on \_\_\_\_\_ (date) by \_\_\_\_\_ (name/s of person/s).

\_\_\_\_\_  
(Signature of Notary Public)

(Seal)

(Source: P.A. 84-322.)



## **ARTICLE VII LIABILITY AND REVOCATION**

### 7-101. Liability of Notary and Surety.

A notary public and the surety on the notary's bond are liable to the persons involved for all damages caused by the notary's official misconduct.

*(Source: P.A. 84-322.)*

### 7-102. Liability of Employer of Notary.

The employer of a notary public is also liable to the persons involved for all damages caused by the notary's official misconduct, if:

- (a) the notary public was acting within the scope of the notary's employment at the time the notary engaged in the official misconduct; and
- (b) the employer consented to the notary public's official misconduct.

*(Source: P.A. 84-322.)*

### 7-103. Cause of Damages.

It is not essential to a recovery of damages that a notary's official misconduct be the only cause of the damages.

*(Source: P.A. 84-322.)*

### 7-104. Official Misconduct Defined.

The term "official misconduct" generally means the wrongful exercise of a power or the wrongful performance of a duty and is fully defined in Section 33-3 of the Criminal Code of 1961. The term "wrongful" as used in the definition of official misconduct means unauthorized, unlawful, abusive, negligent, reckless, or injurious.

*(Source: P.A. 85-293.)*

### 7-105. Official Misconduct.

- (a) A notary public who knowingly and willfully commits any official misconduct is guilty of a Class A misdemeanor.
- (b) A notary public who recklessly or negligently commits any official misconduct is guilty of a Class B misdemeanor.

*(Source: P.A. 84-322.)*

### 7-106. Willful Impersonation.

Any person who acts as, or otherwise willfully impersonates, a notary public while not lawfully appointed and commissioned to perform notarial acts is guilty of a Class A misdemeanor.

*(Source: P.A. 84-322.)*

### 7-107. Wrongful Possession.

Any person who unlawfully possesses a notary's official seal is guilty of a misdemeanor and punishable upon conviction by a fine not exceeding \$1,000.

*(Source: P.A. 84-322.)*

### 7-108. Revocation of Commission.

The Secretary of State may revoke the commission of any notary public who, during the current term of appointment:

- (a) submits an application for commission and appointment as a notary public which contains substantial and material misstatement or omission of fact; or
- (b) is convicted of any felony, or official misconduct under this Act.

*(Source: P.A. 84-322.)*

7-109. Action for Injunction, Unauthorized Practice of Law.

Upon his own information or upon complaint of any person, the Attorney General or any State's Attorney, or their designee, may maintain an action for injunctive relief in the circuit court against any notary public who renders, offers to render, or holds himself or herself out as rendering any service constituting the unauthorized practice of the law. Any organized bar association in this State may intervene in the action, at any stage of the proceeding, for good cause shown. The action may also be maintained by an organized bar association in this State. These remedies are in addition to, and not in substitution for, other available remedies.

*(Source: P.A. 84-322.)*

**ARTICLE VIII  
REPEALER AND EFFECTIVE DATE**

(5 ILCS 312/8-101) (from Ch. 102, par. 208-101)

Sec. 8-101. Section 2 of "An Act to increase the fee for issuing commissions to notaries public," approved June 3, 1897, as amended, is repealed.

*(Source: P.A. 84-322.)*

(5 ILCS 312/8-102) (from Ch. 102, par. 208-102)

Sec. 8-102. Section 28 of "An Act concerning fees and salaries, and to classify the several counties of this State with reference thereto," approved March 29, 1872, as amended, is repealed.

*(Source: P.A. 84-322.)*

(5 ILCS 312/8-103) (from Ch. 102, par. 208-103)

Sec. 8-103. "An Act to provide for the appointment, qualification and duties of notaries public and certifying their official acts and to provide for fines and penalties for the violation thereof," approved April 5, 1872, as amended, is repealed.

*(Source: P.A. 84-322.)*

(5 ILCS 312/8-104) (from Ch. 102, par. 208-104)

Sec. 8-104. This Act takes effect July 1, 1986.

*(Source: P.A. 84-322.)*

# Application for Commission as a Notary Public

## AVOIDING PROCESSING DELAYS

The applicant is responsible for the completion and accuracy of the information on the notary public application and bond. The following are common errors made on the application, which will result in a delay in processing time:

- Incomplete home address information, including apartment number, ZIP code and county information.
- Not providing previous commission information.

## REMINDERS FOR COMPLETING YOUR APPOINTMENT

*Applicants must submit a copy of a **valid** Illinois driver's license or state ID card.*

- **All signatures** on the application **must be original**. The use of signature stamps is unacceptable.
- All applicants are required to obtain and submit a \$5,000 Illinois Notary Public Bond. **Do not** submit your Errors and Omissions Policy, or your application for a surety bond, as these **are not acceptable** to satisfy the bond requirement. It is important that the applicant sign his or her surety bond. An authorized representative of the surety company must also sign the bond and affix their corporate seal. It is recommended that you submit a power of attorney with your surety bond.
- This office **will only process original documents**. Submitted copies of the bond and/ or application will be returned to the applicant.
- The applicant must include the \$10 filing fee with the application.
- Applications submitted more than six months before your current commission expires will not be accepted.
- Submitting an application that is handwritten with illegible handwriting may result in delays or mistakes when processing. Please be sure to type your application or print legibly.
- Complete your notary application with the name you would like to appear on your certificate. Please understand that all notarizations will need to be performed using this name.

## NOTARY'S RESPONSIBILITY

- Notify your bonding company of the effective date of your commission after you have registered with the county clerk. This bond will expire when your commission does.
- **Your commission is not complete** until you register the appointment with the county clerk's office.
- **Do not** purchase your notary public seal until you have received your notary commission from the county clerk's office.
- The Secretary of State determines the effective date of your commission, not the bonding company.

# FREQUENTLY ASKED QUESTIONS

## NOTARY APPOINTMENT PROCEDURE

### **How do I renew my notary appointment?**

There is no automatic reappointment in Illinois. You will be notified by the Secretary of State approximately 60 days prior to the date your appointment expires. A preprinted application and bond form will be enclosed with the notification if you wish to apply for appointment for another term.

### **I have mailed a notary application and bond to the Secretary of State. When may I begin notarizing documents?**

An appointed notary public may begin notarizing documents when his or her commission has been recorded with the county clerk and he or she has obtained an official notary public seal.

### **Should I accept a notary certificate from the county clerk that contains errors?**

No, return the certificate to the county clerk detailing the error and request a corrected certificate.

### **How do I report a change in my home or work address or my name while I am serving as a notary public?**

If you move or change employers and your new residence or place of employment is within the boundaries of the county from which you were appointed, you merely report the change of address to the Secretary of State. However, if you move out of the county, or if you are a non-resident notary who changes employment to another county, you must resign your commission. Resignations should be submitted to the Secretary of State. You can then apply for a new appointment.

### **When does a notary's commission officially expire?**

A notary public receives a four-year appointment. A notary's commission expires at midnight of the expiration date of the appointment.

### **My notary commission will soon expire, I have received a notice from a "Notary Association" with instructions on how to apply for reappointment. What is this association? I thought notary applications were approved by the Secretary of State.**

There are several groups operating in Illinois under the name of "notary association," "agency" or "company." They are **private organizations** and **are not officially associated** with any government agency. These organizations offer assistance to notaries, sell notary seals, and provide the \$5,000 notary bond for a fee. Solicitations from these groups are required to contain the following statement: "WE ARE NOT ASSOCIATED WITH ANY STATE OR LOCAL GOVERNMENTAL AGENCY." Only you can decide where to purchase your surety bond. You can purchase a bond from most insurance companies, or you may want to purchase a bond from one of the notary associations or agencies. The Secretary of State does not make any recommendations.

### **If my notary appointment has expired and I have applied for a new appointment, may I continue to notarize documents?**

No. There is no grace period for a notary public once his or her appointment has expired. You may not perform notarial acts until you have recorded your new appointment

with the county clerk and have obtained a new seal containing the date that your new term of office expires.

**I would like to return to my maiden name. What does this involve?**

A person who changes his or her name must resign his or her commission and apply for a new appointment.

**What information is required when requesting that a commission be cancelled?**

A written request should contain 1) the name under which the commission was issued; 2) the commission number; 3) reason for the cancellation and any supporting documents; 4) home address and telephone number; 5) signature of the notary requesting cancellation; and 6) the date the request was made.

**Where do I submit my resignation as a notary?**

Resignations should be submitted to: Secretary of State, Index Department, 111 E. Monroe St., Springfield, IL 62756.

**YOUR NOTARY SEAL**

- If you ordered your seal from a stamp or bonding company, verify the information against your notary certificate to ensure accuracy.
- The Illinois Notary Public Act requires that the expiration date be imprinted on the seal. This date may not be handwritten.
- Notary seals are required to have a serrated or milled edge border.
- Black is the only acceptable ink color for a notary seal.

EXAMPLE: Notary Stamp and Correct Signature



Sarah I. Doe = Correct

Sarah Doe = Incorrect

- The Notary Public Name (EXACTLY) as the Notary Commission.
- Rubber Stamp must be in **BLACK INK** with a **serrated or milled edge border** in a **rectangle form** and **not more than 1-inch high and 2.5 inches long**.

**PERFORMING NOTARIZATIONS IN ILLINOIS**

- Always perform any notarization with the name that is listed on your notary certificate.

EXAMPLE: If a notary is commissioned as John M. Doe, that is the name that must appear on his stamp, and he must sign his name that way. Signing as J. M. Doe or using any other variation is not acceptable.

- Do not imprint your seal over your signature in a notarization. All information must be legible.
- All notarizations in the State of Illinois must contain the proper notary certificate wording, which includes State and County of venue, the date, notarial wording, notary signature as commissioned, and the imprint of the notary seal.

## SUGGESTED SAMPLE FORMS

### Acknowledgment (in an individual capacity):

State of _____ County of _____	
This instrument was acknowledged before me on _____ (date) by _____ (name/s of person/s).	
(Seal)	_____ (Signature of Notary Public)

Use this Short Form for an acknowledgment in an individual capacity. The taking of an acknowledgment consists of positively identifying the signer of a document. The signer need not sign in the notary's presence but *must personally appear* before the notary and state that the signature on the document is his or hers. Acknowledgments may be taken in an individual capacity or in a representative capacity (as an authorized representative of another — for example, as officer of a corporation for and on behalf of the corporation or as an attorney in fact for another person).

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### Acknowledgment (in a representative capacity):

State of _____ County of _____	
This instrument was acknowledged before me on _____ (date) by _____ (name/s of person/s) as _____ (type of authority, e.g., officer, trustee, etc.) of _____ (name of party on behalf of whom instrument was executed).	
(Seal)	_____ (Signature of Notary Public)

Use this Short Form for an acknowledgment in a representative capacity. The taking of an acknowledgment consists of positively identifying the signer of a document. The signer need not sign in the notary's presence but *must personally appear* before the notary and state that the signature on the document is his or hers. Acknowledgments may be taken in an individual capacity or in a representative capacity (as an authorized representative of another — for example, as officer of a corporation for and on behalf of the corporation or as an attorney in fact for another person).

**Verification upon oath or affirmation (in an individual capacity):**

State of \_\_\_\_\_  
County of \_\_\_\_\_  
Signed and sworn (or affirmed) to before me on \_\_\_\_\_ (date) by  
\_\_\_\_\_ (name/s of person/s making statement).

\_\_\_\_\_  
(Signature of Notary Public)

(Seal)

Use this Short Form for a verification upon oath or affirmation in an individual capacity. The verification upon oath or affirmation is a declaration that a statement is true and was made by a person upon oath or affirmation. The person requesting this notarial act must personally appear before the notary and sign the document in the presence of the notary. The notary public is required to administer an oath. There is no prescribed wording for the oath, but an acceptable oath would be:

**“Do you swear (or affirm) that the statements in this document are true?”**

Verification upon oath may be taken in an individual capacity or in a representative capacity.

**Verification upon oath or affirmation (in a representative capacity):**

State of \_\_\_\_\_  
County of \_\_\_\_\_  
Signed and sworn (or affirmed) to before me on \_\_\_\_\_ (date) by  
\_\_\_\_\_ (name/s of person/s) as  
\_\_\_\_\_ (type of authority, e.g., officer,  
trustee, etc.) of \_\_\_\_\_ (name of party on  
behalf of whom instrument was executed).

\_\_\_\_\_  
(Signature of Notary Public)

(Seal)

Use this Short Form for a verification upon oath or affirmation in a representative capacity. The verification upon oath or affirmation is a declaration that a statement is true and was made by a person upon oath or affirmation. The person requesting this notarial act must personally appear before the notary and sign the document in the presence of the notary. The notary public is required to administer an oath. There is no prescribed wording for the oath, but an acceptable oath would be:

**“Do you swear (or affirm) that the statements in this document are true?”**

Verification upon oath may be taken in an individual capacity or in a representative capacity.

**Witnessing or attesting a signature:**

State of \_\_\_\_\_  
County of \_\_\_\_\_  
Signed (or subscribed or attested) before me on \_\_\_\_\_ (date)  
by \_\_\_\_\_ (name/s of person/s).

\_\_\_\_\_  
(Signature of Notary Public)

(Seal)

Use this Short Form for witnessing or attesting a signature. This form is used when witnessing a signature on a document and an oath is not necessary or required. The person requesting the notarial act must personally appear before the notary and sign the document in the presence of the notary.

**Signature-by-mark:**

State of \_\_\_\_\_  
County of \_\_\_\_\_  
This instrument was acknowledged before me on \_\_\_\_\_ (date) by  
\_\_\_\_\_ (name of person)  
who made and acknowledged making his/her mark on the instrument in my presence and in the presence of two persons who have signed below.

\_\_\_\_\_  
(Signature of Notary Public)

(Seal)

\_\_\_\_\_  
(Signature and Address of Witness)

\_\_\_\_\_  
(Signature and Address of Witness)

Use this form when an individual requests a notarial act and the individual is prevented by disability or illiteracy from writing a signature. Take these precautions: positively identify the individual; ensure that there are two persons to witness the signature-by-mark in addition to yourself; write in the name of the signer-by-mark near the mark on the document, and complete this form.



## PERFORMING NOTARIZATIONS

### **May I notarize my own signature and/or the signatures of my spouse, children and other relatives?**

A notary public **may not** notarize his or her own signature and may not notarize any document in which the notary's name appears as a party to the transaction. A notary may notarize the signature of his or her spouse, children and other relatives.

### **May I notarize documents that originate out of state?**

Yes, as long as you perform the notarial act in Illinois and the notarial certificate indicates "State of Illinois, County of \_\_\_\_\_" to identify the jurisdiction in which the notarial act took place.

### **May I notarize documents only in my own county?**

An Illinois notary public has the authority to act throughout the state if he or she is residing in the county from which he or she was appointed. The county in which the notarial act takes place should be inserted in the notarial certificate.

### **May I notarize documents when I am physically outside the State of Illinois?**

No. An Illinois notary public has the authority to perform notarial acts only while in the State of Illinois.

### **Should I charge a fee for my services as a notary public?**

The law does not require that you charge a fee. However, the maximum fee allowed is \$1.

### **May I notarize documents that I will be signing as an officer on behalf of a corporation?**

No. You may never notarize your own signature, whether you are signing for yourself or for a corporation.

### **How does a notary identify a signer?**

A notary has satisfactory evidence if the person (1) is personally known to the notary; (2) is identified by a credible witness personally known to the notary; or (3) is identified on the basis of identification documents. Proper identification should include a photograph and a signature on a reliable identification card, such as a driver's license.

### **Must the person sign the document in my presence?**

If the document requires an oath (for example, the certificate reads "signed and sworn/affirmed before me. . ."), then an oath or affirmation must be administered to the person, and the person must sign the document in your presence. If the document requires acknowledgment, it is sufficient for the person to appear before you and acknowledge execution of the document. Never notarize an unsigned document. You may not take an acknowledgment because someone else assures you that the signature is genuine. You may not take an acknowledgment even when you recognize the signer's signature unless that person appears before you.

**What should I do when a person for whom I have performed a notarial act requests proof that I am a notary?**

Occasionally, a “Certificate of Authority” is required to be attached to a document that has been notarized, particularly when that document is being sent out of state. This certificate is proof that the notary was a commissioned notary on the date that the document was notarized. A “Certificate of Authority” may be obtained from the county clerk of the county in which your appointment is recorded or from the Secretary of State’s office. It is not your responsibility, however, to obtain the certificate for the person. That person should contact the county clerk or the Secretary of State for information.

**May notaries use rubber stamp signatures?**

No. Notaries may not use facsimile signature stamps in signing his or her official certificates. A signature must be written in ink as commissioned. In addition, a facsimile signature may not be notarized.

**NOTARIAL RECORDS**

**What is a Notarial Record?**

A Notarial Record (5 ILCS 312/3-102) is the document created when a notary public notarizes a document of conveyance for qualifying residential real property ONLY in Cook County. The Notarial Record is completed by the seller and notary and contains information mandated by the new law.

**Does the notary retain the Notarial Record?**

No. If the notary is a principal, an employee or an agent of a title insurance company, title insurance agent, financial institution or attorney, he or she must deliver the Notarial Record to his or her employer within 14 days. The employer is required to maintain the record for a period of seven years.

A notary public who is **not** an employee or agent of a title insurance company, title insurance agent, financial institution or attorney, must deliver the Notarial Record to the Cook County Recorder of Deeds office within 14 days after the deed is notarized and pay a \$5 filing fee. The notary is not allowed to have either the seller or the buyer deliver the Notarial Record to the Recorder of Deeds.

Notaries are not allowed to copy Notarial Records.

**What is residential real property?**

Residential real property (5 ILCS 312/3-102-b-4) is a building or buildings located in Cook County, Illinois, that contains one to four units, or is an individual residential condominium unit.

**How do I obtain a thumbprint from the seller?**

The law (5 ILCS 312/3-102-c-6) states that the thumbprint may be obtained by “any means that reliably captures the image of the finger in a physical or electronic medium.” The notary may use an inked or inkless pad to transfer the thumbprint on to a paper Notarial Record, or use an electronic bio-print pad to capture the print electronically.

**Do I have to participate in the pilot project and notarize conveyances of real property located in Cook County?**

No. The law does not require that. You may, however, want to discuss company policy with your employer.

**As a notary outside Cook County, am I affected by the new law?**

The law affects all notaries in Illinois who notarize a document of conveyance of residential property located in Cook County.

**NOTARIZATION PROCEDURES/RULES**

**Should I keep a log book of any actions as a notary?**

There is no requirement in Illinois that a notary public keep a log book or journal. However, a notary may keep a journal for his or her own record keeping.

**What are the most common errors or omissions made by notaries?**

(1) Failing to properly identify a person; (2) failing to administer an oath or affirmation (if required); and (3) failing to affix the notary seal.

**Can a notary give legal advice or prepare legal documents?**

No. A notary does not have this authority, unless he or she is also an attorney.

**Can a notary give advice on immigration or fill out immigration forms?**

No. According to federal law, no person, unless an attorney, shall fill out legalization forms or applications related to the Immigration Reform and Control Act of 1986 unless he or she has been authorized to do so by the Immigration and Naturalization Service or the Board of Immigration Appeals.

**Is a notary responsible for the truth or accuracy of a document?**

No. The main purpose of notarization is to compel truthfulness by the signer. Notaries have no authority to and are not required to verify the truth or accuracy of any document.

**What should be done with the notary stamp if a commission terminates through revocation, resignation or death?**

The notary, or the notary's heirs, should destroy or deface the seal so that it may not be misused.

**May a blank document be notarized?**

Never notarize a blank or incomplete document. If a signer indicates that certain spaces in a document are to be left blank because they don't apply, suggest that he or she insert a line through the spaces or write "Not Applicable." This protects the signer from later unauthorized insertions, and it may prevent the notary from having to appear as a witness in a lawsuit.

**Is notarization required by law?**

In many cases, yes. Some documents must be acknowledged before a notary, and other documents must be signed under oath to be effective. It is not a notary's duty to prepare the document, only to perform the notarial act and complete the notarial certificate.

## NON-RESIDENT COMMISSIONS

**I am a notary working in Illinois; however, we just moved across the state line into another state. May I continue to notarize when I am working at my job, which is in the State of Illinois?**

No. Because you have moved out of state, you must resign your in-state notary commission. You must then reapply for a non-resident notary appointment, if you are eligible. Please refer to page 4 of this handbook.

**When does a non-resident commission expire?**

A non-resident commission is valid for one year from the effective date of the appointment.

**How do I obtain an application to be commissioned as a non-resident notary?**

You must visit [www.cyberdriveillinois.com](http://www.cyberdriveillinois.com) to access a non-resident application and checklist packet.

**How do I report a change in my employer's address?**

If the change is within the county in which you are commissioned you must send a change of address to the Index Department in writing. However, if the new address is in a different county, you must resign your commission and re-apply.

## MISCELLANEOUS QUESTIONS

**Can my employer keep my seal and certificate if I leave the company?**

No. The seal and certificate are considered the property of the notary public. Also, if you lose possession of your seal, it is recommended that you resign your commission.

**What should I do if my notary seal is stolen?**

Report the theft to the police. If for any reason you lose possession of your seal, it is recommended that you resign your commission.

**Can information about any notary appointment be given to other people?**

Yes. Notary public applications and appointments are public records and available to any interested person for examination or copying.

**What could happen to someone who acts as a notary without a commission?**

Performing unauthorized notarizations is a misdemeanor. The person could be fined and/or imprisoned for up to six months.

**Can notarizations be performed for minors?**

Yes, but the minor must be able to provide proof of identification, and a parent or legal guardian should be present.

**My felony conviction was 20 years ago; can I apply for a notary public appointment?**

No. Individuals who have been convicted of a felony are not eligible to be commissioned as an Illinois Notary Public under the provisions set forth in the Notary Public Act.

**Do I have to include my driver's license with my resident notary public application?**

Yes. An application for a four-year commission requires a valid Illinois driver's license or state ID card.

## **COUNTY CLERKS**

Your notary public commission is not completed until you are registered with your county clerk's office. To access information on county clerks in Illinois, please visit one of the Web sites below:

**[www.elections.state.il.us](http://www.elections.state.il.us)**

**[www.idph.state.il.us](http://www.idph.state.il.us)**

***WWW.CYBERDRIVEILLINOIS.COM***

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# CHANGE OF ADDRESS CARD

**You may use this card to report a change of address in the same county as you are registered.**

- To report a change of address within the same county as you are registered as a notary public, please complete and detach the postcard below to: Secretary of State, Index Department, 111 E. Monroe St., Springfield, IL 62756. To use this option, you **MUST RESIDE** in the same county.
- If you have moved from the county in which you are registered, or wish to change the name you are commissioned under, you must resign that commission and reapply for commission as a notary public.
- If you have questions or need further clarification, please call 217-782-7017.



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## NOTARY PUBLIC CHANGE OF ADDRESS

*(Please print or type.)*

NAME \_\_\_\_\_ COMMISSION NUMBER \_\_\_\_\_

COUNTY \_\_\_\_\_ New address must be in the same county as you are presently registered as a notary.

NEW INFORMATION	PREVIOUS INFORMATION
STREET ADDRESS _____	STREET ADDRESS _____
CITY _____ ZIP _____	CITY _____ ZIP _____

DAYTIME TELEPHONE NUMBER ( \_\_\_\_\_ ) \_\_\_\_\_

SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_



**Jesse White**  
Secretary of State  
Index Department  
111 E. Monroe St.  
Springfield, IL 62756

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SECRETARY OF STATE  
INDEX DEPARTMENT  
111 E. MONROE ST.  
SPRINGFIELD, IL 62756

Jesse White • Secretary of State