

WYOMING NOTARY HANDBOOK

WEB EDITION 2011

(CONTAINS 2011 NOTARY LAW UPDATES)

Wyoming's Notary Laws are found in Wyoming Statutes 32-1-101 through 32-1-109 and in Wyoming Statutes 34-26-101 through 34-26-304. New Notary Statutes effective July 1, 2011 offer some guidance for notaries public about who may be a notary and what powers notarial officers (notaries public) are given and the fees they may charge. The question/answer format of this handbook reflects common kinds of issues which notaries public may encounter. The answers to these questions have been reproduced from other states' handbooks and from published notary authorities. They are intended only as "best practices" or basic guidance to notaries. This handbook should not be relied upon as legal advice since notary laws are different in every state and very few Wyoming notary statutes have ever been interpreted by courts in Wyoming.

WHAT IS A NOTARY PUBLIC?

A notary public as defined in this document is an individual who has been issued a notary public commission by the Wyoming Secretary of State. A Notary Public is an appointed office[r] of the state of Wyoming.

WHAT IS A NOTARIAL OFFICER?

A notarial officer may perform official notarial acts. It is a broad definition which includes notaries public, but in addition, it also includes judges, magistrates, district court commissioners, county clerks, clerks of court,

commissioned officers in the military service of the U. S. who are on active duty, or other persons authorized by Wyoming law to perform notarial acts. Even though a notary public is one of the classifications of a notarial officer, a notary public is still called a notary public.

WHAT IS THE PURPOSE OF NOTARIZATIONS?

Notaries Public serve as impartial witnesses to the signing of documents. They establish the identity of the person signing the document, who is known as the “principal.” Notaries attest that the signature on the document was voluntarily made in their presence. Notaries may acknowledge deeds, mortgages and powers of attorney or other papers. Notaries are empowered to issue oaths and affirmations carrying the same effect as if performed before a judge.

Notarization makes it more difficult for imposters to forge signatures. Notarizations reinforce the public’s trust that signatures on documents are authentic. The notary certificate attached to a document **does not** confirm the content of the document. It **does not** make the document more legal or enforceable. A notary public’s job is to be able to testify without exception that the principal signed the document to which they affix their notary stamp. The certificate of a notary public is presumptive evidence that the person signed the document and/or swore or affirmed its content.

WHO MAY BECOME A NOTARY PUBLIC IN WYOMING?

Qualification for a notary public requires the applicant:

- (i) Be at least eighteen (18) years of age; and

- (ii) Be a resident of the state of Wyoming and the county from which making application; and
- (iii) Be able to read and write the English language; and
- (iv) Certify under oath that the applicant meets the requirements of Wyoming Statute 32-1-101

WHO SHALL NOT BECOME A NOTARY PUBLIC IN WYOMING?

Any person convicted of a felony is not able to be a notary public. A notary public is an office[r] of the state of Wyoming. But being convicted of a felony disqualifies a person from holding any office of honor, trust or profit within this state, unless:

- (i) The conviction is reversed or annulled;
- (ii) The applicant receives a pardon;
- (iii) The applicant's rights are restored pursuant to Wyoming Statute 7-13-105(a);

HOW DO I BECOME A NOTARY PUBLIC FOR WYOMING?

- (i) You must complete, print and sign the notary public application form which can be obtained on the Secretary of State's website:
(click on this link or type it in your internet browser)
<http://soswy.state.wy.us/Forms/NotariesPublic/WYNotaryApp.pdf>
or call the Secretary of State's Notary staff at (307-777-5335) and request that an application form be mailed. The completed and signed form, along with a check or money order for the fee of \$30.00, must be mailed to the Wyoming Secretary of State at 200 W. 24th St. in Cheyenne, WY 82002-0020. When completing the

applicant name portion of the application, you may use initials, or a shortened first name if you wish, but you must use your last name in full; and,

- (ii) When notified by mail that the Secretary of State has processed your application and provided the expiration date of your commission, you must obtain a \$500 notary bond covering the same commissioning date and expiration date as your commission. Make sure your name on the bond is exactly as your name style appears on your commission letter. Bonds are available from most insurance companies;
- (iii) Upon receipt of a notary bond, take the bond to the County Clerk's office at the county courthouse in the county where you reside. The County Clerk will record the bond and swear/affirm you as a notary. The County Clerk will then provide your printed notary commission certificate.
- (iv) Before entering upon notarial duties, you must obtain an official seal/stamp (ink or embossed) to authenticate official notary acts.

WHO SUPPLIES THE NOTARY SEAL OR STAMP?

It is the notary's responsibility to obtain either an engraved official seal or an official rubber stamp after receiving your commission. Notary stamps/seals are usually available for purchase at office supply stores, print shops and on-line notary supply companies. Stamp providers may ask for a copy of your commission letter or certificate.

The seal or stamp may be circular not over two (2) inches in diameter or rectangular not more than three-quarters ($\frac{3}{4}$) of an inch in width by two and one-half ($2 \frac{1}{2}$) inches in length with a serrated or milled edged boarder. The stamp shall contain the notary's name, the words "Notary Public," the name of the county in which the notary resides, and the word "Wyoming."

When ordering your seal or stamp, keep in mind that the name on your stamp must exactly match your commission name on your notary commission. Later, when performing notarial acts, you must always sign your name exactly as it appears on your commission and on your seal/stamp.

DOES AN ATTORNEY BECOME A NOTARY PUBLIC AUTOMATICALLY UPON QUALIFYING TO PRACTICE LAW?

No. Attorneys do not automatically become notaries public upon qualifying to practice law in Wyoming. They must apply for a notary commission.

HOW LONG WILL MY COMMISSION LAST?

Your notary commission is valid for a four (4) year period. The four year period begins when the Secretary of State approves your application. The commission is valid until midnight of the expiration date listed. On expiration, the notary's commission ceases to exist. Under no circumstances should a notary public continue to perform notarial duties after the commission has expired. Notaries may re-apply to continue their notary status beginning six weeks prior to their commission expiration. A notary must complete all steps of reapplying as a notary and receive a new notary public commission.

DO I NEED TO BE BONDED?

A \$500 surety (notary) bond is required for all applicants applying or reapplying for a four-year notary public commission. A notary commission is not effective until the surety bond is filed with the County Clerk in the county which the Notary resides. The surety bond is an insurance agreement making the surety (usually an insurance company) legally liable to a party for up to \$500 in damages in the event someone proves harm caused by a notary's misconduct or neglect in performing notarial acts. A "blanket bond" for employment purposes does not fulfill this obligation. A separate, specific notary bond in the amount of \$500 is required by Wyoming Statute 32-1-104.

Note that the bond is not an insurance policy protecting the notary. Here is an important point! The bond is used to pay any damages awarded to a damaged party. If a notary is sued for misconduct or neglect in their notarial duties, any damages awarded beyond \$500 are the notary's personal responsibility.

Notaries may choose to purchase a type of insurance called "errors and omissions" which provides financial protection in case of a mistake. There is not a legal requirement for a notary to purchase insurance for errors and omissions. That is entirely up to the notary to decide.

HOW MAY I BE BONDED?

The surety bond must be provided by an insurance/surety company licensed to write surety bonds in the State of Wyoming. The Wyoming Secretary of State cannot provide bonding and cannot recommend companies who sell

bonds. A notary may inquire about notary bonds at places where you buy automobile or property and casualty insurance.

The bonding process involves completion of an application for the bond and the payment of any charges for issuance of the bond. Since a notary commission is only valid so long as the notary is bonded, it is important that the dates of bonding correspond with the commissioning dates as listed on the commissioning letter sent to applicants by the Secretary of State.

WHAT IS THE TOTAL COST INVOLVED IN BECOMING A NOTARY PUBLIC?

You must pay a \$30 notary public application filing fee to the Wyoming Secretary of State every four years.

A notary applicant must obtain a \$500 notary/surety bond which varies in price from company to company, but which costs about \$50 and covers four years.

The county clerk charges a fee to record your bond. The amount varies according to the number of pages recorded and usually costs about \$14.00 every 4 year commissioning period.

The other costs of becoming a notary depend on the type of official notarial seal or stamp you must purchase. Some notaries also choose to pay for errors and omissions insurance or other liability insurance, although that is not a requirement.

Businesses offer a variety of useful products for notaries; however, it is entirely the notary's option whether they wish to pay for these items. There is a difference in cost so it is prudent to "shop around" for competitive prices.

MUST I TAKE A TEST TO BE A NOTARY?

Notary applicants in Wyoming are not required to take or pass a test prior to becoming a Notary Public. A voluntary "self-help" test complete with correct answers is available on-line for an applicant's use. It is not required and should not be sent to the Secretary of State with the notary application.

MUST I BELONG TO A NOTARY ORGANIZATION TO BE A NOTARY?

No. Wyoming law does not require a notary to belong to any notary organization. Internet advertisements offer a variety of informational services and products specifically geared to notaries public. The Secretary of State's staff has attended notary training seminars sponsored by notary organizations and found the training very informative.

WHEN MAY I BEGIN TO "NOTARIZE?"

You may begin to perform notarial acts AFTER you have filed your bond with the County Clerk and the County Clerk has given a notary commission certificate to you. You must also have a notary stamp or seal to authenticate your official acts.

WHERE MAY I NOTARIZE?

You may perform notarial acts in all counties of the state of Wyoming. Generally speaking, a Wyoming notary public commission is valid in and for the state of Wyoming only – you may not use your Wyoming notary commission to act as a notary public in other states (with the exception of the state of Montana).

MAY I PERFORM NOTARIAL ACTS IN MONTANA?

Under special circumstances found in Wyoming Statute 32-1-105(d), the state of Montana and Wyoming recognize each other's notarial officer's authority. A notarial act performed in Montana by a notarial officer from Wyoming has the same effect under Montana law as if the act were performed by a Montana notarial officer. Similarly a Montana notarial officer may perform notarial acts in Wyoming with the same effect under Wyoming law as if the act were performed by a Wyoming notarial officer. This "reciprocity" provision only exists for Montana and Wyoming, no other states.

WHAT IS REQUIRED IF I HAVE A CRIMINAL CONVICTION?

Under current law, persons convicted in state or federal court of a felony may not be commissioned as a notary public for the State of Wyoming unless legal action has removed the disqualifying conviction.

A notary public is appointed to an office under Wyoming law. Wyoming Statute 32-1-106 (a) refers to an office by stating "Each notary public before entering upon the duties of his office. . ." The statute 32-1-104 (a) states that no notarial commission becomes effective until filing a bond and oath

conditioned “. . .on the faithful performance of the duties of the office.”

Wyoming Statute 6-10-106 states: A person convicted of a felony is incompetent to be an elector or juror or to hold any office of honor, trust or profit within this state, unless:

- (i) The conviction is reversed or annulled;
- (ii) The applicant receives a pardon;
- (iii) The applicant’s rights are restored pursuant to Wyoming Statute 7-13-105(a);

The notary application requires the applicant to declare any felony conviction(s) and to certify that the applicant is qualified to be a notary public. Further, the notary applicant must swear or affirm after being placed under oath that they shall support the constitution of Wyoming and of the United States. Acting as a notary after deliberately failing to disclose a felony conviction may lead to criminal penalties.

POWERS & LIABILITIES

WHAT EXACTLY IS A NOTARIZATION?

A “notarization” is more accurately called a “notarial act.” Wyoming law states that a “notarial act” means any function listed in Wyoming Statute 34-26-101 (b)(iii) and includes taking an acknowledgment, administering an oath or affirmation, taking a verification upon oath or affirmation, performing a jurat, witnessing or attesting a signature, certifying or attesting a copy and noting a protest of a negotiable instrument and performing other notarial acts authorized by the laws of this state.

WHAT ARE SOME IMPORTANT STEPS IN PERFORMING ALL NOTARIAL ACTS?

Check identification if you don't personally know the signer. Use the proper ceremony and use the correct certificate language appropriate for the notarial act being performed. Forms of notary certificate language are available by clicking on: <http://soswy.state.wy.us/Forms/Publications/SampleNotarialCertificates.pdf> or by typing the URL into your browser. Sign your notarial certificates exactly as your name appears on your notary commission and on your seal/stamp. Affix a legible impression of your seal/stamp, and indicate your commission expiration date. It is always advisable to check the document to be sure there are no blanks or incomplete statements (this is not to review the document for legality, it is to make sure the document being signed remains the same as it was when signed). If, for instance, the document has blanks for two persons to sign, but you are witnessing only one signature, make sure your certificate reflects only the name of the person appearing before you to sign.

If you are unsure of the identity of person signing the document or their ability to understand what they are signing, you may refuse to notarize the document.

MUST A PERSON APPEAR BEFORE A NOTARY FOR A NOTARIAL ACT TO BE LEGAL?

Wyoming Statutes 34-26-101(b)(xxi) and 34-26-102 speak to this very important question. The accepted standard across almost all states is personal appearance of the principal (the person signing the document) and

signing before the notarial officer. In the case of a Jurat, where the signer must be sworn by the notary, personal appearance is required. Any other means of witnessing or attesting a signature should be carefully reviewed in terms of what the law allows in Wyoming.

HOW MUST A NOTARY IDENTIFY PERSONS SIGNING DOCUMENTS?

Under ideal conditions a notary public personally knows the individual signing and no further proof of identity is required. But since ideal conditions are seldom the norm, notaries risk being sued if they fail to establish the identity of the person requesting a notarization.

Satisfactory evidence of identity is defined in Wyoming Statute 34-26-101(b)(xviii) to include (1) personal knowledge of the principal (the person signing), or (2) at least one photo identification issued by a government agency (which may include a passport), or (3) an oath or affirmation by one credible witness personally known to the notary and the principal, or (4) the oath or affirmation of two witnesses unaffected by the document or transaction who know the principal and who show the notary government issued photo identification for themselves.

MUST I ALWAYS AFFIX MY OFFICIAL SEAL/STAMP?

Yes! Wyoming Statute 32-1-106 requires all notaries public to affix a clear impression of their official notarial seal or stamp to authenticate official acts. Rarely a preprinted form that requires notarization may state “Notary seal not required.” Particular kinds of filing officers may make that determination for

various administrative reasons. Nevertheless, notaries public must affix their seal or stamp as required by the Wyoming Statutes.

If there is insufficient space to affix a seal on a document, you may refuse to notarize or a separate page may be attached to the document for the notary certificate. The notary certificate need not share the same page as the signature being notarized since any notarial certificate is appended to the instrument and is not a “part of the document text.” It is appropriate for the notarial certificate to make reference to the title of the document to which it is being attached.

I WILL BE NOTARIZING A LOT OF DOCUMENTS. MAY I USE A SIGNATURE STAMP INSTEAD OF SIGNING EACH CERTIFICATE?

No. Every official act of a notary should be attested to by his/her handwritten signature in the same form that appears on his/her commission and stamp/seal.

MAY I PERFORM NOTARIAL ACTS IN ALL COUNTIES OF WYOMING?

Yes. Your notary commission allows you to act as a notary public in all counties in the state of Wyoming. If you live in Big Horn County, that is what is printed on your seal/stamp; however, you are not limited to notarizing in Big Horn County. You may notarize documents in Park County or Washakie County or any other county in the state.

WHAT DOES 'COUNTY OF VENUE' MEAN?

“Venue” is the place where the notarial act is performed. On a notarized document, IT SHOWS THE LOCATION WHERE THE NOTARIAL ACT TOOK PLACE, not the county where the notary or signer resides. The venue is usually indicated near the top of a notary certificate, for instance “State of Wyoming, County of Niobrara.” Properly indicating the correct state and county of venue is an important part of every notarial act for legal reasons.

Some legal documents may contain a little “ss.” notation that appears at the top beside the state and county of venue. This is a Latin abbreviation for "Scilicet" - meaning "to wit" or "specifically." The scilicet is not mandatory.

Should a document list a state or county other than that where the notarial act actually takes place, the notary may refuse to notarize or the notary may cross out the incorrect state and/or county with a single line and handwrite the correct state and/or county. The notary must initial the change. Only the notary may make changes to their notarial certificate once it is signed and stamped.

WHAT IF A DOCUMENT IS WRITTEN IN A FOREIGN LANGUAGE?

Wyoming’s law does not prohibit notarization of documents written in a foreign language. What the document says has no bearing on the notary or the notarization since a notary’s job is only to verify that the principal is indeed the person signing. Since the notarization does not make the document true or legally enforceable, the notary should instead focus on the identification of the

principal (the person signing). The notary's certificate should be written in English.

MAY I PERFORM NOTARIAL ACTS ON A SUNDAY OR HOLIDAY?

Yes. There is no section of the Wyoming Statutes which makes it unlawful for a notarial officer to act on a Sunday or on a holiday. A notary commission does not however require a notary public to perform notarial acts at all hours or on every day of the week.

MAY I HELP MY CUSTOMERS PREPARE THE LEGAL PAPERS THEY NEED NOTARIZED?

Preparation of legal papers may involve the practice of law. No part of being a notarial officer authorizes a notary to practice law. A notary public who is not an attorney may not engage in preparation of legal papers, such as wills, contracts, deeds, powers of attorney, etc. except to perform notarial acts authorized by law.

MAY I HELP MY CUSTOMER FIX THEIR DOCUMENTS?

If for instance a legal document has an improper venue or has more signature blanks than signers, the notary may cross out and initial changes to the document to make it suitable for notarization. Such corrections are made at the notary's discretion. Notaries public are not obligated to make a document suitable for notarization if they do not want to.

MAY I USE THE TITLE “NOTARIO PUBLICO” IN MY BUSINESS?

Even though “notario publico” may mean “notary public” in another country, notaries in foreign countries have authority to perform different legal services than in the United States. It is very likely that foreign customers may mistakenly seek legal advice or legal document preparation from a notary public advertising as a “Notario Publico.” There are states which require notaries to conspicuously post signs that they may not offer legal advice or offer legal assistance; Wyoming does not.

Wyoming law provides for the use of the words “notary public” on the seal/stamp and issues a notary public commission certificate. If you advertise using a foreign language title for notary public, please be aware that you may be asked to perform services beyond the authority of a notarial officer in Wyoming. The unauthorized practice of law is prohibited.

SHOULD I WITNESS MY OWN SIGNATURE?

Absolutely not! Since a notary must always be an objective and independent witness, notarizing your own signature defeats the very purpose of notarization. Don't do it. Filing officers (county clerks, state offices and courts, etc.) may choose not to accept documents for filing on which a notary has acknowledged his/her own signature.

MAY I WITNESS THE SIGNATURES OF MY SPOUSE OR RELATIVES?

This is a murky area to be avoided. A relationship between the signer and the notary does not automatically disqualify the notary. Allegations of fraud and self-dealing make such notarization questionable.

The standard for notarization is impartiality and independence. A notary should not notarize if they have any financial or beneficial interest in the transaction. It is difficult to think of a notarial act where a notary would not have a financial or beneficial interest in a transaction where a spouse's signature is being notarized. Notarial acts should support the public trust associated with an office of trust, honor and profit. However, if the document was to be questioned for any cause, the notarial act will be scrutinized more closely than if the notary was not a spouse or relative.

When to notarize or when not to notarize? When in doubt about a conflict of interest in the transaction, the notary should refuse the notarial act and should seek to avoid even the slightest appearance of impropriety. There are about thirteen thousand notaries commissioned in Wyoming, so there is a strong likelihood you can find a notary independent of any conflict of interest.

MAY I CHARGE A FEE AS A NOTARY?

Wyoming Statute 34-26-302 authorizes a notary public to receive a fee of two dollars (\$2.00) for most notarial acts. A notary does not have to charge a fee. A notary may choose to charge less than the maximum fee allowed.

Wyoming Statute 34-26-302(b) allows mileage reimbursement for a notary public who must travel to perform a notarial act.

NOTARIAL ACTS

WHAT IS REQUIRED OF A NOTARY?

Performing a notarial act requires more than just affixing a notary seal and signature. Notaries must observe the proper ceremony and complete the notarial certificate appropriate to the specific type of notarial act being performed. According to Wyoming Statute 34-26-204(a) a notarial officer cannot notarize a signature on a document without notarial certificate wording. It is not the notary's responsibility to tell the customer what type of notarial act is required to "properly notarize" the document.

WHAT IS AN AFFIDAVIT?

The word "affidavit" refers to a written document made by a person who swears, under oath or affirmation that the statements in the document are the truth. The person who makes the statements of fact and swears/affirms that the affidavit is true is called the "affiant." The notary's job is to cause the signer to swear or affirm that the document is true before completing the notarial certificate, applying their stamp and signature.

WHAT IS A JURAT?

Jurat means a notarial act in which a notary certifies in a written certificate that a signer, whose identity is personally known to the notary or proven by checking proper identification, has made a voluntary signature in the notary's

presence and taken an oath or affirmation vouching for the truthfulness of the signed document. A jurat should specifically recite the date it is completed, the location in which it is written, and the name of the person taking the oath, or swearing to a statement.

The notary public must administer an oath to the person executing the document, witness his/her signature and then complete the necessary information in the jurat, including the date, affix their official notarial signature, make a legible impression of the notary seal or stamp, and the expiration date of their commission.

MUST MY NOTARIAL CERTIFICATE ALWAYS BE ON THE SAME PIECE OF PAPER AS THE PRINCIPAL'S SIGNATURE?

If there is not enough room at the end of a document to insert a notarial certificate, the notary may, at their own discretion, place it on a separate sheet of paper and securely attach it to the document. When the notarial certificate is not printed on the document to which it applies, a statement on the notarial certificate should bear a statement identifying the document to which it is being attached.

WHAT IS THE DIFFERENCE BETWEEN AN OATH AND AN AFFIRMATION?

Notarial Officers are authorized by law to administer oaths or affirmations. Both oaths and affirmations are solemn pledges attesting to the truth of statements. The difference is that an oath requires swearing, (that is involving a Supreme Being as a witness), while an affirmation does not. Both oaths and

affirmations subject the person being sworn to the pains and penalties of perjury. An affirmation may be used by a person whose beliefs do not permit him/her to swear under oath. A notarial officer shall honor an affiant's wishes if they prefer an affirmation rather than an oath.

An acceptable oath would be:

“Do You Swear That The Statements In This Document Are True?”

An acceptable affirmation would be:

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

The notary public administers an oath or affirmation and the person swearing or affirming must reply “yes” or with a similarly positive indication that they are aware they must make a truthful response.

MAINTENANCE

WHAT SHOULD I DO IF I CHANGE MY ADDRESS?

Notary laws in Wyoming require a new commission when a notary public changes counties of residence. When a notary moves out of the county where he/she was originally commissioned, the commission is no longer valid and he/she shall not continue to perform notarial acts because the old commission is not valid. The notary must apply for a new notary commission showing the new county of residence if he/she wishes to continue as a notary.

If a notary merely changes address of residence or mailing address within the county where he/she is commissioned, the notary may continue to perform notarial acts. You may notify the Secretary of State of the change of address so you can receive information about law changes or other courtesy mailings. The notary shall list their current address on the next application for notary public when the notary re-applies upon the expiration of their current commission.

WHAT IF I CHANGE MY NAME?

Wyoming Statute 32-1-102 provides notaries with several options when changing names. In the case where a notary changes surname (last name), they may simply do nothing and continue to use the last name which appears on your commission and stamp until their commission expires. Use the new last name when re-applying for notary commission when the present commission expires. [OR] The notary may file a certified copy of the marriage certificate or order changing name with the county clerk of the county where the notary is commissioned. The same certified document must be sent to the Secretary of State along with a \$3.00 fee. The notary's new last name will be added after the notary's present last name as it appears on the notary's commission. The notary need not obtain a new seal/stamp but must add the new last name after the present name (Sally Jones Smith) when signing. Unless there is a compelling reason, most notaries choose to use their old name until their commission expires and then change their name.

In the case of court ordered restoration of name after a divorce, file a certified copy of the divorce decree in the office of the county clerk where the notary

resides and send a certified copy of the divorce decree along with a \$3.00 fee to the Secretary of State. The restored last name may then be added after the notary's name as it appears on the commission. The notary may continue to use their existing stamp/seal, but must sign adding the restored last name after the name appearing on their stamp (Sally Jones Smith)

I WANT TO USE A RUBBER INK STAMP INSTEAD OF AN ENGRAVED SEAL ON CERTAIN DOCUMENTS. WHAT SHOULD I DO?

Wyoming Statute 32-1-106 allows the use of either a rubber stamp or an engraved seal (embosser) **provided that** the stamp or seal legibly reproduces under photographic methods.

WHAT IF MY NOTARY SEAL IS LOST OR STOLEN?

Immediately notify the Secretary of State in writing. Then, order a new seal or stamp. Safeguard the seal/stamp from improper use.

CAN MY COMMISSION CERTIFICATE BE REPLACED?

A new certificate may be ordered by submitting a written request to the Wyoming Secretary of State.

CAN THE INFORMATION ON MY FILED APPLICATION AND BOND FORMS BE OBTAINED BY THE PUBLIC?

All applications and documents submitted to the Secretary of State or to the County Clerk regarding your Notary Public commission are public records and

could be obtained with a valid request under the Public Records Act. Any person has the right to inspect and copy a notary application upon request.

AM I REQUIRED TO KEEP A NOTARIAL LOG BOOK?

Keeping a notarial log book, or journal, is not required in Wyoming, although you may wish to do so for your own protection. Depending on the number and types of notarial acts performed, recording official notarial acts in a journal may prove useful later if you need to recall the specifics of a particular notarization. Such an instance might include testifying in a legal proceeding regarding how you verified a signer's identity and documentation that you personally witnessed their signature on a document.

If you decide to keep a notarial logbook, include items such as the date and type of notarial act, names and signatures of persons involved, and numbers from identification cards and/or driver's licenses presented as identification. Some notaries go so far as to have persons sign their journal next to their other information and some even request a finger print. Notary log books (journals) are available for purchase on-line and at office supply or stationary stores.

IS A NOTARY COMMISSION RENEWED AUTOMATICALLY?

No. Wyoming notaries must apply for a new commission every four years. The procedure is the same as the initial commissioning process including the required application, application fee, arrest and conviction documents (if any) and filing of a notary bond with the County Clerk. The Secretary of State will attempt to commission notaries without lapse of their commission providing

that application materials are timely, complete, accurate and their notary bond is filed with the County Clerk within the 60 day statutory time frame found in Wyoming Statute 32-1-104.

The Secretary of State does not send a notice that a notary's commission needs to be renewed since the notary is writing or stamping their commission expiration date on every notarial action. Bonding companies often mail notice of notary bond renewal. Do not forget that bond renewal is only one part of the commissioning process. Filing an application and fee with the Secretary of State and recording your surety (notary) bond with the County Clerk are the other parts of the process.

Please file for a new notary public commission up to six weeks before your commission expires. Remember that it takes more than a day or two for mail to reach its destination and for the application to be processed. A two or three week time frame is appreciated so the notary can be assured of no lapse in their commission.

FORMS OF NOTARIAL ACTS

Every notarial act must be evidenced by a notarial certificate signed and dated by a notary public. The law requires a notarial certificate in 34-26-204(a). It is not sufficient to just stamp a document and sign by your stamp. The notarial certificate must include the jurisdiction (state and county) in which the notarial act is performed. It must include words describing the type of notarial act performed such as the form of an acknowledgment or a jurat. The certificate

must identify the title of the notarial officer (notary public). For notaries public, the certificate bears their seal or stamp and the notary's commission expiration date. The following forms of certificates for notarial acts are sufficient for the purposes indicated:

NOTE: Click on the following link

<http://soswy.state.wy.us/Forms/Publications/SampleNotarialCertificates.pdf> to get notarial certificates which are formatted so you may print any of the certificate forms and attach the certificate to the document appropriate for the notarial act being performed. The same "short form notarial certificates" are found in Wyoming Statute 34-26-108.

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FOR AN ACKNOWLEDGMENT IN AN INDIVIDUAL CAPACITY

For all instruments conveying, mortgaging or otherwise disposing of or encumbering real estate, including homestead property, and for all other instruments affecting title to real estate and all other instruments required by the laws of this state to be acknowledged in an individual capacity:

State of Wyoming

County of [County where the Notary Act is Performed]

This instrument was acknowledged before me on (date) by (name(s) of person(s)).

(Seal)

(Signature of notarial officer)

Title (Notary Public or Rank if military officer)

[My commission expires: _____]

ACKNOWLEDGMENT IN A REPRESENTATIVE CAPACITY

Acknowledgment of all instruments conveying, mortgaging or otherwise disposing of or encumbering real estate, including homestead property, and other instruments affecting title to real estate and all other instruments to be acknowledged in a representative capacity:

State of Wyoming

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 notarial officer)

Title (Notary Public or Rank if military officer)

[My commission expires: _____]

VERIFICATION UPON OATH OR AFFIRMATION

State of Wyoming

County of _____

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

(Seal)

(Signature of notarial officer)

Title (Notary Public or Rank if military officer)

[My commission expires: _____

FOR WITNESSING OR ATTESTING A SIGNATURE

State of Wyoming

County of _____

Signed or attested before me on (date) by (name(s) of person(s)) .

(Seal)

(Signature of notarial officer)

Title (Notary Public or Rank if military officer)

[My commission expires: _____]

FOR ATTESTATION OF A COPY OF A DOCUMENT

State of Wyoming

County of _____

I certify that this is a true and correct copy of a document in the possession

of (name(s) of person(s)) .

Dated _____

(Seal)

(Signature of notarial officer)

Title (Notary Public or Rank if military officer)

[My commission expires: _____]

VITAL RECORDS, MARRIAGE LICENSES, SCHOOL TRANSCRIPTS, MOTOR VEHICLE TITLES, AND CRIMINAL RECORD SEARCHES

In the following cases (and in more which are not listed) a notary may be asked to acknowledge the signature of an official who is certifying a copy of a record maintained by that official. In such cases it is not proper for the notary to certify the record since the record is maintained and must be certified by the custodian of records for a government agency, school or other entity. Wyoming law 34-26-102 says that a notary public shall not certify or attest to a copy of a vital record, public record or publicly recordable document. The notary's function is only to verify the certification signature of the record by the custodial officer. In other words, the notarial action verifies that the custodial official signed the record but the notary cannot certify the authenticity of the record.

In many instances the Secretary of State is asked to apply an apostille or a certification once the notary act is performed. The Secretary of State may then "authenticate" the good standing of the notary's commission for presentation of the notarized document to foreign government officials.

MAY I CERTIFY A COPY OF A BIRTH CERTIFICATE?

No. Copies of vital records such as birth and death certificates must be obtained from the Health Department's Division of Vital Records (307) 777-7591 in Cheyenne. The custodian of vital records attests to the authenticity of the record and no notarization is required.

MAY I CERTIFY A MARRIAGE LICENSE?

No. Marriage licenses are issued by County Clerks in Wyoming. Copies are available from the County Clerk where the person was married. Certified copies of marriage licenses are also available from the Health Department's Division of Vital Records (307) 777-7591 in Cheyenne.

Persons living in foreign countries often need copies of their marriage license with an apostille or certification for presentation to a foreign government. The County Clerk's office or Vital Records must certify the copy of the license. It may then be sent to the Secretary of State where an apostille or certificate may be attached to authenticate that county/state official's signature.

WHAT IF I AM ASKED TO NOTARIZE SCHOOL TRANSCRIPTS?

Students sending their school transcripts to foreign countries often must seek an apostille or certification from the Secretary of State. The appropriate officer of the school must first certify or verify (with a written statement) that the copy of the transcripts is true and complete. The officer of the school must sign the transcript certification in front of a notary who is often an employee of the school (but does not need to be an employee). The notary may then attach a notarial certificate acknowledging the school official's signature. The notarized document may then be sent to the Secretary of State for the attachment of an apostille or certification stating the notary is a valid notary in Wyoming who witnessed the certification signature by the appropriate school official.

WHY DO MOTOR VEHICLE TITLES REQUIRE CLOSE ATTENTION?

Motor vehicle titles carry the same responsibility for a notary as any other notarial act. However, vehicle titles seem to represent an area where notaries can, and have in the past, been scrutinized for improper practices.

First and foremost, every person signing must appear before the notary for the notarization to be valid. Every signer must sign just as his/her name appears on the title. Notarial officers must include all the information required in a proper notarial certificate including the state and county where the notarization occurred, the title of notary public, and the notary's commission date of expiration. If there is not room on the title for the notary stamp, a separate notarial certificate may be prepared and attached which includes the title number and the required signatures and notary stamp.

Do not use "white-out" or obliterate a name if a mistake is made on a title. The notary public may contact the County Clerk for instruction whether to strike-through the mistake and have the signer initial or remedy a mistake in some other manner.

MAY I NOTARIZE A CRIMINAL RECORD SEARCH?

Law enforcement authorities may provide criminal record searches for people who wish to obtain visas for foreign countries or for other reasons. Generally a record of the search is prepared by a law enforcement agency. The appropriate authority must first certify or verify (with a written statement) that the copy of the criminal transcript is true and complete. A notary, often an employee of the law enforcement agency (but not required to be an employee), may then acknowledge the signature of the law enforcement

official signing the certification. The notarization is required if the document will be presented to the Secretary of State for an Apostille.