

Idaho Notary Handbook : [Idaho Notary Handbook.pdf](#)

OVERVIEW

Everybody knows what a notary public does, right? Actually, there is much misunderstanding and confusion about what the proper role and duty of a notary is. A notary public does not “legalize” documents, or verify the accuracy or truthfulness of the content or statements made in a document, and yet the role that a notary plays in ascertaining the identity of the person who signs a document, placing that person under oath, if required, and determining the signer’s intent and willingness to consent to the transaction is vital in modern society.

A notary public is a public official commissioned by the Idaho Secretary of State to administer oaths and affirmations, take acknowledgments, witness signatures, and perform other duties as permitted by state law. A notary should be familiar with Idaho notary laws and to follow the standards of reasonable care for performing a notarial act.

As a public official, a notary is acting on behalf of the State of Idaho.

RESOURCES

This handbook provides you with information to familiarize notaries with their responsibilities in performing notarial acts and is designed to be a primary resource for Idaho notaries public. We encourage you to familiarize yourself with the contents and keep it readily available so that you can utilize it when questions arise. You can download it to your desktop, personal device, or print out a copy for easy access any time. We’ve also included an index in this edition to help you find the information you’re looking for quickly and easily.

Other primary sources of information for Idaho notaries are the web pages of the Certification & Notary Services section of the Idaho Secretary of State’s website: <https://sos.idaho.gov/notaries-apostilles-authentications/>. Save this link to your favorites so it’s handy whenever the need arises. The website contains the most current information for notaries. You are also welcome to contact the staff of the Notary and Certifications Division by phone at (208) 334-2301 or email: ntaa@sos.idaho.gov.

You should never attempt to complete a request for notarial services until you fully understand what you are doing. The job of a notary public is much more complex than most people realize. It is your responsibility to know what you can and cannot do, what you are supposed to do, and how to do your job correctly. Again, we urge you to take a few minutes to familiarize yourself with the information and format of the handbook and the website so that you can find the answers to your questions quickly and easily. These resources are designed to help you— take advantage of them!

THE NOTARY’S FUNCTION

A notary acts as an official, unbiased witness to the identity, the comprehension, the intent, and the signature of the person who comes before the notary for a specific purpose. The person may be taking an oath, giving oral or written testimony, or signing or acknowledging a signature on a legal document. In each instance, the notary attests certain formalities have been observed.

Notaries must constantly be aware every notarial act affects the legal rights of others. Carelessness or negligence by the notary may injure these rights. Upon conviction of a violation of these rights, the notary may be punished as provided by law.

Integrity and skill are required of notaries in the discharge of their duties. The mere mechanical performance of their office does not ensure the added degree of authenticity that is the hallmark of the notarial act. Simply affixing your seal and signing your name does not constitute a proper notarization in the state of Idaho—EVER! As you go through this handbook, pay very close attention to the exact requirements for various notarial acts. A notary may be held personally responsible for improper, negligent, or fraudulent actions.

THE NOTARY'S RESPONSIBILITY

The notary's primary function is to be a witness to the identity, the comprehension, and the intent of a person who is signing a document, taking an oath, or acknowledging a signature which means that one of the notary's greatest responsibilities is to be able to truthfully testify that the notary did, in fact, witness the act he or she claimed to have notarized. In other words, the person whose signature, oath, or acknowledgment is being notarized **MUST** personally appear before the notary at the time the act takes place.

There are no exceptions to this requirement. It is impossible to witness an event if it does not take place in your presence. "Notarizing" without the personal appearance of the signer at the time of the notarial act is de facto negligence and can be just cause for revocation of your notarial commission.