Arkansas Secretary of State

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Notary Public Frequently Asked Questions

1. **I've heard there's a new notary management system that is online. How do I use the system?**

    a. We've put together a guide for customer use that will walk you through using the new system: Click to Download Notary Public Customer Guide

2. **The application asks for a commission number, but I don't have or can't find one, what do I do?**

    a. If you are renewing a commission that expired after January 1, 2016, you will have a commission number. If you cannot find your commission number, you may call our office at (501)682-3409 or email us at Notary@sos.arkansas.gov.

3. **Is an exam required to become a notary in Arkansas?**

    a. Yes, all new and renewing notaries must complete an online exam before they are allowed to access the new or renewal application. The exam contains 25 multiple choice questions and at least 20 must be answered correctly to obtain a passing score. All answers can be found in these FAQs, the Arkansas Notary Handbook or by viewing the online training.

4. **Can applications be submitted online?**

    a. No. Our new notary management system does require you to complete the application online, but you must still print the final version and submit it to our office with your original signature and the original signature of the notary who notarizes your application. You may either mail your application to, or bring in person, the office located at 1401 W. Capitol, Suite 250, Little Rock, AR 72201.

5. **How early may I submit my application for renewal?**

    a. Applications for renewal cannot be submitted any earlier than 60 days before the date of your current commission's expiration. Any applications received before the 60 day date will be rejected and returned.

6. **Where do I get my surety bond?**

    a. Many local insurance providers, such as the ones you use for your car, home or renters insurance also provide surety bonds. You may also do an online search for companies authorized to do business in Arkansas.

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7. **Does the state issue my notary stamp?**
    a. No, you are responsible for obtaining your own notary seal. Rubber stamp companies and office supply businesses are your best bet. Please take them your notary public identification card to ensure all your information (name, commission date, commission number, etc.) are properly contained in your stamp.

8. **Is training required for notaries in Arkansas?**
    a. Currently, training is not required for traditional notaries (those that use paper, pen and ink) in Arkansas, but it is required for eNotaries. However, FREE training is available online 24/7 at http://bit.ly/1UioqTO

9. **Who is eligible to become a notary public in Arkansas?**
    a. Arkansas notary public applicants must meet all of the following qualifications:
        i. A legal resident of Arkansas OR a resident of a state that borders Arkansas, but is employed in Arkansas
        ii. A United States citizen or permanent resident alien
        iii. At least eighteen (18) years of age
        iv. Able to read and write English
        v. A prior notary public commission has not been revoked in the past ten (10) years
        vi. Has not been convicted of a felony
        vii. Has reviewed the law concerning notaries public and understands the duties of a notary public.

10. **Why might an application be rejected?**
    a. There are many reasons why an application may be rejected. Here are some of the most common reasons:
        i. An old PDF application is submitted instead of one completed using the new notary management system. Applications completed through the notary management system will have a barcode at the top which indicates the notary successfully passed the required exam.
        ii. The name the applicant lists on the application is not the exact same name that is on the bond. If you list your middle name or middle initial on your bond, that exact same name must be used on the application.
            1. Example: If your name is Jane Ann Doe and you put that name on your bond, you cannot list only Jane A. Doe or Jane Doe on your application.
        iii. The name the applicant signs on the application is not the exact same name that is printed on the bond and application.
            1. Example: Jane Doe is the printed name on the bond and application, but the applicant only signs J. Doe.
        iv. The application is not properly notarized.

1. The signature of the applicant must be witnessed by a notary public. The affidavit at the bottom of the application must be correctly completed in its entirety by a notary or authorized official other than the applicant.
2. The notary who notarizes your application must be an Arkansas notary in good standing. You may check their record here: http://bcs.sos.arkansas.gov.
3. The notary must sign their name the same way as it is in their official signature – this signature will be checked against the signature we have on file.
4. The notary's seal must meet all the requirements set forth by Arkansas notary law.

v. A copy of the surety bond is not included with the application.

vi. The $20 application fee is not enclosed.

vii. A residential street address is not listed on the application.

1. Arkansas residents are commissioned as an individual by their home address. An employer's address should not be listed as the notary's commission address.
2. For out-of-state notaries, you must list your physical residential address in your home state as well as your employer's physical address in Arkansas.

viii. The bond is issued for the wrong county. The county printed on your application should be the same county printed on your bond.

1. Your bond is to be issued for your residential county.
   a. Even if your employer is purchasing your bond and their office is located in a different county in which you reside, you must still be bonded by your home county.

11. I received three certificates from the Secretary of State's office, what do I do next?

a. You will need to take these three certificates and your original bond to the Recorder of Deeds in your county of commission. Most often the Recorder of Deeds is your Circuit Clerk.
b. The Recorder of Deeds will swear your oath of office and sign all three certificates. One completed certificate and your original bond will be filed with the Recorder of Deeds.
c. One completed certificate will need to be returned to the Secretary of State's office.
d. When your certificate has been processed by the Secretary of State, you will then receive your notary public identification card and be placed into "good standing."
e. You may then purchase your stamp and begin notarizing.

12. **If somebody needs a copied and notarized birth certificate for their child, may a notary provide that?**
    a. No. Arkansas law does not allow notaries to make and certify copies of birth certificates, other vital records and public records.

    b. Copies of birth certificates will need to be obtained through the vital records division of the Health Department.

13. **What determines my county of commission?**
    a. Your county of commission is your county of residence. Your jurisdiction as a notary is statewide.
    b. Even if you are becoming a notary for work purposes, and you work in a different county in which you reside, you county of commission will still be your home county. You can notarize in any county in the state of Arkansas.

14. **I live in Arkansas, do you need to know who my employer is?**
    a. No, we do not keep on record the employer of notaries who are Arkansas residents.

15. **My employer paid for my notary commission, do I have to give it back to them when I stop working there?**
    a. No, you are commissioned as an Arkansas notary as an individual and all property associated with the commission belongs to you even if somebody else paid for it.

16. **Do I have to get a new stamp when I renew?**
    a. Yes, Arkansas notary laws require stamps to include the notary public's commission expiration date. Since your expiration date will change each time you renew, you must get a new stamp that reflects this date.

17. **Where in Arkansas may I notarize documents?**
    a. Anywhere within the borders of the State of Arkansas. Your jurisdiction is not limited to your county of commission.

18. **Are Arkansas notaries required to keep a journal or other record book?**
    a. Arkansas notaries are not required by law to keep a record of their official acts, but it is highly recommended. A journal will help you recall past notarial acts if you ever have to appear in court to testify.

19. **Can I get my rubber stamp in any color?**
    a. No, as of 2013, all stamps must use blue or black ink.

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20. May I notarize for a family member?

a. While Arkansas law does not expressly prohibit notarizing for a relative, many notaries who do so might violate those statues regarding a direct or indirect financial benefit from the document in question.

21. Can I notarize a document if I witnessed it being signed over a webcam?

a. No. In order to notarize a document, the signer and the notary must be physically in each other's presence. In other words, you must be able to physically touch the other person as well as the document being signed and notarized. This also applies to electronically notarized documents.

22. May I notarize a document that was signed before being brought to me?

a. Yes and no. If you have familiarity with the signature, as in you've seen it many times before and know it is genuine, you may notarize that document. This document must still be presented to the notary by the signer of the document. A wife cannot bring her husband's signature to you to notarize without him present.
b. However, if you do not have a prior relationship to that signature, the signer will need to sign the document again in your presence and only the signature done in your presence is eligible to be signed.

23. May I notarize a handwritten document?

a. Yes, notaries are generally not concerned with the contents of the document, just the identity of the signer. In addition to that, your acknowledgement statement may be hand written if one is not originally included as part of the document. Just a reminder, be sure to use ink for handwritten documents.

24. May I notarize a document in a foreign language?

a. Yes, since notaries are not generally concerned with the content of the document, you may notarize a document in a foreign language. However, your acknowledgment statement must be in English.
b. As a reminder, if the document will later need an Apostille or Certification, it will need to be translated to English before the Secretary of State's Office can process the request. More information about Apostilles and Certifications can be found here: http://www.sos.arkansas.gov/BCS/Pages/apostilleCertification.aspx

25. What is a certificate of acknowledgement? How do I properly complete one?

a. An acknowledgment statement or certificate of acknowledgment is the wording attached to a document stating the specific details concerning the signature the notary witnessed. Acknowledgments include the following:
    i. Location where the signature was witnessed, known as the venue statement. This is the county in which the notary was standing at the time of the notarization.

1. State of Arkansas, County of_____.

ii. The date the signature occurred.

iii. The brief statement surrounding the events (will vary by document):

1. Before me, (*printed name of the notary as it appears on their seal*), the undersigned notary, personally appeared (*printed name of the singer(s)*) known to me (satisfactorily proven) to be the person whose name is subscribed to the within instrument and acknowledged that he/she executed the same for the purposes therein contained. In witness whereof I hereunto set my hand and official seal.

iv. The notary's signature

v. The notary's seal located near the notary's signature

26. Is there a handbook I can have to use as a reference tool?

a. Yes, the Office of the Secretary of State publishes a handbook for Arkansas notaries. Copies may be obtained by calling or visiting our office. Digital copies are available on our website and may be found here: Click to Download Notary Public Handbook

27. What do I do if I make a mistake when notarizing a document?

a. Mistakes should be corrected using an ink pen. It's suggested that the person who made the mistake and correction line-through the mistake and initial the corrections. Don't use white- out type products as those changes are harder to attribute to the person who made the correction.

28. What if I smear my seal while notarizing a document?

a. If there's room, simply make a clear impression nearby the smeared one. If there is not room, you'll need to draw up a separate acknowledgement statement with the same wording as the original document and includes the signer's signature again. Make a notation on the original document that the completed acknowledgement is attached.

29. If I use an embosser, do I have to use ink with it?

a. Yes, all notary seals of office must be able to be photocopied and must use blue or black ink. This applies to rubber stamps as well as embossers.

30. Is there anything I cannot have on my notary stamp?

a. Yes, Arkansas law does not allow notaries to have the Great Seal of the State of Arkansas or an outline of the State of Arkansas on their seals.

31. If a notarial certificate is not originally part of the document, may I still notarize that document?

a. Yes, you will just need to attach an acknowledgement to the document. You can do this by handwriting one (sample text can be found in the Notary Public Handbook), or using a rubber stamp that contains text for the acknowledgment where the notary then

completes the proper fields by hand.

32. How do I update changes to my information such as my name and/or address?

a. To make any changes to your record, you'll need to use the notary management system to file an amendment form: http://bcs.sos.arkansas.gov.

b. When making changes to your name, you must also submit a certified copy of the public document designating the name change such as a marriage certificate, divorce decree or other court order. Certified copies will be issued at the courthouse where the document is stored and will include a raised, embossed seal of the county.

33. Where do I send my application?

a. You may either mail your application or bring it in person to:

i. Arkansas Secretary of State
Business and Commercial Services Division
1401 W. Capitol, Suite 250
Little Rock, AR 72201

34. Do I send the Secretary of State a copy of my surety bond or original?

a. You only need to send a photocopy of your surety bond to the Secretary of State along with your application.

b. Your original bond will later be filed with the Recorder of Deeds/Circuit Clerk and you don't want to risk the original getting lost in the mail.

35. What if I don't want to be a notary anymore, can I resign my commission?

a. Yes. To resign a notary commission, please send to the Secretary of State an original signed letter stating your intentions to resign. Also, if possible, send one of your certificates of commission along with your letter.

36. How do I file an official complaint against an Arkansas notary?

a. Many complaints against an Arkansas notary will need to be made in writing and sent to the Secretary of State's Legal Division. The letter must be an original and contain a signature of the person filing the complaint.

b. It's advised that a copy of the document contain the notarization in question should be included with the written complaint.

c. If somebody wishes to have a notary investigated for criminal matters such as forgery or fraud, they need to contact their own attorney and pursue those types of complaints through the judicial system.

37. I moved to Arkansas but I was a notary in my previous state, can I just transfer that commission to Arkansas?

a. No, you will need to start the application process from scratch in Arkansas. Each state commissions their notaries.

38. How often are changes made to Arkansas notary laws?

a. Generally, changes to Arkansas Notary Public Laws can occur every two years (odd numbered years) when the Arkansas General Assembly meets for a regular session. If any laws are changed, they usually go into effect 90 calendar days after the Legislature adjourns "sine die."

b. The last changes to Arkansas Notary Law went into effect July 2015.

39. Can I sign my signature in any color of ink?

a. No, as of 2013, all signatures of the notary public must now be done with blue or black ink.

40. Is anything else needed in a notarization other than just my stamp and signature?

a. Yes, in order for a notarization to be complete, it must have some form of an acknowledgment statement which gives a narrative of the act that was witnessed: where, when, who signed it, what did the notary witness, and what are the credentials of the notary.

b. A very basic acknowledgement will look something like this:

i. State of Arkansas
County of _____

Subscribed and sworn to before me on this_____day of_____, 20_

_____. [Notary's Seal]

Signature of Notary

41. I was sworn in at the courthouse and they signed my certificates, do I need to do anything after that?

a. Yes, one of those completed certificates needs to be returned to the Secretary of State's Office as soon as possible. Not until we the Secretary of State's Office has received this certificate is the notary commission placed into "good standing."

42. Can I notarize my own signature?

a. No. The definition of a notary is an "unbiased witness" and you cannot be unbiased towards yourself, therefore, you may not notarize your own signature.

43. When notarizing a document, what do I put in the section that says: *State of Arkansas, County of _____?*

a. This is the county in which you are standing when you notarize the document.

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44. I'm not comfortable with this client or their document, must I notarize for everyone who comes to me?

a. No, you are not required to notarize every document that comes before you.

45. I just gave notice at my job, and my supervisor instructed me to turn in my notary journal on my last day of work. Is this required?

a. No, all documents and equipment for your notary public commission are your property and should not be surrendered to an employer upon termination of employment.

46. What qualifies as proper identification?

a. The Secretary of State's Office recommends using a government issued identification card that includes the client/singer's picture and signature, such as a driver's license or passport.
b. What you will accept as proper identification is up to you, but it must satisfactorily prove the client/signer's identity.

47. What do I do if I lose my seal or it's stolen?

a. If a notary's seal is lost or stolen, they need to contact the Secretary of State's Office in writing explaining the situation. The Secretary of State's Office will make a notation in their record and also issue the notary a new commission number.
b. A stamp with the new commission number should be purchased and used from that point forward.

48. What do I put in the blank when I see wording similar to this?
Subscribed and sworn to before me, the undersigned notary public within and for the State of Arkansas and County of_____.

a. In this example, you will list your county of commission in the blank as this statement is where you are stating your credentials as a notary. You are a notary commissioned in the State of Arkansas and for which county. To make it easy, this will be the county printed on your stamp.

49. Who can revoke my commission?

a. Notary public commissions are most commonly revoked upon an order from the courts.
b. An employer does not have the power to "revoke" a notary public commission.

50. Does the notary need to complete all the blanks in the notarial certificate, or can they just sign their name and let the client fill in the rest afterwards?

a. The notary's certificate should always be completed by the notary before the certificate is signed and sealed by the notary. This prevents somebody else from inserting false material into the certificate after it has left the notary's possession.

51. If I change my name or county of commission, do I have to get a new stamp, or can I just mark out the incorrect information from my old stamp and hand write the correct information?

a. Yes, you will need to get a new stamp that includes your new notary name and/or your new county of commission. Make sure to effectively destroy the old stamp to prevent accidently using it or from anybody else obtaining it and using it.

52. I've been asked to partake in a deposition as a duty of my notarial office, am I allowed to do this?

a. Only Arkansas notaries who are also certified court reporters may partake in depositions as a duty of their notarial office pursuant to Rule 28 of the Arkansas Rules of Civil Procedure. Depositions not attested to by a certified court reporter will not be accepted in Arkansas courts.