

# State of Connecticut



## Notary Public Manual

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# 1.0 The Notary Public

## 1.1 A Public Official

The notary public is a public official appointed by the Secretary of the State through the power vested in the secretary by state law. The notary has the power to administer oaths, take acknowledgments and perform other duties as permitted by law. It is very important that notaries always remember the public nature of the office they hold. It is the duty of all notaries to serve the public and they may not unreasonably refuse to perform a notarial act for any member of the public who tenders the statutory fee and meets all requirements prescribed by statute. However, the notary must exercise equal care not to exceed the authority of the office by offering opinions or advice to persons requesting performance of notarial acts.

Integrity and skill are required of all notaries when discharging their duties. The mere mechanical performance of the duties and responsibilities of this office cannot insure the high level of performance and reliability that must be the hallmark of each notarial act. The notary must always comply with Connecticut state law and provide high quality service, while remembering that a notary public does not have the training or authority to prepare legal documents or recommend a course of action in legal transactions. Any person who is in need of such assistance should be advised to consult an attorney.

## 1.2 History

The office of notary public has a proud and ancient heritage. As early as the days of the Roman Empire there is mention of its forerunners; the "scriba", "notarii", "tabularii" and "tabelliones." Originally the "notarius" was a mere scribe taking notes or minutes and drafting various instruments. Since few people could write and commercial agreements were made orally, the services of the "notarius" were sought to reduce these agreements to a definite written record. With the growth of commerce and organized civil life, these same services were needed for instruments of contract, disposition of property, and court records, etc. Practically all documents of importance since the early Roman Empire were, at one time, drawn by notaries.

The English notary is an ecclesiastical officer, although his duties are mainly secular, having at one time been appointed by the Popes and subsequently by the Archbishop of Canterbury. On October 25, 1639, Thomas Fugill, a member of Connecticut's New Haven Colony, became the first notary public in America.

In 1784, the governor of Connecticut was empowered by statute to appoint as many notaries as commercial interests rendered necessary or convenient. During this time, a notary was used by the merchants and shipmasters in attesting writings and in the certifying to acts done by him or in his presence, proof of which might be required in distant places or in foreign countries.

Under, chapter XXVII of the acts of 1833, notaries were given the power to administer oaths, take depositions and acknowledge deeds. Statutes were passed at this time providing that acknowledgments of foreign grants, deeds, and mortgages by notaries of foreign jurisdictions would be accepted as valid in this state.

In 1800, there were fifteen notaries in Connecticut; in 1812, thirty-two; 1827, sixty-four; 1932, ten thousand seven hundred eighty-nine; and today, approximately forty-seven thousand

## **2.0 Application for Appointment as a Notary Public**

### **2.1 Application and Fee**

Any eighteen-year-old or older person who is a resident of Connecticut or who has his/her principal place of business in Connecticut, may apply to become a notary public in the state of Connecticut. The application for appointment as notary public must be completed partly online and partly in the applicant's own handwriting, along with the nonrefundable statutory fee of one hundred and twenty dollars (\$120.00), with the Office of the Secretary of the State.

All applicants must provide their residence address. Applicants who are non-residents must also provide the address of their principal place of business/employment in Connecticut, which must be kept current because it affects your status as a notary public according to statutory requirements. Effective November 2019, all applicants must provide a valid email address and all correspondence will be sent to that address. A business address will not be used.

### **2.2 Examination**

The examination is incorporated into the online notary public application form and must be completed by each applicant. All questions on the exam must be answered correctly before an applicant will be appointed a notary public. The exam is intended to be a comprehensive test of the applicant's knowledge and ability to perform his/her duties and responsibilities as a notary public.

### **2.3 Pending and Deficient Applications**

An application left pending by the applicant in the system for greater than 90 days will result in a failure. The application will not be returned, and the applicant will have to restart the application. If a submitted application is deficient, the applicant will receive a deficiency notice by email. Unless the applicant corrects the deficiencies within 90 days, the application and fee will be forfeited.

### **2.4 Denial of Appointment**

The Secretary of the State may deny an appointment to any individual who has been convicted of a felony or a crime; who has had a previous commission revoked; or who has engaged in some form of notarial misconduct. Such actions could indicate that the individual would have difficulty meeting the high standard of honesty and integrity that all notaries public must maintain. The secretary may also deny renewal of an appointment for the same reasons.

## **3.0 Appointment of the Notary Public**

### **3.1 Certificate of Appointment**

Each notary public is appointed by the Secretary of the State for a term of five years, beginning on the date of appointment and ending on the last day of the anniversary month five years later. The appointment is evidenced by a certificate bearing the notary's name and the facsimile signature of the Secretary of the State and countersigned by the Secretary's executive assistant. The certificate is evidence of the public office that the notary holds and should be kept in a safe place. We recommend that notaries display their certificates where they perform their notarial duties. If the certificate is lost or destroyed, a duplicate may be obtained through the

online system or by requesting one by emailing [crd@ct.gov](mailto:crd@ct.gov) Because notary certificates are now emailed, we recommend retaining the original email attaching your notary certificate.

### 3.2 Oath of Office and Recording of Appointment

Upon receiving the Certificate of Appointment, and before performing any notarial act, the notary must take an oath of office. The oath administered to a notary public is found in section 1-25 of the General Statutes:

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#### **OATH ADMINISTERED TO A NOTARY PUBLIC**

You do solemnly swear (or affirm, as the case may be) that you will support the Constitution of the United States, and the Constitution of the state of Connecticut; and that you will faithfully discharge, according to law, the duties of the office of notary public to the best of your abilities; so help you God.

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While most notaries swear this oath before a town clerk, the oath may be administered by any person authorized to administer an oath under section 1-24 of the General Statutes. After administering the oath, the jurat must be executed on the Certificate of Appointment by the person administering the oath and signed by the notary.

The appointment and oath of office must be recorded within thirty (30) days of having received the Certificate of Appointment with the town clerk in the town in which the notary resides. If the notary is a non-resident, the recording must be made with the town clerk of the town in which the notary's principal place of business is located.

After completing the mandatory recording described above, notaries may also record their certificate with the town clerk in other towns. This secondary recording is optional. The filing fee for recording the notary's commission and oath is twenty dollars (\$20.00), set by Section 7-34a of the Connecticut General Statutes.

### 3.3 Application for Renewal of Appointment

Three months prior to the expiration date of an appointment, an application for renewal of appointment as notary public will be e-mailed to each notary to his/her registered email address on record with the Secretary of the State's Office, or mailed to the notary's residential address if no email is on file. If the applicant wishes to continue to be a notary, the notary must use the log-in information contained in the renewal correspondence, swear that they have not been convicted of a crime since the last appointment, and pay a fee of sixty dollars (\$60.00).

A new Certificate of Appointment will be issued to the notary, and, as with an original appointment, the notary must take the oath of office and record their commission and oath of office with the town clerk. Each term of appointment of a notary public is separate and the same procedure must be followed for each term. Please refer to section 3.2 above for details.

It is the notary public's responsibility to inform this office of all changes of name or address or change of email address. Failure to do so may result in non-delivery of the renewal notice and eventual expiration of the notary's appointment. Please refer to section 3.4 for information on renewing an appointment after it has expired.

### 3.4 Late Renewal and Reinstatement

A notary public's appointment expires at midnight on the "commission expiration date" that appears on his/her Certificate of Appointment. An individual whose commission has expired is no longer a notary public and cannot perform notarial acts. Therefore, it is important to renew right away to avoid a lapse in your notary commission.

If a notary's commission expires prior to a new certificate having been issued and received, the notary must cease performing notarial acts until he/she has received the new Certificate of Appointment and has taken an oath of office for the new term.

The notary may renew a commission up to 90 days of their commission expiration date.

After 90 days he/she will be required to complete a reinstatement application, including the exam, in order to be reappointed for another term. In either case, the notary will retain his/her original account number.

### 3.5 Change of Name or Address and Replacement Certificates

All notaries appointed under Connecticut law who change either their name or residence address are required to report that change to the Office of the Secretary of the State within thirty (30) days. Non-resident notaries must maintain a principal place of business in Connecticut and must report any change in their business address, as well as changes in residence address. Address changes may be reported for free using the online eLicense system. If you need assistance logging in, you may email our office at [crd@ct.gov](mailto:crd@ct.gov) and we will send you password reset instructions to log-in and change your address.

In order to report a name change, you must complete a Change of Name form found on our website at [portal.ct.gov/notary](http://portal.ct.gov/notary). The form may be emailed back to our office at [crd@ct.gov](mailto:crd@ct.gov) and the statutory fee of \$15.00 can be paid online once our office receives the form.

When a name change is processed, a new certificate will be issued. It is not necessary for the notary to take an oath of office upon receiving a replacement certificate, but if the notary has relocated to a new town of residence or principal place of business, the replacement certificate must be recorded with the town clerk of that new town.

If a notary's **Certificate of Appointment** has been lost, damaged, or destroyed, a replacement certificate can be obtained by reprinting the certificate from the file emailed to the applicant or by logging into the eLicense System.

### 3.6 Resignation or Death of a Notary Public

A notary may resign his/her commission at any time by advising the Office of the Secretary of the State, in writing, of his/her intention to resign and the effective date of that resignation. All notaries must maintain either a residence or a principal place of business in this state in order to continue as a Connecticut notary public. Notaries who no longer have a residence or principal place of business located in this state are obligated to resign their commission at the time they cease to meet the statutory requirements for appointment.

As soon as possible after the death of a notary, the notary's personal representative shall notify the Office of the Secretary of the State in writing that the notary has died and the date of death. In either event, if the notary used a notarial seal, the notary's personal representative must destroy or deface it to prevent its unauthorized use.

## 4.0 Duties and Responsibilities of the Notary Public

### 4.1 Powers of the Notary Public

A notary appointed under Connecticut law is a notary for the entire state and may perform his/her duties anywhere within the state. The notary has the power to administer oaths, take acknowledgments, take depositions in civil actions or probate proceedings, issue, upon request, subpoenas for the appearance of witnesses to give depositions in civil matters or probate proceedings, and issue subpoenas for the appearance before out-of-state commissioners.

It is important for the notary to have a thorough understanding of how to perform each notarial act, before attempting to do so, because a notary may be liable for losses that result from improper performance of his/her duties.

### 4.2 Acknowledgments

An acknowledgment is probably the most common notarial act that the notary will be called upon to perform. It is a formal declaration before an authorized official by the person who executed an instrument that such instrument is his/her free act and deed. A typical instrument requiring an acknowledgment is a conveyance of land, but virtually any document that is signed, can also be acknowledged. The usual acknowledgment form states that the signer of the instrument personally appeared before the notary and acknowledged having signed the instrument for its stated purpose. For an acknowledgment to be properly taken, each of the following requirements should be fulfilled. The signer must:

1. personally appear before the notary.
2. acknowledge that he/she signed the instrument in question.
3. state that it is his/her free act and deed.

The acknowledgment form is one type of notarial certificate. Many documents requiring an acknowledgment will have the appropriate form included in the text, which the notary need only complete. Whenever a notary public takes an acknowledgment, it is vitally important that he/she complete the appropriate acknowledgment form, samples of which appear below.

If there is no such form, the notary may attach and complete an acknowledgment form on the document. This form can be a preprinted attachment, a rubber stamp, or may be printed or typed on the document. The completed acknowledgment form clearly indicates what notarial act has been performed and provides information concerning the execution of the document to anyone who views the document at a later date.

Notarization via video-conference (otherwise known as remote online notary) is currently not allowed under Connecticut law. The signer is not considered to have “personally appeared” before the notary, as required by statute. Additionally, a Connecticut notary does not have the authority to notarize within the state when the signer is out of state.

**FORM OF ACKNOWLEDGEMENT FOR INDIVIDUAL**

State of Connecticut

County of \_\_\_\_\_ ss. \_\_\_\_\_ (Town / City)

On this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, **(name of notary)**, the undersigned officer, personally appeared **(name of individual or individuals)**, known to me (or satisfactorily proven) to be the person(s) whose name(s) (is or are) subscribed to the within instrument and acknowledged that **(he, she or they)** executed the same for the purposes therein contained.

In witness whereof I hereunto set my hand.

Signature of Notary Public:

Date Commission Expires:

**FORM OF ACKNOWLEDGEMENT FOR CORPORATION**

State of Connecticut

County of \_\_\_\_\_ ss. \_\_\_\_\_ (Town / City)

On this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, **(name of notary)**, the undersigned officer, personally appeared **(name of officer)**, who acknowledged himself/herself to be the **(title of officer)**, of **(name of corporation)** a corporation, and that he/she as such **(title of officer)**, being authorized so to do executed the foregoing instrument for the purposes therein contained, by signing the name of the corporation by himself/herself as **(title of officer)**.

In witness whereof I hereunto set my hand.

Signature of Notary Public:

Date Commission Expires:

4.2.1 Refusal of Service

Under section 3-94f of the General Statutes, a notary "... shall not unreasonably refuse to perform notarial acts in lawful transactions for any requesting person who tenders payment of statutory fee." This office has not defined the term "unreasonable."

There may be legal implications not covered by this manual of which your employer may be wary. Please consult counsel on these matters.

4.3 Competence

The notary should always be confident that the individual requesting notarial services is competent. Competence simply means that the individual understands the meaning of his/her actions. The notary should refuse to perform any notarial act for a person who is clearly incompetent. If a question of an individual's competence arises, the notary may consult that person's physician or attorney.

## 4.4 Determining Identity

Acknowledgment forms for individuals (see form on page 6) state that the notary either personally knows or has satisfactorily proven the identity of the signer on the basis of documents. If the notary does not know the signer personally, Connecticut law (see Section 3-94a(9) of the Connecticut General Statutes in Appendix B) requires that the signer provide the notary with at least two forms of identification containing the individual's signature, at least one of which also contains the photograph of the signer, or a physical description.

Remember a social security card or birth certificates are not to be used as a form of identification. If an individual requesting notarial services does not have satisfactory forms of identification, identity can be established by the oath or affirmation of a credible witness.

## 4.5 Credible Witness Acknowledgment

A credible witness is an individual who is personally known by the notary and who personally knows the signer. For example, a notary could rely on a co-worker known to the notary, to identify a third party who does not have the required forms of identification. It is **essential** that the credible witness be “personally known” to the notary. Like all witnesses, the credible witness should be honest, competent and ideally, without interest in the transaction. The notary must administer an oath or affirmation to the credible witness and can use the following acknowledgment certificate.

### **FORM OF ACKNOWLEDGEMENT FOR CREDIBLE WITNESS**

State of Connecticut

County of \_\_\_\_\_ ss. \_\_\_\_\_ (Town / City)

On this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, the undersigned notary public, personally appeared (**signer**), proved to me on the basis of satisfactory evidence, in the form of the oath/affirmation of (**credible witness**)s, to be the person(s) whose name(s) (**signer**) subscribed to the within instrument, and acknowledged that (**he, she, they**) executed the same for the purposes therein contained.

In witness whereof I hereunto set my hand.

Signature of Notary Public:

Date Commission Expires:

## 4.6 Performing Notarial Acts for Minors

Notaries will occasionally be asked to perform notarial acts for younger persons. Two issues arise in such cases that make these transactions different from the usual notarial act. Frequently, younger persons do not have adequate forms of identification to meet the requirement for satisfactory proof of identification. One means of addressing this obstacle is to recommend that the notarial act be performed by a notary who personally knows the individual.

Another option would be to obtain identification through the oath or affirmation of a credible witness (see Sec. 4.5 Credible Witness Acknowledgment). The second issue is that of competence. The notary must be confident that the younger person understands the nature of the document he/she is signing.

## 4.7 Signature by Mark

If a person cannot sign his or her name because of a physical handicap or illiteracy, a mark can serve as a signature. A mark, usually an "X," can suffice. Two witnesses in addition to the notary should be present when a person signs by mark. The name of the person who signs by mark should be written near the mark by one of the witnesses. The witnesses should also subscribe their own names to the document as witnesses, and to the notary's journal. The following form is a widely used signature by mark certificate.

<b><u>FORM OF ACKNOWLEDGMENT FOR SIGNATURE BY MARK</u></b>	
State of Connecticut	
County of _____	ss. _____ (Town / City)
On this the _____ day of _____, 20____, before me, the undersigned notary public, personally appeared ( <b>signer</b> ), known to me (or proved to me on the basis of satisfactory evidence) to be the person who made and acknowledged making ( <b>his, her</b> ) mark on the within instrument in my presence and in the presence of the two persons indicated below who have signed the within instrument as witnesses, one of whom, ( <b>name of witness</b> ), also wrote the name of the signer by or near the mark.	
Signature of Notary Public:	
Date Commission Expires:	
(Witness's Name and Address)	(Witness's Name and Address)

## 4.8 Oaths and Affirmations

Notaries are authorized under section 1-24 of the General Statutes to administer oaths. Typically, a notary is called to administer an oath under two circumstances: (1) when the signer must swear to the truth of a document or other writing or (2) when a person is assuming a public office that requires an oath. Oaths and affirmations must be given in person. An oath is an affirmation of the truth of a statement, which renders any person who willfully makes untrue statements subject to the penalties for perjury or false statement. The term includes all forms of attestations by which a party signifies that he is bound in conscience to perform the act faithfully and truthfully. The following are the oaths administered under the two most common circumstances:

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### **OATH ATTESTING TO THE TRUTH OF DOCUMENT**

"Do you solemnly swear that the statements contained herein are true to the best of your knowledge and belief, so help you God?"

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### **OATH ADMINISTERED TO AN OFFICE HOLDER**

"You solemnly swear that you will faithfully discharge, according to law, your duties as to the best of your ability, so help you God?"

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Note, section 1-25 of the General Statutes contains the form of oaths for specific offices and activities. If a more particular oath is applicable, the notary shall use the oath prescribed by statute.

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### **OATH CEREMONY**

The person taking the oath holds up his right hand and the notary administers the applicable oath. The person to whom an oath is administered should answer "I do."

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If a person by reason of scruples or conscience, objects to such a ceremony, or if the notary administering the oath has reason to believe that any other ceremony will be more binding upon the conscience of the person taking the oath, he/she may permit or require any other ceremony to be used.

If the person so objects, the oath shall still be administered except the words "solemnly and sincerely affirm and declare" should be used as a replacement for of the word "swear," and instead of the words "so help me God" the words "upon the pains and penalties of perjury or false statement" should be used.

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### **EXAMPLE ALTERNATIVE OATH**

"Do you solemnly and sincerely affirm and declare that the statements contained herein are true to the best of your knowledge and belief, upon the pains and penalties of perjury or false statement?"

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## **4.9 Affidavits**

An affidavit is a written or printed declaration or statement of facts, made voluntarily and confirmed by the oath or affirmation of the party making it before an officer having authority to administer such oath or affirmation. The usual procedure for indicating that an oath has been administered in connection with an affidavit is as follows:

The notary administers an oath to the party making the affidavit.

The party then signs the affidavit in the presence of the notary. The notary then attaches the following certificate, which is commonly called a jurat, to the affidavit:

#### **EXAMPLE JURAT**

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_,

20\_\_\_\_

Signature of Notary Public: \_\_\_\_\_

Date Commission Expires: \_\_\_\_\_

When you administer an oath and prepare a jurat, the emphasis is on the oath as to the accuracy of the statements in the document and the signer's identity. When you take an acknowledgment, the emphasis is upon the fact that the act is the free act and deed of the signer and the verification of his/her identity.

#### 4.10 Depositions and Subpoenas to Deponents

The average notary is not called upon to perform this duty because it requires technical knowledge of the method and steps to be employed in order to perform this function properly. A notary should not attempt to issue a subpoena unless he/she is thoroughly familiar with the preparation of these documents. The notary can refer a person seeking this service to the clerk of the court in which the action is being heard or to an attorney. Court clerks have the authority to issue subpoenas on behalf of pro se clients. See Appendix C for the relevant statutory references.

#### 4.11 Copy Certification

Under Connecticut law, notaries have no authority to prepare "certified" or "true" copies of any documents. It is a very common request and notaries should be prepared to meet such requests in a helpful manner. This office recommends that all notaries use the following procedure:

The notary should request that the person presenting the document make a photocopy and prepare a written statement, that may be attached to or written on the photocopy itself, stating that it is a true copy of the original. The individual then verifies under oath, administered by the notary, that the statement is true. The requesting party signs the statement in the notary's presence and the form of jurat that appears under Sec. 4.9, is attached and completed by the notary.

This procedure will work well with some documents, however, it cannot be used in connection with public records. A "public record" is one filed with and maintained by a public record keeper, such as a town clerk, court clerk or the Secretary of the State, often pursuant to a statutory requirement. Copies of public records are "certified" when the authority having custody of the records confirms that they are true and accurate copies of the originals.

**Section 7-62a** of the Connecticut General Statutes (reproduced in Appendix B), entitled "Illegal issuance of certificates," specifically prohibits anyone other than a town clerk/registrar of vital statistics or the Commissioner of Public Health from preparing certified copies of certificates of birth, marriage, death or fetal death. This provision acts as a safeguard against the falsification of information in these certificates. These records are viewed as critical or "vital" records and are maintained by public record keepers to insure the accuracy and integrity of the information they contain. If an individual requires a certified copy of such a document, he/she should be directed to the public record keeper who has custody of those records. A notary should never perform a notarial act in connection with a photocopy of any such document.

Certain Immigration and Naturalization Service documents also fall into this category. If a notary is asked to perform a notarial act in connection with a document that appears to be a public record, the notary should try to determine if the copy would be more appropriately prepared by the public record keeper who has custody of the original.

#### 4.12 The Notary's Signature

In any circumstance when a notary's signature is required, it must always be the original signature of the notary signed exactly as the name appears on the notary's certificate of appointment. If a seal and/or stamp is not used,

the notary should type, stamp or print legibly his/her name in close proximity to his/her signature. The notary cannot use a signature stamp in place of his/her signature, and no other person can sign on behalf of the notary.

#### 4.13 The Notary's Seal

Connecticut state law does not require that notaries obtain and use a seal, or rubber stamp. Even though the use of a seal is optional, state law does prescribe the format of the seal to be used. The notary seal must include the notary's name as it appears on their certificate of appointment, the words "Notary Public" and "Connecticut" as shown in **Fig. 1**. State law does give the notary the option of having the words "My Commission Expires (commission expiration date)" appear on the seal. However, most notaries find that it is more practical to have their commission expiration date appear on a separate rubber stamp along with their name, and title of notary public as shown in **Fig. 2**.

 <p><b>Fig. 1</b> Form of Notary's Seal</p>	<p>John Q. Notary</p> <p>Notary Public</p> <p>My Commission Expires (Month, Day, Year)</p> <p><b>Fig. 2</b> Form of Notary's Rubber Stamp</p>
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All seals and stamps are obtained from private vendors at the notary's own expense and always remain the property of the notary. This is true even if the notary's employer paid for these items. The only person who has the authority to possess and use a notary's seal and/or stamp is the notary whose name appears on the seal.

When using the seal, the impression should be affixed near, but not over, the notary's signature. The stamp bearing the words "My Commission Expires" should be placed below the notary's signature and the notary must write in the date on which their commission expires, unless the date appears on the stamp. It is important for the notary to remember that he/ she must sign his/her name exactly as it appears on his/her certificate of appointment and notary seal.

#### 4.14 Changes, Resignations, Lost or Stolen Seals and Stamps

When a notary files a change of name with the Office of the Secretary of the State, that change of name becomes effective the date of issuance of a new Certificate of Appointment. A notary, who uses a seal or stamp, will have to obtain a new seal or stamp reflecting the name change.

When a notary who uses a seal or stamp resigns his/her commission, or allows his/her commission to expire, he/she must destroy or deface his/her seal or stamp to prevent its unauthorized use.

If a notary seal or stamp is lost or stolen, the notary should notify both the local police and the Office of the Secretary of the State. The notary should also notify the Department of Motor Vehicles, Dealers, Repairers & Emissions Division, in writing, at 60 State Street, Wethersfield, CT 06109. The Secretary's office will record the loss or theft to protect the notary. If the notary chooses to replace the seal, some distinguishing element may be introduced to differentiate the new seal.

## 4.15 Influence

A notary must always remain impartial and cannot advise or influence a person to enter into or refrain from entering into a lawful transaction that involves a notarial act to be performed by the notary.

## 4.16 Qualification

A notary is disqualified from performing a notarial act if the notary is a signatory of the document to be notarized. Persons who only witness the signing of a document are not considered to be signatories and, therefore, may also perform notarial acts in connection with documents they have witnessed.

It is important for the notary to remember that all notarial acts must be performed with impartiality. The Office of the Secretary of the State strongly recommends that notaries exercise great caution when performing notarial acts in transactions where the notary has some beneficial interest, or which involve family members. In certain instances, the notary may choose to voluntarily disqualify him/herself from performing notarial acts in connection with such transactions.

## 4.17 Prohibited Act

A notary is prohibited from performing any official act with the intent to deceive or defraud and it is the responsibility of the notary to refuse to perform any such act.

A notary shall not unreasonably refuse to perform notarial acts in lawful transactions for any requesting person who tenders payment of the statutory fee and meets all other requirements prescribed by statute.

The notary is also prohibited from using his/her title or seal in an endorsement or to promote any product, service, contest, or other offering in any way.

## 4.18 Notary Public Journals

Connecticut state law does not require that notaries maintain a journal of their notarial acts. However, it is the very strong recommendation of the Office of the Secretary of the State that they do so. The journal is a record of the notarial acts performed and could be vital in protecting the notary from possible liability. The journal should be a bound book to prevent loss or substitution of pages, and the notary should record the following information for each transaction:

1. the date and time of the notarial act;
2. the nature or type of notarial act performed;
3. a description of the document or proceeding;
4. the signature, printed name and address of each person for whom a notarial act is performed;
5. the method by which a person's identity has been determined;
6. the fee, if any is charged; and
7. the place where the notarial act was performed.

## 4.19 Wills and "Living Wills" and Power of Attorney

Performing any notarial act in connection with a will is a very serious matter, because of the importance of the document itself; the circumstances under which it will be used; and the consequences that could result from the improper execution of the document. A notary should only perform a notarial act in connection with a will if the instrument specifically provides for such act. (See Section 45a-251 of the Connecticut General Statutes in Appendix B).

If a notary is uncertain as to how to perform a notarial act in connection with a will, the notary should seek the advice of an attorney or refuse to perform the notarial act. A notary public is not trained or authorized to assist persons in the execution of wills. If the testator asks the notary for assistance, the notary should refer that person to an attorney. The notary should be particularly cautious with regard to holographic, or "handwritten" wills.

Notaries may also be asked to take acknowledgments in connection with "Living Wills." These documents are not wills, but rather an expression of an individual's wishes concerning any aspect of his/her health care. Notaries may take acknowledgments in connection with these documents using the usual procedures for that notarial act (see Sec. 4.2, 4.3 and 4.4).

## 5.0 Additional Useful Information for Notaries Public

In the course of performing your duties and responsibilities, you will certainly be confronted with unusual requests and situations. In the following paragraphs you will find information about some of the more common problems you might encounter as a notary public.

### 5.1 Notaries Public Appointed in Other Jurisdictions

Each state of the United States and virtually every other country in the world also appoints notaries. The duties, responsibilities and authority of notaries appointed in other jurisdictions may vary considerably from Connecticut appointed notaries. This is particularly true of notaries appointed in other countries. For example, in many Spanish-speaking countries, the "notario publico" is empowered to perform certain services that are reserved to the legal profession in the United States.

Notaries public appointed by the State of Connecticut should never use a foreign language term to describe their office. The use of such a term could mislead a person seeking notarial services into believing that the notary had the authority to provide services, which are not allowed under Connecticut's notary law.

### 5.2 Certification of Corporate Facts

Once again, Connecticut notaries **cannot** certify any documents. A notary may, however, execute an attestation certifying that a copy is true and accurate, see section 4.11 above.

Notaries in certain foreign countries are empowered to prepare certificates stating facts about corporations. It is common for these certificates to confirm that a corporation exists and that certain individuals have been duly elected as officers, and that the notary's review of the corporate by-laws confirms that the corporation is authorized to act in certain transactions.

Connecticut notaries have no authority to certify corporate facts. The usual procedure in the United States is for the president, secretary or another officer of a corporation to certify the accuracy of corporate information, including the incumbency of officers. That certificate can then be acknowledged or sworn to before a

Connecticut notary public. This is a more specific example of the copy certification process described in section 4.11 above.

### 5.3 Translations

It is important for notaries to recognize that a notary public has no authority to certify translations. If a notary public has the ability to prepare translations of documents from one language to another, he/she **cannot** notarize the translation. The accuracy of the translation can be made under oath. However, the oath and notarial certificate must be completed by another notary or by another person authorized to administer oaths. The notary **cannot** perform both acts in connection with the same document.

### 5.4 Foreign Language Documents

On occasion, notaries public will be asked to perform notarial acts in connection with documents prepared in a language that they do not understand. The notary should use his/her best judgment when deciding whether or not to perform a notarial act under these circumstances.

If the notary decides to proceed with the notarial act, he/she should at a minimum, be able to determine the nature of the document(s) and if the notary keeps a journal this notarial act should be noted in his/her journal. When performing a notarial act in connection with documents that he/she cannot understand, he/she should only sign a notarial certificate, (the form of acknowledgment or jurat); in a language he/she can read and understand.

### 5.5 Authentication

On occasion, particularly when documents are to be used outside of this country, the appointing authority will be asked to confirm the appointment and term of a notary public. This process is often described as "authentication". The Secretary of the State's office prepares and attaches a certificate to the originally and properly executed document(s).

The confirmation can only be to Connecticut public officials, whose term of office is on record with the Secretary of the State's office. The notary public who performed the notarial act on a particular document requiring an authentication should contact or refer the individuals to the Secretary of the State's office for additional information.

## 6.0 Liability, Bonding and Insurance

A notary is liable to any person for damages that result from the misconduct of the notary. The notary may elect to at least partially protect themselves from actions seeking damages by purchasing a bond or errors and omissions insurance. These products are available through insurance agents and notary organizations, in varying amounts. The notary should discuss the nature and extent of the protection available through a bond, with the provider.

An employer of a notary is also liable to any person for damages that result from the misconduct of the notary, if the employer ordered or approved of the notary's misconduct, either in the specific transaction or implicitly by previous actions in at least one prior transaction.

If the notary's misconduct resulted from a threat of dismissal or demotion made by the employer in connection with a particular notarial act, or implicitly by previous actions in at least one prior transaction, the employer is liable to the notary for damages recovered from the notary. The employer is also liable to the notary for

damages caused by dismissal, demotion, or other action taken against the notary resulting from the notary's refusal to commit official misconduct.

## **7.0 Disciplinary Action**

The Secretary of the State is empowered by state law to issue a written, official warning and reprimand to a notary, or may temporarily suspend or permanently revoke a notary's commission for an act of official notarial misconduct, for any reason for which an application might be denied, or for a violation of any provision of the general statutes.

The notary who is the subject of a charge or complaint, will be given an opportunity to respond prior to any disciplinary action being taken, in accordance with the provisions of the Uniform Administrative Procedures Act, Sec. 4-166 through 4-189 of the Connecticut General Statutes. In the event that a notary's commission is either suspended or revoked, the town clerk of each town in the state will be notified by the Secretary of the State's Office.

## **8.0 Notary Fees**

Effective July 1, 2000, the fee for any act performed by a notary public, in accordance with the provisions of the general statutes, is five dollars (\$5.00) plus an additional thirty-five cents (\$.35) for each mile traveled.

## **9.0 The Office of the Secretary of the State**

As the appointing agent, the Secretary of the State has authority over notaries public in the State of Connecticut. Any individual who needs to communicate with this office regarding notaries and the duties and responsibilities of notaries in this state, should email the Business Services Division at [crd@ct.gov](mailto:crd@ct.gov) or write to Office of the Secretary of the State, P.O. Box 150470, Hartford CT 06115-0470, Attention: Notary Public Unit, or call (860) 509-6002.

## **10.0 Special Notes**

Paying close attention to details safeguards and eliminates the reason for rejection, delay and notarial errors of an improperly executed document.

### EXAMPLES

Improper: Documents that do not have preprinted or handwritten notarial certificates attached to them.

Proper: The notary should always place a notarial certificate on the document that requires notarization.

Improper: A notarial certificate not signed by the notary or a notarial certificate with a seal and/or stamp, but not signed by the notary.

Proper: In any circumstance when the notary signature is required, it must be the original signature of the notary signed exactly as the name appears on the notary's certificate of appointment. The notary cannot use a signature stamp. No other person can sign on behalf of the notary. If a seal and/or stamp is not used the notary's name should be typed, stamped or printed legibly in close proximity to the signature.

Improper: A notarial certificate signed by the notary without his/her date of commission expiration.

Proper: The notary public must always sign and provide their commission expiration date, which indicates he/she is currently commissioned a notary public.

Improper: A document not signed by the intended signer.

Proper: A notary must always witness a signature on a document. The signature cannot be a photocopy. The signer must always appear in person.

Improper: The notary public certifies or attests that the document is a true copy of the original. The notary public certifies to information that is issued to an individual or maintained or issued, by a company or a public record keeper.

Proper: A notary must witness and notarize the signature of the individual or authorized person providing the information. Connecticut notaries have no authority to prepare "certified" or "true" copies of any documents. See Sec. 4.9 Certified Copies, for more information.

Improper: The notary public signs a public record and/or certifies a public record. Public records are: certificates of birth, death, fetal death, marriage, court certified documents such as judgments, certain town records and certain immigration and naturalization documents.

Proper: Copies of public records can only be certified when the authority having custody of records confirms that they are true and accurate copies of the original. It is illegal for Connecticut notaries to perform notarial acts in connection with any such documents.

## **Appendix A**

### Questions Commonly Asked by Notaries

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Question: How many witnesses are there to a deed?

Answer: Usually two; however, a notary should not be advising on the form of a deed. This should be done in conjunction with an attorney. In a land conveyance, the notary's job is to ensure proper acknowledgement of the conveyance documents. It is for an attorney to determine the proper procedures to legally transfer title of property from one party to another.

Question: Can a notary who is not an attorney assist in the completion of legal forms?

Answer: No. The notary must always remain impartial and should not assist a client in the completion of any forms. If the form is a legal instrument, the notary's assistance could be determined to be unauthorized practice of the law, so a notary should never give any legal advice.

Questions: How important is a notary journal?

Answer: Very important. It is a record of the notarial acts performed by the notary public. If a notarial act is called in to question in court or another proceeding a properly completed notary journal may be critical evidence to show that the notarial act was performed properly.

Question: Can a notary acknowledge his own signature?

Answer: Absolutely not. It is impossible for a notary to be a witness to his own act. It is strictly prohibited by Connecticut law.

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Question: When is it proper to refuse to perform a notarial act?

Answer: As a public official, a notary cannot unreasonably refuse to perform a notarial act for anyone who tenders the statutory fee and meets all other requirements prescribed by statute. However, if the notary seriously questions the identity or competence of the signer, or if the instrument in question is blank, contains a false statement, or is intended to deceive or defraud, the notary may and should refuse to perform the notarial act.

Question: Can a Connecticut notary perform a notarial act outside of the state?

Answer: No. A Connecticut notary is appointed for the State of Connecticut only. They may perform notarial acts anywhere within the state, but at no time can they perform such acts outside of the state.

Question: Does notarization mean that the document is “true” or “legal”?

Answer: No, notaries are not responsible for the accuracy or legality of documents they notarize. Notaries verify the identity of signers. For attestations (affidavits/jurats), the signer affirms that the contents of the document are true, but the notary is not responsible for verifying the truth of the document. The signer is responsible for the content of the document.

Question: What does the *ss.*, in the venue of a notarial certificate mean?

Answer: The *ss.*, is an abbreviation of the Latin word “*scilicet*,” meaning “namely,” or more particularly the exact location or the designated particular place within a city and/or county where the official notarial act was performed.

## Appendix B

### Statutes Effecting Notaries Public

#### CHAPTER 4\* • OATHS

**Sec. 1-22. Ceremony.** The ceremony to be used, by persons to whom an oath is administered, shall be the holding up of the right hand; but when any person, by reason of scruples of conscience, objects to such ceremony or when the court or authority by whom the oath is to be administered has reason to believe that any other ceremony will be more binding upon the conscience of the witness, such court or authority may permit or require any other ceremony to be used.

**Sec. 1-23.** When affirmation may be used. When any person, required to take an oath, from scruples of conscience declines to take it in the usual form or when the court is satisfied that any person called as a witness does not believe in the existence of a Supreme Being, a solemn affirmation may be administered to him in the form of the oath pre- scribed, except that instead of the word "swear" the words "solemnly and sincerely affirm and declare" shall be used and instead of the words "so help you God" the words "upon the pains and penalties of perjury or false statement" shall be used.

**Sec. 1-24.** Who may administer oaths. The following officers may administer oaths: (1) The clerks of the Senate, the clerks of the House of Representatives and the [chairmen] chairpersons of committees of the General Assembly or of either branch thereof, during its session; (2) state officers as defined in subsection (t) of section 9-1, judges and clerks of any court, family support magistrates, justices of the peace, commissioners of the superior court, notaries public, commissioners appointed by the Governor to take acknowledgment of deeds, town clerks and assistant town clerks, in all cases where an oath may be administered, except in a case where the law otherwise requires; (3) com- missioners on insolvent estates, auditors, arbitrators and committees, to parties and witnesses, in all cases tried before them; (4) assessors and boards of tax review, in cases coming before them; (5) commissioners appointed by governors of other states to take the acknowledgment of deeds, in the discharge of their official duty; (6) the moderator of a school district meeting, in such meeting, to the clerk of such district, as required by law; (7) the first selectman, in any matter before the board of selectmen; (8) the chief medical examiner, deputy medical examiner and assistant medical examiners of the office of the medical examiner, in any matter before them; (9) registrars of vital statistics, in any matter before them; (10) any chief inspector or inspector appointed pursuant to section 51-286; (11) registrars of voters, deputy registrars, assistant registrars, and moderators, in any matter before them; (12) special assistant registrars, in matters provided for in subsections (b) and (c) of section 9-19b and section 9-19c; (13) the commissioner of public safety and the chief, acting chief, superintendent of police, major, captain, lieutenant and sergeant of any local police department or the division of state police within the department of public safety, in all affidavits, statements, depositions, complaints, or reports made to or by any member of any local police department or said division of state police or any constable who is under the supervision of said commissioner or any of such officers of said division of state police and who is certified under the provisions of sections 7-294a to 7-294e, inclusive, and performs criminal law enforcement duties; (14) judge advocates of the United States Army, Navy, Air Force and Marine Corps, law specialists of the United States Coast Guard, adjutants, assistant adjutants, acting adjutants and personnel adjutants, commanding officers, executive officers and officers whose rank is lieutenant commander or major, or above, of the armed forces as defined in section 27-103 to persons serving with or in the armed forces as defined in said section or their spouses; (15) investigators, deputy investigators, investigative aides, secretaries and clerical assistants employed by or assigned to the public defender services commission in the performance of their assigned duties; (16) bail com- missioners, assistant bail commissioners and secretaries

and clerical assistants employed in the office of the bail commission in the performance of their assigned duties; (17) juvenile matter investigators employed by the [Judicial Department] **Division of Criminal Justice** in the performance of their assigned duties; (18) the [chairman] **chairperson** of the Connecticut siting council or [his] **the chairperson's** designee; (19) the presiding officer at an agency hearing under section 4-177b; (20) family relations counselors of the Family Division of the Superior Court, support enforcement officers and investigators employed by the Department of Social Services Bureau of Child Support Enforcement and the Judicial Department in the performance of their assigned duties; and (21) the [chairman, vice-chairman] **chairperson, vice-chairperson** and members of the Board of Parole, parole officers and parole supervisors in the performance of their assigned duties.

**Note:** See Sec. 1-25 of the Connecticut General Statutes for Form of Oaths.

## CHAPTER 6\* • UNIFORM ACKNOWLEDGMENT ACT

**Sec. 1-28.** Permissible forms of acknowledgment. Any instrument may be acknowledged in the manner and form now provided by other laws of this state, or as provided by this chapter.

**Sec. 1-29.** Acknowledgments within state. The acknowledgment of any instrument may be made in this state before: (1) A judge of a court of record or a family support magistrate; (2) a clerk or deputy clerk of a court having a seal; (3) a commissioner of deeds or town clerk; (4) a notary public; (5) a justice of the peace; or (6) an attorney admitted to the bar of this state.

**Sec. 1-30.** Acknowledgments in other states, territories or possessions. The acknowledgment of any instrument may be made without the state but within the United States or a territory or insular possession of the United States and within the jurisdiction of the officer, before: (1) A clerk or deputy clerk of any federal court; (2) a clerk or deputy clerk of any court of record of any state or other jurisdiction; (3) a notary public; (4) a commissioner of deeds; (5) any person authorized by the laws of such other jurisdiction to take acknowledgments.

**Sec. 1-31.** Acknowledgments without United States. The acknowledgment of any instrument may be made without the United States before: (1) An ambassador, minister, charge d'affaires, counselor to or secretary of a legation, consul general, consul, vice consul, commercial attaché, or consular agent of the United States accredited to the country where the acknowledgment is made; (2) a notary public of the country where the acknowledgment is made; (3) a judge or clerk of a court of record of the country where the acknowledgment is made.

**Sec. 1-31a.** Acknowledgments by attorney outside state. An acknowledgment of any instrument pertaining to real property located in this state or a power of attorney may be made outside the state before an attorney admitted to the bar in this state.

**Sec. 1-32.** Identification of person making acknowledgment. The officer taking the acknowledgment shall know or have satisfactory evidence that the person making the acknowledgment is the person described in and who executed the instrument.

**Sec. 1-33.** Married women. An acknowledgment of a married woman may be made in the same form as though she were unmarried.

**Sec. 1-34.** Certificate of officer. An officer taking the acknowledgment shall endorse thereon or attach thereto a certificate substantially in one of the following forms;

**BY INDIVIDUALS:**

State of ....

County of ....

On this the .... day of ....., 20.., before me, ....., the undersigned officer, personally appeared, known to me (or satisfactorily proven) to be the person whose name .... subscribed to the within instrument and acknowledged that ....he executed the same for the purposes therein contained.

In witness whereof I hereunto set my hand.

.....

Title of Officer.

**BY A CORPORATION::**

State of ....

County of ....

On this the .... day of ....., 20.., before me, ....., the undersigned officer, personally appeared who acknowledged himself to be the .... of ....., a corporation, and that he, as such , being authorized so to do, executed the foregoing

instrument for the purposes therein contained, by signing the name of the corporation by himself as ....

In witness whereof I hereunto set my hand.

.....

Title of Officer

**BY AN ATTORNEY IN FACT:**

State of ....

County of ....

On this the .... day of ....., 20.., before me, ....., the undersigned officer, personally appeared, known to me (or satisfactorily proven) to be the person whose name is subscribed as attorney in fact for , and acknowledged that he executed the same as the act of his principal for the purposes therein contained.

In witness whereof I hereunto set my hand.

.....

Title of Officer.

BY ANY PUBLIC OFFICER OR DEPUTY THEREOF, OR BY ANY TRUSTEE, ADMINISTRATOR, GUARDIAN, OR EXECUTOR

State of ....

County of ....

On this the .... day of ....., 20.., before me, ....., the undersigned officer, personally appeared, of the State (County or City as the case may be) of, known to me (or satisfactorily proven) to be the person described in the foregoing instrument, and acknowledged that he executed the same in the capacity therein stated and for the purposes therein contained.

In witness whereof I hereunto set my hand.

.....

Title of Officer.

**Sec. 1-35. Identification of acknowledging officer.** The certificate of the acknowledging officer shall be completed by his signature, his official seal if he has one, the title of his office and, if he is a notary public, the date his commis- sion expires.

**Sec. 1-36. Authentication.** (1) If the acknowledgment is taken within this state or is made without the United States

by an officer of the United States no authentication shall be necessary.

(2) If the acknowledgment is taken without this state, but in the United States, or a territory or insular possession of the United States, the certificate shall be authenticated by a certificate as to the official character of such officer, executed, if the acknowledgment is taken by a clerk or deputy clerk of a court, by the presiding judge of the court or, if the acknowledgment is taken by a notary public, or any other person authorized to take acknowledgments, by a clerk of a court of record of the county, parish or district, or the clerk of the town, in which the acknowledgment is taken. The signature to such authenticating certificate may be a facsimile printed, stamped, photographed or engraved thereon when the certificate bears the seal of the authenticating officer.

A judge or clerk authenticating an acknowledgment shall endorse thereon or attach thereto a certificate in substantially the following form.

State of ....

County of ....

I.... (judge or clerk) of the..... in and for said county, which court is a court of record, having a seal, (or I, clerk of the

town of .... in said county,) do hereby certify that..... by and before whom the foregoing (or annexed) acknowledgment

was taken, was at the time of taking the same a notary public (or other officer) residing (or authorized to act) in said

county, and was authorized by the laws of said state to take and certify acknowledgments in said state, and, further,

that I am acquainted with his handwriting and that I believe that the signature to the certificate of acknowledgment is genuine.

In testimony whereof I have hereunto set my hand and affixed the seal of the court this .... day of ....., 19...

(3) If the acknowledgment is taken without the United States and by a notary public or a judge or clerk of a court of record of the country or the clerk of the town where the acknowledgment is taken, the certificate shall be authenticated by a certificate under the great seal of state of the country, affixed by the custodian of such seal, or by a certificate of a diplomatic, consular or commercial officer of the United States accredited to that country, certifying as to the official character of such officer. The officer authenticating an acknowledgment shall endorse thereon or attach thereto a certificate in substantially the form prescribed in subsection (2) of this section.

**Sec. 1-37.** Acknowledgment in compliance with law of other jurisdiction. Notwithstanding any provision in this chapter, the acknowledgment of any instrument without this state in compliance with the manner and form prescribed by the laws of the place of its execution, if in a state, a territory or insular possession of the United States, or in the District of Columbia, verified by the official seal of the officer before whom it is acknowledged, and authenticated in the manner provided by subsection (2) of section 1-36, shall have the same effect as an acknowledgment in the manner and form prescribed by the laws of this state for instruments executed within the state.

**Sec. 1-38.** Acknowledgment of person in armed forces. In addition to the acknowledgment of instruments in the manner and form and as otherwise authorized by this chapter, persons serving in or with the armed forces of the United States or their dependents, wherever located, may acknowledge the same before any commissioned officer in active service of the armed forces of the United States with the rank of second lieutenant or higher in the army, air force or marine corps, or ensign or higher in the navy or coast guard. The instrument shall not be rendered invalid by the failure to state therein the place of execution or acknowledgment. No authentication of the officer's certificate of acknowledgment shall be required but the officer taking the acknowledgment shall endorse thereon or attach thereto a certificate substantially in the following form:

On this the .... day of ....., 19.., before me, ....., the undersigned officer, personally appeared ....(Serial No.) (if any) , known to me (or satisfactorily proven) to be (serving in or with the armed forces of the United States) (a dependent of ....., (Serial No.) (if any). , a person serving in or with the armed forces of the United States) and to be the person whose name is subscribed to the within instrument and acknowledged that .... he executed

the same for the purposes therein contained. And the undersigned does further certify that he is at the date of this certificate a commissioned officer of the rank stated below and is in the active service of the armed forces of the United States.

.....

Signature of the Officer

.....

Rank and Serial No. of Officer and Command to which attached.

**Sec. 1-39.** Prior acknowledgments unaffected. No acknowledgment taken prior to October 1, 1961, shall be affected by anything contained in this chapter.

**Sec. 1-40.** Interpretation of chapter. This chapter shall be so interpreted as to make uniform the laws of those states which enact it.

**Sec. 1-41.** Citation of chapter. This chapter may be cited as the Uniform Acknowledgment Act.

## CHAPTER 8 • UNIFORM RECOGNITION OF ACKNOWLEDGMENTS ACT

**Sec. 1-57.** Definitions. Authorized officers. For the purposes of this chapter, "notarial acts" means acts which the laws and regulations of this state authorize notaries public of this state to perform, including the administering of oaths and affirmations, taking proof of execution and acknowledgments of instruments, and attesting documents. Notarial acts may be performed outside this state for use in this state with the same effect as if performed by a notary public of this state by the following persons authorized pursuant to the laws and regulations of other governments in addition to any other person authorized by the laws and regulations of this state: (1) A notary public authorized to perform notarial acts in the place in which the act is performed; (2) a judge, clerk, or deputy clerk of any court of record in the place in which the notarial act is performed; (3) an officer of the foreign service of the United States, a consular agent, or any other person authorized by regulation of the United States Department of State to perform notarial acts in the place in which the act is performed; (4) a commissioned officer in active service with the armed forces of the United States and any other person authorized by regulation of the armed forces to perform notarial acts if the notarial act is performed for one of the following or his dependents: A merchant seaman of the United States, a member of the armed forces of the United States, or any other person serving with or accompanying the armed forces of the United States; or (5) any other person authorized to perform notarial acts in the place in which the act is performed.

**Sec. 1-58.** Proof of authority to perform notarial act. (a) If the notarial act is performed by any of the persons described in subdivisions (1) to (4), inclusive, of section 1-57, other than a person authorized to perform notarial acts by the laws or regulations of a foreign country, the signature, rank or title and serial number, if any, of the person are sufficient proof of the authority of a holder of that rank or title to perform the act. Further proof of his authority is not required.

(b) If the notarial act is performed by a person authorized by the laws or regulations of a foreign country to perform the act, there is sufficient proof of the authority of that person to act if: (1) A foreign service officer of the United States resident in the country in which the act is performed or a diplomatic or consular officer of the

foreign country resident in the United States certifies that a person holding that office is authorized to perform the act; or (2) the official seal of the person performing the notarial act is affixed to the document; or (3) the title and indication of authority to perform notarial acts of the person appears either in a digest of foreign law or in a list customarily used as a source of such information.

(c) If the notarial act is performed by a person other than one described in subsections (a) and (b), there is sufficient proof of the authority of that person to act if the clerk of a court of record in the place in which the notarial act is performed certifies to the official character of that person and to his authority to perform the notarial act.

(d) The signature and title of the person performing the act are prima facie evidence that he is a person with the designated title and that the signature is genuine.

**Sec. 1-59.** Certification by person taking acknowledgment. The person taking an acknowledgment shall certify that: (1) The person acknowledging appeared before him and acknowledged he executed the instrument; and (2) the person acknowledging was known to the person taking the acknowledgment or that the person taking the acknowledgment had satisfactory evidence that the person acknowledging was the person described in and who executed the instrument.

**Sec. 1-60.** Form of certificate. The form of a certificate of acknowledgment used by a person whose authority is recognized under section 1-57 shall be accepted in this state if: (1) The certificate is in a form prescribed by the laws or regulations of this state; (2) the certificate is in a form prescribed by the laws or regulations applicable in the place in which the acknowledgment is taken; or (3) the certificate contains the words "acknowledged before me," or their substantial equivalent.

**Sec. 1-61.** "Acknowledged before me" defined. The words "acknowledged before me" mean: (1) That the person acknowledging appeared before the person taking the acknowledgment; (2) that he acknowledged he executed the instrument; (3) that, in the case of: (i) A natural person, he executed the instrument for the purposes therein stated, (ii) a corporation, the officer or agent acknowledged he held the position or title set forth in the instrument and certificate, he signed the instrument on behalf of the corporation by proper authority, and the instrument was the act of the corporation for the purpose therein stated, (iii) a partnership, the partner or agent acknowledged he signed the instrument on behalf of the partnership by proper authority and he executed the instrument as the act of the partnership for the purposes therein stated, (iv) a person acknowledging as principal by an attorney in fact, he executed the instrument by proper authority as the act of the principal for the purposes therein stated and (v) a person acknowledging as a public officer, trustee, administrator, guardian, or other representative, he signed the instrument by proper authority and he executed the instrument in the capacity and for the purposes therein stated; and (4) that the person taking the acknowledgment either knew or had satisfactory evidence that the person acknowledging was the person named in the instrument or certificate.

**Sec. 1-62.** Statutory short forms of acknowledgment. The forms of acknowledgment set forth in this section may be used and are sufficient for their respective purposes under any law of this state. The forms shall be known as "Statutory Short Forms of Acknowledgment" and may be referred to by that name. The authorization of the forms in this section does not preclude the use of other forms.

(1) For an individual acting in his own right:

State of ....

county of ....

The foregoing instrument was acknowledged before me this (date) by (name of person acknowledged.)

(Signature of person taking acknowledgment)

(Title or rank) (Serial number, if any)

(2) For a corporation:

State of ....

County of ....

The foregoing instrument was acknowledged before me this (date) by (name of officer or agent, title of officer or agent) of (name of corporation acknowledging) a (state or place of incorporation) corporation, on behalf of the corporation.

(Signature of person taking acknowledgment)

(Title or rank) (Serial number, if any)

(3) For a partnership:

State of .... County of ....

The foregoing instrument was acknowledged before me this (date) by (name of acknowledging partner or agent), partner (or agent) on behalf of (name of partnership), a partnership.

(Signature of person taking acknowledgment)

(Title or rank) (Serial number, if any)

(4) For an individual acting as principal by an attorney in fact:

State of ....

County of ....

The foregoing instrument was acknowledged before me this (date) by (name of attorney in fact) as attorney in fact on behalf of (name of principal).

(Signature of person taking acknowledgment)

(Title or rank) (Serial number, if any)

(5) By any public officer, trustee, or personal representative:

State of ....

County of ....

The foregoing instrument was acknowledged before me this (date) by (name and title of position).

(Signature of person taking acknowledgment)

(Title or rank)

(Serial number, if any)

**Sec. 1-63.** Prior acts unaffected. Method additional. A notarial act performed prior to October 1, 1969, is not affected by this chapter. This chapter provides an additional method of proving notarial acts. Nothing in this chapter diminishes or invalidates the recognition accorded to notarial acts by other law or regulations of this state.

**Sec. 1-64.** Uniform interpretation. This chapter shall be so interpreted as to make uniform the laws of those states which enact it.

**Sec. 1-65.** Short title. This chapter may be cited as the Uniform Recognition of Acknowledgments Act.

\* \* \*

**Sec. 3-94a.** Notaries public. Definitions. The following terms, when used in sections 3-94a to 3-95, inclusive, shall have the following meanings unless the context otherwise requires:

(1) "Acknowledgment" means a notarial act in which a notary public certifies that a signatory, whose identity is personally known to the notary public or proven on the basis of satisfactory evidence, has admitted, in the notary public's presence, to having voluntarily signed a document for its stated purpose.

(2) "Copy certification" means a notarial act in which a notary public: (A) Is presented with an original document, (B) copies or supervises the copying of such document using a photographic or electronic copying process, (C) compares the original document presented to the copy, and (D) certifies that the copy is an accurate and complete reproduction of the original document presented, except that a notary public may not complete a copy certification if the original document presented is: (I) A vital record, as defined in section 7-36,

(ii) a document that is required to be recorded by an agent or employee of the state or any political subdivision thereof, or (iii) issued by a federal agency and federal law prohibits the copying of such document.

(3) “Jurat” means a notarial act in which a notary public certifies that a signatory, whose identity is personally known to the notary public or proven on the basis of satisfactory evidence, has made, in the notary public's presence, a voluntary signature and taken an oath or affirmation vouching for the truthfulness of the signed document.

(4) “Notarial act” or “notarization” means any act that a notary public is empowered to perform under the general statutes and includes taking an acknowledgment, administering an oath or affirmation, witnessing or attesting a signature and completing a copy certification.

(5) “Notarial certificate” or “certificate” means the part of, or attachment to, a notarized document to be completed and signed by the notary public.

(6) “Notary public” or “notary” means any person appointed by the Secretary of the State to perform notarial acts.

(7) “Oath” or “affirmation” means a notarial act or part thereof in which a notary public certifies that a person has made a vow in the presence of the notary public on penalty of perjury. In the case of an oath, the vow shall include reference to a Supreme Being unless an affirmation is administered as provided by section 1-23.

(8) “Official misconduct” means (A) a notary public's performance of an act prohibited by the general statutes or failure to perform an act mandated by the general statutes, or (B) a notary public's performance of a notarial act in a manner found to be negligent, illegal or against the public interest.

(9) “Personal knowledge of identity” means familiarity with an individual resulting from interaction with that individual over a period of time sufficient to eliminate any reasonable doubt that the individual has the identity claimed.

(10) “Satisfactory evidence of identity” means identification of an individual based on (A) at least two current documents, one issued by a federal or state government and containing the individual's signature and either a photograph or physical description, and the other by an institution, business entity or state government or the federal government and containing at least the individual's signature, or (B) the oath or affirmation of a credible person who is personally known to the notary public and who personally knows the individual.

(11) “Secretary” means the Secretary of the State.

**Sec. 3-94b.** Appointment and qualification of notary. Application fee. Certificate of appointment. (a) Except as provided in subsection (c) of this section, the secretary of the state may appoint as a notary public any qualified person who submits an application in accordance with this section.

(b) In order to qualify for appointment as a notary public, a person shall:

(1) Be eighteen years of age or older at the time of application;

(2)(a) Be a resident of the state of Connecticut at the time of application and appointment, or (b) have one's principal place of business in the state at the time of application and appointment;

(3) Pass a written examination approved or administered by the secretary;

(4) Submit an application, on a form prescribed and provided by the secretary, which the applicant shall complete in the applicant's handwriting without misstatement or omission of fact. The application shall be accompanied by (A) a nonrefundable application fee of one hundred twenty dollars and (B) the recommendation of an individual who has personally known the applicant for at least one year and is not legally related to the applicant.

(c) The secretary may deny an application based on:

(1) The applicant's conviction of a felony or a crime involving dishonesty or moral turpitude;

(2) Revocation, suspension or restriction of a notary public appointment or professional license issued to the applicant by this state or any other state; or

(3) The applicant's official misconduct, whether or not any disciplinary action has resulted.

(d) Upon approval of an application for appointment as a notary public, the secretary shall cause a certificate of appointment bearing a facsimile of the secretary's signature and countersigned by the secretary's executive assistant or an employee designated by the secretary to be issued to such appointee.

A notary public may obtain a replacement certificate of appointment by filing a written request with the secretary, accompanied by a nonrefundable fee of five dollars.

**Sec. 3-94c.** Term of office of notary. Recording of certificate and oath. (a) A person appointed as a notary public by the secretary of the state may exercise the functions of the office of notary public at any place within the state beginning on the date of such person's appointment and ending five years later on the last day of the month of appointment, unless (1) such appointment as a notary is suspended or terminated by the secretary before the end of such term, (2) the notary resigns such appointment, or (3) the notary ceases to either be a resident of the state or have one's principal place of business in the state.

(b) The secretary may, pursuant to regulations adopted in accordance with the provisions of chapter 54 of the general statutes, extend or reduce, by not more than one year, the term of any person serving as a notary public on the effective date of this act who seeks reappointment after such date, in order for the new term for each such notary to begin on the effective date of the notary's reappointment.

© Within thirty days after receiving a certificate of appointment from the secretary, a notary public shall record, with the town clerk of the municipality in which the notary resides, or, if the notary is not a resident of the state, with the town clerk of the municipality in the state in which the notary's principal place of business is located, such certificate and such notary's oath of office taken and subscribed to by the notary before some proper authority. Any notary public who is a resident of the state and whose principal place of business is in a municipality within the state other than the municipality in which the notary resides, may also record the notary's certificate of appointment and oath of office with the town clerk of such other municipality. Town clerks or assistant town clerks may certify to the authority and official acts of any notary public whose certificate of appointment and oath of office have been recorded in the books in their charge. The failure of a notary public to so record such certificate of appointment and oath of office shall not invalidate any notarial act performed by the notary after the date of such person's appointment as a notary public.

**Sec. 3-94d.** Reappointment of notary. A notary public may apply for reappointment on a form prescribed and provided by the secretary, accompanied by a nonrefundable application fee of sixty dollars, and shall otherwise comply with all requirements for being appointed and serving as a notary public. Not later than ninety

days before the expiration of the term of a notary public, the secretary shall send the notary a notice of the expiration and a reappointment application form.

**Sec. 3-94e.** Appointment of certain state police officers as notaries. (a) The secretary of the state may appoint as notaries public, in accordance with the provisions of sections 1 to 18, inclusive, of this act, any number of state police majors, captains, lieutenants and sergeants. The secretary shall not charge any such person an application fee.

(b) A notary public appointed under this section shall exercise his authority as a notary public only in the administration of oaths and affirmations and the taking of acknowledgments as pertain to official police matters. In such cases the seal of the state police shall be the notarial seal and such notary public shall not charge a fee for such notary's services as a notary public.

(c) Upon terminating employment with the state police, a notary public appointed under this section shall immediately resign as a notary public, in writing. Such resignation shall be effective on the date of such termination of employment.

**Sec. 3-94f.** Prohibitions re lawful transactions. A notary public shall not unreasonably refuse to perform notarial acts in lawful transactions for any requesting person who tenders payment of the statutory fee.

**Sec. 3-94g.** Disqualification of notary. A notary public is disqualified from performing a notarial act if the notary is a signatory of the document that is to be notarized.

**Sec. 3-94h.** Prohibited acts. A notary public shall not (1) perform any official action with intent to deceive or defraud or (2) use the notary's title or seal in an endorsement or promotional statement for any product, service, contest or other offering.

**Sec. 3-94i.** Notary's signature. In completing a notarial act, a notary public shall sign on the notarial certificate only the notary's own name, as it appears on the notary's certificate of appointment.

**Sec. 3-94j.** Official Notarial seal. (a) A notary public, except a state police major, captain, lieutenant or sergeant appointed as a notary public pursuant to section 5 of this act, may keep and use an official notarial seal. Such seal shall not be used by any other person or surrendered to any employer upon termination of the notary's employment.

(b) A notary shall immediately destroy the notary's notarial seal upon resigning as a notary or upon the revocation, lapse or expiration of such person's appointment as a notary.

**Sec. 3-94k.** Notarial certificate. Notarial seal. Stamp. If a notary public utilizes a notarial seal, the notary shall, near the notary's official signature on a notarial certificate, affix an impression of the notarial seal, which shall include: (1) The notary's name exactly as it appears on the notary's certificate of appointment, (2) the words "My commission expires (commission expiration date)", provided the notary may elect to have the words in subdivision (3) appear on a stamp instead of such seal. If the notary does not utilize a notarial seal or stamp, the words "Notary Public" and "My commission expires (commission expiration date)" shall be typed or printed legibly by the notary near the notary's official signature on a notarial certificate.

**Sec. 3-94l.** Liability. (a) A notary public shall be liable to any person for all damages proximately caused to that person by the notary's official misconduct.

(b) An employer of a notary shall be liable to any person for any damages proximately caused to that person by the notary's official misconduct related to the employer's business, if the employer directed, encouraged,

consented to, ratified or approved the notary's official misconduct, either in the particular transaction or, implicitly, by previous actions in at least one similar transaction.

© An employer of a notary shall be liable to the notary for all damages recovered from the notary as a result of official misconduct that was coerced by threat of the employer, if the threat, such as a threat of demotion or dismissal, was made in reference to a particular notarial act, or, implicitly, by the employer's previous actions in at least one similar transaction. The employer shall also be liable to the notary for damages caused to the notary by demotion, dismissal or other action resulting from the notary's refusal to commit official misconduct.

**Sec. 3-94m.** Warning, reprimand, revocation, suspension, resignation. (a) The secretary may deliver a written, official warning and reprimand to a notary, or may revoke or suspend a notary's appointment, as a result of such notary's official misconduct or on any ground for which an application for appointment as a notary may be denied, or for a violation of any provision of the general statutes.

(b) The termination or lapse of an appointment as a notary, regardless of reason, shall not stop or preclude any investigation into such notary's conduct by the secretary, who may pursue any such investigation to a conclusion and issue any finding.

(c) Within thirty days after the resignation, revocation or suspension of a notary's certificate of appointment, the secretary shall notify all town clerks within the state, in such manner as the secretary shall determine, of such resignation, revocation or suspension. The town clerk of any municipality in which such notary's certificate of appointment or replacement certificate of appointment has been recorded shall note the resignation, revocation or suspension, and the effective date thereof, on the original record of such certificate or replacement certificate.

**Sec. 3-94n.** Change of address of notary. Fee. Within thirty days after a change of residence address, a notary public who is a resident of the state shall file with the secretary a signed, written notice which shall include both the old and new addresses. Within thirty days after a change of address of one's principal place of business, a notary public who is not a resident of the state shall file with the secretary a signed, written notice which shall include both the old and new addresses. Such notice shall be accompanied by a nonrefundable fee of fifteen dollars. If the change of address is to a different municipality, the notary shall, within thirty days after issuance of a replacement certificate of appointment by the secretary, record such certificate with the town clerk of the municipality in which the new address is located. The failure of a notary to so record such replacement certificate shall not invalidate any notarial act performed by the notary.

**Sec. 3-94o.** Change name of notary. Fees. (a) Within thirty days after a change in the name of a notary public, the notary shall file a notice of the change with the secretary, on a form prescribed and provided by the secretary. The notice shall state the notary's old and new names and the effective date of the new name, include such proof of the change of name as the secretary shall require, be signed by the notary and be accompanied by a nonrefundable fee of fifteen dollars. The notary shall, within thirty days after the issuance of a replacement certificate of appointment by the secretary, record such certificate with the town clerk of the municipality wherein the notary recorded the notary's original certificate of appointment and oath of office. The failure of a notary to so record such replacement certificate shall not invalidate any notarial act performed by the notary. Any town clerk who is required by statute to make a record of the certificate of appointment and oath of office of a notary shall record the replacement certificate of appointment containing the change of name of the notary upon payment of a fee of fifteen dollar by such notary to the town clerk. (b) Beginning on the date of issuance of such replacement certificate of appointment by the secretary, the notary public shall (1) sign the notary's new name on all notarial certificates and (2) if the notary uses a notarial seal, use only a notarial seal that contains the notary's new name.

**Sec. 3-94p.** Procedure for resignation of notary. (a) A notary public may resign as a notary by filing with the secretary a signed, written notice of resignation which shall indicate the effective date of such resignation.

(b) A notary public who ceases to either reside within the state or have one's principal place of business in the state shall immediately resign as a notary in the manner provided in subsection (a) of this section.

**Sec. 3-94q.** Death of notary. As soon as possible after the death of a notary public, the notary's personal representative shall destroy the notary's official notarial seal, if any, and file a signed, written notice, with the secretary of the state, indicating that the notary public has died and the date of death.

**Sec. 3-95.** Fees of notary. The fee for any act performed by a notary public in accordance with the provisions of the general statutes shall not exceed five dollars plus an additional thirty-five cents for each mile of travel.

\* \* \*

**Sec. 7-62a.** Illegal issuance of certificates. No person other than a registrar of vital statistics or the commissioner of public health shall issue or cause to be issued any certificate or document which is, or purports to be, an original or certified copy of a certificate of birth, death, fetal death or marriage. No person other than such registrar or said commissioner shall certify or purport to certify as a true copy any certificate of birth, death, fetal death or marriage. Any person who violates this section shall be fined not more than one hundred dollars or imprisoned not more than one year or both.

\* \* \*

**Sec. 45a-251.** (Formerly Sec. 45-161). Making and execution of wills. Wills executed outside the state. A will or codicil shall not be valid to pass any property unless it is in writing, subscribed by the testator and attested by two witnesses, each of them subscribing in the testator's presence; but any will executed according to the laws of the state or country where it was executed may be admitted to probate in this state and shall be effectual to pass any property of the testator situated in this state.

## Public Act No. 19-88 • AN ACT CONCERNING REAL ESTATE CLOSINGS

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. (NEW) (Effective October 1, 2019) (a) Notwithstanding any provision of the general statutes, no person shall conduct a real estate closing unless such person has been admitted as an attorney in this state under the provisions of section 51-80 of the general statutes and has not been disqualified from the practice of law due to resignation, disbarment, being placed on inactive status or suspension. For the purposes of this subsection, "real estate closing" means a closing for (1) a mortgage loan transaction, other than a home equity line of credit transaction or any other loan transaction that does not involve the issuance of a lender's or mortgagee's policy of title insurance in connection with such transaction, to be secured by real property in this state, or (2) any transaction wherein consideration is paid by a party to such transaction to effectuate a change in the ownership of real property in this state.

(b) Any person who violates the provisions of subsection (a) of this section shall have committed a violation of subdivision (8) of subsection (a) of section 51-88 of the general statutes and be subject to the penalties set forth in subsection (b) of section 51-88 of the general statutes.

## Appendix C

### Additional Statutory References

#### General Statutes of Connecticut

Sec. 7-33a; 7-34	A Certification of Authority; Fee for recording commission and oath of notary
Sec. 33-239	Notary as officer, trustee or member of an electric cooperative that may take acknowledgment
Sec. 47-5a	Acknowledgment of conveyance of land made before notary
Sec. 52-148a	Depositions, taking of
Sec. 52-148b	Notice of taking of deposition
Sec. 52-148c	Before whom depositions may be taken
Sec. 52-148d	Witnesses to take oath. Party subject to taking of deposition Copies.
Sec. 52-148e	Issuance of subpoena for taking of depositions. Deposition to be used outside of the state
Sec. 52-155	Issuance of subpoena to compel the appearance of a witness before an out-of state commissioner
Sec. 52-262	Fee for signing process, administering oaths, acknowledgments
Sec. 53-368	False certificate as to administration of oath, penalty for
Sec. 53a-156	Perjury
Sec. 53a-157a; 53a-157b	False statements

### **NOTES:**