

Commissioning of Notaries Public in Georgia

Superior court clerks in Georgia wear a lot of hats and perform, in addition to the many court clerical and administrative duties required of them by law, numerous other statutory duties. Commissioning notaries public of the state is a power reserved exclusively for clerks of superior court.

A notary public is a public officer of the state authorized to witness or attest signature or execution of deeds and other written instruments. Additionally, Georgia law authorizes and empowers a notary to perform the following unique duties:

- Take acknowledgments;
- Administer oaths and affirmations in all matters incidental to their duties as commercial officers and all other oaths and affirmations which are not by law required to be administered by a particular officer;
- Witness affidavits upon oath or affirmation;
- Take verifications upon oath or affirmation; and
- Make certified copies, provided that the document presented for copying is an original document and is neither a public record nor a publicly recorded document certified copies of which are available from an official source other than a notary and provided that the document was photocopied under supervision of the notary.

To be eligible for a commission as a notary, an individual must be at least 18 years old, a resident of Georgia, a resident of the county from which he or she seeks to be appointed, and able to read and write the English language. Persons who are residents of a state bordering Georgia and who “carries on a business or a profession” in Georgia may also be commissioned as a notary public by the clerk of superior court of the county in which he or she carries on such profession, business, or employment.

Liberty County residents can obtain an application for appointment as a notary public from the Office of the Clerk of Superior Court (located in the Liberty County Justice Center at 201 South Main Street, Suite 1200, Hinesville) or online at <http://apps.gsccca.org/NotaryApplication>. Persons applying for a commission must complete the application and “swear or affirm” to its truthfulness. Additionally, he or she must submit along with the application endorsements from two persons who are not his or her relatives, who are 18 years of age or older, and who reside in Liberty County, as to the applicant’s integrity, good moral character, and capability to perform notarial acts. The declaration of the applicant must be signed in the presence of commissioned notary public of this state. A fee of \$37.00 is payable to the Clerk of Superior court along with the application.

The clerk has discretion to grant or deny the application. Denials are based on the applicant’s criminal history; restoration, suspension, or restriction of any previous notary commission or professional license issued to the applicant in Georgia or any other state; commission of any act causing the applicant’s ineligibility to serve as a notary, as enumerated in O.C.G.A. § 45-17-5; or a finding that the applicant has in this or any other state engaged in the unauthorized practice of law. An applicant denied a commission, shall, upon demand, be allowed a hearing and adjudication before the clerk of superior court with a right to an appeal to the superior court “without the intervention of a jury.”

If the application is approved, the clerk issues a certificate of appointment to the applicant. The notary is required to procure from an office supply company a seal of office containing his or her name, the words "Notary Public," "State of Georgia" and "Liberty County". The seal may facilitate embossment or may enable the use of a rubber or other type stamp for imprinting the notary's seal.

A notary holds office for four years, with the right to petition the clerk at the end of each term for renewal of the commission. Renewal may be accomplished in person, by mail, or online. at the discretion of the clerk. The Georgia Superior Court Clerks' Cooperative Authority keeps a registry of all commissioned notaries public of the state on its website at <http://search.gsccca.org/notary>.

A notary is prohibited by law from making claims that he or she has powers, qualifications, rights, or privileges that the office of notary does not authorize, including counseling on immigration matters and giving legal advice. A notary who is not an attorney licensed to practice law in Georgia is barred from advertising services as a notary public by radio, television, signs, pamphlets, or any other medium unless the notary states that he or she is not an attorney licensed to practice law and may not give legal advice or accept fees for legal advice.

A notary public is authorized, but not required, by law to charge the following fees for services:

- Administering an oath in any case..... \$2.00
- Each attendance on any person to make proof as a notary public and certifying to same \$2.00
- Every other certificate.... \$2.00

It is illegal for a notary to charge more than \$4.00 for each service performed, which amount shall include a \$2.00 fee for performing the notarial act and a fee of \$2.00 for "attendance to make proof as a notary public and certifying to same." The notary is required prior to performing a notarial act to inform the party requesting his or her notarial services the fees permitted for each act.

Any notary commission may be revoked by the clerk of superior court when the notary violates any provision relative to the duties and powers enumerated in Chapter 17 of Title 45 of the Official Code of Georgia Annotated; when the notary performs any illegal notarial act; when the notary submits an application or endorsement for a notarial commission containing misstatements or omission of facts; when the notary ceases to reside, work, or have a business in this state; or when the notary becomes incapable of reading or writing the English language.

For more information, visit www.libertyco.com/services/NotaryInformation.html.

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