



Department of Financial Institutions
State of Wisconsin

Notary Public Information

Last updated May 2020

Dear Notary Public:

This notary public brochure will help you become familiar with the duties and responsibilities of a notary public. It includes requirements and directions for the commission application, sample jurats and answers to common questions about the role of the notary.

We would also like to recommend that you take the free online notary public educational tutorial course. The tutorial includes specific instructions for and examples of the proper execution of notarial acts, knowledge quizzes and a final assessment exam. These aids are designed to enable you to feel confident in your performance of your duties as a notary public. The tutorial is available online at: www.wdfi.org

Although the brochure and tutorial discuss in detail your duties as a notary, we encourage you to contact Wisconsin Department of Financial Institutions (WDFI) if you have additional questions concerning your responsibilities as a public officer. We are here to assist you in any way that we can.

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General Information

What is a Notary Public?

A notary public is an individual issued an appointment by the Secretary of the Wisconsin Department of Financial Institutions to serve the public as an impartial witness, performing notarial acts as are allowed or required by law.

Who may become a Notary Public in Wisconsin?

Any United States resident who is at least 18 years of age may apply to become a notary public. "Resident" means a person who maintains a permanent dwelling place in the United States and is in fact living in the United States. The notary applicant must have at least the equivalent of an 8th grade education and pass the WDFI notary exam with a score of 90% or better.

A criminal record showing felonies and crimes involving fraud, dishonesty, or violations of public trust may be admissible evidence for purposes of impeaching a witness's character for truthfulness in a court proceeding. Because a notary public must be a credible witness, an applicant's criminal record must be free from offenses that could be used to impeach the notary public's character for truthfulness. A person convicted of such offenses may only be commissioned as a notary public if the applicant is pardoned of the conviction.

How do I become a Notary Public in this State?

You must study and understand the duties and expectations of being a notary public, which are set forth in [Chapter 140 of the Wisconsin Statutes](#) and [Chapter DFI-CCS 25 of the Wisconsin Administrative Code](#). Then, you must complete an application, secure a notary bond for a minimum of \$500 coverage, complete the oath, print the notary exam certificate and submit all forms to the WDFI with the required \$20 fee. You may initiate the application and pay online <https://www.wdfi.org/apps/notary/> or download the applications that are available from http://wdfi.org/Apostilles_Notary_Public_and_Trademarks/forms_Notary.htm.

Does an Attorney become a Notary Public automatically upon qualifying to practice law?

No, attorneys do not become notaries public upon qualifying to practice law in Wisconsin. A United States resident who is an attorney licensed to practice law in Wisconsin who wishes to be a notary must provide a certificate of good standing from the Wisconsin Supreme Court and submit an application to WDFI. In addition to being eligible for a four year commission, an attorney may qualify for a "permanent" commission under §140.02(2), Wis. Stats. for which no bond is required. A permanent commission is valid as long as the attorney remains a United States resident licensed to practice law in Wisconsin. Attorneys seeking a

permanent notary commission should so specify when requesting an application. The completed permanent application and \$50 filing fee should be submitted to the WDFI. Notarial acts may NOT be performed until notice has been received that a notary commission has been issued.

WHO SUPPLIES THAT NOTARY SEAL OR STAMP?

It is your responsibility to provide an engraved official seal or official rubber stamp prior to completing the application form. For supplies, conduct an internet search and/or check with your local office supply store. The seal or stamp may be of any size or shape, but must state the words "Notary Public," "State of Wisconsin," and your name which must include your legal last name. You may use initials, or a shortened first name if you wish, but you must use your current legal last name in full.

WHAT IS REQUIRED IF I HAVE AN ARREST OR CONVICTION RECORD?

Under current law, persons convicted in state or federal court of any felony, or of a misdemeanor involving fraud, dishonesty, or violation of public trust, may not be commissioned as Notaries Public for the State of Wisconsin unless they have been pardoned of the conviction(s). If you have a misdemeanor arrest or conviction record you are required to answer "yes" on the notary application and give a brief explanation, when you apply to become a Notary. Your papers will be reviewed to determine if you are eligible to be granted a Notary commission. If you wish, you may submit your court papers for an eligibility review prior to submitting your application forms. That would save you the cost of buying a bond and seal if you are later found to be ineligible to become a notary public.

HOW LONG WILL MY COMMISSION LAST?

Your notary commission is valid for a period of four years, unless (1) you are licensed to practice law in Wisconsin and obtain a permanent commission, or (2) your commission is revoked prior to the expiration date of the commission.

DO I NEED TO BE BONDED?

A \$500 surety bond is **required for all applicants applying or reapplying for a four-year notary public commission**. The surety bond is an insurance agreement making the surety legally liable to the party who is harmed, for up to \$500 in damages caused by a notary's misconduct or neglect in executing notarial acts.

A "blanket bond" issued for employment purposes does not fulfill this obligation. A separate, specific bond in the amount of \$500 is required by Wisconsin statutes. Once filed with the Wisconsin Department of Financial Institutions, your bond cannot be cancelled and will expire in four years with your notary commission. **If you are sued for misconduct or neglect in your notarial duties, any damages beyond \$500 are**

your personal responsibility.

No bond is required for permanent commissions.

HOW MAY I BE BONDED?

The surety bond must be provided by an insurance/surety company licensed to write surety bonds in the State of Wisconsin. The Wisconsin Department of Financial Institutions cannot provide bonding and cannot recommend companies who sell bonds. You may search the internet and/or find a local bonding company and/or check with your local insurance provider to see if they provide the service.

WHAT IS A NOTARY BONDING AGENCY?

A notary bonding agency is an insurance company or division of any insurance company, licensed to write fidelity insurance in the State of Wisconsin, which specializes in selling notary bonds.

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

The costs of becoming a notary depends on the type of official notarial seal or stamp you purchase and the cost of the surety bond you obtain. Additionally, you must pay a \$20 application filing fee to the Wisconsin Department of Financial Institutions.

WHEN MAY I BEGIN TO PERFORM IN-PERSON NOTARIAL ACTS?

You may begin to perform in-person notarial acts after you have been notified by the Wisconsin Department of Financial Institutions via email or USPS that your commission has been issued. A certificate will be forwarded to the mailing address you list on the application form or emailed. It is very important to indicate a complete and current address on your application to ensure delivery of your certificate.

A notary who is applying for the first time or renewal will usually receive a certificate within two weeks of sending the forms and fee to the Wisconsin Department of Financial Institutions.

WHEN MAY I BEGIN TO PERFORM NOTARIAL ACTS FOR REMOTELY LOCATED INDIVIDUALS?

You may begin to perform notarial acts for remotely located individuals **only after** you have (1) obtained your certificate authorizing you to perform in-person notarial acts; (2) obtain authorization from an approved communication technology provider to use its system for remote online notarization; and (3) become knowledgeable about that provider's system and processes, including completion of any relevant training or instruction modules prepared by the provider. Communication technology providers are approved by WDFI and the Remote Notary Council if they meet security, recordkeeping,

and other standards to ensure the integrity of the notarial process. A list of approved providers is available on the WDFI website.

WHERE MAY I NOTARIZE?

You may perform notarial acts in all counties of the State of Wisconsin, but you must be physically present in the State. This is true regardless of whether the notarization is in-person or remote. (For remote online notarizations, the location of the notary public determines where the notarial act occurs.) A Wisconsin notary public commission is valid in and for the State of Wisconsin only – you may not use your Wisconsin commission to act as a notary public in any other state.

POWERS & LIABILITIES

WHAT EXACTLY IS A NOTARIZATION?

A “notarization” is more precisely called a “notarial act.” “Notarial act” means any act that a notary public is authorized to perform, and includes taking an acknowledgement, administering an oath or affirmation, taking a verification upon oath or affirmation, witnessing or attesting a signature, certifying or attesting a copy of and noting a protest of a negotiable instrument. (Further information and definitions of some important terms are provided in the next section of this manual, entitled “Notarial Acts.”)

WHAT ARE SOME IMPORTANT STEPS IN PERFORMING ALL NOTARIAL ACTS?

Check identification if you don’t know the signer; use the proper ceremony and written certificate language; sign and affix a legible impression of your seal/stamp; and indicate your commission expiration date. It is always advisable to check the document to be sure there are no blanks or incomplete statements. If, for instance, the document has blanks for two persons to sign, but you are witnessing only one signature, cross out and initial the blank line. This could prevent another person from signing it later.

IF THE NOTARIAL ACT CONCERNS A TANGIBLE RECORD, MUST I ALWAYS AFFIX MY OFFICIAL SEAL/STAMP?

Yes. Wisconsin Statutes require all notaries public, including attorneys, to affix their official notarial seal or stamp every time a notarial act regarding a tangible record is performed. This includes records that are transmitted and signed electronically.

MAY I PERFORM NOTARIAL ACTS IN ALL COUNTIES OF WISCONSIN?

Yes. Your notary commission allows you to act as a Notary Public in all counties in the state of Wisconsin.

WHAT DOES ‘COUNTY OF VENUE’ MEAN?

“Venue” is the place where an act is performed. On a notarized document, it shows **the notary’s location when the notarial act took place**, not the county where the notary resides. The venue is usually indicated near the top of a document, as “State of Wisconsin, County of Dane.”

MAY I PERFORM NOTARIAL ACTS IN ANOTHER STATE?

No. As a Wisconsin Notary Public, you may perform notarial acts only when located in the State of Wisconsin.

MAY I PERFORM NOTARIAL ACTS ON A SUNDAY OR HOLIDAY?

Yes. There is no section of the Wisconsin Statutes that makes it unlawful for a notary to act on a Sunday or holiday.

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

No, unless you are an attorney licensed to practice law in Wisconsin. A Notary Public who is not an attorney may not engage in the practice of law – which includes the preparation of legal papers, such as wills, contracts, deeds, powers of attorney, etc.

SHOULD I NOTARIZE A DOCUMENT IN WHICH I OR MY SPOUSE HAS A DIRECT FINANCIAL INTEREST?

No. A notary public may not perform a notarial act with respect to a record in which the notary or their spouse or domestic partner is a party or has direct beneficial interest. If you do, then the document may be voided.

SHOULD I WITNESS MY OWN SIGNATURE? THAT OF MY SPOUSE?

No. The notarial process is designed to provide an impartial third-party witness to signatures. You are not an impartial third-party witness your own signature, and you’ll generally have a direct beneficial interest in documents signed by your spouse.

SHOULD I NOTARIZE A DOCUMENT THAT IS WRITTEN IN A FOREIGN LANGUAGE?

There is no reference in the Wisconsin Statutes that prohibits you from notarizing a document written in a foreign language. However, if you do not understand the contents of the documents, you are encouraged to find another notary who does understand it, or refer the requestor to a language department, foreign students’ office, or a consulate.

MAY I MAKE A CERTIFIED COPY OF A BIRTH CERTIFICATE?

No. You are strictly prohibited from making copies, certified or uncertified, of “vital records,” which include certificates of birth, death, divorce, annulments, marriage, etc. Never notarize photocopies of vital records that a person may bring you. Preparing or issuing anything that carries the appearance of an original or copy of a vital record could cause you to be fined not more than \$10,000, imprisoned not more than 3 years, or both. Copies of vital records are appropriately obtained from their official custodian: a state or county office of vital records, or similar government records office.

HOW MUCH MONEY CAN I CHARGE?

You may charge no more than \$5 for performing most in-person notarial acts. (Refer to §140.02(9) of the Wisconsin Statutes for further information.) You may charge no more than \$25 for performing notarial acts for remotely located individuals.

NOTARIAL ACTS

There are several specific types of notarial acts; you must know and use the proper ceremony and written certificate for the type of act you are requested to perform.

WHAT IS AN AFFIDAVIT? AN AFFIANT?

An affidavit is a written document made by a person who swears, under oath or affirmation, that the statements in the document are the truth. The person who makes and swears to the affidavit is an affiant.

WHAT IS A JURAT?

“Jurat” is the traditional name used to refer to the notary’s written certificate, which should appear after the signature of a person who has given an oath, or has made a sworn statement. The jurat must be signed and dated contemporaneously when the performance of the notarial act occurs, identify the jurisdiction in which the notarial act is performed, indicate that it is signed by a notarial officer of this State, and include the date of expiration, if any, of the officer's commission.

SHOULD MY JURAT BE ON THE SAME PIECE OF PAPER AS THE AFFIANT’S SIGNATURE?

If possible, yes. If there is not enough room at the end of a document to insert a jurat, you may place it on a separate page and attach it to the sworn statement. When the jurat is not written on the document it applies to, it is advisable to include a statement on the document indicating that the jurat is attached, as well as a statement on the page with the jurat identifying the document to which it is attached.

IS THERE A DIFFERENCE BETWEEN AN OATH AND AN AFFIRMATION?

As a practical matter, no. Both oaths and affirmations are solemn pledges attesting to the truth of given statements. The difference is that an oath requires swearing (and may be understood to call upon a Supreme Being as witness), while an affirmation does not. Both oaths and affirmations are subject to penalties of perjury.

WHAT IS AN ACKNOWLEDGMENT?

An acknowledgement is a formal declaration that a person is signing a document voluntarily and with an understanding of its nature and purpose.

WHAT IS THE DIFFERENCE BETWEEN AN ACKNOWLEDGMENT AND AN OATH?

In an oath or affirmation, a person swears to the truth of statements made. In an acknowledgment, a person is merely confirming that she or he is signing a document voluntarily and with an understanding of its nature and purpose—not whether the statements in the document are true.

MUST I SEE THE PERSON SIGN THE DOCUMENT I'M NOTARIZING?

If the document is an affidavit or other document requiring an oath, you MUST witness them signing it in real time. Check the wording on the jurat (certificate). If the words say “Signed before me...” or “Subscribed and sworn to before me...” then you must witness the person signing the document in real time, either in-person or remotely via an approved communication technology provider. You can't notarize a signature you didn't witness. If the document is already signed, have the person sign again in your presence, above or below the other signature.

If the document is an acknowledgment, the person need not sign in front of you, BUT MUST appear before you and acknowledge execution of the document. The appearance may be in person or remotely via an approved communication technology provider.

NOTARIAL CEREMONIES

TAKING AN ACKNOWLEDGMENT

When a notary completes a certificate of acknowledgement, it will be assumed that the notary has done all of the following:

1. Required that the acknowledging party be in the notary's presence, either in-person or via an approved communication technology provider;
2. Confirmed the party's identity;
3. Determined that the party was competent or capable of executing the record;
4. Determined that the party signed the document knowingly and voluntarily; and
5. Witnessed the acknowledging party actually signing the document, or, if the document was signed previously, has shown the signature to the party, and asked the party to confirm having made the signature knowingly and voluntarily.

There is no specific required language for performing the notary "ceremony" of taking an acknowledgment, but whatever language you use should satisfy the items numbered 1 through 5 listed just above. The following script is an example of ceremonial language which satisfies those requirements:

Notary:

Do you have a form of government ID showing your name and address, and with a picture and signature, that I could use to verify your identity?

Acknowledging Party:

Yes, here's my driver's license.

Notary:

(Examines and returns identification.) Thank you. Please don't put your ID away. I'll need to look at it later. Would you please show me the document you need to have notarized?

Acknowledging Party:

Here.

Notary:

Thank you. In order to certify to your acknowledgment, I am required to make sure that you know what kind of document you are signing, and that you have signed it for the purpose for which it is intended. I am also required to make sure that you are signing of your own free will.

Acknowledging Party:

O.K.

Notary:

So, what kind of document is this?

Acknowledging Party:

It's a deed. (Notary confirms this.)

Notary:

And are you signing it of your own free will, and for the purpose of deeding?

Acknowledging Party:

Yes.

Notary:

Please sign here. (Notary witnesses the signing.) Now, may I please see your ID again? (Notary verifies that signature on document matches the signatures on the ID.)

The Notary then completes an appropriate certificate of acknowledgement, and signs and seals it. The following text in bold type is an example of the language which could be used in a satisfactory certificate of acknowledgement:

**State of Wisconsin
County of Dane**

This instrument was acknowledged before me on May 8, 2020 by Jane Doe.

**(Signed by) John Smith, Notary Public
My commission expires on November 9, 2021.**

[Seal or stamp is then affixed upon certificate.]

Note: All commissioned notaries public, including attorneys, must affix their notary seal or stamp on the notarial certificates they issue. Other notarial officers specifically authorized by statute to perform notarial acts without a notary public commission – such as judges, court commissioners, and county clerks – should state their title, and use their seals of office if they are required to have one.

NOTARIZING A STATEMENT SWORN TO, OR TAKEN UNDER OATH OR AFFIRMATION, AND PROVIDING A “JURAT”

When a notary completes a certificate of acknowledgement, it will be assumed that the notary has done all of the following:

1. Required that the acknowledging party be in the notary’s presence, either in-person or via an approved communication technology provider;
2. Confirmed the party’s identity;
3. Determined that the party was competent or capable of executing the record;
4. Determined that the party signed the document knowingly and voluntarily; and
5. Witnessed the acknowledging party actually signing the document, or, if the document was signed previously, has shown the signature to the party, and asked the party to confirm having made the signature knowingly and voluntarily.

There is no specific required language for performing the notary “ceremony” of taking an acknowledgment, but whatever language you use should satisfy the items numbered 1 through 5 listed just above. The following script is an example of ceremonial language which satisfies those requirements:

Notary:

Do you have a form of government ID showing your name and address, and with a picture and signature, that I could use to verify your identity?

Acknowledging Party:

Yes, here’s my driver’s license.

Notary:

(Examines and returns identification.) Thank you. Please don’t put your ID away. I’ll need to look at it later. Would you please show me the document you need to have notarized?

Acknowledging Party:

Here.

Notary:

Thank you. In order to notarize this document, I will need to have you specifically swear or affirm to me that the statements made in it are true. Are you willing to do that?

Signing Party:

Yes.

Notary:

Would you please raise your right hand?

[If affirmed]: Do you affirm under penalty of perjury that the statements in the document you have asked me to notarize are the truth, the whole truth, and nothing but the truth?

[If sworn]: Do you solemnly swear that the statements in the document you have asked me to notarize are the truth, the whole truth, and nothing but the truth, so help you God?

Party:

Yes, I do.

Notary:

Please sign here. (Notary witnesses the signing.) Now, may I please see your ID again? (Notary verifies that signature on document matches the signatures on the ID.)

The notary then completes that notarization certificate, and signs and seals it. The certificate used on the statement which is signed and sworn to is sometimes referred to as a jurat. The following text in bold type is an example of appropriate language to use in a jurat, or certificate notarizing a signed and sworn statement:

**State of Wisconsin
County of Dane**

This instrument was signed and sworn to before me on May 8, 2020 by Jane Doe.

**(Signed by) John Smith, Notary Public
My commission expires on November 9, 2021.**

[Seal or stamp is then affixed upon certificate.]

Note: All commissioned notaries public, including attorneys, must affix their notary seal or stamp on the notarial certificates they issue. Other notarial officers specifically authorized by statute to perform notarial acts without a notary public commission – such as judges, court commissioners, and county clerks – should state their title, and use their seals of office if they are required to have one.

WHEN A PARTY IS SIGNING A NOTARIZED DOCUMENT IN A REPRESENTATIVE CAPACITY

If a party is signing a notarized document in a representative capacity for another person or entity – for example, a corporation president signing on behalf of a corporation, or a personal representative or executor signing on behalf of an estate –

the notary should specifically have the party confirm that he or she is “duly authorized” to sign on behalf of the person or entity being represented:

Notary:

Are you signing on behalf of ABC Corporation?

Party:

Yes.

Notary:

And have you been duly authorized by the ABC Corporation to sign on its behalf as its President?

Party:

Yes.

(Note:

1. The preceding language confirming that a party is duly authorized to sign in a representative capacity should be added to any of the ceremonies described in this booklet, when appropriate.

2. When a document is signed in a representative capacity, language indicating that should be included in the notary certificate. Proper language to be added to a notary certificate to indicate a “representative” signature may read like the examples below:

This instrument was [acknowledged/signed/sworn/affirmed/attested] before me on May 8, 2020, by Sarah Smith, as the duly authorized executrix of the estate of John Smith.

This instrument was [acknowledged/signed/sworn/affirmed/attested] before me on May 8, 2020, by Robert Jones, as the duly authorized President of the ABC Corporation.

MAINTENANCE

WHAT SHOULD I DO IF I CHANGE MY CONTACT INFORMATION?

You are required to give written notice of any change of contact information (including email address) to the Wisconsin Department of Financial Institutions within 10 days of the change. Keeping your address current will also ensure delivery of your commission expiration notice.

WHAT IF I CHANGE MY NAME?

If you change your name for any reason, **it is strongly suggested that** you purchase a new seal or rubber stamp stating your new name (and the words “State of Wisconsin” and “Notary Public”). Obtain a Address/Name/Seal Change form from the WDFI [http://wdfi.org/Apostilles Notary Public and Trademarks/forms Notary.htm](http://wdfi.org/Apostilles_Notary_Public_and_Trademarks/forms_Notary.htm) . You are

required to complete and submit the Address/Name/Seal change form to the Wisconsin Department of Financial Institutions **PRIOR** to using your new name and seal for notary purposes. For the remainder of your present commission, however, it is permissible to continue to perform notarial acts using a previous name **so long as you continue to sign your name as stated on your seal or rubber stamp**. Do not sign under a new or different name if it does not match the name on your seal or stamp. **For notarization purposes, your signature must always exactly match the name indicated on your official notary seal or stamp.**

Only the name you give and the seal or stamp you provide for filing with Department of Financial Institutions may be used for notarization purposes. No other name, seal, or stamp may be used when performing notarial acts unless the Wisconsin Department of Financial Institutions is notified in writing prior to usage. When you apply for another commission after your current term expires, you may not apply under an old or previous name. Each commission must be applied for and issued in your current legal last name.

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

You may use both a rubber stamp and an engraved seal (embosser) provided that samples of each are on file in the Wisconsin Department of Financial Institutions prior to use. When you order a second seal/stamp, be sure your name is set forth exactly as it appears on your original seal/stamp. Before using the new seal/stamp, send samples to the Wisconsin Department of Financial Institutions along with your signature, commission expiration date, and future date of intended use.

WHAT IF MY NOTARY SEAL IS LOST OR STOLEN?

Notify the Wisconsin Department of Financial Institutions in writing immediately. Then, order a new seal or stamp that has a different appearance than your previous one. When the new seal/stamp is received, send samples to the Wisconsin Department of Financial Institutions before using it. The WDFI will notify you when the new stamp/seal may be used.

CAN MY COMMISSION CERTIFICATE BE REPLACED?

A new certificate may be ordered by submitting a written request and \$10 fee to the Department of Financial Institutions.

MAY THE INFORMATION ON MY FILED APPLICATION AND BOND FORMS BE GIVEN OUT TO THE PUBLIC?

All forms and documents submitted to the Department of Financial Institutions regarding your Notary Public commission are public records and are subject to Wisconsin's Open

Records Law. Any person may have the right to inspect and copy your file upon request. Bonding companies will often obtain the names and addresses of notaries whose commissions are about to expire so they can mail out bond solicitations.

WHAT IS AN “ERRORS AND OMISSIONS” POLICY?

An Errors and Omissions policy is optional insurance that could help you pay legal fees and damages if you are sued for acts taken as a notary public. It's different than your bond, which protects the public (not you). Most companies that sell notary bonds will have Errors and Omissions policies available. Errors and Omissions policies are not filed with the Wisconsin Department of Financial Institutions. Keep them in your own personal records.

AM I REQUIRED TO KEEP A NOTARIAL LOG BOOK?

Keeping a notarial log book, or journal, is not required in Wisconsin, although you are encouraged to do so. Depending on the amount and types of documents you are handling, recording your notarial acts in a journal may prove useful later if you need to recall specifics of a particular case. If you decide to keep a notarial log book, include items such as date and type of notarial act, names and signatures of persons involved, and numbers from identification cards and driver's licenses presented.

IS A NOTARY COMMISSION RENEWED AUTOMATICALLY?

No, but notaries may be reappointed. The Wisconsin Department of Financial Institutions will send notice of an upcoming commission expiration by email or mail. The reappointment procedure is the same as the initial appointment, including the required bond, oath, application, exam certificate showing a rate of 90% or better, an application fee, and arrest and conviction documents, if any.

LEGAL REFERENCES

- [Wisconsin Statutes Chapter 140](#) governs notaries and notarial acts generally
- [Wisconsin Administrative Code Chapter DFI-CCS 25](#) provides additional rules specific to notaries and notarial acts