

A Notary's Guide To Oaths And Affirmations

By Kelle Clarke on May 27, 2015

Updated 5-13-19. An oath or affirmation is a solemn promise with legal consequences that can be made before a Notary. If one of your customers wishes to take an oath or affirmation, here are some tips.

Difference Between An Oath And An Affirmation

While both oaths and affirmations are notarial acts that compel a person to tell the truth, an oath is a solemn, spoken pledge to God or a Supreme Being, while an affirmation is a spoken pledge made on the signer's personal honor with no reference to a higher power. Either is considered acceptable, and the choice is left to the signer.



Administering An Oath Or Affirmation

When [administering an oath or affirmation](#), follow these steps:

1. The person taking the oath or affirmation must be physically present before you. Oaths and affirmations may not be administered remotely by phone or email.
2. The Notary may ask the person to raise their right hand or make another ceremonial gesture before responding, to emphasize the seriousness of the process. While these ceremonial formalities are seldom required by law, they have value in impressing upon your signer the significance of their actions. The Notary then administers the oath or affirmation by asking if the person swears or affirms the truthfulness of their statement. The wording may vary depending on your state (see below).
3. The person taking the oath or affirmation then answers "Yes" or "I do." The person must speak clearly and audibly so the Notary can hear and understand the response.

In **California**, state law provides the following wording for an oath or affirmation, which requires an affirmative answer to one of the two following questions:

For an oath: "Do you solemnly state that the evidence you shall give in this issue (or matter) shall be the truth, the whole truth, and nothing but the truth, so help you God?"

For an affirmation: "Do you solemnly state, under penalty of perjury, that the evidence that you shall give in this issue (or matter) shall be the truth, the whole truth, and nothing but the truth?" (CCP 2094[a]).

Also, when executing a jurat for a signature on a written document, California Notaries must ask for acceptable proof of identity as prescribed under state law (GC 8202[a]).

Texas provides the following oath or affirmation wording for a person taking public office in the state: "I _____ (affiant), do solemnly swear (or affirm) that I will faithfully execute the duties of the office of _____, of the State of Texas, and will to the best of my ability preserve, protect, and defend the Constitution and laws of the United States and of this State (so help me God)."

In states such as **Florida** where oath or affirmation wording is not specified in statute or other guidelines are not provided, the appropriate wording for an oath for a jurat, verification or affidavit may be something like this: "Do you solemnly swear that the statements in this document are true to the best of your knowledge and belief, so help you God?"

Administering An Affirmation

In states that do not require statutory wording, common phrasing for an affirmation for a jurat, verification or affidavit might be: "Do you affirm that the statements in this document are true to the best of your knowledge and belief?"

Tips For Conducting Oaths And Affirmations

- *Never Take Shortcuts:* If the document being notarized requires an oath or affirmation, you must verbally administer it — even if the signer attempts to rush you or avoid it entirely.
- *Ask, Don't Advise:* If a signer is unclear about the difference between an oath and affirmation, you may explain the differences but you cannot legally advise the signer which one to perform; it's his choice.
- *Honor Your Signers' Beliefs:* Since oaths and affirmations are equally legal and acceptable, the Notary should honor the signer's choice and use the appropriate wording and gestures.
- *Speak Clearly:* Make sure the signer responds with a clear "Yes" when you administer the oath or affirmation. Because the signer's answer puts them under penalty of perjury, it's important that the signer's response be clearly understood by the Notary. Nodding, saying "uh-huh" or other ambiguous responses are not appropriate.

- *Take It Seriously:* Some signers — and even some Notaries — make light of the situation, but it's clearly not the best time to crack jokes. Expect professionalism at all times by being an exacting role model.
- *Record It In Your Journal:* If you administer an oath or affirmation, note it carefully in your journal. Once you recognize the basics and have several declarations under your belt, administering them will be a cinch.