

3 Rules For Notaries Giving An Oath To A Signer

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Updated 4-10-18. An oath or affirmation has important legal consequences and should never be treated lightly by Notaries. When someone takes an oath or affirmation before you, always follow these three rules of behavior:

1. Respect individual beliefs and choices.



Depending on personal beliefs, an individual may choose to take an oath (a promise to a higher power) or an affirmation (a promise made on personal honor). Both are equally acceptable. You should ask what the person prefers before proceeding and use appropriate phrasing and gestures for whichever act is appropriate (see #3 below).

2. Do not joke or behave frivolously during the procedure.

An oath or affirmation is a solemn promise to tell the truth and can result in criminal punishment if the oath-taker or affirmant is found to have lied. Always behave professionally and treat the process seriously from beginning to end. If the oath-taker or affirmant does not appear to be taking themselves seriously, remind them that they are making a promise with important consequences.

3. Use appropriate ceremonial gestures.

To impress upon the oath-taker or affirmant the importance of truthfulness, the Notary is encouraged to lend a sense of ceremony and formality to the procedure. During the administration of the oath or affirmation, it's traditional for both the Notary and the person taking the oath or affirmation to raise their right hands, though this is not a legal requirement in most states. If administering the oath, the oath-

taker may place one hand on an appropriate religious text while raising the other in a pledging gesture if the oath-taker wishes. For an affirmation, it is traditional to raise the right hand in a pledging gesture or place the hand over the heart.

Other State Requirements

Individual states may have other rules for oaths and affirmations. For example, a 1992 state attorney general's opinion says that a person taking an oath or affirmation from a **Florida** Notary must be physically present and Florida Notaries may not administer an oath or affirmation by phone. Always check your state laws for any additional requirements when administering an oath or affirmation.