

Identification

When completing a certificate of acknowledgment or a jurat, a notary public is required to certify to the identity of the signer of the document. (Civil Code sections 1185(a), 1189, Government Code section 8202) Identity is established if the notary public is presented with satisfactory evidence of the signer's identity. (Civil Code section 1185(a))

Satisfactory Evidence – “Satisfactory Evidence” means the absence of any information, evidence, or other circumstances which would lead a reasonable person to believe that the individual is not the individual he or she claims to be and (A) identification documents or (B) the oath of a single credible witness or (C) the oaths of two credible witnesses under penalty of perjury, as specified below:

A. **Identification Documents** – The notary public can establish the identity of the signer using identification documents as follows (Civil Code section 1185(b)(3) and (4)):

1. There is reasonable reliance on any one of the following forms of identification, provided it is current or was issued within 5 years:

a. An identification card or driver's license issued by the California Department of Motor Vehicles;

b. A United States passport;

c. An inmate identification card issued by the California Department of Corrections and Rehabilitation, if the inmate is in custody in California state prison;

d. Any form of inmate identification issued by a sheriff's department, if the inmate is in custody in a local detention facility; or

2. There is reasonable reliance on any one of the following forms of identification, provided that it also contains a photograph, description of the person, signature of the person, and an identifying number:

(a) A valid consular identification document issued by a consulate from the applicant's country of citizenship, or a valid passport from the applicant's country of citizenship;

(b) A driver's license issued by another state or by a Canadian or Mexican public agency authorized to issue driver's licenses;

(c) An identification card issued by another state;

(d) A United States military identification card (caution: current military identification cards might not contain all the required information);

(e) An employee identification card issued by an agency or office of the State of California, or an agency or office of a city, county, or city and county in California.

(f) An identification card issued by a federally recognized tribal government.

Note: The notary public must include in his or her journal the type of identifying document, the governmental agency issuing the document, the serial or identifying number of the document, and the date of issue or expiration of the document that was used to establish the identity of the signer. (Government Code section 8206(a)(2)(D))

B. **Oath of a Single Credible Witness** – The identity of the signer can be established by the oath of a single credible witness whom the notary public personally knows. (Civil Code section 1185(b)(1)) The notary public must establish the identity of the credible witness by the presentation of paper identification documents as set forth above. Under oath, the credible witness must swear or affirm that each of the following is true (Civil Code section 1185(b)(1) (A)(i)-(v)):

1. The individual appearing before the notary public as the signer of the document is the person named in the document;

2. The credible witness personally knows the signer;

3. The credible witness reasonably believes that the circumstances of the signer are such that it would be very difficult or impossible for the signer to obtain another form of identification;

4. The signer does not possess any of the identification documents authorized by law to establish the signer's identity; and

5. The credible witness does not have a financial interest and is not named in the document signed.

Note: The single credible witness must sign the notary public's journal or the notary public must indicate in his or her journal the type of identifying document, the identifying number of the document, and the date of issuance or expiration of the document presented by the witness to establish the identity of the witness. (Government Code section 8206(a)(2)(D))

C. **Oaths of Two Credible Witnesses** – The identity of the signer can be established by the oaths of two credible witnesses whom the notary public does not personally know. (Civil Code section 1185(b)(2)) The notary public first must establish the identities of the two credible witnesses by the presentation of paper identification documents as listed above. Under oath, the credible witnesses must swear or affirm under penalty of perjury to each of the things sworn to or affirmed by a single credible witness, as set forth above. (Civil Code sections 1185(b)(2) and 1185(b)(1)(A)(i)-(v))

Note: The credible witnesses must sign the notary public's journal and the notary public must indicate in his or her journal the type of identifying documents, the identifying numbers of the documents, and the dates of issuance or expiration of the documents presented by the witnesses to establish their identities. (Government Code section 8206(a)(2)(E))