

GOVERNMENT OF THE VIRGIN ISLANDS OF THE UNITED STATES
OFFICE OF THE LIEUTENANT GOVERNOR

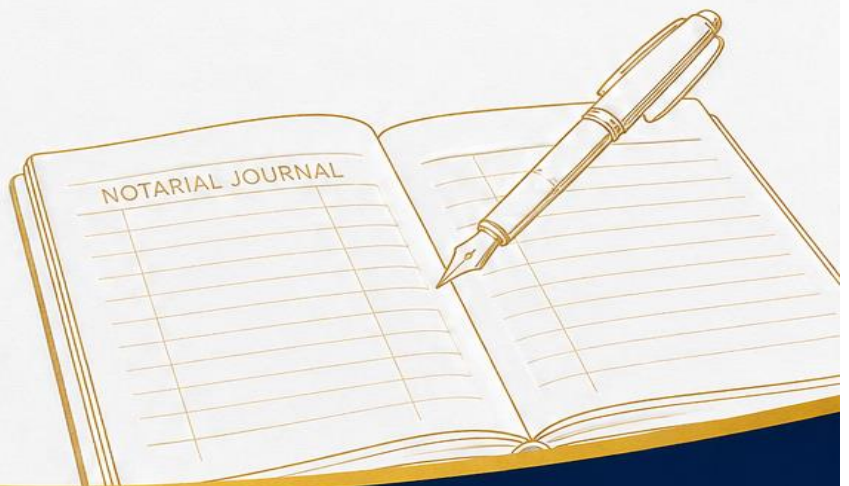
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NOTARIES PUBLIC DIVISION

frequently
asked

QUESTIONS?

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Office of the Lieutenant Governor
Notaries Public Division

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UNITED STATES VIRGIN ISLANDS

Notaries Public Division Frequently Asked Questions

What is a Notary Public?

A responsible person appointed to authenticate the signing of important documents and administer oaths. A Notary Public is an official of integrity commissioned by the state government, typically by the Secretary of State (Lieutenant Governor of the Virgin Islands), to serve the public as an impartial witness in performing a variety of official fraud-deterrent acts related to the signing of important documents. These official duties are known as notarizations or notarial acts.

Glossary of Terms

Acknowledgment: An Act in which a Notary certifies having positively identified a document's signer who personally appeared before the Notary and admitted having signed the document.

Bond: A Notary bond is a written guarantee that money up to a limit will be paid by a surety to a person financially damaged by a Notary's misconduct in the event the Notary fails to do so.

Commission: Authorize to perform notarial acts; written authorization to perform Notary acts that is issued by a state's governor, secretary of state, or other empowering official. This is called an appointment in some states and jurisdictions.

Embosser Seal: A device that creates a raised impression of a notary's seal on paper. A press-like device that imprints a raised image into a paper surface to form a Notary seal.

Inking Seal: A device that imprints ink on paper to form a photocopyable Notary seal.

Journal Entry: Information recorded in a journal describing a particular notarization.

Notarial Act: An official act that a notary public is authorized to perform by statute.

Personal Appearance: Appearing in person, face to face, in the same room with the Notary at the time of the notarization, not before and not after.

Principal: The person who signs the power of attorney to allow the attorney-in-fact to have certain powers to act on behalf of the principal.

Seal of Notary: A Notary seal is an inking or embossing device that imprints the Notary's name, title (Notary Public), and jurisdiction on a notarized document. This may also include information such as the county where the commission and bond are on file, the commission number, and the date of commission expiration.

FREQUENTLY ASKED QUESTIONS

Q. What are the qualifications for a Notary Public?

- A.** To apply for a commission as a notary public in the United States Virgin Islands, certain legal qualifications must be met.
- (1) You must be at least 21 years of age.
 - (2) You must be a U.S. citizen.
 - (3) You must have been a resident of the U.S. Virgin Islands for at least five (5) years preceding your appointment; **NOTE:** Members of the Virgin Islands Bar shall not be required to comply with the five-year residency requirement.
 - (4) You shall be a graduate of an accredited high school or have passed the high school equivalency test; and
 - (5) You shall not have been convicted of any crime either within or outside of the Virgin Islands.

Q. Where can I obtain an application?

- A.** Applications may be obtained online at ltg.gov.vi

Q. What documents are required to support the application?

- A.**
- (1) Completed application package
 - (2) Two letters of character reference
 - (3) A Certificate of Good Standing (required for attorneys only)
 - (4) Submittal of insurance or surety bonds
 - (5) Evidence of United States Citizenship with photo identification
 - (6) Police record check from the United States Virgin Islands Police Department and a certified Criminal Background check

Q. What are the fees?

A. By law, the **Office of the Lieutenant Governor** is authorized to charge a **\$100.00 fee** for new notary commissions and a **\$75.00 fee** for renewal commissions. In addition, each commissioned notary public must also pay an annual fee of **\$25.00 due on January 1st of each year**. Applicants should be aware that additional fees apply for the notary bond, embossing seal, and blue ink stamp. These costs are determined by the respective insurance or bonding companies and office supply vendors and are **not payable to the Office of the Lieutenant Governor**.

Q. What kind of bond do I need?

- A. The law requires a **\$5,000 Notary Public bond** from an insurance or bonding company, or a surety bond guaranteed by two (2) resident sureties owning property in the Virgin Islands with at least \$10,000 in unencumbered value. The names of the sureties listed on the bond must be different from the applicant's name, and each surety must be the sole titled owner of their property. If a surety's property is held in more than one name, then all record owners must sign the surety bond as joint sureties for that property.

Q. Should I buy an Errors and Omissions (E&O) policy?

- A. The law does not require the purchase of an Errors and Omissions (E&O) insurance policy. This type of policy protects the Notary Public by covering legal fees and costs that may arise if the notary is sued for an unintentional mistake or omission. Purchasing this coverage is optional and left to the discretion of the notary.

Q. How soon may I begin to notarize documents?

- A. The law requires a **\$5,000 Notary Public bond** from an insurance or bonding company, or a surety bond guaranteed by two (2) resident sureties owning property in the Virgin Islands with at least \$10,000 in unencumbered value. The names of the sureties listed on the bond must be different from the applicant's name, and each surety must be the sole titled owner of their property. If a surety's property is held in more than one name, then all record owners must sign the surety bond as joint sureties for that property.

Q. How soon may I begin to notarize documents?

- A. Upon completion of the processing of your properly filed application by the Office of the Lieutenant Governor, your Notary Bond is sent to the Supreme Court of the Virgin Islands for approval by the Presiding Judge. Once the Court notifies the Office of the Lieutenant Governor that the bond has been approved, the commission certificates are prepared for the Lieutenant Governor's signature. After you have received your new notarial instruments and submitted your signed Notary Oath, an approval letter will be sent to you via email. Congratulations!

Q. Is there any ongoing educational training available for notaries?

A. To ensure confidence and competence in your notarial duties, it is highly recommended that you register for a notary public “Back to Basics 101” class offered by the division. This training helps reinforce best practices and updates you on any procedural changes.

In summary, the path to becoming a notary public in the Virgin Islands is carefully structured to protect both the public and the notary. With approval from the Supreme Court and the Lieutenant Governor, followed by proper oath-taking and education, you will be fully prepared to serve your community with integrity and professionalism.

Q. What specifications are required for a Notary Public seal?

A. Virgin Islands law requires that you use an **impression seal** and a **blue ink stamp** with your official name style, as notary public, the expiration date of your commission, and the judicial district in which you reside. Virgin Islands law requires that a Notary Public use both an **impression seal** and a **blue ink stamp**. The seal and stamp must include your official name, the designation “Notary Public”, the expiration date of your commission, and the judicial district in which you reside.

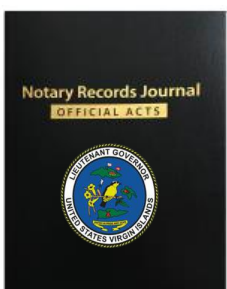
Q. What is required to appear on a Notary Public seal?

A. The embossing seal must include the following:

- Your official notary name
- The words “Notary Public”, (NP No.)
- Your judicial district: St. Croix (STX) or St. Thomas/St. John (STT/STJ)
- United States Virgin Islands (USVI)
- The phrase “My Commission Expires on (MM/DD/YYYY)”

Q. What is a commission?

A. A commission is the official document issued by the Office of the Lieutenant Governor that designates you as a Notary Public in the Virgin Islands. It bears the Office of the Lieutenant Governor’s official seal and includes a letter of appointment specifying the notary’s name, commission details, and expiration date.



Notary Journal/Journal Entry/ Record Journal
Effective period of my commission?

Q. What is the effective period of my commission?

- A. All notary commissions are valid for a period of **four years** from the date of issuance. Commissions issued to Government Notaries, however, expire at the pleasure of the Lieutenant Governor.

Q. What is the process for renewing my commission?

- A. Renewal of your notary commission requires submission of a completed application package, accessible online at **ltg.gov.vi**, within 60 days of the expiration date. Applicants who are members of the Virgin Islands Bar are not required to provide a police record check, but must include a **Certificate of Good Standing** from the Virgin Islands Bar Association.

Note: The responsibility of a notary is not to authenticate the contents of a document but to confirm that the signature was made freely and willingly by the identified individual.

Q. When am I eligible to apply for renewal of my commission?

- A. Renewal applications should be filed within **two months** of your commission's expiration to ensure continuous authorization.

Q. Where can I use my commission? Can I notarize documents in other states?

- A. A Virgin Islands notary commission is valid only in the United States Virgin Islands and the **district in which it was issued**. Other states have their own regulations and legislation for their notaries.

Q. May I notarize my own signature or the signature of relatives?

- A. A notary cannot notarize their own signature. A notary is supposed to be an impartial witness. A notarial officer may not perform a notarial act on a record in which the officer, the officer's spouse, or civil partner is a party or has a direct benefit interest. We recommend that you do not notarize documents for your spouse, grandparents, parents, siblings, nieces, nephews, aunts, uncles, children, or grandchildren.

Q. May I notarize documents with a subject matter in which I have an interest?

- A. The law prohibits notaries from notarizing documents in which they have a financial or personal interest.



**Embossing Stamp/ Embosser Seal/ Notary Seal Stamp/
Impression Seal**

Q. Should I perform notarizations for documents originating from other jurisdictions?

- A. You may notarize documents from other jurisdictions if you and the person seeking notarization are both in the island district where your commission was issued. On the notary certificate or acknowledgment, you must specify the court district of the Virgin Islands where the notarization occurred.

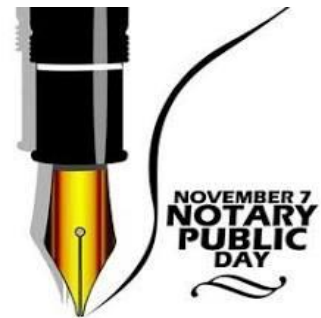
Q. Should Government Notaries notarize documents outside official government business or accept payment?

- A. No. Government Notaries are not permitted to charge a fee for notarizing documents. Their role is limited to administering oaths and affirmations and notarizing documents that relate exclusively to official government activities of the United States or the Virgin Islands.

Q. What information is required to be recorded in my journal?

- A. Every notarization **must be recorded in your journal**, serving as protection against potential legal challenges. By law, you are required to maintain a **memorandum of all official acts**. Each entry should include:

- **Date and time** of the notarization
- **Type of notarization** performed
- **Name(s) of the person(s) notarized**
- **Signature(s) of the person(s)**
- **Address** of the signer(s)
- **Identification number** (e.g., driver's license or other government-issued ID)
- **Any applicable notary fees**



Q. Should a Notary Public draft legal documents?

- A. No. A Notary Public must not prepare legal documents under any circumstances. Their role is strictly limited to notarizing signatures, administering oaths, and performing other official notarial acts. No, a notary should not prepare legal documents under no circumstances.

Q. What forms of identification should I require for a notarization?

- A.** The most reliable forms of identification are those that include both a photograph and a signature. Common examples include a valid driver's license or passport.

Q. Does the notarization require the signer to sign in my presence?

- A.** If the notary certificate states “**Subscribed and sworn/affirmed to before me**”, the document must be signed in your presence. In this case, you are required to administer an oath or affirmation to the person whose signature is being notarized.

For an **acknowledgment**, the document does not need to be signed in your presence. However, the signer must appear before you and acknowledge that they are the individual who signed the document and that the signature is their own.

Q. What should I do if the document has already been signed when presented for notarization?

- A.** If a document has already been signed, you may request that the signer sign it again, either above or below the original signature. Verify the signer's identity by requesting proper identification, and ensure the person signs your notary journal. If you are confident that the individual is the true signer, you may administer the oath or affirmation and complete the notarial certificate.

Note: It is generally not recommended to notarize documents that have already been signed.

Q. My commission expired and I have been notarizing documents. What should I do?

- A.** Immediately cease all notarial acts and refrain from performing any additional notarial acts until your commission is officially renewed. By operating with an expired commission, you are no longer authorized by the Office of the Lieutenant Governor to operate as a public official. This invalidates the notarizations and exposes you to substantial legal and financial liabilities.

Immediate Actions to Take

- **Cease all notarial acts immediately:** Do not notarize any documents until your commission is officially renewed.
- **Notify clients and employers:** If you notarized documents while your commission was expired, inform affected parties so they can take corrective action.
- **Consult with the Notaries Public Division:** Reach out to the appropriate authority to clarify your status and understand the renewal process.
- **Begin the renewal application immediately:** Obtain and submit all required documents, fees, and training to reinstate your commission as soon as possible.



This reference guide is intended to educate and assist notaries public in the Virgin Islands and does not constitute legal advice.

Q. My name has changed since I received my commission. What should I do?

A. If you plan to use your new name, you must apply for an amended commission reflecting the change. Submit a letter to the Office of the Lieutenant Governor along with supporting documents (e.g., marriage certificate, divorce decree, court order changing your name). Send the application and documents to:

Office of the Lieutenant Governor, 5049 Kongens Gade, Charlotte Amalie, St. Thomas 00802

You will also need to:

- Purchase a bond rider to update your Notary Public bond with your new name.
- Obtain a new embossed seal and blue ink stamp.

Once processed, your new commission and certificates with your updated name will be mailed directly to you.

Q. Is there a fee for amending my commission for the name change?

A. There is no fee for issuing an amended commission.

Q. Do I need to inform the Lieutenant Governor's Office if I change my address?

A. You must submit a letter providing your old and new addresses and requesting that your records be updated. Additionally, you are required to execute an affidavit under oath affirming that you continue to meet all eligibility requirements.

Q. How do I resign from my commission as a Notary Public?

- A. To resign your commission, submit a letter of resignation along with your:
- Notarial certificates
 - Notary embossing seal
 - Blue ink stamp
 - All Notarial Journals



Please forward these items to the Office of the Lieutenant Governor at the following address: **5049 Kongens Gade, Charlotte Amalie, St. Thomas, Virgin Islands 00802-6487**



Notary Ink Stamp / Commission Stamp/Self-Inking Stamp/ Style Stamp/Blue Ink Stamp

Q. How do I get a certification verifying my status as a Notary Public?

- A.** Notary Verification Certificates are issued by the Office of the Lieutenant Governor. To obtain a certificate, submit the original document requiring certification to the Office of the Lieutenant Governor in either the St. Croix or St. Thomas District office.

Fee: \$25.00 per certificate, payable via money order or check made out to the Government of the Virgin Islands.

For additional information on Apostille services, please visit ltg.gov.vi.

Q. May a notary public simultaneously serve as both a notary public and a government/ex officio notary?

- A.** No. A Notary Public cannot concurrently serve in both a private and a government/ex-officio notary role.

Quick Note: The **Name** and **Signatures** on the following documents for all notaries **should be the same:** *Notary Application / Notary Bond / Affidavit/ Certification, and Notary's Oath*



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