

MISSISSIPPI CODE OF 1972

**TITLE 25. PUBLIC OFFICERS ANDEMPLOYEES; PUBLIC RECORDS
CHAPTER 7. FEES**

§ 25-7-29. Notaries public.

Notaries public may charge a fee in an amount of not less than Two Dollars (\$2.00) nor more than Five Dollars (\$5.00) for services rendered, including the performance of any of the following duties:

- (a) Protesting bill or note for nonacceptance or nonpayment, and giving notice;
- (b) Registering such protest and making record;
- (c) Attesting letters of attorney and seal;
- (d) Notarial affidavit to an account or other writing and seal;
- (e) Each oath or affirmation and seal;
- (f) Notarial procuration and seal;
- (g) Certifying sales at auction and seal;
- (h) Taking proof of debts to be sent abroad;
- (i) Protest in insurance cases and seal;
- (j) Copy of record and affidavit; or
- (k) Absentee ballot applications and ballots.

SOURCES: Codes, 1880, § 451; 1892, § 2007; Laws, 1906, § 2183; Hemingway's 1917, § 1864; Laws, 1930, § 1794; Laws, 1942, § 3942; Laws, 1996, ch. 432, § 1; Laws, 1998, ch. 411, § 1, eff from and after July 1, 1998.

**TITLE 25. PUBLIC OFFICERS ANDEMPLOYEES; PUBLIC RECORDS
CHAPTER 33. NOTARIES PUBLIC**

§ 25-33-1. Appointment, bond and oath; issuance of new certificate; qualifications [Repealed effective July 1, 2021]

§ 25-33-3. To procure seals; delivery of copy of seal provisions [Repealed effective July 1, 2021].

§ 25-33-5. Register of official acts [Repealed effective July 1, 2021].

§ 25-33-7. Disposal of register and papers [Repealed effective July 1, 2021].

§ 25-33-9. Administering oaths and affirmations; affidavit of notary public [Repealed effective July 1, 2021].

§ 25-33-11. Powers and duties [Repealed effective July 1, 2021].

§ 25-33-13. Affixation of expiration date of commission [Repealed effective July 1, 2021]

§ 25-33-15. Record of protest of bill or note [Repealed effective July 1, 2021].

§ 25-33-17. Ex officio notaries public [Repealed effective July 1, 2021].

§ 25-33-19. Common seal of such officers [Repealed effective July 1, 2021].

§ 25-33-21. Acknowledgment by notary public as stockholder [Repealed effective July 1, 2021].

§ 25-33-23. Notarial acts of commissioned officers of United States armed forces [Repealed effective July 1, 2021].

§ 25-33-25. Notice that a notary public is not an attorney [Repealed effective July 1, 2021].

§ 25-33-27. Prohibited representations or advertising [Repealed effective July 1, 2021].

§ 25-33-29. Exceptions [Repealed effective July 1, 2021].

§ 25-33-31. Compliance [Repealed effective July 1, 2021].

§ 25-33-33. Forms and fees not otherwise provided by law; regulations providing for suspension or revocation of notary commission for misfeasance or malfeasance in office [Repealed effective July 1, 2021]

CHAPTER 34. REVISED UNIFORM LAW ON NOTARIAL ACTS

§ 25-34-1. Short title.

This chapter shall be known and may be cited as the “Revised Mississippi Law on Notarial Acts.”

History

Laws, 2020, ch. 382, § 1, eff from and after July 1, 2021.

§ 25-34-3. Definitions.

As used in this chapter, the following words and phrases have the meanings ascribed in this section unless the context clearly requires otherwise:

(a) “Acknowledgment” means a declaration by an individual in person before a notarial officer that the individual has signed a record for the purpose stated in the record and, if the record is signed in a representative capacity, that the individual signed the record with proper authority and signed it as the act of the individual or entity identified in the record.

(b) “Electronic” means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic or similar capabilities.

(c) “Electronic signature” means an electronic symbol, sound or process attached to or logically associated with a record and executed or adopted by an individual with the intent to sign the record.

(d) “In a representative capacity” means acting as:

(i) An authorized officer, manager, member, agent, partner, trustee or other representative for a person other than an individual;

(ii) A public officer, personal representative, guardian or other representative, in the capacity stated in a record;

- (iii) An agent or attorney-in-fact for a principal; or
- (iv) An authorized representative of another in any other capacity.
- (e) “Notarial act” means an act, whether performed with respect to a tangible or electronic record, that a notarial officer may perform under this chapter and any other law of this state.
- (f) “Notarial officer” means a notary public or other individual authorized to perform a notarial act.
- (g) “Notary public” means an individual commissioned to perform a notarial act by the Secretary of State.
- (h) “Official seal” means a physical image affixed to a tangible record or an electronic image attached to or logically associated with an electronic record.
- (i) “Record” means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.
- (j) “Sign” means, with present intent to authenticate or adopt a record:
 - (i) To execute or adopt a tangible symbol; or
 - (ii) To attach to or logically associate with the record an electronic symbol, sound or process.
- (k) “Signature” means a tangible symbol or an electronic signature that evidences the signing of a record.
- (l) “Stamping device” means:
 - (i) A physical device capable of affixing to a tangible record an official seal; or
 - (ii) An electronic device or process capable of attaching to or logically associating an official seal with an electronic record.
- (m) “State” means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands or any territory or insular possession subject to the jurisdiction of the United States.
- (n) “Verification on oath or affirmation,” formerly known as a jurat, means a declaration, made by an individual on oath or affirmation before a notarial officer, that a statement in a record is true.

History

Laws, 2020, ch. 382, § 2, eff from and after July 1, 2021.

§ 25-34-5. Applicability.

This chapter applies to a notarial act performed on or after July 1, 2021.

History

Laws, 2020, ch. 382, § 3, eff from and after July 1, 2021.

§ 25-34-7. Authorized notarial acts; limitation on performance of notarial acts.

- (1) A notarial officer may perform the following notarial acts:
 - (a) Take acknowledgments;
 - (b) Administer oaths and affirmations;
 - (c) Take verifications on oath or affirmation;
 - (d) Certify depositions of witnesses;
 - (e) Witness or attest signatures;
 - (f) Make or note a protest of a negotiable instrument;
 - (g) Make an affidavit regarding the truth of any witnesses or attested signatures in question along with any corrected language and, if the authenticity or correctness of language affects real property, file the same in the land records in the office of the

chancery clerk where the land is located; and

(h) Any other acts so authorized by the law of this state.

(2) A notarial officer may not perform a notarial act when the officer:

(a) Is a party to the record being notarized;

(b) Is a spouse, child, sibling, parent, grandparent, grandchild, aunt or uncle, or niece or nephew, including a son or daughter-in-law, a mother or father-in-law, a stepchild or stepparent, or a half-sibling, of the person whose signature is being notarized or the person taking a verification on oath or affirmation from the officer; or

(c) Will receive as a direct result any commission, fee, advantage, right, title, beneficial interest, cash, property or other consideration exceeding in value the fees required by rules established by the Secretary of State.

(3) A notarial officer is not disqualified from performing a notarial act by virtue of his or her profession when the officer:

(a) Is an employee performing a notarial act on behalf of, or which benefits, the employer;

(b) Is an attorney who maintains an attorney-client relationship with the person whose signature is the subject of the notarial act; or

(c) Is a shareholder of a corporation or member of a limited liability company which is a party to a record that is the subject of the notarial act.

(4) A notarial act performed in violation of subsection (2) is voidable.

History

Laws, 2020, ch. 382, § 4, eff from and after July 1, 2021.

§ 25-34-9. Fees for notarial services.

A notarial officer may charge a fee in an amount not to exceed Five Dollars (\$5.00) for services rendered unless otherwise prohibited by law or by rules promulgated by the Secretary of State.

History

Laws, 2020, ch. 382, § 5, eff from and after July 1, 2021.

§ 25-34-11. Personal knowledge of or satisfactory evidence of identity of person before notarial officer required.

(1) A notarial officer who takes an acknowledgment of a record, takes a verification of a statement on oath or affirmation (jurat), or witnesses or attests to a signature, must determine, from personal knowledge or satisfactory evidence of the identity of the individual, that the individual appearing in person before the officer has the identity claimed and that the signature on the record is the signature of the individual.

(2) A notarial officer who makes or notes a protest of a negotiable instrument must determine the matters set forth in Section 75-3-505(b).

History

Laws, 2020, ch. 382, § 6, eff from and after July 1, 2021.

§ 25-34-13. Personal knowledge of identity and satisfactory evidence of identity of individual appearing before officer defined.

(1) A notarial officer has personal knowledge of the identity of an individual appearing before the officer if the individual is known personally to the officer through dealings sufficient to provide reasonable certainty that the individual has the identity claimed.

(2) A notarial officer has satisfactory evidence of the identity of an individual appearing before the officer if the officer can identify the individual by means of inspecting:

(a) An unexpired passport, an unexpired driver's license or a driver's license that has not been expired for more than five (5) years, a government-issued nondriver identification card, a Mississippi voter ID card or an unexpired photographic identification card issued by a federally recognized Indian tribe or nation; or

(b) Another form of government identification issued to an individual which is not expired, contains the signature and a photograph of the individual, and is satisfactory to the officer.

(3) A notarial officer may require an individual to provide additional information or identification credentials necessary to assure the officer of the identity of the individual.

History

Laws, 2020, ch. 382, § 8, eff from and after July 1, 2021.

§ 25-34-15. Physical presence required for person making statement in or executing signature on record.

If a notarial act relates to a statement made in or a signature executed on a record, the individual making the statement or executing the signature must appear physically in person before the notarial officer at the time of the notarial act.

History

Laws, 2020, ch. 382, § 7, eff from and after July 1, 2021.

§ 25-34-17. Refusal by notarial officer to perform notarial act.

(1) A notarial officer may refuse to perform a notarial act if the officer knows or suspects the transaction is illegal, false or deceptive, or if the officer is not satisfied that:

(a) The individual executing the record is competent;

(b) The individual executing the record has the capacity to execute the record;

(c) The individual's signature is knowingly and voluntarily made; or

(d) The notarial act is in compliance with this chapter or with rules issued by the Secretary of State to implement this chapter.

(2) A notarial officer may refuse to perform a notarial act unless refusal is prohibited by any law other than this chapter.

(3) A notary may not be required to perform a notarial act outside the notary's regular workplace or business hours.

History

Laws, 2020, ch. 382, § 9, eff from and after July 1, 2021.

§ 25-34-19. Individual physically unable to sign a record may direct another to sign on individual's behalf.

If an individual is physically unable to sign a record, the individual may direct an individual other than the notarial officer to sign the individual's name on the record. The notarial officer shall insert "Signature affixed by (name of other individual) at the direction of (name of individual)" or words of similar import.

History

Laws, 2020, ch. 382, § 10, eff from and after July 1, 2021.

§ 25-34-21. Persons who may perform notarial acts.

(1) A notarial act may be performed in this state by:

(a) A notary public of this state;

(b) An elected judge, a clerk or deputy clerk of a court of this state; or

(c) The Mississippi Secretary of State or a Mississippi Assistant Secretary of State.

(2) The signature and title of an individual performing a notarial act in this state are prima facie evidence that the signature is genuine and that the individual holds the designated title.

(3) The signature and title of a notarial officer described in subsection (1) conclusively establish the authority of the officer to perform the notarial act.

History

Laws, 2020, ch. 382, § 11, eff from and after July 1, 2021.

§ 25-34-23. Effect of notarial act performed in another state.

(1) A notarial act performed in another state has the same effect under the law of this state as if performed by a notarial officer of this state, if the act performed in that state is performed by:

(a) A notary public of that state;

(b) A judge, a clerk or a deputy clerk of a court of that state; or

(c) Any other individual authorized by the law of that state to perform the notarial act.

(2) The signature and title of an individual performing a notarial act in another state is prima facie evidence that the signature is genuine and that the individual holds the designated title.

(3) The signature and title of a notarial officer described in subsection (1)(a) or (b) conclusively establish the authority of the officer to perform the notarial act.

History

Laws, 2020, ch. 382, § 12, eff from and after July 1, 2021.

§ 25-34-25. Effect of notarial act performed under authority and in jurisdiction of federally recognized Indian tribe.

(1) A notarial act performed under the authority and in the jurisdiction of a federally recognized Indian tribe has the same effect under the laws of this state as if performed by a notarial officer of this state, if the act performed in the jurisdiction of the tribe is performed by:

(a) A notary public authorized by the tribe;

(b) A judge, a clerk or a deputy clerk of a court of that tribe; or

(c) Any other individual authorized by the law of the tribe to perform the notarial act.

(2) The signature and title of an individual performing a notarial act under the authority of and in the jurisdiction of a federally recognized Indian tribe is prima facie evidence that the signature is genuine and that the individual holds the designated title.

(3) The signature and title of a notarial officer described in subsection (1)(a) or (b) conclusively establish the authority of the officer to perform the notarial act.

History

Laws, 2020, ch. 382, § 13, eff from and after July 1, 2021.

§ 25-34-27. Effect of notarial act performed under federal law.

(1) A notarial act performed under federal law has the same effect under the laws of this state as if performed by a notarial officer of this state, if the act performed under federal law is performed by:

(a) A judge, clerk or deputy clerk of a court;

(b) An individual in military service or performing duties under the authority of military service who is authorized to perform notarial acts under federal law;

(c) An individual designated a notarizing officer by the United States Department of State for performing notarial acts overseas; or

(d) Any other individual authorized by federal law to perform the notarial act.

(2) The signature and title of an individual acting under federal authority and performing a notarial act are prima facie evidence that the signature is genuine and that the individual holds the designated title.

(3) The signature and title of an officer described in subsection (1)(a), (b) or (c) conclusively establish the authority of the officer to perform the notarial act.

History

Laws, 2020, ch. 382, § 14, eff from and after July 1, 2021.

§ 25-34-29. Effect of notarial act performed under authority and in jurisdiction of foreign state.

(1) In this section, “foreign state” means a government other than the United States, a state of the United States or a federally recognized Indian tribe.

(2) If a notarial act is performed under authority and in the jurisdiction of a foreign state or constituent unit of the foreign state or is performed under the authority of a multinational or international governmental organization, the act has the same effect under the law of this state as though performed by a notarial officer of this state.

(3) If the title of office and indication of authority to perform notarial acts in a foreign state appears in a digest of foreign law or in a list customarily used as a source for that information, the authority of an officer with that title to perform notarial acts is established conclusively.

(4) The signature and official seal of an individual holding an office described in subsection (3) are prima facie evidence that the signature is genuine and the individual holds the designated title.

(5) An apostille in the form prescribed by the Hague Convention of October 5, 1961, and issued by a foreign state party to the Convention conclusively establishes that the signature of the notarial officer is genuine and that the officer holds the indicated office.

(6) A consular authentication issued by an individual designated by the United States Department of State as a notarizing officer for performing notarial acts overseas and attached to the record with respect to which the notarial act is performed conclusively establishes that the signature of the notarial officer is genuine and that the officer holds the indicated office.

History

Laws, 2020, ch. 382, § 15, eff from and after July 1, 2021.

§ 25-34-31. Notarial act to be evidenced by certificate; certificate requirements; sufficiency of certificate.

(1) A notarial act must be evidenced by a certificate. The certificate must:

(a) Be executed contemporaneously with the performance of the notarial act;

(b) Be signed and dated by the notarial officer and, if the notarial officer is a notary public, be signed in the same manner as on file with the Secretary of State;

(c) Identify the jurisdiction in which the notarial act is performed;

(d) Contain the title of office of the notarial officer; and

(e) If the notarial officer is a notary public, indicate the date of expiration of the notary public’s commission.

(2) If a notarial act regarding a tangible record is performed by a notary public, the notary public’s official seal must be affixed to the certificate. If a notarial act is

performed regarding a tangible record by a notarial officer other than a notary public and the certificate contains the information specified in subsection (1)(b), (c) and (d), the notarial officer's official seal may be affixed to the certificate. If a notarial act regarding an electronic record is performed by a notarial officer and the certificate contains the information specified in subsection (1)(b), (c) and (d), the notarial officer's official seal may be attached to or logically associated with the certificate.

(3) The party drafting a record that is the subject of a notarial act is responsible for the form of the certificate, its wording and legal sufficiency. A notary public is not required to draft, edit or amend a certificate where the record presented does not contain an acceptable certificate; instead, the notary must refuse to perform the notarial act with respect to the record.

(4) A certificate of a notarial act is sufficient if it meets the requirements of subsections (1) and (2) and:

(a) Is in a form otherwise permitted by the law of this state;

(b) Is in a form permitted by the law applicable in the jurisdiction in which the notarial act was performed; or

(c) Sets forth the actions of the notarial officer and the actions are sufficient to meet the requirements of the notarial act as provided in Sections 25-34-7, 25-34-9, 25-34-11 and 25-34-15 or any law of this state other than this chapter.

(5) By executing a certificate of a notarial act, a notarial officer certifies that the officer has complied with the requirements and made the determinations specified in Sections 25-34-7, 25-34-9, 25-34-11 and 25-34-15.

(6) A notarial officer may not affix the officer's signature to, or logically associate it with, a certificate until the notarial act has been performed.

(7) If a notarial act is performed regarding a tangible record, a certificate must be part of, or securely attached to, the record. If a notarial act is performed regarding an electronic record, the certificate must be affixed to, or logically associated with, the electronic record. If the Secretary of State has established standards under Section 25-34-39 for attaching, affixing or logically associating the certificate, the process must conform to those standards.

(8) The signature of a notarial officer certifying a notarial act may not be deemed evidence to show that the notarial officer had knowledge of the contents of the record so signed, other than those specific contents which constitute the signature, execution, acknowledgment, oath, affirmation, affidavit, verification or other act which the signature of that notarial officer chronicles.

History

Laws, 2020, ch. 382, § 16, eff from and after July 1, 2021.

§ 25-34-33. Official notary public seal to be procured by every commissioned notary public and provided by every county board of supervisors; destruction of seal upon death or adjudication of incompetency of notary public.

(1) Every notary public appointed and commissioned must procure, at his own expense, a suitable official seal. The official seal of a notary public must:

(a) Include the notary public's name, jurisdiction, commission expiration date and other information required by the Secretary of State; and

(b) Be capable of being copied together with the record to which it is affixed or attached or with which it is logically associated.

(2) The board of supervisors of every county must provide an official seal, with the inscription “notary public” around the margin and the image of an eagle in the center, which official seal must be kept in the office of the clerk of the circuit court. A judge, chancellor, clerk or deputy clerk of a court of this state, the Mississippi Secretary of State or an Assistant Secretary of State of this state may use the official seal to perform a notarial act under Section 25-34-19(1)(b) or (c).

(3) On the death or adjudication of incompetency of a current or former notary public, the notary public’s personal representative or guardian or any other person knowingly in possession of the official seal shall destroy or deface, as soon as reasonably practicable, all official seals of the notary public so that they may not be misused.

History

Laws, 2020, ch. 382, § 17, eff from and after July 1, 2021.

§ 25-34-35. Security of notary public’s stamping device.

(1) A notary public is responsible for the security of the notary public’s stamping device and may not allow another individual to use the device to perform a notarial act. On resignation from, or the revocation or expiration of, the notary public’s commission, or on the expiration of the date set forth in the stamping device, if any, the notary public must disable the stamping device by destroying, defacing, damaging, erasing or securing it against use in a manner that renders it unusable. On the death or adjudication of incompetency of a notary public, the notary public’s personal representative or guardian or any other person knowingly in possession of the stamping device must render it unusable by destroying, defacing, damaging, erasing or securing it against use in a manner that renders it unusable.

(2) If a notary public’s stamping device is lost or stolen, the notary public or the notary public’s personal representative or guardian must notify promptly the Secretary of State upon discovery that the device is lost or stolen.

History

Laws, 2020, ch. 382, § 18, eff from and after July 1, 2021.

§ 25-34-37. Maintenance of journal by notary public chronicling all notarial acts; performance of notarial act and entry must be contemporaneous; entry information.

(1) A notary public must maintain a journal in which the notary public chronicles all notarial acts that the notary public performs.

(2) A journal must be created on a tangible or electronic medium. A notary public shall maintain only one (1) journal at a time to chronicle all notarial acts, whether those notarial acts are performed regarding tangible or electronic records. If the journal is tangible, it must be a permanent, bound register with numbered pages. An electronic journal must conform to specifications set forth in rules by the Secretary of State.

(3) An entry in a journal must be made contemporaneously with performance of the notarial act and contain the following information:

- (a) The date and time of the notarial act;
- (b) A description of the record, if any, and type of notarial act;
- (c) The full name and address of each individual for whom the notarial act is performed;
- (d) If identity of the individual is based on personal knowledge, a statement to that effect;
- (e) If identity of the individual is based on satisfactory evidence, a brief description of the method of identification and the identification credential presented, if any, including

the date of issuance and expiration of any identification credential;

(f) The address where the notarial act was performed if not the notary's business address; and

(g) The fee, if any, charged by the notary public.

(4) If the journal of notary public is lost or stolen, the notary public must notify promptly the Secretary of State upon discovery that the journal is lost or stolen.

(5) On resignation from, or the revocation or suspension of, a notary public's commission, the notary public must deposit all journal records with the circuit clerk of the county of residence of the notary public.

(6) Upon the death or adjudication of incompetency of a current or former notary public, the notary public's personal representative or guardian or any other person knowingly in possession of the journal shall:

(a) Notify the Secretary of State of the death or adjudication in writing; and

(b) Within thirty (30) days of death or adjudication of incompetency, transmit all journal records to the circuit clerk of the county of residence of the notary public.

History

Laws, 2020, ch. 382, § 19, eff from and after July 1, 2021.

§ 25-34-39. Notarial acts with respect to electronic records.

(1) A notary public may perform a notarial act with respect to electronic records pursuant to this chapter.

(2) The Secretary of State has the sole power to determine the methods by which notarial acts with respect to electronic records may be implemented in this state. Those methods must be set forth in rules promulgated by the Secretary of State.

(3) A notary public seeking to perform notarial acts with respect to electronic records must file an additional registration with the Secretary of State subsequent to being granted a notary commission.

History

Laws, 2020, ch. 382, § 20, eff from and after July 1, 2021.

§ 25-34-41. Qualifications of applicant for commission as notary public; oath of office; surety bond; term of commission; authority provided by commission.

(1) An individual qualified under subsection (2) may apply to the Secretary of State for a commission as a notary public. The applicant must comply with and provide the information required by rules established by the Secretary of State and pay any application fee.

(2) An applicant for a commission as a notary public must:

(a) Be at least eighteen (18) years of age;

(b) Be a citizen or permanent legal resident of the United States;

(c) Be a resident of Mississippi for not less than thirty (30) days immediately preceding the date of the application;

(d) Be able to read and write English;

(e) Not be disqualified to receive a commission under Section 25-34-43; and

(f) Meet such other requirements as the Secretary of State may establish by rule.

(3) Before issuance of a commission as a notary public, an applicant for the commission must execute the oath of office prescribed by Section 268 of the Constitution and submit it to the Secretary of State.

(4) Before issuance of a commission as a notary public, the applicant for a commission

must submit to the Secretary of State an assurance in the form of a surety bond or its functional equivalent in the amount of Five Thousand Dollars (\$5,000.00) pursuant to the rules set forth by the Secretary of State. The assurance must be issued by a surety or other entity licensed by the Mississippi Department of Insurance. The assurance must cover acts performed during the term of the notary public's commission and must be in the form prescribed by the Secretary of State. If a notary public violates a law with respect to notaries public in this state, the surety or issuing entity is liable under the assurance. The surety or issuing entity must give thirty (30) days' notice to the Secretary of State before canceling the assurance. The surety or issuing entity must notify the Secretary of State not later than thirty (30) days after making a payment to a claimant under the assurance. A notary public may perform notarial acts in this state only during the period that a valid assurance is on file with the Secretary of State.

(5) On compliance with this section, the Secretary of State shall issue a commission as a notary public to an applicant for a term of four (4) years.

(6) A commission to act as a notary public authorizes the notary public to perform notarial acts. The commission does not provide the notary public any immunity or benefit conferred by the laws of this state on public officials or employees.

History

Laws, 2020, ch. 382, § 21, eff from and after July 1, 2021.

§ 25-34-43. Denial, refusal to renew, revocation, suspension or imposition of condition on commission for certain reasons; appeal.

(1) The Secretary of State may deny, refuse to renew, revoke, suspend or impose a condition on a commission as notary public for any act or omission that demonstrates the individual lacks the honesty, integrity, competence or reliability to act as a notary public, including:

(a) Failure to comply with this chapter;

(b) A fraudulent, dishonest or deceitful misstatement or omission in the application for a commission as a notary public submitted to the Secretary of State;

(c) A conviction of any felony, including a plea of nolo contendere, of the applicant or notary public, unless released from incarceration more than ten (10) years before the commission is to take effect or, if no incarceration is ordered, more than ten (10) years from the conviction date have passed;

(d) A conviction, including a plea of nolo contendere, of the applicant or notary public for any crime determined by the Secretary of State to be of a nature incompatible with the duties of a notary public;

(e) Failure by the notary public to discharge any duty required of a notary public, whether required by this chapter, rules of the Secretary of State or any federal or state law;

(f) Use of false or misleading advertising or representation by the notary public representing that the notary has a duty, right or privilege that the notary does not have;

(g) Violation by the notary public of a rule of the Secretary of State regarding a notary public;

(h) Denial, refusal to renew, revocation, suspension or conditioning of a notary public commission in another state;

(i) Failure of the notary public to maintain an assurance as provided in Section 25-34-41(4); or

(j) Failure to maintain and protect the notary's journal as required by this chapter and any rules promulgated by the Secretary of State under this chapter.

(2) If the Secretary of State denies, refuses to renew, revokes, suspends or imposes conditions on a commission as a notary public, the applicant or notary public is entitled to file an appeal in proper form with the Secretary of State within forty-five (45) days after the Secretary of State's action, except that an applicant may not appeal when the Secretary of State, within five (5) years preceding the application, has:

(a) Denied or revoked for disciplinary reasons any previous application, commission or license of the applicant; or

(b) Made a finding under this chapter that the grounds for revocation of the applicant's commission existed.

(3) The authority of the Secretary of State to deny, refuse to renew, suspend, revoke or impose conditions on a commission as a notary public does not prevent a person from seeking and obtaining other criminal or civil remedies provided by law.

History

Laws, 2020, ch. 382, § 22, eff from and after July 1, 2021.

§ 25-34-45. Electronic database of notaries public.

The Secretary of State must maintain an electronic database of notaries public:

(a) Through which a person may verify the authority of a notary public to perform notarial acts; and

(b) Which indicates whether a notary public has notified the Secretary of State that the notary public will be performing notarial acts on electronic records.

History

Laws, 2020, ch. 382, § 23, eff from and after July 1, 2021.

§ 25-34-47. Limitation on authorization provided by commission as notary public; certain restrictions; penalties for violation.

(1) A commission as a notary public does not authorize an individual to:

(a) Assist persons in drafting legal records, give legal advice or otherwise practice law;

(b) Act as an immigration consultant or an expert on immigration matters;

(c) Represent a person in a judicial or administrative proceeding relating to immigration to the United States, United States citizenship or related matters; or

(d) Receive compensation for performing any of the activities listed in this subsection.

(2) A notary public may not engage in false or deceptive advertising.

(3) A notary public who is not an attorney licensed to practice law in this state may not use the term "notario" or "notario publico."

(4) A notary public who is not an attorney licensed to practice law in this state may not advertise or represent that the notary public may assist persons in drafting legal records, give legal advice or otherwise practice law. If a notary public who is not an attorney licensed to practice law in this state in any manner advertises or represents that the notary public offers notarial services, whether orally or in a record, including broadcast media, print media and the Internet, the notary public must include the following statement, or an alternate statement authorized or required by the Secretary of State, in the advertisement or representation, prominently and in each language used in the advertisement or representation: "I am not an attorney licensed to practice law in this state. I am not allowed to draft legal records, give advice on legal matters, including immigration, or charge a fee for those activities." If the form of advertisement or representation is not broadcast media,

print media or the Internet and does not permit inclusion of the statement required by this subsection because of size, it must be displayed prominently or provided at the place of performance of the notarial act before the notarial act is performed.

(5) Except as otherwise allowed by law, a notary public may not withhold access to or possession of an original record provided by a person that seeks performance of a notarial act by the notary public.

(6) Failure to comply with subsections (1) through (5) constitutes an unfair or deceptive act under Section 75-24-5.

(7) A person who knowingly and willfully violates subsections (1) through (5) is guilty of a misdemeanor, and upon conviction, shall be fined in an amount not to exceed One Thousand Dollars (\$1,000.00).

(8) Upon a second conviction of any person under subsections (1) through (5), the offenses being committed within a period of five (5) years, the person is guilty of a misdemeanor, and upon conviction, shall be punished by imprisonment in the county jail for a period not to exceed one (1) year or a fine in an amount not to exceed One Thousand Dollars (\$1,000.00), or both.

(9) Upon a third or subsequent conviction of any person for violation of subsections (1) through (5), the offenses being committed within a period of five (5) years, the person is guilty of a felony, and upon conviction, shall be punished by confinement in the custody of the Mississippi Department of Corrections for a period not to exceed five (5) years or a fine in an amount not to exceed Five Thousand Dollars (\$5,000.00), or both.

(10) Criminal convictions in other jurisdictions for violations of substantially similar provisions to those contained in subsections (1) through (5) are counted in computing whether a violation under subsections (1) through (5) is a first, second, third or subsequent offense.

History

Laws, 2020, ch. 382, § 24, eff from and after July 1, 2021.

§ 25-34-49. Validity of notarial act.

Except as otherwise provided in Section 25-34-7(2), the failure of a notarial officer to perform a duty or meet a requirement specified in this chapter does not invalidate a notarial act performed by the notarial officer. The validity of a notarial act under this chapter does not prevent an aggrieved person from seeking to invalidate the record or transaction that is the subject of the notarial act or from seeking other remedies based on the laws of this state other than this chapter or the laws of the United States. This section does not validate a purported notarial act performed by an individual who does not have the authority to perform notarial acts.

History

Laws, 2020, ch. 382, § 25, eff from and after July 1, 2021.

§ 25-34-51. Secretary of State may adopt rules and regulations to implement chapter.

The Secretary of State may adopt any rules necessary to implement this chapter after complying with the Mississippi Administrative Procedures Law.

History

Laws, 2020, ch. 382, § 26, eff from and after July 1, 2021.

§ 25-34-53. Commission as notary public in effect on July 1, 2021, continues to expiration; compliance with chapter by notaries public on or after July 1, 2021.

A commission as a notary public in effect on July 1, 2021, continues until its date of expiration. A notary public who applies to renew a commission as a notary public on or after July 1, 2021, is subject to and must comply with this chapter. A notary public, in performing notarial acts after July 1, 2021, must comply with this chapter.

History

Laws, 2020, ch. 382, § 27, eff from and after July 1, 2021.

§ 25-34-55. Validity of notarial acts performed before July 1, 2021, not affected by this chapter.

This chapter does not affect the validity or effect of a notarial act performed before July 1, 2021.

History

Laws, 2020, ch. 382, § 28, eff from and after July 1, 2021.

§ 25-34-57. Relation to Electronic Signatures in Global and National Commerce Act.

This chapter modifies, limits and supersedes the Electronic Signatures in Global and National Commerce Act, 15 USC Section 7001 et seq., but does not modify, limit or supersede Section 101(c) of that act, 15 USC Section 7001(c), or authorize electronic delivery of any of the notices described in Section 103(b) of that act, 15 USC Section 7003(b).

History

Laws, 2020, ch. 382, § 29, eff from and after July 1, 2021.

**TITLE 75. REGULATION OF TRADE, COMMERCE AND INVESTMENTS
CHAPTER 12. UNIFORM ELECTRONIC TRANSACTIONS ACT**

§ 75-12-21. Notarization and acknowledgment.

If a law requires a signature or record to be notarized, acknowledged, verified, or made under oath, the requirement is satisfied if the electronic signature of the person authorized to perform those acts, together with all other information required to be included by other applicable law, is attached to or logically associated with the signature or record.

Sources: Laws, 2001, ch. 400, § 11, eff from and after July 1, 2001.

**TITLE 89. REAL AND PERSONAL PROPERTY
CHAPTER 3. ACKNOWLEDGMENTS**

§ 89-3-1. Acknowledgment or proof necessary to recording.

(1) A document concerning real property or conveying personal property may not be recorded unless, in the case of a paper document, it contains an original signature or signatures, or in the case of an electronic document, contains an electronic signature or signatures that comply with the Uniform Real Property Electronic Recording Act (Article 3, Chapter 5, Title 89, Mississippi Code of 1972). For purposes of this section, the terms “document,” “paper document” and “electronic document” have the meaning given in the Uniform Real Property Electronic Recording Act. A document concerning real property or conveying personal property which conforms to this subsection may be recorded if it is acknowledged or proved according to law, or in the case of a document that is an affidavit, verified upon oath or affirmation.

(2)

(a) A tangible copy of an electronic document that is otherwise eligible for recording

under the laws of this state may be recorded if the tangible copy of the electronic document has been certified to be a true and correct copy of the electronic document as required in paragraph (b) of this subsection (2).

(b) The certificate must be transmitted with and be recorded as a part of the tangible copy of the electronic document being recorded and must:

(i) Contain an original signature of a licensed attorney or custodian of the electronic document that is verified upon oath or affirmation;

(ii) Identify the jurisdiction in which the certification is performed;

(iii) Contain the title of the notarial officer;

(iv) Indicate the date of expiration, if any, of the notarial officer's commission; and

(v) Include an official seal of the notary public affixed to the certificate.

(c) The following form of certificate is sufficient for purposes of this subsection if completed with the information required in paragraph (b) of this subsection:

CERTIFICATE OF ELECTRONIC DOCUMENT

I, _____, [a licensed attorney or the custodian of the electronic document], hereby certify that the attached document, _____ (insert title), on _____ (date), and containing _____ pages, is a true and correct copy of an electronic document printed by me or under my supervision. A false certification under this section shall be subject to any penalties provided by law for such.

(Signature of person making certification)

STATE OF

COUNTY OF

Signed and sworn to (or affirmed) before me on (date) by (name(s) of individual(s) making statement).

(Signature of notarial officer) _____

(Title of Office) _____

My commission expires: _____”

(Affix official seal, if applicable)

(d) All tangible copies of electronic documents eligible for recording under this subsection (2) are validly recorded when accepted for recording by the chancery clerk's office. Tangible copies of electronic documents recorded by a chancery clerk before the effective date of the Revised Mississippi Law on Notarial Acts shall be considered validly recorded with or without the certification provided in paragraph (b) of this subsection (2).

(e) The person making the certification provided in this section must:

(i) Confirm that the electronic document contains an electronic signature that is capable of independent verification and renders any subsequent changes or modifications to the electronic document evident;

(ii) Personally print or supervise the printing of the electronic document onto paper; and

(iii) Not make any changes or modifications to the electronic document other than the certification described in this subsection (2).

(f) If a certificate is completed with the information required by paragraph (b) of this subsection (2) and is attached to or made part of a tangible copy of an electronic document, the certificate is prima facie evidence that the requirements of paragraph (e) of this subsection (2) have been satisfied.

(g) This section does not apply to maps or plats that are subject to the requirements of

Section 19-27-23, 19-27-25 or 19-27-27.

(3) The chancery clerk's office may refuse to record a document that does not satisfy the requirements of this section. However, if a document does not satisfy subsection (1) or (2) of this section, but is otherwise admitted to record, then all persons shall be on constructive notice of the contents of the document.

(4) If the relative priorities of conflicting claims to real property were established before July 1, 2011, then the law applicable to those claims at the time those claims were established shall determine their priority.

(5) This section does not require the acknowledgement or verification upon oath or affirmation or prohibit the recording of any of the following filed for record under the Uniform Commercial Code or otherwise specially provided for by law:

(a) A financing statement;

(b) A security agreement filed as a financing statement; or

(c) A continuation statement. SOURCES: Codes, Hutchinson's 1848, ch. 42, art. 1 (7); 1857, ch. 36, art. 25; 1871, § 2308; 1880, § 1215; 1892, § 2460; Laws, 1906, § 2793; Hemingway's 1917, § 2294; Laws, 1930, § 2135; Laws, 1942, § 856; Laws, 1966, ch. 316, § 10-105, eff from and after March 31, 1968; Laws, 2011, ch 538, § 2 eff from and after July 1, 2011; Laws, 2020, ch. 382, § 31, eff from and after July 1, 2021; Laws, 2021, SB2638, § 1, eff from and after July 1, 2021.

§ 89-3-3. Acknowledgment and proof [Repealed effective July 1, 2021]

§ 89-3-5. Acknowledgments before commissioned officers of United States armed forces [Repealed effective July 1, 2021]

§ 89-3-7. Forms of acknowledgment.

(1) The following forms of acknowledgment may be used in the case of conveyances or other written instruments affecting real estate or personal property; and any acknowledgment so taken and certified shall be sufficient to satisfy all requirements of law:

(a) In the case of natural persons acting in their own right:

“STATE OF _____
COUNTY OF _____

Personally appeared before me, the undersigned authority in and for the said county and state, on this ___ day of _____, 20___, within my jurisdiction, the within named _____, who acknowledged that (he)(she)(they) executed the above and foregoing instrument.

(Signature of notarial officer) _____

(Title of Office) _____

My commission expires: _____”

(Affix official seal, if applicable)

(b) In the case of corporations:

“STATE OF _____
COUNTY OF _____

Personally appeared before me, the undersigned authority in and for the said county and state, on this ___ day of _____, 20___, within my jurisdiction, the within named _____, who acknowledged that (he)(she) is _____ of _____, a _____ corporation, and that for and on behalf of the said corporation, and as its act and deed (he)(she) executed the above and foregoing instrument, after first having been duly authorized by said corporation so to do.

(Signature of notarial officer) _____

(Title of Office) _____

My commission expires: _____”

(Affix official seal, if applicable)

(c) In the case of a corporate general partner of a limited partnership:

“STATE OF _____

COUNTY OF _____

Personally appeared before me, the undersigned authority in and for the said county and state, on this ___ day of _____, 20__, within my jurisdiction, the within named _____, who acknowledged to me that (he)(she) is _____ of _____, a _____ corporation, and general partner of _____, a _____ limited partnership, and that for and on behalf of said corporation as general partner of said limited partnership, and as the act and deed of said corporation as general partner of said limited partnership, and as the act and deed of said limited partnership, (he)(she) executed the above and foregoing instrument, after first having been duly authorized by said corporation and said limited partnership so to do.

(Signature of notarial officer) _____

(Title of Office) _____

My commission expires: _____”

(Affix official seal, if applicable)

(d) In the case of a corporate member of a member-managed limited liability company:

“STATE OF _____

COUNTY OF _____

Personally appeared before me, the undersigned authority in and for the said county and state, on this ___ day of _____, 20__, within my jurisdiction, the within named _____, who acknowledged to me that (he)(she) is _____ of _____, a _____ corporation and member of _____, a _____ member-managed limited liability company, and that for and on behalf of said corporation as member of said limited liability company, and as the act and deed of said corporation as member of said limited liability company, and as the act and deed of said limited liability company, (he)(she) executed the above and foregoing instrument, after first having been duly authorized by said corporation and said limited liability company so to do.

(Signature of notarial officer) _____

(Title of Office) _____

My commission expires: _____”

(Affix official seal, if applicable)

(e) In the case of a corporate manager of a manager-managed limited liability company:

“STATE OF _____

COUNTY OF _____

Personally appeared before me, the undersigned authority in and for the said county and state, on this ___ day of _____, 20__, within my jurisdiction, the within named _____, who acknowledged to me that (he)(she) is _____ of _____, a _____ corporation and manager of _____, a _____ manager-managed limited liability company, and that for and on behalf of said corporation as manager of said limited liability company, and as the act and deed of said corporation as manager of said limited liability company, and as the act and deed of said limited liability company, (he)(she) executed the above and foregoing instrument, after first having been duly authorized by

said corporation and said limited liability company so to do.

(Signature of notarial officer) _____

(Title of Office) _____

My commission expires: _____”

(Affix official seal, if applicable)

(f) In the case of persons acting in representative capacities:

“STATE OF _____

COUNTY OF _____

Personally appeared before me, the undersigned authority in and for the said county and state, on this ___ day of _____, 20__, within my jurisdiction, the within named _____, who acknowledged to me that (he)(she) is _____ of _____ and that in said representative capacity (he)(she) executed the above and foregoing instrument, after first having been duly authorized so to do.

(Signature of notarial officer) _____

(Title of Office) _____

My commission expires: _____”

(Affix official seal, if applicable)

(g) In the case of proof of execution of the instrument made by a subscribing witness:

“STATE OF _____

COUNTY OF _____

Personally appeared before me, the undersigned authority in and for the said county and state, on this ___ day of _____, 20__, within my jurisdiction, CD, one of the subscribing witnesses to the above and foregoing instrument, who, being first duly sworn, states that (he)(she) saw the within (or above) named AB, whose name is subscribed thereto, sign and deliver the same to EF (or that (he)(she) heard AB acknowledge that (he)(she) signed and delivered the same to EF); and that the affiant subscribed (his)(her) name as witness thereto in the presence of AB.

(Signature of notarial officer) _____

(Title of Office) _____

My commission expires: _____”

(Affix official seal, if applicable)

(h) In the case of any business organization, foreign or domestic:

“STATE OF _____

COUNTY OF _____

Personally appeared before me, the undersigned authority in and for the said county and state, on this ___ day of _____, 20__, within my jurisdiction, the within named _____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed in the above and foregoing instrument and acknowledged that he/she/they executed the same in his/her/their representative capacity(ies), and that by his/her/their signature(s) on the instrument, and as the act and deed of the person(s) or entity(ies) upon behalf of which he/she/they acted, executed the above and foregoing instrument, after first having been duly authorized so to do.

(Signature of notarial officer) _____

(Title of Office) _____

My commission expires: _____”

(Affix official seal, if applicable)

(2) The following short form certificates of notarial acts are sufficient for the

purposes indicated if the certificate complies with Section 25-34-31(1) and (2):

(a) For an acknowledgment in an individual capacity:

“STATE OF
COUNTY OF

This record was acknowledged before me on (date) by (name(s) of individual(s)).

(Signature of notarial officer)

(Title of Office)

My commission expires: _____”

(Affix official seal, if applicable)

(b) For an acknowledgment in a representative capacity:

“STATE OF
COUNTY OF

This record was acknowledged before me on (date) by (name(s) of individual(s)) as (type of authority, such as officer or trustee) of (name of party on behalf of whom record was executed).

(Signature of notarial officer)

(Title of Office)

My commission expires: _____”

(Affix official seal, if applicable)

(c) For a verification on oath or affirmation (jurat):

“STATE OF
COUNTY OF

Signed and sworn to (or affirmed) before me on (date) by (name(s) of individual(s) making statement).

(Signature of notarial officer)

(Title of Office)

My commission expires: _____”

(Affix official seal, if applicable)

(d) For witnessing or attesting a signature:

“STATE OF
COUNTY OF

Signed or attested before me on (date) by (name(s) of individual(s)).

(Signature of notarial officer)

(Title of Office)

My commission expires: _____”

(Affix official seal, if applicable)

SOURCES: Codes, 1892, § 2465; 1906, Sec. 2799; Hemingway’s 1917, § 2300; 1930, § 2137; 1942, § 858; Laws, 1988, ch. 475, § 1, eff from and after July 1, 1988. Laws, 1992, ch. 354 § 1, eff from and after passage (approved April 20, 1992). Amended by Laws 2000, Ch. 446, § 1, eff July 1, 2000. Amended by Laws, 2011, ch. 538, § 1, eff from and after July 1, 2011; Laws, 2020, ch. 382, § 32 eff from and after July 1, 2021.

§ 89-3-9. Acknowledgment or proof in another state [Repealed effective July 1, 2021]

§ 89-3-11. Acknowledgment or proof in another state; construction and application as to prior acknowledgments [Repealed effective July 1, 2021]

§ 89-3-13. Acknowledgment or proof in foreign country [Repealed effective July 1, 2021]

§ 89-3-15. Grantor and witness dead or absent, how proved [Repealed effective July 1, 2021]

CHAPTER 5. RECORDING OF INSTRUMENTS

ARTICLE 3. UNIFORM REAL PROPERTY ELECTRONIC RECORDING ACT

§ 89-5-105. Validity of electronic documents

(a) If a law requires, as a condition for recording, that a document be an original, be on paper or another tangible medium, or be in writing, the requirement is satisfied by an electronic document satisfying this act.

(b) If a law requires, as a condition for recording, that a document be signed, the requirement is satisfied by an electronic signature.

(c) A requirement that a document or a signature associated with a document be notarized, acknowledged, verified, witnessed, or made under oath is satisfied if the electronic signature of the person authorized to perform that act, and all other information required to be included, is attached to or logically associated with the document or signature. A physical or electronic image of a stamp, impression, or seal need not accompany an electronic signature.

HISTORY: SOURCES: Laws, 2011, ch. 364, § 3, eff from and after July 1, 2011.

CHAPTER 27. MISSISSIPPI FOREIGN LAND OWNERSHIP ACT

§ 89-27-11. Duty to investigate whether party to transaction is foreign adversary; limitation of liability.

No attorney, title insurer, title insurance producer, title insurance agency producer, lender, mortgage loan servicer, notary public, real estate agent, real estate broker, seller or lessor shall have a duty to make any investigation as to whether a party to a transaction involving immovable property is a foreign adversary, nor shall any such person be liable for failing to identify that a party to a transaction involving immovable property is a foreign adversary.

HISTORY: SOURCES: Laws, 2024, ch. 329, § 6, eff from and after July 1, 2024.

MISSISSIPPI ADMINISTRATIVE CODE

**TITLE 1. SECRETARY OF STATE OF MISSISSIPPI
PART 5: BUSINESS SERVICES — NOTARIES PUBLIC**

GENERAL PROVISIONS.

Rule 1.1 Scope.

This chapter implements the Revised Mississippi Law on Notarial Acts. This chapter governs the qualification, commissioning, notarial acts, conduct, and discipline of notaries public in this State.

Source: Section 25-34-51 et seq. Mississippi Code of 1972 as amended.

Rule 1.2. Definitions.

Words and terms used in this chapter have the same meaning as in the Revised

Mississippi Law on Notarial Acts. In addition, the following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

A. “Act” means the Revised Mississippi Law on Notarial Acts.

B. “Address” means a property location identification including a number, directional prefix, road name (unit number, if applicable), city, state, and zip code.

C. “Affirmation” means a notarial act, or part thereof, which is legally equivalent to an oath and in which an individual at a single time and place:

(1) appears in person before the notary;

(2) is personally known to the notary or identified by the notary through satisfactory evidence; and

(3) Makes a vow of truthfulness or fidelity on penalty of perjury, based on personal honor and without invoking God or using any form of the word “swear.”

D. “Applicant” means an individual who seeks appointment or reappointment to the office of notary public.

E. “Appoint” or “Appointment” means the naming of an individual to the office of notary public after determination that the individual has complied with Section 21(1) and (2) of the act (relating to appointment and commission as notary public; qualifications; no immunity or benefit) and subchapter 2.00 (relating to qualifications for appointment and commission).

F. “Document” means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

G. “Dynamic knowledge-based authentication assessment” means a form of identity-proofing consisting of an identity assessment that is based on a set of questions formulated from public or private data sources for which the individual has not provided a prior answer.

H. “Electronic document” means information that is created, generated, sent, communicated, received, or stored by electronic means.

I. “Electronic notarial act” means an official act by a notary public on or involving an electronic document and using electronic means authorized by the Secretary of State or the laws of the jurisdiction of appointment.

J. “Electronic notarial certificate” means the portion of a notarized electronic document that is completed by the notary public; bears the notary public’s electronic signature and/or official electronic seal, official title, commission number, commission expiration date, any required information concerning the date and place of the electronic notarization; and states the facts attested to or certified by the notary public in a particular electronic notarization.

K. “Electronic notarization system” means a set of applications, programs, hardware, software, or technologies designed to enable a notary public to perform electronic notarizations that renders every electronic notarial act tamper-evident through the use of a security procedure and that meets the requirements of the act and these rules.

L. “Electronic notary seal” and “official electronic seal” mean information within a notarized electronic document that includes the notary public’s name, jurisdiction of appointment, commission number, and commission expiration date, and generally corresponds to data in notary public seals used on paper documents.

M. “Electronic signature” means an electronic sound, symbol, or process attached to or logically associated with an electronic document and executed or adopted by a person with the intent to sign the electronic document.

N. “Notary public” means an individual commissioned or appointed to perform a notarial act by the Secretary of State of this State.

O. “Oath” means a notarial act, or part thereof, which is legally equivalent to an affirmation and in which an individual at a single time and place:

(1) Appears in person before the notary;

(2) Is personally known to the notary or identified by the notary through satisfactory evidence; and

(3) Makes a vow of truthfulness or fidelity on penalty of perjury while invoking God or using any form of the word “swear.”

P. “Public key certificate” means an electronic credential which is used to identify an individual who signed an electronic document with the certificate.

Q. “Secretary of State” means the Secretary of State of Mississippi.

R. “Real time” means the actual span of uninterrupted, simultaneous communication during which all parts of an electronic notarial act occur.

S. “Reappoint” or “reappointment” means the naming of an individual who previously held a commission as a notary public to the office of notary public after determination that the individual has complied with Section 21(1) and (2) of the act (relating to qualifications) and Chapter 2 of these Rules (relating to qualifications). The term includes “renewal of appointment.”

T. “Spouse” means an individual who is married to a notary public.

U. “Tamper-evident” means that any changes to an electronic document shall display evidence of the change.

V. “Tangible” means perceptible by touch when used in conjunction with “document,” “medium” or “symbol.”

Source: Section 25-34-51 et seq. Mississippi Code of 1972 as amended.

CHAPTER 2: QUALIFICATIONS FOR APPOINTMENT AND COMMISSION.

Rule 2.1 Eligibility—applicants not residing in this State.

A. If an applicant is not a resident of this State, the applicant must have a place of employment or practice in this State.

B. Employment or practice in this State must be on an ongoing basis.

C. The Secretary of State may request that employment or practice in this State be evidenced by written confirmation from the employer that a notary public commission is required for employment or practice.

Source: Section 25-34-51 et seq. Mississippi Code of 1972 as amended.

Rule 2.2 Eligibility—applicants holding state and federal office.

Individuals who are employed by the legislative, executive, or judiciary branch of the United States government but who are neither elected nor appointed to office are eligible for appointment and commission as a notary public.

Source: Section 25-34-51 et seq. Mississippi Code of 1972 as amended.

Rule 2.3 Eligibility—deemed resignation.

If a notary public neither resides nor works in this State, that notary public will be deemed to have resigned from the office of notary public as of the date the residency ceases or employment within this State terminates. A notary public who resigns that notary public’s commission in accordance with this section must notify the Secretary of State in writing or electronically within thirty (30) calendar days of the effective date of

the resignation.

Source: Section 25-34-51 et seq. Mississippi Code of 1972 as amended.

Rule 2.4 Application for appointment.

A. Applications for appointment must be typed or legibly written on forms provided by the Secretary of State.

B. Applications for appointment must include:

1. the applicant's legal name and their commission name;
2. the applicant's date of birth;
3. the applicant's physical residence address, a valid email address, and telephone number;
4. the applicant's business address and telephone number, the business mailing address, if different, and the name of the applicant's employer, if any;
5. a declaration that the applicant is a citizen of the United States or of the applicant's status as a permanent legal resident of the United States (green card);
6. a declaration that the applicant can read and write English;
7. a declaration that the applicant has never had a denial, revocation, suspension, restriction, or resignation of a notarial commission in this State or any other state or nation;
8. a declaration that the applicant has not been convicted of a felony in this State or other state-nation and is not presently incarcerated or on parole;
9. evidence of a surety bond or its functional equivalent in the amount of Five Thousand Dollars (\$5,000.00), signed by the notary public, that conforms to Section 41(4) of the Act (relating to qualifications);
10. payment of the prescribed fee; and
11. a signed and notarized oath of office.

C. The applicant's signature on the application must match the applicant's name as provided on the application. The applicant must use a legible handwritten signature which can be attributed to the applicant by anyone examining or authenticating the signature. If an applicant's preferred signature is not legible, so that the name on the application cannot be discerned from the signature alone, the applicant must also legibly print his name immediately adjacent to his preferred signature. For the purposes of this subsection, a signature is legible if the letters are distinct and easily readable and the notary public's full name may be determined by looking at the signature.

D. An applicant's commission name must contain their surname, and at least the initials of the applicant's first and middle name.

E. Where an application is submitted without a bond, the Secretary of State may provide the applicant a pre-commission document indicating the starting and ending dates for use in purchasing a bond.

Source: Section 25-34-51 et seq. Mississippi Code of 1972 as amended.

Rule 2.5 Appointment and issuance of commission.

A. Every applicant must take the oath of office prescribed by Section 268 of the Mississippi Constitution in the presence of a notary public of the State of Mississippi. The oath shall be submitted on forms provided by the Secretary of State.

B. Before taking the oath of office or registering an official signature, an applicant shall present satisfactory evidence of the applicant's identity as set forth in Section 11 of the act (relating to identification of individual).

C. Before issuance of a commission as a notary public, the applicant for a commission must:

1. execute the oath of office as set forth in Section 41(3) of the act (relating to qualifications) to the Secretary of State; and
2. submit a bond as set forth in Section 41(4) of the act (relating to qualifications) to the Secretary of State.

D. Upon determination that an applicant has complied with all requirements of the act and this chapter, the Secretary of State will appoint or reappoint the applicant to the office of notary public and issue a commission certificate.

Source: Section 25-34-51 et seq. Mississippi Code of 1972 as amended.

Rule 2.6 Reappointment.

A. A current notary public may submit an application for reappointment ninety (90) days prior to the expiration of an existing commission. The date of the new commission shall be the date immediately after the expiration date of the current commission.

B. Applications for reappointment to the office of notary public must be filed at least sixty (60) calendar days prior to the expiration of the commission under which the notary public is acting.

Source: Section 25-34-51 et seq. Mississippi Code of 1972 as amended.

Rule 2.7. Term of commission.

A. The term of a notary public commission shall expire on the expiration date of the notary public's surety bond, no more than four (4) years after the commission date.

B. A notary public shall reapply with the Secretary of State for each commission term before performing notarial acts.

Source: Section 25-34-51 et seq. Mississippi Code of 1972 as amended.

CHAPTER 3: OFFICIAL STAMP AND STAMPING DEVICE.

Rule 3.1. Official stamp.

A. The official stamp of a notary public must show all the following clearly in the following order:

1. The words "State of Mississippi";
2. The notary public's name as it appears on the commission;
3. The words "Notary Public";
4. The name of the county in which the notary public maintains an office;
5. The notary public's current commission expiration date;
6. The notary public's commission identification number assigned by the Secretary of State.

B. The following is an example of an official stamp:

State of Mississippi
John Q. Doe, Notary Public
Hinds County
My commission expires July 1, 2024
Commission number 1234567

C. Words or terms on the official stamp may not be abbreviated, except for name suffixes as specified in Rule 5.01(d) (relating to name of notary public).

D. The official stamp must be stamped or affixed to the notarial certificate near the notary public's signature or attached to or logically associated with an electronic document containing the notary public's signature.

E. A notary public may not place an imprint of the notary public's official stamp over any signature in a document to be notarized or over any writing in a notarial certificate.

F. A notary public may not alter or deface the official stamp.

G. A notary public may not use the notary public's official stamp for any purpose other than to perform a notarial act.

H. A notary public may not permit any other person to use the notary public's official stamp for any purpose.

I. A notary public may not use any other notary public's official stamp instead of the notary public's own official stamp to perform a notarial act.

J. The official stamp must not contain the Mississippi state seal.

K. A notary public who holds a commission on July 1, 2021, may continue to use the notary public's official stamp until the expiration of that commission, which may occur after July 1, 2021.

Source: Section 25-34-51 et seq. Mississippi Code of 1972 as amended.

Rule 3.2. Stamping device.

A. A notary public may procure a stamping device only after receiving the notary public's commission from the Secretary of State and must provide a copy of the certificate evidencing commission to their chosen vendor as part of procuring the stamping device.

B. A stamping device, as used in Section 3 and Section 33 of the act (relating to definitions; and stamping device), does not include a non-inking embosser or crimper.

C. A stamping device must be capable of affixing or logically associating the official stamp so that the document to which the official stamp is affixed or associated may be copied, filmed, scanned, or otherwise legibly reproduced.

D. The stamping device is the exclusive property of the notary public and shall not be surrendered to an employer upon termination of employment, regardless of whether the employer paid for the stamping device, or for the notary public's bond or appointment fees.

E. The notary public shall maintain custody and control of the stamping device at all times during the duration of the notary public's commission. When not in use, the stamping device must be kept in a secure location and accessible only to the notary public. A secure location includes in the notary public's sole possession or in a locked location to which only the notary public has access.

F. An individual whose notary public commission has been suspended or revoked shall deliver the stamping device to the Secretary of State within ten (10) calendar days after notice of the suspension or revocation from the Secretary of State.

Source: Section 25-34-51 et seq. Mississippi Code of 1972 as amended.

Rule 3.3. Replacement of lost or stolen stamping device.

A. Notification of loss or theft of stamping device under Section 35(2) of the act (relating to lost stamping device) shall be made in writing or electronically to the Secretary of State within ten (10) calendar days after the date the notary public or personal representative or guardian discovers that the stamping device was lost or stolen. The notification must include all of the following:

1. A statement of whether the stamping device is lost or stolen;

2. An explanation of how the stamping device became lost or stolen;
3. The date the notary public discovered that the stamping device was lost or stolen;
4. A statement that the notary public does not possess the stamping device and does not know who possesses it or where it is located; and
5. A statement that if the notary public subsequently reacquires possession of the stamping device, the notary public shall file a written statement with the Secretary of State within 10 calendar days after the date the notary public reacquires possession of the lost or stolen stamping device.

B. The notary public may not obtain a replacement stamping device until they have properly notified the Secretary of State that the original was lost or stolen.

C. A replacement stamping device must contain some variance from the original stamping device.

D. If a notary public subsequently reacquires possession of a lost or stolen stamping device, the notary public shall file with the Secretary of State a written statement of explanation of how the stamping device was recovered within ten (10) calendar days after the date the notary public reacquires possession of the stamping device.

Source: Section 25-34-51 et seq. Mississippi Code of 1972 as amended.

CHAPTER 4: JOURNAL.

Rule 4.1. Identification of notary public in journal.

A. A notary public must record each notarial act in a journal at the time of notarization in compliance with Section 37 of the Act (relating to journal and audio-video recordings) and these Rules.

B. Each journal of a notary public, whether maintained on a tangible medium or in an electronic format, must contain all of the following information in any order:

1. The name of the notary public as it appears on the commission;
2. The notary public's commission number;
3. The notary public's commission expiration date;
4. The notary public's office address of record with the Secretary of State;
5. A statement that, in the event of the death of the notary public, the journal shall be delivered or mailed to the circuit clerk of the county of residence of the notary public;
6. The meaning of any not commonly abbreviated word or symbol used in recording a notarial act in the notarial journal; and
7. The signature of the notary public.

C. If a notary public's name, commission expiration date, or address changes before the notary public ceases to use the notarial journal, the notary public shall add the new information after the old information and the date which the information changed.

Source: Section 25-34-51 et seq. Mississippi Code of 1972 as amended.

Rule 4.2. Journal entries.

A. Separate entries. Each notarial act must be indicated as a separate entry in the journal.

B. Optional entries. In addition to the entries required under Section 37(3) of the act (relating to journal), a journal may contain the signature of the individual for whom the notarial act is performed and any additional information about a specific transaction that might assist the notary public to recall the transaction.

C. Prohibited entries. A journal may not contain any personal financial or

identification information about the notary public's clients, such as complete Social Security numbers, complete drivers' license numbers or complete account numbers. Terminal numbers for these types of numbers, including the last four digits of a Social Security number, may be used to clarify which individual or account was involved.

D. Fees. Each notarial fee charged should correspond to the notarial act performed. If a fee is waived or not charged, the notary public shall indicate this fact in the journal entry using notations such as "n/c," "0" (zero) or "—" (dash). Clerical and administrative fees, if charged, shall be separately itemized in the journal.

E. Address. For purpose of journal entries, address means the city and state only.

F. Personal financial or identification information. For the purpose of subsection (c) of this Rule, "personal financial or identification information" means:

1. An individual's first name or first initial and last name in combination with and linked to any one or more of the following data elements when the data elements are not encrypted or redacted:

a. Social Security number.

b. Driver's license number or a State identification card number issued instead of a driver's license.

c. Financial account number, credit or debit card number, in combination with any required security code, access code, or password that would permit access to an individual's financial account.

2. The term does not include publicly available information that is lawfully made available to the general public from federal, state, or local government records.

G. Transitional provision. A notary public who holds a commission on July 1, 2021, may continue to use the notary public's journal until the expiration of that commission, which may occur after July 1, 2021.

Source: Section 25-34-51 et seq. Mississippi Code of 1972 as amended.

Rule 4.3. Form and content of journal maintained on a tangible medium.

A. A journal maintained on paper or on any other tangible medium may be in any form that meets the physical requirements in this chapter and the entry requirements in Section 37(3) of the act (relating to journal).

B. The cover and pages inside the cover must be bound together by any binding method that is designed to prevent the insertion, removal, or substitution of the cover or a page. This includes glue, staples, grommets, or another binding, but does not include the use of tape, paper clips, or binder clips.

C. Each page must be consecutively numbered from the beginning to the end of the journal. If a journal provides two pages on which to record the required information about the same notarial act, both pages may be numbered with the same number or each page may be numbered with a different number. A page number must be preprinted.

D. Each line, or entry if the journal is designed with numbered entry blocks, must be consecutively numbered from the beginning to the end of the page. If a line extends across two pages, the line must be numbered with the same number on both pages. A line or entry number must be preprinted.

Source: Section 25-34-51 et seq. Mississippi Code of 1972 as amended.

Rule 4.4. Form and content of an electronic notarial journal.

A. A journal maintained in electronic format may be in any form that meets the

requirements in this section and the entry requirements in Section 37(3) of the act (relating to journal).

B. A journal maintained in electronic format must be designed to prevent the insertion, removal, or substitution of an entry.

C. A journal maintained in electronic format must be securely stored and recoverable in the event of a hardware or software malfunction.

D. Entries from the notarial journal must be available upon request by the Secretary of State in a PDF format.

E. If a signature of a signer is in an electronic notarial journal, the signature must be:

1. Attached to or logically associated with the electronic journal and

2. Linked to the data in a manner so that any subsequent alterations to the electronic notarial journal entry are detectable and may invalidate the electronic notarial journal entry.

F. A journal maintained in electronic format which is delivered to the circuit clerk of the county of residence of the notary public in compliance with Section 37(5) of the act (relating to journal and audio-visual recordings) must be delivered in a format prescribed by the receiving circuit clerk.

Source: Section 25-34-51 et seq. Mississippi Code of 1972 as amended.

Rule 4.5. Custody and control of journal; notification of lost or stolen journal.

A. The notary public shall maintain custody and control of the journal at all times during the duration of the notary public's commission. When not in use, the journal must be kept in a secure location and accessible only to the notary public. A secure location includes in the notary public's sole possession or in a locked location to which only the notary public has access.

B. Notification of loss or theft of journal under Section 37(4) of the act (relating to journal and audio-video recordings) must be made in writing or electronically within ten (10) calendar days after the date the notary public or personal representative or guardian discovers the loss or theft of a journal. For the purpose of this section, the term "loss" includes journals that are misplaced, destroyed, or otherwise made unavailable. The notification must include all of the following:

1. A statement of whether the journal is lost or stolen;

2. An explanation of how the journal became lost or stolen;

3. The date the notary public discovered that the journal was lost or stolen;

4. A statement that the notary public does not possess the journal and does not know who possesses it or where it is located; and

5. A statement that, if the notary public subsequently reacquires possession of the journal, the notary public shall file a written statement with the Secretary of State within 10 calendar days after the date the notary public reacquires possession of the lost or stolen journal.

C. If a notary public subsequently reacquires possession of a lost or stolen journal, the notary public shall file with the Secretary of State a written statement of explanation of how the journal was recovered within ten (10) calendar days after the date the notary public reacquires possession of the journal.

Source: Section 25-34-51 et seq. Mississippi Code of 1972 as amended.

Rule 4.6. Inspection; response to subpoenas and investigative requests.

A. Inspection. In the notary's presence, any person may inspect an entry in the official journal of notarial acts during regular business hours, but only if:

1. the person’s identity is personally known to the notary or proven through satisfactory evidence;
 2. the person affixes a signature in the journal in a separate, dated entry;
 3. the person specifies the month, year, type of document, and name of the principal for the notarial act or acts sought; and
 4. the person is shown only the entry or entries specified.
- B. If the notary has a reasonable and explainable belief that a person bears a criminal or harmful intent in requesting information from the notary’s journal, the notary may deny access to any entry or entries.
- C. Subpoenas and investigative requests. A request for inspection or certified copies of a journal made through an investigative request by law enforcement or by the Secretary of State or in a subpoena in the course of criminal or civil litigation, or administrative proceeding shall be complied with in the manner specified in the request or subpoena.
Source: Section 25-34-51 et seq. Mississippi Code of 1972 as amended.

Rule 4.7. Disposition of journal.

- A. Ten (10) years after the performance of the last notarial act chronicled in a tangible journal, the journal must be destroyed by shredding or other destruction that leaves any entry in the journal illegible.
- B. Ten (10) years after the performance of the last notarial act chronicled in an electronic journal, the journal must be destroyed by deleting any remaining records pertaining to the electronic journal and deleting any remaining tamper-evident technology in the notary’s possession.
- C. The personal representative or guardian of a notary public shall follow Section 37(6) and 37(7) of the act related to the disposition of the notary public’s journals upon the death or adjudication of incompetency of the notary public.
- D. Nothing in this section shall require a notary public to dispose of their notarial journal or journals if doing so would be in conflict with the law of another jurisdiction that requires a notary to keep the journal for a longer period of time.
- E. The notary public or the notary public’s personal representative shall provide access instructions to the Secretary of State for any electronic journal maintained or stored by the notary public, upon commission resignation, revocation, or expiration without renewal, or upon the death or adjudicated incompetence of the notary.
Source: Section 25-34-51 et seq. Mississippi Code of 1972 as amended.

CHAPTER 5: STANDARDS OF PRACTICE.

Rule 5.1. Name of notary public.

- A. Whenever the act and this chapter refer to the name of a notary public, the reference is to the legal name of the notary public as it appears on the notary public’s current commission and oath of office.
- B. For the purposes of this chapter, the legal name on the notary public commission and oath of office must be proven by satisfactory evidence in accordance with Section 13 of the act (relating to identification of individual). Unless proven otherwise, the name of a notary public consists of any one of the following:
1. A first personal name (first name), additional name or initial (middle name or initial), and surname (family or last name).

2. A first name and last name, omitting the middle name or middle initial.

3. A first initial, middle name and last name.

C. Neither initials alone nor nicknames will be accepted on the application or as part of the signature required on a notarial act.

D. The name of a notary public may include suffixes such as Junior, Senior, II, III, IV or any abbreviations thereof. The name of a notary public may not include prefixes, suffixes, or titles such as “Doctor,” “Reverend,” “Esquire,” or any abbreviations thereof.

Source: Section 25-34-51 et seq. Mississippi Code of 1972 as amended.

Rule 5.2. Notification of change in information.

A. A notary public shall notify the Secretary of State within thirty (30) calendar days of any change in the information on file with the Secretary of State, including the notary public’s:

1. Legal name.

2. Office address (includes place of employment or practice in this State, if not a resident of this State).

3. Home address.

4. Name of electronic notarization vendor.

5. Voluntary resignation.

B. The notice may be made in writing or electronically and must state the effective date of the change.

C. Notice of a change in legal name on file with the Secretary of State must be on a form prescribed by the Secretary of State and accompanied by evidence of the name change (such as a marriage certificate, court order or divorce decree). A notice of a change in legal name must be accompanied by a bond rider from the bonding company amending the notary bond, and the prescribed fee for a name change which provides a duplicate notary certificate showing the new name.

Source: Section 25-34-51 et seq. Mississippi Code of 1972 as amended.

Rule 5.3. Change of name.

A. When the legal name of a notary public is changed, the notary public may continue to perform official acts in the name in which he was commissioned until the expiration of the term.

B. The Secretary of State will mark the public records relating to the notary public name change. Application for reappointment of the notary public shall be made in the new name.

Source: Section 25-34-51 et seq. Mississippi Code of 1972 as amended.

Rule 5.4. Authority of notary public to perform notarial act.

A. A notary public may perform the notarial acts authorized by the act in any county in this State.

B. Notaries public may not perform the notarial acts authorized by the act outside the geographical borders of this State or in other states or jurisdictions unless authorized by the other state or jurisdiction to perform the acts.

Source: Section 25-34-51 et seq. Mississippi Code of 1972 as amended.

Rule 5.5. Conflict of interest.

Section 7(2) of the act (relating to authority to perform notarial act), includes receiving an interest in the transaction or document that results in actual or potential gain or

advantage, financial or otherwise, other than receiving a regular salary, hourly wage, or notarial fees. Regular salary or wage includes bonuses, provided the bonus is not related to or contingent upon the completion of a notarial act.

Source: Section 25-34-51 et seq. Mississippi Code of 1972 as amended.

Rule 5.6. Duty of candor.

A notary public or an applicant for appointment and commission as a notary public has a duty of candor to the Secretary of State in all matters relating to the appointment and commission of the notary public and the performance of notarial acts, including an application for appointment or reappointment, and any request for information made by the Secretary of State.

Source: Section 25-34-51 et seq. Mississippi Code of 1972 as amended.

Rule 5.7. Identification of individual—personal knowledge.

When a notary public has personal knowledge of the identity of an individual, satisfactory evidence is not required.

Source: Section 25-34-51 et seq. Mississippi Code of 1972 as amended.

Rule 5.8. Identification of individual—satisfactory evidence.

A. For the purposes of Section 13(2)(a) of the act (relating to identification of individual), a notary public may rely upon any of the following:

1. A driver's license or nondriver identification card issued by a state of the United States, which is current or a driver's license that has not been expired for more than five (5) years.
2. A passport or passport card issued by the United States Secretary of State, which is current and unexpired.
3. A voter ID card issued by the State of Mississippi.
4. A nondriver identification card issued by a federally recognized Indian tribe or nation, which is current and unexpired.
5. A passport issued by a foreign government, which is current and unexpired, provided it uses letters, characters and a language that are read, written, and understood by the notary public.
6. A driver's license or nondriver identification card issued by a state or territory of Canada or Mexico, which is current and unexpired, provided it uses letters, characters and a language that are read, written, and understood by the notary public.

B. For the purposes of Section 13(2)(b) of the Act (relating to identification of individual), other forms of government identification may include any of the following:

1. An identification card issued by any branch of the United States armed forces.
2. An inmate identification card issued by the agency which has supervisory custody of the inmate.
3. An identification card issued by the United States Secretary of State of Homeland Security.
4. An identification card issued by a federally recognized Indian tribe or nation.
5. A state or state-related university identification card.

C. For the purposes of Section 13(2)(b) of the Act (relating to identification of individual), other forms of government identification must be current, contain the signature or photograph of the individual to be identified, and must be satisfactory to the notary

public. When there is a date of issuance on the other form of government identification specified in subsection (b)(3) of this Rule, it must be a date prior to the notarial act.
Source: Section 25-34-51 et seq. Mississippi Code of 1972 as amended.

Rule 5.9. Language and use of interpreter.

A. A notary public shall be able to communicate directly with the individual for whom a notarial act is being performed in a language they both understand or indirectly through an interpreter who is physically present with the signer and notary public at the time of the notarization and communicates directly with the individual and the notary public in a language the interpreter understands.

B. The certificate of notarial act must be worded and completed using the English language. The certificate may be simultaneously worded and completed in another language that is read, written, and understood by the notary public and must be immediately adjacent to the English-language certificate, but the English-language certificate will prevail in the event of any conflict between the translations.

C. A notary public may perform a notarial act on a document that is a translation of a document that is in a language that the notary public does not understand only if the person performing the translation signs a verification on oath or affirmation stating that the translation is accurate and complete. The notarized translation and verification must be attached to the document and must comply with the act and this chapter regarding certificate of notarial act.

Source: Section 25-34-51 et seq. Mississippi Code of 1972 as amended.

Rule 5.10. Refusal to perform notarial acts.

A notary public may not refuse to provide notarial services on the basis of a customer's race, color, national origin, religion, sexual orientation, sex or gender (including pregnancy), gender identity or expression, disability, or marital status.

Source: Section 25-34-51 et seq. Mississippi Code of 1972 as amended.

Rule 5.11. Notarizing documents which contain blank spaces.

A. A notary public may not perform a notarial act with respect to a document which is designed to provide information within blank spaces, when either of the following circumstances exist:

1. The missing information has not been entered into a blank space.
2. The signature of an individual signing the document is not present, unless the individual is signing in the presence of the notary public.

B. For the purpose of subsection (a)(1), missing information does not include:

1. An empty space with "N/A" or a line drawn through it.
2. Additional signature lines designated for additional signers, if it is clear that the notarial act does not apply to the blank signature lines.

C. A notary public performing a notarial act on nomination petitions or nomination papers with remaining empty lines for signatures shall mark a line through those blank spaces for signatures, or an "X" across the blank spaces for signatures, to prevent the later addition of signatures after the notarization.

Source: Section 25-34-51 et seq. Mississippi Code of 1972 as amended.

Rule 5.12. Employer-employee relationship.

Notwithstanding that an individual who holds a notary commission is responsible for

exercising the duties and responsibilities of the notary commission, an employer, under an agreement with an employee who is, or seeks to become, a notary public, may pay for the application or bond and the cost of the official stamp or other supplies required in connection with the appointment, commission, or performance of the duties of the notary public. The agreement may also provide for the remission of fees collected by the notary public to the employer, for the increased compensation of the notary public for the amount of notary public fees collected, and for reimbursement of the costs of obtaining a commission should the employee or employer terminate the employment.

Source: Section 25-34-51 et seq. Mississippi Code of 1972 as amended.

Rule 5.13. Resignation.

A. A notary public who resigns his or her commission shall send to the Secretary of State a signed notice indicating the effective date of resignation on forms provided by the Secretary of State.

B. Notary publics who cease to reside in or to maintain a regular place of work or business in this State or who become permanently unable to perform their notarial duties shall resign their commissions.

Source: Section 25-34-51 et seq. Mississippi Code of 1972 as amended.

CHAPTER 6: NOTARIAL ACTS.

Rule 6.1. Acknowledgments.

A. The individual making the acknowledgment shall appear personally before the notary public.

B. The notary public shall have personal knowledge or satisfactory evidence of the identity of the individual making the acknowledgment.

C. A document may be signed in the notary public's presence or a document may be signed prior to the acknowledgment. A document may not be signed subsequent to an acknowledgment.

D. If the document is signed prior to appearance before the notary public, the individual making the acknowledgment shall acknowledge that the signature on the document is his own voluntary act.

E. The notary public shall compare the signature on the document to the signature of the individual on the identification presented.

Source: Section 25-34-51 et seq. Mississippi Code of 1972 as amended.

Rule 6.2. Oaths and affirmations.

A. The individual taking the oath or affirmation shall appear personally before the notary public.

B. The notary public shall have personal knowledge or satisfactory evidence of the identity of the individual taking the oath or affirmation.

C. An oath or affirmation may be verbal or in writing. If in writing, the oath or affirmation shall be signed in the presence of the notary public.

D. In administering an oath or affirmation, the notary public shall require the individual taking the oath or affirmation to voluntarily swear or affirm, under penalty of perjury, that the statements contained in the oath or affirmation are true, or that the individual will perform an act or duty faithfully and truthfully.

Source: Section 25-34-51 et seq. Mississippi Code of 1972 as amended.

Rule 6.3. Verifications on oath or affirmation.

A. The individual making the verification on oath or affirmation shall appear personally before the notary public.

B. The notary public shall have personal knowledge or satisfactory evidence of the identity of the individual making the verification on oath or affirmation.

C. A document containing a statement that is being verified on oath or affirmation shall be signed in the notary public's presence. A document containing a statement that is being verified may not be signed subsequent to the verification on oath or affirmation.

D. The notary public shall compare the signature on the statement verified to the signature of the individual on the identification presented.

E. In taking a verification on oath or affirmation, the notary public shall administer an oath or affirmation to the individual making the statement and require that the individual voluntarily swear or affirm, under penalty of perjury, that the statements contained in the document are true.

Source: Section 25-34-51 et seq. Mississippi Code of 1972 as amended.

Rule 6.4. Witnessing or attestation of signatures.

A. The individual signing the document shall appear personally before the notary public.

B. The notary public shall have personal knowledge or satisfactory evidence of the identity of the individual signing the document.

C. A document containing a signature that is being witnessed or attested shall be signed in the notary public's presence. A document containing a signature that is being witnessed or attested may not be signed subsequent to the witnessing or attestation of the signature.

D. The notary public shall compare the signature on the document signed to the signature of the individual on the identification presented.

E. The notarial act of witnessing or attesting a signature differs from an acknowledgment in that the party relying on the document may know for certain that the document was signed on the same date that the notary public affixed the official stamp and signature to the document.

F. The act of witnessing or attesting a signature differs from a verification on oath or affirmation in that the signer is merely signing the document, not swearing or affirming that the contents of the document are true.

Source: Section 25-34-51 et seq. Mississippi Code of 1972 as amended.

Rule 6.5. Certifying Tangible Copy of Electronic Document.

A. If a notary public is a custodian of an electronic document, the notary public may certify a tangible copy of the electronic document as a true and correct copy of the electronic document.

B. In order to certify a tangible copy of the electronic document as a true and correct of the electronic document, the notary public must:

1. confirm that the electronic document contains an electronic signature that is capable of independent verification and renders any subsequent changes or modifications to the electronic document evident;

2. personally print or supervise the printing of the electronic document onto paper; and

3. not make any changes or modifications to the document other than attaching the certification.

C. To be effective, the certification must be attached to the tangible copy of the

electronic document and be substantially in the form required by Miss. Code Ann. 89- 3-1 (relating to certificate of electronic document).

Source: Section 25-34-51 et seq. Mississippi Code of 1972 as amended.

Rule 6.6. Protests of negotiable instruments.

A. A protest is a certificate of dishonor made by a United States consul or vice consul or a notary public or other person authorized to administer oaths by the law of the place where dishonor occurs. It may be made upon information satisfactory to that person. The protest must:

1. Identify the negotiable instrument.

2. Certify either that presentment has been made or, if not made, the reason why it was not made.

3. State that the instrument has been dishonored by nonacceptance or nonpayment.

B. The protest may also certify that notice of dishonor has been given to some or all parties.

C. The individual requesting the protest shall appear personally before the notary public and be identified in the protest as the holder of the dishonored negotiable instrument.

D. The notary public shall have personal knowledge or satisfactory evidence of the identity of the individual requesting the protest.

Source: Section 25-34-51 et seq. Mississippi Code of 1972 as amended.

CHAPTER 7: NOTARIAL CERTIFICATES.

Rule 7.1. Minimum Requirements.

For a notarial certificate to be sufficient, it must contain the information required under Section 31(5) of the Act (relating to certificate of notarial act).

Source: Section 25-34-51 et seq. Mississippi Code of 1972 as amended.

Rule 7.2. Additional Information.

A notarial certificate may contain additional or other information as may be required to satisfy any legal requirements, ethical or legal concerns, or the business needs of the parties to the transaction.

Source: Section 25-34-51 et seq. Mississippi Code of 1972 as amended.

Rule 7.3. Permanently and Securely Affixed.

For purposes of attaching a notarial certificate to a tangible document, “securely attached” means stamped, stapled, grommeted, or otherwise permanently bound to the tangible document. The term “securely attached” does not include the use of tape, paper clips, or binder clips.

Source: Section 25-34-51 et seq. Mississippi Code of 1972 as amended.

Rule 7.4. Legible Signature Required.

When signing a paper certificate, the notary public shall use a legible, recognizable handwritten signature, which can be attributed to the notary public performing the notarial act by anyone examining or authenticating the signature. If a notary public’s preferred signature is not legible and recognizable, the notary public must also legibly print his name immediately adjacent to his preferred signature. For the purposes of this chapter, a signature is legible and recognizable if the letters are distinct and easily readable and the notary public’s full name may be clearly discerned by looking at the signature.

Source: Section 25-34-51 et seq. Mississippi Code of 1972 as amended.

CHAPTER 8: USE OF ELECTRONIC NOTARIZATION (IN-PERSON).

Rule 8.1. Notification regarding use of electronic notarization.

A. A notary public who wishes to perform electronic notarization using an electronic notarization system that meets the requirements of the Act and these Rules must:

1. hold a current and unrestricted commission;
2. submit an additional application on a form prescribed by the Secretary of State for performing in-person electronic notarial acts; and
3. receive proof that the additional application to perform in-person electronic notarial acts has been approved by the Secretary of State.

B. The renewal of the commission of a notary public who has previously qualified to perform in-person electronic notarizations under this section constitutes renewal of the notary public's commission without the necessity of submission of another electronic notarization application under this section.

Source: Section 25-34-51 et seq. Mississippi Code of 1972 as amended.

Rule 8.2. Requirements for electronic notarization.

A. A notary public performing notarial acts with respect to electronic documents shall use an electronic notarization system that meets the following minimum criteria. The electronic notarization system must:

1. Allow the principal and the notary to affix electronic signatures, as defined in Rule 1.2(L) above, to electronic documents.
2. Allow for a notary public to affix an electronic notary seal, as defined in Rule 1.2(K) above, to electronic documents.
3. Employ the use of a public key certificate, as defined in Rule 1.2(N) above, to identify the principal.
4. Make all electronic documents notarized using the electronic notarization system tamper-evident, as defined in Rule 1.2(S) above.

B. Before performing an electronic notarial act, the notary public shall take reasonable steps to ensure that the system used meets the minimum requirements of these Rules and has not expired, been revoked, or been terminated by the system provider.

C. All requirements of a notarial act performed with respect to a tangible document apply to an electronic document, including the personal appearance and identification of the individual appearing before the notary public, completion of a notarial certificate, use of an official stamp and recording of the notarial act in the journal.

D. The Secretary of State may publish a list of approved electronic notarization system vendors on its website that meet the minimum criteria set forth above, at the time of the Secretary of State's review of those systems published on its site.

E. The Secretary of State does not endorse any electronic notarization system vendor and does not guarantee that the use of any electronic notarization system satisfies the minimum criteria set forth above.

Source: Section 25-34-51 et seq. Mississippi Code of 1972 as amended.

CHAPTER 9: FEES.

Rule 9.1. Fees for notarial acts.

- A. The maximum fees that may be charged by a notary for notarial acts are:
1. for acknowledgments, five dollars (\$5.00) per signature;
 2. for oaths or affirmations without a signature, five dollars (\$5.00) per person;
 3. for jurats, five dollars (\$5.00) per signature;
 4. for signature witnessings, five dollars (\$5.00) per signature.

B. A notary public need not charge for notarial acts.

Source: Section 25-34-51 et seq. Mississippi Code of 1972 as amended.

Rule 9.2. Additional fees for certain notarial acts.

Nothing in the act shall be construed to prevent a third person who provides technologies or storage capabilities to aid the notary public in the performance of an electronic notarization from separately charging and collecting any additional fee for the services rendered.

Source: Section 25-34-51 et seq. Mississippi Code of 1972 as amended.

Rule 9.3. Fees for travel.

In addition to the fees authorized under Rule 9.01 (relating to fees for notarial acts), a notary public may additionally charge a travel fee when traveling to perform a notarial act if:

A. The notary public and the individual requesting the notarial act agree upon the travel fee in advance of the travel; and

B. The notary public explains to the individual requesting the notarial act that the travel fee is in addition to the notarial fee in Rule 9.01 (relating to fees for notarial acts) and is not required by law.

Source: Section 25-34-51 et seq. Mississippi Code of 1972 as amended.

Rule 9.4. Payment in advance.

A. A notary public may require payment of any fees specified in this chapter prior to performance of a notarial act.

B. Any fees paid to a notary public prior to performance of a notarial act are non-refundable if the act was completed, or in the case of travel fees, the act was not completed after the notary public had traveled to meet the principal.

Source: Section 25-34-51 et seq. Mississippi Code of 1972 as amended.

Rule 9.5. Employer may prohibit fees.

An employer may prohibit an employee who is a notary public from charging for notarial acts performed on the employer's time.

Source: Section 25-34-51 et seq. Mississippi Code of 1972 as amended.

Rule 9.6. No fee for notarizing absentee application and ballot.

Notaries public shall waive the fee for notarizing an absentee voter application or ballot.

Source: Section 25-34-51 et seq. Mississippi Code of 1972 as amended.

CHAPTER 10: PROHIBITED ACTS AND SANCTIONS.

Rule 10.1. Offenses involving fraud, dishonesty, or deceit.

A. Conviction of offenses involving a lack of honesty or elements of falsehood and fraud will be considered to be evidence of a lack of honesty, integrity, competence, or reliability to act as a notary public, regardless of the jurisdiction in which the crimes were committed.

B. The Secretary of State will consider all convictions or comparable dispositions obtained in the courts of the United States, the State or any other state, territory, possession, or country involving fraud, dishonesty, or deceit.

Source: Section 25-34-51 et seq. Mississippi Code of 1972 as amended.

Rule 10.2. Rebuttable presumption against appointment.

A. Any person who has been convicted of any felony offense or any misdemeanor offense involving fraud, dishonesty, or deceit within 10 years preceding the date of application for appointment is presumed ineligible for appointment as a notary public.

B. The presumption of ineligibility for appointment may be rebutted in extraordinary circumstances by a showing of clear and convincing evidence of the applicant’s full rehabilitation. It is the intent of this provision that overcoming this presumption will occur only infrequently and in truly exceptional circumstances.

C. There is no presumption of ineligibility for conviction of a felony or an offense involving fraud, dishonesty or deceit more than 10 years preceding the date of application for appointment, but the conviction and related facts may be considered in determining whether the applicant has the requisite honesty, integrity, competence, or reliability to act as a notary public.

D. The 10-year period will be measured from the date of the conviction, rather than the date of the act which constituted the offense.

E. For the purposes of this subchapter, “conviction” and “convicted of” include a conviction after a bench or jury trial, a guilty plea, a plea of nolo contendere, or a finding of not guilty due to insanity or of guilty but mentally ill.

Source: Section 25-34-51 et seq. Mississippi Code of 1972 as amended.

Rule 10.3. Reporting of crimes, disciplinary action, and other matters.

A. A notary public shall notify the Secretary of State of a conviction of any felony within thirty (30) calendar days of the disposition or on the next application for appointment and commission, whichever is sooner.

B. A notary public shall notify the Secretary of State of disciplinary action in the nature of a final order taken against the notary public’s commission by the commissioning authority of another state, territory, or country within thirty (30) calendar days of receiving notice of the disciplinary action or on the next application for appointment and commission, whichever is sooner.

C. A notary public shall notify the Secretary of State of a finding against, or admission of liability by, the notary public in any criminal, civil, or administrative proceeding within thirty (30) calendar days of conclusion of the legal proceeding or on the next application for appointment and commission, whichever is sooner.

D. A notary public shall notify the Secretary of State of a finding by The Mississippi Bar or the courts of the State or the bar or courts of any other state or nation finding that the notary public has engaged in the unauthorized practice of law within thirty (30) calendar days of conclusion of the proceeding or on the next application for appointment and commission, whichever is sooner.

Source: Section 25-34-51 et seq. Mississippi Code of 1972 as amended.

Rule 10.4. Conduct providing the basis for disciplinary action.

In addition to the acts and omissions specified in Section 43(1) of the Act (relating to

sanctions), the following acts or omissions demonstrate that an individual lacks the honesty, integrity, competence, or reliability to act as a notary public:

- A. Notarizing his own signature or statement.
- B. Notarizing a spouse's signature or statement.
- C. Notarizing incomplete or blank documents.
- D. Postdating or predating notarial acts.
- E. Altering a document after it has been notarized.
- F. Issuing to the order of a State agency or the State a personal check without sufficient funds on deposit.
- G. Performing a notarial act within this State when the person was not commissioned as a notary public or was otherwise not authorized to perform a notarial act.
- H. Performing a notarial act in another state under the authority of the notary public's Mississippi commission.
- I. Making a representation that the notary public has powers, qualifications, rights, or privileges that the notary public does not have.
- J. Use of the term "notario," "notario publico," "notario publica," or any non-English equivalent term in a manner which misrepresents the authority of the notary public.
- K. Engaging in the unauthorized practice of any regulated profession, including law.
- L. Endorsing or promoting a product, service, contest, or other offering by using the notary public's title or official stamp.
- M. Failure to require an individual making a statement in or executing a signature on a document to appear personally.
- N. Failure to have personal knowledge or satisfactory evidence of the identity of an individual appearing before the notary public.
- O. Executing a notarial certificate that contains a statement known to the notary public to be false.
- P. Using the notary public's official stamp for a purpose other than to perform a notarial act.
- Q. Using another notary public's stamping device to perform a notarial act.

Source: Section 25-34-51 et seq. Mississippi Code of 1972 as amended.

Rule 10.5. Factors considered in disciplinary action.

When determining whether to deny an application or take disciplinary action against a notary public, the Secretary of State may consider a variety of factors including the following:

- A. Nature, number and severity of any acts, offenses, official misconduct, or crimes under consideration.
- B. Evidence pertaining to the honesty, credibility, truthfulness, and integrity of the applicant or notary public.
- C. Actual or potential monetary or other harm to the general public, group, individual or client.
- D. History of complaints received by the Secretary of State.
- E. Prior disciplinary record or warning from the Secretary of State.
- F. Evidence in mitigation.
- G. Evidence in aggravation.
- H. Occupational, vocational, or professional license disciplinary record.
- I. Evidence of rehabilitation, such as reference letters and proof of class attendance.

- J. Criminal record
- K. Reports from law enforcement agencies.
- L. Willfulness.
- M. Negligence.

Source: Section 25-34-51 et seq. Mississippi Code of 1972 as amended.

Rule 10.6. Unauthorized practice of law.

A. If notarial certificate wording is not provided or indicated for a document, a non-attorney notary shall not determine the type of notarial act or certificate to be used.

B. A notary public may not assist a person in drafting legal documents, give legal advice or is otherwise practice law in violation of Section 43 of the Act (relating to prohibited acts), unless the notary public is a licensed attorney in this State.

C. Among the acts that constitute the practice of law are the preparation, drafting or selection or determination of the kind of any legal document, or giving advice in relation to any legal documents or matters.

D. A person who represents himself in a legal matter will not be considered to have engaged in the unauthorized practice of law.

E. This section does not preclude a notary public who is duly qualified, trained, or experienced in a particular industry or professional field from selecting, drafting, completing, or advising on a document or certificate related to a matter within that industry or field.

Source: Section 25-34-51 et seq. Mississippi Code of 1972 as amended.

Rule 10.7. Advertising.

For the purpose of the statements required under Section 47 of the Act (relating to prohibited acts), the term “prominently” in Section 47(4) of the Act means that the entire statement “I am not an attorney licensed to practice law in this Stat E. I am not allowed to draft legal documents, give advice on legal matters, including immigration, or charge a fee for those activities.” must be in at least 10-point type and must be displayed in an area open and accessible to the public at the place of performance of the notarial act.

Source: Section 25-34-51 et seq. Mississippi Code of 1972 as amended.

CHAPTER 11: SANCTIONS AND REMEDIES FOR IMPROPER ACTS.

Rule 11.1. Revocation.

A. A notary public’s commission may be revoked for any act or omission that demonstrates the notary public lacks the honesty, integrity, competence, or reliability to act as a notary public.

B. The Secretary of State shall revoke the commission of any notary public who fails to maintain a residence in this State or to maintain a place of employment in this State on an ongoing basis.

C. Prior to revocation of a notary commission, the Secretary of State shall inform the notary public of the basis for the revocation and that the revocation takes effect on a particular date unless a proper appeal is filed with the Secretary of State before that date.

D. Resignation or expiration of a notary public’s commission does not terminate or preclude an inquiry into the notary’s conduct by the Secretary of State whereupon it shall be made a matter of public record whether or not the finding would have been grounds

for revocation.

Source: Section 25-34-51 et seq. Mississippi Code of 1972 as amended.

Rule 11.2. Suspension.

A. A notary public's commission may be suspended for any actions contrary to the act, other laws and the requirements of these Rules.

B. Prior to suspension of a notary public's commission, the Secretary of State shall inform the notary of the basis for the suspension and that the suspension takes effect on a particular date unless a proper appeal is filed with the Secretary of State before that date.

C. Resignation or expiration of a notary public's commission does not terminate or preclude an inquiry into the notary's conduct by the Secretary of State whereupon it shall be made a matter of public record whether or not the finding would have been grounds for suspension.

Source: Section 25-34-51 et seq. Mississippi Code of 1972 as amended.

Rule 11.3. Other Remedial Actions for Misconduct.

A. The Secretary of State may deliver a written official warning to cease misconduct, misfeasance, or malfeasance to any notary whose actions are deemed to be in violation of these Rules, the act, or other laws of the State of Mississippi.

B. The Secretary of State may also seek any other remedies available under law or equity.

C. The remedies and sanctions of these Rules do not preclude other remedies and sanctions provided by law.

Source: Section 25-34-51 et seq. Mississippi Code of 1972 as amended.

Rule 11.4. Official Notice.

Official notice required by these Rules shall be by certified mail to the notary public at the residence address shown on the records of the Secretary of State and/or such other address as the Secretary of State may deem necessary.

Source: Section 25-34-51 et seq. Mississippi Code of 1972 as amended.

Rule 11.5. Publication of Sanctions and Remedial Actions.

The Secretary of State shall regularly publish a list of persons whose notary public commissions have been suspended or revoked by the Secretary of State or a court.

Source: Section 25-34-51 et seq. Mississippi Code of 1972 as amended.

Rule 11.6. Criminal Sanctions.

In addition to civil sanctions provided by these Rules and the act, there are criminal sanctions which may be applicable to a notary who violates state or federal criminal statutes.

Source: Section 25-34-51 et seq. Mississippi Code of 1972 as amended.

Rule 11.7. Complaints.

A. Complaints against a notary public for violation of the requirements of these Rules, the act or any other law or regulation shall be made in writing and under oath to the Secretary of State.

B. Complaints should state all pertinent facts and include a copy of the notarial

certificate in question and the status of any pending litigation.

C. Complaints alleging violations of criminal statutes shall be made to the district attorney for the county in which the violation occurred.

D. Where civil or criminal litigation is pending or anticipated, or has already commenced, the Secretary of State may, in its sole discretion, defer action on the complaint pending the outcome of the litigation. In matters in which litigation is concluded, the Secretary of State may, in its sole discretion, decline to investigate any notary complaint in which the Secretary of State determines that the basis for the complaint could have been considered by a court.

E. The Secretary of State may, in its sole discretion, decline to investigate any notary complaint which, on the face of the complaint, has no identifiable violation.

F. The Secretary of State may, in its sole discretion, decline to investigate any notary complaint in which the Secretary of State believes or has reason to believe the complaint is an attempt to harass, mislead, or disrupt the normal course of business.

Source: Section 25-34-51 et seq. Mississippi Code of 1972 as amended.

Rule 11.8. Appeals.

A. Appeals should be addressed to the Business Services Division of the Secretary of State's Office. The appeal must be in writing and under oath. The written appeal shall include submission of copies of three pages from the notary's journal including the pages before and after the entry of information surrounding the certificate in question.

B. Appeals will be on the record unless an oral hearing is requested.

C. Oral hearings are in the sole discretion of the Secretary of State's Office.

D. Where an oral hearing is granted, the hearing will be conducted informally with relaxed rules of evidence in accordance with these Rules.

E. The notary public shall bring the original journal to any oral hearing for review by the hearing officer.

Source: Section 25-34-51 et seq. Mississippi Code of 1972 as amended.