Title 01

Part III Secretary of State of Mississippi

Chapter 14 Notaries Public

Purpose of this Chapter

100 The Secretary of State is required to issue rules to implement the Mississippi Notary Law, in accordance with Senate Bill 2647 of the 2007 Session of the Mississippi Legislature, Section 25-33-1 et seq. Mississippi Code of 1972 as amended, effective July 1, 2007. The purpose of this chapter is to implement the Mississippi Notary Law, clarify and establish qualifications for the office of Notary Public, to provide written guidelines on notary practice, to provide for the revocation or suspension of a notary commission for official misconduct, misfeasance or malfeasance in office and to prescribe required forms and establish certain fees.

101 Definitions. The following terms shall have the respective meanings provided in these rules.

101.01 Acknowledgment. "Acknowledgment" means a notarial act in which an individual at a single time and place:

(1) appears in person before the notary and presents a document;

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

(3) indicates to the notary that the signature on the document was voluntarily affixed by the individual for the purposes stated within the document and, if applicable, that the individual had due authority to sign in a particular representative capacity.

101.02 Affirmation.

"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."

101.03 Appears in person before the notary. "Appears in person before the notary" means that the principal and the notary are physically close enough to see, hear, communicate with, and give identification documents to each other.

101.04 Commission. "Commission" means both to empower to perform notarial acts and the written evidence of authority to perform those acts.

101.05 Credible witness. "Credible witness" means an honest, reliable, and impartial person who personally knows an individual appearing before a notary and takes an oath or affirmation from the notary to vouch for that individual's identity.

101.06 Felony or disqualifying felony. "Felony" or "disqualifying felony" means the conviction of any of the crimes below under the laws of this state or any other state or country:
(1)Murder, rape, bribery, theft, arson, obtaining money or goods under false pretenses, perjury, forgery, embezzlement or bigamy,
(2)"Theft"in subsection (1) includes the following offenses: larceny, taking unlawful possession of a motor vehicle, armed robbery, robbery, receiving stolen property, extortion, felony shoplifting and timber larceny.
(3) You may, however, apply for the office of Notary Public if you have been convicted of a disqualifying felony if:
a. You have received a full and complete pardon from the Governor for your crime(s) or if the Mississippi Legislature has restored your right to suffrage (right to vote), and
b. Disclose your conviction(s) in your application and provide copies of the conviction order(s) and supply a copy of the Pardon from the Governor or Act of the Legislature restoring your rights.

101.07 Journal of notarial acts and journal. "Journal of notarial acts" and "journal" mean a device for creating and preserving a chronological record of notarizations performed by a notary.

101.08 Jurat. "Jurat" means a notarial act in which an individual at a single time and place:
(1) appears in person before the notary and presents a document;
(2) is personally known to the notary or identified by the notary through satisfactory evidence;
(3) signs the document in the presence of the notary; and
(4) takes an oath or affirmation from the notary vouching for the truthfulness or accuracy of the signed document.

101.09 Legal resident or other legal resident of the United States. "Legal resident" or "other legal resident of the United States" means that you must have been granted permanent resident status in the United States by the United States Immigration and Naturalization Service. You must possess a Resident Alien Identification Card (Green Card) issued directly to you by the Immigration and Naturalization Service.

101.10 Notarial act and notarization. "Notarial act" and "notarization" mean any act that a notary is empowered to perform under law or regulation.

101.11 Notarial certificate and certificate. "Notarial certificate" and "certificate" mean the part of, or attachment to, a notarized document that is completed by the notary, bears the notary's signature and seal, and states the facts attested by the notary in a particular notarization.

101.12 Notary public and notary. "Notary public" and "notary" mean any person commissioned to perform official acts under the laws of this state.

101.13 Oath. "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."

101.14 Official Misconduct, Misfeasance and Malfeasance. "Official misconduct," "Misfeasance" and "Malfeasance" mean:

(1) a notary's performance of any act prohibited, or failure to perform any act mandated, by the Mississippi Notary Law or any other law and/or regulation in connection with a notarial act by the notary; or

(2) a notary's performance of an official act in a manner found by the Secretary of State to be negligent or against the public interest.

101.15 Resident of the State of Mississippi. "Resident of the State of Mississippi" means:

(1) you maintain a permanent residential street address in the State of Mississippi, and state, and

(2) you do not maintain a permanent residence in another state or country,

(3) you do not claim homestead exemption or similar benefit in another state or country,

(4) you are not registered to vote in another state or country,

(5) you do not have a driver's license issued by another state or country,

(6) you do not own automobiles registered in another state or country, or

(7) you do not claim or maintain any other status that indicates that you are a resident of another state or country.

101.16 Personal knowledge of identity. "Personal knowledge of identity" and "personally knows" mean familiarity with an individual resulting from interactions with that individual over a period of time sufficient to dispel any reasonable uncertainty that the individual has the identity claimed.

101.17 Principal. "Principal" means:

(1) a person whose signature is notarized; or

(2) a person, other than a credible witness, taking an oath or affirmation from the notary.

101.18 Regular place of work or business. "Regular place of work or business" means a stationary office or workspace where one spends all or some of one's working or business hours.

101.19 Satisfactory evidence of identity. "Satisfactory evidence of identity" means identification of an individual based on:

(1) at least one current document issued by a federal, state, or tribal government agency bearing the photographic image of the individual's face and signature and a physical description of the individual, though a properly stamped passport without a physical description is acceptable; or

(2) the oath or affirmation of one credible witness unaffected by the document or transaction who is personally known to the notary and who personally knows the individual, or of 2 credible witnesses unaffected by the document or transaction who each personally knows the individual and shows to the notary documentary identification as described in Subparagraph (1) of this section.

101.20 Seal. "Seal" means a device for affixing on a paper document an image containing a notary's name, jurisdiction, commission expiration date, and other information related to the notary's commission.

101.21 Signature witnessing. "Signature witnessing" means a notarial act in which an individual at a single time and place:

(1) appears in person before the notary and presents a document;

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

(3) signs the document in the presence of the notary.

102 Qualifications for Notary Public.

(1) Except as provided in Subsection (3), the Secretary of State shall issue on behalf of the Governor a notary commission to any qualified person who submits an application to the Secretary of State in accordance with this Chapter.

(2) A person qualified for a notary commission shall:

(a) be at least 18 years of age;

(b) a resident of the State of Mississippi and have resided in the county of residence for least thirty (30) days prior to the submission of the application;

(c) a citizen or legal resident of the United States;

(d) read and write English; and

(e) not be convicted of a felony.

(3) The Secretary of State may deny an application based on:

(a)failure of the applicant to meet any requirements of the Mississippi Notary Law or this Chapter;

(b)failure of the applicant to complete and submit the proper Application Form, Bond and Oath;

(c)submission of an official application containing material misstatement or omission of fact;

(d) the applicant is currently incarcerated, on probation or parole, or

(e) revocation, suspension, restriction, or denial of a notarial commission or an official finding that the applicant had engaged in official misconduct, misfeasance or malfeasance as defined in this Chapter, whether or not disciplinary action resulted in this state or any other state or nation.

(4) Denial of an application may be appealed by filing in proper form with the Secretary of State within forty-five (45) days after denial, except that an applicant may not appeal when the Secretary of State within 5 years prior to 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 grounds for revocation of the applicant's commission existed.

103 Application for Notary Public Commission.

Every application for a notary commission shall be made on SOS Form NP 001, Application for Notary Public Commission, and include:

(1) a statement of the applicant's personal qualifications, as described in this Chapter;

(2) the required surety bond in the amount of five thousand dollars ($5,000.00) from a surety licensed by the Mississippi Department of Insurance;

(3) the official oath of office;

(4) such other information as the Secretary of State may deem appropriate; and

(5) the application fee.

104 Statement of Personal Qualifications.

The application for a notary commission shall be notarized and state or include, at least:

(1) the applicant's date of birth;

(2) the applicant's physical residence address and telephone number;

(3) the applicant's business address and telephone number, the business mailing address, if different, and the name of the applicant's employer, if any;

(4) a declaration that the applicant is a citizen of the United States or the applicant's status as a permanent legal resident of the United States (green card);

(5) a declaration that the applicant can read and write English;

(6) a declaration that the applicant has never had a denial, revocation, suspension, restriction, and or resignation of a notarial commission in this state or any other state or nation;

(7) a declaration that the applicant has not been convicted of a disqualifying felony in this state or other state nation and is not presently incarcerated or on parole.

105 Application Fee.

Every applicant for a notary commission shall pay to this State a nonrefundable application fee as set forth in Section 904 of this Chapter.

106 Bond.

(1) A notary commission shall not become effective until an oath of office and a five thousand dollar ($5,000.00) bond have been filed with the Secretary of State. The bond shall be issued and executed by a surety licensed by the Mississippi Department of Insurance, for a term of four (4) years commencing on the commission's effective date and terminating on its expiration date, with payment of bond funds to any person conditioned upon the notary's misconduct, misfeasance or malfeasance as defined in this Chapter.

(2)The bond must be on SOS Form NP 002, Official Notary Public Bond, or a bond substantially in the form prescribed for public official bonds in Section 25-1-15 of the Mississippi Code of 1972.

(3) If a notary bond has been exhausted by claims paid out by the surety, the Secretary of State may suspend the notary's commission until:

(a) a new bond is obtained by the notary; and

(b) the notary's fitness to serve the remainder of the commission term is determined by the Secretary of State.

107 Oath of Office.

Every applicant for a notary commission shall take the Oath of Office prescribed by Section 268 of the Mississippi Constitution in the presence of a notary of the State of Mississippi. The oath shall be taken before a Mississippi Notary Public and submitted on SOS Form NP 003, Oath of Office.

108 Commissioning Documents.

108.01 Upon issuing a notary commission, the Secretary of State shall provide to the notary a written commission including the Notary Identification Number and starting and ending date.

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

109 Jurisdiction and Term.

A person commissioned as a notary may perform notarial acts in any part of this State for a term of four (4) years from the date of the commission, unless the commission is earlier suspended, revoked or resigned pursuant to this Chapter. The date of the commission shall be the date the completed application was received by the Secretary of State; however, an applicant may not perform notarial acts prior to the actual issuance of the notary commission.

110 Recommissioning.

A current or former notary applying for a new notary commission shall submit a new completed application and comply with all the provisions of the Mississippi Notary Law and this Chapter. A current notary may submit an application to be recommissioned 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.

201 Powers and Limitations of Notary Public

(1) A notary is empowered to perform the following notarial acts:

(a) acknowledgments;

(b) oaths and affirmations;

(c) jurats;

(d) signature witnessings; and

(e) any other acts so authorized by the law of this State.

(2) A notary shall not perform a notarial act if the principal:

(a) is not in the notary's presence at the time of notarization;

(b) is not personally known to the notary or identified by the notary through satisfactory evidence;

(c) shows a demeanor which causes the notary to have a compelling doubt about whether the principal knows the consequences of the transaction requiring a notarial act; or

(d) in the notary's judgment, is not acting of his or her own free will.

(3) A notary may certify the affixation of a signature by mark on a document presented for notarization if:

(a) the mark is affixed in the presence of the notary and of 2 witnesses unaffected by the document;

(b) both witnesses sign their own names beside the mark;

(c) the notary writes below the mark: "Mark affixed by (name of signer by mark) in presence of (names and addresses of witnesses) and undersigned notary under Section 504; and

(d) the notary notarizes the signature by mark through an acknowledgment, jurat, or signature witnessing.

202 Disqualifications.

A notary is disqualified from performing a notarial act if the notary:

(1) is a party to or named in the document that is to be notarized;

(2) is a spouse, ancestor, descendant, or sibling of the principal, including in-law, step, or half relatives and other persons residing in the same household

(3) will receive as a direct or indirect result any commission, fee, advantage, right, title, interest, cash, property, or other consideration exceeding in value the fees specified in this Chapter;
(a) an employee notary is not disqualified from performing a notarial act solely by virtue the employee/employer relationship, participation in an employee stock ownership plan (ESOP), or a qualified retirement plan.
(b) an attorney notary is not disqualified from performing a notarial act solely by virtue of the attorney client relationship.
(c) a shareholder notary is not disqualified solely by virtue of a corporation/shareholder relationship.

203 Refusal to Notarize.

(1) A notary shall not refuse to perform a notarial act based on the principal's race, advanced age, gender, religion, national origin, health or disability.
(2) A notary shall perform any notarial act described in this Chapter for any person requesting such an act who tenders the appropriate fee, unless:
(a) the notary knows or has good reason to believe that the notarial act or the associated transaction is unlawful;
(b) the act is prohibited under this Chapter;
(c) the number of notarial acts requested practicably precludes completion of all acts at once, in which case the notary shall arrange for later completion of the remaining acts; or
(3) A notary may but is not required to perform a notarial act outside the notary's regular workplace or business hours.

204 Avoidance of Influence.

(1) A notary shall not influence a person either to enter into or avoid a transaction involving a notarial act by the notary, except that the notary may advise against a transaction if Section 201(2) (c) or (d) of this Chapter applies.
(2) A notary has neither the duty nor the authority to investigate, ascertain, or attest the lawfulness, propriety, accuracy, or truthfulness of a document or transaction involving a notarial act.

205 False Certificate.

(1) A notary shall not execute a certificate containing information known or believed by the notary to be false.

(2) A notary shall not affix an official signature or seal on a notarial certificate that is incomplete.

(3) A notary shall not provide or send a signed or sealed notarial certificate to another person with the understanding that it will be completed or attached to a document outside of the notary's presence.

206 Improper Documents.

(1) A notary shall not notarize a signature:

(a) on a blank or incomplete document; or

(b) on a document without notarial certificate wording.

(2) A notary shall neither certify nor authenticate a photograph.

(3) A notary who is not an employee of the issuing government agency shall neither certify nor authenticate a copy of any official government document including but not limited to the following:

a. Birth Certificate

b. Death Certificate

c. Drivers License

d. Passport

e. Social Security Card

f. Any official government issued identity card

Nothing in this section shall prohibit a Notary from notarizing a signature on a document which has a copy of an official government document embedded or attached as an exhibit.

207 Intent to Deceive.

A notary shall not perform any official action with the intent to deceive or defraud.

208 Testimonials.

A notary shall not use the official notary title or seal to endorse, promote, denounce, or oppose any product, service, contest, candidate, or other offering.

209 Unauthorized Practice of Law.

(1) 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.

(2) A non-attorney notary shall not assist another person in drafting, completing, selecting, or understanding a document or transaction requiring a notarial act.

(3) This section does not preclude a notary 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.

(4) A notary shall not claim to have powers, qualifications, rights, or privileges that the office of notary does not provide, including the power to counsel on immigration matters.

(5) A non-attorney notary who advertises notarial services in a language other than English shall include in the advertisement, notice, letterhead, or sign the following, prominently displayed in the same language:

(a) the statement: "I am not an attorney and have no authority to give advice on immigration or other legal matters"; and

(b) the fees for notarial acts specified in Section 302.

(6) A notary may not use the term "notario publico" or any equivalent non-English term in any business card, advertisement, notice, or sign.

300 Fees of Notary Public.

301 Imposition and Waiver of Fees.

(1) For performing a notarial act, a notary may charge the maximum fee specified in Section 302, charge less than the maximum fee, or waive the fee.

(2) A notary shall not discriminatorily condition the fee for a notarial act on the attributes of the principal as delineated in Section 203, though a notary may waive or reduce fees for humanitarian or charitable reasons.

302 Fees for Notarial Acts.

(1) The maximum fees that may be charged by a notary for notarial

acts are:

(a) for acknowledgments, five dollars ($5.00) per signature;

(b) for oaths or affirmations without a signature, five dollars ($5.00) per person;

(c) for jurats, five dollars ($5.00) per signature;

(d) for signature witnessings, five dollars ($5.00)per signature;

(2) A notary may charge a travel fee when traveling to perform a notarial act if:

(a) the notary and the person requesting the notarial act agree upon the travel fee in advance of the travel; and

(b) the notary explains to the person requesting the notarial act that the travel fee is both separate from the notarial fee in Subsection (a) and neither specified nor mandated by law.

303 Payment Prior to Act.

(1) A notary may require payment of any fees specified in Section 302 prior to performance of a notarial act.

(2) Any fees paid to a notary prior to performance of a notarial act are non-refundable if:

(a) the act was completed; or

(b) in the case of travel fees paid in compliance with Section 302, the act was not completed for reasons stated in Sections 201--206 after the notary had traveled to meet the principal.

304 Fees of Employee Notary.

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

305 Notice of Fees.

Notaries who charge for their notarial services shall conspicuously display in their places of business, or present to each principal outside their places of business, an English-language schedule of fees for notarial acts, as specified in this Section 302.

401.01 Journal of Notarial Acts.

(1) A notary shall keep, maintain, protect, and provide for lawful inspection a chronological official journal of notarial acts a permanently bound book with numbered pages;

(2) A notary shall keep no more than one active journal at the same time.

401.02 Entries.

(1) For every notarial act, the notary shall record in the journal at the time of notarization at least the following:

(a) the date and time of day of the notarial act;

(b) the type of notarial act;

(c) the type, title, or a description of the document or proceeding;

(d) the printed name and address of each principal;

(e) the fee, if any, charged for the notarial act;

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

(g) if the principle is not personally know to the notary may require, the signature of the principal and the evidence of identity of each principal, in the form of either: a notation of the type of identification document, its issuing agency, its serial or identification number, and its date of issuance or expiration;

(2) A notary shall not record a Social Security or credit card number in the journal.

(3) A notary shall record in the journal the circumstances for not completing a notarial act.

(4) As required in Section 401.03, a notary shall record in the journal the circumstances of any request to inspect or copy an entry in the journal, including the requester's name, address, signature, and evidence of identity. The reasons for refusal to allow inspection or copying of a journal entry shall also be recorded.

401.03 Inspection, Copying, and Disposal of Journal.

(1) 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:

(a) the person's identity is personally known to the notary or proven through satisfactory evidence;

(b) the person affixes a signature in the journal in a separate, dated entry;

(c) the person specifies the month, year, type of document, and name of the principal for the notarial act or acts sought; and

(d) the person is shown only the entry or entries specified.

(2) 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.
(3) The journal may be examined without restriction by a law enforcement officer in the course of an official investigation, subpoenaed by court order, or surrendered at the direction of the Secretary of State.
(4) Upon complying with a request under Subsection (a), the notary shall provide a copy of a specified entry or entries in the journal at a cost of not more than five dollars ($5.00) per copy; other entries on the same page shall be masked.
(5) A notary shall safeguard the journal and all other notarial records and surrender or destroy them only by rule of law, by court order, or at the direction of the Secretary of State.
(6) When not in use, the journal shall be kept in a secure area under the exclusive control of the notary, and shall not be used by any other notary nor surrendered to an employer upon termination of employment.
(7) Within 10 days after the journal is stolen, lost, destroyed, damaged, or otherwise rendered unusable or unreadable as a record of notarial acts, the notary, after informing the appropriate law enforcement agency in the case of theft or vandalism, shall notify the Secretary of State by any means providing a tangible receipt or acknowledgment, including certified mail and electronic transmission, and also provide a copy or number of any pertinent police report.
(h) Upon resignation, revocation, or expiration of a notary commission, or death of the notary, the journal and notarial records shall be delivered to the Clerk of the Circuit Court of the County of residence of the notary in accordance with Section 25-33-7 of the Mississippi Code of 1972.

402 Official Signature.

In notarizing a paper document, a notary shall:
(1) sign by hand on the notarial certificate exactly and only the name indicated on the notary's commission;
(2) not sign using a facsimile stamp or an electronic or other printing method; and
(3) affix the official signature only at the time the notarial act is performed.

403 Seal requirements.

403.01 Official Seal.

(1) A notary shall keep an official seal that is the exclusive property of the notary. The seal shall not be possessed or used by any other person, nor surrendered to an employer upon termination of employment.

(2) An image of the official seal shall be affixed by the notary on every paper document notarized.

(3) An image of the seal shall be affixed only at the time the notarial act is performed.

(4) When not in use, the seal shall be kept secure and accessible only to the notary.

(5) Within 10 days after the seal of a notary is stolen, after informing the appropriate law enforcement agency, or lost, the notary shall notify the Secretary of State by submitting an Application for Replacement Commission, SOS Form NP 006. The Notary shall also provide a copy or number of any pertinent police report. Upon receipt of such notice the Secretary of State shall issue to the notary a replacement commission with a new Notary Identification Number.

(6) As soon as reasonably practicable after resignation, revocation, or expiration of a notary commission or death of the notary, the seal shall be destroyed or defaced so that it may not be misused.

403.02 Seal Image.

(1) Near the notary's official signature on the notarial certificate of a paper document, the notary shall affix a sharp, legible, permanent, and photographically reproducible image of the official seal that shall include the following elements:

(a) the notary's name exactly as indicated on the commission (abbreviations beyond those already appearing on the commission are not permissible);

(b) the identification number of the notary's commission;

(c) the words "Notary Public" and "State of Mississippi [insert county of residence] County";

(d) the words "Commission expires [insert expiration date]";

(e) a border in a circular shape with a diameter no less than one and one-half inches and no larger than two and one-half inches, surrounding the required words.

(2) Illegible information within a seal impression may be typed or printed legibly by the notary adjacent to but not within the impression.

(3) An embossed seal impression that is not photographically reproducible may be used in addition to but not in lieu of the seal described in Subsection (1).
(4) The model seals contained in Section 902.07 of the Appendix of Forms meet the seal image requirements of Section 403.02(1). The model seals are merely examples of valid seal formats. Other seal formats that meet the requirements of Section 403.02(1) shall likewise be considered valid.

500 Certificates for Notarial Acts.

The party drafting a document for notarization 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 document presented does not contain an acceptable certificate; the notary shall instead, refused to notarize the document pursuant to Rule 206.

501 Signer by Mark and Person Unable to Sign.

Certificates may be used for signers by mark or persons physically unable to sign or make a mark if:
(1) for a signer by mark, the notary and 2 witnesses unaffected by the document observe the affixation of the mark, both witnesses sign their own names beside the mark, and the notary writes below the mark: "Mark affixed by (name of signer by mark) in presence of (names and addresses of 2 witnesses) and undersigned notary ; or
(2) for a person physically unable to sign or make a mark, the person directs the notary to sign on his or her behalf in the presence of the person and 2 witnesses unaffected by the document, both witnesses sign their own names beside the signature, and the notary writes below the signature: "Signature affixed by notary in presence of (names and addresses of person and 2 witnesses).

601.01 Change of Address.

Within 30 days after the change of a notary's residence, business, or mailing address, the notary shall send to the Secretary of State a signed notice of the change, giving both old and new addresses on SOS Form NP 004, Application for Change of Notary Address.

601.02 Change of Name.

(1)Within 30 days after the change of a notary's name by court order or marriage, the notary shall send to the Secretary of State a signed notice of the change, giving both former and new names, with a copy of any official authorization for such change on SOS Form NP 005, Application for Change of Notary Name.

(2) A notary with a new name shall continue to use the former name in performing notarial acts until the following steps have been completed, at which point the notary shall use the new name:

(a) the notice described in Subsection (1) has been delivered or transmitted;

(b) a Confirmation of Notary's Name has been received from the Secretary of State; and a Replacement commission issued.

(c) a new seal bearing the new name exactly as in the Replacement Commission has been obtained; and

(d) the surety for the notary's bond has been informed in writing.

601.03 Resignation.

(1) A notary who resigns his or her commission shall send to the Secretary of State by a signed notice indicating the effective date of resignation on SOS Form NP 005, Notice of Notary Resignation or Death.

(2) Notaries 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.

602 Disposition of Seal and Journal.

(1) Except as provided in Subsection (2), when a notary commission expires or is resigned or revoked, the notary shall:

(a) as soon as reasonably practicable, destroy or deface all notary seals so that they may not be misused; and

(b) within 30 days after the effective date of resignation, revocation, or expiration, send to the Circuit Clerk of the County where the Notary the notarial journal and records.

(2) A former notary who intends to apply for a new commission and whose previous commission or application was not revoked or denied by this State, need not deliver the journal and records

within 30 days after commission expiration, but must do so within 6 months after expiration unless recommissioned within that period.

603 Death of Notary.

If a notary dies during the term of commission or before fulfilling the obligations stipulated in this Chapter, the notary's personal representative shall:

(1) notify the Secretary of State of the death in writing;

(2) as soon as reasonably practicable, destroy or deface all notary seals so that they may not be misused; and

(3) within 6 months after death, send to the Circuit Clerk of the County of residence of the Notary listed in the records of the Secretary of State's Office the notary's journal of notarial acts and any other notarial records.

700 Sanctions and Remedies for Improper Acts

701 Revocation.

(1) The Secretary of State may revoke a notary commission for any ground on which an application for a commission may be denied under this Chapter.

(2) The Secretary of State shall revoke the commission of any notary who fails:

(a) to maintain a residence in this State; and

(b) to maintain status as a legal resident of the United States.

(3) Prior to revocation of a notary commission, the Secretary of State shall inform the notary 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.

(4) Resignation or expiration of a notary 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.

702 Suspension.

(1) The Secretary of State may suspend a notary commission for actions contrary to the Mississippi Notary Law, other laws and the requirements of this Chapter.

(2) Prior to suspension of a notary 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.
(3) Resignation or expiration of a notary 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.

703 Other Remedial Actions for Misconduct.

(1) 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 this Chapter, the Mississippi Notary Law or other laws of the State of Mississippi.
(2) The Secretary of State may also seek any other remedies available under law or equity.
(3)The remedies and sanctions of this chapter do not preclude other remedies and sanctions provided by law.

704 Official Notice.

Official notice required by this Chapter shall be by Certified mail to the notary 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.

705 Publication of Sanctions and Remedial Actions.

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

706 Criminal Sanctions.

In addition to civil sanctions provided by this Chapter and the Mississippi Notary Law, there are criminal sanctions which may be applicable to a notary who violates state or federal criminal statutes.

707 Complaints.

(1) Complaints against a Mississippi notary public for violation of the requirements of this Chapter, the Mississippi Notary Law or any other law or regulation shall be made in writing and under oath to the Secretary of State.

(2) Complaints should state all pertinent facts and include a copy of the notarial certificate in question and the status of any pending litigation.

(3) Complaints alleging violations of criminal statutes shall be made to the District Attorney for the county in which the violation occurred.

(4) Where civil or criminal litigation is pending or anticipated, the Secretary of State's Office may, in its sole discretion, defer action on the Compliant pending the outcome of the litigation.

707 Appeals.

(1) Appeals should be addressed to the Business Services Division of the Secretary of State's Office.

(a) The appeal shall be in writing and under oath.

(a) 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.

(2) Appeals will be on the record unless an oral hearing is requested.

(3) Oral hearings are in the sole discretion of the Secretary of State's Office.

(4) Where an oral hearing is granted, the hearing will be conducted informally with relaxed rules of evidence in accordance with Chapter 5 of these Regulations.

(5) The Notary Public shall bring the original journal to any oral hearing for review by the hearing officer.

801 Authentications

On a notarized document sent to another state or nation, evidence of the authenticity of the official seal and signature of a notary of this [State], if required, shall be in the form of:

(1) a certificate of authority from the Secretary of State and authenticated as necessary by additional certificates from United States and/or foreign government agencies; or

(2) in the case of a notarized document to be used in a nation that has signed and ratified the Hague Convention Abolishing the Requirement of Legalization for Foreign Public Documents of

October 5, 1961, an Apostille from the Secretary of State in the form prescribed by the Convention, with no additional authenticating certificates required.

802 Certificate of Authority.

A certificate of authority evidencing the authenticity of the official seal and signature of a notary of this [State] shall be substantially in the following form:

Certificate of Authority for a Notarial Act

I, _____ (name, title, jurisdiction of authenticating official), certify that _____ (name of notary), the person named in the seal and signature on the attached document, was a Notary Public for the [State] of _____ [name of jurisdiction] and authorized to act as such at the time of the document's notarization. To verify this Certificate of Authority for a Notarial Act, I have affixed below my signature and seal of office this _____ day of _____, 20___.

(Signature and seal of commissioning official)

803 Apostille.

An Apostille prescribed by the Hague Convention, as cited in 28 U.S.C.A. in the annotations to Rule 44 of the Federal Rules of Civil Procedure, shall be in the form of a square with sides at least 9 centimeters long and contain exactly the following wording:

APOSTILLE

(Convention de La Haye du 5 octobre 1961)

1. Country: _____

   This public document

2. has been signed by _____
3. acting in the capacity of _____
4. bears the seal/stamp of _____

CERTIFIED

5. at _____

6. the _____

7. by _____

8. Number _____

9. Seal/Stamp

10. Signature:

_____

901 Notary Public Fees. The Secretary of State charges the following fees:

901.01 Application Fee	**$25.00**
901.02 Notice of Address Change	**20.00**
901.03 Notice of Name Change	**20.00**
901.04 Application for Replacement Commission	**20.00**
901.05 Notice of Notary Resignation or Death	**(no fee)**
901.05 Other Forms	**20.00**
901.06 Issuing a certificate of authority	**2.00**
901.07 Issuing an Apostille	**2.00**

902 Appendix of Forms.

902.01 Application for Notary Public Commission, SOS Form NP 001

902.02 Official Notary Public Bond and Notary Public Oath of Office, SOS Form NP 003

902.03 Application for Change of Notary Address, SOS Form NP 004

902.04 Application for Change of Notary Name, SOS Form NP 005

902.05 Application for Replacement Commission, SOS Form NP 006

902.06 Notice of Notary Resignation or Death, SOS Form NP 007.

902.07 Model Seals

999 Transition Rules

999.01 Acceptance of Application Forms in use prior to July 1, 2007

(1) The application forms in use immediately prior to the implementation of this chapter and SOS Form NP 001 shall continue to be accepted and processed by the Secretary of State if they are received prior to October 31, 2007.

(2) All applicants using said forms are still required to meet personal qualifications and requirements set forth in Sections 103 and 104 although they may be excused from having to affix written statements to that effect.

(3) All applications received after October 31, 2007 must be submitted on SOS Form NP 001.

999.02 Seal Requirements for Notaries Public Commissioned before July 1, 2007

(1) Notaries public commissioned prior to July 1, 2007 may use an official seal that does not comply with Section 403.02 provided that seal complies with Section 25-33-3 of the Mississippi Code Annotated, as amended.

(2) Notaries public commissioned prior to July 1, 2007 must obtain a seal that complies with Section 403.02 upon being recommissioned on or after July 1, 2007.

MISSISSIPPI SECRETARY OF STATE
POST OFFICE BOX 136
JACKSON, MISSISSIPPI 39205-0136

APPLICATION FOR NOTARY PUBLIC COMMISSION

This application must be typed or printed in ink. This form is designed to be completed and printed from your computer. You will not be able to save the form on your computer unless you have the appropriate software. Fields marked with an asterisk (*) are required. Return completed Application, Bond, and Oath together with the $25.00 fee to the Secretary of State's Office.

This is a __*New Commission or __ Current Expiration date: _____*; Notary ID Number_____
(←----------Check only one----------→) (Date of current commission)

I, _____* hereby make application for
(Type or print name exactly as you wish it to appear on your certificate. Do not use nicknames or aliases.)

appointment to the office of Notary Public.

Under penalty of perjury, I hereby certify that: I have read the instructions and the Notary Public Regulations and understand the qualifications for appointment to the office of Notary Public; I am at least 18 years of age and I have never been convicted of a disqualifying felony; I can read and write the English language; I am a Citizen or other legal resident of the United States; and I have been a legal resident for more than thirty (30) days in the State of Mississippi and reside at the following physical address:

Street Address: _____* City: _____, * Mississippi Zip: _____*

Telephone No: _____*Mississippi Driver's License No_____ * Date of Birth: _____*
(Or Non-Driver State ID No.)

County of Residence: _____* PIN_____
(Any 4 digit numbers such as last four digits of SSN, DL, ID, or etc.)

Optional mailing address: _____ City: _____, Mississippi Zip: _____

NOTICE: After filing with the Secretary of State's Office this document is a public record. The Secretary of State's Office collects certain sensitive personal information to determine your eligibility for the Office of Notary Public.

Please include a business/employer address and telephone number as you would like it to appear in the Notary Directory. If you do not include this information, you will be listed in the Notary Directory at your mailing or residential address.

Business Name: _____ Job Title: _____ Telephone: _____

Mailing address: _____ City: _____ State: _____ Zip: _____

Street address: _____ City: _____ State: _____ Zip: _____

I swear or affirm that the above information is true and correct. _____
Applicant Signature

Sworn to and subscribed before me this _____day of _____, 20_____.

State of Mississippi
County of: _____

_____ SEAL
Notary Public
My Commission Expires: _____

STATE OF MISSISSIPPI
OFFICIAL NOTARY PUBLIC BOND

STATE OF MISSISSIPPI
COUNTY OF _____

KNOW ALL PERSONS BY THESE PRESENTS: THAT WE,

_____ AS PRINCIPLE
(Applicant's Name)

AND _____
(Surety's Name)

A CORPORATION DULY LICENSED TO DO BUSINESS IN THE STATE OF MISSISSIPPI, AS SURETY, ARE HELD AND FIRMLY BOUND UNTO THE STATE OF MISSISSIPPI SUM OF FIVE THOUSAND ($5,000) FOR THE PAYMENT OF WHICH, WELL AND TRULY TO BE MADE WE BIND OURSELVES, OUR HEIRS, EXECUTORS AND ADMINISTRATORS JOINTLY AND SEVERALLY BY THESE PRESENTS.

THE CONDITION OF THIS BOND IS SUCH: WHEREAS, THE ABOVE NAMED PRINCIPAL HAS BEEN APPOINTED A NOTARY PUBLIC FOR THE STATE OF MISSISSIPPI FOR A TERM OF FOUR (4) YEARS SHALL FAITHFULLY PERFORM THE DUTIES OF SAID OFFICE OF NOTARY PUBLIC, THEN THIS SHALL BECOME NULL AND VOID, OTHERWISE IT SHALL REMAIN IN FULL FORCE AND EFFECT FROM THE DATE OF THE COMMISSION.

WITNESS OUR HANDS ON THIS _____ DAY OF _____, 20_____.

_____ _____
Insurance or Bonding Company License No.

BY _____ _____
Attorney In Fact Mississippi License No.

_____
Agency Name

_____
Agency Address City State Zip Code

_____
Agency Telephone Number

SOS Form NP 002

_____
Signature Of Principle (Applicant)

STATE OF MISSISSIPPI
NOTARY PUBLIC OATH OF OFFICE

I, _____, do solemnly swear (or affirm) that I will faithfully support the Constitution of the United States and the Constitution of the State of Mississippi, and obey the laws thereof; that I am not disqualified from holding the office of Notary Public ; that I will faithfully discharge the duties of the office upon which I am about to enter. So help me God."

_____
Applicant

State of Mississippi
County of _____

Sworn to and subscribed before me this the _____ day of _____, 20_____.

SEAL

_____
Notary Public
My Comm. expires: _____

SOS Form NP 003

MISSISSIPPI SECRETARY OF STATE
POST OFFICE BOX 136
JACKSON, MISSISSIPPI 39205-0136

APPLICATION FOR NOTARY PUBLIC CHANGE OF ADDRESS

This application must be typed or printed in ink. This form is designed to be completed and printed from your computer. You will not be able to save the form on your computer unless you have the appropriate software. Return completed Application, together with the $20.00 fee to the Secretary of State's Office.

The undersigned Notary, hereby, notifies the Secretary of State of the following change of address and/or other information:

_____, _____, _____
(Type or print name exactly as it appears on your Commission) (Commission expiration date) (Notary ID Number)

Please insert new address and/or other changes:

Street Address: _____ City: _____, Mississippi Zip: _____

Telephone Number: _____

County of Residence: _____

Optional mailing address: _____ City: _____, Mississippi Zip: _____

Please include a business/employer address and telephone number as you would like it to appear in the Notary Directory. If you do not include this information, you will be listed in the Notary Directory at your mailing or residential address.

Business Name: _____ Job Title: _____ Telephone: _____

Mailing address: _____ City: _____ State: _____ Zip: _____

Street address: _____City: _____ State: _____ Zip: _____

This the _____ day of _____, 20_____.

_____
Signature of Notary

MISSISSIPPI SECRETARY OF STATE
POST OFFICE BOX 136
JACKSON, MISSISSIPPI 39205-0136

APPLICATION FOR NOTARY PUBLIC CHANGE OF NAME

This application must be typed or printed in ink. This form is designed to be completed and printed from your computer. You will not be able to save the form on your computer unless you have the appropriate software. Return completed Application, together with the $20.00 fee to the Secretary of State's Office.

The undersigned Notary, hereby, notifies the Secretary of State of the following change name:

_____, _____, _____
(Type or print name exactly as it appears on your Commission) (Commission expiration date) (Notary ID Number)

Please insert new name:_____
(Type or print name exactly as you want it to appears on your replacement commission)

The name change is as result of the following:
Check one:
___ Marriage
___ Divorce
___ Court Order
___ Other

Copies of appropriate documentation should be attached. If you are also changing your address you may include any changes below:

Street Address: _____ City: _____, Mississippi Zip: _____

Telephone Number: _____

County of Residence: _____

Optional mailing address: _____ City: _____, Mississippi Zip: _____

Please include a business/employer address and telephone number as you would like it to appear in the Notary Directory. If you do not include this information, you will be listed in the Notary Directory at your mailing or residential address.

Business Name: _____ Job Title: _____ Telephone: _____

Mailing address: _____ City: _____ State: _____ Zip: _____

Street address: _____ City: _____ State: _____ Zip: _____

This the _____ day of _____, 20_____.

_____
Signature of Notary

MISSISSIPPI SECRETARY OF STATE
POST OFFICE BOX 136
JACKSON, MISSISSIPPI 39205-0136

APPLICATION FOR REPLACEMENT COMMISSION

This application must be typed or printed in ink. This form is designed to be completed and printed from your computer. You will not be able to save the form on your computer unless you have the appropriate software. Return completed Application, together with the $20.00 fee to the Secretary of State's Office.

The undersigned Notary, hereby, notifies the Secretary of State of the need for a replacement Commission:

_____, _____, _____
(Type or print name exactly as it appears on your Commission) (Commission expiration date) (Notary ID Number)

A replacement Commission is needed as a result of the following:

___ Commission Certificate has been lost or destroyed;
___ Seal has been lost or stolen; or
___ Other_____

_____.

If Commission Certificate or Seal has been stolen, please attach a copy of the Police Report.

Business Name: _____ Job Title: _____ Telephone: _____

Mailing address: _____ City: _____ State: _____ Zip: _____

Street address: _____ City: _____ State: _____ Zip: _____

This the _____ day of _____, 20_____.

_____
Signature of Notary

MISSISSIPPI SECRETARY OF STATE
POST OFFICE BOX 136
JACKSON, MISSISSIPPI 39205-0136

NOTICE OF NOTARY RESIGNATION OR DEATH

This application must be typed or printed in ink. This form is designed to be completed and printed from your computer. You will not be able to save the form on your computer unless you have the appropriate software. Return completed Notice to the Secretary of State's Office. There is no fee for this filing.

The undersigned Notary or representative, hereby, notifies the Secretary of State of the Notary's Resignation or Death:

_____, _____, _____
(Type or print name exactly as it appears on the Commission) (Commission expiration date) (Notary ID Number)

___ Resignation _____;
(date of resignation)

___ Death; or _____.
(date of death)

Business Name: _____ Job Title: _____ Telephone: _____

Mailing address: _____ City: _____ State: _____ Zip: _____

Street address: _____ City: _____ State: _____ Zip: _____

This the _____ day of _____, 20_____.

_____
Signature of Notary or Representative

_____
Printed name and title if signed in a representative capacity

Model Notary Seals

Color Black

STATE OF MISSISSIPPI
KATHY BELL FORTENBERRY
ID No _,_ _ _,_ _ _
Comm Expires
September 3, 2009
NOTARY PUBLIC
JEFFERSON DAVIS COUNTY

1.5"

STATE OF MISSISSIPPI
KATHY BELL FORTENBERRY
ID No
0,123,456
Comm Expires
Sept 3, 2009
NOTARY PUBLIC
JEFFERSON DAVIS COUNTY

1.75"

STATE OF MISSISSIPPI
KATHY BELL FORTENBERRY
NOTARY PUBLIC
ID No 0,123,456
My Commission Expires
September 3, 2009
JEFFERSON DAVIS COUNTY

2"

STATE OF MISSISSIPPI
KATHY BELL FORTENBERRY
NOTARY PUBLIC
ID No _,_ _ _,_ _ _
My Commission Expires
September 3, 2009
JEFFERSON DAVIS COUNTY

2.25"

Color Blue

STATE OF MISSISSIPPI
KATHY BELL FORTENBERRY
ID No
0,123,456
NOTARY PUBLIC
Comm Expires
Sept 3, 2009
JEFFERSON DAVIS COUNTY

1.5"

STATE OF MISSISSIPPI
KATHY BELL FORTENBERRY
NOTARY PUBLIC
ID No _,_ _ _,_ _ _
Comm Expires
September 3, 2009
JEFFERSON DAVIS COUNTY

1.75"

STATE OF MISSISSIPPI
KATHY BELL FORTENBERRY
NOTARY PUBLIC
ID No 0,123,456
My Commission Expires
September 3, 2009
JEFFERSON DAVIS COUNTY

2"

STATE OF MISSISSIPPI
KATHY BELL FORTENBERRY
NOTARY PUBLIC
ID No _,_ _ _,_ _ _
My Commission Expires
September 3, 2009
JEFFERSON DAVIS COUNTY

2.25"