

By: Senator(s) Tate

To: Judiciary, Division A

SENATE BILL NO. 2780

1 AN ACT TO AMEND SECTION 25-34-41, MISSISSIPPI CODE OF 1972,  
2 TO AUTHORIZE COMMISSIONS FOR PERSONS WHO ARE RESIDENTS OF ANOTHER  
3 STATE WHO RESIDE WITHIN FIFTEEN MILES OF THE BORDER OF  
4 MISSISSIPPI; AND FOR RELATED PURPOSES.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

6 **SECTION 1.** Section 25-34-41, Mississippi Code of 1972, is  
7 amended as follows:

8 25-34-41. (1) An individual qualified under subsection (2)  
9 may apply to the Secretary of State for a commission as a notary  
10 public. The applicant must comply with and provide the  
11 information required by rules established by the Secretary of  
12 State and pay any application fee.

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

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

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

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



20                   (ii) Be a resident of another state and reside  
21 within fifteen (15) miles of the border of Mississippi for not  
22 less than thirty (30) days immediately preceding the date of the  
23 application;

24                   (d) Be able to read and write English;

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

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

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

33           (4) Before issuance of a commission as a notary public, the  
34 applicant for a commission must submit to the Secretary of State  
35 an assurance in the form of a surety bond or its functional  
36 equivalent in the amount of Five Thousand Dollars (\$5,000.00)  
37 pursuant to the rules set forth by the Secretary of State. The  
38 assurance must be issued by a surety or other entity licensed by  
39 the Mississippi Department of Insurance. The assurance must cover  
40 acts performed during the term of the notary public's commission  
41 and must be in the form prescribed by the Secretary of State. If  
42 a notary public violates a law with respect to notaries public in  
43 this state, the surety or issuing entity is liable under the  
44 assurance. The surety or issuing entity must give thirty (30)



45 days' notice to the Secretary of State before canceling the  
46 assurance. The surety or issuing entity must notify the Secretary  
47 of State not later than thirty (30) days after making a payment to  
48 a claimant under the assurance. A notary public may perform  
49 notarial acts in this state only during the period that a valid  
50 assurance is on file with the Secretary of State.

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

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

58 **SECTION 2.** This act shall take effect and be in force from  
59 and after July 1, 2025.

