

By: Senator(s) Polk

To: Judiciary, Division A

SENATE BILL NO. 2456

1 AN ACT TO AMEND SECTION 25-34-3, MISSISSIPPI CODE OF 1972, TO
2 UPDATE THE NOTARIAL ACT DEFINITIONS TO DEFINE TERMS ASSOCIATED
3 WITH THE ALLOWANCE OF REMOTE ONLINE NOTARIZATION; TO AMEND SECTION
4 25-34-5, MISSISSIPPI CODE OF 1972, TO CHANGE THE EFFECTIVE DATE OF
5 THIS CHAPTER; TO AMEND SECTION 25-34-7, MISSISSIPPI CODE OF 1972,
6 TO ALLOW NOTARIAL OFFICERS TO CERTIFY TANGIBLE COPIES OF AN
7 ELECTRONIC RECORD AS TRUE AND CORRECT; TO AMEND SECTION 25-34-9,
8 MISSISSIPPI CODE OF 1972, TO ALLOW NOTARIAL OFFICERS TO CHARGE
9 HIGHER RATES AS AUTHORIZED BY THE SECRETARY OF STATE; TO AMEND
10 SECTION 25-34-11, MISSISSIPPI CODE OF 1972, TO OUTLINE HOW A
11 NOTARIAL OFFICER MUST DETERMINE THE IDENTITY AND VALIDITY OF A
12 SIGNATURE; TO AMEND SECTION 25-34-15, MISSISSIPPI CODE OF 1972, TO
13 CLARIFY WHAT IS ALLOWED FOR PERSONAL OR REMOTE APPEARANCES; TO
14 AMEND SECTION 25-34-17, MISSISSIPPI CODE OF 1972, TO SPECIFY WHEN
15 A NOTARIAL OFFICER SHALL REFUSE TO PREFORM REMOTE ONLINE
16 NOTARIZATIONS; TO AMEND SECTION 25-34-29, MISSISSIPPI CODE OF
17 1972, TO CONFORM; TO AMEND SECTION 25-34-31, MISSISSIPPI CODE OF
18 1972, TO REQUIRE THAT REMOTE ONLINE NOTARIZED DOCUMENTS INCLUDE
19 LANGUAGE THAT INDICATE THAT REMOTE INK-SIGNED NOTARIZATION WAS
20 USED TO NOTARIZE THE DOCUMENT; TO AMEND SECTION 25-34-33,
21 MISSISSIPPI CODE OF 1972, TO CONFORM LANGUAGE; TO AMEND SECTION
22 25-34-37, MISSISSIPPI CODE OF 1972, TO INCLUDE THE NOTATION OF
23 REMOTE ONLINE NOTARIZATION SYSTEMS AND TECHNOLOGY IN THE JOURNAL
24 ENTRY REQUIREMENTS FOR NOTARIES; TO AMEND SECTION 25-34-51,
25 MISSISSIPPI CODE OF 1972, TO AMEND THE RULES THAT THE SECRETARY OF
26 STATE MAY PROMULGATE TO IMPLEMENT THE MISSISSIPPI ADMINISTRATIVE
27 PROCEDURES LAWS; TO AMEND SECTIONS 25-34-53 AND 25-34-55,
28 MISSISSIPPI CODE OF 1972, TO AMEND THE EFFECTIVE DATES WITHIN THE
29 MISSISSIPPI ADMINISTRATIVE PROCEDURES LAW; AN ACT TO BRING FORWARD
30 SECTIONS 25-34-1, 25-34-13, 25-34-19, 25-34-21, 25-34-23,
31 25-34-25, 25-34-27, 25-34-35, 25-34-39, 25-34-41, 25-34-43,
32 25-34-45, 25-34-47, 25-34-49 AND 25-34-57, MISSISSIPPI CODE OF
33 1972, FOR THE PURPOSE OF POSSIBLE AMENDMENT; TO AMEND SECTION
34 89-3-7, MISSISSIPPI CODE OF 1972, TO ALLOW CERTAIN LONG FORMS OF

35 ACKNOWLEDGMENT TO BE USED FOR ELECTRONIC METHODS AFFECTING REAL OR
36 PERSONAL PROPERTY AND TO MODIFY SUCH FORMS TO ENABLE THE USE OF
37 DIGITAL APPEARANCE AND COMMUNICATION TECHNOLOGY FOR NOTARIAL ACTS;
38 AND FOR RELATED PURPOSES.

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

40 **SECTION 1.** Section 25-34-1, Mississippi Code of 1972, is
41 brought forward as follows:

42 25-34-1. This act shall be known and may be cited as the
43 "Revised Mississippi Law on Notarial Acts."

44 **SECTION 2.** Section 25-34-3, Mississippi Code of 1972, is
45 amended as follows:

46 25-34-3. As used in this act, the following words and
47 phrases have the meanings ascribed in this section unless the
48 context clearly requires otherwise:

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

55 (b) "Communication technology" means an electronic
56 device or process that:

57 (i) Allows a notarial officer and a remotely
58 located individual to communicate with each other simultaneously
59 by sight and sound; and

60 (ii) When necessary and consistent with other
61 applicable laws, facilitates communication with a remotely located
62 individual who has vision, hearing or speech impairment.

63 (c) "Credential analysis" means a process or service
64 operating according to criteria approved by the Secretary of State
65 through which a third person or party affirms the validity of a
66 government-issued identification credential through a review of
67 public or proprietary data sources.

68 (* * *d) "Electronic" means relating to technology
69 having electrical, digital, magnetic, wireless, optical,
70 electromagnetic or similar capabilities.

71 (e) "Electronic notarization system" means a set of
72 applications, programs, hardware, software or technologies
73 designed to enable a notary public to perform electronic
74 notarizations that renders every electronic notarial act
75 tamper-evident through the use of a security procedure and that
76 meets the requirements of this act and any rules established by
77 the Secretary of State.

78 (* * *f) "Electronic signature" means an electronic
79 symbol, sound or process attached to or logically associated with
80 a record and executed or adopted by an individual with the intent
81 to sign the record.

82 (g) "Foreign state" as used in Section 6 of this act,
83 means a jurisdiction other than the United States, a state or a
84 federally recognized Indian tribe.

85 (h) "Identity proofing" means a process or service by
86 which a third person provides a notarial officer with a means to
87 verify the identity of a remotely located individual by a review
88 of personal information from public or private data sources.

89 (* * *i) "In a representative capacity" means acting
90 as:

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

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

97 (iii) An agent or attorney-in-fact for a
98 principal; or

99 (iv) An authorized representative of another in
100 any other capacity.

101 (* * *j) "Notarial act" means an act, whether
102 performed with respect to a tangible or electronic record, that a
103 notarial officer may perform under this act and any other law of
104 this state. The term includes taking an acknowledgment,
105 administering an oath or affirmation, taking a verification on
106 oath or affirmation, witnessing or attesting a signature,
107 certifying or attesting a copy and noting a protest of a
108 negotiable instrument.

109 (* * *k) "Notarial officer" means a notary public or
110 other individual authorized to perform a notarial act.

111 (* * *l) "Notary public" means an individual
112 commissioned to perform a notarial act by the Secretary of State.

113 (* * *m) "Official seal" means a physical image
114 affixed to a tangible record or an electronic image attached to or
115 logically associated with an electronic record.

116 (n) "Outside the United States" means a location
117 outside the geographic boundaries of the United States, Puerto
118 Rico, the United States Virgin Islands and any other territory,
119 insular possession or other location subject to the jurisdiction
120 of the United States.

121 (* * *o) "Record" means information that is inscribed
122 on a tangible medium or that is stored in an electronic or other
123 medium and is retrievable in perceivable form.

124 (p) "Remotely located individual" means an individual
125 who is not in the physical presence of a notarial officer
126 performing a notarial act.

127 (q) "Remote ink-signed notarization" or "RIN" means a
128 notarial act performed for a remotely located individual by means
129 of communication technology on a tangible record.

130 (r) "Remote online notarization" or "RON" means a
131 notarial act performed for a remotely located individual by means
132 of communication technology and an electronic notarization system
133 on an electronic record.

134 (* * *s) "Sign" means, with present intent to
135 authenticate or adopt a record:

136 (i) To execute or adopt a tangible symbol; or

137 (ii) To attach to or logically associate with the
138 record an electronic symbol, sound or process.

139 (* * *t) "Signature" means a tangible symbol or an
140 electronic signature that evidences the signing of a record.

141 (* * *u) "Stamping device" means:

142 (i) A physical device capable of affixing to a
143 tangible record an official seal; or

144 (ii) An electronic device or process capable of
145 attaching to or logically associating an official seal with an
146 electronic record.

147 (* * *y) "State" means a state of the United States,
148 the District of Columbia, Puerto Rico, the United States Virgin
149 Islands or any territory or insular possession subject to the
150 jurisdiction of the United States.

151 (* * *w) "Verification on oath or affirmation,"
152 formerly known as a jurat, means a declaration, made by an
153 individual on oath or affirmation before a notarial officer, that
154 a statement in a record is true.

155 **SECTION 3.** Section 25-34-5, Mississippi Code of 1972, is
156 amended as follows:

157 25-34-5. This chapter applies to a notarial act performed on
158 or after July 1, * * * 2025.

159 **SECTION 4.** Section 25-34-7, Mississippi Code of 1972, is
160 amended as follows:

161 25-34-7. (1) A notarial officer may perform the following
162 notarial acts:

- 163 (a) Take acknowledgments;
- 164 (b) Administer oaths and affirmations;
- 165 (c) Take verifications on oath or affirmation;
- 166 (d) Certify depositions of witnesses;
- 167 (e) Witness or attest signatures;
- 168 (f) Make or note a protest of a negotiable instrument;
- 169 (g) Make an affidavit regarding the truth of any
170 witnesses or attested signatures in question along with any
171 corrected language and, if the authenticity or correctness of
172 language affects real property, file the same in the land records
173 in the office of the chancery clerk where the land is
174 located; * * *

175 (h) Certify that a tangible copy of an electronic
176 record is a true and correct copy of the electronic record; and

177 (* * *i) Any other acts so authorized by the laws of
178 this state.

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

- 181 (a) Is a party to the record being notarized;
- 182 (b) Is a spouse, child, sibling, parent, grandparent,
183 grandchild, aunt or uncle, or niece or nephew, including a son or

184 daughter-in-law, a mother or father-in-law, a stepchild or
185 stepparent, or a half-sibling, of the person whose signature is
186 being notarized or the person taking a verification on oath or
187 affirmation from the officer; or

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

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

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

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

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

202 (4) A notarial act performed in violation of subsection (2)
203 of this section is voidable.

204 **SECTION 5.** Section 25-34-9, Mississippi Code of 1972, is
205 amended as follows:

206 25-34-9. * * * (1) The Secretary of State may establish by
207 rule the maximum fees that may be charged by a notarial officer
208 for various notarial services.

209 (2) A notarial officer need not charge fees for notarial
210 acts.

211 **SECTION 6.** Section 25-34-11, Mississippi Code of 1972, is
212 amended as follows:

213 25-34-11. (1) A notarial officer who takes an
214 acknowledgment of a record, takes a verification of a statement on
215 oath or affirmation (jurat), or witnesses or attests to a
216 signature, must determine, from personal knowledge or satisfactory
217 evidence of the identity of the individual, that the individual
218 appearing in person before the officer has the identity claimed
219 and that the signature on the record is the signature of the
220 individual.

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

224 (3) A notary public located in this state, may, upon
225 registration with and after providing notification to the
226 Secretary of State pursuant to Section 20 of this act, perform a
227 remote ink-signed notarization or remote online notarization if:

228 (a) The notary public:

229 (i) Has personal knowledge under Section 8(1) of
230 this act of the identity of the individual; or

231 (ii) Has obtained satisfactory evidence of the
232 identity of the remotely located individual by using at least two

233 (2) different types of identity proofing;

234 (b) The notary public is able to reasonably confirm
235 that a record before the notary public is the same record in which
236 the remotely located individual made the statement on or which the
237 remotely located individual executed the signature;

238 (c) The notary public, or person acting on behalf of
239 the notary public, creates an audiovisual recording of the
240 performance of the notarial act; and

241 (d) For an individual located outside the United
242 States:

243 (i) The individual confirms to the notary public
244 that the record is being filed with or related to a matter before
245 a court, government entity, public official or other entity under
246 the jurisdiction of the United States, or involves property
247 located in the territorial jurisdiction of the United States or a
248 transaction substantially connected with the United States; and

249 (ii) To the notary public's actual knowledge, the
250 act of making the statement or signing the record is not
251 prohibited by the foreign state in which the remotely located
252 individual is located.

253 (4) Regardless of the physical location of the individual at
254 the time of the notarial act, the validity of a remote ink-signed
255 notarization or remote online notarization performed by a notary
256 public commissioned in this state shall be determined by applying
257 the laws of the state.

258 **SECTION 7.** Section 25-34-13, Mississippi Code of 1972, is
259 brought forward as follows:

260 25-34-13. (1) A notarial officer has personal knowledge of
261 the identity of an individual appearing before the officer if the
262 individual is known personally to the officer through dealings
263 sufficient to provide reasonable certainty that the individual has
264 the identity claimed.

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

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

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

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

280 **SECTION 8.** Section 25-34-15, Mississippi Code of 1972, is
281 amended as follows:

282 25-34-15. (1) If a notarial act relates to a statement made
283 in or a signature executed on a record, the individual making the
284 statement or executing the signature must appear * * * personally
285 before the notarial officer * * *.

286 (2) As used in this section, "appear personally" means:

287 (a) An individual is in the physical presence of a
288 notarial officer; or

289 (b) A remotely located individual appears before a
290 notary public by communication technology in compliance with
291 Section 6(3) of this act and the rules adopted pursuant to Section
292 26 of this act.

293 (3) Notwithstanding subsection (2) of this section, in
294 performing a remote ink-signed notarization or remote online
295 notarization, a notary public has satisfactory evidence of the
296 identity of an individual appearing personally before the notary
297 public if the notary public can identify the individual through
298 the use of communication technology that meets the requirements of
299 this section, any rules promulgated by the Secretary of State and
300 by the following:

301 (a) The notary public's personal knowledge of the
302 individual; or

303 (b) Each of the following:

304 (i) Remote presentation by the individual of a
305 government-issued identification credential specified in

306 subsection (2) of this section that contains the signature and
307 photograph of the individual;

308 (ii) Credential analysis of the identification
309 credential described by subparagraph (i) of this paragraph; and

310 (iii) Identity proofing of the individual; or

311 (c) A valid public key certificate that complies with
312 the rules promulgated by the Secretary of State.

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

316 **SECTION 9.** Section 25-34-17, Mississippi Code of 1972, is
317 amended as follows:

318 25-34-17. (1) A notarial officer may refuse to perform a
319 notarial act if the officer knows or suspects the transaction is
320 illegal, false or deceptive, or if the officer is not satisfied
321 that:

322 (a) The individual executing the record is competent;

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

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

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

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

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

334 (4) A notary public shall refuse a request that would
335 require the notary to:

336 (a) Use an electronic notarization system or a
337 communication technology that the notary does not know how to
338 operate; or

339 (b) Use an electronic notarization system or
340 communication technology that does not meet the requirements of
341 this act or standards adopted by the laws of the state and/or
342 rules promulgated by the Office of the Secretary of State.

343 **SECTION 10.** Section 25-34-19, Mississippi Code of 1972, is
344 brought forward as follows:

345 25-34-19. If an individual is physically unable to sign a
346 record, the individual may direct an individual other than the
347 notarial officer to sign the individual's name on the record. The
348 notarial officer shall insert "Signature affixed by (name of other
349 individual) at the direction of (name of individual)" or words of
350 similar import.

351 **SECTION 11.** Section 25-34-21, Mississippi Code of 1972, is
352 brought forward as follows:

353 25-34-21. (1) A notarial act may be performed in this state
354 by:

355 (a) A notary public of this state;
356 (b) An elected judge, a clerk or deputy clerk of a
357 court of this state; or
358 (c) The Mississippi Secretary of State or a Mississippi
359 Assistant Secretary of State.

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

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

367 **SECTION 12.** Section 25-34-23, Mississippi Code of 1972, is
368 brought forward as follows:

369 25-34-23. (1) A notarial act performed in another state has
370 the same effect under the law of this state as if performed by a
371 notarial officer of this state, if the act performed in that state
372 is performed by:

373 (a) A notary public of that state;
374 (b) A judge, a clerk or a deputy clerk of a court of
375 that state; or
376 (c) Any other individual authorized by the law of that
377 state to perform the notarial act.

378 (2) The signature and title of an individual performing a
379 notarial act in another state is prima facie evidence that the

380 signature is genuine and that the individual holds the designated
381 title.

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

385 **SECTION 13.** Section 25-34-25, Mississippi Code of 1972, is
386 brought forward as follows:

387 25-34-25. (1) A notarial act performed under the authority
388 and in the jurisdiction of a federally recognized Indian tribe has
389 the same effect under the laws of this state as if performed by a
390 notarial officer of this state, if the act performed in the
391 jurisdiction of the tribe is performed by:

392 (a) A notary public authorized by the tribe;

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

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

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

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

405 **SECTION 14.** Section 25-34-27, Mississippi Code of 1972, is
406 brought forward as follows:

407 25-34-27. (1) A notarial act performed under federal law
408 has the same effect under the laws of this state as if performed
409 by a notarial officer of this state, if the act performed under
410 federal law is performed by:

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

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

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

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

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

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

427 **SECTION 15.** Section 25-34-29, Mississippi Code of 1972, is
428 amended as follows:

429 25-34-29. (1) In this section, "foreign state" means a
430 government other than the United States, a state of the United
431 States or a federally recognized Indian tribe.

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

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

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

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

452 (6) A consular authentication issued by an individual
453 designated by the United States Department of State as a

454 notarizing officer for performing notarial acts overseas and
455 attached to the record with respect to which the notarial act is
456 performed conclusively establishes that the signature of the
457 notarial officer is genuine and that the officer holds the
458 indicated office.

459 **SECTION 16.** Section 25-34-31, Mississippi Code of 1972, is
460 amended as follows:

461 25-34-31. (1) A notarial act must be evidenced by a
462 certificate. The certificate must:

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

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

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

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

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

474 (2) If a notarial act regarding a tangible record is
475 performed by a notary public, the notary public's official seal
476 must be affixed to the certificate. If a notarial act is
477 performed regarding a tangible record by a notarial officer other
478 than a notary public and the certificate contains the information

479 specified in subsection (1)(b), (c) and (d) of this section, the
480 notarial officer's official seal may be affixed to the
481 certificate. If a notarial act regarding an electronic record is
482 performed by a notarial officer and the certificate contains the
483 information specified in subsection (1)(b), (c) and (d) of this
484 section, the notarial officer's official seal may be attached to
485 or logically associated with the certificate.

486 (3) In addition to the information specified in subsection
487 (1) of this section, a certificate of a remote ink-signed
488 notarization or remote online notarization must indicate that the
489 notarial act was performed using communication technology. A
490 certificate subject to this subsection is sufficient if it:

491 (a) Is in the form provided in subsection 2(e) or (f)
492 of Section 89-3-7, Mississippi Code of 1972, or otherwise contains
493 a statement substantially as follows: "This notarial act involved
494 the use of communication technology"; or

495 (b) Complies with rules under Section 26 of this act.

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

502 (* * *5) A certificate of a notarial act is sufficient if
503 it meets the requirements of subsections (1) and (2) of this
504 section and:

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

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

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

513 (* * *6) By executing a certificate of a notarial act, a
514 notarial officer certifies that the officer has complied with the
515 requirements and made the determinations specified in Sections
516 25-34-7, 25-34-9, 25-34-11 and 25-34-15.

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

520 (* * *8 If a notarial act is performed regarding a tangible
521 record, a certificate must be part of, or securely attached to,
522 the record. If a notarial act is performed regarding an
523 electronic record, the certificate must be affixed to, or
524 logically associated with, the electronic record. If the
525 Secretary of State has established standards under Section

526 25-34-39 for attaching, affixing or logically associating the
527 certificate, the process must conform to those standards.

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

535 **SECTION 17.** Section 25-34-33, Mississippi Code of 1972, is
536 amended as follows:

537 25-34-33. (1) Every notary public appointed and
538 commissioned must procure, at his or her own expense, a suitable
539 official seal. The official seal of a notary public must:

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

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

546 (2) The board of supervisors of every county must provide an
547 official seal, with the inscription "notary public" around the
548 margin and the image of an eagle in the center, which official
549 seal must be kept in the office of the clerk of the circuit court.
550 A judge, chancellor, clerk or deputy clerk of a court of this

551 state, the Mississippi Secretary of State or an Assistant
552 Secretary of State of this state may use the official seal to
553 perform a notarial act under Section 25-34-21(1)(b) or (c).

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

560 **SECTION 18.** Section 25-34-35, Mississippi Code of 1972, is
561 brought forward as follows:

562 25-34-35. (1) A notary public is responsible for the
563 security of the notary public's stamping device and may not allow
564 another individual to use the device to perform a notarial act.
565 On resignation from, or the revocation or expiration of, the
566 notary public's commission, or on the expiration of the date set
567 forth in the stamping device, if any, the notary public must
568 disable the stamping device by destroying, defacing, damaging,
569 erasing or securing it against use in a manner that renders it
570 unusable. On the death or adjudication of incompetency of a
571 notary public, the notary public's personal representative or
572 guardian or any other person knowingly in possession of the
573 stamping device must render it unusable by destroying, defacing,
574 damaging, erasing or securing it against use in a manner that
575 renders it unusable.

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

580 **SECTION 19.** Section 25-34-37, Mississippi Code of 1972, is
581 amended as follows:

582 25-34-37. (1) A notary public must maintain a journal in
583 which the notary public chronicles all notarial acts that the
584 notary public performs. If a notary public performs a remote
585 ink-signed notarization or remote online notarization, the notary
586 public, or a person acting on behalf of the notary public, shall
587 make an audiovisual recording of the performance of the notarial
588 act.

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

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

- 598 (a) The date and time of the notarial act;
599 (b) A description of the record, if any, and type of
600 notarial act;

601 (c) The full name and address of each individual for
602 whom the notarial act is performed;

603 (d) If the identity of the individual is based on
604 personal knowledge, a statement to that effect;

605 (e) If the identity of the individual is based on
606 satisfactory evidence, a brief description of the method of
607 identification and the identification credential presented, if
608 any, including the date of issuance and expiration of any
609 identification credential;

610 (f) The address where the notarial act was performed if
611 not at the notary's business address; * * *

612 (g) If the notarial act is performed using an
613 electronic notarization system or communication technology, or
614 both, a notation identifying the system or technology, or both
615 that was used; and

616 (* * *h) The fee, if any, charged by the notary
617 public.

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

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

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

629 (a) Notify the Secretary of State of the death or
630 adjudication in writing; * * *

631 (b) Within thirty (30) days of death or adjudication of
632 incompetency, transmit all journal records to the circuit clerk of
633 the county of residence of the notary public * * *; and

634 (c) Within thirty (30) days of death or adjudication of
635 incompetency, transmit all audiovisual recordings required under
636 subsection (1) of this section and Section 6(3)(c) of this act to
637 the Secretary of State or a repository designated by the Secretary
638 of State for retention. Unless a different period is required by
639 the rules adopted under Section 26 of this act, the recording must
640 be retained for at least seven (7) years after the audiovisual
641 recording is made.

642 **SECTION 20.** Section 25-34-39, Mississippi Code of 1972, is
643 brought forward as follows:

644 25-34-39. (1) A notary public may perform a notarial act
645 with respect to electronic records pursuant to this chapter.

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

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

654 **SECTION 21.** Section 25-34-41, Mississippi Code of 1972, is
655 brought forward as follows:

656 25-34-41. (1) An individual qualified under subsection (2)
657 may apply to the Secretary of State for a commission as a notary
658 public. The applicant must comply with and provide the
659 information required by rules established by the Secretary of
660 State and pay any application fee.

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

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

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

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

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

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

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

673 (3) Before issuance of a commission as a notary public, an
674 applicant for the commission must execute the oath of office

675 prescribed by Section 268 of the Constitution and submit it to the
676 Secretary of State.

677 (4) Before issuance of a commission as a notary public, the
678 applicant for a commission must submit to the Secretary of State
679 an assurance in the form of a surety bond or its functional
680 equivalent in the amount of Five Thousand Dollars (\$5,000.00)
681 pursuant to the rules set forth by the Secretary of State. The
682 assurance must be issued by a surety or other entity licensed by
683 the Mississippi Department of Insurance. The assurance must cover
684 acts performed during the term of the notary public's commission
685 and must be in the form prescribed by the Secretary of State. If
686 a notary public violates a law with respect to notaries public in
687 this state, the surety or issuing entity is liable under the
688 assurance. The surety or issuing entity must give thirty (30)
689 days' notice to the Secretary of State before canceling the
690 assurance. The surety or issuing entity must notify the Secretary
691 of State not later than thirty (30) days after making a payment to
692 a claimant under the assurance. A notary public may perform
693 notarial acts in this state only during the period that a valid
694 assurance is on file with the Secretary of State.

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

698 (6) A commission to act as a notary public authorizes the
699 notary public to perform notarial acts. The commission does not

700 provide the notary public any immunity or benefit conferred by the
701 laws of this state on public officials or employees.

702 **SECTION 22.** Section 25-34-43, Mississippi Code of 1972, is
703 brought forward as follows:

704 25-34-43. (1) The Secretary of State may deny, refuse to
705 renew, revoke, suspend or impose a condition on a commission as
706 notary public for any act or omission that demonstrates the
707 individual lacks the honesty, integrity, competence or reliability
708 to act as a notary public, including:

709 (a) Failure to comply with this chapter;

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

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

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

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

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

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

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

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

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

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

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

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

748 (3) The authority of the Secretary of State to deny, refuse
749 to renew, suspend, revoke or impose conditions on a commission as

750 a notary public does not prevent a person from seeking and
751 obtaining other criminal or civil remedies provided by law.

752 **SECTION 23.** Section 25-34-45, Mississippi Code of 1972, is
753 brought forward as follows:

754 25-34-45. The Secretary of State must maintain an electronic
755 database of notaries public:

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

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

761 **SECTION 24.** Section 25-34-47, Mississippi Code of 1972, is
762 brought forward as follows:

763 25-34-47. (1) A commission as a notary public does not
764 authorize an individual to:

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

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

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

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

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

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

779 (4) A notary public who is not an attorney licensed to
780 practice law in this state may not advertise or represent that the
781 notary public may assist persons in drafting legal records, give
782 legal advice or otherwise practice law. If a notary public who is
783 not an attorney licensed to practice law in this state in any
784 manner advertises or represents that the notary public offers
785 notarial services, whether orally or in a record, including
786 broadcast media, print media and the Internet, the notary public
787 must include the following statement, or an alternate statement
788 authorized or required by the Secretary of State, in the
789 advertisement or representation, prominently and in each language
790 used in the advertisement or representation: "I am not an
791 attorney licensed to practice law in this state. I am not allowed
792 to draft legal records, give advice on legal matters, including
793 immigration, or charge a fee for those activities." If the form
794 of advertisement or representation is not broadcast media, print
795 media or the Internet and does not permit inclusion of the
796 statement required by this subsection because of size, it must be
797 displayed prominently or provided at the place of performance of
798 the notarial act before the notarial act is performed.

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

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

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

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

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

822 (10) Criminal convictions in other jurisdictions for
823 violations of substantially similar provisions to those contained

824 in subsections (1) through (5) are counted in computing whether a
825 violation under subsections (1) through (5) is a first, second,
826 third or subsequent offense.

827 **SECTION 25.** Section 25-34-49, Mississippi Code of 1972, is
828 brought forward as follows:

829 25-34-49. Except as otherwise provided in Section
830 25-34-7(2), the failure of a notarial officer to perform a duty or
831 meet a requirement specified in this chapter does not invalidate a
832 notarial act performed by the notarial officer. The validity of a
833 notarial act under this chapter does not prevent an aggrieved
834 person from seeking to invalidate the record or transaction that
835 is the subject of the notarial act or from seeking other remedies
836 based on the laws of this state other than this chapter or the
837 laws of the United States. This section does not validate a
838 purported notarial act performed by an individual who does not
839 have the authority to perform notarial acts.

840 **SECTION 26.** Section 25-34-51, Mississippi Code of 1972, is
841 amended as follows:

842 25-34-51. (1) The Secretary of State may adopt any rules
843 necessary to implement this chapter after complying with the
844 Mississippi Administrative Procedures Law * * *, including, but
845 not limited to, rules that:

846 (a) Prescribe the manner of performing notarial acts
847 regarding tangible and electronic records;

848 (b) Establish standards for communication technology
849 and identity proofing, including the use of credential analysis,
850 dynamic knowledge-based authentication, biometrics or other means
851 of identification;

852 (c) Establish requirements or procedures to approve
853 providers of communication technology and the process of identity
854 proofing; and

855 (d) Establish standards and periods for the retention
856 of an audiovisual recording created under Section 6(3)(c) of this
857 act and Section 19(1) of this act of the performance of a notarial
858 act.

859 (2) Before adopting, amending or repealing rules about the
860 performance of a notarial act, with respect to a remotely located
861 individual, the Secretary of State shall consider, if consistent:

862 (a) The most recent standards regarding the performance
863 of a notarial act with respect to remotely located individuals
864 promulgated by national standard-setting organizations, including
865 the National Association of Secretaries of State; and

866 (b) Standards, practices and customs of other
867 jurisdictions that enact a statute substantially similar to this
868 section.

869 (3) Rules adopted regarding the performance of notarial acts
870 with respect to electronic records, electronic notarization
871 systems or communication technology may not require or accord

872 legal status or effect to the implementation or application of a
873 specific system, technology or technical specification.

874 **SECTION 27.** Section 25-34-53, Mississippi Code of 1972, is
875 amended as follows:

876 25-34-53. A commission as a notary public in effect on July
877 1, * * * 2025, continues until its date of expiration. A notary
878 public who applies to renew a commission as a notary public on or
879 after July 1, * * * 2025, is subject to and must comply with this
880 chapter. A notary public, in performing notarial acts after July
881 1, * * * 2025, must comply with this chapter.

882 **SECTION 28.** Section 25-34-55, Mississippi Code of 1972, is
883 amended as follows:

884 25-34-55. This chapter does not affect the validity or
885 effect of a notarial act performed before July 1, * * * 2025.

886 **SECTION 29.** Section 25-34-57, Mississippi Code of 1972, is
887 brought forward as follows:

888 25-34-57. This chapter modifies, limits and supersedes the
889 Electronic Signatures in Global and National Commerce Act, 15 USC
890 Section 7001 et seq., but does not modify, limit or supersede
891 Section 101(c) of that act, 15 USC Section 7001(c), or authorize
892 electronic delivery of any of the notices described in Section
893 103(b) of that act, 15 USC Section 7003(b).

894 **SECTION 30.** Section 89-3-7, Mississippi Code of 1972, is
895 amended as follows:

896 89-3-7. (1) The following long forms of acknowledgment may
897 be used in the case of conveyances * * *, other written
898 instruments affecting real or personal property, or other
899 electronic methods affecting real or personal property as outlined
900 in Chapter 34 of Title 25, Mississippi Code of 1972; and any
901 acknowledgment so taken and certified shall be sufficient to
902 satisfy all requirements of law:

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

905 "STATE OF _____

906 COUNTY OF _____

907 Personally or, by use of an e-notary vendor, digitally
908 appeared before me, the undersigned authority in and for the said
909 county and state, on this _____ day of _____, 20_____,
910 within my jurisdiction or satisfactorily to the requirements of
911 Section 25-34-11, the within named _____, who acknowledged that
912 (he) (she) (they) executed the above and foregoing instrument.

913 _____

914 (Signature of notarial officer)

915 _____

916 (Title of office)

917 My commission expires:

918 _____"

919 [] This notarial act involved the use of communication
920 technology.

921 (Affix official seal, if applicable)

922 (b) In the case of corporations:

923 "STATE OF _____

924 COUNTY OF _____

925 Personally or, by use of an e-notary vendor, digitally
926 appeared before me, the undersigned authority in and for the said
927 county and state, on this _____ day of _____, 20____,
928 within my jurisdiction or satisfactorily to the requirements of
929 Section 25-34-11, the within named _____, who
930 acknowledged that (he) (she) is _____ of _____, a _____
931 corporation, and that for and on behalf of the said corporation,
932 and as its act and deed (he) (she) executed the above and
933 foregoing instrument, after first having been duly authorized by
934 said corporation so to do.

935 _____

936 (Signature of notarial officer)

937 _____

938 (Title of office)

939 My commission expires:

940 _____"

941 [] This notarial act involved the use of communication
942 technology.

943 (Affix official seal, if applicable)

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

946 "STATE OF _____

947 COUNTY OF _____

948 Personally or, by use of an e-notary vendor, digitally
949 appeared before me, the undersigned authority in and for the said
950 county and state, on this _____ day of _____, 20_____,
951 within my jurisdiction or satisfactorily to the requirements of
952 Section 25-34-11, the within named _____, who acknowledged to me
953 that (he) (she) is _____ of _____, a _____ corporation and
954 general partner of _____, a _____ limited partnership, and
955 that for and on behalf of said corporation as general partner of
956 said limited partnership, and as the act and deed of said
957 corporation as general partner of said limited partnership, and as
958 the act and deed of said limited partnership, (he) (she) executed
959 the above and foregoing instrument, after first having been duly
960 authorized by said corporation and said limited partnership so to
961 do.

962 _____

963 (Signature of notarial officer)

964 _____

965 (Title of office)

966 My commission expires:

967 _____"

968 [] This notarial act involved the use of communication
969 technology.

970 (Affix official seal, if applicable)

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

973 "STATE OF _____

974 COUNTY OF _____

975 Personally or, by use of an e-notary vendor, digitally
976 appeared before me, the undersigned authority in and for the said
977 county and state, on this _____ day of _____, 20_____,
978 within my jurisdiction or satisfactorily to the requirements of
979 Section 25-34-11, the within named _____, who acknowledged to
980 me that (he) (she) is _____ of _____, a _____ corporation
981 and member of _____, a _____ member-managed limited
982 liability company, and that for and on behalf of said corporation
983 as member of said limited liability company, and as the act and
984 deed of said corporation as member of said limited liability
985 company, and as the act and deed of said limited liability
986 company, (he) (she) executed the above and foregoing instrument,
987 after first having been duly authorized by said corporation and
988 said limited liability company so to do.

989 _____

990 (Signature of notarial officer)

991 _____

992 (Title of office)

993 My commission expires:

994 _____"

995 [] This notarial act involved the use of communication
996 technology.

997 (Affix official seal, if applicable)

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

1000 "STATE OF _____

1001 COUNTY OF _____

1002 Personally or, by use of an e-notary vendor, digitally
1003 appeared before me, the undersigned authority in and for the said
1004 county and state, on this _____ day of _____, 20_____,
1005 within my jurisdiction or satisfactorily to the requirements of
1006 Section 25-34-11, the within named _____, who acknowledged to me
1007 that (he) (she) is _____ of _____, a _____ corporation and
1008 manager of _____, a _____ manager-managed limited liability
1009 company, and that for and on behalf of said corporation as manager
1010 of said limited liability company, and as the act and deed of said
1011 corporation as manager of said limited liability company, and as
1012 the act and deed of said limited liability company, (he) (she)
1013 executed the above and foregoing instrument, after first having
1014 been duly authorized by said corporation and said limited
1015 liability company so to do.

1016 _____

1017 (Signature of notarial officer)

1018 _____

1019 (Title of office)

1020 My commission expires:

1021 _____"

1022 [] This notarial act involved the use of communication
1023 technology.

1024 (Affix official seal, if applicable)

1025 (f) In the case of persons acting in representative
1026 capacities:

1027 "STATE OF _____

1028 COUNTY OF _____

1029 Personally or, by use of an e-notary vendor, digitally
1030 appeared before me, the undersigned authority in and for the said
1031 county and state, on this _____ day of _____, 20_____,
1032 within my jurisdiction or satisfactorily to the requirements of
1033 Section 25-34-11, the within named _____, who acknowledged that
1034 (he) (she) is _____ of _____, and that in said
1035 representative capacity (he) (she) executed the above and
1036 foregoing instrument, after first having been duly authorized so
1037 to do.

1038 _____

1039 (Signature of notarial officer)

1040 _____

1041 (Title of office)

1042 My commission expires:

1043 _____"

1044 [_____] This notarial act involved the use of communication
1045 technology.

1046 (Affix official seal, if applicable)

1047 (g) In the case of proof of execution of the instrument
1048 made by a subscribing witness:

1049 "STATE OF _____

1050 COUNTY OF _____

1051 Personally or, by use of an e-notary vendor, digitally
1052 appeared before me, the undersigned authority in and for the said
1053 county and state, on this _____ day of _____, 20____,
1054 within my jurisdiction or satisfactorily to the requirements of
1055 Section 25-34-11, CD, one of the subscribing witnesses to the
1056 above and foregoing instrument, who, being first duly sworn,
1057 states that (he) (she) saw the within (or above) named AB, whose
1058 name is subscribed thereto, sign and deliver the same to EF (or
1059 that (he) (she) heard AB acknowledge that (he) (she) signed and
1060 delivered the same to EF); and that the affiant subscribed (his)
1061 (her) name as witness thereto in the presence of AB.

1062 _____

1063 (Signature of notarial officer)

1064 _____

1065 (Title of office)

1066 My commission expires:

1067 _____"

1068 [_____] This notarial act involved the use of communication
1069 technology.

1070 (Affix official seal, if applicable)

1071 (h) In the case of any business organization, foreign
1072 or domestic:

1073 "STATE OF _____

1074 COUNTY OF _____

1075 Personally or, by use of an e-notary vendor, digitally
1076 appeared before me, the undersigned authority in and for the said
1077 county and state, on this _____ day of _____, 20_____,
1078 within my jurisdiction or satisfactorily to the requirements of
1079 Section 25-34-11, the within named _____, who proved to me on
1080 the basis of satisfactory evidence to be the person(s) whose
1081 name(s) is/are subscribed in the above and foregoing instrument
1082 and acknowledged that he/she/they executed the same in
1083 his/her/their representative capacity(ies), and that by
1084 his/her/their signature(s) on the instrument, and as the act and
1085 deed of the person(s) or entity(ies) upon behalf of which
1086 he/she/they acted, executed the above and foregoing instrument,
1087 after first having been duly authorized so to do.

1088 _____

1089 (Signature of notarial officer)

1090 _____

1091 (Title of office)

1092 My commission expires:

1093 _____"
1094 [] This notarial act involved the use of communication
1095 technology.

1096 (Affix official seal, if applicable)

1097 (2) The following short form certificates of notarial acts
1098 are sufficient for the purposes indicated if the certificate
1099 complies with Section 25-34-31(1) and (2):

1100 (a) For an acknowledgment in an individual capacity:

1101 "STATE OF _____

1102 COUNTY OF _____

1103 This record was acknowledged before me or in a manner that
1104 satisfies the requirements of Section 25-34-11 on (date) by
1105 (name(s) of individual(s)).

1106 _____

1107 (Signature of notarial officer)

1108 _____

1109 (Title of office)

1110 My commission expires:

1111 _____"

1112 [] This notarial act involved the use of communication
1113 technology.

1114 (Affix official seal, if applicable)

1115 (b) For an acknowledgment in a representative capacity:

1116 "STATE OF _____

1117 COUNTY OF _____

1118 This record was acknowledged before me or in a manner that
1119 satisfies the requirements of Section 25-34-11 on (date) by
1120 (name(s) of individual(s)) as (type of authority, such as officer
1121 or trustee) of (name of party on behalf of whom record was
1122 executed).

1123 _____
1124 (Signature of notarial officer)

1125 _____
1126 (Title of office)

1127 My commission expires:

1128 _____"

1129 [] This notarial act involved the use of communication
1130 technology.

1131 (Affix official seal, if applicable)

1132 (c) For a verification on oath or affirmation (jurat):

1133 "STATE OF _____

1134 COUNTY OF _____

1135 Signed and sworn to (or affirmed) before me or in a manner that
1136 satisfies the requirements of Section 25-34-11 on (date) by
1137 (name(s) of individual(s) making statement).

1138 _____
1139 (Signature of notarial officer)

1140 _____
1141 (Title of office)

1142 My commission expires:

1143 _____"
1144 [] This notarial act involved the use of communication
1145 technology.

1146 (Affix official seal, if applicable)

1147 (d) For witnessing or attesting a signature:

1148 "STATE OF _____

1149 COUNTY OF _____

1150 Signed or attested before me or in a manner that satisfies the
1151 requirements of Section 25-34-11 on (date) by (name(s) of
1152 individual(s)).

1153 _____
1154 (Signature of notarial officer)

1155 _____
1156 (Title of office)

1157 My commission expires:

1158 _____"

1159 [] This notarial act involved the use of communication
1160 technology.

1161 (Affix official seal, if applicable)

1162 **SECTION 31.** This act shall take effect and be in force from
1163 and after July 1, 2025.