

**Michigan Secretary of State
Jocelyn Benson**



Notary Public Education and Training

Office of the Great Seal

1



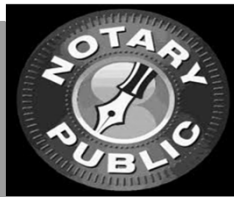
**YOUR INSTRUCTOR FOR TODAY'S
TRAINING IS:**

Evelyn

2

2

**MICHIGAN DEPARTMENT OF STATE
WELCOME TO THE STATE OF
MICHIGAN
OFFICIAL NOTARY PUBLIC
EDUCATION AND
TRAINING SEMINAR**



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3

3

TRAINING OBJECTIVES:

- TO HELP YOU UNDERSTAND THE ROLE OF A NOTARY PUBLIC, e-NOTARY AND REMOTE NOTARY PUBLIC
- TO HELP YOU UNDERSTAND HOW TO PERFORM NOTARIAL ACTS
- TO INCREASE KNOWLEDGE AND UNDERSTANDING OF THE MICHIGAN LAW ON NOTARIAL ACTS

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4

4

TRAINING WILL COVER:

- A MICHIGAN NOTARIES PUBLIC ROLE AS A TRADITIONAL, E-NOTARY AND REMOTE NOTARY PUBLIC
- A COMPREHENSIVE REVIEW OF THE MICHIGAN NOTARY PUBLIC ACT
- INFORMATION AND UNDERSTANDING OF WHAT A NOTARY PUBLIC CAN AND CANNOT DO
- ANSWERS TO ANY QUESTIONS YOU HAVE

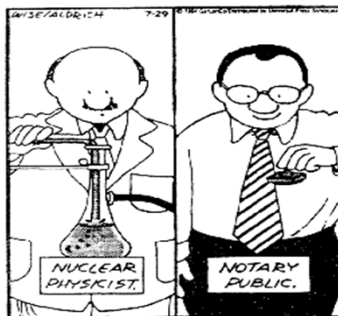
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5

5

WHAT IS A MICHIGAN NOTARY PUBLIC?

Real Life Adventures



Jobs in which nobody understands what you do.

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6

6

A MICHIGAN NOTARY PUBLIC IS:

- **AN OFFICIAL OF INTEGRITY**
- **COMMISSIONED BY THE SECRETARY OF STATE**
- **AN OFFICIAL THAT SERVES THE PUBLIC AS AN IMPARTIAL WITNESS**
- **AN OFFICIAL THAT SCREENS AND OBSERVES THE SIGNEE OF IMPORTANT DOCUMENTS**
- **AN OFFICIAL WHO WILL ADMINISTER AN OATH TO THE SIGNEE**

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7

7

SOLE RESPONSIBILITY

A NOTARIES PUBLIC SOLE RESPONSIBILITY IS TO MAKE SURE THAT THE PERSON IN THEIR PRESENCE IS THE PERSON YOU HAVE IDENTIFIED WITH SATISFACTORY EVIDENCE AS THE SIGNEE OF THE DOCUMENT.



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8

8

**MICHIGAN LAW ON NOTARIAL ACTS
ACT 238 OF 2003**

AN ACT TO PROVIDE FOR THE QUALIFICATION, APPOINTMENT, AND REGULATION OF NOTARIES; TO PROVIDE FOR THE LEVY, ASSESSMENT, AND COLLECTION OF CERTAIN SERVICE CHARGES AND FEES AND TO PROVIDE FOR THEIR DISPOSITION; TO CREATE FUNDS; TO PROVIDE FOR LIABILITY FOR CERTAIN PERSONS; TO PROVIDE FOR THE ADMISSIBILITY OF EVIDENCE; TO ESTABLISH THE RECOGNITION TO BE GIVEN IN THIS STATE TO ACKNOWLEDGMENTS AND OTHER NOTARIAL ACTS PERFORMED OUTSIDE OF THIS STATE; TO PRESCRIBE POWERS AND DUTIES OF STATE AGENCIES AND LOCAL OFFICERS; TO PROVIDE FOR REMEDIES AND PENALTIES; AND TO REPEAL ACTS AND PARTS OF ACTS.

HISTORY: 2003, ACT 238, EFF. APR. 1, 2004; AM. 2018, ACT 361, EFF. MAR. 12, 2019.

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9

9

**55.261 SHORT TITLE.
SEC. 1. THIS ACT SHALL BE KNOWN
AND MAY BE CITED AS THE
"MICHIGAN LAW ON NOTARIAL ACTS"**

HISTORY: 2003, ACT 238, EFF. APR. 1, 2004; AM. 2018, ACT 361, EFF. MAR. 12, 2019.

55.263 DEFINITIONS; A TO I.

55.265 DEFINITIONS; J TO R.

55.267 DEFINITIONS; S TO V.

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10

10

HOW DO I QUALIFY TO BECOME A MICHIGAN NOTARY PUBLIC?

- 55.269 & 55.271 QUALIFICATIONS
- 55.273 FILING SURETY BOND OR OATH WITH COUNTY CLERK
- 55.275 COMPLETING THE NOTARY PUBLIC APPLICATION
- 55.275 SUBMITTING NOTARY PUBLIC APPLICATION TO SECRETARY OF STATE

QUALIFICATIONS:

- AT LEAST 18 YEARS OF AGE
- A RESIDENT OF MICHIGAN OR MAINTAINS A PRINCIPAL PLACE OF BUSINESS IN MICHIGAN
- READS AND WRITES IN THE ENGLISH LANGUAGE
- FREE OF FELONY AND MISDEMEANOR CONVICTIONS
- CURRENTLY NOT SERVING A JAIL OR PRISON SENTENCE
- HAS FILED A SURETY BOND AND/OR OATH WITH THE COUNTY CLERK'S OFFICE

COMPLETING THE NOTARY PUBLIC APPLICATION.

- APPLICATION REVISION DATE
- COMPLETING APPLICATION
- E-NOTARY AND/OR REMOTE NOTARY PUBLIC ELECTRONIC NOTARIZATION SYSTEM(S)/PLATFORM(S) PROVIDER INFORMATION
- CRIMINAL BACKGROUND CHECK
- CERTIFICATION
- COMMISSION NAME

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13

13

FILING SURETY OR OATH WITH COUNTY CLERK

- \$10,000 SURETY BOND FILING
- ISSUER OF SURETY BOND
- DEPARTMENT OF INSURANCE AND FINANCIAL SERVICES AT:
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- LICENSED ATTORNEY OATH FILING
- COUNTY CLERK FILING FEE

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14

14

SUBMITTING APPLICATION TO THE SECRETARY OF STATE.

- WITHIN 90 DAYS OF FILING BOND WITH COUNTY
- \$10.00 PROCESSING FEE

AFTER I SUBMIT MY APPLICATION TO THE SECRETARY OF STATE, WHAT HAPPENS NEXT?

- 55.275 PROCESSING APPLICATION/APPOINTMENT OF NOTARY PUBLIC COMMISSION
- 55.275 (4) NOTARY PUBLIC COMMISSION CARD
- 55.269 (2) COMMISSION TERM
- 55.269 (2) PERFORMANCE OF NOTARIAL ACTS – JURISDICTION
- 55.279 (4) CANCELLATION OF COMMISSION DUE TO NSF CHECK, DRAFT OR ORDER

PROCESSING APPLICATION/APPOINTMENT OF NOTARY PUBLIC COMMISSION.

- CHECK FOR COMPLETENESS
- CONDUCT CRIMINAL BACKGROUND CHECK
- PROCESSING TIMEFRAME

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17

17

NOTARY PUBLIC COMMISSION CARD

- PROCESSING TIMEFRAME
- COMMISSION INFORMATION
- LAMINATING YOUR COMMISSION CARD

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18

18

PERFORMANCE OF NOTARIAL ACTS

- COMMISSION TERM – 6 OR 7 YEARS
- ANY COUNTY WITHIN THE STATE OF MICHGAN

CANCELLATION OF COMMISSION DUE TO NSF

- COMMISSION CANCELLED
- MUST START APPLICATION PROCESS FROM BEGINNING

I HAVE BEEN APPOINTED AND HAVE RECEIVED MY COMMISSION CARD, NOW WHAT DO I DO?

- 55.281 (2) ERROR ON COMMISSION CARD
- 55.283 OBTAIN AND READ THE MICHIGAN NOTARY PUBLIC ACT
- 55.285 (1-6) PERFORMANCE OF NOTARIAL ACTS/SATISFACTORY EVIDENCE
- 55.285 (7) FEE TO PERFORM NOTARIAL ACT
- 55.285 (8) RIGHT TO REFUSE PERFORMING A NOTARIAL ACT
- 55.293 PERSON WITH PHYSICAL LIMITATIONS

ERROR ON COMMISSION CARD.

- NAME, BIRTH DATE, COUNTY ERROR - CONTACT SECRETARY OF STATE, OFFICE OF THE GREAT SEAL
- NEW COMMISSION CARD WILL BE MAILED

OBTAIN AND READ THE MICHIGAN NOTARY PUBLIC ACT.

- REQUIRED BY STATUTE
- PRIOR TO PERFORMING ANY NOTARIAL ACT

PERFORMANCE OF NOTARIAL ACTS

Notarial Acts:

- Taking acknowledgments
- Administering oaths and affirmations
- Witnessing or attesting to a signature

PERFORMANCE OF NOTARIAL ACTS CONTINUED

Satisfactory Evidence:

- Personally known to the notary public (a)
- Identified upon the oath or affirmation of a credible witness personally known by the notary public and who personally knows the person (b)
- Identified on the basis of a current license, identification card, or record issued by a federal or state government that contains the person's photograph and signature (c)
- With regard to a notarial act performed under section 26b, identified and verified through an identity proofing process or service that is part of a remote electronic notarization platform approved under section 26b(1), and the person presents an identity document described in subdivision (c) that is verified through a credential analysis process or service that is part of a remote electronic notarization platform approved under section 26b(1).

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25

25

SAMPLE ACKNOWLEDGMENT

Acknowledged before me in _____ County, Michigan on _____
(County of Notarization) (Date of Notarization)

(Name of Document Signer)

(Notary printed name)

(Notary signature)

Notary public, State of Michigan, County of _____.

My commission expires _____.

Acting in the County of _____ (where required)

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26

26

SAMPLE JURAT

Notary Public, State of Michigan, County of _____.

Acting in the County of _____ (where required)

My commission expires _____.

Subscribed and sworn to (or affirmed) before me on this _____
day, _____, 2016 by _____ (Name of Affiant).

(Name of Notary Public)

(Signature of Notary Public)

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27

27

SAMPLE OATHS

Do you solemnly swear that the contents of this affidavit (or deposition, document, etc.) subscribed (signed) by you are correct and true, so help you God?

OR

Do you solemnly, sincerely and truly declare and affirm that the statements made by you are true and correct?

**When administering oaths, parties should raise their right hands.
The left hand may be used in cases of disability.**

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28

28

PERFORMANCE OF NOTARIAL ACTS (CONT'D).

FEE TO PERFORM NOTARIAL ACT:

- \$10.00 PER NOTARIAL ACT
- TRAVEL FEE

A NOTARY PUBLIC MAY REFUSE TO PERFORM A NOTARIAL ACT

55.293 PERSON WITH PHYSICAL LIMITATIONS; SIGNATURE BY NOTARY PUBLIC.

CONDITIONS:

1. THE PERSON DIRECTS THE NOTARY PUBLIC TO SIGN THEIR NAME.
2. THE PERSON IS PHYSICALLY IN THE PRESENCE OF THE NOTARY PUBLIC.
3. THE NOTARY PUBLIC INSCRIBES BENEATH THE SIGNATURE:
"SIGNATURE AFFIXED PURSUANT TO SECTION 33 OF THE
MICHIGAN NOTARY PUBLIC ACT"

WHAT IS REQUIRED TO PROPERLY NOTARIZE A RECORD?

55.287 SIGNATURE OF NOTARY PUBLIC; STATEMENTS; STAMP, SEAL, OR ELECTRONIC PROCESS; EFFECT OF ILLEGIBLE STATEMENT

- NOTARY PUBLIC STAMP AND/OR SEAL NOT REQUIRED
- STAMP AND/OR SEAL MUST NOT RENDER CONTENTS ILLEGIBLE AND MUST BE REPRODUCIBLE
- PURCHASING A NOTARY STAMP AND/OR SEAL
- MAY LEGIBLY HANDWRITE ALL ELEMENTS OF A NOTARIAL ACT
- COMPONENTS OF A PROPER NOTARIAL ACT

COMPONENTS OF A PROPER NOTARIAL ACT

1. Signature
2. The name of the notary public exactly as it appears on his or her application for commission
3. The statement "Notary public, State of Michigan, County of _____."
4. The statement "My commission expires _____."
5. The date the notarial act was performed
6. If performing a notarial act in a county other than the county of commission, the statement "Acting in the County of _____."
7. If performing a notarial act as an e-Notary or remote notary public, include wording: E-signed 26a or Remote act 26b

WHEN I NOTARIZE A RECORD, DOES IT MEAN I AM SAYING THAT THE CONTENTS OF THE RECORD IS TRUE?

55.297 Sec. 37. (2) A notary public and the notary public's sureties are not liable for the truth, form, or correctness of the contents of a record upon which the notary public performs a notarial act.

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33

33

DO I NEED TO MAINTAIN RECORDS OF MY NOTARIAL ACTS?

55.313 MAINTENANCE OF RECORDS.

Sec. 53. A person, or the personal representative of a person who is deceased, who both performed a notarial act and created a record of the act performed while commissioned as a notary public under this act shall maintain all the records of that notarial act for at least 5 years after the date of the notarial act.

History: 2003, Act 238, Eff. Apr. 1, 2004; Am. 2006, Act 426, Imd. Eff. Oct. 5, 2006.



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34

34

WHAT TYPE OF RECORDS CAN I NOTARIZE AND ARE THERE ANY RECORDS THAT I CANNOT NOTARIZE?

CAN NOTARIZE:

- ANY TYPE OF RECORD WITH THE EXCEPTION OF THE ONES LISTED ON THE NEXT SLIDE UNDER "CANNOT NOTARIZE"
- OUT-OF-STATE **CERTIFIED** VITAL RECORDS – REQUIRES TRUE COPY STATEMENT FROM PERSON NAMED IN RECORD OR PARENT/GUARDIAN, IF MINOR CHILD
- PROBATE COURT RECORDS – REQUIRES TRUE COPY STATEMENT FROM PERSON NAMED IN RECORD OR PARENT/GUARDIAN, IF MINOR CHILD
- DOCUMENTS WRITTEN IN FOREIGN LANGUAGES AS LONG AS THE SIGNATURE AND DATE ARE IN ENGLISH LANGUAGE
- A DOCUMENT THAT HAS BEEN PHOTOCOPIED – REQUIRES TRUE COPY STATEMENT FROM PERSON NAMED IN RECORD OR PARENT/GUARDIAN, IF MINOR CHILD. ALSO REQUIRES SIGNATURE(S) AND DATES OF ALL PARTIES ARE IN ORIGINAL INK.

WHAT TYPE OF RECORDS CAN I NOTARIZE AND ARE THERE ANY RECORDS THAT I CANNOT NOTARIZE (CONT'D)

CANNOT NOTARIZE:

- I-9 EMPLOYMENT ELIGIBILITY VERIFICATION FORM
- NATURALIZATION FORM
- MICHIGAN VITAL RECORDS: BIRTH, DEATH, MARRIAGE, DIVORCE
- PHOTOCOPY OR ORIGINAL VITAL RECORD FROM OTHER STATES

ARE THERE THINGS I CANNOT DO WHEN PERFORMING NOTARIAL ACTS?

55.291 NOTARY PUBLIC; PROHIBITED CONDUCT.

**WHAT
A NOTARY PUBLIC
CANNOT DO**

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37

37

A NOTARY PUBLIC CANNOT:

- Certify or notarize that a record is an original or a true copy (1a & b)
- Perform a notarial act upon any record executed by himself or herself (2a)
- Notarize his or her own signature (2b)
- Take his or her own deposition (2c)
- Claim to have powers outside of those granted by the Act: (3)
 - Act as an attorney
 - Give legal advice or prepare legal documents
 - Charge a fee for preparation of immigration documents or represent someone in immigration matters

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38

38

A NOTARY PUBLIC CANNOT: (CONT'D)

Translate from English to another language verbiage that describes his/her role as anything other than that set forth in the Notary Public Act. (4)

If advertising in another language, must clearly indicate that he/she is not a licensed attorney and specify fees authorized by statute. (5)

Use the term "notario público" or any equivalent non-English term. (6)

Perform a notarial act if the notary public has a direct financial/beneficial interest or named as a grantor(ee), mortgagor(ee), trustor(ee), vendor(ee), lessor(ee), beneficiary or other capacity in transaction (7)

- No conflict if acting in capacity of attorney, escrow, lender, agent, insurer, employee for a person having a direct financial/beneficial interest in transaction (10)

Perform a notarial act for a spouse, lineal ancestor or descendant, or sibling including in-laws, steps, or half-relatives. (8)

If officer or employer of a bank or corporation take acknowledgment of a record (9)

MY INFORMATION HAS CHANGED, DO I NEED TO LET THE SECRETARY KNOW?

55.281 CORRECTED NOTARY PUBLIC COMMISSION.

- FORM 99 – MICHIGAN NOTARY PUBLIC REQUEST FOR DUPLICATE/NOTICE OF CHANGE – REVISED 6/14
- NAME AND ADDRESS CHANGES
- CHANGE, ADD OR REMOVE E-NOTARY/REMOTE NOTARY PROVIDER
- CANCEL NOTARY PUBLIC COMMISSION
- NEW COMMISSION CARD
- LOST, MUTILATED, ILLEGIBLE COMMISSION CARD
- WALL-SIZE CERTIFICATE
-
- DUPLICATE CARD FEE

MY COMMISSION TERM WILL EXPIRE SOON, WILL I BE AUTOMATICALLY REAPPOINTED?

55.279 REAPPOINTMENT; LICENSED ATTORNEY AS NOTARY PUBLIC

- MAY REAPPLY WITHIN 60 DAYS PRIOR TO COMMISSION EXPIRATION DATE
- CURRENT LICENSED ATTORNEYS – SECRETARY WILL MAIL REAPPOINTMENT APPLICATION

NOTARY PUBLIC MISCONDUCT

- 55.297 MISCONDUCT; CIVIL LIABILITY; CONDITIONS.
*NOTARY PUBLIC AND SURETY LIABILITY
*EMPLOYER LIABILITY**
- 55.300a PENALTIES; VIOLATIONS; NOTICE AND HEARING;
FINE.
*READ ENTIRE LIST OF VIOLATIONS AND
PENALTIES
*RIGHT TO HEARING**
- 55.303 UNPAID CIVIL FINE.
*MUST BE PAID WITHIN 180 DAYS
*REFER TO DEPT OF TREASURY OR COURT TO
COLLECT**

WHAT WILL HAPPEN IF I DO NOT RESPOND TO A REQUEST FROM THE SECRETARY TO PROVIDE INFORMATION OR RECORDS?

55.295 REQUEST BY SECRETARY OF STATE; FAILURE TO RESPOND.

- NO RESPONSE AFTER 15 DAYS
- COMMISSION SUSPENDED UNTIL A RESPONSE IS RECEIVED

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43

43

CAN I CANCEL MY NOTARY PUBLIC COMMISSION?

55.300A(5) & 55.303(1) CANCELLATION OF A NOTARY PUBLIC COMMISSION

Cancellation of Commission

- Without prejudice
- May reapply at any time

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44

44

WHAT HAPPENS IF I RECEIVE A FELONY OR MISDEMEANOR CONVICTION?

55.300A (4) REVOCATION OF COMMISSION.

55.301 **AUTOMATIC REVOCATION; VIOLATION AS FELONY; NOTIFICATION OF CONVICTION.**

55.303 **REAPPLICATION AFTER REVOCATION.**

55.309 **VIOLATION AS MISDEMEANOR OR FELONY; PENALTIES.**

AUTOMATIC REVOCATION FROM CONVICTION DATE

FELONY CONVICTION:

- Convicted of a felony and sentenced to jail or prison
- Knowingly violate Act when notarizing documents related to real property or mortgage transactions (Fine up to \$5000, Prison up 4 years or Both)

SPECIFIED MISDEMEANORS(related to notary public violations):

- 2 or more within 2 year
- 3 or more within 5 years
- Fine up to \$5000, Prison up to 1 year or Both

PERFORMING NOTARIAL ACT AFTER COMMISSION HAS BEEN REVOKED:

- Guilty of a felony
- Fine up to \$3,000, Prison up to 5 years or Both

NOTIFICATION OF CONVICTION:

- Notary Public – notify Secretary within 10 days of conviction date
- Court of Conviction notifies the Secretary of State

REAPPLICATION AFTER REVOCATION

- Eligible to apply after 5 or 10 years, depending on reason for revocation
- The Secretary will determine eligibility date

55.300 INVESTIGATION BY SECRETARY OF STATE; COMPLAINT.

Complaint filed with Secretary of State must include:

- Complainant's name, address, and telephone number.
- Complainant's signature and date complaint signed.
- Statement describing basis for complaint.
- Actual record, or copy/replica of record.
- Complaints cannot be filed anonymously.



55.307 PRESUMPTION.

Sec. 47. (1) Subject to subsection (2) and in the courts of this state, the certificate of a notary public of official acts performed in the capacity of a notary public, under the seal of office, is presumptive evidence of the facts contained in the certificate except that the certificate is not evidence of a notice of non acceptance or nonpayment in any case in which a defendant attaches to his or her pleadings an affidavit denying the fact of having received that notice of non acceptance or nonpayment.

(2) Notwithstanding subsection (1), the court may invalidate any notarial act not performed in compliance with this act.

History: 2003, Act 238, Eff. Apr. 1, 2004;-Am. 2006, Act 155, Imd. Eff. May 26, 2006.

NOTARY SIGNING AGENTS

A state commissioned Notary Public, must adhere to the Michigan notary law.

A trusted professional, usually that performs the closing act for real estate transactions, mortgage loan transactions, legal process transactions and other similar transactions where an independent third party is requested. Usually they are certified/trained in these types of documents.

Prohibited from giving legal advice, explaining legal documents, or assisting in completing legal or immigration forms.

Insure awareness of document contents by affiant and make a reasonable effort to prevent fraud and protect affiants from coercion.

E-NOTARY AND REMOTE NOTARY PUBLIC

Effective March 12, 2019, The Michigan Notary Public Act 238 of 2003 was amended to add 55.286, 55.286a and 55.286b allowing Michigan notaries public to perform notarial acts as an e-Notary and/or remote notary public.

Although the law is effective March 12, 2019, the Secretary of State along with the Department of Management and Budget is not required to approve an e-notarization and remote notarization platform(s) until March 30, 2019. Until an electronic system(s)/platform(s) has been approved, a notary public CANNOT perform e-notary or remote notary public notarizations.

Once a system(s)/platform(s) is approved and a notary public subscribes to an approved provider's system(s)/platform(s) they must register their e-Notary/remote notary public electronic system/platform provider information with the Secretary of State before performing duties as an e-Notary public and/or remote notary public.

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51

51

E-NOTARY AND REMOTE NOTARY PUBLIC

An e-Notary Public will be able to notarize a document electronically and their customer will have the ability to sign a document electronically after satisfactory evidence is presented. However, the customer MUST still be in the physical location and presence of the notary public for the notarial act to be performed.

A Remote Notary Public will be able to notarize a document electronically and their customer will have the ability to sign a document electronically through the use of audio and video equipment. Personal knowledge or satisfactory evidence must still be presented. The notary public and customer will communicate through an electronic platform utilizing electronic means to verify credentials and identity of an individual(s).

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52

52

**NOTARY PUBLIC E-NOTARY REQUIREMENTS
55.286 AND 55.286A**

- Commissioned as a Michigan notary public
- E-Notarization name and signature must match commissioned notary public name and signature
- Register/subscribe with a Michigan approved electronic notarization system provider(s)
- Provide the Secretary of State with the name of the provider(s) *before* the *initial* electronic notarial act is performed
- Signee(s) must be physically in the presence of the notary public when the electronic notarial act is performed. All e-Notary notarizations must be performed in Michigan.
- Notary public must identify signee(s) based on personal knowledge, a credible witness or from a current state or feral issued identification card that contains the individual's photograph and signature.

**NOTARY PUBLIC E-NOTARY REQUIREMENTS
55.286 AND 55.286A (CONT'D)**

- Notarization must include language stating that the notarial act was performed electronically (E-signed) under 26a.
- Contact the Secretary of State to add, change or cancel an electronic notarization system provider(s)
- E-notary status is current through the notary public commission expiration date
- If the notary public commission is suspended, cancelled or revoked, the e-Notary public status is also suspended, cancelled or revoked and you will be unable to perform notarial acts

NOTARY PUBLIC REMOTE NOTARY REQUIREMENTS 55.286B

- Be a Michigan commissioned notary public
- Remote electronic name and signature must match commissioned notary public name and signature
- Register with a Michigan approved remote electronic notarization platform provider(s)
- Notify the Secretary of State with the name of the provider(s) *before the initial* remote electronic notarial act is performed
- Notary public must be in Michigan when performing notarial acts using a remote electronic notarization platform. The customer can be in any location during the performance of the remote electronic notarization.
- Notary public must identify signee(s) based on personal knowledge, a credible witness or from a current state or federal issued identification card that contains the individual's photograph and signature.

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55

55

NOTARY PUBLIC REMOTE NOTARY REQUIREMENTS 55.286B (CONT'D)

- Include in the notarization that the notarial act was performed using a remote electronic notarization platform under section 26b
- The notary public, through use of the remote electronic notarization platform, personal knowledge, or satisfactory evidence, is able to identify the record before the notary public as the same record presented by the individual for notarization.
- The notary public shall not record by audio or visual means a notarial act performed using a remote electronic notarization platform, unless the notary public discloses to the person that requested the notarial act that an audio or visual recording is being made and how the recording will be preserved, and the person consents or has previously consented to the recording.

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56

56

NOTARY PUBLIC REMOTE NOTARY REQUIREMENTS 55.286B (CONT'D)

- A notary public may refuse to conduct a notarial act using a remote electronic notarization platform if the person that requested the notarial act objects to an audio or visual recording of the notarial act.
- If a notary public performs notarial acts using a remote electronic notarization platform, the notary public shall maintain a journal that records, at a minimum, each of those notarial acts. A notary public shall maintain only 1 journal for the recording of notarial acts and must keep the journal either as a tangible, permanent bound register or in a tamper-evident, permanent electronic format
- A notary public shall retain the journal for at least 10 years after the performance of the last notarial act recorded in it. If a notary public is not reappointed, or his or her commission is revoked, the former notary public shall inform the secretary of state where the journal is kept or, if directed by the secretary, shall forward the journal to the secretary or a repository designated by the secretary.
- The notary public does not violate section 31 (55.291) in the performance of notarial acts.

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57

57

NOTARY PUBLIC REMOTE NOTARY REQUIREMENTS 55.286B (CONT'D)

- **A notary public shall make an entry in a journal maintained under subsection (7) contemporaneously with performance of the notarial act, and the entry must include, at a minimum, all of the following:**
 - (a) The date, time, and nature of the notarial act.
 - (b) A description of the record, if any.
 - (c) The full name and address of each individual for whom the notarial act is performed.
 - (d) If the identity of the individual for whom the notarial act is performed is based on personal knowledge, a statement to that effect. If the identity of the individual for whom the notarial act is performed is based on satisfactory evidence, a brief description of the method of identification and the identification credential presented, if any, including the date of issuance and expiration for the credential.
 - (e) The fee charged, if any, by the notary public.

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58

58

NOTARY PUBLIC REMOTE NOTARY REQUIREMENTS 55.286B (CONT'D)

- An entry made in a journal maintained by a notary public under subsection (7) must also reference, but shall not itself contain, any audio or visual recording of a notarial act performed using a remote electronic notarization platform.
- Subject to subsection (1), a notary public must retain an audio or visual recording of a notarial act for at least 10 years after the performance of the notarial act.
- **A notary public may designate a custodian to do any of the following:**
 - (a) Maintain the journal required under subsection (7) on his or her behalf.
 - (b) Retain an audio or visual recording of a notarial act under subsection (9) on his or her behalf. If an audio or visual recording of a notarial act is transferred to a custodian to hold on behalf of the notary public, the journal entry must identify the custodian with sufficient information to locate and contact that custodian

NOTARY PUBLIC REMOTE NOTARY REQUIREMENTS 55.286B (CONT'D)

- A notarial act performed using a remote electronic notarization platform under this section that otherwise satisfies the requirements of this act is presumed to satisfy any requirement under this act that a notarial act be performed in the presence of a notary public.
- Contact the Secretary of State to add, change or cancel a remote electronic notarization platform provider(s)
- Remote notary status is current through the notary public commission expiration date
- If the notary public commission is suspended, cancelled or revoked, the remote notary public status is also suspended, cancelled or revoked and you will be unable to perform notarial acts

QUESTIONS?



Contact us by...

Phone: (888) 767-6424 *(ask for Office of the Great Seal)*

Fax: (517) 241-1820

Email: MDOS-Notary@michigan.gov

Mail: 7064 Crouner Drive, Lansing, MI 48918

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61