

Part 5: Business Services – Notaries

Public Part 5 Chapter 1:

GENERAL PROVISIONS.

*Rule 1.2. Definitions.*

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

- A. “**Act**” means the Revised Mississippi Law on Notarial Acts.
- B. “**Address**” means a property location identification including a number, directional prefix, road name (unit number, if applicable), city, state, and zip code.
- C. “**Affirmation**” means a notarial act, or part thereof, which is legally equivalent to an oath and in which an individual at a single time and place:
  - (1). appears in person before the notary;
  - (2). is personally known to the notary or identified by the notary through satisfactory evidence; and
  - (3). Makes a vow of truthfulness or fidelity on penalty of perjury, based on personal honor and without invoking God or using any form of the word “swear.”
- D. “**Applicant**” means an individual who seeks appointment or reappointment to the office of notary public.
- E. “**Appoint**” or “**Appointment**” means the naming of an individual to the office of notary public after determination that the individual has complied with Section 21(1) and (2) of the act (relating to appointment and commission as notary public; qualifications; no immunity or benefit) and subchapter 2.00 (relating to qualifications for appointment and commission).
- F. “**Document**” means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.
- G. “**Dynamic knowledge-based authentication assessment**” means a form of identity-proofing consisting of an identity assessment that is based on a set of questions formulated from public or private data sources for which the individual has not provided a prior answer.
- H. “**Electronic document**” means information that is created, generated, sent, communicated, received, or stored by electronic means.

- I. “**Electronic notarial act**” means an official act by a notary public on or involving an electronic document and using electronic means authorized by the Secretary of State or the laws of the jurisdiction of appointment.
- J. “**Electronic notarial certificate**” means the portion of a notarized electronic document that is completed by the notary public; bears the notary public's electronic signature and/or official electronic seal, official title, commission number, commission expiration date, any required information concerning the date and place of the electronic notarization; and states the facts attested to or certified by the notary public in a particular electronic notarization.
- K. “**Electronic notarization system**” means a set of applications, programs, hardware, software, or technologies designed to enable a notary public to perform electronic notarizations that renders every electronic notarial act tamper-evident through the use of a security procedure and that meets the requirements of the act and these rules.
- L. “**Electronic notary seal**” and “**official electronic seal**” mean information within a notarized electronic document that includes the notary public’s name, jurisdiction of appointment, commission number, and commission expiration date, and generally corresponds to data in notary public seals used on paper documents.
- M. “**Electronic signature**” means an electronic sound, symbol, or process attached to or logically associated with an electronic document and executed or adopted by a person with the intent to sign the electronic document.
- N. “**Notary public**” means an individual commissioned or appointed to perform a notarial act by the Secretary of State of this State.
- O. “**Oath**” means a notarial act, or part thereof, which is legally equivalent to an affirmation and in which an individual at a single time and place:
  - (1). Appears in person before the notary;
  - (2). Is personally known to the notary or identified by the notary through satisfactory evidence; and
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- P. “**Public key certificate**” means an electronic credential which is used to identify an individual who signed an electronic document with the certificate.
- Q. “**Secretary of State**” means the Secretary of State of Mississippi.
- R. “**Real time**” means the actual span of uninterrupted, simultaneous communication during which all parts of an electronic notarial act occur.
- S. “**Reappoint**” or “**reappointment**” means the naming of an individual who previously held a commission as a notary public to the office of notary public after determination that the individual has complied with Section 21(1) and (2) of the act (relating to

qualifications) and Chapter 2 of these Rules (relating to qualifications). The term includes "renewal of appointment."

- T. “**Spouse**” means an individual who is married to a notary public.
- U. “**Tamper-evident**” means that any changes to an electronic document shall display evidence of the change.
- V. “**Tangible**” means perceptible by touch when used in conjunction with "document," "medium" or "symbol."

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

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