



AMERICAN SOCIETY OF NOTARIES

MISSISSIPPI

RECORDBOOK—REQUIRED

State-Specific Recordbook Requirements - Revised October 2009

ASN recommends that ALL notaries use a recordbook of notarial acts. Notaries in several states are required to use a recordbook (also called a register or journal). Please review the following statutes as your state either requires the use of a recordbook OR has specific guidelines you must adhere to if you choose to use a recordbook (if not required by state law). You may print this document for your records.

TITLE 01

PART III SECRETARY OF STATE OF MISSISSIPPI

CHAPTER 14 – NOTARIES PUBLIC

101.07 Journal of notarial acts and journal.

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

401.01 Journal of Notarial Acts.

- (1) A notary shall keep, maintain, protect, and provide for lawful inspection a chronological official journal of notarial acts a permanently bound book with numbered pages;
- (2) A notary shall keep no more than one active journal at the same time.

401.02 Entries.

- (1) For every notarial act, the notary shall record in the journal at the time of notarization at least the following:
 - (a) the date and time of day of the notarial act;
 - (b) the type of notarial act;
 - (c) the type, title, or a description of the document or proceeding;
 - (d) the printed name and address of each principal;
 - (e) the fee, if any, charged for the notarial act;
 - (f) the address where the notarization was performed if not the notary's business address; and
 - (g) if the principle is not personally know to the notary may require, the signature of the principal and the evidence of identity of each principal, in the form of either: a notation of the type of identification document, its issuing agency, its serial or identification number, and its date of issuance or expiration;
- (2) A notary shall not record a Social Security or credit card number in the journal.
- (3) A notary shall record in the journal the circumstances for not completing a notarial act.
- (4) As required in Section 401.03, a notary shall record in the journal the circumstances of any request to inspect or copy an entry in the journal, including the requester's name, address, signature, and evidence of identity. The reasons for refusal to allow inspection or copying of a journal entry shall also be recorded.

401.03 Inspection, Copying, and Disposal of Journal.

(1) In the notary's presence, any person may inspect an entry in the official journal of notarial acts during regular business hours, but only if:

- (a) the person's identity is personally known to the notary or proven through satisfactory evidence;
- (b) the person affixes a signature in the journal in a separate, dated entry;
- (c) the person specifies the month, year, type of document, and name of the principal for the notarial act or acts sought; and
- (d) the person is shown only the entry or entries specified.

(2) If the notary has a reasonable and explainable belief that a person bears a criminal or harmful intent in requesting information from the notary's journal, the notary may deny access to any entry or entries.

(3) The journal may be examined without restriction by a law enforcement officer in the course of an official investigation, subpoenaed by court order, or surrendered at the direction of the Secretary of State.

(4) Upon complying with a request under Subsection (a), the notary shall provide a copy of a specified entry or entries in the journal at a cost of not more than five dollars (\$5.00) per copy; other entries on the same page shall be masked.

(5) A notary shall safeguard the journal and all other notarial records and surrender or destroy them only by rule of law, by court order, or at the direction of the Secretary of State.

(6) When not in use, the journal shall be kept in a secure area under the exclusive control of the notary, and shall not be used by any other notary nor surrendered to an employer upon termination of employment.

(7) Within 10 days after the journal is stolen, lost, destroyed, damaged, or otherwise rendered unusable or unreadable as a record of notarial acts, the notary, after informing the appropriate law enforcement agency in the case of theft or vandalism, shall notify the Secretary of State by any means providing a tangible receipt or acknowledgment, including certified mail and electronic transmission, and also provide a copy or number of any pertinent police report.

- (h) Upon resignation, revocation, or expiration of a notary commission, or death of the notary, the journal and notarial records shall be delivered to the Clerk of the Circuit Court of the County of residence of the notary in accordance with Section 25-33-7 of the Mississippi Code of 1972.

602 Disposition of Seal and Journal.

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

- (a) as soon as reasonably practicable, destroy or deface all notary seals so that they may not be misused; and
- (b) within 30 days after the effective date of resignation, revocation, or expiration, send to the Circuit Clerk of the County where the Notary the notarial journal and records.

(2) A former notary who intends to apply for a new commission and whose previous commission or application was not revoked or denied by this State, need not deliver the journal and records within 30 days after commission expiration, but must do so within 6 months after expiration unless recommissioned within that period.

603 Death of Notary.

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

- (1) notify the Secretary of State of the death in writing;
- (2) as soon as reasonably practicable, destroy or deface all notary seals so that they may not be misused; and
- (3) within 6 months after death, send to the Circuit Clerk of the County of residence of the Notary listed in the records of the Secretary of State's Office the notary's journal of notarial acts and any other notarial records.