
Notary Public Information

**Michigan Department of State
Office of the Great Seal
Notary Public Information**

A notary public is an officer commissioned by the Michigan Secretary of State to serve as an unbiased and impartial witness. The most common function of the notary is to prevent fraud by attesting to the identity of a person signing a document. Notarization on a document certifies that the person whose signature is entered on the document personally appeared before the notary, established his or her identity, and personally signed the document in the presence of the notary.

Every citizen appointed as a notary has a duty to learn the notarial laws on their own initiative. Before a notary performs any notarial act, the notary is required to read the Notary Public Act, 2003 PA 238 (MCL 55.261, et seq.) An electronic copy of the Act may be found on the Legislature's Web site at www.legislature.mi.gov

There are approximately 122,823 notaries public currently commissioned in the State of Michigan.

Qualifications

You must:

- Be at least 18 years old;
- Be a Michigan resident or maintain a place of business in Michigan;
- Be a U.S. citizen or possess proof of legal presence;
- Be a resident of the county in which you request appointment (if you do not reside in Michigan, maintain a principal place of business in the county you request appointment);
- Read and write in the English language;
- Be free of any felony convictions within the past 10 years (if previously convicted of a felony, the 10-year period includes completion of the sentence for that crime, any term of imprisonment, parole, or probation, and payment of all fines, costs, and assessments);
- Have not been convicted of 2 or more misdemeanor offenses involving a violation of the Michigan Notary Public Act within a 12-month period while commissioned, or 3 or more misdemeanor offenses involving a violation of this Act within a 5-year period regardless of being commissioned;
- Have filed with the appropriate county clerk a proper surety bond in the amount of \$10,000 and taken the oath of office as prescribed by the State Constitution;
- Sign a declaration that all information on your application for Michigan Notary Public Commission is correct, that you have read the Michigan Notary Public Act, and that you will perform all notarial acts faithfully;
- Any individual currently serving a term of imprisonment in any state, county or federal correctional facility is prohibited from being appointed or serving as a notary public.

Licensed attorneys in the State of Michigan are not required to file a surety bond with the county clerk as of April 1, 2007.

Application Process

Your Application for Michigan Notary Public Appointment must include your driver's license number, full name as you wish to be appointed, date of birth, residential address (as it appears on your Michigan driver's license or personal identification card), business address, telephone number, and, if a current notary, information about your current appointment. This form is available by selecting the following [Application for Notary Public Commission](#).

To ensure that your appointment is accurately made without delay, please print or type your name as you wish to be commissioned to the right of the "Commissioned Name" field at the bottom of the application. Your signature **must** match the name that has been printed as your "Commissioned Name." This is the signature that you will use when notarizing documents.

To avoid delays in processing your notary public application, please be advised that your current address must match on both the application and your driver's license or personal identification card that you have on file with the Secretary of State. You may submit a change of address for your driver's license or personal identification card at any Secretary of State branch office or by mail. There is no fee for this service. To obtain a change of address form, please select the following [Michigan Change of Address/Voter Registration](#).

You must obtain a surety bond (available through insurance agencies or bonding companies) in the amount of \$10,000 and file it with your respective county clerk. The fee for filing at the county is \$10.00 (with the exception of Wayne County, which may be more). At that time, the county clerk will also administer an Oath of Office, and verify that you have complied with these requirements by completing the designated area on your completed Notary Public Application. Your original signature must then be placed on the form, agreeing to all conditions stated.

Once you have fulfilled the filing requirements at the county level, you must forward your completed application (with a \$10.00

non-refundable processing fee) to the following address:

Michigan Department of State
Office of the Great Seal
7064 Crowser Blvd.
Lansing, MI 48918

Do not send cash; please send a check or money order payable to the "State of Michigan".

Surety Bond Information

Notaries public are required to obtain a \$10,000 surety bond and file it at the office of the county clerk in the county where the notary will be appointed. The cost of a surety bond will vary--generally between \$50 to \$100. A surety must be licensed to do business in this state. A list of licensed agencies is available at www.michigan.gov/deleg.

A surety bond protects the public from a notary's misconduct or negligence.

- The bond provides coverage for damages to anyone who suffers financially due to an improper official act on the part of the notary.
- The surety may seek reimbursement from the notary for any damages it pays on the notary's behalf.
- The Michigan Department of State is authorized to require the notary to purchase replacement bonding if the original \$10,000 bond funds are depleted by damage claims.
- Surety bonds are not insurance policies. The bond protects the public if a court judgment is rendered against a notary because of negligence or misconduct.

Blanket bonds or personal assets may not be used in place of an individual surety bond.

Bond Cancellations

In accordance with Section 13(2) of the Notary Public Act (MCL 55.273), the surety on the bond may cancel the bond 60 days after the surety notifies the notary, the secretary of state, and the county clerk of the cancellation. The notice to the secretary of state may be in letter format and should contain the following information if available: name of company, name of principal, date bond was executed, county of commission, expiration date of commission, and effective date of cancellation. The notice to the secretary of state should be sent to:

Michigan Department of State
Office of the Great Seal
7064 Crowser Drive
Lansing, Michigan 48918.

Oath of Office

The oath of office is an oral or written statement taken at your county clerk's office when you file your bond. (If you are a Michigan resident, this must be your county of residence.) An oath is a sworn pledge stating the truth about a given statement. In this case, you are taking a pledge that you will uphold the constitution and perform your duties with reasonable care.

An oath typically given when filing your bond is as follows: Do you solemnly swear that you will support the Constitution of the United States and the Constitution of this State, and that you will discharge the duties of the office of Notary Public in and for said County to the best of your ability? After an oath is administered, a verification is completed by the clerk (or clerk designee) attesting that you swore to the statement.

Length of Appointment

Each notary public commission is for a 6 to 7 year period ending on the notary's birthday. The term is not less than 6 or more than 7 years from the date of appointment. For example, if your birthday is in April of 2008, and you apply for a commission in October of 2007, your notary commission will expire on your birthday in 2014. There is no renewal process so you must apply for a new commission when your current commission expires. It is your responsibility to apply for a new commission no more than 60 days prior to the commission expiration date.

Notarization of Document(s)

Your notary commission is a statewide appointment. Once appointed, you may notarize anywhere within the State of Michigan.

After you have received your commission, you are authorized to take acknowledgments, administer oaths or affirmations, and witness or attest to a signature. A notary public may act as a witness to and notarize the same instrument.

When a notary public takes a verification on oath or affirmation, or witnesses or attests to a signature, the individual signing the record must do so in the presence of the notary. There is no exception to this requirement.

An acknowledgment does not require that a record be signed in the notary's presence. An acknowledgment merely confirms the identity of the signer, who acknowledges that he or she signed the record. When taking an acknowledgment, a notary public must

determine that the individual appearing before the notary and making the acknowledgment is the person whose signature is on the record. Again, a personal appearance before the notary is required.

When performing a notarial act, you should:

1. Identify the individual either from personal knowledge or satisfactory evidence. If you do not personally know the individual who is requesting a notarial act, ask to see a driver license, passport or state issued personal identification card. You can also identify an individual upon the oath or affirmation of a credible witness if you personally know the witness and the witness personally knows the individual.
2. Have the individual sign the document (or acknowledge his or her signature) in your presence. If an oath is required, administer the oath.
3. Complete the notarial certificate. This must include all of the following: the date of notarization; your name; the county of appointment; the expiration date of your commission; and if performing a notarial act in a county other than your county of commission, the statement "Acting in the County of _____." Always sign your name exactly as it appears on your application for commission as a notary public, including middle name or initial(s) if used.

The county of notarization (or "venue") is essential as it determines the legal jurisdiction in the event the notarization is challenged in a court of law. This is not the notary's county of residence or commission, although it may be the same.

Michigan law does not require notaries to use an embossed seal or rubber stamp on a document. However, documents sent out of state may require an embossed notary seal.

Record Keeping

The Michigan Notary Public Act requires a notary to maintain all records of a notarial act for at least 5 years. A notary is also required to provide copies of those records upon the request of the Department of State. However, the law does not describe the type of record that must be kept or what must be included in a record.

Jurat vs. Acknowledgment

A notary should not decide what type of notarial act a document requires. The customer must know and tell the notary. However, if the jurat indicates that the document was "sworn to before me," then an oath must be administered.

Jurats

Jurat notarizations are required for transactions where the signer must attest to the content of the document, such as all affidavits and pleadings in court. It is a certification on an affidavit declaring when, where and before whom it was sworn. In executing a jurat, a notary guarantees that the signer personally appeared before the notary, was given an oath or affirmation by the notary attesting to the truthfulness of the document, and signed the document in the notary's presence. It is always important that the notary positively identify a signer for a jurat, as s/he is certifying that the signer attested to the truthfulness of the document contents under penalty of perjury. However, jurat notarizations do not prove a document is true, legal, valid or enforceable.

An example of a "jurat" is as follows:

Subscribed and sworn to by _____ before me on the ____ day of _____, ____.

Signature _____

Printed name _____

Notary public, State of Michigan, County of _____

My commission expires _____

**If performing a notarial act in a county other than the county of commission include: Acting in the County of _____*

If no other wording is prescribed in a given instance, a notary may use the following language for an affidavit or deposition: 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.

Acknowledgements

Unlike a jurat (which requires a sworn oath), an acknowledgment is to merely confirm the identity of the document signer and acknowledge that they signed the document. If the document was signed outside the notary's presence, the document signer must make a personal appearance before the notary to confirm it is their signature prior to the document being notarized. Again, there is no exception to the requirement of a personal appearance before the notary.

The acknowledgment notarization is not part of the document, and it does not affect its validity. Typically, they are executed on deeds and other documents that will be publicly recorded by a county official.

An example of an "acknowledgment" is as follows:

Acknowledged by _____ before me on the ____ day of _____, _____

Signature _____

Printed name _____

Notary public, State of Michigan, County of _____

My commission expires _____

**If performing a notarial act in a county other than the county of commission include: Acting in the County of _____*

A notary public may take the acknowledgment of a person who cannot sign his or her own name. Such a person should sign the instrument by marking an "X" in the presence of two witnesses, one of whom may be a notary public.

A notary may also sign the name of a person whose physical characteristics limit his or her capacity to sign or make a mark on a document presented for notarization if all of the following circumstances exist:

- a) The notary public is orally, verbally, or through electronic or mechanical means provided by the person directed to do so by that person;
- b) The person is in the physical presence of the notary public;
- c) The notary public inscribes beneath the signature: signature affixed pursuant to section 33 of the Michigan notary public act.

Foreign Language Document(s)

Notaries are not prohibited legally from notarizing a document written in a foreign language. However, there are numerous potential problems, including the fact that the term notary public, when translated into other languages, can refer to a markedly different office, with far greater authority than in the United States. A notary public should not proceed to notarize any document with which they are not comfortable doing so. The notary may recommend using a notary public familiar with the language in which the document is written.

Prohibitions

- A notary public cannot certify or notarize that a record is an original or a true copy of another record.
- A notary public cannot notarize his or her own signature or take his/her own deposition.
- A notary public cannot claim to have powers, qualifications, rights or privileges that the office of notary public does not provide, including the power to counsel on immigration matters.
- A notary public is prohibited from using any term that implies the notary is an attorney, and from advertising in a foreign language, unless the following statement is prominently displayed **in the same language**: "*I am not an attorney and have no authority to give advice on immigration or other legal matters.*" The appropriate fees as specified by statute must also be displayed.
- A notary public cannot use the term "notario publico" or any equivalent non-English term.
- A notary public cannot perform a notarial act in connection with a transaction if the notary is named in the transaction or has a direct financial or beneficial interest in the transaction.
- A notary public cannot perform a notarial act for a family member.

A violation of the Michigan Notary Public Act is a misdemeanor. Upon conviction, a person can be fined up to \$5,000 and/or be imprisoned for up to one year.

Liability

A notary public and the sureties on the notary public's surety bond are liable for damages sustained by a person who is injured by the notary's official misconduct. "Official misconduct" is defined as:

- The exercise of power or the performance of a duty that is unauthorized, unlawful, abusive, negligent, reckless or injurious.
- The charging of a fee in excess of \$10.00.

A notary public's employer is also liable if the notary was acting within the actual or apparent scope of his or her employment, and the employer had knowledge of and consented to or permitted the official misconduct.

A notary public is not liable for the truth, form or contents of a record that he or she notarizes.

Fees

The Michigan Notary Public Act provides that a notary public may charge up to \$10.00 for performing a notarial act. Additional fees

for travel may be negotiated between the notary and the client prior to the commencement of the travel.

The oath and bond filing fee at the county level is \$10.00. Charter counties with a population of 2,000,000 or more may charge a different fee. The application fee to be forwarded to the Office of the Great Seal with the completed application is an additional \$10.00, in the form of a check payable to the "State of Michigan."

The fee for obtaining a duplicate commission is \$10.00.

A county clerk may collect a processing fee of \$10.00 for certifying a notarial act of a notary public.

Notary Signing Agent

Notary signing agents are employed by private companies, and are not certified or qualified by the State of Michigan beyond the normal notary application process. A notary signing agent has no special powers, and must adhere to Michigan notary law in all transactions. It is illegal for a notary or a notary signing agent to give legal advice, explain legal documents or aid customer(s) in completing legal or immigration forms. Otherwise, unauthorized practice of law charges may result.

Changes/Corrections/Duplicate Certificates

If you legally change your name or your address after you have been commissioned as a notary public, or if your commission certificate contains an error, you must immediately notify the Office of the Great Seal at 888-SOS-MICH (888-767-6424) or by completing the "Request for Duplicate/Notice of Change Form", which is available by selecting the following [Request for Duplicate/Notice of Change](#). There is no need to reapply, and there is no charge to correct our records.

If your certificate has been lost or destroyed and you would like to replace it, you may request a duplicate by submitting a written request to the Office of the Great Seal with a \$10.00 processing fee.

For Further Information

Please visit our website at www.michigan.gov/sos, or contact the Office of the Great Seal. To review the actual text of Public Act 238 of 2003, please visit the Legislature's Web site at www.legislature.mi.gov.

Michigan Department of State
Office of the Great Seal

Mailing Address

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Downtown Lansing

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