

HOUSE BILL NO. 5882

June 27, 2024, Introduced by Reps. Hood, Young, Arbit, Morgan, Coffia, Steckloff, Rheingans, Mentzer, Hill, O'Neal, Wilson, Wozniak, Brabec, Scott and Outman and referred to the Committee on Judiciary.

A bill to amend 2003 PA 238, entitled
"Michigan law on notarial acts,"
by amending sections 3, 5, 26, 26a, 26b, and 27 (MCL 55.263,
55.265, 55.286, 55.286a, 55.286b, and 55.287), sections 3, 26, and
26b as amended by 2020 PA 249 and sections 5 and 27 as amended and
section 26a as added by 2018 PA 360, and by adding section 26e; and
to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 3. As used in this act:

1 (a) "Acknowledgment" means a declaration by an individual in
2 the presence of a notary public that ~~he or she~~ **the individual** has
3 signed a record for the purposes stated in the record and, if the
4 record is signed in a representative capacity, that ~~he or she~~ **the**
5 **individual** signed the record with the proper authority and signed
6 it as the act of the person identified in the record.

7 (b) "Cancellation" means the nullification of a notary public
8 commission due to an error or defect or because the notary public
9 is no longer entitled to the commission.

10 (c) "Communication technology" means an electronic device or
11 process that does 1 or both of the following:

12 (i) Allows a notary public and a remotely located individual,
13 including an individual for whom the notarial act is being
14 performed or a witness to the notarial act or to a legal
15 transaction covered under section 26e, to communicate with each
16 other simultaneously by sight and sound, and allows the notary
17 public to record and store an audio or visual recording of the
18 notarial act as provided under section 26b.

19 (ii) If necessary, and consistent with other applicable law,
20 facilitates communication between a notary public and a remotely
21 located individual who has a vision, hearing, or speech impairment.

22 (d) ~~(e)~~—"Credential analysis" means a process or service by
23 which a third party affirms the validity of an identity document
24 described ~~in~~ **under** section 25(6)(c) through a review of public and
25 proprietary data sources conducted remotely.

26 (e) ~~(d)~~—"Department" means the department of state.

27 (f) ~~(e)~~—"Electronic" means relating to technology that has
28 electrical, digital, magnetic, wireless, optical, electromagnetic,
29 or similar capabilities.

1 **(g)** ~~(f)~~—"Electronic notarization system" means a set or system
 2 of applications, programs, hardware, software, or technologies
 3 designed to enable a notary public to perform electronic
 4 notarizations.

5 **(h)** ~~(g)~~—"Electronic signature" means an electronic sound,
 6 symbol, or process attached to or logically associated with a
 7 record and executed or adopted by an individual with the intent to
 8 sign the record.

9 **(i)** "Financial institution" means any of the following
 10 entities:

11 **(i)** A federal or state chartered bank, credit union, savings
 12 bank, or savings and loan institution.

13 **(ii)** An entity of the federally chartered farm credit system.

14 **(iii)** A subsidiary of an entity described in subparagraph (i) or
 15 **(ii)** that is wholly owned by that entity.

16 **(iv)** A credit union service organization owned in whole or in
 17 part by 1 or more federal or state chartered credit unions.

18 **(j)** "Financial services provider" means a financial
 19 institution, licensed mortgage lender, licensed real estate broker,
 20 or title insurance company.

21 **(k)** ~~(h)~~—"Identity proofing" means a process or service by
 22 which a third party provides a notary public with a reasonable
 23 means to verify the identity of an individual through a review of
 24 personal information from public or proprietary data sources
 25 conducted remotely.

26 **(l)** ~~(i)~~—"Information" includes data, text, images, sounds,
 27 codes, computer programs, software, and databases.

28 **(m)** ~~(j)~~—"In a representative capacity" means any of the
 29 following:

1 (i) For and on behalf of a corporation, limited liability
2 company, partnership, trust, association, or other legal entity as
3 an authorized officer, manager, agent, partner, trustee, or other
4 representative of the entity.

5 (ii) As a public officer, personal representative, guardian, or
6 other representative in the capacity recited in the record.

7 (iii) As an attorney in fact for a principal.

8 (iv) In any other capacity as an authorized representative of
9 another person.

10 (n) ~~(k)~~ "In the presence of" means ~~either~~ **1 or both** of the
11 following:

12 (i) In the same physical location with and close enough to see,
13 hear, communicate with, and exchange tangible identification
14 credentials with another individual.

15 (ii) Interacting with another individual by means of ~~audio and~~
16 ~~visual~~ communication technology that is part of a remote electronic
17 notarization platform approved under section 26b or ~~2-way real-time~~
18 ~~audiovisual~~ **communication** technology that meets the requirements
19 under section ~~26c~~ **26e**.

20 Sec. 5. As used in this act:

21 (a) "Jurat" means a certification by a notary public that a
22 signer, whose identity is personally known to the notary public or
23 proven on the basis of satisfactory evidence, has made in the
24 presence of the notary public a voluntary signature and taken an
25 oath or affirmation vouching for the truthfulness of the signed
26 record.

27 (b) "Lineal ancestor" means an individual who is in the direct
28 line of ascent including, but not limited to, a parent or
29 grandparent.

1 (c) "Lineal descendant" means an individual who is in the
2 direct line of descent including, but not limited to, a child or
3 grandchild.

4 (d) "Notarial act" means any of the following:

5 (i) An act, whether performed with respect to a tangible or
6 electronic record, that a notary public commissioned in this state
7 is authorized to perform including, but not limited to, taking an
8 acknowledgment, administering an oath or affirmation, taking a
9 verification upon oath or affirmation, or witnessing or attesting a
10 signature performed in compliance with this act.

11 (ii) An act described in subparagraph (i) that is performed in
12 another jurisdiction and meets the requirements of section 25a.

13 (e) "Notify" means to communicate or send a message by a
14 recognized mail, delivery service, or electronic means.

15 (f) "Official misconduct" means 1 or more of the following:

16 (i) The exercise of power or the performance of a duty that is
17 unauthorized, unlawful, abusive, negligent, reckless, or injurious.

18 (ii) The charging of a fee that exceeds the maximum amount
19 authorized by law.

20 (g) "Person" means an individual or a corporation, business
21 trust, statutory trust, estate, partnership, trust, limited
22 liability company, association, joint venture, public corporation,
23 government or governmental subdivision, agency, or instrumentality,
24 or any other legal or commercial entity.

25 (h) "Record" means information that is inscribed on a tangible
26 medium or that is stored in an electronic or other medium and is
27 retrievable in perceivable form.

28 (i) "Remote electronic notarization platform" means
29 **communication technology or** any combination of **communication**

technology and other technology that enables a notary public to perform a notarial act remotely ~~; that allows the notary public to communicate by sight and sound with the individual for whom he or she is performing the notarial act, and witnesses, if applicable, by means of audio and visual communication; and that includes~~ features to conduct credential analysis and identity proofing.

(j) "Revocation" means the termination of a notary public's commission to perform notarial acts.

Sec. 26. (1) ~~Except as otherwise provided in section 26c, a~~ **Subject to section 26a, a** notary public may select 1 or more ~~tamper-evident~~ electronic notarization systems to perform notarial acts electronically. A person may not require a notary public to perform a notarial act electronically with an electronic notarization system that the notary public has not selected.

(2) **Subject to section 26b, a notary public may select 1 or more remote electronic notarization platforms to perform notarial acts for or involving remotely located individuals. A person may not require a notary public to perform a notarial act remotely with a remote electronic notarization platform that the notary public has not selected.**

(3) A notary public may perform a notarial act using communication technology as provided under section 26e.

(4) ~~(2) Before~~ **Except for a notarial act described under subsection (3), before** a notary public performs the notary public's initial notarial act electronically **or remotely**, the notary public ~~shall~~ **must** notify the secretary that the notary public will ~~be performing~~ **perform** notarial acts electronically **or remotely** and identify ~~the~~ **an** electronic notarization system **or remote electronic notarization platform approved by the secretary and the department**

1 of technology, management, and budget under section 26a or 26b
 2 respectively that the notary public intends to use for electronic
 3 or remote notarizations. ~~If the secretary and the department of~~
 4 ~~technology, management, and budget have approved the use of 1 or~~
 5 ~~more electronic notarization systems under section 26a, the notary~~
 6 ~~public must select the system he or she intends to use from the~~
 7 ~~approved electronic notarization systems. The~~

8 (5) The secretary may disallow the use of 1 or both of the
 9 following:

10 (a) ~~an~~ An electronic notarization system ~~if the electronic~~
 11 ~~notarization system that~~ does not satisfy the ~~criteria~~ standards
 12 described in section 26a.

13 (b) A remote electronic notarization platform that does not
 14 satisfy the standards described in section 26b.

15 Sec. 26a. (1) By March 30, 2019, the secretary and the
 16 department of technology, management, and budget shall review and
 17 approve at least 1 electronic notarization system for the
 18 performance of electronic notarizations in this state. The
 19 secretary and the department of technology, management, and budget
 20 may approve multiple electronic notarization systems, ~~and may~~
 21 ~~grant approval of~~ approve additional electronic notarization
 22 systems on an ongoing basis. ~~The secretary and the department of~~
 23 ~~technology, management, and budget shall review the criteria for~~
 24 ~~approval of electronic notarization systems, and whether currently~~
 25 ~~approved electronic notarization systems remain sufficient for the~~
 26 ~~electronic performance of notarial acts, at least every 4 years.~~

27 (2) A provider or user of an electronic notarization system or
 28 a notary public may submit a request to the secretary and the
 29 department of technology, management, and budget to approve an

1 **electronic notarization system.**

2 (3) Except as otherwise provided under section 26e, a notary
3 public shall not use an electronic notarization system that is not
4 approved by the secretary and the department of technology,
5 management, and budget under this section.

6 (4) ~~(2)~~ Subject to subsection ~~(3)~~, ~~(5)~~, in considering whether
7 to approve an electronic notarization system for use in this state
8 under subsection (1), the secretary and the department of
9 technology, management, and budget shall **create standards for**
10 **electronic notarization systems. In creating the standards, the**
11 **secretary and the department of technology, management, and budget**
12 **shall** consider, at a minimum, **all of** the following **factors**:

13 (a) The need to ensure that any change to or tampering with an
14 electronic record containing the information required under this
15 act is evident.

16 (b) The need to ensure integrity in the creation, transmittal,
17 storage, or authentication of electronic notarizations, records, or
18 signatures.

19 (c) The need to prevent fraud or mistake in the performance of
20 electronic notarizations.

21 (d) The ability to adequately investigate and authenticate a
22 notarial act performed electronically with that electronic
23 notarization system.

24 (e) The most recent standards regarding electronic
25 notarizations or records promulgated by national bodies, including,
26 but not limited to, the National Association of Secretaries of
27 State.

28 (f) The standards, practices, and customs of other
29 jurisdictions that allow electronic notarial acts.

(5) ~~(3) If~~ Except as otherwise provided in subsection (6), the secretary and department of technology, management, and budget shall approve the use of an electronic notarization system ~~for the performance of electronic notarizations if the system~~ is approved or certified by ~~a~~ either of the following and the secretary and department of technology, management, and budget obtain verifiable proof of the approval or certification:

(a) A government-sponsored enterprise, as that term is defined in 2 USC 622(8), ~~the secretary and the department of technology, management, and budget shall approve the system for use in this state if verifiable proof of that approval or certification is provided to the secretary and department, unless 622.~~

(b) Another state in the United States.

(6) The secretary and department of technology, management, and budget may deny the use of ~~the~~ an electronic notarization system ~~is described in subsection (5) if 1 of the following applies:~~

(a) The system is affirmatively disallowed by the secretary under section 26.

(b) The secretary and department of technology, management, and budget determine that the system does not meet the applicable standards of this state after a review of the system.

(7) At least 1 time every 4 years, the secretary and the department of technology, management, and budget shall review the standards for approval of electronic notarization systems, and determine whether currently approved electronic notarization systems remain sufficient for the electronic performance of notarial acts.

Sec. 26b. (1) By March 30, 2019, the secretary and the

1 department of technology, management, and budget shall review and
 2 may approve **at least 1** remote electronic notarization ~~platforms~~
 3 **platform** for the performance of notarial acts in this state. ~~Except~~
 4 ~~as otherwise provided in section 26e, a notary public shall not use~~
 5 ~~a remote electronic notarization platform that is not approved~~
 6 ~~under this section.~~ **The secretary and the department of technology,**
 7 **management, and budget may approve multiple remote electronic**
 8 **notarization platforms and may approve additional remote electronic**
 9 **notarization platforms on an ongoing basis.**

10 (2) A provider or user of a remote electronic notarization
 11 platform or a notary public may submit a request to the secretary
 12 and the department of technology, management, and budget to approve
 13 a remote electronic notarization platform.

14 (3) Except as otherwise provided under section 26e, a notary
 15 public shall not use a remote electronic notarization platform that
 16 is not approved by the secretary and the department of technology,
 17 management, and budget under this section.

18 (4) ~~(2) Subject to subsection (3), (5), in developing criteria~~
 19 ~~for the approval of any~~ **considering whether to approve a** remote
 20 electronic notarization platform for use in this state, the
 21 secretary ~~of state~~ and the department of technology, management,
 22 and budget shall **create standards for remote electronic**
 23 **notarization platforms. In creating the standards, the secretary**
 24 **and the department of technology, management, and budget shall**
 25 **consider, at a minimum, all of the following factors:**

26 (a) The need to ensure that any change to or tampering with an
 27 electronic record containing the information required under this
 28 act is evident.

29 (b) The need to ensure integrity in the creation, transmittal,

1 storage, or authentication of remote electronic notarizations,
2 records, or signatures.

3 (c) The need to prevent fraud or mistake in the performance of
4 remote electronic notarizations.

5 (d) The ability to adequately investigate and authenticate a
6 notarial act performed remotely with that remote electronic
7 notarization platform.

8 (e) The most recent standards regarding remote electronic
9 notarization promulgated by national bodies, including, but not
10 limited to, the National Association of Secretaries of State.

11 (f) The standards, practices, and customs of other
12 jurisdictions that allow remote electronic notarial acts.

13 (5) ~~(3) If~~ **Except as otherwise provided in subsection (6), the**
14 **secretary and department of technology, management, and budget**
15 **shall approve the use of** a remote electronic notarization platform
16 ~~for the performance of remote electronic notarizations if the~~
17 **system** is approved or certified by ~~a~~ **either of the following and**
18 **the secretary and the department of technology, management, and**
19 **budget obtain verifiable proof of the approval or certification:**

20 (a) **A** government-sponsored enterprise, as that term is defined
21 in 2 USC 622(8), ~~the secretary of state and the department of~~
22 ~~technology, management, and budget shall approve the platform for~~
23 ~~use in this state if verifiable proof of that approval or~~
24 ~~certification is provided to the secretary and department, unless~~
25 **622.**

26 (b) **Another state of the United States.**

27 (6) **The secretary and department of technology, management,**
28 **and budget may deny the use of the** ~~a~~ remote electronic notarization
29 platform **described in subsection (5) if 1 of the following applies:**

1 (a) **The platform** is affirmatively disallowed by the secretary
2 **under section 26.**

3 (b) **The secretary and department of technology, management,**
4 **and budget determine that the platform does not meet the applicable**
5 **standards of this state after a review of the platform.**

6 (7) ~~(4) The~~ **At least 1 time every 4 years, the** secretary and
7 the department of technology, management, and budget shall review
8 ~~their~~ **the** standards for approving remote electronic notarization
9 platforms for use in this state ~~, and whether the number of~~
10 approved remote electronic notarization platforms ~~are~~ **is**
11 sufficient. ~~, at least every 4 years.~~

12 (8) ~~(5) A~~ notary public may perform a notarial act using a
13 remote electronic notarization platform if ~~either~~ **1 or both** of the
14 following ~~is~~ **are** met:

15 (a) The notary public makes all applicable determinations
16 under section 25 according to personal knowledge or satisfactory
17 evidence, performance of the notarial act complies with section 27,
18 and the notary public does not violate section 31 in the
19 performance of the notarial act.

20 (b) The notary public, through use of the remote electronic
21 notarization platform, personal knowledge, or satisfactory
22 evidence, is able to identify the record before the notary public
23 as the same record presented by the individual for notarization.

24 (9) ~~(6) The~~ **A** notary public shall not record by audio or
25 visual means a notarial act performed using a remote electronic
26 notarization platform, unless the notary public discloses to the
27 person that requested the notarial act that an audio or visual
28 recording is being made and how the recording will be preserved,
29 and the person consents or has previously consented to the

1 recording. A notary public may refuse to conduct a notarial act
 2 using a remote electronic notarization platform if the person that
 3 requested the notarial act objects to an audio or visual recording
 4 of the notarial act.

5 (10) ~~(7)~~—If a notary public performs notarial acts using a
 6 remote electronic notarization platform, the notary public shall
 7 maintain a journal that records, at a minimum, each of those
 8 notarial acts. A notary public shall maintain only 1 journal for
 9 the recording of notarial acts and must keep the journal either as
 10 a tangible, permanent bound register or in a tamper-evident,
 11 permanent electronic format. A notary public shall retain the
 12 journal for ~~at least~~ **not less than** 10 years after the performance
 13 of the last notarial act recorded in it. If a notary public is not
 14 reappointed ~~, or his or her~~ **if the notary public's** commission is
 15 revoked, the former notary public shall inform the secretary ~~of~~
 16 ~~state~~ where the journal is kept or, if directed by the secretary,
 17 shall forward the journal to the secretary or a repository
 18 designated by the secretary.

19 (11) ~~(8)~~—A notary public shall make an entry in a journal
 20 maintained under subsection ~~(7)~~ **(10)** contemporaneously with
 21 performance of the notarial act, and the entry must include, at a
 22 minimum, all of the following **information**:

23 (a) The date, time, and nature of the notarial act.

24 (b) A description of the record, if any.

25 (c) The full name and address of each individual for whom the
 26 notarial act is performed.

27 (d) If the identity of the individual for whom the notarial
 28 act is performed is based on personal knowledge, a statement to
 29 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.

(12) ~~(9)~~—An entry made in a journal maintained by a notary public under subsection ~~(7)~~ **(10)** 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~~ **shall** retain an audio or visual recording of a notarial act for ~~at least~~ **not less than** 10 years after the performance of the notarial act.

(13) ~~(10)~~—A notary public may designate a custodian to do any of the following **tasks**:

(a) Maintain the journal required under subsection ~~(7)~~ **(10)** on ~~his or her~~ **the notary public's** behalf.

(b) Retain an audio or visual recording of a notarial act under subsection ~~(9)~~ **(12)** on ~~his or her~~ **the notary public's** 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.

(14) ~~(11)~~—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 **physical** presence of a notary public.

Sec. 26e. (1) Notwithstanding any other provision of this act, a notary public described in subsection (4) (a) or (b) may use

1 communication technology other than an electronic notarization
2 system or remote electronic notarization platform to perform
3 notarial acts electronically if all of the following requirements
4 are met:

5 (a) The communication technology allows direct interaction
6 between the individual seeking the notary public's services, any
7 witnesses, and the notary public, so that each can communicate
8 simultaneously by sight and sound through an electronic device or
9 process at the time of the notarization.

10 (b) The communication technology is capable of creating an
11 audio and visual recording of the complete notarial act and the
12 recording is made and retained as a notarial record in accordance
13 with section 26b(10) to (12).

14 (c) The individual seeking the notary public's services and
15 any required witnesses, if not personally known to the notary
16 public, present satisfactory evidence of identity to the notary
17 public during the video conference to satisfy the requirements of
18 this act and any other applicable law.

19 (d) Subject to subdivision (e), the individual seeking the
20 notary public's services affirmatively represents that the
21 individual is physically situated in this state or is physically
22 located outside the geographic boundaries of this state and that
23 of the following applies:

24 (i) The record is intended for filing with or relates to a
25 matter before a court, governmental entity, public official, or
26 other entity subject to the jurisdiction of this state.

27 (ii) The record involves property located in the territorial
28 jurisdiction of this state or a transaction substantially connected
29 to this state.

1 (e) If the individual seeking the notary public's services is
2 physically located outside of the geographic boundaries of this
3 state, the notary public has no actual knowledge that the
4 individual's act of making the statement or signing the record is
5 prohibited by the laws of the jurisdiction in which the individual
6 is physically located.

7 (f) The individual seeking the notary public's services, any
8 required witnesses, and the notary public are able to affix their
9 signatures to the record in a manner that renders any subsequent
10 change or modification of the remote online notarial act to be
11 tamper evident.

12 (g) The individual seeking the notary public's services or the
13 individual's designee transmits by facsimile, mail, or electronic
14 means a legible copy of the entire signed record directly to the
15 notary public not later than 2 business days after the date it was
16 signed. This requirement applies regardless of the manner in which
17 the record is signed.

18 (h) Upon receiving a legible copy of the record with all of
19 the necessary signatures, the notary public notarizes the record in
20 accordance with section 27 and transmits the notarized record back
21 to the individual seeking the notary public's services.

22 (i) A record notarized under this section may be witnessed
23 through the use of communication technology if at least 1 witness
24 to the signing of the document is a notary public described under
25 subsection (4) (a) or (b) .

26 (2) The official date and time of the notarization performed
27 under this section is the date and time when the notary public
28 witnesses the signature via communication technology as required
29 under this section.

1 (3) Notwithstanding any other law or regulation of this state,
2 absent an express prohibition in a record against signing the
3 record in counterparts, a record signed under this act may be
4 signed in counterparts.

5 (4) A notary public may perform a notarial act using
6 communication technology under this section if the notary public is
7 1 of the following:

8 (a) An attorney licensed to practice law in this state, or a
9 notary public acting in the course of employment with, and at the
10 direction and under the supervision of, an attorney licensed to
11 practice law in this state. As used in this subdivision, "attorney"
12 does not include an attorney who is also an employee or authorized
13 agent of a financial services provider.

14 (b) An employee or authorized agent of a financial services
15 provider in the course of employment or agency for that financial
16 services provider if both of the following conditions are met:

17 (i) The director of the department of insurance and financial
18 services determines that the use of communication technology is
19 necessary to allow an employee or authorized agent to execute or
20 record a document with a county register of deeds during a
21 statewide state of emergency or public health order declared by the
22 President of the United States or governor of this state.

23 (ii) The director of the department of insurance and financial
24 services promulgates emergency rules to implement the director's
25 determination under subparagraph (i) pursuant to the administrative
26 procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

27 (5) If a record is notarized electronically under this
28 section, both of the following apply:

29 (a) The record does not need to be notarized under any other

1 provision of this act.

2 (b) Compliance with this section is presumed. A person
3 challenging a record notarized under this section may overcome the
4 presumption by establishing that the notary public or the
5 individual seeking the notary public's services intentionally
6 failed to comply with a requirement described in this section.

7 (6) This section does not prohibit or restrict a person from
8 using an electronic notarization system or a remote electronic
9 notarization platform otherwise approved for use to notarize a
10 record under this act.

11 Sec. 27. (1) A notary public shall place ~~his or her~~ **the notary**
12 **public's** signature on every record upon which ~~he or she~~ **the notary**
13 **public** performs a notarial act. The notary public shall sign ~~his or~~
14 ~~her~~ **the notary public's** name exactly as ~~his or her~~ **the notary**
15 **public's** name appears on ~~his or her~~ **the notary public's** application
16 for commission as a notary public.

17 (2) On each record that a notary public performs a notarial
18 act and immediately near the notary public's signature, as is
19 practical, the notary public shall print, type, stamp, or otherwise
20 imprint mechanically or electronically sufficiently clear and
21 legible to be read by the secretary and in a manner capable of
22 photographic reproduction all of the following **information** in this
23 format or in a similar format that conveys all of the same
24 information:

25 (a) The name of the notary public exactly as it appears on ~~his~~
26 ~~or her~~ **the notary public's** application for commission as a notary
27 public.

28 (b) The statement: "Notary public, State of Michigan, County
29 of _____."

1 (c) The statement: "My commission expires _____.".

2 (d) If performing a notarial act in a county other than the
3 county of commission, the statement: "Acting in the County of
4 _____.".

5 (e) The date the notarial act was performed.

6 (f) If applicable, whether the notarial act was performed
7 using ~~an~~ **1 of the following:**

8 **(i) An** electronic notarization system under section 26a. ~~or~~
9 ~~performed using a~~

10 **(ii) A** remote electronic notarization platform under section
11 26b.

12 **(iii) Communication technology under section 26e.**

13 **(g) If applicable, the specific electronic notarization**
14 **system, remote notarization platform, or communication technology**
15 **used to perform the notarial act.**

16 (3) A notary public may use a stamp, seal, or electronic
17 process that contains all of the information required under
18 subsection (2). ~~However, the~~ **If the notary public uses an**
19 **electronic process, the text size must not be less than 10-point**
20 **font. The** notary public shall not use the stamp, seal, or
21 electronic process in a manner that renders anything illegible on
22 the record being notarized. A notary public shall not use an
23 embosser alone or use any other method that cannot be reproduced.

24 (4) The illegibility of the statements required under
25 subsection (2) **or failure to use 10-point font under subsection (3)**
26 **does not affect the validity of the transaction or record that was**
27 **notarized.**

28 Enacting section 1. Section 26d of the Michigan law on
29 notarial acts, 2003 PA 238, MCL 55.286d, is repealed.