State Remote and Electronic Notarization Laws – February 2019



State	Regulatory Provisions	Source
Alabama	Remote Notarization	
	No provisions permitting remote notarization were located.	
	Electronic Notarization	
	No provisions governing electronic notarization were located.	
	For general information regarding Alabama notaries, see <u>Ala. Sec'y State, <i>Notaries</i></u> <u><i>Public</i> (last visited January 12, 2019)</u> .	
Alaska	Remote Notarization	
	No provisions permitting remote notarization were located.	
	Electronic Notarization	
	No provisions governing electronic notarization were located.	
	For general information regarding Alaska notaries, see <u>Alaska Lt. Gov., <i>Alaska Notary</i></u> <u><i>Public Office</i> (last visited Feb. 19, 2019)</u> .	
Arizona	Remote Notarization	Ariz. Rev. Stat. Ann.
	No provisions currently permitting remote notarization were located.	<u>§§ 41-351</u> , <u>-352</u> (2018); see also <u>Ariz.</u> <u>Rev. Stat. Ann. §§</u>

State	Regulatory Provisions	Source
	 However, legislation introduced in the 2019 session, <u>S.B. 1030</u>, would permit remote online notarizations. Among other provisions, the introduced version of the bill will, if enacted: permit a notary who is located in Arizona to perform notarial acts by using communication technology for a remotely located individual who is physically located (a) in Arizona; (b) outside Arizona, but not outside the U.S. or its territories; and (c) outside the U.S. and its territories under specified conditions, require a notary to register with the Secretary of State, identify the technology that the notary intends to use for remote notarizations and receive authorization from the Secretary of State, before performing an initial remote notarization; establish remote online notarization procedures and recordkeeping 	
	 requirements; and require the Secretary of State to promulgate rules which include forms of notarial certificates for remote notarizations and standards for communication technology, credential analysis, proof of identity and audio and visual recording retention. <i>Electronic Notarization</i> Arizona law permits electronic notarization of electronic documents so long as they are signed in the presence of the notary. On or before December 31, 2019, the Secretary of State must adopt "rules that establish standards for secure and feasible implementation of electronic notarization." See <u>Ariz. Admin. Code §§ R2-12-1201 to -1209 (2018)</u> for current electronic notary rules. 	

State	Regulatory Provisions	Source
Arkansas	Remote Notarization No provisions permitting remote notarization were located. Electronic Notarization A commissioned traditional notary public in good standing must register with the Secretary of State the capability to notarize electronically before performing an electronic notarial act. Before applying for registration an applicant notary must complete an approved training course and pass an examination approved by the Secretary. An electronic notarial act may be performed only if the document signer appears in person before the electronic notary public at the time of the notarization. The methods for identifying a document signer for an electronic notarization are the same as the methods required for a paper-based notarization. See generally Ark. Sec'y State, Arkansas Notary Public and eNotary Handbook (rev. July 2017)	Ark. Code Ann. §§ 21-14-304, -306, 307 (LexisNexis 2018)
California	 Remote Notarization The California Secretary of State warns: "Online webcam notarizations are invalid and illegal activities for California notaries public. California notaries public should beware of misleading information from private companies claiming to have legal online notarization websites and legal online notarization services. Web-based platforms that purport to allow a person to 	

State	Regulatory Provisions	Source
	 submit copies of identification over the Internet and to use a webcam in lieu of a personal appearance in front of a notary public (e.g., appearance via webcam) <u>do not meet</u> the requirements for notarization by California notaries public." <u>Cal. Sec'y State, <i>Customer Alert – California Notaries Public Cannot Perform Notarial Services Online</i> (last visited Jan. 14, 2019)</u> <i>Electronic Notarization</i> "California notaries public are authorized under current law to perform electronic notarizations as long as all the requirements for a traditional paper-based notarial act are met, including the use of a seal for all but two specific documents used in real estate transactions. California law requires a person to appear personally before a notary public to obtain notarial acts like acknowledgments or jurats. This means the party must be physically present before the notary public." <u>Cal. Sec'y State, <i>Customer Alert – California Notaries Public Cannot Perform Notarial Services Online</i> (last visited Jan. 14, 2019); <i>see generally</i> <u>Cal. Sec'y State, <i>Notary Public Handbook</i> (2018)</u></u> 	
Colorado	<i>Remote Notarization</i> No provisions currently permitting remote notarization were located. However, <u>HB19-1167</u> , introduced in the 2019 session would permit online remote notarizations. Among other provisions, the introduced version of the bill will, if enacted:	<u>Colo. Rev. Stat. §§</u> <u>24-21-506, -520</u> (2018); <u>8 Colo. Code</u> <u>Regs. 1505-11, §§</u> <u>1.5, 2,2 (2018)</u>

State	Regulatory Provisions	Source
	 permit a notary who is located in Colorado to perform notarial acts by using communication technology for a remotely located individual who is physically located (a) in Colorado; (b) outside Colorado, but not outside the U.S. or its territories; and (c) outside the U.S. and its territories under specified conditions; require a notary to register with the Secretary of State, identify the technology that the notary intends to use for remote notarizations and receive authorization from the Secretary of State, before performing an initial remote notarization; establish remote online notarization procedures and recordkeeping requirements; and require the Secretary of State to promulgate rules which include forms of notarial certificates for remote notarizations and standards for communication technology, credential analysis, proof of identity and audio and visual recording retention. Additionally, the bill requires that the notary be located in Colorado at the time the notarial act is performed and that the act be performed in a single real-time session. As of February 8, 2019, HB19-1167 was under consideration in the House. <i>Electronic Notarization</i> Colorado allows electronic notarizations. "Electronic notarization" is defined as "a notary's notarization of electronic records that includes the notary's and the document signer's electronic signatures". 	

State	Regulatory Provisions	Source
	"A notary public may select one or more tamper-evident technologies to perform notarial acts with respect to electronic records," but before performing the notary public's initial notarial act with respect to an electronic record, he or she must notify the Secretary of State that "the notary public will be performing notarial acts with respect to electronic records and identify the technology the notary public intends to use." The technology must conform to standards established by the Secretary of State, and if it does, the Secretary must approve its use. "If a notarial act relates to a statement made in or a signature executed on a record, the individual making the statement or executing the signature shall appear personally before the notarial officer." See generally, Colo. Sec'y State, Notary Handbook (rev. Jan. 2018)	
Connecticut	 <i>Remote Notarization</i> No provisions permitting remote notarization were located. <i>Electronic Notarization</i> No provisions governing electronic notarizations were located. For general information regarding Connecticut notaries, see <u>Conn. Sec'y State, Notary</u> <i>Public Manual</i> (rev. Sept. 2013). 	
Delaware	Remote Notarization No provisions permitting remote notarization were located.	<u>Del. Code Ann. tit.</u> <u>29, § 4302; tit. 6, §§</u> <u>12A-105, -111 (2018)</u>

State	Regulatory Provisions	Source
	 Electronic Notarization In Delaware, a notary public who is commissioned to perform electronic notarizations is referred to as an eNotary. "Applications for eNotary commissions are NOT being accepted at this time. The State is in the beginning stages of implementing the eNotary program. As the State approves NTSPs [State-approved Notary Technology Service Providers] and is ready to begin accepting applications for eNotary commissions, updates will be posted" to the <u>Secretary of State website</u>. See <u>Del. Sec'y State</u>, <u>Electronic Notarization (last visited Feb.19, 2019)</u>. Note too that the Delaware version of the Uniform Electronic Transaction Act provides: "If a law requires a signature or record to be notarized, acknowledged, verified, or made under oath, the requirement is satisfied if the electronic signature of the person authorized to perform those acts, together with all other information required to be included by other applicable law, is attached to or logically associated with the signature or record." The Act applies "only to transactions between parties each of which has agreed to conduct transactions by electronic means." 	
District of Columbia	 <i>Remote Notarization</i> No provisions permitting remote notarizations were located. <i>Electronic Notarization</i> No provisions currently governing electronic notarizations were located. Legislation enacted in 2018, <u>D.C. Law 22-189</u>, allows electronic notarizations, subject to funding to implement the program. Under the law, an electronic notary may select 	

State	Regulatory Provisions	Source
	one or more tamper-evident technologies to perform notarial acts with respect to electronic records. The law also provides that before a notary holding an endorsement as an electronic notary performs the notary's initial notarial act with respect to an electronic record, the notary must complete a training course provided by the Mayor, take the oath prescribed for D.C. civil officers, identify the tamper-evident technologies the notary intends to use, and file an exemplar of the notary's electronic signature and official seal. If the Mayor has issued rules establishing standards for approval of technology, the technology must conform to the prescribed standards. Funding had not been approved for implementation of the electronic notary program as of February 2019.	
Florida	 <i>Remote Notarization</i> No provisions currently permitting remote notarization were located. Legislation considered in the 2018 legislative session, <u>H.B. 771</u>, would have permitted remote online notarizations allowing the principal to "appear" before the notary by means of audio-visual technology. Among other provisions, the bill also would have: required registration with the Florida Department of State as an online notary public; required completion of a minimum three-hour course covering duties and technology requirements for serving as online notary; established procedures and safeguards for online notarizations; 	<u>Fla. Stat. §§ 117.021,</u> . <u>107 (2018);</u>

State	Regulatory Provisions	Source
	 established required standards for online notarization technology; and specified detailed requirements for an electronic journal of electronic records notarized. The bill died on the House calendar. A similar bill, <u>S.B. 548</u>, was introduced in the 2019 session. As of February 19, 2019, no action had been taken on it. <i>Electronic Notarization</i> Florida allows electronic notarization. "Any document requiring notarization may be notarized electronically." A notary may not notarize a signature on an electronic document "if the person whose signature is being notarized is not in the presence of the notary public at the time the signature is notarized." See generally Fla. Gov., Performing Electronic Notarizations (last visited Feb. 15, 2019). 	
Georgia	Remote Notarization No provisions permitting remote notarization were located. Electronic Notarization	Ga. Code Ann. §§ 44-2-3637 (LexisNexis 2018)

State	Regulatory Provisions	Source
	Georgia does not have a generally applicable law permitting electronic notarizations. A bill introduced in the 2018 legislative session which would have allowed such notarizations, <u>H.B 120</u> , did not pass.	
	However, a document that is eligible to be recorded in the land records maintained by the clerk of superior court may be electronically signed, notarized and filed as an electronic document pursuant to the Georgia Real Property Electronic Recording Act. Under the Act, "[a] requirement that a document or a signature associated with a document be notarized, acknowledged, verified, witnessed, or made under oath is satisfied if the electronic signature of the person authorized to perform that act, and all other information required to be included by other applicable law, is attached to or logically associated with the document or signature. A physical or electronic image of a stamp, impression, or seal need not accompany an electronic signature." See generally, Ga. Superior Ct. Clerks' Coop. Auth., General Notary Forms and Information (last visited Feb. 8, 2019)	
Guam	Remote Notarization	
	No provisions permitting remote notarization were located. Electronic Notarization	
	No provisions governing electronic notarizations were located.	
	For general information regarding Guam notaries, see <u>Guam Att'y Gen. Office, <i>Guam</i></u> <u>Notary (last visited February 8, 2019)</u> .	
Hawaii	Remote Notarization	

State	Regulatory Provisions	Source
	 No provisions currently permitting remote notarization were located. However, legislation introduced in 2019, <u>H.B. 77</u> and <u>S.B. 562</u>, would permit online remote notarizations. Among other provisions, the bills would, if enacted: permit a notary who is located in Hawaii to perform notarial acts by using communication technology for a remotely located individual who is physically located (a) in Hawaii; (b) outside Hawaii, but not outside the U.S. or its territories; and (c) outside the U.S. and its territories under specified conditions, require a notary to notify the Attorney General, identify the technology that the notary intends to use for remote notarizations and receive authorization from the Attorney General, before performing an initial remote notarization; establish remote online notarization procedures and recordkeeping requirements; and require the Attorney General to promulgate rules which include forms of notarial certificates for remote notarizations and standards for communication technology, credential analysis, proof of identity and audio and visual recording retention. As of February 19, 2019, each bill was under consideration by the chamber in which it was introduced. <i>Electronic Notarization</i> No provisions governing electronic notarizations were located. 	

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State	Regulatory Provisions	Source
	For general information regarding Hawaii notaries, see <u>Haw. Att'y Gen., <i>Notary Public</i></u> <u>Manual (rev. Jan. 2016)</u>	
Idaho	Remote Notarization No provisions permitting remote notarization were located. According to the Secretary of State, "Remote' notarization is not permitted in Idaho." Idaho Sec'y State, Notary Public -FAQs – Electronic, # 7 (last visited Feb. 9, 2019) Electronic Notarization Idaho allows electronic notarizations. "A notary public may select one or more tamper-evident technologies to perform notarial acts with respect to electronic records," but before performing the notary public's initial notarial act with respect to an electronic record, he or she must notify the Secretary of State that "the notary public will be performing notarial acts with respect to electronic records and identify the technology the notary public intends to use." The technology must conform to standards established by the Secretary of State, and if it does, the Secretary must approve its use. A notary must submit the Authorization for Electronic Notarization form for each technology that he or she wishes to use, before performing an electronic notarial act. If a notarial act relates to a statement made in or a signature executed on a record, paper or electronic, the individual making the statement or executing the signature must appear personally before the notary public. See generally Idaho Sec'y State, Notary Public -FAQs – Electronic (last visited Feb. 9, 2019); Idaho Sec'y State, Idaho Notary Public Handbook (rev. Oct. 2018).	<u>Idaho Code §§ 51-</u> <u>106, -120 (2018)</u>

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State	Regulatory Provisions	Source
Illinois	 <i>Remote Notarization</i> No provisions permitting remote notarization were located. <i>Electronic Notarization</i> No provisions governing electronic notarizations were located. For general information regarding Illinois notaries, see <u>Ill. Sec'y State</u>, <i>Illinois Notary Public Handbook</i> (April 2012). <u>Note</u>: In 2017, the Illinois Legislature established the "Notarization Task Force on Best Practices and Verification Standards to Implement Electronic Notarization" which must report its findings regarding implementation of electronic notarization laws to the Legislature no later than June 30, 2020. 	
Indiana	 <i>Remote Notarization</i> "Remote notarial act" means a notarial act described in section 18(1) through 18(5) of this chapter: (1) performed through audio visual communication; and (2) involving an electronic record. "Audio visual communication" means real time, two-way, visual and auditory communication through technology. Legislation enacted in 2018 provides that a notary public may perform a remote notarial act, effective July 1, 2019. A currently commissioned Indiana notary public is eligible must registered with the Secretary of State prior to performing a remote notarization. He or she must: 	Ind. Code <u>§§ 33-42-</u> 0.5-5, -18; <u>33-42-16-</u> 2; <u>33-42-17-1 to -12</u> (2018)

State	Regulatory Provisions	Source
	 have completed any education requirements prescribed by the Secretary of State be able to competently operate audiovisual communication technology and use identity proofing and credential analysis technology; and pay a \$5.00 registration fee. A remote notary may perform a remote notarial act only if he or she is physically present in Indiana at the time the remote notarial act is performed. A remote notary may use audiovisual communication technology in performance of a remote notarial act if the remote notary has first selected an audiovisual communication technology that has been approved by the Secretary of State and notified the Secretary of the selection. A remote notarial act performed by a remote notary public commissioned in Indiana; is deemed to have been performed, and is governed by Indiana law. A remote notary may perform a remote notarial act for a principal that is present: in Indiana; outside Indiana, but within the United States (i.e. the 50 states, D.C. and U.S. territories); or outside the United States if specified conditions are met. 	

State	Regulatory Provisions	Source
	A remote notarial act must be captured by an audiovisual recording, regardless of whether the requested remote notarial act is completed. The participating parties must be informed that the remote notarial act will be recorded.	
	The identity of the principal in a remote notarial act may be verified by either of the following:	
	 the remote notary public's personal knowledge of the principal's identity; 	
	 a credible witness's knowledge of the principal's identity; 	
	 all of the following: (a) remote presentation by the principal of a credential identifying the principal; (b) credential analysis and visual inspection by the remote notary of the credential; and (c) "[i]dentity proofing of the principal, which may include a dynamic knowledge based authentication assessment or use of a public key infrastructure;" or 	
	 another method that uses technology that meets or exceeds the Secretary of State's approval standards. 	
	A remote notary must enter each remote notarial act in an electronic journal.	
	<u>Note</u> : Remote notary public applications will not be accepted for processing until the administrative rules are effective and vendors of technology are approved by the Secretary of State. As of February 2019, the Secretary of State was still engaged in the rule-writing process.	
	Electronic Notarization	

State	Regulatory Provisions	Source
	A notarial act may be performed with respect to either a tangible or electronic record effective July 1, 2019. If a notarial act is performed on an electronic record, the notary public's electronic seal must be attached to or associated with the electronic notarial certificate. The Secretary of State must specify by rule requirements to ensure "the secure creation, storage, transmission, and authentication of electronic records, electronic seals, and electronic signatures." The principal must be physically present before the notary for an electronic notarization.	
lowa	 <i>Remote Notarization</i> No provisions currently permitting remote notarization were located. However, legislation introduced in 2019, <u>SSB 1116</u> and <u>HSB 167</u>, would permit online remote notarizations. Among other provisions, the bills would, if enacted: permit a notary who is located in lowa to perform notarial acts by using communication technology for a remotely located individual who is physically located (a) in lowa; (b) outside lowa, but not outside the U.S. or its territories; and (c) outside the U.S. and its territories under specified conditions, require a notary to notify the Secretary of State, identify the technology that the notary intends to use for remote notarizations and receive approval from the Secretary, before performing an initial remote notarization; 	<u>lowa Code §§ 9B.6,</u> .20 (2019)

State	Regulatory Provisions	Source
	 establish remote online notarization procedures and recordkeeping requirements; and require the Secretary of State to promulgate rules which include forms of notarial certificates for remote notarizations and standards for communication technology, credential analysis, proof of identity and audio and visual recording retention. As of February 19, 2019, each bill was under consideration by the chamber in which it was introduced. <i>Electronic Notarization</i> Iowa allows electronic notarizations. "A notary public may select one or more tamper-evident technologies to perform notarial acts with respect to electronic records," but before performing the notary public's initial notarial act with respect to an electronic record, he or she must notify the Secretary of State that "the notary public will be performing notarial acts with respect to electronic records and identify the technology the notary public intends to use." The technology must conform to standards established by the Secretary of State, if any, and if it does, the Secretary must approve its use. If a notarial act relates to a statement made in or a signature executed on a record, including an electronic record, the individual making the statement or executing the signature must appear personally before the notary public 	
Kansas	Remote Notarization No provisions permitting remote notarization were located.	<u>Kan. Stat. § 16-1611</u> (2017); Kan. Admin.

State	Regulatory Provisions	Source
	 <i>Electronic Notarization</i> Kansas permits electronic notarial acts. A commissioned Kansas notary public may become an electronic notary by completing a course of instruction approved by the Secretary of State; passing an examination on the course; obtaining a digital certificate authorized by the Secretary; registering with the Secretary; and paying an information and services fee. "Notwithstanding any security measures used in performing any electronic notarization, an electronic notary public shall not perform any electronic notarial act if the principal does not appear in person before the electronic notary at the time of notarization." See generally, Kan. Sec'y State, Kansas Notary Public Handbook	Regs. §§ 7-43-2, -4 (2019)
Kentucky	Remote Notarization No provisions permitting remote notarization were located.	

State	Regulatory Provisions	Source
	However, legislation introduced in 2019, <u>S.B. 114</u> and <u>S.B. 194</u> , would allow remote notarizations when the principal "appears" before the notary by means of communication technology. Among other provisions, the bills also:	
	 require registration with the Kentucky Secretary of State as an online notary public; 	
	 permit a notary who is located in Kentucky to perform notarial acts by using communication technology for a remotely located individual who is physically located (a) in Kentucky; (b) outside Kentucky, but not outside the U.S. or its territories; and (c) outside the U.S. and its territories under specified conditions; 	
	 establish procedures and safeguards for online notarizations; 	
	 establish required standards for online notarization technology; and 	
	 specify detailed requirements for an electronic journal of electronic records notarized. 	
	As of February 20, 2019, both bills were under consideration by committee.	
	Electronic Notarization	
	The 2019 legislation discussed above would also permit electronic notarization. A commissioned notary would need to register with the Secretary of State before performing electronic notarizations, which require the physical presence of the principal before the notary.	
	For current notary laws and regulations governing traditional notaries, see <u>Ky. Sec'y</u> <u>State, <i>Notary Public Handbook</i> (rev. June 2017)</u>	

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State	Regulatory Provisions	Source
Louisiana	 <i>Remote Notarization</i> No provisions currently permitting remote notarization were located. Legislation introduced in 2018, S.B. 358, would have permitted online remote notarizations. Among other provisions, the bill: defined "online notarial act" as an electronic notarial act performed by means of two-way video and audio conference technology and an online internet connection that meets the criteria approved by the Secretary of State and the standards imposed by law; allowed a notary public to perform an electronic notarial act meeting statutory and regulatory requirements regardless of whether the notary public or principal is physically located in this Louisiana at the time of any part of the electronic notarial act; conferred significant rule-making authority on the Secretary to implement the law; and required application to and authorization by the Secretary to perform online notarizations. The 2018 session ended with the bill still in the Senate Committee on Judiciary. <i>Electronic Notarization</i> No provisions currently governing electronic notarization were located. 	

State	Regulatory Provisions	Source
	 However, <u>S.B. 358</u>, introduced in 2018, would have permitted electronic notarization, subject to application to and approval by the Secretary of State. The bill was in committee when the session ended. For current notary laws and regulations governing traditional notaries, see <u>La. Sec'y State</u>, <i>Frequently Asked Questions</i> (last visited Feb. 20, 2019). 	
Maine	Remote Notarization No provisions permitting remote notarization were located. Electronic Notarization No provisions governing electronic notarization were located. For current notary laws and regulations governing traditional notaries, <u>Me. Sec'y State, Notary Public Handbook and Resource Guide (rev. Nov. 2017)</u> .	
Maryland	 <i>Remote Notarization</i> No provisions currently permitting remote notarization were located. However, legislation introduced in 2019, <u>S.B. 678</u>, would permit remote online notarizations. Among other provisions, the bill: allows a remotely located individual to satisfy a requirement that principal appear personally before the notary by using "communication technology," defined as an electronic device or process that allows a notary and remotely 	

State	Regulatory Provisions	Source
	 located individual to "communicate with each other simultaneously by sight and sound;" requires a notary to notify the Secretary of State and identify the technology that the notary intends to use for remote notarization, before performing an initial remote notarization; permits a notary who is located in Maryland to perform notarial acts by using communication technology for a remotely located individual who is physically located anywhere, with some limitations on the types of documents that may be notarized for individuals outside the U.S.; establishes procedures and safeguards for online notarizations; establishes required standards for online notarization technology; and 	
	 specifies detailed requirements for an electronic journal of electronic records notarized. As of February 20, 2019, the bill was under consideration by Senate committee. 	
	<i>Electronic Notarization</i> No provisions currently governing electronic notarization were located.	
	The 2019 legislation discussed above would also permit electronic notarization. It requires that a commissioned notary, before performing electronic notarizations, must notify the Secretary of State that he or she will be performing electronic notarizations and identify the technology the notary will use. If the Secretary has established technology standards, the technology to be used must meet those standards.	

State	Regulatory Provisions	Source
	For current notary laws and regulations governing traditional notaries, see <u>Md. Sec'y</u> <u>State, <i>Handbook for Maryland Notaries Public</i> (Aug. 2018)</u> .	
Massachusetts	Remote Notarization	
	No provisions permitting remote notarization were located.	
	Electronic Notarization	
	Legislation introduced in 2019, <u>H.D. 1498</u> , would permit electronic notarizations. Under the act, an "electronic notary" must be commissioned by the Secretary to perform electronic notarial acts. "An electronic commission is a commission to perform only electronic notary acts. Only an electronic notary is authorized to perform electronic notary acts."	
	The law would also establish proof of identity standards for signers, and would apply to electronic notarial acts that are performed by electronic notaries who are appointed in Massachusetts and applies only to their acts performed in the United States.	
	As of February 20, 2019, no action had been taken on the bill.	
	For current notary laws governing traditional notaries, see Mass. Gen. Laws ch. 222.	
Michigan	Remote Notarization	<u>Mich. Comp. Laws</u> <u>§§ 55.263, .285,</u>
	Legislation enacted in 2018, permits remote notarizations effective March 12, 2019. Note that as of February 2019 required technology approvals by the Secretary of State had not been completed. The Secretary cautions: "Until platforms have been	<u>\$\$ 35.203, .285,</u> . <u>286, .286a, .286b</u> (2018)

State	Regulatory Provisions	Source
	 approved, a Michigan Notary Public CANNOT perform electronic notarizations as an e-notary public or remote notary public." Mich. Sec'y State, <i>E-Notary and Remote Notary Public</i> (last visited Feb. 21, 2019). For purposes of online notarizations, "in the presence of" a notary public means "interacting with another individual by means of audio and visual communication technology that is part of a remote electronic notarization platform," which platform must be approved by the Secretary of State. In performing an online notarization, the notary public may not record by audio or visual means a notarial act performed using a remote electronic notarization platform, unless the notary discloses to the person that requested the notarial act that a recording is being made and how the recording will be preserved, and the person consents. A notary may refuse to conduct a notarial act using a remote electronic notarization platform if the person that requested the notarial act objects to a recording of the act. The identity of the person for whom the notarial act is performed may be verified by the notary's personal knowledge of the person; or an identity proofing process or service that is part of an approved remote electronic notarization platform, and the person presents a current license, identification card, or record issued by a federal or state government that contains the individual's photograph and signature that is verified through a credential analysis process or service that is part of a remote electronic notarization 	

State	Regulatory Provisions	Source
	Among other requirements, an online notary must maintain a detailed journal of online notarizations for 10 years. There are no geographical limitations on where the person seeking an online notarization may be located	
	Electronic Notarization	
	Legislation enacted in 2018 allows a Michigan notary public to perform a notarial act on an electronic record. Before performing the notary's initial notarial act with respect to an electronic record, he or she must:	
	 notify the Secretary of State that the notary will be performing notarial acts with respect to electronic records; and 	
	 identify the technology the notary intends to use, which technology must be approved by the Secretary of State. 	
Minnesota	Remote Notarization A notary public already commissioned in Minnesota may apply for remote online notarization registration. Before a notary performs a remote online notarization, the notary must register with the Secretary of State and must certify that the notary intends to use communication technology that conforms to Secretary of State standards. "Communication technology" is defined as an electronic device or process that allows a notary public and a remotely located individual to communicate with each other simultaneously by sight and sound and that, as necessary, makes reasonable accommodation for individuals with vision, hearing, or speech impairments. A remote online notary public may perform a remote online notarial act only while he or she is physically located in Minnesota for a remotely located individual who is physically located:	<u>Minn. Stat. §§</u> <u>358.645, 359.01</u> (2018)

State	Regulatory Provisions	Source
	 in Minnesota; outside Minnesota, but within the United States; or outside the United States, subject to specified conditions. A remote online notary public must keep one or more secure electronic journals of notarial acts performed and create an audio and video copy of the performance of the notarial act. In performing a remote online notarization, the notary must verify the identity of a person creating an electronic signature at the time that the signature is taken by: the notary public's personal knowledge of the person creating the electronic signature; or all of the following: (a) remote presentation by the person creating the electronic signature of a currently valid government-issued identification credential, including a passport or driver's license, that contains the person's signature and photograph; (b) credential analysis of the credential described in (a); and (c) identity proofing of the person described in (a). <i>Electronic Notarization</i> Minnesota permits electronic notarial acts, a notary public must register the capability to notarize electronically with the Secretary of State and after recommissioning, must reregister. 	

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State	Regulatory Provisions	Source
	A notary public may select one or more tamper-evident technologies to perform notarial acts with respect to electronic records. The individual making the statement or executing the signature must appear personally before the notarial officer.	
Mississippi	Remote Notarization	
	No provisions permitting remote notarization were located.	
	Electronic Notarization	
	No provisions currently governing electronic notarization were located.	
	However, legislation introduced in 2019, <u>H.B. 777</u> , would, if enacted, permit electronic notarizations effective July 1, 2019. Pursuant to the bill, a notary public seeking to perform notarial acts with respect to electronic records must file an additional registration with the Secretary of State subsequent to being granted a notary commission. The Secretary of State is granted the sole power to determine the methods by which electronic notarizations may be implemented.	
	If a notarial act relates to a statement made in or a signature executed on a paper or electronic record, the individual making the statement or executing the signature must appear physically in person before the notarial officer at the time of the notarial act.	
	As of February 23, 2019, the bill had passed the House and was under consideration in the Senate.	

State	Regulatory Provisions	Source
Missouri	 Remote Notarization No provisions currently permitting remote notarization were located. However, three bills introduced in 2019 would permit remote online notarizations. Senate Bill 409, which is identical to a bill introduced in 2018, provides that for the purposes of having a written instrument affecting real estate proved or acknowledged by an officer, a person may appear before the officer by means of "communication technology," meaning an electronic device or process that allows a notary public located in Missouri to communicate with an individual remotely located by sight and sound. Within 12 months of enactment, the Secretary of State must promulgate rules for the purpose of developing and maintaining standards for remote online notarization, including credential analysis and identity proofing. In order to perform remote online notarization, the totary public must register with the Secretary of State and identify the technology that the notary uses. The notary must keep a secure electronic journal of remote online notarial acts and create an audio and video recording of the performance of the notarial act. The notary may only perform remote online notarizations while he or she is physically located within Missouri and must verify the identity of a person creating an electronic signature at the time the signature is taken. Two other bills, <u>H.B. 495</u> and <u>S.B. 140</u>, would also permit remote online notarizations. Electronic Notarization 	<u>Mo. Rev. Stat.</u> <u>§ 486.275 (2018);</u> <u>Mo. Code Regs. Ann.</u> <u>tit. 15, § 30-110.010</u> (2019)

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State	Regulatory Provisions	Source
	If a signature or record is required to be notarized, acknowledged, verified, or made under oath, the requirement is satisfied if the electronic signature of the notary public, together with all other information required to be included, is attached to or logically associated with the signature or record.	
	Secretary of State rules provide that a notary may use an electronic seal and signature in the performance of a notarial act provided the notary adheres to all applicable laws that apply to notaries public. "When a notarial act requires an electronic record to be signed, the principal must appear in person before the notary public.".	
	Legislation introduced in 2019, <u>H.B. 495</u> , would impose additional requirements with respect to electronic notarial acts. The bill provides that prior to performing such acts, a notary must register the capability to perform electronic notarial acts with the Secretary of State before notarizing electronically. And reregister with the Secretary upon recommissioning.	
	Additionally, before initially registering the capability to perform electronic notarial acts, an electronic notary must complete a course of instruction approved by the Secretary, in addition to the course required for commissioning as a notary, and pass an examination based on the course.	
Montana	Remote Notarization Montana permits "[r]eal-time, two-way audio-video notarizations (remote notarizations)" which may "only be performed using technology that allows the individuals communicating to simultaneously see and speak to one another."	<u>Mont. Code Ann. §§</u> <u>1-5-603, -615, -628</u> (2017); <u>Mont. Admin.</u> <u>R. 44.15.108 (2018)</u>

State	Regulatory Provisions	Source
	A notary public in Montana may perform acknowledgments or verifications on oath or affirmation by means of a real-time, two-way audio-video communication, according to the Secretary of State's rules and standards, if:	
	• the signer is personally known to the notary or identified by a credible witness and, except for a transaction pursuant to a proxy marriage, is a legal resident Montana; and	
	• the transaction: (a) involves real property located in Montana; (b) involves personal property titled in Montana; (c) is under the jurisdiction of any Montana court; or (d) is pursuant to a proxy marriage.	
	The signal transmission must be live, real time and the notarization must be electronically recorded. The recording must include recitations by the notary and the individual for whom the notarial act is being performed, as specified by Secretary of State rule.	
	In addition to personal knowledge of a person, a notary has satisfactory evidence of the identity of an individual appearing before the notary for remote notarization if he or she can identify the individual by means of:	
	• a passport, driver's license, or government-issued nondriver identification card, which may be current or expired, and if expired may not be expired for more than three years before the performance of the notarial act; or	
	• another form of government identification issued to an individual, which may be current or expired, and if expired may not be expired for more than three years before the performance of the notarial act and which must contain the individual's signature or photograph and be satisfactory to the notary.	

State	Regulatory Provisions	Source
	Satisfactory evidence of identity may also consist of the "verification on oath or affirmation of a credible witness personally appearing before the notarial officer and known to the notarial officer or whom the notarial officer can identify on the basis of a passport, driver's license, or government-issued nondriver identification card, which is current or expired, and if expired may not be expired for more than three years before the performance of the notarial act."	
	Electronic Notarization	
	A Montana notary public may perform a notarial act on an electronic record. Before performing the notary's initial notarial act with respect to an electronic record, he or she must:	
	• notify the Secretary of State that the notary will be performing notarial acts with respect to electronic records; and	
	 identify the technology the notary intends to use. 	
	See generally Mont. Sec'y State, Montana Notary Public Handbook (2017)	
Nebraska	Remote Notarization	<u>Neb. Rev. Stat. §§</u>
	No provisions currently permitting remote notarizations were located.	<u>64-303, -304, -305, -</u> <u>308 (2018)</u>
	However, enrolled bill <u>LB 186</u> , introduced in the 2019 session, creates the Nebraska Online Notary Public Act, which, if signed by the Governor, would become effective January 1, 2020. As of February 23, 2019, the bill had not been signed.	
	Among other provisions, the Act:	

State	Regulatory Provisions	Source
	 allows an individual who is not in the physical presence of the notary to satisfy a requirement that a principal appear personally before the notary by using "communication technology," defined as an electronic device or process that allows a notary and remotely located individual to "communicate with each other simultaneously by sight and sound;" 	
	• requires an already-commissioned notary public to register with the Secretary of State as an online notary public after (a) completing a course of instruction and passing an examination on online notarization; and (b) identifying the technology that the notary intends to use for remote notarization, before performing an initial remote notarization;	
	 permits an online notary who is located in Nebraska to perform notarial acts by using communication technology for a remotely located individual who is physically located anywhere; 	
	 establishes procedures and safeguards for online notarizations; 	
	 establishes required standards for online notarization technology, which must be provided by an online notary solution provider approved by the Secretary of State; 	
	 specifies detailed requirements for an electronic journal of electronic records notarized; and 	
	• grants the Secretary of State rule-making authority to implement the Act.	
	The Electronic Notary Public Act (see below) will not apply to online notarial acts or online public notaries acting under the Online Notary Public Act.	

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State	Regulatory Provisions	Source
	Electronic Notarization Nebraska's 2016 Electronic Notary Public Act permits electronic notarizations of electronic documents by an already-commissioned Nebraska notary public who has registered with the Secretary of State as an electronic notary public. The registration must specify the technology the notary intends to use to perform an electronic notarial act, which technology must be provided by an electronic notary solution provider approved by the Secretary. Before registering, a notary must take a course of instruction approved by the Secretary and pass an examination. The signer of the electronic document must be in the physical presence of the electronic notary public at the time of notarization and be personally known to the notary or identified by the notary through satisfactory evidence. See Electronic Notary Public Registration Form (rev. June 2017).	
Nevada	 <i>Remote Notarization</i> Nevada's Electronic Notary Public Authorization Act, which became effective July 1, 2018, authorizes both online remote notarizations and electronic notarizations by an electronic notary public. Pursuant to the Act, an electronic notary public who is physically present in Nevada may perform an electronic notarial act using audio-video communication for a person who is physically located: in this Nevada; outside Nevada, but within the United States; or 	<u>Nev. Rev. Stat. §§</u> <u>240.181—.206</u> (2018)

State	Regulatory Provisions	Source
	outside the United States, if specified conditions are met.	
	An applicant for registration with the Secretary of State as an electronic notary public must:	
	 have been a commissioned notary in Nevada for at least four years; 	
	• complete an electronic notary training course and pass the course examination;	
	• obtain an electronic signature and seal from an approved eNotary technology solution provider of the registrant's choice; and	
	• upload the PDF file containing his or her electronic signature with the application.	
	If the Notary Division determines that these eligibility requirements are met a confirmation of the approval of the registration will be issued, which the electronic notary must submit to his or her electronic notary technology solution provider.	
	When performing a remote notarial act, an electronic notary has satisfactory evidence of the identity of the person if he or she confirms the identity of the person by:	
	personal knowledge;	
	• all of the following: (a) remote presentation by the person of a government- issued identification credential that contains the person's photograph and signature; (b) credential analysis of the government-issued identification	

State	Regulatory Provisions	Source
	credential and the data thereon; and (c) a dynamic knowledge-based authentication assessment;	
	• any other method that complies with any rules or regulations adopted by the Secretary of State; or	
	• a valid certificate that complies with any rules or regulations adopted by the Secretary of State.	
	A recording of a remote notarial act is required and must be transacted in real time with an uninterrupted simultaneous audio-video feed. A detailed electronic journal of each notarial act must also be maintained. Upon the completion of an electronic notarial act, an electronic notary must use technology to render the electronic document tamper-evident.	
	Electronic Notarization	
	Nevada permits electronic notarizations, subject to registration with the Secretary of State as an electronic notary public. See above for registration details.	
	The in-person electronic notarial act is the exact same process as used in the performance of a traditional "paper" notarial act, except that the tools used to accomplish the transactionthe journal, seal and signature of the notary are electronic. However, the notary must still identify the principal through personal knowledge, oath of credible witness or an acceptable identifying document and record that identification process in their electronic journal.	
New Hampshire	Remote Notarization	

State	Regulatory Provisions	Source
	No provisions permitting remote notarization were located. <i>Electronic Notarization</i> No provisions governing electronic notarizations were located. For current notary laws governing traditional notaries, see <u>N.H. Sec'y State</u> , <i>Notaries</i> <u>Public (last visited Feb. 23, 2019)</u> .	
New Jersey	 <i>Remote Notarization</i> No provisions permitting remote notarization were located. <i>Electronic Notarization</i> No provisions governing electronic notarizations were located. For current notary laws governing traditional notaries, see <u>N.J. Treasury Dep't, <i>N.J.</i></u> <u>Notary Public Manual (rev. Sept. 2015)</u>. 	
New Mexico	<i>Remote Notarization</i> No provisions currently permitting remote notarization were located. However, legislation introduced in 2019, <u>H.B. 470</u> , would allow a principal to present the document "through an online, electronic certified platform" pursuant to rules and	<u>N.M. Code R.</u> <u>§§ 12.9.2.8, .9 (2019)</u>
State	Regulatory Provisions	Source
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	standards adopted by the Secretary of State in lieu of personally appearing in the physical presence of the notary.	
	As of February 24, 2019, the bill was under consideration.	
	Electronic Notarization	
	The Secretary of State has promulgated administrative rules which establish standards, guidelines and procedures for notaries public who elect to perform electronic notarial acts. Prior to performing electronic notarial acts, a New Mexico commissioned notary public must take an ACCET accredited course on electronic notarization. After completion the notary must submit to the Secretary of State their "Certificate of Course Completion in E-notarization" and a <u>"Notification of Intent to Perform Electronic Notarial Acts Form"</u> .	
	Prior to performing an electronic notarization a notary public must have the signer in their presence and verify the identity of the signer. During the entire electronic notarization process the notary public must be able to communicate with the signer without the use of electronic devices such as video cameras, telephones, or facsimile machines. "A notary public shall not perform an electronic notarial act if the document signer does not appear in person before the notary public base identification merely upon familiarity with a signer's electronic signature or an electronic verification process that authenticates the signer's electronic signature when the signer is not in the physical presence of the notary public."	
New York	Remote Notarization	
	No provisions currently permitting remote notarization were located.	

State	Regulatory Provisions	Source
	 However, legislation introduced in the 2019 session, <u>A.4076</u> will allow electronic notarizations, including remote online notarizations, if enacted. As of February 2019, no action had been taken on the bill. Under the bill, an "electronic notarial act" means an official act by a notary public on or involving an electronic document, using means authorized by the Secretary of State. The methods for identifying document signers for an electronic notarization are the same as the methods required for a paper-based notarization; provided, however, in the case of an electronic notarization, such methods may be based on video and audio conference technology that meet the following standards: the persons communicating must simultaneously see and speak to one another; the signal transmission must be in live, real time; the signal transmission must be secure from interception; and the technology must permit the notary to communicate with and identify the document signer at the time of the notarial act, provided that such identification is confirmed by: (a) personal knowledge; (b) an antecedent in-person identity proofing process in accordance with the specifications of the Federal Bridge Certification Authority; or (c) a valid digital certificate. The Secretary is charged with adopting rules necessary to establish standards, procedures, practices, forms, and records relating to a notary's electronic signature. 	

State	Regulatory Provisions	Source
	No provisions currently governing electronic notarizations were located. However, legislation introduced in the 2019 session, <u>A.4076</u> , discussed above, would allow electronic notarizations.	
North Carolina	 <i>Remote Notarization</i> No provisions permitting online remote notarizations were located. <i>Electronic Notarization</i> North Carolina allows electronic notarizations. A person holding a valid commission as a notary public in North Carolina may become an electronic notary by taking a three-hour electronic notary course of instruction and passing the N.C. electronic notary exam before submitting an electronic notary registration form to the Secretary of State. An electronic notary must obtain an eNotary solution from an authorized eNotary solution provider. "When an electronic notary performs an electronic notarization, the principal and the electronic notary shall be in each other's physical presence during the entire electronic notarization so that the principal and the electronic notary can see, hear, communicate with, and give identification documents as required to each other without the use of electronic devices such as telephones, computers, video cameras, or facsimile machines." 	<u>N.C. Gen. Stat. §§</u> <u>10-B-100. –105, -</u> <u>106, -107 (2018)</u> <u>N.C. Admin. Code</u> <u>07C.043 (2019)</u>

State	Regulatory Provisions	Source
North Dakota	 <i>Remote Notarization</i> North Dakota does not currently permit online remote notarizations. However, legislation introduced in 2019, <u>H.B. 110</u>, would allow an individual who is not in the physical presence of the notary to satisfy a requirement that a principal appear personally before the notary by using "communication technology," defined as an electronic device or process that allows a notary and remotely located individual to "communicate with each other simultaneously by sight and sound." Among other things, the law: requires a commissioned notary, before performing an initial remote notarization, to notify the Secretary of State that he or she will be performing online notarization, which technology must comply with any standards established by the Secretary; permits a notary who is located in North Dakota to perform notarial acts by using communication technology for a remotely located individual who is physically located anywhere, with some limitations on the types of documents that may be notarized for individuals outside the U.S.; establishes procedures and safeguards for online notarizations; establishes required standards for online notarization technology; specifies detailed requirements for an electronic journal of electronic records notarized; and grants the Secretary of State rule-making authority to implement the law. 	<u>N.D. Cent. Code</u> <u>§§ 44-06.1-05, -18</u> (2017)

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State	Regulatory Provisions	Source
	As of February 23, 2019, the bill had passed the House and was under consideration by Senate committee. <i>Electronic Notarization</i> North Dakota allows electronic notarizations. "A notary public may select one or more tamper-evident technologies to perform notarial acts with respect to electronic records," but before performing the notary public's initial notarial act with respect to an electronic record, he or she must notify the Secretary of State that "the notary public will be performing notarial acts with respect to electronic records and identify the technology the notary public intends to use." The technology must conform to standards established by the Secretary of State, if any, and if it does, the Secretary must approve its use. If a notarial act relates to a statement made in or a signature executed on a record, including an electronic record, the individual making the statement or executing the signature must appear personally before the notary public	
Ohio	 <i>Remote Notarization</i> Ohio's 2018 Notary Public Modernization Act, effective September 9, 2019, allows an authorized Ohio online notary public to perform notarial acts by means of live two-way video and audio conference technology that conforms to the standards adopted by the Secretary of State, if he or she is: a resident of Ohio; and 	<u>Ohio Rev. Code</u> <u>§§ 147.60—.65</u> (2018)

State	Regulatory Provisions	Source
	 located within the geographical boundaries of Ohio at the time of the online notarization. 	
	A notary may perform an online notarization for a principal located anywhere within the U.S. and its territories and, if specified conditions are met, also for principals located outside the territory of the United States.	
	Before an individual may be authorized to act as an online notary public, he or she must successfully complete a course approved by the Secretary of State and pass an examination. The course content includes notarial rules, procedures, and ethical obligations pertaining to online notarization. The authorization application must include a description of the technology the applicant intends to use in performing online notarizations and a certification that the applicant will comply with the rules adopted by the Secretary of State;	
	An online notary must determine from personal knowledge or satisfactory evidence of identity that the principal appearing before the notary by means of live audio-video communication is the individual that he or she purports to be. A notary has satisfactory evidence of identity if the notary can identify the principal based on either:	
	• all of the following: (a) remote presentation by the principal of a government- issued identification credential, including a passport or driver's license, that contains the principal's signature and photograph; (b) credential analysis of the identification credentials provided; and (c) identity proofing of the principal; or	
	 verification by at least one credible witness who appears in person before the notary and who can be identified by either personal knowledge of the notary or as described above. 	

State	Regulatory Provisions	Source
	An online notary public must maintain an electronic journal in which he or she records, in chronological order, all online notarizations that the notary performs. The Secretary of State must adopt rules necessary to implement, set, and maintain standards for online notarizations and online notaries public. <i>Electronic Notarization</i> Ohio allows electronic notarizations. An electronic document that is signed in the physical presence of the notary public with an electronic signature and notarized with an electronic seal is deemed an original document.	
Oklahoma	 Remote Notarization Oklahoma does not currently permit online remote notarizations. However, legislation introduced in 2019, <u>S.B. 915</u>, would allow an individual who is not in the physical presence of the notary to satisfy a requirement that a principal appear personally before the notary by using "communication technology," defined as an electronic device or process that allows a notary and remotely located individual to "communicate with each other simultaneously by sight and sound." Among other things, the bill: permits a notary who is located in Oklahoma to perform notarial acts by using communication technology for a remotely located individual who is physically located (a) in Oklahoma; (b) outside Oklahoma, but not outside the U.S. or its territories; and (c) outside the U.S. and its territories under specified conditions, 	

State	Regulatory Provisions	Source
	 requires a notary to register with the Secretary of State, identify the technology that the notary intends to use for remote notarizations and receive authorization from the Secretary of State, before performing an initial remote notarization; establishes remote online notarization procedures and recordkeeping requirements; and requires the Secretary of State to promulgate rules which include forms of notarial certificates for remote notarizations and standards for communication technology, credential analysis, proof of identity and audio and visual recording retention. As of February 23, 2019, the bill had passed the Senate and was under consideration in the House. <i>Electronic Notarization</i> No provisions currently governing electronic notarizations were located. For current notary laws governing traditional notaries and notarizations, <u>Okla. Sec'y State, Notary Public Guide (Dec. 2015)</u>. 	
Oregon	<i>Remote Notarization</i> Oregon does not allow remote online notarizations. The Corporation Division in the Office of the Secretary of State cautions:	<u>Or. Rev. Stat.</u> <u>§ 194.305 (2017)</u>

State	Regulatory Provisions	Source
	"Some companies seek to allow electronic notarizations without personal presence of the signer. The web-based platforms sometimes allow a person to submit copies of identification over the internet and to use a webcam in lieu of personal appearance in front of a notary public. Appearance via webcam does not meet the requirements for notarization in Oregon.	
	While Oregon notaries public are allowed, under certain conditions, to perform electronic notarizations, Oregon law still requires a person to appear personally before a notary public to obtain notarial acts like acknowledgments or oaths. This means that party must be physically present before the notary public. A video image or other form of non-physical representation is not a personal appearance in front of a notary public under law.	
	It is important that Oregon notaries do not notarize remotely. Clearly, Oregon notaries public who notarize in this fashion are breaking the law, and are subject to administrative and possibly criminal and civil sanctions. It is unclear if notarizations of Oregonians in Oregon done remotely by notaries that are not in Oregon will be upheld in court".	
	<u>Or. Sec'y State – Corp. Div., Oregon Notary Public Guide ch. 11 (2018)</u> .	
	Electronic Notarization	
	Oregon permits electronic notarizations. The Corporation Division in the Office of the Secretary of State offers the following information and advice:	
	"Oregon notaries public may notarize electronically; that is, the stamp image and certificate they use may be electronically affixed to the document that is in electronic form. Sometimes documents are created electronically and notarized electronically, and then printed out for recording or other storage.	

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State	Regulatory Provisions	Source
	 Whether in electronic or printed form, electronically notarized documents are permissible by law. An Oregon notary is not required to use a particular technology when notarizing electronically, but before they begin, they must first notify the Secretary of State that they intend to start notarizing electronically. Use the <u>Electronic Notarization Notice</u> form available online or by calling the Secretary of State at 503-986-2200. OAR 160-100-0140 spells out the requirements for the notarization technology. In general, the notary is directed to use a kind of electronic notarization that conforms to the National Electronic Notarization Standards (NENS). The notarized document must be capable of being submitted to the Secretary of State in PDF format. An electronic notarization will still consist of an official stamp, a complete notarial certificate and the official electronic notarial signature. For more information, please see the <u>Corporation Division website</u>. Consult with the vendor about the requirements before making any purchase of electronic notarial software, including electronic signature. Make sure the vendor meets NENS requirements and doesn't just refer to E-SIGN and UETA." 	
Pennsylvania	Remote Notarization Pennsylvania does not currently allow online remote notarizations. The Secretary of State states:	

State	Regulatory Provisions	Source
	 "All notarial acts (with the exception of certifying or attesting a copy or deposition), require that the individual making the statement or executing the signature must appear personally before the notary public and that the notary public must have personal knowledge or satisfactory evidence of the identity of the individual. In other words, the customer must be physically present before the notary public when the notarial act is executed. The notary public must be able to observe and interact with the individual making the statement or executing the signature. The notary public and the individual for whom a notarial act is being performed must be able to see, hear, communicate with and give identification documents to each other without the use of electronic devices such as telephones, computers, video cameras or facsimile machines. Personal appearance does not include appearance by video or audio technology, such as Skype or FaceTime." Pa. Sec'y State, Powers of a Notary Public (last visited Feb. 25, 2019). Electronic Notarization Pennsylvania allows electronic notarizations. A notary public must apply for e-notary status and select one or more State Department-approved tamper-evident technologies to perform notarial acts with respect to electronic records in Pennsylvania. 	
Puerto Rico	Remote Notarization	

State	Regulatory Provisions	Source
	No provisions permitting remote notarization were located. Note that in Puerto Rico only licensed attorneys may be notaries. <i>Electronic Notarization</i> No provisions governing electronic notarizations were located.	
Rhode Island	Remote Notarization No provisions permitting remote notarization were located. Electronic Notarization Effective January 1, 2019, a notary public may select one or more tamper-evident technologies to perform notarial acts with respect to electronic records from the tamper-evident technologies approved by the Secretary of State. Before a notary public performs an initial notarial act with respect to an electronic record, the notary must notify the Secretary that the he or she will be performing such notarial acts and identify the Secretary-approved technology the notary intends to use. All requirements and elements of paper-based notarization apply to electronic notarizations, including the requirement that the principal personally appear in the physical presence of the notary. See R.I. Sec'y State, Notary Public Manual (2019) (includes State of Rhode Island Electronic Notarization Standards).	<u>R.I. Gen. Laws §§</u> <u>42-30.1-5, -14 (2018)</u>

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State	Regulatory Provisions	Source
South Carolina	 <i>Remote Notarization</i> No provisions permitting remote notarization were located. <i>Electronic Notarization</i> A notary must sign by hand in ink. "The notary cannot sign using a stamp or electronic method, with the exception of notaries with disabilities that have obtained prior approval from the Secretary of State." <u>S.C. Sec'y State, Notary Public Online Manual, p. 7</u>. 	<u>S.C. Code Ann. § 26-</u> <u>6-50, -110 (2018)</u>
South Dakota	 <i>Remote Notarization</i> Legislation introduced in the 2019 session, <u>H.B. 1272</u>, would permit remote online notarizations if enacted. As of February 23, 2019, no action had been taken on the bill. The proposed legislation provides that a South Dakota notarial officer, while located in South Dakota, "may perform by means of communication technology a notarial act relating to a statement made in or signature executed on a record by a person who is not in the physical presence of the notarial officer if:" the notary has personal knowledge of the identity of the person or has at least two forms of satisfactory evidence of the identity of the person; the notarial act relates to an electronic record or signature, or the acknowledgment of a signature on a tangible record; 	

State	Regulatory Provisions	Source
	• the notary is reasonably able to identify the record before him or her as the same record in which the person made the statement or on which the person executed the signature;	
	• the notary, or a person acting on the notary's behalf, creates an audio-visual copy of the performance of the notarial act; and	
	• for a person who is located outside the U.S., any other state, or any federally recognized Indian tribe, additional statutory requirements are met.	
	"Communication technology," means "an electronic device or process that allows a notarial officer and a person not in the physical presence of the notarial officer to communicate with each other simultaneously by sight and sound."	
	There are no geographical limitations on where the remotely located individual may be located. The bill also provides that a notarial officer may not perform a notarial act by means of communication technology for any record to be filed with a register of deeds in South Dakota before July 1, 2020.	
	Electronic Notarization	
	Legislation introduced in the 2019 session, <u>H.B. 1272</u> , would permit electronic notarizations if enacted. As of February 23, 2019, no action had been taken on the bill.	
	The bill provides that a notarial officer may select one or more tamper-evident technologies to perform notarial acts on electronic records.	
	The bill also provides that, effective July 1, 2020, a register of deeds may accept for recording purposes only a tangible copy of an electronic record containing a certificate	

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State	Regulatory Provisions	Source
	by the notarial officer that the tangible copy is an accurate copy of the electronic record. A tangible copy will satisfy any requirement that a record accepted for recording be an original. For current notary laws governing traditional notaries and notarizations, see <u>S.D.</u> <u>Sec'y State</u> , <i>South Dakota Notary Public Handbook</i> (2018).	
Tennessee	 Remote Notarization Tennessee will allow remote online notarizations effective July 1, 2019. Pursuant to the <u>2018 Online Notary Public Act</u>, an individual may "personally appear" before a notary public by appearing before an "online notary public" by means of an "interactive two-way audio and video communication" that meets the online notarization requirements under rules promulgated by the Secretary of State. An "online notary public" is an already-commissioned notary public who has been additionally commissioned by the Secretary of State to perform online notarizations. An online notary public may perform an online notarization, without regard to the physical location of the principal, if the notary is physically located in Tennessee. No limitations apply to the geographical location of the principal. An online notary must keep a secure electronic record of electronic documents notarized by the online notary with specified information and a "recording of any video and audio conference that is the basis for satisfactory evidence of identity and a notation of the type of identification presented as evidence." In performing an online notarization, an online notary must verify the identity of a person creating an electronic signature at the time that the signature is taken by using two-way video and audio conference technology. Identity may be verified: 	Tenn. Code Ann. §§ 8-16-112, -301 <i>et</i> <i>seq.</i> (LexisNexis 2018)

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State	Regulatory Provisions	Source
	 by the online notary public's personal knowledge of the person creating the electronic signature; or by (a) remote presentation by the person creating the electronic signature of a government-issued identification credential, including a passport or driver's license, that contains the person's signature and photograph; (b) credential analysis of the credential described in (a); and (c) identity proofing of the person. <i>Electronic Notarization</i> "The requirement of a notary public's signature in ink or by the notary's hand and a seal is satisfied if an electronic signature or a digitized image of a wet signature of the person authorized to perform that act, and all other information required to be included, is attached to or logically associated with the document or signature. A physical or electronic image of a stamp, impression, or seal need not accompany an electronic signature." 	
Texas	Remote Notarization Texas permits remote notarizations effective July 1, 2018. An already-commissioned traditional notary public or an applicant for appointment as a traditional notary public may apply to the Secretary of State to be appointed and commissioned as an online notary public. An online notary public may perform an online notarization regardless of whether the principal is physically located in Texas at the time of the online notarization.	<u>Tex. Gov't Code §§</u> <u>406.101, .105, .110</u> (2017); <u>1 Tex. Admin</u> <u>Code. §§ 87.11, .40,</u> .41, .7071 (2019)

State	Regulatory Provisions	Source
	In performing an online notarization, an online notary public must "verify the identity of a person creating an electronic signature at the time that the signature is taken by using two-way video and audio conference technology" as provided by law. Identity may be verified by:	
	• the online notary public's personal knowledge of the person creating the electronic signature; or	
	• each of the following: (a) remote presentation by the person creating the electronic signature of a government-issued identification credential, including a passport or driver's license, that contains the signature and a photograph of the person; (b) credential analysis of such credential; and (c) identity proofing of such person.	
	Among other requirements, an online notary must have the ability:	
	• to maintain an electronic record of the online notarization, including a recording and backup of the audio-visual conference; and	
	• use a third party to perform identity proofing and credential analysis in order to identify the person for whom the notarization is performed.	
	For additional information regarding becoming an online notary public, see <u>Tex. Sec'y</u> <u>State, <i>Getting Started as an Online Notary</i> (last visited Jan. 14, 2019).</u>	
	Electronic Notarization	
	Any Texas notary may perform an electronic notarization. An electronic notarization must meet all of the requirements of any other notarization, including the requirement	

State	Regulatory Provisions	Source
	that the signer personally appear before the notary to acknowledge the document. The notary's electronic seal must reproduce the required elements of the notary seal. An already-commissioned traditional notary public or an applicant for appointment as a traditional notary public may apply to the Secretary of State to be appointed and commissioned as an online notary public.	
Utah	 <i>Remote Notarization</i> The Utah Lieutenant Governor, who commissions Utah notaries public, cautions: "Remember that personal appearance is required. This does not mean via Skype, or any other means of video communication. The signer must be there, in the flesh, before you." <u>Utah Lt. Gov., The Do's and Don'ts of a Utah Notary Public (last visited Feb. 26, 2019).</u> However, legislation introduced in 2019, <u>H.B. 52</u>, would permit remote online notarizations. As of February 25, 2019, the bill had been passed by the Legislature, but not yet signed by the Governor. Under the bill, "remote notarization" means a notarial act performed by a remote notary for an individual who is not in the physical presence of the remote notary at the time the notarial act is performed. An individual commissioned as a notary, or an individual applying to be commissioned as a notary, may apply to the Lieutenant Governor for a remote notary certification which allows the notary to perform a remote notarization if the remote notary is physically located in Utah. 	

State	Regulatory Provisions	Source
	If remote notary performs a remote notarization for an individual that is not personally known to the remote notary, the notary must, at the time he or she performs the remote notarization, establish satisfactory evidence of identity for the individual by:	
	• communicating with the individual using an electronic device or process that allows the individual and remote notary to communicate with one another simultaneously by sight and sound; and complies with any rules promulgated by the Lieutenant Governor; and	
	• requiring the individual to transmit to the remote notary an image of a form of identification or passport described in section 46-1-2(17)(a)(i) that is of sufficient quality for the remote notary to establish satisfactory evidence of identity.	
	"Satisfactory evidence of identity" means:	
	• for both an in-person and remote notarization, identification of an individual based on: (a) valid personal identification with the individual's photograph, signature, and physical description that the U.S. government, any U.S. state, or a foreign government issues; (b) a valid passport that any nation issues; or (c) the oath or affirmation of a credible person who is personally known to the notary and who personally knows the individual; and	
	• for a remote notarization only, a third party's affirmation of an individual's identity in accordance with rules of the Lieutenant Governor by means of: (a) dynamic knowledge-based authentication; or (b) analysis of the individual's biometric data, which may include facial recognition, voiceprint analysis, or fingerprint analysis.	
	Electronic Notarization	

State	Regulatory Provisions	Source
	No provisions governing electronic notarizations were located.	
Vermont	 <i>Remote Notarization</i> A 2017 enactment confers authority on the Office of Professional Regulation in the Office of the Secretary of State to "prescribe standards for remote online notarization, including standards for credential analysis, the process through which a third person affirms the identity of an individual, the methods for communicating through a secure communication link, the means by which the remote notarization is certified, and the form of notice to be appended disclosing the fact that the notarization was completed remotely on any document acknowledged through remote online notarization." The statutes do not establish any parameters for such standards. Remote online notarization will not be allowed until rules and prescribed standards have been established. As of February 23, 2019, rules had not been promulgated. <i>Electronic Notarization</i> A notary public may select one or more tamper-evident technologies to perform notarial acts with respect to electronic records from the tamper-evident technologies approved by the Office of Professional Regulation by rule. Before a notary public performs an initial notarial act with respect to an electronic records and identify the technology the notary public intends to use from the list of technologies approved by the Office. If the Office has established standards by rule for approval of technology, the technology must conform to the standards, and if it does, the Office must approve the use of the technology. 	<u>Vt. Stat. Ann. tit. 16,</u> <u>§§ 5324, 5371 (2018)</u>

State	Regulatory Provisions	Source
	Electronic notarization will not be allowed until the rules and prescribed standards have been established. As of February 23, 2019, rules had not been promulgated. For general information regarding West Virginia notaries and notarizations, see <u>W. Va.</u> <u>Sec'y State</u> , <u>West Virginia Notary Handbook</u> (May 2018).	
Virgin Islands	Remote Notarization No provisions permitting remote notarizations were located. <i>Electronic Notarization</i> No provisions governing electronic notarizations were located.	
Virginia	 <i>Remote Notarization</i> Virginia allows remote online notarizations. Only traditional notaries public who have also registered with the Secretary of the Commonwealth as electronic notaries public may perform electronic notarial acts within Virginia. Prior to submitting an electronic notary application, the applicant must purchase an electronic seal from an electronic notary seal provider and then submit a completed electronic notary application. Remote notarization requires a video and audio feed. The two-way live teleconferencing capability must meet the following performance criteria for establishing personal appearance: 	

State	Regulatory Provisions	Source
	 the persons communicating must simultaneously see and speak to one another; the signal transmission must be live, real time; and, the signal transmission must be secure from interception through lawful means by anyone other than the persons communicating. An electronic notary must assure the identity of the signer by one of the following options: personal knowledge; 	
	 antecedent proofing, meaning reliance on prior in-person identity proofing by a third party such as an employer, a law firm, or a bank; or the signer has a digital certificate that is authenticated either by (a) biometrics or (b) a Personal Identity Verification (PIV) or PIV-I card issued in conformance with standards from the National Institute of Standards and Technology. An electronic notary must keep and maintain a journal of all electronic notarization acts and a backup of the journal. The electronic record of an electronic notarial act must be maintained for at least five years from the date of the transaction. "Virginia electronic notaries have limited extraterritorial powers. An electronic notary public may perform any authorized notarial act outside of the Commonwealth for any writing intended to be used in the Commonwealth of Virginia or by the United States government. Please note the remote notarial act is not extra-territorial because 	

State	Regulatory Provisions	Source
	 it is deemed to have been performed within the Commonwealth of Virginia at the place where the electronic notary is located." See generally <u>Va. Sec'y Commw., A Handbook for Virginia Notaries Public (Dec. 2017)</u>: <u>Va. Sec'y Commw., Virginia Electronic Notarization Assurance Standard (Jan. 2013)</u>. Electronic Notarization Only traditional notaries public who have also been registered as electronic notaries 	
	 public may perform electronic notarial acts within Virginia. See above for general requirements for becoming and performing as an electronic notary. An electronic notary may electronically notarize a document in the physical presence of the signer and may alternately perform acts online using audio-video conference technology. See generally <u>Va. Sec'y Commw., A Handbook for Virginia Notaries Public (Dec. 2017)</u>. 	
Washington	 <i>Remote Notarization</i> Washington does not currently permit remote online notarizations. However, online notarizations would be permitted effective October 1, 2020, if <u>S.B.</u> <u>5641</u>, introduced in the 2019 session is enacted. As of February 23, 2019, the bill had passed the House and was under consideration by the Senate. 	<u>Wash. Admin. Code</u> <u>§§ 308-30-030, -110,</u> -120 (2019)

State	Regulatory Provisions	Source
	Under the bill, an "electronic records notary public" (see <i>Electronic Notarization</i> below) located in Washington may perform a notarial act using "communication technology" for a remotely located individual, wherever located, if:	
	 the electronic records notary public has: (a) personal knowledge of the identity of the remotely located individual; (b) satisfactory evidence of the identity of the individual by a verification on oath or affirmation of a credible witness appearing before and identified by the electronic records notary public; or (c) obtained satisfactory evidence of the identity of the individual by using at least two different types of identity proofing; 	
	• the electronic records notary public is reasonably able to confirm that a record before the notary is the same record in which the remotely located individual made a statement or on which the individual executed a signature;	
	 the electronic records notary public, or a person acting on behalf of the notary, creates an audio-visual recording of the performance of the notarial act; and 	
	• for a remotely located individual located outside the U.S., additional statutory requirements are met.	
	Before an electronic records notary public performs his or her initial remote notarial act, he or she must notify the Department of Licensing that he or she will be performing notarial acts and identify the technologies he or she intends to use. If the Director has established standards for approval of communication technology or identity proofing, the communication technology and identity proofing must conform to the standards. "Communications technology" means a device or process that "[a]llows an electronic records notary public and a remotely located individual to communicate with each other simultaneously by sight and sound."	

State	Regulatory Provisions	Source
	 Electronic Notarization A notary public who has received an electronic records notary public endorsement from the Department of Licensing may perform electronic notarial acts. An applicant may only apply for such endorsement if he or she currently holds an active notary public commission or is applying for a notary public commission and an electronic records notary public endorsement simultaneously. Individuals applying for an endorsement must inform the Department within 30 days of applying of the tamper-evident technology provider that they have enrolled with before they perform their first electronic notarial act. In performing a notarial act, the notary public must be physically within the geographic borders of Washington. Electronic notarial acts must conform to the requirements on signing parties physically appearing before the notary. 	
West Virginia	Remote Notarization West Virginia prohibits remote online notarizations. "If a notarial act relates to a statement made in or a signature executed on a record, the individual making the statement or executing the signature shall appear personally before the notarial officer. An individual making the statement or executing the signature does not appear personally if the appearance is by video or audio technology, even if the video is synchronous." <i>Electronic Notarization</i> West Virginia permits electronic notarizations.	<u>W. Va. Code §§ 39-</u> <u>4-6, -19 (2018)</u>

State	Regulatory Provisions	Source
	A notary public may select one or more tamper-evident technologies to perform notarial acts with respect to electronic records from the tamper-evident technologies approved by the Secretary of State by rule.	
	Before a notary public performs an initial notarial act with respect to an electronic record, the notary must notify the Secretary that the he or she will be performing notarial acts with respect to electronic records and identify the technology the notary public intends to use from the list of technologies approved by the Office. If the Office has established standards by rule for approval of technology, the technology must conform to the standards, and if it does, the Secretary must approve the use of the technology.	
Wisconsin	Remote Notarization	
	No provisions permitting remote notarization were located.	
	Electronic Notarization	
	No provisions governing electronic notarizations were located.	
	For current notary laws governing traditional notaries, see <u>Wis. Dep't Fin. Institutions,</u> <u>Notary Public Information (Apr. 2018)</u> .	
Wyoming	Remote Notarization	
	No provisions permitting remote notarization were located.	
	Electronic Notarization	

State	Regulatory Provisions	Source
	No provisions governing electronic notarizations were located. For current notary laws governing traditional notaries, see <u>Wyo. Sec'y State</u> , <i>Wyoming</i> <u>Notary Handbook (rev. Aug. 2017)</u> .	

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