

Practice Update

Current Summary of States Permitting Remote Notarization

July 23, 2020

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States are rapidly adapting to social distancing in their approaches to remote notarization. The below chart tracks the steps, special conditions, and considerations on a state-by-state basis. The chart lists states with temporary remote notarization procedures. It does not list states with pre-existing remote notary statutes and states requiring use of a third-party remote online notarization service.

For quick navigation, please click on the specific state to view the pertinent steps and conditions: [Alabama](#), [Arkansas](#), [Colorado](#), [Connecticut](#), [Georgia](#), [Hawaii](#), [Illinois](#), [Kansas](#), [Kentucky](#), [Louisiana](#), [Maine](#), [Maryland](#), [Massachusetts](#), [Michigan](#), [Mississippi](#), [Missouri](#), [New Hampshire](#), [New Jersey](#), [New Mexico](#), [New York](#), [Texas](#), [Vermont](#), and [West Virginia](#).

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State	Step-By-Step/Special Conditions	Additional Considerations

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<p>Alabama</p> <p>Proc. (<u>Apr. 2, 2020</u>)</p>	<ul style="list-style-type: none"> • Notary may notarize signature through “videoconferencing programs”, and “confirm the signature of witnesses who participate virtually as though they were physically present at the signing.” • Witnesses to a document signing can appear remotely if the notary validates their identity by “the same identifications required under current law.” • The official date and time of the notarization is when the notary witnesses the signature through videoconference. • “All documents must be returned to the notary for certification and execution.” • Notary must maintain a recording of the audio/video conference for “five years following the date the recording is noted in the notary’s logbook.” <p><u>Top of Page</u></p>	<ul style="list-style-type: none"> • This process is permitted “for the duration of the public health emergency.” • Consider step-by-step processes for IL or NY as a best practice.

State	Step-By-Step/Special Conditions	Additional Considerations
<p>Arkansas</p> <p>Exec. Order No. <u>20-12</u></p>	<ul style="list-style-type: none"> • Remote notarization through audio/video conference is available if notary is a licensed attorney, licensed Arkansas title agent, supervised by a licensed attorney or licensed Arkansas title agent, or employed by a financial institution registered with the Arkansas State Bank Department. • The signer and notary must be physically present in Arkansas. • The notary must visually see the signing. • The notary must validate the identity of the signer. <p>Top of Page</p>	<ul style="list-style-type: none"> • This process automatically expires when the state of emergency is terminated.
<p>Colorado</p> <p>Exec. Order No. <u>D 2020 019 & 8</u> COLO. CODE REGS. § <u>1505-11</u> (LexisNexis 2020)</p>	<ul style="list-style-type: none"> • Both the signer and notary must be physically located in Colorado. • Signer and notary connect via audio/video conference. • The notary must disclose to the signer, the fact of the recording, the details of its intended storage including where and for how long it will be held (ten years). • The audio/video recording must contain: 	<ul style="list-style-type: none"> • Executive order codified and extended to <u>December 31</u>. • The audio/video conference must: <ul style="list-style-type: none"> ◦ Enable the notary to verify of the identity of the signer and witness. ◦ Enable the notary to verify the notary, signer, and any

State	Step-By-Step/Special Conditions	Additional Considerations
	<ul style="list-style-type: none"> ◦ At the beginning of the recording, a recitation by the notary sufficient to identify the notarial act, including: <ul style="list-style-type: none"> ▪ Name of notary public ▪ Date and time of notarial act ▪ A description of document(s) to which the notarial act relates ▪ The identity of the signer ▪ The identity of any witness(es) ▪ The method(s) the signer and any witness(es) will be identified to the notary. ◦ A declaration by the signer his or her actions are knowingly and voluntarily made. ◦ The notary ensuring satisfactory evidence of signer’s identity either through a government-issued identification, personal knowledge, or affirmation of a credible witness. ◦ If the notary identifies the signer by personal knowledge, the notary’s explanation of how, and 	<p>witnesses are viewing the same document and signatures can be viewed in real time.</p> <ul style="list-style-type: none"> ◦ Be able to record interactions and clearly viewed at a later date. ◦ Be maintained for ten years. <ul style="list-style-type: none"> • Consider using the following guidance from New York if applicable: “If the notary and signer are in different counties, the notary should indicate the county in which each person is located.”

State	Step-By-Step/Special Conditions	Additional Considerations
	<p>for how long, the notary has known the signer.</p> <ul style="list-style-type: none"> ◦ If the notary identifies the signer through a credible witness: <ul style="list-style-type: none"> ▪ The notary’s explanation of how, and for how long, the notary has known the witness, and ▪ An explanation of how the witness knows the signer. ◦ “Any other statements, acts, and conduct necessary to perform the requested notarial act.” <ul style="list-style-type: none"> • After the notary performs the notarial act, the signer must transmit the signed document to the notary via fax or other electronic means on the same date of the act. • The notary must notarize the document as soon as received and transmit the document back to the signer. • The certificate of notarial act must indicate it was “performed using audio-video technology.” • The notarization must be recorded in the notary’s journal. <p><u>Top of Page</u></p>	

State	Step-By-Step/Special Conditions	Additional Considerations
<p>Connecticut</p> <p><u>Exec. Order No. 7K</u></p>	<ul style="list-style-type: none"> • Signer and notary connect via audio/video conference • During the audio/video conference, the notary must identify an individual through (1) the real time presentation of two current documents issued by a federal or state government, or (2) the oath or affirmation of a credible person who is personally known to the notary and who also personally knows the signer. • The signer must affirmatively represent he or she is physically present in Connecticut. The notary must record and retain the audio/video conference for not less than ten years. • The notary may notarize the electronically transmitted document and return it electronically. • The notary may re-notarize the original as of the date of the original notarization if the notary receives the originally signed document and electronically signed/notarized document within thirty days of execution. <p>Top of Page</p>	<ul style="list-style-type: none"> • Executive order <u>extended</u> for the duration of the public health emergency. • Consider using the following guidance from New York if applicable: “If the notary and signer are in different counties, the notary should indicate the county in which each person is located.”

State	Step-By-Step/Special Conditions	Additional Considerations
Georgia Exec. Order No. <u>03.31.20.01</u>	<ul style="list-style-type: none">• Signor and notary can communicate by sight and sound through electronic video conferencing. <p>Top of Page</p>	<ul style="list-style-type: none">• This process will remain in effect through the duration of the public health state of emergency.

State	Step-By-Step/Special Conditions	Additional Considerations
<p>Hawaii</p> <p><u>Exec. Order 20-02</u></p>	<ul style="list-style-type: none"> • Signer and notary connect via audio/video conference. • The notary identifies signer through personal knowledge or presentation of a government-issued photo identification during the audio/video conference. • During the audio/video conference, the notary “shall confirm via observation . . . that the signer appears to be aware of the significance of the transaction requiring a notarial act and is willing to perform such a transaction.” • The notary shall confirm signer is physically in the state. • The notary shall record and retain a recording of the audio/video conference—delivering to the state attorney general within 90 days of resigning as a notary. • The notary must obtain the signed document the same date it was signed. • The notary shall add the following statement to the notarized document: “This notarial act involved the use of communication technology enabled by emergency order.” • The notary may repeat the notarization on the original signed document within 60 days of the notarial act. <p><u>Top of Page</u></p>	<ul style="list-style-type: none"> • Remains in effect during the COVID-19 emergency.

State	Step-By-Step/Special Conditions	Additional Considerations
<p>Illinois</p> <p><u>Exec. Order 2020-14 & Supplemental Guidance</u></p>	<ul style="list-style-type: none"> • Signer and notary connect via audio/video conference. • The conference is recorded and maintained by the signer for at least three years. • Both the signer and notary must attest to being physically located in Illinois. • The notary must determine the signer’s identity/signature consistent with the statutorily defined process, i.e. personal knowledge or government issued identification. • The signer must affirmatively state what document the signer is signing. • The signer must show each page of the document to be signed to the notary and then initial each page shown. • The act of signing must be captured on the audio/video conference “sufficiently up close” for the notary to observe the act. • The signer must transmit by fax or electronic means a “legible copy” of the entire signed document to the notary no later than one day after the signing. • The notary must notarize and return the document within twenty four hours. 	<ul style="list-style-type: none"> • This process is permitted until Illinois Gubernatorial Disaster Proclamation of March 9, 2020 expires. • Note the executive order states the signer should maintain the recording of the conference while secretary of state guidance says the notary should maintain it. • Consider using the following guidance from New York if applicable: “If the notary and signer are in different counties, the notary should indicate the county in which each person is located.”

State	Step-By-Step/Special Conditions	Additional Considerations
	<ul style="list-style-type: none"> ◦ Consider adding the following language to the notary’s acknowledgment: “This notarial act was performed in compliance with State of Illinois Executive Order 2020-14.” • The notary may notarize the originally signed document effective the date of the electronically signed document if done so within thirty days. <p>Top of Page</p>	
<p>Kansas</p> <p>Exec. Order No. <u>20-20</u></p>	<ul style="list-style-type: none"> • Notarization is performed via two-way audio-video communication technology. • Both signor and notary are physically in Kansas. • Notary is able to identify signor from personal knowledge or satisfactory evidence of signor’s identification. Notarial act follows any additional guidance posted by the Kansas Secretary of State. <p>Top of Page</p>	<ul style="list-style-type: none"> • Executive order extended to <u>September 15</u>.

State	Step-By-Step/Special Conditions	Additional Considerations
<p>Kentucky</p> <p><u>SB 150</u></p>	<ul style="list-style-type: none"> • “For purposes of complying with any law, rule, order, or other requirement to the receipt of testimony or signature from any party or witness, or the acknowledgment or notarization of any document, for any legal purpose: (a) Individuals, whether acting for themselves or in a representative capacity, not in the same physical location shall be considered in the presence of one another if the individuals can communicate via a video teleconference in real time to the same extent as if they were physically present in the same location;” <p>Top of Page</p>	<ul style="list-style-type: none"> • In effect during the COVID-19 emergency.

State	Step-By-Step/Special Conditions	Additional Considerations
<p>Louisiana</p> <p>Proc. No. <u>37</u> JBE 2020 § 6</p>	<ul style="list-style-type: none"> • Signer and notary connect via audio/video conference. • The notary “reasonably identifies” the signer. • The conference must be recorded and retained no less than ten years. • Consider supplementing notary’s acknowledgment to state: “This notarial act was performed in compliance with State of Louisiana Proclamation Number 37 JBE 2020.” • There is no additional guidance in the proclamation or from the secretary of state. Recommend following the Illinois or New York process. <p><u>Top of Page</u></p>	<ul style="list-style-type: none"> • Executive order expired on <u>April 30</u>. No extension was issued. • Note both the Louisiana Secretary of State and the Louisiana Notary Association oppose the executive order and are pushing for its rescission. • Process is not permitted for “testaments, trust instruments, donations inter vivos, matrimonial agreements, acts modifying, waiving, or extinguishing an obligation of final spousal support and authentic acts.” • Lenders should exercise caution if considering a remote notary process for mortgage loan closings. Remotely notarized mortgages could present challenges to future foreclosures basing on them.
<p>Maine</p>	<ul style="list-style-type: none"> • The notary must be physically 	<ul style="list-style-type: none"> • Does not apply to

Exec. Order 37- State AFY	Step-By-Step/Special Conditions	Additional Considerations
19/20 (which extends Exec. Order 37 FY 19/20)	<p>within the state.</p> <ul style="list-style-type: none"> • Signer and notary connect via audio/video conference • Notary identifies signer <ul style="list-style-type: none"> ◦ by personal knowledge; or ◦ presenting valid photo ID during the audio/video conference; or ◦ oath or affirmation of credible witness who <ul style="list-style-type: none"> ▪ is in the physical presence of either the notary or signer, or ▪ through the audio/video conference if the witness personally knows the signer and has been identified by the notary through either personal knowledge or valid photo ID. • Signer attests to being physically in Maine and states the county name in which signer is located at the time of signing the document. • Notary and witness attest to being physically located in Maine. • Before signer executes the document, the notary must be able to view by camera “the entire space in which the Signatory and any witness is located, and any person who is present in those spaces must state their name while on vide and in clear view of the Notary.” <p><u>Top of Page</u></p>	<p>marriages or certain referendum and elections.</p> <ul style="list-style-type: none"> • For wills and powers of attorney, at least one witness must be an attorney licensed to practice law in Maine. • Effective April 8, 2020 until 30 days after the termination of the COVID-19 state of emergency.

State	Step-By-Step/Special Conditions	Additional Considerations
<p>Maryland</p> <p>Exec. Order No. 20-03-30- 04</p>	<ul style="list-style-type: none">• Notary must file a notification with the Maryland Secretary of State.• Signor and notary communicate simultaneously by sight and sound.• Notary can identify signor by personal knowledge, through government-issued identification, or oath of a witness with personal knowledge of signor.• Zoom is not an acceptable communications technology <p>Top of Page</p>	<ul style="list-style-type: none">• Process is permitted until conclusion of the state of emergency.

State	Step-By-Step/Special Conditions	Additional Considerations
<p>Massachusetts</p> <p><u>Chapter 71 of the Acts of 2020</u></p>	<ul style="list-style-type: none"> • Signor and notary connect via electronic video conferencing. • Notary observes each signor’s execution of document. • Both signor and notary are physically located within Massachusetts. • Each signor provides notary with satisfactory evidence of his or her identity. • Signor sends executed document to notary. • Notary must execute an affidavit confirming he or she: <ul style="list-style-type: none"> ◦ Received a copy of each signor’s current identification. ◦ Obtained each signor’s verbal assent to record electronic conference. ◦ Affirmed each signor’s physical presence in Massachusetts. ◦ Noted any person present in each room during the notarial act. • Notarial certificate must include a recital indicating document was notarized remotely. • Notarial act must be electronically recorded. <p><u>Top of Page</u></p>	<p>Process is permitted until 3 business days after conclusion of the state of emergency.</p>

State	Step-By-Step/Special Conditions	Additional Considerations
<p>Michigan</p> <p><u>Exec. Order 2020-41</u></p>	<ul style="list-style-type: none"> • Signer and notary connect via audio/video conference. • Recording of audio/video conference must be retained consistent with the statute governing remote online notarization. • Notary must verify identity of signer and any witness(es) through personal knowledge or presentation of satisfactory evidence such as a government issued photo identification during the audio/video conference. • The signer must either be physically present in the state or the document must relate to a Michigan court or governmental entity, or involve property in or transaction substantially related to Michigan. • If signer is outside the state, the notary must not have actual knowledge the signing is not prohibited in the jurisdiction the signer is located. • The signer must transmit the entire signed document to the notary on the date it is signed. • The notary receives and notarizes the document—the effective date of the signature being the date and time the notary witnessed the signature. <p><u>Top of Page</u></p>	<ul style="list-style-type: none"> • Emergency order extended to <u>July 31</u>.

State	Step-By-Step/Special Conditions	Additional Considerations
<p>Mississippi</p> <p>Exec. Order No. 1467</p>	<ul style="list-style-type: none"> • Signor and notary connect via audio/video conference. • Notary identifies signor by: <ul style="list-style-type: none"> ◦ personal knowledge, ◦ at least 2 different types of processes by which a third person provides a means to verify signor’s identity, ◦ a government ID, or ◦ oath or affirmation of a credible witness who is in the physical presence of notary or signor or is able to communicate with notary and signor simultaneously by sight and sound. • Audio/video recording of notarial act. Notary retains executed document during term of his or her office. <p>Top of Page</p>	<ul style="list-style-type: none"> • Process is permitted until 14 days after conclusion of the state of emergency.

State	Step-By-Step/Special Conditions	Additional Considerations
<p>Missouri</p> <p>Exec. Order No. 20-08</p>	<ul style="list-style-type: none"> • Signor and notary connect via audio/video conference. • Document must contain a notarial certificate, jurat or acknowledgment stating signor appeared remotely. • Signor must display a valid photo ID to notary. • Both signor and notary must be physically located in Missouri. • Notary must record exact time and software used for notarial act. • For electronic documents, notary must be registered as an electronic notary, document must be signed with approved software, and electronic notary seal must be affixed to executed document. • For paper documents, a tangible or electronic copy of executed document must be mailed to notary within 5 business days. <p>Top of Page</p>	<ul style="list-style-type: none"> • Executive Order extended to <u>August 28</u>.
<p>New Hampshire</p> <p>Exec. Order <u>2020-04 #11</u></p>	<ul style="list-style-type: none"> • Signer and notary connect via audio/video conference. • The notary identifies the individual: <ul style="list-style-type: none"> ◦ by personal knowledge; ◦ through two different third-party identity 	<ul style="list-style-type: none"> • The signer need not be physically located in New Hampshire if the document relates to a New Hampshire court or governmental matter, or involves

State	Step-By-Step/Special Conditions	Additional Considerations
	<p>verification systems; or</p> <ul style="list-style-type: none"> ◦ oath or affirmation of credible witness who <ul style="list-style-type: none"> ▪ is in the physical presence of either the notary or signer, or ▪ through the audio/video conference if the witness personally knows the signer and has been identified by the notary through either personal knowledge or two different third-party verification systems. • Once signed, the signer must mail a copy of the document to the notary for certification and notarization. • The date and time of the notarization is when the notary witnesses the signing via audio/video conference. • The audio/video must be retained “during the term of the notarial officer’s office.” <p>Top of Page</p>	<p>property in, or a transaction substantially connected to, New Hampshire and the notary has no actual knowledge the remote signing is prohibited in the jurisdiction in which the signer is.</p>

State	Step-By-Step/Special Conditions	Additional Considerations
<p>New Jersey</p> <p><u>P.L. 2020, Chapter 26</u></p>	<ul style="list-style-type: none"> • Signor and notary must communicate simultaneously by sight and sound. • Notary can identify document before them as same document being signed by signor. • Notary creates an audio-visual recording of notarial act and retains recording for at least 10 years. • Notary must be located in New Jersey and signor may be located outside of New Jersey or in a foreign country as long as document to be notarized relates to the US and signing of document does not violate foreign law. <p>Notarial certificate must state notarization was conducted remotely.</p> <p><u>Top of Page</u></p>	<ul style="list-style-type: none"> • Process is permitted until rescission of Executive Order No. 103 of 2020.

State	Step-By-Step/Special Conditions	Additional Considerations
<p>New Mexico</p> <p>Exec. Order 2020-015</p>	<ul style="list-style-type: none"> • Signer and notary connect via audio/video conference. Signer and notary must affirmatively state they are physically present in New Mexico. • If not personally known to the notary, the signer must present evidence of identity (e.g. state-issued photo identification). • Signer must electronically transmit the document to the notary on the date it is signed. • The notary notarizes the document and transmits it back to the signer. <p><u>Top of Page</u></p>	<ul style="list-style-type: none"> • Executive order <u>extended</u> for the duration of the public health emergency. • The governor’s order is written from the perspective of directing the state’s Notary Compliance and Enforcement Unit of the Regulation and Licensing Department to not recommend discipline for notaries who conduct remote notarizations in compliance with the order.
<p>New York</p> <p>Exec. Order <u>202.7</u></p>	<ul style="list-style-type: none"> • Signer and notary connect via audio/video conference. • Signer affirmatively represents physical presence in New York state to the notary. • If signer is not personally known to notary, signer presents a valid photo ID to the notary via video— consider saving a screenshot of ID presentation. • Signer affixes signature in the presence of the notary— notary should be able to view the act of signing. 	<ul style="list-style-type: none"> • Executive order extended to <u>August 20</u>. • Additional Considerations from New York Department of State <ul style="list-style-type: none"> ◦ “If the notary and signer are in different counties, the notary should indicate the county in which each person is located.”

State	Step-By-Step/Special Conditions	Additional Considerations
	<ul style="list-style-type: none"> • Signer scans and emails signed document to notary. • Notary receives, prints, notarizes, scans, and returns document to signer. <ul style="list-style-type: none"> ◦ Consider supplementing notary’s acknowledgment to state: “This notarial act was performed in compliance with New York Executive Order 202.7.” • No more than 30 days later, signer sends via overnight delivery the remotely notarized document and the originally signed document (without notary) to notary. • Notary notarizes originally signed document—with effective date of remote notarization—and returns to signer. <p>Top of Page</p>	<ul style="list-style-type: none"> ◦ “An electronically transmitted document sent to the notary can be sent in any electronic format, (e.g. PDF, JPEG, TIFF), provided it is a legible copy.” ◦ Though it will not invalidate the notarial act, the New York Department of State recommends: <ul style="list-style-type: none"> ▪ Keeping a notary log of each remote notarization. ▪ Indicating the notarization was made pursuant to Executive Order 202.7.

State	Step-By-Step/Special Conditions	Additional Considerations
<p>Texas</p> <p><u>April 9 Press Release</u> (awaiting formal publication in Texas Register)</p>	<ul style="list-style-type: none"> • Signer and notary connect via audio/video conference. • The notary verifies identity through personal knowledge or observation through remote presentation of government issued photo identification that includes signer’s signature. • The notarial act takes place. • The signer executes the document, electronically transmits the document to the notary, who notarizes the document and returns it electronically to the signer. <p><u>Top of Page</u></p>	<ul style="list-style-type: none"> • Permitted ONLY for self-proved will, durable power of attorney, medical power of attorney, directive to physician, or oath of an executor, administrator or guardian. • Remains in effect for the duration of the state’s COVID-19 disaster declaration.
<p>Vermont</p> <p><u>Guidance on Emergency Rules</u></p>	<ul style="list-style-type: none"> • Signer and notary connect via audio/video conference. The conference must be recorded. • Signer and notary must both indicate they are physically located in Vermont. • The signer either sends a copy of the document to the notary in advance or during the conference shows each page of the document to the notary so the notary can later confirm signed document to be notarized is the same as the one signed in the conference. • The Notary confirms the signer’s identity through: <ul style="list-style-type: none"> ◦ personal knowledge, or ◦ a credible witness, or 	<ul style="list-style-type: none"> • Vermont issued emergency rules associated with law authorizing RON, but not yet implemented. • The notary should only notarize one document—either a copy of the document signed remotely or the document with the signer’s wet signature if sent to the notary by mail. • The notary’s certificate must state the notarial act was performed remotely.

State	Step-By-Step/Special Conditions	Additional Considerations
	<ul style="list-style-type: none"> ◦ two forms of identification—at least one of which must be a passport, drivers' license, or other government issued photo ID. • The notary must retain the recording for seven years. On the same day the document is signed, the signer must transmit it to the notary. • The notary confirms the document received is the one signed during the audio/video conference and then performs the notarial act. • The notary promptly returns the document to the signer. <p>Top of Page</p>	
<p>West Virginia</p> <p><u>Exec. Order 11-20 & 153 CSR 45-27</u></p>	<ul style="list-style-type: none"> • Signer and notary connect via audio/video conference. • Notary identifies the individual through <ul style="list-style-type: none"> ◦ personal knowledge of the signer; or ◦ state or federal ID with name, photo, and signature of signer; or ◦ at least 2 different processes or services by which a third person provides a means to verify the identity of the signer; or ◦ oath or affirmation of credible witness in the physical presence of the notary or signer or participating in the audio/video conference if the witness has personal 	<ul style="list-style-type: none"> • In effect for the duration of the COVID-19 emergency.

State	Step-By-Step/Special Conditions	Additional Considerations
	<p>knowledge of the signer and has been reasonably identified by the notary.</p> <ul style="list-style-type: none"> • The audio/video conference must be recorded and retained for the term of the notary, including renewals. • If the signer is physically outside West Virginia, the notary must be commissioned as an out-of-state commissioner, has no knowledge the act is prohibited where the signer is located, and the document relates to a matter before a West Virginia court or governmental entity or involves proper in or a transaction substantially connected to West Virginia. • The signer mails the executed document to the notary for notarization. • The effective date and time of the notarization is when the notary witnessed the signing. <p>Top of Page</p>	

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