



April 23, 2020

Document Execution at a Distance: Validation of Electronic Signatures and Remote Online Notarizations

Advisory

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The COVID-19 national emergency has brought to the fore the need for legal recognition of electronic means to execute documents, including those that, by federal or state law, must be in writing and/or notarized. Prior to the COVID-19 outbreak, all of the states and the District of Columbia already had some form of law validating the use of electronic signatures, and some had adopted or proposed legislation authorizing the use of remote online notarizations (RONs). But within the past month, Congress, state legislatures and both federal and state executive authorities have ramped up efforts to add to the existing laws, recognizing that requirements for in-person notarizations and paper (“wet”) signatures could detrimentally impede a wide range of significant activities during the COVID-19 social distancing period.

In Congress, a bipartisan push to permit RONs is being led by Senators Mark Warner (D-VA) and Kevin Cramer (R-ND). Their proposed Securing and Enabling Commerce Using Remote and Electronic Notarization Act of 2020 (“SECURE Act”) would authorize every notary in the United States to perform RONs. The SECURE Act has garnered support from, among others, the American Financial Services Association, American Land Title Association, Mortgage Bankers Association, and National Association of Insurance and Financial Advisors.

As shown in the chart at the end of this Advisory, as of this writing, 44 states (and counting) currently permit RONs pursuant to legislation and/or temporary emergency measures. Further, Alaska’s legislature has passed a bill that is pending the Governor’s execution. California, Massachusetts, North Carolina, Oregon, South Carolina and the District of Columbia have yet to enact RON legislation or temporary emergency measures.

I. Laws Governing Electronic Signatures and Transactions

The push for RONs builds on the existing framework of electronic signature and records laws in the United States: the federal Electronic Signatures in Global and National Commerce Act (“E-Sign Act”),¹ and state laws governing electronic signatures and transactions, the majority of which are patterned on the model Uniform Electronic Transactions Act

¹ Pub. L. No. 106-229, 114 Stat. 464 (2000), *codified at* 15 U.S.C. §§ 7001-7031.

("UETA").² The general rule under both the E-Sign Act and state electronic signature laws is that an electronic signature or record must be accorded the same validity as a "wet" paper signature or paper record. Both the E-Sign Act and the UETA extend this general rule of validity to all but certain specified types of contracts or records in particular circumstances.³ With respect to those "excepted" contracts or records, parties may still use an electronic signature and/or record, but, in the event of a challenge to the validity of the signature or record based on its electronic form, the E-Sign Act and the UETA will not provide a legal defense.

Both the E-Sign Act and the UETA expressly extend the rule of validity to signatures of notaries: "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 statute, regulation, or rule of law, is attached to or logically associated with the signature or record."⁴ Thus, the validity of a notarization cannot be challenged based on the notary's signature being electronic. In an electronic notarization, instead of applying a physical ink stamp and handwritten signature, the notary applies an electronic notary seal and electronic signature. The electronic notary may also add a digital certificate, which verifies the identity of the notary and renders the document tamper-evident so that any attempts to modify it will become automatically apparent. Certain states require notaries to be licensed to perform electronic notarizations (whether in-person or remote), and to apply for a license, the notary may have to purchase an electronic notary seal and to provide a general description of the technology he or she intends to use.

The validity of the notary's electronic signature, however, is legally distinct from the validity of an electronic signature used to execute the document required to be notarized. For example, one of the "excepted" areas of law under the E-Sign Act is family law; *i.e.*, the E-Sign Act does not extend the general rule of validity for electronic signatures to documents such as adoption or divorce agreements, which means that if those agreements were signed electronically, the E-Sign Act would not provide a defense to a challenge based on the electronic nature of the signatures. But, as to the notarization of those documents (an adoption agreement, for example, generally requires a notarization), the notary could sign electronically and the notary's signature could not successfully be challenged on the basis that it was electronic.

Both the E-Sign Act and the UETA broadly define an "electronic signature" as "an electronic sound, symbol, or process, attached to or logically associated with a contract or other record and executed or adopted by a person with the intent to sign the record."⁵ This affords parties wide leeway in selecting the form through which to create electronic signatures. Indeed, the E-Sign Act preempts (for transactions involving interstate commerce) any state electronic signature law that "accord[s] greater legal status or effect to, the implementation or application of a specific technology or technical specification" for electronic signatures, other than as may be required by federal or state government agencies with respect to documents filed with the agency.⁶ Government agencies have imposed special requirements; for example, the

² The UETA, as reported and recommended for state adoption by the National Conference of Commissioners on Uniform State Law in 1999, is available [here](#).

³ Under the E-Sign Act, the contracts and records excepted from the general "rule of validity" are those governed by laws regarding: wills, codicils, or testamentary trusts; family law; court documents such as pleadings, notices and briefs; notices concerning the cancellation of utility services or life or health insurance benefits; default, acceleration, repossession, foreclosure, eviction, or cure notices under residential leases or under home equity loans; product safety recall notices; documents relating to the shipping and handling of hazardous waste; and certain types of contracts or other records governed by the Uniform Commercial Code ("UCC"), such as Article 3 (commercial paper), Article 4 (bank deposits and collections), and Article 9 (secured transactions). *Id.* § 7003(a)-(b). The UETA exceptions are similar but the UETA also permits "add-on" exceptions. See UETA § 3(b). For signatures used in interstate transactions, these "add-on" exceptions are preempted by the E-Sign Act. See 15 U.S.C. § 7002(a)(1).

⁴ UETA § 11; see also 15 U.S.C. § 7001(g) (same with respect to signatures and records relating to interstate commerce).

⁵ 15 U.S.C. § 7006(5); UETA § 2(8). Under both laws, "electronic" means "relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities." 15 U.S.C. § 7006(2); UETA § 2(5).

⁶ 15 U.S.C. § 7002(a)(2)(A)(ii). More generally, the E-Sign Act preempts inconsistent state laws as applied to transactions involving interstate commerce, except "pure" enactments of the UETA (*i.e.*, state UETA laws with no material deviations from the UETA's text),

U.S. Food and Drug Administration requires electronic signatures used for such purposes to (i) employ at least two distinct identification components, such as an identification code and password; (ii) be used only by their genuine owner; and (iii) be administered and executed to ensure that attempted use of the signature by anyone other than its genuine owner requires collaboration of two or more individuals.⁷

Determining whether use of an electronic signature is acceptable in a given context thus may require review of several bodies of law. First, is there a law that requires the document to be signed “in writing”? That requirement would come from applicable federal or state law governing the substance of the document (e.g., banking, family law, real estate, securities, trusts). If not, any form of signature will suffice. Second, if there is a requirement to sign “in writing,” does the applicable electronic signature law extend its rule of validity to signatures in that area of substantive law? Third, if the applicable electronic signature law is a state law, does that law impose any requirements or limitations that are pre-empted by the E-Sign Act?

The use of electronic signatures, while increasingly widespread, therefore has a relatively complicated, contextual legal basis. And for documents requiring notarization, as discussed below, the rapidly growing patchwork of RON laws and emergency measures adds another layer of complexity.

II. Remote Online Notarization: Process and Technology Requirements

RON laws, in permitting notarization via videoconference, typically require the notary to identify the underlying document signatory by personal knowledge or with multi-factor authentication methods, including credential analysis (*i.e.*, verifying the signatory’s identification documents such as a driver’s license or passport) and/or soliciting answers to background questions. After verifying the signatory’s identity, the notary must witness the signatory’s signing of the document via the videoconference. To manage this physically when the signatory signs electronically,⁸ the signatory can insert his/her signature while sharing his/her screen and camera simultaneously with the notary. The notary then can sign the document, affix his/her seal, and transmit the notarized document to the signatory. Many states require that the notary log any required information in a notary journal and preserve a video recording.

Most states have stringent security requirements for the audio-visual technology used for RONs, including that it be tamper-evident, incorporates multifactor identification software, and has video recording capability. Only videoconferencing software providers designed specifically for RONs, such as *Notarize*, *NotaryCam*, and *DocVerify*, has all of these capabilities. Applications such as *Skype*, *Facetime*, and *Zoom* generally do not satisfy states’ technology security requirements, although Arkansas has expressly permitted their use on a temporary basis.

III. Conclusion

The current push to permit RONs may well create a long-term shift toward online notarizations instead of in-person notarization requirements. The variety of approaches under state law, and the considerations of applicable state law when RONs are done across state lines, may make a federal law on this issue, such as the SECURE Act or similar legislation, increasingly attractive. We will be monitoring this issue as it continues to unfold over the coming weeks.

which Congress expressly preserved from preemption. *Id.* § 7002(a). All but three states -- Illinois, New York and Washington State -- have adopted the UETA in some form, but some of those enactments (e.g., in California) deviate considerably from the model UETA.

⁷ 21 C.F.R. Part 11, Subpart C.

⁸ Under South Dakota’s RON law, the signatory may not sign electronically.

Existing State Laws and Emergency Orders Governing Remote Online Notarization

Jurisdiction	RON Law and/or Emergency Order	Can the signatory be in another state?	Are particular software providers designated for use?	Do notaries need RON license?	Is notarization of originals after RON addressed?	Notes
Alabama	Yes. • Proclamation	No.	No.	No. However, the notary must be a licensed attorney or operating under the supervision of a licensed attorney.	No.	In effect for the duration of the public health emergency.
Alaska	No, but a bill was passed and is awaiting execution from the Governor. • HB 124 (*Pending)	N/A	N/A	N/A	N/A	N/A
Arizona	Yes. • SB 1030 (2019) (*Effective by Executive Order) • Executive Order ◦ Rules	Yes.	The notary must notify the Secretary of State of the software provider she intends to use.	Yes, the notary must register with the Secretary of State to perform RONs.	No.	<ul style="list-style-type: none"> • SB 1030 was passed in 2019 but was not scheduled to take effect until July 1, 2020. • RON may be performed on a document executed by a signatory outside of the United States, but heightened requirements apply. • Videoconference must be recorded and stored by the notary for five years.
Arkansas	Yes. • Executive Order	No.	The Order includes <i>Skype</i> , <i>Zoom</i> , and <i>Facetime</i> as examples of permitted software providers.	No. However, the notary must be (i) an attorney licensed by Arkansas, (ii) a title agent licensed by Arkansas, (iii) supervised by either an attorney or title agent licensed by Arkansas,	No.	In effect for the remainder of the emergency.

Jurisdiction	RON Law and/or Emergency Order	Can the signatory be in another state?	Are particular software providers designated for use?	Do notaries need RON license?	Is notarization of originals after RON addressed?	Notes
				or (iv) employed by a financial institution registered with the Arkansas Bank Department.		
California	No, but the Secretary of State has issued guidance suggesting any certificate of acknowledgment taken remotely in an RON jurisdiction is permitted.	N/A	N/A	N/A	N/A	N/A
Colorado	Yes. <ul style="list-style-type: none">Executive Order<ul style="list-style-type: none">Rules	No.	No.	No.	Yes, for wills. If the document is a will, the original signed document must be sent to the notary within 15 days of execution. Upon receipt, the notary must confirm the will is identical to the one remotely notarized and then notarize the document again.	<ul style="list-style-type: none">In effect through April 26, 2020.¹Videoconference must be recorded and stored by the notary for ten years.Cannot remotely notarize a record related to the electoral process.

¹ Generally, these state-issued emergency measures may be extended until the public health emergency abates.

Jurisdiction	RON Law and/or Emergency Order	Can the signatory be in another state?	Are particular software providers designated for use?	Do notaries need RON license?	Is notarization of originals after RON addressed?	Notes
Connecticut	<p>Yes.</p> <ul style="list-style-type: none"> Executive Order 	No.	No.	No.	<p>Yes, the original signed document may be notarized as long as it is received by the notary, along with the electronically notarized copy, within 30 days of execution.</p>	<ul style="list-style-type: none"> In effect for the duration of the public health and civil preparedness emergency. Videoconference must be recorded and stored by the notary for ten years. Only an attorney admitted to practice law in Connecticut and in good standing may remotely administer a self-proving affidavit to a Last Will and Testament.
Delaware	<p>Yes.</p> <ul style="list-style-type: none"> Executive Order 	No.	No.	<p>No. However, the notary must be an attorney licensed by Delaware who is in good standing with the Supreme Court of Delaware.</p>	<p>Yes, original signed documents may be returned to the notary for notarization.</p>	<ul style="list-style-type: none"> In effect until further notice. The Secretary of State has issued guidance reaffirming that no Delaware law prohibits an individual or business from using a remote notary from an RON jurisdiction. Until further notice, all Delaware governmental offices have immediately waived the requirement of demanding an original signature for documents (excluding a Last Will and Testament) prepared in accordance with the Executive Order.
District of Columbia	No.	N/A	N/A	N/A	N/A	N/A

Jurisdiction	RON Law and/or Emergency Order	Can the signatory be in another state?	Are particular software providers designated for use?	Do notaries need RON license?	Is notarization of originals after RON addressed?	Notes
Florida	<p>Yes.</p> <ul style="list-style-type: none"> HB 409 (2019) <ul style="list-style-type: none"> Rules Supreme Court Order 	Yes.	The notary must notify the Secretary of State of the software provider she intends to use and confirm that such provider is acceptable.	Yes, the notary must register with the Department of State to perform RONs.	No.	<ul style="list-style-type: none"> Videoconference must be recorded and stored by the notary for ten years. The notary must obtain a bond in the amount of \$25,000, payable to any individual harmed as a result of breach of duty by the notary. The notary must provide evidence satisfactory to the Department of State that her activity is covered by an errors and omissions insurance policy from an insurer authorized to transact business in the State, in the minimum amount of \$25,000.
Georgia	<p>Yes.</p> <ul style="list-style-type: none"> Executive Order # 1 Executive Order # 2 	No.	No.	No. However, the notary must be an attorney licensed to practice law in Georgia or operating under the supervision of an attorney licensed to practice law in Georgia.	No.	In effect for the duration of the Public Health State of Emergency.
Hawaii	<p>Yes.</p> <ul style="list-style-type: none"> Executive Order <ul style="list-style-type: none"> Guidance 	No.	No.	No.	Yes, the original signed document may be notarized as long as it is received by the notary, along with the electronically notarized copy,	<ul style="list-style-type: none"> In effect for the duration of the emergency period. Videoconference must be recorded and stored by the notary.

Jurisdiction	RON Law and/or Emergency Order	Can the signatory be in another state?	Are particular software providers designated for use?	Do notaries need RON license?	Is notarization of originals after RON addressed?	Notes
					within 60 days of execution.	
Idaho	<p>Yes.</p> <ul style="list-style-type: none"> S111 (2019) <ul style="list-style-type: none"> Rules 	Yes.	No.	Yes, the notary must register with the Secretary of State to perform RONs.	No.	<ul style="list-style-type: none"> Videoconference must be recorded and stored by the notary for ten years. RON may be performed on a document executed by a signatory outside of the United States, but heightened requirements apply.
Illinois	<p>Yes.</p> <ul style="list-style-type: none"> Executive Order <ul style="list-style-type: none"> Guidance 	No.	No.	No.	Yes, the original signed document may be notarized as long as it is received by the notary, along with the electronically notarized copy, within 30 days of execution.	<ul style="list-style-type: none"> In effect for the duration of the Gubernatorial Disaster Proclamation. Videoconference must be recorded and preserved by the signatory or the signatory's designee for three years.
Indiana	<p>Yes.</p> <ul style="list-style-type: none"> SB 372 (2018) (<i>*Effective by Emergency Rules</i>) <ul style="list-style-type: none"> Rules 	Yes.	Only software providers approved by the State on its published list . At this point, only <i>Notarize</i> is approved. According to the Secretary of State's website , <i>Notarize</i> is only onboarding notaries who are employed by	Before registering, the notary must take a course of instruction and pass an examination.	No.	<ul style="list-style-type: none"> SB 372 was passed in 2018 but was not scheduled to take effect until July 1, 2020. RON may be performed on a document executed by a signatory outside of the United States, but heightened requirements apply. Videoconference must be recorded and stored by the notary.

Jurisdiction	RON Law and/or Emergency Order	Can the signatory be in another state?	Are particular software providers designated for use?	Do notaries need RON license?	Is notarization of originals after RON addressed?	Notes
			title companies until the end of May, at which point it will be ready to accept independent contractor notaries.			
Iowa	<p>Yes.</p> <ul style="list-style-type: none"> • Senate File 475 (2019) (<i>*Temporarily effective by Proclamation</i>) • Proclamation <ul style="list-style-type: none"> ◦ Guidance 	Yes.	RON software providers, such as <i>eNotaryDox</i> , <i>Notarize</i> , and <i>DocVerify</i> , must be used.	Yes, the notary must register with the Secretary of State to perform RONs.	No.	<ul style="list-style-type: none"> • In effect for the duration of the public health disaster emergency. • Senate File 475 was passed in 2019 but was not scheduled to take effect until July 1, 2020. On July 1, 2020, further administrative rules will be put in place. • Videoconference must be recorded and stored by the notary for ten years. • RON may be performed on a document executed by a signatory outside of the United States, but heightened requirements apply.
Kansas	<p>Yes.</p> <ul style="list-style-type: none"> • Executive Order • HB 2713 (2020) (<i>*Pending</i>) 	No.	No.	No.	Yes, the original signed document may be notarized as long as it is received by the notary, along with the electronically notarized copy,	In effect through May 1, 2020.

Jurisdiction	RON Law and/or Emergency Order	Can the signatory be in another state?	Are particular software providers designated for use?	Do notaries need RON license?	Is notarization of originals after RON addressed?	Notes
					within 30 days of execution.	
Kentucky	Yes. • SB 114 (2019)	Yes.	The notary must notify the Secretary of State of the software provider she intends to use.	Yes, the notary must register with the Secretary of State to perform RONs.	No.	<ul style="list-style-type: none"> • Videoconference must be recorded and stored by the notary for ten years. • RON may be performed on a document executed by a signatory outside of the United States, but heightened requirements apply.
Louisiana	Yes. • Proclamation	Yes.	No.	No.	No.	<ul style="list-style-type: none"> • In effect for the duration of the public health emergency. • Videoconference must be recorded and stored by the notary for ten years unless another Louisiana law requires a different retention period. • Does not apply to laws requiring the notary's physical presence in connection with testaments, trust instruments, donations inter vivos, matrimonial agreements, acts modifying, waiving or extinguishing an obligation of final spousal support, and authentic acts.
Maine	Yes. • Executive Order	No.	N/A	No, but for wills and powers of attorney, the notary or at least one witness must be	Yes, original signed documents must be returned to the notary for	<ul style="list-style-type: none"> • In effect until 30 days after the termination of the COVID-19 state of emergency.

Jurisdiction	RON Law and/or Emergency Order	Can the signatory be in another state?	Are particular software providers designated for use?	Do notaries need RON license?	Is notarization of originals after RON addressed?	Notes
				an attorney licensed to practice law in Maine.	notarization within 48 hours of execution.	<ul style="list-style-type: none"> Videoconference must be recorded and stored by the notary for five years.
Maryland	<p>Yes.</p> <ul style="list-style-type: none"> SB 678 (2019) (*Effective 10/1/20) Order # 1 <ul style="list-style-type: none"> Guidance Order # 2 	No.	<p>The notary must notify the Secretary of State of the software provider she intends to use.</p> <p>Only software providers that are designed for the purpose of facilitating RONs are allowed, <i>i.e.</i>, applications such as <i>Skype</i> and <i>Facetime</i> are not permitted.</p>	The notary must provide notice to the Secretary of State of her intent to perform RONs.	No.	<ul style="list-style-type: none"> In effect until the termination of the state of emergency. Senate Bill 678, much of which was incorporated into the temporary Emergency Guidance, will be effective on October 1, 2020. Videoconference must be recorded and stored by the notary.
Massachusetts	<p>No, but bills were each introduced in the Senate and the House.</p> <ul style="list-style-type: none"> SD.2882 (2020) (*Pending) HD.4999 (2020) (*Pending) 	N/A	N/A	N/A	N/A	N/A
Michigan	<p>Yes.</p> <ul style="list-style-type: none"> HB 5811 (2018) 	No.	Only software providers approved by the State.	No.	No.	<ul style="list-style-type: none"> Videoconference must be recorded and stored by the notary for ten years.
Minnesota	<p>Yes.</p> <ul style="list-style-type: none"> Senate File 893 (2018) 	Yes.	The Secretary of State recommends, but does not require, <i>DocVerify</i> ,	Yes, the notary must register with the Secretary of State to perform RONs.	No.	<ul style="list-style-type: none"> Videoconference must be recorded and stored by the notary for ten years.

Jurisdiction	RON Law and/or Emergency Order	Can the signatory be in another state?	Are particular software providers designated for use?	Do notaries need RON license?	Is notarization of originals after RON addressed?	Notes
			<i>Notarize, NotaryCam, Pavaso, or SigniX.</i>	The Secretary of State must also maintain a list of entities that regularly offer a course of study for RON.		<ul style="list-style-type: none"> RON may be performed on a document executed by a signatory outside of the United States, but heightened requirements apply.
Mississippi	<p>Yes.</p> <ul style="list-style-type: none"> Executive Order 	Only under certain conditions -- see Notes.	No.	No.	Yes, original signed documents may be returned to the notary for notarization.	<ul style="list-style-type: none"> In effect for the duration of the State of Emergency and for 14 days thereafter. Expressly states that documents remotely notarized by out-of-state notaries have effect in Mississippi. The signatory may be in another state only if (i) the record (a) is intended for filing with or relates to a matter before a court, governmental entity, public official or other entity subject to Mississippi jurisdiction; or (b) involves property located in Mississippi or a transaction substantially connected to Mississippi; and (ii) the notary has no actual knowledge that signatory's execution is prohibited by the laws of the jurisdiction where the individual is located.
Missouri	<p>Yes.</p> <ul style="list-style-type: none"> Executive Order HB 1690 (2020) (* Pending) 	No.	No.	No.	Yes, the original signed document may be notarized as long as it is received by the notary within five	In effect through May 15, 2020.

Jurisdiction	RON Law and/or Emergency Order	Can the signatory be in another state?	Are particular software providers designated for use?	Do notaries need RON license?	Is notarization of originals after RON addressed?	Notes
					business days of execution.	
Montana	<p>Yes.</p> <ul style="list-style-type: none"> HB 370 (2019) <ul style="list-style-type: none"> Rules 	Yes.	No.	No.	No.	<ul style="list-style-type: none"> RON may be performed on a document executed by a signatory outside of the United States, but heightened requirements apply. Videoconference must be recorded and stored by the notary for ten years.
Nebraska	<p>Yes.</p> <ul style="list-style-type: none"> LB 186 (2019) (*Temporarily effective by Executive Order) Executive Order Emergency Rule 	Yes.	The Secretary of State must approve the software provider that the notary intends to use.	Yes, the notary must register with the Secretary of State to perform RONs. Before registering, a notary must take a course of instruction and pass an examination.	No.	<ul style="list-style-type: none"> In effect until 30 days after the lifting of the COVID-19 state of emergency. LB 186 was passed in 2019 but was not scheduled to take effect until July 1, 2020. Videoconference must be recorded and stored by the notary for ten years. Does not apply to laws requiring the notary's physical presence (i) in connection with wills, codicils, or testamentary trusts, and (ii) included in the Uniform Commercial Code (other than Article 2 and Article 2a). The Electronic Notary Public Act does not apply to online notarial acts or online public notaries.

Jurisdiction	RON Law and/or Emergency Order	Can the signatory be in another state?	Are particular software providers designated for use?	Do notaries need RON license?	Is notarization of originals after RON addressed?	Notes
Nevada	<p>Yes.</p> <ul style="list-style-type: none"> • AB 413 (2017) <ul style="list-style-type: none"> ◦ Regulations 	Yes.	Only software providers approved by the State.	No.	No.	<ul style="list-style-type: none"> • RON may be performed on a document executed by a signatory outside of the United States, but heightened requirements apply. • Videoconference must be recorded and stored by the notary for seven years.
New Hampshire	<p>Yes.</p> <ul style="list-style-type: none"> • Executive Order 	Only under certain conditions -- see Notes.	No.	No.	Yes, original signed documents must be returned to the notary for notarization.	<ul style="list-style-type: none"> • In effect for the duration of the State of Emergency. • Videoconference must be recorded and stored by the notary for the term of the notary's office, including renewals thereof, unless a New Hampshire law requires a different retention period. • The signatory may be in another state only if (i) the record (a) is intended for filing with or relates to a matter before a court, governmental entity, public official or other entity subject to New Hampshire jurisdiction; or (b) involves property located in New Hampshire or a transaction substantially connected to New Hampshire; and (ii) the notary has no actual knowledge that signatory's execution is prohibited by the laws of the jurisdiction where the individual is located.

Jurisdiction	RON Law and/or Emergency Order	Can the signatory be in another state?	Are particular software providers designated for use?	Do notaries need RON license?	Is notarization of originals after RON addressed?	Notes
New Jersey	<p>Yes.</p> <ul style="list-style-type: none"> A3864 (2020) (* Effective for duration of state emergency) 	Yes.	No.	No.	No.	<ul style="list-style-type: none"> Signed into law by the Governor on April 14, 2020, A3864 permits remote notarial acts for the duration of the Public Health Emergency and State of Emergency. RON may be performed on a document executed by a signatory outside of the United States, but heightened requirements apply. Does not apply to documents governed by (i) laws in connection with the creation and execution of wills, or codicils, (ii) the Uniform Commercial Code (other than Sections 1-107 and 1-206, Article 2 and Article 2A), or (iii) statutes, regulations, or other rules of law governing adoption, divorce or other matters of family law. Videoconference must be recorded and stored by the notary for ten years.
New Mexico	<p>Yes.</p> <ul style="list-style-type: none"> Executive Order 	No.	No.	No.	No.	In effect through June 20, 2020.
New York	<p>Yes.</p> <ul style="list-style-type: none"> Executive Order # 1 <ul style="list-style-type: none"> Guidance 	No.	No.	No.	Yes, the original signed document may be notarized as long as it is	<ul style="list-style-type: none"> In effect through May 15, 2020 The notary cannot use an electronic signature on a remotely notarized

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	<ul style="list-style-type: none"> Executive Order # 2 Executive Order # 3 				received by the notary, along with the remotely notarized copy, within 30 days of execution.	<p>document. However, the signatory may use an electronic signature, provided the document can be signed electronically under the Electronic Signatures and Records Act.</p> <ul style="list-style-type: none"> Acts of witnessing required in connection with certain provisions of the Estates Powers and Trusts Law, Public Health Law, and Real Property Law may be done with RON.
North Carolina	No.	N/A	N/A	N/A	N/A	N/A
North Dakota	<p>Yes.</p> <ul style="list-style-type: none"> HB 1110 (2019) <ul style="list-style-type: none"> Guidance 	Yes.	The notary must notify the Secretary of State of the software provider she intends to use. The Secretary of State recommends, but does not require, <i>DocVerify</i> , <i>Nexsys</i> , <i>Notarize</i> , <i>NotaryCam</i> , or <i>Pavaso</i> .	The notary must provide notice to the Secretary of State of her intent to perform RONs.	No.	<ul style="list-style-type: none"> RON may be performed on a document executed by a signatory outside of the United States, but heightened requirements apply. Videoconference must be recorded and stored by the notary for ten years.
Ohio	<p>Yes.</p> <ul style="list-style-type: none"> SB 263 (2019) 	Yes.	Only software providers approved by the State.	Yes, the notary must register with the Secretary of State to perform RONs. Before registering, the notary must take a course of instruction and pass an examination.	No.	<ul style="list-style-type: none"> Videoconference must be recorded and stored by the notary. RON may be performed on a document executed by a signatory outside of the United States, but heightened requirements apply.

Jurisdiction	RON Law and/or Emergency Order	Can the signatory be in another state?	Are particular software providers designated for use?	Do notaries need RON license?	Is notarization of originals after RON addressed?	Notes
Oklahoma	Yes. <ul style="list-style-type: none">• SB 915 (2019)<ul style="list-style-type: none">◦ Rules	Yes.	Only software providers approved by the State.	Yes, the notary must register with the Secretary of State to perform RONs.	No.	<ul style="list-style-type: none"> • Videoconference must be recorded and stored by the notary for ten years. • RON may be performed on a document executed by a signatory outside of the United States, but heightened requirements apply.
Oregon	No.	N/A	N/A	N/A	N/A	N/A
Pennsylvania	Yes. <ul style="list-style-type: none">• SB 841 (2020)<ul style="list-style-type: none">◦ Guidance	Yes.	Only software providers approved by the State on its published list . At this point, <i>DocVerify</i> , <i>Safedocs</i> , <i>Pavaso</i> , <i>SimplySecureSign</i> , <i>Nexsys Clear Sign</i> , <i>Notarize</i> , and <i>NotaryCam</i> are approved. Mainstream providers such as <i>Zoom</i> and <i>Facetime</i> may not be used.	The notary must provide notice to the Secretary of State of her intent to perform RONs and must designate the communication and identity-proofing technology she intends to use.	No.	<ul style="list-style-type: none"> • Signed into law by the Governor on April 20, 2020, SB 841 permits remote notarial acts until 60 days after the termination or expiration of the COVID-19 disaster emergency. • Videoconference must be recorded and stored by the notary for ten years. • RON may be performed on a document executed by a signatory outside of the United States, but heightened requirements apply.
Rhode Island	Yes. <ul style="list-style-type: none">• Order<ul style="list-style-type: none">◦ Guidance◦ Standards	Only under certain conditions -- see Notes.	Only software providers approved by the State. At this point, only <i>DocVerify</i> and <i>Pavaso</i> are approved, but this is subject to update . Mainstream providers	Yes, the notary must register with the Department of State to perform RONs. Before registering, a notary must	Yes, original signed documents must be returned to the notary for notarization within 30 days of RON.	<ul style="list-style-type: none"> • In effect for the duration of the COVID-19 state of emergency. • Videoconference must be recorded and stored by the notary for ten years.

Jurisdiction	RON Law and/or Emergency Order	Can the signatory be in another state?	Are particular software providers designated for use?	Do notaries need RON license?	Is notarization of originals after RON addressed?	Notes
			such as <i>Zoom</i> and <i>Facetime</i> may not be used.	complete training with an approved provider.		<ul style="list-style-type: none"> The signatory may be in another state only if (i) the record (a) is intended for filing with or relates to a matter before a court, governmental entity, public official or other entity subject to Rhode Island jurisdiction; or (b) involves property located in Rhode Island or a transaction substantially connected to Rhode Island; and (ii) the notary has no actual knowledge that signatory's execution is prohibited by the laws of the jurisdiction where the individual is located.
South Carolina	No, but a bill was introduced and is residing in the House Judiciary Committee. <ul style="list-style-type: none"> S. 486 (*Pending) 	N/A	N/A	N/A	N/A	N/A
South Dakota	Yes. <ul style="list-style-type: none"> HB 1272 (2019) 	Yes.	No.	No.	Yes, the notary must affix her signature to the original tangible document executed by the signatory.	<ul style="list-style-type: none"> Only paper documents may be remotely notarized. The signatory must be personally known to the notary. RON may be performed on a document executed by a signatory outside of the United States, but heightened requirements apply.

Jurisdiction	RON Law and/or Emergency Order	Can the signatory be in another state?	Are particular software providers designated for use?	Do notaries need RON license?	Is notarization of originals after RON addressed?	Notes
						<ul style="list-style-type: none"> Videoconference must be recorded and stored by the notary for ten years.
Tennessee	Yes. <ul style="list-style-type: none"> HB 1794 (2018) <ul style="list-style-type: none"> Rules 	Yes.	No, but the notary must use a software provider that utilizes Public Key Infrastructure (PKI) technology.	No.	No.	Videoconference must be recorded and stored by the notary for five years.
Texas	Yes. <ul style="list-style-type: none"> HB 1217 (2017) <ul style="list-style-type: none"> Rules 	No.	No, but the notary must use a software provider that utilizes PKI technology.	Yes, the notary must register with the Secretary of State to perform RONs.	No.	Videoconference must be recorded and stored by the notary for five years.
Utah	Yes. <ul style="list-style-type: none"> HB 52 (2019) <ul style="list-style-type: none"> Rules 	Yes.	Only software providers approved by the State.	Yes, the notary must register with the Lieutenant Governor to perform RONs.	No.	Videoconference must be recorded and stored by the notary for five years.
Vermont	Yes. <ul style="list-style-type: none"> HB 526 (2018) (*Temporarily effective by Emergency Rules) Emergency Rules <ul style="list-style-type: none"> Guidance 	No.	No.	No.	Yes, the original signed document may be notarized as long as it is mailed to the notary on the same day the document is signed.	<ul style="list-style-type: none"> In effect through September 20, 2020. House Bill 526's effective date had been deferred until rules were promulgated by the Secretary of State. Videoconference must be recorded and stored by the notary for ten years. Electronic signatures are not permitted.

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Virginia	<p>Yes.</p> <ul style="list-style-type: none"> HB 2318/SB 827 (2011) <ul style="list-style-type: none"> Guidance 	Yes.	Only software providers designed for the purpose of facilitating RON, e.g., <i>DocVerify</i> , <i>LenderClose</i> , <i>Notarize</i> , <i>NotaryCam</i> , <i>Pavaso</i> , <i>Safedocs</i> , <i>SIGNiX</i> , and <i>World Wide Notary</i> .	No.	No.	<ul style="list-style-type: none"> First state to enact an RON law. Videoconference must be recorded and stored by the notary for five years.
Washington	<p>Yes.</p> <ul style="list-style-type: none"> SB 5641 (2019) (<i>*Temporarily effective by Proclamation</i>) <ul style="list-style-type: none"> Proclamation 	Yes.	The notary must notify the State of the software provider she intends to use.	No.	No.	<ul style="list-style-type: none"> In effect through April 26, 2020. SB 5641 was scheduled to become effective October 1, 2020. Videoconference must be recorded and stored by the notary for ten years. RON may be performed on a document executed by a signatory outside of the United States, but heightened requirements apply.
West Virginia	<p>Yes.</p> <ul style="list-style-type: none"> Executive Order <ul style="list-style-type: none"> Rules 	Only under certain conditions -- see Notes.	No.	No.	Yes, original signed documents must be returned to the notary for notarization.	<ul style="list-style-type: none"> In effect for the duration of the State of Emergency. Videoconference must be recorded and stored by the notary for the term of the notary's office, including renewals thereof, unless a West Virginia law requires a different retention period. The signatory may be in another state only if (i) the record (a) is intended for

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						filing with or relates to a matter before a court, governmental entity, public official or other entity subject to West Virginia jurisdiction, (b) involves property located in West Virginia or a transaction substantially connected to West Virginia, or (c) is otherwise permitted by West Virginia law to be notarized outside of West Virginia; (ii) the notary has no actual knowledge that signatory's execution is prohibited by the laws of the jurisdiction where the individual is located; and (iii) when required, the notary has been approved by an out-of-state Commissioner.
Wisconsin	<p>Yes.</p> <ul style="list-style-type: none"> AB 293 (2019) (*Effective 5/1/20) <ul style="list-style-type: none"> Emergency Guidance 	Yes.	Only software providers approved by the State. At this point, only <i>Notarize</i> , <i>NotaryCam</i> , <i>Pavaso</i> , <i>Nexsys</i> , and <i>DocVerify</i> are approved.	No, but the notary must complete training with an approved provider.	No.	<ul style="list-style-type: none"> In effect until further notice to be given once the crisis abates. Expressly states that documents remotely notarized by out-of-state notaries (who use State-approved providers) have effect in Wisconsin.
Wyoming	<p>Yes.</p> <ul style="list-style-type: none"> Emergency Guidance 	No.	Only software providers approved by the State. At this point, only <i>Notarize</i> , <i>NotaryCam</i> , <i>Pavaso</i> , <i>Nexsys</i> , <i>DocVerify</i> , <i>CSC Global, Inc.</i> , <i>Figure</i>	Yes, the notary must register with the Secretary of State to perform RONs. Before registering, the notary must take a course	No.	<ul style="list-style-type: none"> In effect through July 1, 2020, or whenever the Governor lifts the present state of emergency, whichever comes first. Videoconference must be recorded and stored by the notary.

Jurisdiction	RON Law and/or Emergency Order	Can the signatory be in another state?	Are particular software providers designated for use?	Do notaries need RON license?	Is notarization of originals after RON addressed?	Notes
			<i>Technologies, SafeDocs, Simplifile, Jetexas, SIGNiX, and World Wide Notary</i> are approved.	of instruction and pass an examination.		<ul style="list-style-type: none"> RON may be performed on a document executed by a signatory outside of the United States, but heightened requirements apply.
