State-by-State Summary of Remote Notarization

The chart below surveys the current state of notarization based on public information as of May 18, 2020. This is a rapidly changing environment with new developments happening on a daily basis. In some cases, there is a lag between an order or law being issued and public information being available. The chart describes some of the key provisions, but the orders and statutes often contain much more detail and additional caveats. It is advised to consult experienced local counsel before taking any proposed action. As part of your transaction, if you are going to be recording a deed or mortgage, the title insurer should also be involved in the notarization process, and you will need to confirm whether the applicable recording office will accept remote online notarization or audio-video notarization.

STATE	REMOTE NOTARIZATION PERMITTED?	BRIEF DESCRIPTION OF REMOTE NOTARIZATION BILL/LAW/ORDER	SOURCE(S)
Alabama	Yes	By Proclamation of the Governor dated March 26, 2020, only Alabama notaries who are licensed attorneys, or operating under the supervision of a licensed attorney, may notarize signatures through videoconferencing programs. By the same Proclamation, any individual who witnesses a document through videoconference technology is considered an "in person" witness. Applies during the remainder of the emergency. By the Governor's Proclamation dated April 2, 2020, Alabama notaries public may notarize signatures through videoconferencing programs, provided the notary public maintains a recording of the audio-visual communication for a period of five years following the recording.	Alabama <u>Proclamation</u> <u>March 26, 2020</u> <u>Alabama</u> <u>Proclamation</u> <u>dated April 2,</u> <u>2020</u>

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Alaska	Yes	On April 30, 2020, Governor Dunleavy signed HB No. 124 into law, authorizing notarial acts performed for remotely located individuals through communication technology.	<u>Alaska HB No.</u> <u>124</u>
Arizona	Yes	By Executive Order 2020-26 dated April 8, 2020, Arizona authorized the use of remote online notarizations through audio-video technology. The notary public must save and back up the notarization record. The order shall remain in place until the Arizona remote online notarization law takes effect on July 1, 2020.	Arizona Executive Order 2020-26
Arkansas	Yes	By Executive Order EO 20-12 dated March 30, 2020, only notaries who are (1) attorneys licensed to practice law in Arkansas, (2) licensed Arkansas title agents, (3) supervised by such an attorney or title agent, or (4) employed by a financial institution registered with the Arkansas State Bank Department may notarize documents by remote "real-time audio and visual means" using "facsimile signatures." Both the notary and the signer must be physically located in Arkansas. Witnesses present by such means shall be considered "in person" witnesses. Unless counterparts are expressly	Arkansas Executive Order 20-12

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		forbidden in a document, separate counterparts by parties in different locations are deemed permitted. Applies during the remainder of the emergency.	
California	Not Yet	On April 2, 2020, a group of industry organizations including the California Association of Realtors, the California Bankers Association and SIFMA sent a letter to the Governor requesting that he consider issuing an executive order expressly providing or affirming that California law recognizes the validity of documents that are legally remotely notarized in accordance with the laws of the jurisdiction of the notary. It does not appear that such an order was issued. However, the California Secretary of State has a Notary Public page with answers to COVID-19 Questions. The answer to the second question on the pulldown menu indicates that although California notaries may not perform remote online notarization, under California Civil Code 1189(b), California does recognize out of state remote online notarizations that are performed in accordance with local state law.	California Secretary of State FAQs Letter to Governor Newsom Senate Bill No. 1322

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		The California legislature is currently considering the Remote Online Notarization Act (Senate Bill No. 1322), which would authorize a notary public who successfully registers with the California Secretary of State to perform remote online notarizations. If adopted, the bill would require the Secretary of State to adopt the necessary rules to implement the act. The bill would only remain in effect during the state of emergency. On May 4, 2020, the Assembly Judiciary Committee amended AB 2424, which would have adopted the California Online Notary Act of 2020. The amendment deleted the online notary provisions of the bill.	
Colorado	Yes	By Executive Order D 2020 019 dated March 27, 2020, Governor Polis temporarily authorized the use of real-time audio-video communication to carry out notarizations, subject to consent rights of parties in contracts that require or contemplate in-person notarization. On March 30, 2020, the Colorado Secretary of State issued detailed implementation rules. Among them, the notary and signer must be physically located in Colorado and the process must	Colorado Executive Order D 2020 019Colorado Secretary of State Notary Program RulesExecutive Order D 2020-047

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		be recorded and stored for 10 years. Wills are subject to special requirements, and remote notarization is not permitted for documents related to the electoral process.	
		By Executive Order D 2020- 047 dated April 13, 2020, Governor Polis extended the temporary suspension of the personal appearance requirement for notarizations through May 30, 2020.	
Connecticut	Yes	By Executive Order No. 7Q dated March 30, 2020, Governor Lamont modified Connecticut law to permit remote online notarizations. The principal must transmit a copy of the executed document via fax or electronic means directly to the notary public on the same day it was executed. Executive Order No. 7Q superseded and replaced Executive Order No. 7K, a prior Executive Order issued by Governor Lamont related to remote online notarizations.	Connecticut Executive Order No. 7Q
Delaware	Yes	By Executive Order dated April 15, 2020, Governor Carney authorized the use of remote notarizations through audio-visual technology. Only a licensed Delaware attorney who is in good standing with	Eleventh Modification of the Declaration of a State of Emergency

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		the Delaware Supreme Court can perform the notarization. The notary public and principal must be physically located in Delaware at the time of execution/notarization.	
Florida	Yes	Effective January 1, 2020, Florida authorized remote notarizations (Chapter 2019-71 of the Florida Statutes), subject to Florida's training requirements. By Administrative Order No. AOSC20-16 of its Supreme Court dated March 18, 2020, Florida expanded remote notarizations to allow notaries to administer oaths and swear witnesses for court proceedings using remote audio-visual technology. Need to confirm if only specific vendors and electronic signatures will be accepted.	Florida Statutes Chapter 2019-71 Florida Supreme Court Order AOSC20-16
Georgia	Yes	By Executive Order 3.31.20.01 dated March 31, 2020, the in- person or physical presence requirement for signers and witnesses may be satisfied by the use of real-time audio- visual communication technology. Furthermore, by order of the Georgia Supreme Court dated March 27, 2020, an attorney may participate in, and supervise the closing of, a real estate transaction by way of video conference. Applies	Georgia Executive Order 3.31.20.01

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		during the remainder of the emergency. Georgia driver's licenses and ID cards that expire between March 23, 2020, and June 30, 2020, will be deemed extended for 120 days.	
Hawaii	Yes	By Executive Order 20-02 dated March 29, 2020, Governor Ige suspended Chapter 456 of the Hawaii Revised Statutes and related administrative rules to the extent they require physical contact for notary functions. Among the list attached to the Order, the audio-visual notarization must be live, not prerecorded, and the signer must be physically present in the state of Hawaii. The notarization statement must recite that it was performed pursuant to the Order. The notary must record the interaction and store it on a storage device such as a flash drive, DVD or hard drive. Applies during the remainder of the emergency.	Hawaii Executive Order 20-02
Idaho	Yes	Effective January 1, 2020, Senate Bill 1111 went into effect, and remote notarizations are permitted in Idaho under Session Law Chapter 160. The notary must be located in Idaho, but the	Idaho Senate Bill 1111

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		signer can be located outside the state or in another country. The notary certificate must state that it involved the use of communication technology, and a recording must be maintained for 10 years.	
Illinois	Yes	By Executive Order 2020-14 dated March 26, 2020, Governor Pritzker authorized remote notarization via two- way audio-video communication technology, provided that the notary is physically within the state and the detailed guidance posted by the Illinois Secretary of State is followed. Unless counterparts are expressly forbidden in a document, separate counterparts by parties in different locations are deemed permitted. The Order also contains detailed requirements by which remote witnessing may occur. Very similar to the notary guidance, the witness must be physically located in the state, and the signer must keep a recording for at least three years. Applies during the remainder of the emergency.	Illinois COVID-19 Executive Order No. 12 Illinois Guidance for Remote Notaries and Consumers

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Indiana	Yes	Indiana's remote notarization law is set forth in Section 33- 42-17-1, <i>et seq.</i> , of the Indiana Code. The law contains detailed effectiveness and implementation requirements.	Indiana Code Section 33-42-17- 1, et seq.
Iowa	Yes	Through Emergency Proclamation on March 22, 2020, Iowa temporarily authorized remote notarizations, subject to the requirements of Iowa Administrative Code 721-43, Iowa Code chapter 9B and the provisions of Section 6 of 2019 Iowa Acts chapter 44 (Senate File 475). Iowa's remote notarization law was set to go into effect July 1, 2020. Note that Section 6 requires use of an approved software service rather than audio-video conferencing services. Administrative rules do not appear to be in effect yet, but draft rules are posted on the Secretary of State website. By Executive Proclamation, Governor Reynolds has extended the state Public Health Emergency through May 27, 2020.	Iowa Emergency ProclamationIowa Secretary of State Media ReleaseExecutive Proclamation Extending the State of Emergency
Kansas	Yes	By Executive Order No. 20-20 dated April 9, 2020, Governor Kelly authorized the use of remote notarizations via two- way audio-video	Executive Order No. 20-20

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		communication technology. Both the notary public and principal must be physically located in Kansas when performing the notarial act. The Executive Order shall remain in effect until May 1, 2020 or until the State of Disaster Emergency expires.	Executive Order No. 20-28
		By Executive Order No. 20-28, Governor Kelly extended the State of Disaster Emergency through May 31, 2020.	
Kentucky	Yes	Effective January 1, 2020, Kentucky's remote notarization law (Title 38, Chapter 423, Sections 423.455, <i>et seq.</i> , of the Kentucky Revised Statutes) authorizes remote notarizations.	<u>Kentucky Revised</u> <u>Statutes</u>
Louisiana	Yes	By Executive Proclamation 37 JBE 2020 dated March 26, 2020, Section 6 states that during the emergency a notary public may perform remote notarizations as long as the signatory or witness can simultaneously appear before the notary public through audio-visual communication technology. The process must be recorded and retained for at least 10 years. The Proclamation does not apply to specified trust and family law acts.	Louisiana Executive Proclamation 37 JBE 2020

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Maine	Yes	By Executive Order 37 FY 19/20 dated April 8, 2020, a notary public in Maine may perform remote online notarizations utilizing two-way audio-video communication technology. Both the notary public and the principal must attest to being physically located in Maine. Following execution, the principal must transmit the executed document by fax or electronic means directly to the notary public. Upon review of the original document and a satisfactory comparison with the faxed or electronic document provided, the notary public shall notarize the original document within forty-eight (48) hours of receipt.	Executive Order 37 FY 19/20
Maryland	Yes	By Executive Order 20-03-30- 04, Maryland authorized the use of remote notarizations. The notary public must notify Maryland's Secretary of State of their intention to perform notarial acts utilizing communication technology. Notary certificate must indicate that a communication technology was used. Only specified technology platforms appear to be permitted. Applies during the remainder of the emergency.	Maryland Executive Order 20-03-30-04 Maryland Secretary of State Notice Maryland Executive Department Order

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		Maryland notary commissions and driver's licenses that expire during the emergency period may be used until the 30th day after the emergency is over.	
Massachusetts	Yes	On April 23, 2020, Governor Baker signed into law Bill S.2645, which authorizes notaries public to perform remote ink-signed notarizations utilizing electronic real time video conferencing. Both the notary public and the principal must be located in Massachusetts at the time of notarization. The principal must disclose the presence of any other individuals in the room at the time of execution. The law will be repealed three (3) business days after the termination of the Governor's March 10, 2020 state of emergency declaration.	<u>Massachusetts Bill</u> <u>S.2645</u>
Michigan	Yes	Michigan's remote notarization law (Act 330 of 2018 of the Michigan Compiled Laws) authorized remote online notarization services. Only approved vendor systems can be used. By Executive Order No. 2020- 41, Governor Whitmer temporarily suspended strict compliance with the Uniform	Michigan House Bill 5811 Michigan Law on Notorial Acts Executive Order No. 2020-41

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		Electronic Transactions Act and the Michigan Law on Notarial Acts.	
Minnesota	Yes	Minnesota has authorized notaries to perform remote online notarization services. Minnesota's remote notarization law is set forth in Chapters 358 and 359 of the Minnesota Statutes. Electronic execution is contemplated. Need to confirm if only specific vendors and electronic signatures will be accepted. A recording of the process must be maintain for 10 years.	Minnesota Statutes Chapter 358 Minnesota Statutes Chapter 359
Mississippi	Yes	By Executive Order No. 1467 dated April 6, 2020, notaries public are authorized to perform notarizations through audio-visual communication technology. The notary public must reasonably identify the principal and retain an audio- visual recording for the notary public's records for the term of his/her service. Mississippi Secretary of State Michael Watson has issued additional guidance and requirements for remote online notarizations.	Executive Order No. 1467 Secretary of State Guidance
Missouri	Yes	By Executive Order 20-08 dated April 6, 2020, Missouri authorized the use of remote online notarizations. The	Executive Order 20-08

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		principal must display a valid photo ID to the notary public during the video conference if the principal is not personally known to the notary public. Additionally, the principal and notary public must both be physically located in the State of Missouri.	<u>Secretary of State</u> <u>Guidance</u>
		Missouri Secretary of State John R. Ashcroft has issued further guidance and instructions related to Executive Order 20-08.	
Montana	Yes	Montana's remote notarization law authorizes notarizations even for signatories outside of Montana or the United States. All remote notarizations shall be recorded electronically. Montana's remote notarization law is set forth in Chapter 44.15.108.	Montana Rule 44.15.108 Montana Secretary of State Stamp Guidance
		On April 8, 2020, the Montana Secretary of State issued an adoption of a temporary emergency rule loosening requirements for the electronic notary seal/stamp.	
Nebraska	Yes	Pursuant to Executive Order and Emergency Rule, the delayed July 1, 2020 effective date of Nebraska's Online Notary Public Act has been waived, allowing for early implementation. Certain	<u>Nebraska</u> <u>Secretary of State</u> <u>notary page</u> <u>Nebraska</u> <u>Emergency Rule</u>

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		requirements such as training courses technology verification have been extended. However, online notary solution providers still have to be approved by the Secretary of State. Notary must be located in the state and must keep secure electronic records for at least 10 years.	<u>Nebraksa</u> <u>Electronic Notary</u> <u>Statutes</u>
Nevada	Yes	Nevada authorizes electronic notarial acts using remote audio-visual communications under the Electronic Notarization Enabling Act, Chapter 240.181-206 of the Nevada Revised Statutes. Nevada has imposed training requirements on prospective online notaries and require a notary to identify the technology that they intend to use, which must allow for recording of the audio/video communication and satisfy another other rule or regulations of the Secretary of State. The notary must be in the state during the process, but the signer may be outside the state, or outside the United States in certain instances.	Nevada Electronic Notarization Act
New Hampshire	Yes	By Executive Order 2020-04- #11 dated March 23, 2020, New Hampshire has temporarily authorized remote notarizations as long as the notary and the signer can	New Hampshire Executive Order 2020-04-#11

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		communicate simultaneously by sight and sound through an electronic device or process. The signer may be out of state as long as the document has an in-state purpose. A recording must be kept for the duration of the notary's commission. Upon signature, the document shall be mailed by the signer to the notary. Applies during the remainder of the emergency.	
New Jersey	Yes	On April 14, 2020, New Jersey enacted AB 3903, which temporarily authorizes New Jersey notaries public to perform remote online notarizations during the public health emergency. The notary public must retain the audiovisual recording of the notarization for a period of at least ten (10) years.	<u>New Jersey</u> <u>Assembly Bill</u> <u>3903</u>
New Mexico	Yes	By Executive Order 2020-015 dated March 30, 2020, Governor Grisham permitted remote notarization by video conference among the notary, the signer and any required witnesses. The signer must transmit the signed document to any witnesses and then to the notary on the same day, but the notarization and transmission of the document back to the signer need not be	New Mexico Executive Order 2020-015 Secretary of State Guidance

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		same day. Applies during the remained of the emergency. New Mexico Secretary of State Maggie Toulouse Oliver has also issued additional guidance regarding Executive Order 2020-015.	
New York	Yes	By Executive Order dated March 19, 2020, New York temporarily authorized notarizations through audio- video technology. On March 31, 2020, the New York Department of State issued official guidelines. The signer must be physically located in New York state. Recording is not required, but guidance from the Department of State Recommends that the notary keep a log of each notarization and note on the certification that audio visual conference was used (but failure to do these things will not invalidate the notarization). By Executive Order No. 202.28, Governor Cuomo extended this order until June 6, 2020.	New York Executive Order 202.7 Guidance to Notaries Concerning EO 202.7 New York Executive Order No. 202.28
North Carolina	Yes	On May 4, 2020, Governor Cooper signed SB 704, which includes emergency authority for video notarization. The bill will take immediate effect and will expire on August 1, 2020. The notary public and principal must utilize real-time, direct	North Carolina Senate Bill 704 North Carolina Secretary of State Guidance

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		audio-visual communication for the notarization. Both the notary public and principal must verify that they are present in the state of North Carolina at the time of notarization. The parties must further identify the county or counties where they are located at the time of the notarial act. North Carolina Secretary of State Elaine F. Marshall has issued further guidance and clarification on the legislation.	
North Dakota	Yes	North Dakota law authorizes remote online notarizations, even for signatories located outside of North Dakota and the United States, but only through an approved service provider platform. North Dakota's remote notarization law is set forth in Chapter 44- 06.1 of the North Dakota Century Code. The North Dakota Secretary of State has issued additional guidance related to remote online notarization platform providers.	North Dakota Century Code Chapter 44-06.1 North Dakota Secretary of State Guidance
Ohio	Yes	Ohio's remote notarization law authorizes online notarizations via live two-way audio-video communication and remote presentation. Ohio currently has training requirements for	<u>Ohio Revised</u> <u>Code Chapter 147</u>

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		prospective online notaries. Ohio's remote notarization law is set forth in Chapter 147 of the Ohio Revised Code.	
Oklahoma	Yes	Effective January 1, 2020, Oklahoma authorizes remote online notarizations. Oklahoma's remote notarization law is set forth in Title 49 of the Oklahoma Statutes.	<u>Oklahoma Statutes</u> <u>Title 49</u>
Oregon	No	Oregon only has electronic notarization, requires a signer's physical presence before the notary and requires use of an approved electronic notarization vendor. Oregon Secretary of State Bev Clarno has released a list of best practices to employ when performing an in-person notarization.	Oregon Electronic Notarization FAQ Best Practices for Safe In-Person Notarizations
Pennsylvania	Yes	On April 20, 2020, Pennsylvania enacted SB No. 841 (Act 15), which temporarily authorizes Pennsylvania notaries public to conduct remote online notarizations. This authorization will expire 60 days after termination or expiration of the COVID-19 disaster emergency issued by Governor Wolf.	Pennsylvania SB No. 841 Temporary Remote Online Notarization Guidance from the Pennsylvania Department of State

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		The Pennsylvania Department of State has also issued additional guidance with respect to remote online notarizations.	
Rhode Island	Yes	Effective April 3, 2020, the Rhode Island Department of State announced that remote online notarization will be permitted, subject to new Standards of Conduct. This requires use of an approved electronic notarization platform. Zoom, FaceTime and similar software and apps are explicitly prohibited. Remote notarization of a paper document sent by email or regular mail and affixing an inked notary stamp is also permitted. Applies during the remainder of the emergency.	Rhode Island Secretary of State RON policyRhode Island Notary Public Standards
South Carolina	No	A bill to authorize remote notarizations was introduced in the South Carolina House and Senate in February/March 2019, but appears to be stalled in the Judiciary House Committee.	South Carolina Remote Online Notarization Act
South Dakota	Yes	South Dakota limits remote notarizations to original paper documents and physical notary stamps only, and the notary must have "personal knowledge of the identity" of the signer through "dealings	South Dakota Codified Laws Chapter 18-1

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		sufficient to provide reasonable certainty" of the signer's identity. Both the notary and the signer need to be located in the state. South Dakota's remote notarization law is set forth in Chapter 18-1 of the South Dakota Codified Laws, originated in the House as Bill No. 1272.	
Tennessee	Yes	Tennessee authorizes remote online notarization via audio- video communication. Online notaries are required to contract with an online platform vendor. Online Notary Public Act is set forth in TCA 8-16-301 et seq, originated as Senate Bill 1758, and subject to Tennessee Department of State Rules.	TennesseeSecretary of StateOnline NotaryGuideTennessee OnlineNotary Public Act
Texas	Yes	Texas authorizes online notarization through two-way audio-video conferencing technology. Texas' remote notarization law is set forth in Chapter 406 of the Texas Statutes. By news release dated March 19, 2020, the Texas Department of Public Safety extended the expiration of Texas driver's licenses and ID cards that expire on or after March 13, 2020, to 60 days after the end of the emergency.	Texas Statutes Chapter 406Texas Online Notary Public Educational InformationTexas Driver's License Updates

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Utah	Yes	To become a remote notary, Utah currently requires each individual to submit an application to the Lieutenant Governor. Remote online notarization must be done through an approved platform vendor. Utah's remote notarization law is set forth in Title 46, Chapter 1, Section 16 of the Utah Code.	<u>Utah Code Title</u> <u>46, Chapter 1</u> <u>Utah Remote</u> <u>Notary Process</u>
Vermont	Yes	By Guidance on Emergency Rules for Notaries Public and Remote Notarization, dated March 24, 2020, the Vermont Secretary of State gave guidance on emergency administrative rules permitting notaries and signatories to satisfy the personal appearance requirement through a secure communication link that is recorded and saved for at least seven years. Among the rules, both the notary and the signer must be physically located in the state. Transmission of the document by the signer must be sent same day and may be by mail, email, fax or photograph, but the notary's act must be an original or "wet signature." The Rules provide that they should be used "sparingly" and "do not authorize any form of electronic notarial acts or remote online notarization." Expiration of the Rules is	Vermont Secretary of State Guidance

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		unclear, but they appear to be intended to last during the remainder of the emergency.	
Virginia	Yes	Virginia notaries are authorized to perform remote online notarizations. Virginia's remote notarization law is set forth in Section 47.1-2, Section 47.1-14 C, and Section 19.2- 3.1, B 1, 2, and 3 of the Virginia Code.	Virginia Code Section 19 Virginia Electronic Notary FAQs
Washington	Yes	By Proclamation 20-27 by the Governor dated March 24, 2020, remote notarial acts will be effective immediately. Washington had previously passed Senate Bill 5641, a remote notarization law that was set to take effect October 1, 2020.	Washington Governor Amendatory Proclamation Proclamation 20- 27.2
		By Proclamation 20-27.2, dated May 5, 2020, Proclamation 20-27 was extended through May 31, 2020,	
Washington, D.C.	No	The Washington D.C. Office of the Secretary released a question and answer note clarifying the status of notarizations during the state of emergency. With respect to remote notarizations, the	District of Columbia Notary Public Handbook Washington D.C.
		Secretary stated: "[w]e are not currently equipped from an infrastructure, technology or staffing perspective to move	Office of the Secretary Notary

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		forward on electronic notarizations or remote notarization at this time." On May 4, 2020, two remote online notarization bills were introduced to the Council of the District of Columbia, Bill 750 and Bill 751. Both bills are currently pending in the Council.	<u>Commissions</u> <u>Q&A</u>
West Virginia	Yes	By Executive Order 11-20 dated March 25, 2020, the Governor of West Virginia suspended the requirement of personal appearance for a notarial act. On March 31, 2020, the West Virginia Secretary of State provided implementation rules. The remote notarization must be done using an electronic device, technology, process or combination thereof with the ability to communicate simultaneously by sight and sound. A recording must be made and held for the duration of the notary's commission. Subject to certain limitations, the signer need not be physically present in the state. The signer must mail the signed document to the notary, and the notary must sign and stamp or seal the document. Applies during the remainder of the emergency.	Executive Order No. 11-20

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Wisconsin	Yes	On March 5, 2020, Assembly Bill 293 was enacted authorizing remote online notarization, subject to a May 1, 2020, effective date to allow for implementation rules to be finalized. On March 18, 2020 (updated March 20, 2020), the Wisconsin Department of Financial Institution issued an Emergency Guidance on Remote Notarization interpreting what it means to "appear" before a notary, and for documents to be signed "in the presence" of witnesses in the context of a pandemic. Among the requirements, the notary must be a trained online notary and use a state approved online platform. Such guidance applies "until further notice to be given once this crisis abates."	Wisconsin Act <u>125</u> Wisconsin Emergency <u>Guidance on</u> <u>Remote</u> <u>Notarization</u>
Wyoming	Yes	By notice dated March 24, 2020, the Wyoming Secretary of State offered Guidance on Temporary Online Notary Services. The guidance provides that given the circumstances of the emergency, Wyoming law that requires presence of the notary also permits a notary to be present through a remote online notarization with live video and audio connection. The guidance will be reevaluated on July 1, 2020, or	Wyoming Secretary of State Notice

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		when the state of emergency is lifted.	