Morgan Lewis

REMOTE ONLINE NOTARY STATUTES IN THE UNITED STATES

Last updated: 5/8/20 reflecting publications through 5/7/20. Note that this chart, and hyperlinked references, relate to <u>transactional</u> document execution only.

| State | Currently Performing | Remote Online Notarization Statute | Executive Order/Emergency Enabling |
|-------------|-----------------------------|---|---|
| Alabama | | | Fourth Supplemental Statement of Emergency Proclamation by the Governor |
| Alaska | | Pending ¹ | |
| Arizona | | Yes ² | Executive Order 20-26 and Administrative Rules |
| Arkansas | | | Executive Order 20-12 |
| California† | N/A | N/A | N/A |
| Colorado | | | Executive Order D 2020-19, as extended by Executive Order D 2020-30 and Executive Order D 2020 47, and Notice of Temporary Adoption |
| Connecticut | | | Executive Order 70 |
| Delaware† | N/A | N/A | N/A |
| Florida | X | <u>Yes</u> | |
| Georgia | | | Executive Order 4.09.20.01 |
| Hawaii | | | Executive Order 20-02 and Emergency Rules Relating to Remote Notarization |
| Idaho | X | Yes, additionally, see promulgated rules. | |
| Illinois | | | Governor's Executive Order 2020-14 and Guidance on Remote Online Notarization |
| Indiana | | Yes* | |

¹ House Bill 124 to be effective January 1, 2021.

² Senate Bill 1030 original effective date of July 1, 2020 modified to April 10, 2020 by Executive Order.

| Emergency — Limited Suspension of Iowa Code 29C.6(6) as extended by subsequent Governor's Proclamation of Disaster Emergency Kansas | Γ- | | l = 2 | |
|--|----------------|---|----------------------|---|
| Code 29C.6(6) as extended by subsequent Governor's Proclamation of Disaster Emergency Kansas Kentucky X Yes Senate Bill 150 pursuant to Executive Order 20-20 Executive Drder 20-20 Executive Department Proclamation Number 37 JBE 2020 Maine Bending Pending Pending Executive Order 37 Ff 19/20 Massachusetts† Chapter 71 of the Acts of 2020 Michigan X Yes Mississippi Fixecutive Order 20-03-30-04 and updated Remote Notary Waiver Chapter 71 of the Acts of 2020 Mississippi Executive Order 20-07-4 Missouri Executive Order 20-07-4 Missouri Executive Order No. 1467 Missouri Executive Order 10-08 Montana X Yes Nebraska Pending Executive Order 20-13 and Emergency Rules Nevada X Yes Emergency Order #11; Executive Order 20-00-04 Executive Order 20-015 Executive Order 20-015 Executive Order 20-02-015 Executive Order No. 20.2.7 - Limited Suspension of Section 29-a of Article 2-B of the Executive Law and Guidance to Notaries Concerning Executive Law and Guidance to Notaries Concerning Executive Law and Guidance to Notaries Concerning Executive Law and Guidance to Notaries Concerning Executive Law and Guidance to Notaries Concerning Executive Law and Guidance to Notaries Concerning Executive Law and Guidance to Notaries Concerning Executive Law and Guidance to Notaries Concerning Executive Law and Guidance to Notaries Concerning Executive Order No. 202.7 North Carolina North Dakota | Iowa | | Pending ³ | Governor's Proclamation of Disaster |
| Kansas Kentucky Kansas Kentucky Kentuck | | | | Emergency – Limited Suspension of Iowa |
| Kansas Executive Order 20-20 Kentucky X Yes Senate Bill 150 pursuant to Executive Order 20-215 Louisiana Executive Department Proclamation Number 37 JBE 2020 Maine Executive Order 37 FY 19/20 Maryland Pending ⁴ Executive Order 37 FY 19/20 Massachusetts† Executive Order 37 FY 19/20 Massachusetts† Executive Order 20-03-30-04 and updated Remote Notary Waiver Massachusetts† Chapter 71 of the Acts of 2020 Michigan X Yes Executive Order 2020-74 Minnesota X Yes Mississippi Executive Order 2020-74 Missouri Executive Order 20-08 Montana X Yes Nebraska Pending ⁵ Executive Order 20-13 and Emergency Rules Nevada X Yes New Hampshire Emergency Order #11; Executive Order 2020-04 New Jersey Senate Bill 3903 New Mexico Executive Order 2020-015 New York Executive Order 2020-015 New York Executive Order 2020-015 New York Executive Order No. 202.7 — Limited Suspension of Section 29-a of Article 2-B of the Executive Law and Guidance to Notaries Concerning Executive Order No. 202.7 North Carolina North Dakota Yes* Senate Bill 704 North Dakota Order No. 202.7 North Carolina Senate Bill 704 North Dakota Order 200-016 Senate Bill 704 North Dakota Order 200-016 Senate Bill 704 North Dakota Order 2020-017 Data of Article 2-B of the Executive Order No. 202.7 North Carolina Order 2020-018 Senate Bill 704 North Dakota Order 2020-019 Senate Bill 704 North Dakota Order 2020-019 | | | | |
| Kentucky X Yes Senate Bill 150 pursuant to Executive Order 20-20 Kentucky X Yes Senate Bill 150 pursuant to Executive Order 2020-215 Louisiana Executive Department Proclamation Number 37 JBE 2020 Maine Pending Executive Order 37 FY 19/20 Maryland Pending Executive Order 20-03-30-04 and updated Remote Notary Waiver Chapter 71 of the Acts of 2020 Michigan X Yes Executive Order 2020-74 Minnesota X Yes Minnesota X Yes Montana X Yes Montana X Yes Nebraska Pending Executive Order No. 1467 Messouri Executive Order 20-08 Mew Hampshire Emergency Order #11; Executive Order 2020-04 New Jersey Senate Bill 3903 New Mexico Executive Order No. 202.7 - Limited Suspension of Section 29-a of Article 2-B of the Executive Law and Guidance to Notaries Concerning Executive Order No. 202.7 - Limited Suspension of Section 29-a of Article 2-B of the Executive Law and Guidance to Notaries Concerning Executive Order No. 202.7 - Senate Bill 704 North Dakota Yes* North Dakota | | | | |
| Kentucky X Yes Senate Bill 150 pursuant to Executive Order 2020-215 Louisiana Executive Department Proclamation Number 37 JBE 2020 Maine Executive Order 37 FY 19/20 Maryland Pending Executive Order 37 FY 19/20 Massachusetts Chapter 71 of the Acts of 2020 Michigan X Yes Executive Order 20-03-30-04 and updated Remote Notary Waiver Mississippi Executive Order 2020-74 Missouri Executive Order 2020-74 Missouri Executive Order No. 1467 Missouri Executive Order 20-08 Montana X Yes Nebraska Pending Executive Order 20-13 and Emergency Rules Nevada X Yes New Hampshire Emergency Order #11; Executive Order 20-04 New Jersey Esnate Bill 3903 New Mexico Executive Order 2020-015 New York Executive Order No. 202.7 — Limited Suspension of Section 29-a of Article 2-8 of the Executive Law and Guidance to Notaries Concerning Executive Order No. 202.7 — Limited Suspension of Section 29-a of Article 2-8 of the Executive Law and Guidance to Notaries Concerning Executive Order No. 202.7 — Senate Bill 704 North Dakota North Dakota North Dakota Yes* Secretary of State — Guidance on Remote Online Notarization | ., | | | |
| Louisiana Louisiana Bixecutive Department Proclamation Number 37 JBE 2020 Maine Pending Executive Order 37 FY 19/20 Maryland Pending Executive Order 20-03-30-04 and updated Remote Notary Waiver Massachusetts† Chapter 71 of the Acts of 2020 Michigan X Yes Executive Order 20-02-74 Minnesota X Yes Mississippi Executive Order No. 1467 Missouri Montana X Yes Montana X Yes Mebraska Pending Executive Order 20-13 and Emergency Rules New Hampshire Rew Hampshire Emergency Order #11; Executive Order 20-015 New Jersey New Jersey New Jersey New Mexico Executive Order No. 202.7 — Limited Suspension of Section 29-a of Article 2-B of the Executive Order No. 202.7 — Limited Suspension of Section 29-a of Article 2-B of the Executive Order No. 202.7 — Senate Bill 704 North Carolina North Dakota North Dakota North Dakota Pending Executive Order No. 202.7 — Concerning Executive Order No. 202.7 — Senate Bill 704 North Dakota North Dakota North Dakota Pending Executive Order No. 202.7 — Guidance on Remote Online Notarization | Kansas | | | |
| Maine Maryland Pending Maryland Pending Maryland Pending Massachusetts† Michigan X Yes Executive Order 20-03-30-04 and updated Remote Notary Waiver Chapter 71 of the Acts of 2020 Michigan X Yes Executive Order 2020-74 Minnesota X Yes Executive Order No. 1467 Executive Order No. 1467 Mississippi Montana X Yes Montana X Yes Nebraska Pending New Hampshire Emergency Order #11; Executive Order 20-13 and Emergency Rules Emergency Order #11; Executive Order 2020-04 New Jersey Senate Bill 3903 New Mexico Executive Order 20-0.15 Executive Order 20-0.27 — Limited Suspension of Section 29-a of Article 2-B of the Executive Law and Guidance to Notaries Concerning Executive Order No. 202.7 North Carolina North Dakota Yes* Secretary of State — Guidance on Remote Online Notarization | Kentucky | X | <u>Yes</u> | |
| Maryland Pending ⁴ Executive Order 20-03-30-04 and updated Remote Notary Waiver Chapter 71 of the Acts of 2020 Michigan X Yes Minnesota X Mississippi Executive Order 20-074 Missouri Montana X Nebraska Pending ⁵ Executive Order 20-08 Montana X Yes Rewada X New Hampshire Emergency Order #11; Executive Order 20-04 New Jersey New Jersey New Mexico New York Mexico New York Montana North Carolina North Carolina North Dakota Pending ⁴ Executive Order 20-03-30-04 Executive Order 2020-74 Executive Order 20-13 and Emergency Rules Emergency Order #11; Executive Order 2020-04 Executive Order 11; Executive Order 2020-04 Senate Bill 3903 Executive Order 2020-015 Executive Order No. 202.7 - Limited Suspension of Section 29-a of Article 2-B of the Executive Law and Guidance to Notaries Concerning Executive Order No. 202.7 Senate Bill 704 North Ostarization | Louisiana | | | |
| Massachusetts† Massachusetts† Massachusetts† Michigan X Yes Minnesota X Mississippi Missouri Montana X Yes Mebraska Nevada X Yes New Hampshire Mew Jersey New Jersey New Jersey New Mexico New York Mexico New York Mexico New York Montana X Yes Memote Notary Waiver Lexcutive Order 2020-74 Executive Order No. 1467 Executive Order 20-08 Executive Order 20-08 Executive Order 20-13 and Emergency Rules Emergency Order #11; Executive Order 2020-04 New Jersey Senate Bill 3903 New Mexico Executive Order 2020-015 Executive Order No. 202.7 — Limited Suspension of Section 29-a of Article 2-B of the Executive Law and Guidance to Notaries Concerning Executive Order No. 202.7 North Carolina North Dakota Yes* Secretary of State — Guidance on Remote Online Notarization | Maine | | | Executive Order 37 FY 19/20 |
| Massachusetts† Michigan X Yes Executive Order 2020-74 Minnesota X Mississippi Executive Order No. 1467 Executive Order No. 1467 Executive Order 20-08 Missouri Executive Order 20-08 Montana X Yes Nebraska Pending ⁵ Executive Order 20-13 and Emergency Rules Nevada X New Hampshire Emergency Order #11; Executive Order 2020-04 New Jersey Senate Bill 3903 New Mexico New York Executive Order 20-015 Executive Order 20-015 Executive Order 20-02-015 Executive Order 20-02-015 Executive Order No. 202.7 – Limited Suspension of Section 29-a of Article 2-B of the Executive Law and Guidance to Notaries Concerning Executive Order No. 202.7 North Carolina North Dakota Yes* Secretary of State – Guidance on Remote Online Notarization | Maryland | | Pending ⁴ | |
| Michigan X Yes Executive Order 2020-74 Minnesota X Yes Mississippi Executive Order No. 1467 Missouri Executive Order 20-08 Montana X Yes Nebraska Pending ⁵ Executive Order 20-13 and Emergency Rules Nevada X Yes New Hampshire Emergency Order #11; Executive Order 2020-04 New Jersey Senate Bill 3903 New Mexico New York Executive Order No. 202.7 – Limited Suspension of Section 29-a of Article 2-B of the Executive Law and Guidance to Notaries Concerning Executive Order No. 202.7 North Carolina North Dakota North Dakota Yes* Mississippi Executive Order No. 1467 Executive Order 20-08 Executive Order 20-13 and Emergency Rules Executive Order #11; Executive Order 2020-014 Executive Order #11; Executive Order 2020-015 Executive Order 10. 202.7 – Limited Suspension of Section 29-a of Article 2-B of the Executive Law and Guidance to Notaries Concerning Executive Order No. 202.7 North Carolina Senate Bill 704 North Dakota | | | | |
| Minnesota X Yes Mississippi Executive Order No. 1467 Missouri Executive Order 20-08 Montana X Yes Nebraska Pending ⁵ Executive Order 20-13 and Emergency Rules Nevada X Yes New Hampshire Emergency Order #11; Executive Order 2020-04 New Jersey Senate Bill 3903 New Mexico Executive Order 2020-015 New York Executive Order No. 202.7 – Limited Suspension of Section 29-a of Article 2-B of the Executive Law and Guidance to Notaries Concerning Executive Order No. 202.7 North Carolina North Dakota Yes* Secretary of State – Guidance on Remote Online Notarization | Massachusetts† | | | Chapter 71 of the Acts of 2020 |
| Mississippi Missouri Montana X Yes Nebraska Nevada X New Hampshire Emergency Order #11; Executive Order 20-015 New Jersey New Mexico New York Executive Order 20-015 New York Executive Order 2020-015 Executive Order 2020-015 Executive Order No. 202.7 – Limited Suspension of Section 29-a of Article 2-B of the Executive Law and Guidance to Notaries Concerning Executive Order No. 202.7 North Carolina North Dakota Yes* Executive Order No. 202.7 Senate Bill 704 Secretary of State – Guidance on Remote Online Notarization | Michigan | X | Yes | Executive Order 2020-74 |
| Missouri Montana X Yes Nebraska Pending ⁵ New Hampshire Emergency Order 20-13 and Emergency Rules New Jersey New Jersey New Mexico New York Executive Order 2020-015 Executive Order 2020-015 Executive Order No. 202.7 – Limited Suspension of Section 29-a of Article 2-B of the Executive Law and Guidance to Notaries Concerning Executive Order No. 202.7 North Carolina North Dakota Yes* Secretary of State – Guidance on Remote Online Notarization | Minnesota | X | <u>Yes</u> | |
| Montana X Yes Nebraska Pending ⁵ Executive Order 20-13 and Emergency Rules Nevada X Yes New Hampshire Emergency Order #11; Executive Order 2020-04 New Jersey Senate Bill 3903 New Mexico Executive Order 2020-015 New York Executive Order No. 202.7 – Limited Suspension of Section 29-a of Article 2-B of the Executive Law and Guidance to Notaries Concerning Executive Order No. 202.7 North Carolina Senate Bill 704 North Dakota Yes* Secretary of State – Guidance on Remote Online Notarization | Mississippi | | | Executive Order No. 1467 |
| Nebraska Nevada X Yes New Hampshire Emergency Order #11; Executive Order 20-04 New Jersey New Mexico New York Executive Order 2020-015 Executive Order No. 202.7 – Limited Suspension of Section 29-a of Article 2-B of the Executive Law and Guidance to Notaries Concerning Executive Order No. 202.7 North Carolina North Dakota Yes* Executive Order 10. 20-13 and Emergency Rules Emergency Order #11; Executive Order 2020-015 Executive Order 2020-015 Executive Order No. 202.7 – Limited Suspension of Section 29-a of Article 2-B of the Executive Law and Guidance to Notaries Concerning Executive Order No. 202.7 Senate Bill 704 Secretary of State – Guidance on Remote Online Notarization | Missouri | | | Executive Order 20-08 |
| Nevada X New Hampshire Emergency Order #11; Executive Order 2020-04 New Jersey New Mexico New York Executive Order 2020-015 Executive Order No. 202.7 – Limited Suspension of Section 29-a of Article 2-B of the Executive Law and Guidance to Notaries Concerning Executive Order No. 202.7 North Carolina North Dakota Yes* Emergency Order #11; Executive Order 2020-015 Executive Order 2020-015 Executive Order No. 202.7 – Limited Suspension of Section 29-a of Article 2-B of the Executive Law and Guidance to Notaries Concerning Executive Order No. 202.7 Senate Bill 704 North Dakota | Montana | X | | |
| New Hampshire Emergency Order #11; Executive Order 2020-04 | Nebraska | | Pending ⁵ | Executive Order 20-13 and Emergency Rules |
| New Jersey New Mexico New York New York North Carolina North Dakota Senate Bill 3903 Executive Order 2020-015 Executive Order No. 202.7 – Limited Suspension of Section 29-a of Article 2-B of the Executive Law and Guidance to Notaries Concerning Executive Order No. 202.7 Senate Bill 704 Yes* Secretary of State – Guidance on Remote Online Notarization | Nevada | X | <u>Yes</u> | |
| New Mexico New York New York North Carolina North Dakota Executive Order 2020-015 Executive Order No. 202.7 – Limited Suspension of Section 29-a of Article 2-B of the Executive Law and Guidance to Notaries Concerning Executive Order No. 202.7 Senate Bill 704 Yes* Secretary of State – Guidance on Remote Online Notarization | New Hampshire | | | |
| New York Executive Order No. 202.7 – Limited Suspension of Section 29-a of Article 2-B of the Executive Law and Guidance to Notaries Concerning Executive Order No. 202.7 North Carolina Senate Bill 704 | New Jersey | | | Senate Bill 3903 |
| Suspension of Section 29-a of Article 2-B of the Executive Law and Guidance to Notaries Concerning Executive Order No. 202.7 North Carolina North Dakota Yes* Secretary of State – Guidance on Remote Online Notarization | New Mexico | | | Executive Order 2020-015 |
| North Dakota The Executive Law and Guidance to Notaries Concerning Executive Order No. 202.7 Senate Bill 704 Secretary of State – Guidance on Remote Online Notarization | New York | | | Executive Order No. 202.7 – Limited |
| North Carolina North Dakota Yes* Concerning Executive Order No. 202.7 Senate Bill 704 Secretary of State – Guidance on Remote Online Notarization | | | | |
| North Carolina North Dakota Yes* Senate Bill 704 Secretary of State – Guidance on Remote Online Notarization | | | | the Executive Law and Guidance to Notaries |
| North Dakota Yes* Secretary of State – Guidance on Remote Online Notarization | | | | |
| Online Notarization | North Carolina | | | Senate Bill 704 |
| Online Notarization | North Dakota | | Yes* | Secretary of State – Guidance on Remote |
| Ohio X <u>Yes</u> | | | | |
| | Ohio | X | Yes | |

 $^{^{3}}$ Senate File 475 to be effective July 1, 2020.

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⁴ Senate Bill 678 to be effective October 1, 2020.

⁵ Legislative Bill 186 to be effective July 1, 2020.

| Oklahoma | X | <u>Yes</u> | |
|-----------------------|-----|--|--|
| Oregon† | N/A | N/A | N/A |
| Pennsylvania | | | Senate Bill 841 |
| Rhode Island | | | Standards of Conduct for Notaries Public in |
| | | | the State of Rhode Island and Providence |
| | | | Plantations Promulgated by the Governor |
| South Carolina† | N/A | N/A | and Secretary of State N/A |
| | | · · · · · · · · · · · · · · · · · · · | IVA |
| South Dakota | X | <u>Yes</u> | |
| Tennessee | X | Yes; additionally, see promulgated rules | |
| Texas | X | <u>Yes</u> | Executive Order suspending certain statutes and |
| | | | permitting all notaries to use videoconferencing |
| Utah | X | <u>Yes</u> | |
| Vermont | Х | Yes* | Secretary of State - Vermont Emergency |
| | | | Remote Notarial Act Rules as clarified by |
| | | | Senate Bill 114 |
| Virginia | X | <u>Yes</u> | |
| Washington | | Pending ⁶ | Proclamation 20-27 by the Governor |
| | | | Amending Proclamation 20-05 and immediately |
| | | | and temporarily enacting RON legislation prior to |
| NA . N | | | October 1, 2020 |
| West Virginia | | | Executive Order 11-20 and Emergency |
| Wissensin | | Voc | Guidance to Emergency Rule |
| Wisconsin | | <u>Yes</u> | <u>Department of Financial Institutions – Emergency Guidance</u> |
| Wyoming | | | Secretary of State – Emergency Guidance |
| vvyoning | | | enabling temporary remote online |
| | | | notarization |
| District of Columbia† | N/A | N/A | N/A |

[†]Electronic notarization is permitted, but physical or "personal" presence is required.

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^{*}While a RON law exists, no enabling regulations have been enacted to provide a regulatory process.

⁶ RCW 42.45.280 to be effective October 1, 2020.