

SECURE NOTARIZATION ACT



The Securing and Enabling Commerce Using Remote and Electronic Notarization Act (SECURE Notarization Act) increases access to remote transactions for consumers. The last year has demonstrated how technology can be leveraged to modernize services across a variety of markets.

Notarizations are widely used for real estate, financial services, and other legal documents. Remote Online Notarization (RON) allows the consumer, notary and other parties to a transaction to be in different locations using two-way audio-visual communication to securely notarize documents. This process provides assured consumer access to notarization, allows for flexible scheduling and affords consumers time to review documents and proceed when they are ready to sign. As of April 2021, 33 states have approved the use of RON under state law.

The SECURE Notarization Act expands access to remote online notary, with no cost for taxpayers.

- ✓ Permits immediate nationwide use of RON
- ✓ Creates national minimum standards for its use
- ✓ Provides certainty for the interstate recognition of RON

The SECURE Notarization Act **would**:

1. Authorize every notary in the US to perform RON.
2. Create national standards requiring use of tamper-evident technology, multifactor authentication of a signer and retention of an audio-visual recording of the notarial act.
3. Allow signers outside the US, such as military personnel and their families, to easily and securely notarize documents.
4. Complement existing state laws, while allowing states the flexibility and freedom to implement their own RON standards.
5. Follow a similar structure of complementary state/federal legislation, such as the Electronic Signatures in Global and National Commerce Act (ESIGN) and the Uniform Electronic Transactions Act (UETA).

The SECURE Notarization Act **would not**:

1. Impede consumer choice.
2. Preempt state laws that adhere to minimum uniform consumer protections, such as those laws based on the Uniform Law Commission's non-partisan Revised Uniform Law on Notarial Acts, 2018.
3. Infringe upon state data privacy laws.
4. Impact state law on testamentary wills and trusts or the practice of law.
5. Favor specific technology or restrict the use of new and emerging advancements.