

## Securing and Enabling Commerce Using Remote and Electronic Notarization Act of 2020 (SECURE Notarization Act)

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**Question:** What's wrong with states that haven't yet passed Remote Online Notary (RON) laws temporarily allowing notarizations to be done on common technology platforms consumers use all the time like Skype and FaceTime?

**Answer:** Unfortunately, it's not that simple. Fundamentally, this type of process will not provide the anti-fraud protections that the notary process is intended to solve for.

In fact, such an approach is dangerous and would inaugurate a race to the bottom when thoughtful and robust consumer protection standards are readily available through the SECURE Notarization Act.

A FaceTime or Skype type notarization **wouldn't**:

- Confirm identity – There wouldn't be adequate evidence to validate a signer's identity, in order to protect against fraud. Multi-factor authentication measures such as Knowledge Based Authentication questions and tools to verify a driver license or other ID is valid wouldn't be used.
- Preserve a record of the signing – There wouldn't be an audio-video recording of the signing event.
- Provide a signing or notarization feature – There is no way for a signer or notary to provide an electronic signature on documents.
- Be tamper evident – There would not be a tamper seal on documents associated with the notarization.
- Secure non-public information – Real estate transactions require the exchange of non-public information. This data exchange must comply with safe-guards under the Gramm-Leach-Bliley Act.

By way of background, model legislation by the non-partisan Uniform Law Commission as well as laws enacted by states to allow RON all incorporate certain core principles for the safe use of this technology by consumers. Safeguards include requiring multilayers of identity verification, use of tamper-evident technology and an audio-video recording of the notarial act.

Rather than moving forward with measures that are inadequate and put consumer information at risk, Members of Congress should immediately pass the SECURE Notarization Act to ensure anyone living in a state which has not yet enacted RON, will be able to rely on these robust standards in the performance of their notarization.