



FREQUENTLY ASKED QUESTIONS

SECURE Notarization Act

1. Q: Why is the SECURE Notarization Act important for my constituents?

A: The SECURE Notarization Act allows constituents to close real estate transactions and execute legal, healthcare, financial or other vital documents from the safety of their own homes. Businesses and individuals can securely execute these documents utilizing two-way audio-visual communication, otherwise known as Remote Online Notarization (RON). The SECURE Notarization Act creates consumer choice, giving individuals in every state the option to utilize a remote notary. Additionally, the SECURE Notarization Act ensures these more modern types of notarization are considered the legal equivalent to traditional paper notarizations.

2. Q: Who supports the SECURE Notarization Act?

A: Over a dozen national trade associations and their members/firms nationwide, including the American Land Title Association, Mortgage Bankers Association, and National Association of Realtors, among others. In addition, over 60 state associations and their members are strong supporters of this effort across a variety of industries. Currently, the legislation (H.R. 3962/S. 1625) sponsored by Reps. Dean (D-PA) and Armstrong, as well as (R-ND) Sens. Warner (D-VA) and Cramer (R-ND), has nearly 90 bipartisan cosponsors in the House and Senate.

3. Q: Why is notarization important for real estate transactions?

A: In the United States, real estate transfer documents are signed by parties in the presence of a notary and then are typically recorded in local land records (register of deeds) at the end of a transaction. These public records, such as mortgages and deeds, are required by law to be notarized and they provide the world with constructive notice about American property rights. The ability to create and rely on the validity of these records is central to our real estate market and provides a fundamental foundation for all parties when mortgaging, purchasing, and selling real property.

4. Q: Is RON new? Has it been tested before?

A: RON has already been enacted in 40 states. It has been available and utilized by consumers since 2012.

5. Q: What are the minimum national standards included in the SECURE Notarization Act?

A: The SECURE Notarization Act requires multi-factor authentication (i.e. knowledge-based authentication and credential analysis), use of tamper-evident technology and an audio-visual recording of the notarial act.

6. Q: Does the SECURE Notarization Act stop states from promulgating their own laws, regulations, and specific notary training?

A: No. The SECURE Notarization Act sets the floor, not the ceiling, on use of RON. Nothing prevents states from passing their own laws or setting their own regulations. The minimum regulations set forth in the act are to ensure consumers are adequately protected when using RON.

7. Q: Why does the SECURE Notarization Act matter if my state already allows RON?

A: The SECURE Notarization Act ensures any remote notarization, being relied on for any type of transaction in any state, is subject to the same minimum standards. This provides nation-wide consumer protections and vital anti-fraud measures. Additionally, the SECURE Notarization Act creates certainty around questions of interstate recognition, giving notaries the confidence to remotely notarize documents for use in any type of transaction anywhere in the United States.

8. Q: Does this replace the notarial process or limit consumer options or rights?

A: No. RON is just another option for consumers to use. Consumer rights and optionality must be protected in every respect. Consumers must always have the choice of utilizing their preferred method of notarization.