

Temporary Emergency Video Notarization Authorized

Pursuant to Senate Bill 704, in consultation with and at the recommendation of Secretary of State Elaine F. Marshall, all Notaries Public as public officers of the State of North Carolina may temporarily perform emergency video notarizations until Aug. 1, 2020 so that notarial acts will not impede crucial business transactions, real estate transactions, medical documents, court documents, and most other important document notarizations.

The following temporary emergency video notarization requirements were passed by the General Assembly and signed by Governor Cooper on May 4, 2020. They take effect immediately and will sunset on August 1, 2020.

This temporary authorization specifically excludes video notarizations of:

- a. Documents under Article 20 of Chapter 163 of the General Statutes, which includes absentee ballots
- b. Proofs or Verifications as defined in G.S. 10B-3(28)

Video Notarization Requirements

1. The parties must use video conference technology that allows for direct, real-time interaction between the principal signer(s) and the Notary. No pre-recorded video or audio is allowed.
2. The audio-video technology quality shall allow for clear visual observation of the face of each participant and clear visual observation of any identification being provided. It must also include audio clear enough that each participant can hear and understand all other participants.
3. Personal knowledge of identity may be used for identification purposes. In lieu of personal knowledge, the principal signer(s) must have an acceptable form of identification which they will hold up to the video recording device long enough for the notary to confirm that it is a form of identity that meets the requirements of satisfactory evidence of identity, which includes at least one document that meets all the following:
 - a. It is current or not expired prior to March 10, 2020;
 - b. Issued by a state, federal or recognized tribal government agency;
 - c. Has a picture of the principal's face.
 - d. Has a physical description and signature of the principal.
4. Each principal signer(s) must indicate that they are physically located in the state of North Carolina and identify the county where he or she is located at the time of the notarial act. The notary shall use video conference technology to observe each principal sign each document to be notarized. The principal shall state what documents are being signed for the notarial record. In the case of an oath or affirmation the notary must administer the oath or affirmation to the affiant in real time over the live video feed.

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5. If an original wet-signed notarization on an original wet-signed document is **not** required, the principal or principal's designee shall transmit by fax or other electronic means a legible copy of the signed document directly to the Notary on the same day it was signed. For documents transmitted by fax or electronic means, the Notary shall notarize the signature on the transmitted copy of the document and transmit the notarized document back to the principal or principal's designee on the same day.
6. If an original wet-signed notarization on an original wet-signed document **is** required, transmit a legible copy of the signed document by fax or other electronic means to the notary on the same day on which the document was signed and also deliver the original signed document to the notary by mail or other physical method. The notary shall compare the original document with the document transmitted by fax or other means. If the documents are determined to be the same, the notary shall notarize the wet-signature on the original document and date the notarial act as of the date of the act observed using video conference technology and promptly transmit the original wet-notarized original document to the principal or principal's designee by mail or other physical delivery as directed by the principal.
7. The notary is **required** to record the details of this emergency video notarization transaction in a notary journal and it must be retained by the notary for at least 10 years and may be maintained in electronic form. The notary shall keep in the journal in a secure location and shall not allow another person to make entries. A notary may surrender the journal to the notary's employer upon termination of employment, but the notary shall also keep and maintain an accurate copy of the journal. At a minimum, the notary is required to include the following information in a journal for each emergency video notarization:
 - a. Time of day when the notary observed the signing of the document by each principal and was presented with the principal's acceptable form of identification
 - b. Date of the completion of the emergency video notarization notarial certificate
 - c. Last and first name of the principal signer
 - d. Type of notarial act performed
 - e. Type of document notarized or proceeding performed
 - f. Type of acceptable form of identification presented including, if applicable, issuing agency and identification number on the identification presented
 - g. Type of video conference technology used during the emergency video notarization
 - h. Statement that the notary and each principal signer could see and hear each other
 - i. Whether other persons were present in the room with the principal signer(s) and if so, the name of that person(s).

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The notary **may** want to include other documentation in the journal such as:

- j. An electronic recording using the video conference technology's recording and storage services, a video recording of the video conference using an independent recording device like a Smart Phone, or electronically-saved screen shots of the transaction that clearly shows the face of each participant, any identification presented, and the notarized documents(s). This may be required by some interested parties to transactions, i.e. title insurance companies, mortgage lenders, or others.
- k. How the notary public confirmed that the document signed by the principal signer(s) during the emergency video notarization is the same as the one presented to the notary for the notarial certificate.

8. A notary may decline to perform a notarial act if the notary is not satisfied that the principal's identity has been satisfactorily proven.

9. An emergency video notarization shall not change any originality verification requirements for recording with Registers of Deeds, Clerks of Superior Court, or other government or private office in this State.

In addition to any notarial certificate required by law, the party preparing the notarial certificate must include the following language in the certificate:

1. I signed this notarial certificate on _____ (Date) according to the emergency video notarization requirements contained in G.S. 10B-25.
2. The North Carolina county in which the Notary Public was located during the emergency video notarization.
3. The North Carolina county in which the principal signer(s) stated they were physically located during the emergency video notarization.

Notaries are trusted public officials and are required to maintain confidentiality of the signer's documents at all times.

Remaining in effect is the requirement for any electronic notary solution used by an N.C. Electronic Notary for eNotarizations to be approved by the N.C. Secretary of State.18 NCAC 07C.0500.

For questions about these requirements, please send by email to notary@sosnc.gov. We will make every effort to respond as quickly as possible during normal work hours.

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