



# Michael Watson

## SECRETARY OF STATE

**For Immediate Release:** Tuesday, April 7, 2020

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### **State Officials Waive In-Person Requirement for Notarization of Documents**

*Jackson, Miss.* – After listening to concerns brought forth by the Secretary of State’s Office, Governor Tate Reeves ordered to waive the in-person requirement for notarizing documents in Mississippi for the duration of the COVID-19 emergency, subject to guidance provided by Secretary of State Michael Watson. Executive Order 1467, effective April 7, 2020, authorizes remote notarizations and the Secretary of State’s temporary guidance.

“Anytime our office can assist individuals and businesses alike to make life a little easier, especially in times like these, we jump at the chance,” said Secretary Michael Watson. “This waiver allows Mississippians to conduct business and tend to vital transactions while still following COVID-19 health guidelines. Incredibly thankful for Jeff Lee, Preston Goff, and Leigh Janous from our office, as well as everyone in the business community for their input in getting this finalized.”

The requirements for remote notarization and remote online notarization are as followed:

- You must be a currently commissioned notary in Mississippi, in good standing.
- Before utilizing remote notarization, you must give notice to the Secretary of State by emailing the Remote Notary Notification to [remotenotary@sos.ms.gov](mailto:remotenotary@sos.ms.gov). A fillable Remote Notary Notification form can be found on our website <https://www.sos.ms.gov/Content/documents/Business/notaries/FillableRemoteNotaryNotificationForm.pdf>.
- Using the Remote Notary Notification form, you must identify the communications technology vendor you will use and confirm that the vendor allows you to, (1) view and hear the remotely-located principal in real-time; (2) verify the principal’s identity through one or more of the methods set forth in the Order; and (3) record the entire notary transaction.

- For each notarial act conducted remotely, you must create and retain an audio-video recording of the entire notarial act.

You must keep this electronic record just as you would your notary journal or log book.

- For each notarial act conducted remotely, you must note in your notary journal or logbook details about the notarial act, including that the notarial act was conducted for a remotely-located principal using communications technology.
- You may charge your standard \$5 fee, plus the cost of using the communications technology, not to exceed \$25.

#### Additional Information:

1. Executive Order 1467 is only a temporary waiver of the in-person requirement of the Mississippi Notary Statute and Rules.
2. Executive Order 1467 requires you to use a communications technology vendor designed for the purpose of facilitating remote notarizations, as opposed to services that primarily offer video-conferencing ability. Such purpose-designed services include the ability to both see and hear and a remotely located individual. It is your responsibility to choose the vendor.
3. For additional guidance on available technology, you may wish to review the information made available by the National Notary Association or other professional membership associations.
4. Before utilizing remote notarization, you must give notice to the Secretary of State by emailing the Remote Notary Notification form to [remotenotary@sos.ms.gov](mailto:remotenotary@sos.ms.gov). A fillable Remote Notary Notification form can be found on our website <https://www.sos.ms.gov/Content/documents/Business/notaries/FillableRemoteNotaryNotificationForm.pdf>.
5. As a commissioned notary, it is your legal responsibility to perform notarizations correctly pursuant to the Mississippi notary statute and Rules. The statute, Rules, and Executive Order 1467 are available on our website at <https://www.sos.ms.gov/BusinessServices/Pages/Notaries-Apostilles.aspx>.
6. You may email any questions about this new process to [remotenotary@sos.ms.gov](mailto:remotenotary@sos.ms.gov).

It is important to note the difference between remote notarization and remote online notarization. Remote notarization means that the notary and principal are in different locations, but the documents will be exchanged by mail. The principal will physically sign an original, witnessed by the notary through the technology platform, but then mail the original to the notary for the notary to physically affix his or her seal. In such a case, the date of notarization will be the date that the transaction is witnessed online, not the date the notary's stamp is affixed to the document. However, the original will be the document with the principal's physical signature and the notary's physical stamp.

Remote online notarization means that the notary and principal are in different locations. Still, the principal signs electronically, the notary affixes his or her stamp electronically, and the original document is an electronic document.

The electronic document can be electronically filed in courthouses that accept online filings. For courthouses that do not accept online filings, Executive Order 1467 provides a way for the notary to certify the electronic document into an original that can be filed by paper.

Notaries public can still perform notarial acts in person during the state of emergency. However, notaries public should use their best judgment on whether the notarial act is considered essential and abide by social distancing, CDC, and MSDH guidance in the conduct of any essential notarial services. No Mississippi notary can be forced to perform notary services by remote notarization.

Below is a list of vendors for remote online notarization platforms. The notary is responsible for determining if the vendor meets the requirements in Mississippi. The list is not intended to be an all-inclusive or comprehensive list, nor is it an endorsement of any vendor, nor is it any particular order.

- DocVerify
- LenderClose
- Notarize
- NotaryCam
- Pavaso
- Safedocs
- SIGNiX
- World Wide Notary

For additional information, email [remotenotary@sos.ms.gov](mailto:remotenotary@sos.ms.gov) or call our Business Services Division at 601-359-1633.

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