

REVISED: March 31, 2020

GUIDANCE TO NOTARIES CONCERNING EXECUTIVE ORDER 202.7

EXECUTIVE ORDER

In response to the COVID-19 (Novel Coronavirus) public health emergency, on March 19, 2020 Governor Cuomo signed [Executive Order 202.7](#), which authorizes notary publics to officiate documents remotely. Specific procedures must be followed to remotely notarize a document. To help the public and notaries public understand the Executive Order, the Department has prepared this guidance.

WHAT IS ALLOWED?

The Executive Order allows a notary public to witness a document being signed, using audio-video technology, and to then notarize the document.

WHAT IS REQUIRED?

To remotely notarize a document, the following conditions must be satisfied:

1. The person seeking the Notary's services, if not personally known to the Notary, must present a valid photo ID to the Notary during the video conference, not merely transmit it prior to or after;
2. The video conference must allow for direct interaction between the person and the Notary (e.g. no pre-recorded videos of the person signing);
3. The person must affirmatively represent that he or she is physically situated in the State of New York;
4. The person must transmit by fax or electronic means a legible copy of the signed document directly to the Notary on the same date it was signed;
5. The Notary may notarize the transmitted copy of the document and transmit the same back to the person; and
6. The Notary may repeat the notarization of the original signed document as of the date of execution provided the Notary receives such original signed document together with the electronically notarized copy within thirty days after the date of execution.

ADDITIONAL CONSIDERATIONS

- Notary publics using audio-video technology must continue to follow existing requirements for notarizations that were unaltered by the Executive Order. This includes, but is not limited to, placing the notary's expiration date and county where the notary is commissioned upon the document.

- If the notary and signatory are in different counties, the notary should indicate on the document the county where each person is located.
- An electronically transmitted document sent to the notary can be sent in any electronic format (e.g., PDF, JPEG, TIFF), provided it is a legible copy.
- The notary must print and sign the document, in ink, and may not use an electronic signature to officiate the document.
- The signatory may use an electronic signature, provided the document can be signed electronically under the Electronic Signatures and Records Act (Article 3 of the State Technology Law). If the signer uses an electronic signature, the notary must witness the electronic signature being applied to the document, as required under Executive Order 202.7.
- The Executive Order does not authorize other officials to administer oaths or to take acknowledgments, and only applies to notary publics commissioned by the Secretary of State's office.
- Following remote notarization, if the notary receives the original document within 30 days, the notary may notarize the document again (i.e., physically affixing a notary stamp and hand signing the document) using the original remote notary date.
- Additionally, when performing remote notarization pursuant to this Executive Order, the Department recommends the following best practices. (However, not following these two recommendations will not invalidate the act or be cause for discipline):
 - Keep a notary log of each remote notarization;
 - Indicate on the document that the notarization was made pursuant to Executive Order 202.7.

If you have questions regarding notary practices, please email them to the Department at: licensing@dos.ny.gov or contact (518) 474-4429. Call Center Representatives are available from 8:30am to 4:30pm Monday through Friday except on Legal Holidays.

ALBANY OFFICE:

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