Remote Ink Notarization

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Terminology
(with thanks to ALTA)

* Remote notarization of paper documents
* Notary and signer communicate via audio-visual communication platform
* Authorized by Executive Order or Legislation
* Tangible documents
* AV record sometimes retained per Order or Legislation
Process

Document signed; Notary observes using AV

Document sent to Notary

Notary attaches certificate; returns to Signer
Concerns

- Identification of signer
- Transmission of document to notary
- Integrity of document
- Responsibilities of notary
A hip pocket amendment is reserved for use when non-uniform amendments are proposed

Not an official amendment to uniform text

Designed to deal with issues in a manner consistent with the uniform text

The RULONA hip pocket amendment is in process
RULONA Hip Pocket Amendment Current Draft

★ Notary identifies remote signer per RULONA—multi-factor authentication
★ Notary and signer use audio-video communications and session is recorded
★ Signer displays first and signature pages on the record
★ Signer also signs declaration under penalty of perjury re identity of signed document
★ Record and declaration sent to notary within [3] business days
Notary preserves record per RULONA

After receipt, notary confirms first and signature pages are those displayed and

Completes the certificate [which states AV used during signing]

Notarial act completed nunc pro tunc

Returns record to signer
Hip Pocket [cont’d]

* Includes provision for remote acknowledgment of signed tangible record
* Includes provision for remote administration of oaths
* Explicitly authorizes additional regulation by Secretary of State or other regulator