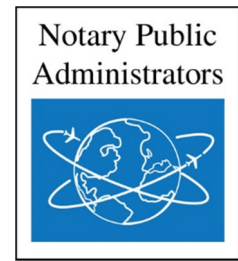


NASS National Electronic Notarization Standards— Harmonizing Technology and the Fundamental Tenets of Notarial Acts

*Notary Public Administrators Section of the National Association of Secretaries of State
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Today, twenty-three U.S. states¹ have laws and/or administrative rules allowing commissioned notaries public to perform notarial acts electronically. The legal framework for electronic notarization varies in complexity and permissiveness among these states, reflecting each state’s unique needs, perspectives and regulatory approach.

Some states’ adoption of electronic notarization is based solely on enactment of the Uniform Electronic Transactions Act (UETA), promulgated by the Uniform Law Commission.² Still more adopting states have expanded on UETA’s notary e-signature provision by enacting state-specific statutes that explicitly authorize electronic notarization and provide detailed regulations on performing electronic notarial acts in harmony with underlying notary law. A few more states have added electronic notarization administrative rules as well, providing additional details on administrative, procedural and notary compliance matters.

There to influence all these states’ electronic notarization adoption efforts have been authoritative resources that, whether through model language or suggested standards, inspire enacting laws and rules that harmonize the convenience of technology with the fundamental tenets of notarization.

Foremost among these resources are the National Electronic Notarization Standards, promulgated by the National Association of Secretaries of States. Adopted in 2006 and reaffirmed in 2011, the NASS Standards advance technology objectives that promote the reliability and security of electronic notarial acts, without specifying any particular e-signature technology (“technology neutrality”).

Perhaps more importantly, the NASS Standards provide a thoughtful blueprint for reliable and trusted technology-assisted notarial acts, while preserving the fundamental principles that have made notarization an essential element of document execution for centuries. (See related discussion, *“Notarization’s Fundamental Tenets Are Preserved in Electronic Notarial Acts.”*)

Interest in electronic notarization is high, spurred by society’s broad acceptance of technology’s presence in every facet of our lives. Consumers expect the option of technology-assisted notarization; many in the business world demand it. As more states respond by contemplating law and rule changes to fully implement electronic notarization, the Notary Public Administrators’ Section of NASS urges reliance on the NASS National Electronic Notarization Standards. They will prove invaluable in crafting laws and rules that make e-notarization a reality, while preserving the time-tested assurances of the notarial act.

Questions, comments? Email Kathleen@asnnotary.org (NPA Section Member) • Copyright 2015-2016

¹ Enacting states are AK, AR, AZ, CA, CO, DE, FL, IA, KS, MD, MN, MT, NE (eff. 7-1-17), NV, NM, NC, ND, OR, PA, TX, UT, VA, and WV.

² Uniform Electronic Transactions Act (UETA) – Promulgated by the Uniform Law Commission (www.uniformlaws.org) in 1999 to foster uniformity in statutes governing electronic transactions. UETA states, “If a law requires a signature or record to be notarized, acknowledged, verified, or made under oath, the requirement is satisfied if the electronic signature of the person authorized to perform those acts, together with all other information required to be included by other applicable law, is attached to or logically associated with the signature or record.” View the UETA: http://www.uniformlaws.org/shared/docs/electronic%20transactions/ueta_final_99.pdf