Securing and Enabling Commerce Using Remote and Electronic Notarization Act of 2020 (SECURE Notarization Act)

In a time of heightened awareness of the need for social distancing, now is the time to empower notaries to accommodate consumer needs. The Securing and Enabling Commerce Using Remote and Electronic Notarization Act of 2020 (SECURE Notarization Act) builds on ongoing efforts of lawmakers to promote remote transaction options for consumers.

The sale and transfer of real estate in the US is a major economic driver that creates financial stability. Remote Online Notarizations (RON) allow the consumer and notary to be in different locations using two-way audio-visual communication to securely execute electronic documents. 23 states have approved the use of RON technology; however, 55% of the country is unable to access this helpful technology.

The SECURE Notarization Act takes a two-prong approach to continue and expand access to remote online notary, with no cost for taxpayers.

- ✓ First, it permits immediate nationwide use of RON, with minimum standards.
- ✓ Second, it provides certainty for the interstate recognition of RON.

The SECURE Notarization Act **would**:

1. Authorize every notary in the US to perform RON.
2. Require tamper-evident technology in electronic notarizations.
3. Provide fraud prevention through use of multifactor authentication for identity proofing and audio-visual recording of the notarial act.
4. Allow signers outside the US, such as military personnel and their families, to easily and securely notarize documents.
5. Complement existing state laws, while allowing states the flexibility and freedom to implement their own RON standards.
6. Builds on the foundations of the Interstate Recognition of Notarizations (IRON Act of 2011), while adding additional consumer safeguards.
7. Follow a similar structure of complementary state/federal legislation, such as the Electronic Signatures in Global and National Commerce Act (ESIGN) and the Uniform Electronic Transactions Act (UETA).
8. Implement 2018 Treasury Report recommendations that Congress consider legislation to provide a minimum uniform national standard for electronic and remote online notarizations. Noting federal legislation is not mutually exclusive with continued efforts at the state level to enact a framework governing the use of electronic methods for financial documents requiring notarization.

The SECURE Notarization Act **wouldn't**:

1. Impede consumer choice.
2. Preempt state laws that adhere to uniform consumer protections, such as those laws based on the non-partisan model state law - Revised Uniform Law on Notarial Acts, 2018 - proposed by the Uniform Law Commission.
3. Infringe upon state data privacy laws.
4. Impact state law on testamentary wills and trusts.
5. Change state law governing the practice of law.
6. Favor specific technology or restrict the use of new and emerging advancements.
7. Impact recording in the land records or title searches.