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IN-PERSON NOTARIZATION REQUIREMENT WAIVER GUIDANCE UPDATED JULY 31, 2020

Effective March 30th, Governor Hogan ordered the in-person requirement for notarizing documents in Maryland is **temporarily waived for the duration of the COVID-19 emergency**, subject to guidance provided by Secretary of State John C. Wobensmith.

The Governor's Emergency Order No. 20-03-30-04 authorizes remote notarizations and the Secretary of State's temporary guidance issued March 30, 2020 and as amended July 31, 2020. The contents of this document are **temporary guidelines that apply during the emergency waiver of the in-person requirement**. All other requirements for performing notarial acts are in full force and effect.

YOU MUST DO THESE THINGS TO PERFORM A REMOTE NOTARIZATION:

- You must be a current notary in good standing.
- You must notify the Office of the Secretary of State of your intent to use remote notarizations
- You must identify the communications technology vendor you will use and confirm that the vendor allows you to, in real time, (1) view the remotely located individual and (2) compare for consistency the information and photos presented as identification credentials.
- For each notarial act conducted remotely, you must create and retain an audio-visual recording of the performance of the notarial act.
- For each notarial act conducted remotely, you must note on the notarial certification and in your notary log or journal that the notarial act was performed for a remotely located individual using communications technology.
- You may NOT charge more than \$4 for each remote online notarial act using communication technology, which is the same fee that may be charged when performing an in person notarial act. The \$4 fee is the maximum fee that the Secretary of State may allow for an original notarial act as set forth in Section 18-112, State Government Article, Annotated Code of Maryland.

PLEASE NOTE THE FOLLOWING BEFORE YOU BEGIN TO PERFORM REMOTE NOTARIZATIONS:

1. The Governor's Order is a temporary waiver of the in-person requirement, which is a significant change to notarization practice in Maryland.
2. The Secretary of State recommends you use a communications technology vendor designed for the purpose of facilitating remote notarizations, and some are listed further down in this guidance. For additional guidance on this purpose-designed technology, you may wish to review the information made available by the National Notary Association <https://www.nationalnotary.org/> or other professional membership associations.

July 31, 2020

3. The Secretary of State recommends that if you do select a communications technology vendor that is primarily designed for video-conferencing, it is your responsibility to make sure that all of the communications features are secured. Currently, Zoom cannot be used because of security concerns. If a notary uses a communication technology platform primarily designed for video-conferencing, the vendor must be a United States company that has been lawfully operating in the United States for at least three years. The platform must permit the notary to meet all of the requirements in the Governor's Order, including but not limited to the following:
 - a. The notary must ensure the audio-visual communication used to witness the signing of the document is recorded and retained;
 - b. After signing the document, the signer must immediately transmit the signed document to the notary;
 - c. Upon receiving the document, the notary must immediately complete the notarization, indicating on the certificate of the notarial act and in a journal that the individual was not in the physical presence of the notary public and the notarial act was performed using a communication technology; and
 - d. Upon completing the notarization, the notary must immediately transmit the notarized document back to the signer.
4. The Governor's Order requires advance notification to be provided to the Secretary of State <https://sos.state.md.us/Pages/default.aspx> before performing any remote notarial acts, and you must identify the vendor. The notification form can be found at: <https://sos.maryland.gov/Notary/Pages/default.aspx>. You must submit the form, and a copy of your current notary commission, via email to: remotenotary.sos@maryland.gov.
5. Remember that you are the professional, and it is your legal responsibility to perform notarizations correctly under the law, so be certain you have read and understand all of the legal requirements under both the existing notary statute found and the provisions added by the emergency order issued by the Governor. The existing notary statute and regulations can be found in the [Maryland Notary Handbook](#) and the Governor's Order can be found [here](#).
6. Questions may be emailed to the Secretary of State at: remotenotary.sos@maryland.gov.

Remote Notary FAQs:

Is a notary still allowed to perform in-person notarizations?

Yes, notaries public can still perform notarial acts in person during the state of emergency but should use their best judgement on whether the notarial act is considered essential and abide by social distancing, CDC and MDH guidance in the conduct of any essential notarial services. Additional guidance for performing in person notarization amid this current public health crisis can be found here: <https://www.nationalnotary.org/notary-bulletin/blog/2020/03/notaries-precautions-coronavirus>.

Does the Office of the Secretary of State have a list of communication technology vendors?

The Secretary of State recommends you contact your local professional associations for information regarding communication technology vendors, such as the

National Notary Association <https://www.nationalnotary.org/>

Maryland Bankers Association: <https://www.mdbankers.com/>

Maryland Realtors Association: <https://www.mdrealtor.org/>

Maryland Land Title Association: <https://www.mdlta.org/>

The list of vendors found below provide communication technology specifically designed to perform remote notarizations. 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.

- [Digital Delivery, Inc.](#)
- [DocVerify](#)
- [eNotaryLog](#)
- [LenderClose](#)
- [Notarize](#)

- [NotaryCam](#)
- [Pavaso](#)
- [Safedocs](#)
- [SIGNiX](#)
- [Simply Secure Sign](#)
- [Synrgo](#)
- [World Wide Notary](#)

Other platforms that are not specifically designed for remote notarizations that notaries may choose to consider include:

- [Go To Meeting](#)
- [Microsoft Team](#)
- [Google Meet](#)
- [Skype](#)
- [Cisco Webex](#)

Does the Secretary of State endorse a specific commercial brand of communication technology?

No, the Secretary of State does not endorse a specific commercial brand of communication technology platform. We mention brands as a potential that meets the criteria under these emergency conditions. The specific brand and platform you choose must of course adhere to the provided guidelines. As a Notary Public you must make sure that the platform you recommend to the SOS for your use meets or exceeds the guidelines. This is for your protection and the protection of our citizens.

Why can't I use Zoom?

The Maryland Department of Information Technology and Federal authorities informed the Office of the Secretary of State that they have determined that Zoom is not secure at this time and therefore, **Zoom is not an allowable platform at this time**. Also, the communication technology vendors you choose cannot integrate Zoom into its platform in any way.

Can I charge more than a \$4 notary fee to cover my communication technology vendor costs?

No, \$4 is the fee that may be charged under Maryland law. The \$4 fee is the maximum fee that the Secretary of State may allow for an original notarial act as set forth in Section 18-112, State Government Article, Maryland Annotated Code.

Will a notary public's information be published by the Office of the Secretary of State (SOS)?

Yes. The business phone number provided by each notary will be published on the SOS webpage. Anyone searching for a notary on the SOS notary search page must search for a specific name before a notary's name and information is displayed. The following public information will display when a specific notary is searched: the notary's applicant ID, name, county of commission, expiration date, and business phone number.

Home addresses and home phone numbers **will not** be displayed on the SOS website; that said, be advised that upon request, the Secretary of State's Office is required by law to disclose the home phone number of a notary public pursuant to the Maryland Public Information Act, Section 4-332.

Will the Office of the Secretary of State (SOS) publish a list of notaries public authorized to perform remote notarizations?

Yes. The SOS will publish a list of notaries authorized to perform remote notarizations. The list will be posted on the SOS website.