

REMOTE NOTARIZATION ORDER GUIDANCE

Effective April 6, 2020, Governor Tate Reeves issued Executive Order _____, which modified the in-person requirement for notarization temporarily.

Effective immediately, and continuing throughout the period of the State of Emergency Proclamation as declared by Governor Reeves on March 17, 2020, Mississippi notaries public are authorized to perform notarial acts by remote notarization and remote online notarization. You can find a copy of the Governor's Executive Order [here](#) (link).

THESE ARE THE REQUIREMENTS FOR REMOTE NOTARIZATION AND REMOTE ONLINE NOTARIZATION:

- You must be a currently commissioned notary in Mississippi, in good standing.
- You must notify the Secretary of State, Business Services Division of your intent to use remote notarization technology on our form [here](#).
- Using our form, you must identify the communications technology vendor you will use and confirm that the vendor allows you to, (1) view and hear the remotely-located principal in real-time; (2) verify the principal's identity through one or more of the methods set forth in the Order; and (3) record the entire notary transaction.
- For each notarial act conducted remotely, you must create and retain an audio-video recording of the entire notarial act. You must keep this electronic record just as you would your notary journal or log book.
- For each notarial act conducted remotely, you must note in your notary journal or logbook details about the notarial act, including that the notarial act was conducted for a remotely-located principal using communications technology.
- You may charge your normal \$5 fee, plus the cost of using the communications technology, not to exceed \$25.

PLEASE NOTE THE FOLLOWING BEFORE YOU BEGIN PERFORMING REMOTE NOTARIZATIONS:

1. The Governor's Executive Order is only a temporary waiver of the in-person requirement of the Mississippi Notary Statute and Rules. This is a significant change to notary practices in Mississippi.
2. You are encouraged to use a communications technology vendor designed for the purpose of facilitating remote notarizations, as opposed to services that primarily offer video- conferencing ability. Such purpose-designed services include the ability to both see and hear a remotely located individual and record the notarial transaction. It is up to each notary to make sure he or she is in compliance with the Governor's Order.
3. For additional guidance on available technology, you may wish to review the information made available by the National Notary Association www.nationalnotary.org or other professional membership associations.
4. In advance of utilizing remote notarization, you must give notice to the Secretary of State by emailing us this form (insert hyperlink to form) to (insert new mailbox address)

5. As a commissioned notary, it is your legal responsibility to perform notarizations correctly pursuant to the Mississippi notary statute and Rules. The statute, Rules, and Governor's order are available on our website at <https://www.sos.ms.gov/BusinessServices/Pages/Notaries-Apostilles.aspx>.
6. You may email any questions about this new process to (insert new mailbox address).

Remote Notary FAQs:

What is the difference between remote notarization and remote online notarization?

Remote notarization means that the notary and principal are in different locations, but the documents will be exchanged by mail. The principal will physically sign an original, witnessed by the notary through the technology platform, but then mail the original to the notary for the notary to physically affix his or her seal. In such a case, the date of notarization will be the date that the transaction is witnessed online, not the date the notary's stamp is affixed to the document. However, the original will be the document with the principals physical signature and the notary's physical stamp.

Remote online notarization means that the notary and principal are in different locations, but the principal signs electronically, the notary affixes his or her stamp electronically, and the original document is an electronic document. The electronic document can be electronically filed in courthouses that accept online filing. For courthouses that do not accept online filing, the Order provides a way for the notary to certify the electronic document into an original that can be filed by paper.

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 judgment 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. No Mississippi notary can be forced to perform notary services by remote notarization.

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-precautionscoronavirus>.

Does the Secretary of State recommend communication technology vendors?

No, the Secretary of State does not recommend or endorse a particular communication technology vendor.

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/>
Land Title Association of Mississippi: <https://ltams.org/>

Below is a list of vendors for remote online notarization platforms. The notary is responsible to determine if the vendor meets the requirements in Mississippi. 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.

- [DocVerify](#)

- [LenderClose](#)
- [Notarize](#)
- [NotaryCam](#)
- [Pavaso](#)
- [Safedocs](#)
- [SIGNiX](#)
- [World Wide Notary](#)

Can I charge more than the \$5 fee set forth in the Rules for remote notarization?

Yes. Some of the online platforms allow pay-as-you-go service, with no subscription necessary. The Governor's Order provides a way for you to pass the cost along to the principal and still retain your \$5 fee. The cap on additional fees is set at \$25. In no situation should a notary charge more than \$30 for a notarization, but may charge the customer less, if the cost of the transaction is less for the notary.