

How Is My State Impacted?

The Securing and Enabling Commerce Using Remote and Electronic Notarization Act of 2020 (SECURE Notarization Act) takes a two-prong approach to continue and expand access to remote online notary (RON), 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.

1. Q: What are the minimum national standards included in the SECURE Notarization Act?

A. The SECURE Notarization Act requires multi-factor authentication (i.e. KBA and credential analysis), use of tamper-evident technology and an audio-visual recording of the notarial act.

2. Q: What if my state already has a RON law?

A. If your state has already enabled the use of RON, and your law meets the minimum national standards, you will not be impacted by the SECURE Notarization Act.

3. Q: What if my state passed a RON law, but has not promulgated regulations yet?

A. The SECURE Notarization Act will be in effect in your state immediately. Once regulations are promulgated, your state law will supersede the SECURE Notarization Act, as long as national minimum standards are met.

4. Q: What if my state is in the process of passing a RON law?

A. You should continue your state legislative efforts to pass a RON law. The SECURE Notarization Act will be in place so notaries can immediately use IPEN and RON. Once a state law meeting national minimum standards is passed and regulations are promulgated, that will supersede the SECURE Notarization Act.

5. Q: What if my state law is not consistent with this federal law?

A. If you are in a state like Virginia, Iowa or South Dakota, you will need to follow the minimum standards in the federal law. If you are currently following the MISMO standards, you will not need to make any operational changes.

6. Q: Are the MBA/ALTA Model and MISMO Standards consistent with the SECURE Notarization Act and its national minimum standards?

A. Yes. The minimum national standards are designed to be consistent with our own industry models.