

March 23, 2020

Remote Notarizations in New York

Governor Cuomo Issues Executive Order Permitting Notarization via Audio-Video Technology through April 18, 2020

On March 19, Governor Cuomo issued Executive Order 202.7 (the “Executive Order”) providing that any notarial act that is required under New York State law is authorized to be performed utilizing audio-video technology provided certain conditions are met. The conditions required for valid remote notarization are as follows:

- **Valid photo ID shown during the video conference.** The person seeking the Notary’s services, if not personally known to the Notary, must present valid photo ID to the Notary during the video conference, not merely transmit it prior to or after.
- **“Live” interaction with the Notary.** The video conference must allow for direct interaction between the person seeking the Notary’s services and the Notary (e.g. no pre-recorded videos of the person signing).
- **Physical presence in New York.** The person seeking the Notary’s services must affirmatively represent that he or she is physically situated in the State of New York. (The Notary also must be physically situated in the State of New York.)
- **Same-day fax/electronic transmittal of the signed document to the Notary.** The person must transmit by fax or electronic means a legible copy of the signed document directly to the Notary on the same date it was signed.
- **The fax/electronic copy is notarized.** The Notary may notarize the transmitted copy of the document and transmit the same back to the person.
- **The original document also may be notarized within 30 days.** The Notary may repeat the notarization of the original signed document as of the date of execution provided the Notary receives such original signed document together with the electronically notarized copy within thirty (30) days after the date of execution.

The Executive Order authorizes remote notarizations to be conducted through April 18, 2020. However, the Governor has authority to extend the Executive Order for successive 30-day periods after reconsidering the relevant facts and circumstances.

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