



**North Carolina Department of the Secretary of State
Electronic Notary Program**

Frequently Asked Questions

1. **What is an electronic notarization?**
An electronic notarization is an official act (acknowledgement, verification, proof, etc.) performed by an electronic notary public using their electronic seal and electronic signature on electronic documents.
2. **What is an electronic signature?**
An electronic signature is a symbol or process attached to or logically associated with an electronic document and executed or adopted by a person with the intent to sign the document. Common electronic signatures are in the form of an “I accept” button or a statement such as, “By clicking the submit button I agree to these terms and conditions”, on an online form. Other forms include signing on an electronic signature pad, as are offered at many retail stores.
3. **What is an electronic notary signature?**
The electronic notary signature is a unique, independently verifiable image of the electronic notary’s handwritten signature, that is retained under the electronic notary’s sole control and is attached or logically associated with the document, linking the data in such a manner that any subsequent alterations to the underlying document or electronic notary certificate are observable through visual examination
4. **What is an electronic notary seal?**
The electronic notary seal is a unique, independently verifiable image with a border containing the electronic notary’s name exactly as commissioned, the words “Electronic Notary Public”, the words “North Carolina” or “N.C.”, and the county of commission including the word “County” or “Co.”. The physical appearance of the seal replicates the appearance of an inked seal on paper and shall appear on any visual or printed representation of the electronic notary certificate. The electronic notary seal is attached or logically associated with the document, linking the data in such a manner that any subsequent alterations to the underlying document or electronic notary certificate are observable through visual examination. The seal must also be retained under the electronic notary’s sole control.

5. **What is the difference between an electronic notarization and my current pen and paper notarization?**

The only difference is the tools that are used to perform the notarial act. All aspects of the notarization remain the same, including requirement for personal appearance, positive identification of the principal, completion of the notarial certificate and affixing the electronic signature and seal.

6. **What are the qualifications to become a certified electronic notary in North Carolina?**

1. Hold a valid commission as a notary public in the State of North Carolina
2. Purchase the Electronic Notarization Manual
3. Take a three hour electronic notary course of instruction
4. Pass the electronic notary exam with a score of 80% or better
5. Submit an electronic registration form containing no significant misstatement or omission of fact

7. **How do I apply to become an electronic notary in North Carolina?**

1. Obtain a North Carolina notary commission
2. Register to take the Electronic Notarization Course at your local community college
3. Take the electronic notary course and pass the exam with a score of 80% or higher
4. Complete the registration to become an electronic notary form online at: www.secretary.state.nc.us/enotary/enotaryhowto.aspx
5. Print and sign the registration form and have it notarized by a valid notary
6. Send the notarized registration form to the Department of Secretary of State along with a \$50 registration fee to:
NC Secretary of State
PO Box 29626
Raleigh, NC 27626
7. Receive the Electronic Notary Oath Notification Letter from the Department of Secretary of State, which you then take with you to the Register of Deeds office
8. Take your oath at the Register of Deeds Office within 45 days of the Electronic Notary commission issue date
9. Obtain the Electronic Notary Certificate to Perform Electronic Notarizations from the Register of Deeds.
10. Present the Electronic Notary Certificate to Perform Electronic Notarizations to an approved electronic notary solution provider listed on www.secretary.state.nc.us/enotary/enotarysp.aspx to purchase an electronic notary signature and seal.

8. **Where can I purchase electronic notary signatures and seals?**
All electronic notarization solutions including electronic signatures and seals may be obtained only from the Electronic Notary Solution Providers authorized by the N.C. Department of Secretary of State. The list of authorized electronic notary solutions can be found at: www.secretary.state.nc.us/enotary/enotarysp.aspx
9. **How long does my electronic notary commission last?**
The electronic notary commission will expire on the same date the notary's regular commission expires. The electronic notary commission will need to be renewed at the same time the notary commission is renewed.
10. **Is additional education required to become an electronic notary?**
Yes. A three hour course of instruction on eNotarization is required. An exam will be administered after the course and must be passed with a score of at least 80%.
11. **What fees can I charge to perform an electronic notarization?**
For performing electronic notarial acts, the maximum fees that may be charged by an electronic notary are as follows:
(1) For acknowledgments, \$10.00 per signature.
(2) For jurats, \$10.00 per signature.
(3) For verifications or proofs, \$10.00 per signature.
(4) For oaths or affirmations, \$10.00 per signature
12. **Is personal appearance required in an electronic notary act?**
Yes. When an electronic notary performs an electronic notarization, the principal and the electronic notary shall be in each other's physical presence during the entire electronic notarization so that the principal and the electronic notary can see, hear, communicate with, and give identification documents to each other without the use of electronic devices such as telephones, computers, video cameras, or facsimile machines.
13. **Can an electronic notary take an acknowledgment over the phone, fax, or by video conferencing?**
No. Electronic notaries must require face to face personal appearance for every electronic notarization, just as they do for a paper-based notarial act.
14. **How do I find out more information on the eNotarization laws and administrative rules for North Carolina?**
Click on the following link for a list of all pertinent laws, and rules governing electronic notarization and eCommerce in North Carolina:
<http://www.secretary.state.nc.us/enotary/enotarylaws.aspx>

15. **What are the electronic notarial acts a North Carolina electronic notary is authorized to perform?**

The following types of notarial acts may be performed electronically:

- (1) Acknowledgments;
- (2) Jurats;
- (3) Verifications or proofs; and
- (4) Oaths or affirmations.

16. **Will all jurisdictions be required to accept my electronic signature on an instrument that is offered to be recorded?**

Yes. Article IV, Section 1 of the [United States Constitution](#), commonly known as the Full Faith and Credit Clause, addresses the duties states have to respect and enforce the laws of other states. The full faith and credit clause means that states shall give “full faith and credit” to lawful acts performed in another state.

Therefore, a lawfully performed electronic notarization performed in North Carolina will be given full legal effect in another state, regardless of whether that state permits electronic notarizations within its borders.

17. **How much do electronic notarization solutions usually cost?**

The cost will vary from one solution to another. For a comparison of all of the authorized solutions, click the following link:

<http://www.secretary.state.nc.us/enotary/enotarysp.aspx> Please note that authorization of an electronic notary solution by the Department of Secretary of State is NOT an endorsement by the State. Authorization means that the solution has met our technical and legal standards.

18. **Where do I begin in finding an electronic notarization system/solution?**

See question 17.

19. **What is the fee to register my capabilities to perform electronic notarizations?**

The fee payable to the Secretary for registering or re-registering as an electronic notary is fifty dollars (\$50.00), which shall be in addition to the fee required in G.S. 10B-13. All funds received by the Secretary under this section shall be deposited into the General Fund. (2005-391, s. 4.)

20. **Am I required to keep a journal of my electronic notarization acts?**
The Secretary may require an electronic notary to create and to maintain a record, journal, or entry of each electronic notarial act as of June 1, 2007. However, it is strongly recommended as a “best practice” that all notaries voluntarily keep a journal to record all official notarial acts.
21. **Can I use a different name for my electronic notarization registration than what I use for my regular notary commission?**
No. The name used on the initial notary commission is the same one a notary must use to register their capability to perform electronic notarizations.
22. **How do I identify a principal signer in an electronic notary act?**
The method of positive identification is the SAME in both paper-based and electronic notarial acts. You must identify the principal signer through one of the methods set out below.
Satisfactory evidence – Identification of an individual based on either of the following:
1. At least one current document issued by a federal, state, or federal or state-recognized tribal government agency bearing the photographic image of the individual's face and either the signature or a physical description of the individual.
 2. The oath or affirmation of one credible witness who personally knows the individual seeking to be identified.