

Chapter 11 – Electronic Notarizations

Beginning September 1, 2013, Oregon notaries public may notarize electronically; that is, the stamp image and certificate they use may be electronically affixed to the document that is still in electronic form. Sometimes documents are created electronically and notarized electronically, and then printed out for recording or other storage. Whether in electronic or printed form, electronically notarized documents are permissible by law.

An Oregon notary is not required to use a particular technology when notarizing electronically, but **before they begin**, they must first notify the Secretary of State that they intend to start notarizing electronically. Use the Electronic Notarization Notice form available by calling the Secretary of State at 503-986-2589. OAR 160-100-0140 spells out the requirements for the notarization technology. In general, the notary is directed to use a kind of electronic notarization that conforms to the National Electronic Notarization Standards (NENS). The notarized document must be capable of being submitted to the Secretary of State in PDF format. An electronic notarization will still consist of an official stamp, a complete notarial certificate and the official electronic notarial signature.

For more information, please see the Corporation Division website. Consult with the vendor about the requirements **before** making any purchase of electronic notarial software, including electronic signature. Make sure the vendor meets the NENS and doesn't just refer to E-SIGN and UETA.

Notarizations by Remote Presence

Some companies seek to allow electronic notarizations without personal presence of the signer. The web-based platforms sometimes allow a person to submit copies of identification over the Internet and to use a webcam in lieu of personal appearance in front of a notary public. Appearance via webcam does **not** meet the requirements for notarization in Oregon.

While Oregon notaries public are allowed, under certain conditions, to perform electronic notarizations, Oregon law still requires a person to appear personally before a notary public to obtain notarial acts like acknowledgments or oaths. This means that party must be **physically** present before the notary public. A video image or other form of non-physical representation is not a personal appearance in front of a notary public under law.

It is important that Oregon notaries do not notarize remotely. Clearly, Oregon notaries public who notarize in this fashion are breaking the law, and are subject to administrative and possibly criminal and civil sanctions. It is unclear if notarizations of Oregon citizens done remotely by notaries that are not in Oregon will be upheld in court.