



*State of North Carolina
Department of the Secretary of State*

ELAINE F. MARSHALL
SECRETARY OF STATE

Ozie Stallworth,
Director, Electronic Notary &
Notary Enforcement

Emergency Video Notarization Frequently Asked Questions

1. Is a notary allowed to perform video notarizations?

Yes. The new Emergency Video Notarization law (EVN) allows regular notaries and electronic notaries to perform acknowledgments and oaths/affirmations over video conference technology (Webex, GoToMeeting, etc.) from March 9, 2020 until March 1, 2021.

2. Can a notary perform a notarization by viewing a pre-recorded video or listening to pre-recorded audio of a person signing a document?

No. Both the notary and the signer must be logged in on a video conference platform (Webex, GoToMeeting, etc.) in real-time (live) so they can interact and see **and** hear each other clearly.

3. How does a notary verify the identity of a signer requesting a video notarization?

The requirement for positively identifying a signer remains the same. The notary must personally know the signer, or know a credible witness who also knows the signer, or obtain satisfactory evidence of the identity of the signer by viewing an acceptable identification card which the signer must hold up to the camera long enough for the notary to determine that the signer is that person.

4. Is there any change in what is an acceptable ID card for performing a video notarization?

Yes. The ID card presented must, as always, be issued by a State, Federal or Tribal government agency, have the photo of the person's face, and must be current **or not expired before March 10, 2020**. In addition, the card must include **BOTH** the physical description **AND** the signature of the person.

Importantly Driver licenses and State ID cards issued by the NC DMV must be current **or not expired before March 1, 2020** according to Section 4.7 of SL 2020-3.

5. Can I notarize a document for a signer who is not located in the same county where I am located during a video notarization?

Yes, the EVN law allows a North Carolina Notary Public to notarize a document using video conferencing for a signer located in any county within North Carolina. The signer must tell the notary which county they are in.

6. Can a North Carolina Notary Public notarize a document for a person signing a document in another state by using video conferencing?

No. Emergency video notarization can only be performed for a signer located within the boundaries of the State of North Carolina.

7. If I am not sitting in the state of North Carolina right now, can I perform a video notarization for a signer located in North Carolina?

No. Both the notary and the signer must be located in North Carolina.

8. How will I know what the signer is signing?

The signer must verbally state to the notary what kind of documents is being signed for the notarial record and should hold up the document to the camera because the notary must record what type of document is being signed. The notary must be able to clearly see the person sign the document.

9. Can I perform a verification or proof or notarize an Absentee Ballot using video conferencing?

No. Only acknowledgments and oaths/affirmations may be performed by video conferencing.

10. If I'm a regular notary how will I be able to complete the notarial certificate and affix my notary stamp/seal to the document I just watched a person sign over video conference technology?

If an original wet-signed notarization on an original wet-signed document is required, the signer must transmit a legible copy of the signed document to the notary **on the same day** as the document was signed by fax or other electronic means **and** must also deliver the original signed document to the notary by mail or other physical method.

The notary then has to compare it to the electronic copy that was previously sent, then complete the notarial certificate and send the document back to the signer. The date on the notarial certificate will reflect the date the notary observed the signing of the document on video conferencing.

If an original wet-signed notarization on an original wet-signed document is not required, the signer must fax or email the signed document to the notary **on the same day**. The notary must print the document and complete the notary certificate and send it back to the signer on the same day.

11. Will there be any special wording in the notarial certificate to show that the signing was done by video conferencing?

Yes. Every document notarized using video conferencing **must** have the following wording on each Emergency Video Notary Certificate completed:

- I signed this notarial certificate on _____ (Date) according to the emergency video notarization requirements contained in G.S. 10B-25.
- The North Carolina county where the Notary Public was located during the emergency video notarization.
- The North Carolina county where the signer stated they were physically located during the video conferencing.
- If this wording is not pre-printed on the notary certificate, the notary has the authority to write it by hand or use an EVN certificate from our website at https://www.sosnc.gov/divisions/notary/Emergency_Video_Notarization.

12. How can I protect myself as a notary if I have notarized a document using EVN?

Notaries are **required** to keep a journal of each EVN in a secure location for at least 10 years. We have a special Covid-19 EVN Journal available for downloading on our website. The information that needs to be recorded for an EVN are:

- Time of day.
- Date of completion of the emergency video notarization notarial certificate.
- Name of the principal signer.
- Type of notarial act performed.
- Type of document notarized or proceeding performed.
- Type of ID presented including the issuing agency and the identification number on the ID presented.
- Type of video conference technology used during EVN (Webex, etc.)
- Statement that the notary and the principal signer could see and hear each other.
- Names of any other people who were in the room with the principal signer.

13. If someone requests an emergency video notarization and I'm not satisfied with the ID they've given to prove who they are, can I refuse to complete an EVN?

Yes. The notary can refuse to proceed if the identification presented does not meet the requirements for satisfactory evidence.

14. Is a video notarization an electronic notarization?

No. A video notarization is not an electronic notarization. Video notarizations can be performed by either a regular traditional (on paper) notary or by an electronic notary.

15. I'm a North Carolina Electronic Notary and have been asked to perform an electronic notarization using video conferencing. Can I use any kind of electronic notary solution?

No. An electronic notary must use one of our approved electronic notary solutions (World Wide Notary, Simplifile, Settleware, DocVerify, DocuSign, CSC Inc., Pavaso) in addition to a video conference technology platform like GoToMeeting, etc.

16. May court reporters administer oaths by video?

Yes. Court reporters may perform oaths using video conferencing technology and must comply with all the applicable provisions of the EVN law when performing any notarial act.