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Rhode Island Secretary of State announces temporary authorization of remote online notarization

By Justin Smith and Andrew Prescott

Many documents, including wills, purchase and sale agreements for real estate, mortgages, promissory notes, health care directive forms, power of attorney authorizations, and notice of liens, among others, often or always require notarization. Under normal circumstances, the notarization of documents must occur in the physical presence of both the notary and the signer. But due to the COVID-19 pandemic and the social distancing and similar directives issued by the Centers for Disease Control (CDC) and state authorities, complying with the physical presence mandate can be impossible. How then can individuals and businesses safely and effectively obtain notarization while complying with the directives and avoiding COVID-19?

One method is remote online notarization (RON). Remote online notarization is the process by which documents are notarized in an electronic form where the signer and notary are not physically in each other's presence but can communicate simultaneously using secure audio-video technology.¹ On April 3, 2020, in response to the COVID-19 pandemic's significant impact on the ability of notaries public to safely fulfill the duties of their commission, the Rhode Island Secretary of State announced that, in collaboration with the governor's office, it is temporarily authorizing the performance of RON for the duration of the COVID-19 state of emergency in Rhode Island. As part of this temporary authorization for RON, Rhode Island has issued a "Temporary Performance Guide" and amended the "Standards of Conduct for Notaries Public in the State of Rhode Island and Providence Plantations."

Importantly, notaries should be careful about the technology aspect of this process. RON requires a pre-approved remote online notarization solution—software apps, including Zoom and FaceTime, are not permitted. As of April 7, 2020, there are two approved providers—DocVerify, Inc., and Pavaso (Guardian Consumer Services). Remote online notarization solution providers seeking

¹ We discuss use of RON in real estate transactions in a recent blog post, "[Closing Logistics: Remote notarization during COVID-19.](#)"

inclusion on the pre-approved vendor list may submit a solution provider application² to the Rhode Island Secretary of State.

The Rhode Island Secretary of State has set forth a comprehensive registration process, which must be completed before a notary may perform a RON. Specifically, a duly commissioned notary must first complete the following steps:

- Read the updated Standards of Conduct.³
- Contact an approved solution provider, listed on the secretary of state website, and obtain their services for RON.
- Complete the training provided by the selected solution provider.
- Register with the Rhode Island Department of State/Business Services/Notary Division to perform RON by completing and submitting the pertinent new notary application⁴ or renewal⁵ or information update with all required information by email to notaries@sos.ri.gov.
- Await confirmation from the Rhode Island Department of State via email before notarizing remotely.

After completing the registration process, a duly commissioned notary must complete the following steps to perform a RON.

- The signer electronically sends (by email) or delivers (by mail, courier, drop off, etc.) the document to the notary.
- The notary opens and reviews the document in the approved solution provider.
- The notary begins recording the notarization process using the approved solution provider. The recording must be kept by the notary public for at least ten (10) years.
- Using the audio-video technology through the approved solution provider, the notary must identify the signer. The identification requirements are identical to that of an in-person notarization. The notary may identify the signer by:
 - Viewing at least two forms of identification (driver's license, ID issued by the RI DMV or another state's DMV, passport, military ID); or
 - Having personal knowledge of the signer (having previously viewed the identification of the signer); or
 - Taking the oath or affirmation of a credible witness either physically present with the signer or notary or able to simultaneously communicate with both the notary and the signer by sight and sound during the notarization process. The notary must identify the credible witness by viewing at least two forms of identification or by having personal knowledge of the credible witness.

² [Application for Remote Online Notarization Solution Provider](#)

³ [Standards of Conduct for Notaries Public in the State of Rhode Island and Providence Plantations](#)

⁴ [Application for Appointment to Office of Notary Public](#)
https://www.sos.ri.gov/assets/downloads/documents/Notary-Application-with-Remote-3_31_2020.pdf

⁵ [Application for Reappointment/Renewal to Office of Notary Public](#)

- After the signer's identify is verified, within full view of the notary public, the signer physically signs the document.
- The signer must mail the signed document to the notary within thirty (30) days.
- Upon receipt of the signed document, the notary completes the certificate and affixes his or her official stamp. The date/time of the signing is the time the audio-visual recording of the notarization was taken.

The temporary authorization of remote online notarization will allow transactions to take place and legal documents needed by individuals to be finalized without violating social distancing mandates. However, businesses and notaries should familiarize themselves with the Secretary of State's Temporary Performance Guide, and the updated Standards of Conduct to ensure compliance with the RON process.

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