TECHNOLOGY-BASED NOTARIZATIONS

As individuals continue to practice self-isolation during the COVID-19 pandemic, there is an increased need for the use of technology-based notarizations. Below is information of the two types available to Montana notaries.

Remote Online Notarization (R.O.N)

The most unique element of R.O.N. is that the signer and the notary appear to one another by means of communications technology – live, two-way, audio-visual transmission.   The notary must be physically located in Montana; the signer can be anywhere in the world. R.O.N. involves:

- Personal appearance via communication technology of the signer(s) and the notary
- Electronic document
- Digital signatures of the signer and the notary
- Digital notary seal

Notaries must sign up with a R.O.N. solution provider to notarize documents using this method. The certificates for R.O.N. transactions will be part of the electronic document that you will be provided with and you will simply provide the specific details as prompted.

Remote Notarization

The notary must be physically located in Montana; the signer can be anywhere in the world. Remote notarization involves:

- Personal appearance via communication technology of the signer(s) and the notary
- Paper (tangible) document, which has been signed and subsequently delivered to the notary (the notary has the actual signed document)
- Wet signatures of the signer and the notary
- Ink impression of the notary's seal/stamp
- *Acknowledgments are the only notarial act that can be performed in this manner*

Remote notarization of an acknowledgement on a tangible document requires the notary to complete a full certificate either on the document or a loose certificate that can be attached to the document. Below is an example of a loose certificate for a remote notarization:

NOTARIAL CERTIFICATE
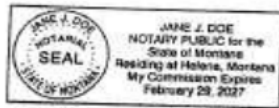
Remote Acknowledgment for Principal Located In the U.S.

State of _Montana_

County of _Lewis & Clark_

This record was acknowledged before me by use of communication technology on

October 1, 2019 by _Richard P. Johnson_, who was
    (Date)   (Name of principal(s).)

located in _Plentywood, Montana_ at the time of this notarial act.
           (Place in the United States where principal was located)

> JANE J. DOE
> NOTARY PUBLIC for the
> State of Montana
> Residing at Helena, Montana
> My Commission Expires
> February 29, 2027

Jane J Doe
(Notary Signature)

[Affix stamp above]

This certificate has been attached to the _Power of Attorney_
                                          (Type of record or document)

consisting of _2_ page(s), dated _September 20, 2019_.

Any evidence that this certificate has been detached or removed from the above described record may render the notarization invalid or unacceptable.

Requirements for Performing Technology Based Notarizations

<u>Registration</u>

- Notaries who wish to perform R.O.N. or Remote Notarizations must:
    - Select one or more electronic notarization systems or communication technologies
    - Complete approved courses on the laws, rules, ethics and use of the chosen platform, provided by the Secretary of State or other approved providers.
    - Pass an examination based on the course(s)
    - Submit proof of training and examination to the Secretary of State's office using the online filing system to update the notary's records.

NOTE: The Montana Secretary of State's office provides a Power Point training that fulfills the education requirement and an online test to expedite the process. Contact Lori Hamm at Lori.Hamm@mt.gov for more information.

<u>System Requirements</u>
- Must provide simultaneous visual and audio transmission
- Must provide evidence of any change or tampering to a record
- Must ensure integrity in the creation, transmittal, storage, or authentication of electronic records or signatures
- Signal must be live, real-time
- Transmission must be recorded

<u>Compliant Notary Certificates for R.O.N. or Remote Notarizations</u>
- Principal located outside the U.S. – [§1-5-610(9), MCA](#)
- Principal located within the U.S. – [§1-5-610(10), MCA](#)

<u>Journal and Recording</u>
- Must record the entire communication between signer(s) and notary (a/v file)
- Must retain sole possession of recording or transmit to an approved repository
- Must create a separate tangible or electronic journal record of transaction per [§1-5-618, MCA](#)
- May provide copy of a/v recording per [§1-5-618, MCA](#)
- May charge additional fee for copy of journal entry or a/v recording per [§1-5-626(3), MCA](#)

Methods of Identification for Remote and Remote Online Notarizations

Montana law recognizes "personal knowledge" as the highest and best form of identification for both traditional and technology-based notarizations. A notary who has personal knowledge of the signer does not need any further proof of identity. A credible witness may also be used for a technology-based notarization, and all the requirements for a credible witness apply.

Technology-based notarizations, specifically for remote and remote online notarizations utilize "multi-factor" identification using two or more different types of technologies. The currently approved types of identification technologies are:
- Dynamic knowledge-based authentication (DKBA)
- Public key certificate
- Identity proofing
- Credential analysis and remote presentation
- Blockchain

These terms are defined in statute and in the glossary at the end of the [Montana Notary Public Handbook](#).

Notaries should be aware of the types of identification technologies, but it is actually the communications technology provider who is responsible for identifying the signer using these technologies prior to the active remote session. Your system provider will train you in your responsibilities for using the identification methods their system employs. In many, if not most of the remote transactions, the notary will not be brought into the session until the technology-based identification process has been successfully completed. However, the notary will most often have the opportunity to review the identification credential presented by the signer for a final ID check.

The notary has final authority to accept or deny the identification for any remote or R.O.N. transaction.

Approved Notary Technology Providers
Below are current Montana Secretary of State approved providers for remote notarization and R.O.N.
- Notarize
- NotaryCam
- Pavaso
- SafeDocs
- World Wide Notary
- DocVerify
- Nexsys
- SigniX

If you are interested in using a provider that is not listed here, please contact sosnotary@mt.gov.

Notaries may use one or more of the approved technologies, but the notary cannot be required to utilize a technology for which the notary has not been certified.

Questions
The Montana Secretary of State – Notary and Certification Services Division staff is ready to assist with any questions regarding the proper notarization of documents. Below is their contact information:
- Phone: 406-444-1877
- Email: sosnotary@mt.gov
- Website: https://sosmt.gov/notary/
    - Information regarding remote notarizations: https://sosmt.gov/notary/technology-based-notarization-remote-r-o-n-ipen/

- Montana Notary Public Handbook, 2019 edition: https://sosmt.gov/wp-content/uploads/sos-notary-handbook-2019-sml.pdf *(page 22)*
- Certificate templates: https://sosmt.gov/notary/blocks/