

## Electronic Notary (by Executive Order)

On April 6, 2020, Governor Mike Parson issued Executive Order 20-08, suspending a statutory requirement that a Notary Public must conduct the notarization of official documents while the signor personally appears in front of him or her. The order allows for the use of audio-video technology to complete the personal appearance requirement, protecting the health and safety of Notaries Public across the State of Missouri. The order is valid until May 15 unless otherwise extended. The following describes the minimum standard to meet the personal appearance requirement.

### Specifics

1. Any notarial act performed via video conference in compliance with this order shall have the same force, effect, and validity as any other notarial act performed in compliance with Missouri law, and may be relied upon to the same extent as any other notarial act under Missouri law.
2. That the document must contain a notarial certificate, a jurat or acknowledgement, which states the principal appeared remotely pursuant to Executive Order 20-08.
3. Any person whose signature is to be notarized must display a valid photo ID to the notary during the video conference if the person is not personally or otherwise known to the notary.
4. That the person must affirmatively represent that he or she is physically situated in the State of Missouri.
5. The video conference is a live, interactive audio-visual communication between the principal, notary, and other necessary persons, which allows for observation, direct interaction, and communication at the time of signing.
6. That the notary shall record in their journal the exact time and software used to perform the notarial act along with all other required information, absent the signature of the principal.
7. That the notary must be physically located in the State of Missouri and state which county they are physically in for the jurisdiction on the notarial certificate.
8. For electronic documents:
  1. That the Notary Public is registered as an electronic notary public.
  2. That the document must be signed electronically with software approved by the secretary of state as an acceptable medium to conduct the transaction; which may include software requiring third party multifactor authentication.
  3. That the notary shall affix their electronic notary seal to the electronic document.
9. For paper documents:
  1. A tangible or electronic copy of the signed document must be mailed or otherwise transmitted to the notary within five business days.
  2. To the extent that any Missouri state law requires the physical presence of any testator, settlor, principal, witness, notary, or other person, for the effective

execution of any estate planning document, such as a Will, Trust or power of attorney, or a self-proving affidavit of the execution of such document, such provisions are temporarily suspended or waived, and satisfied if the necessary parties are present via a video conference as set forth in paragraph 5.

- 10. That if the document needs to be presented in a paper medium, it shall satisfy the requirements of being an original document, and prima facie evidence, if the notary prints the document and affixes an attestation stating that is a true and correct copy of the electronic document, shall state it was performed pursuant to Executive Order 20-08 and the notary signs and affixes their rubber stamp notary seal.
- 11. That the fees allowed for notarization under this executive order shall be the same as those allowed for other notarial acts, except a fee charged for the use of a Remote Online Notary platform or service shall not be considered a fee for a notarial act pursuant to RSMO 486.350.
- 12. That the Secretary of State shall have all powers provided to him under the law to investigate and adjudicate any notary complaint related to the methods of notarization under this executive order.

**Electronic Notary Registration Instructions**

To register as an electronic notary public in the State of Missouri, email [commissions@sos.mo.gov](mailto:commissions@sos.mo.gov) and notify the Secretary of State’s Business Services Division that you wish to register as an electronic notary public and specify an approved software. You must already have been commissioned as a notary public by the Secretary of State to register as an electronic notary.

**Approved Software to Conduct Electronic Notary**

The Secretary of State’s Office will soon provide a list of approved software to conduct electronic notary. Please check back as we compile this list.

**Sample Acknowledgement**

State of Missouri            )  
  ) SS  
County of Cole             )

*On this 19th day of April 2020, before me, the undersigned notary, appeared remotely pursuant to Executive Order 20-08 John Q Public JR proved to me through identification documents, and acknowledged to me that he signed the forgoing instrument voluntarily for its stated purpose and acknowledged that he executed the same for the purposes therein contained.*