

New York Permitting Online Notarizations in Light of COVID-19

Legal Alert
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On March 19, 2020, New York Governor Andrew Cuomo issued Executive Order No. 202.7 which, among other things, permits online notarization of documents through April 18, 2020. The order provides that any notarial act that is required under New York State law is authorized to be performed utilizing audio-video technology provided that the following conditions are met:

1. The person seeking the Notary's services, if not personally known to the Notary, must present valid photo ID to the Notary during the video conference, not merely transmit it prior to or after;
2. The video conference must allow for direct interaction between the person and the Notary (e.g. no pre-recorded videos of the person signing);
3. The person must affirmatively represent that he or she is physically situated in the State of New York;
4. The person must transmit by fax or electronic means a legible copy of the signed document directly to the Notary on the same date it was signed;
5. The Notary may notarize the transmitted copy of the document and transmit the same back to the person; and
6. The Notary may repeat the notarization of the original signed document as of the date of execution provided the Notary receives such original signed document together with the electronically notarized copy within thirty days after the date of execution.

The above process can be applied to any document that requires notarization. It should be noted that pursuant to 28 U.S.C. §1746, documents filed with the federal courts, which would otherwise require notarization, may be signed unsworn if the document specifies that it is being signed under penalties of perjury. In addition, pursuant to CPLR 2106(b), the New York

Contact

Maurice W. Heller

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State courts permit persons situated outside of the United States to similarly execute documents that otherwise need to be notarized.