

## COVID-19 Notary Public FAQs – last updated May 7, 2020

### **Q: My notary commission is expiring soon. What should I do?**

New and renewing notaries may still apply online at <https://www.notaries.pa.gov>. The Department of State encourages renewing notaries to complete the [3 hours of mandatory notary education](#) and reapply [online](#) before your current commission expires. If you fail to apply for renewal of your commission before its expiration date, you will be required to take the examination when the Department returns to appointing notaries again.

The Bureau of Elections and Notaries has not appointed any notaries since March 11, 2020. The Bureau plans to resume notary appointments on May 15, 2020 (see below). This will be contingent upon the availability and operations of the Recorders of Deeds and Prothonotary offices for the recording of oath/bond/commission and official signature, respectively. The Department has no current estimate as to when the Department's notary exam vendor (PearsonVUE) will begin operations again.

### **Q: Will the Department extend my commission expiration date?**

No. Notary commission expiration dates have not been extended. A notary's commission expires by operation of law (four years after appointment). The Department of State does not have the unilateral authority to extend notary commission expiration dates. The notary should stop notarizing if their commission expires.

### **Q: Will the Department offer an extension to the 45-day period to record a notary's bond/oath/commission and to register the notary signature?**

On May 6, 2020, the Governor approved an [extension of the 45 days](#) for appointed notaries to get sworn in and record the bond/oath/commission with the Recorder of Deeds and to register the notary signature with the Prothonotary, up to an additional 30 days. This extension will apply to all notaries whose 45 days expired on or after March 1 until the expiration of this waiver.

Because notaries have varied expiration dates, the 30 days will calculate for each notary differently. For counties that the Recorder of Deeds or Prothonotary is still closed, the 30 days will also take into account and be based on the date the associated Recorder and Prothonotary offices reopen. If the county offices are open on the notary's 45th day, the notary will have an additional 30 days from the 45th day. If the county offices are closed on the notary's 45th day, the notary will have an additional 30 days from when the county Recorder and/or Prothonotary offices reopen to record the bond/oath/commission with the Recorder of Deeds and to register the notary signature with the Prothonotary. The 45th day is stated on the notary appointment letter and commission.

An additional 30 days will give notaries and Recorders and Prothonotary offices additional time to process the backlog of notaries seeking to record their bond/commission/oath and signatures after each of these offices reopens or during times when these offices are partially open and limiting traffic.

**Q: How do I get sworn in and record my bond/oath/commission with the Recorder of Deeds and to register my signature with the Prothonotary when county offices may have limited hours or be closed?**

Office closures differ from county to county. It is recommended that you contact the offices that are open and make appointments. We encourage appointed notaries to work with your county offices to find solutions. For example, if the Recorder's office is open, but the Prothonotary's is closed to notaries (but otherwise open for emergency cases under judicial order), perhaps the signature cards could be left at the Recorder's office. Signatures may be able to be faxed or emailed, if permitted by the Prothonotary's office, and followed up in person when the office is open to non-emergency cases again.

Also note that the notary oath of office is not required to be taken before the Recorder of Deeds – this is largely a matter of convenience and custom. A notary may take the oath of office before another official authorized to take oaths (any fellow notary public, judge, etc.), thereby eliminating the need to appear in the Recorder's office. Once a notary has taken the oath and it is properly indicated on the bond form (with county, notary signature, date, official's seal, signature and title completed), the Recorder may follow through with the recording process. Again, if there are closures of a Recorder's office to the public, the Department encourages other solutions that are acceptable to the Recorders and Prothonotaries, perhaps such as mailing original executed documents to the Recorders and a copy of their signature card to the Prothonotary.

Notaries MUST complete both the bond/oath/commission process and the signature registration process in order to have completed the appointment and commissioning process for the new commission. Failure to do so will make the notary public's commission null and void.

**Q: What will the resumption of notary appointments on May 15 look like?**

The Department will begin appointing the notaries whose applications have been pending with the Department the longest. The process for receiving notary appointments will change, due to system enhancements made by the Bureau immediately prior to the COVID-19 shutdown. These enhancements are designed to make the notary appointment and commissioning process more effective for the Department, our notary customers and Recorders of Deeds. The primary change for notary appointees will be how the appointees receive their appointment letter and bond. Instead of receiving the appointment letter and blank bond by mail, notary appointees will now receive these items by email upon appointment. These emails will be sent daily, as notaries are appointed, and no longer by a weekly bulk mailing. This will enable notaries to utilize the full 45 days to obtain a bond and come to the Recorder of Deeds and Prothonotary offices to complete the commissioning process.

The Department will no longer be mailing paper commissions to Recorders of Deeds on a weekly basis. All Recorders will be accessing notary commissions through the Partner Portal. Recorders will be printing notary commissions on commission paper supplied by the Department. Recorders also have the ability to upload notary bonds directly into the Department of State system once they are recorded, thereby updating the notary status from "appointed" to "commissioned" in real time.

**Q: Will the Department offer an extension to the six-month Pearson VUE exam period?**

Applicants whose exam authorization expired during the shutdown of the Pearson VUE test centers will be reauthorized for another six months after the centers reopen. Pearson VUE began test center closures within the Commonwealth in mid-March. Every Pennsylvania notary applicant whose exam-authorized status expired on or after March 1 and did not take or pass the notary examination by that time will be exam authorized for another six months after test centers reopen.

**Q: Am I supposed to close for business? Are notaries considered a Life Sustaining Business?**

Please refer to [this chart](#) and [this FAQ](#) (see number 24) and make your own determination based on the sector you operate in. The Bureau of Elections and Notaries cannot make this determination for you.

If notaries are in a sector that is permitted to be notarizing in-person, they should take all possible precautions and follow the [Secretary of Health's guidance for workplace safety](#). If you feel that a notary public is practicing in violation of these laws and policies, please [file a complaint](#) with the Department.

**Q: Is an electronic notarization the same as remote notarization?**

No, it is not. **Electronic notarization** (eNotarization) involves documents that are notarized in electronic form. The notary and customer both sign with an electronic signature, and both the notarial certificate and the notary seal are attached to or logically associated with the electronic record. Rather than a paper document and a rubber stamp notary seal, the notary digitally places his or her seal information into a document which exists as electronic data in a computer-readable form. However, eNotaries must still be in the physical presence of the customer.

With **remote online notarization** (RON), the legal requirement that the signer personally appear before the notary is met by the use of audio-visual electronic communication or technology. The important role that the notary plays when a statement is made in or a signature executed on a record now occurs remotely over the internet. Remote online notarization is also called remote notarization, webcam notarization, online notarization or virtual notarization.

**Q: Can I be an electronic or remote notary in Pennsylvania?**

Yes. Pennsylvania has had an eNotarization program since 2006. Remote notarization has been permitted in limited form only since the onset of the COVID-19 pandemic in March 2020. The website for all waiver/special orders is here: <https://www.dos.pa.gov/Pages/COVID-19-Waivers.aspx>. Remote notarization has expanded from the specific transactions mentioned in these waivers to be more general with [legislation enacted on April 20, 2020](#).

Before a commissioned Pennsylvania notary public performs any notarial act with respect to an electronic record or performs a remote notarization, the notary public must notify the Department of State that the notary public will be performing notarial acts with respect to electronic records or remotely. Once such notification is received and approved, the notary must

identify each technology the notary public intends to use. There is more information [here](#) on the process to becoming an electronic or remote notary.

Please note that, at this time, remote notarization legislation is temporary and will expire 60 days after termination or expiration of the COVID-19 disaster emergency issued by Governor Wolf.

**Q: What are the rules for being a remote notary in Pennsylvania?**

Notaries may provide notarial services utilizing audio-visual technology as an alternative to in-person notarization as authorized by Senate Bill 841, signed by the Governor on April 20, 2020 (Act 15). The requirements for temporary remote notarization are available [here](#). They include notification to the Department of State, use of approved communication technology, modified notarial certificate and rules as to the location of the notary public and remotely located individual.

**Q: Do electronic/remote notary applicants need to get verified by Recorders?**

No. As of Monday, March 23<sup>rd</sup>, electronic/remote notary applicants no longer need to go to the Recorder's office to be verified. The steps now include: apply online to be an e-notary, then the Bureau of Elections and Notaries will approve or reject your application. If approved, you can then select your technology solution providers (vendors). More information about the electronic notary process (now used for remote notarization, too) can be found [here](#), including the steps to becoming an e-notary/remote notary.

**Q: What about notaries who are court reporters?**

Pennsylvania notaries who are court reporters or stenographers and who are participating in criminal, civil and administrative proceedings may administer oaths and affirmations by video conference as part of those proceedings. Proceedings include depositions, arbitrations, and hearings that occur as part of any criminal, civil and administrative proceeding. See <https://www.dos.pa.gov/Documents/2020-03-21-Court-Reporters-Notaries-in-person.pdf>). Because of the limited nature of these proceedings, where there are many safeguards in place to ensure the identity of the witness, court reporters do not need to apply and become remote notaries or use approved remote technology to administer oaths and affirmations remotely.

**Q: As a remote notary in another state, can I notarize a document for a customer in Pennsylvania? Will this notarized document then be recognized in Pennsylvania court?**

There are some states that allow virtual or remote notarization, such that the notary in that state may use a technology approved by that state to notarize for a customer that is somewhere else. Each state's rules and technology differ. Some states require that the customer be in the same state (just not in the same room). Some states don't have that rule.

A Pennsylvania customer may seek out a notary in another state who is legally able to remotely notarize for a person in another state. It is the opinion of the Pennsylvania Department of State that a document lawfully notarized pursuant to other state law is authorized to be relied upon

and may be recorded/filed/utilized, as long as the end user accepts that document and has the technology to record/file/use the document, especially if it is electronic.

The customer should check with the end user of the document to see if they will accept the out of state remote notarization, prior to going this route.