The State of Maryland

Executive Department

ORDER
OF THE
GOVERNOR OF THE STATE OF MARYLAND

NUMBER 20-03-30-04

AUTHORIZING REMOTE NOTARIZATIONS

WHEREAS, A state of emergency and catastrophic health emergency was proclaimed on March 5, 2020, and renewed on March 17, 2020, to control and prevent the spread of COVID-19 within the state, and the state of emergency and catastrophic health emergency continue to exist;

WHEREAS, COVID-19, a respiratory disease that spreads easily from person to person and may result in serious illness or death, is a public health catastrophe and has been confirmed in several Maryland counties;

WHEREAS, To reduce the spread of and exposures to COVID-19, the U.S. Centers for Disease Control and Prevention and the Maryland Department of Health, consistent with the currently known and available scientific evidence and best practices, recommend social distancing;

WHEREAS, It is necessary and reasonable to prevent the transmission of the novel coronavirus in the state, and save lives, for individuals to refrain from congregating;

WHEREAS, It is necessary to protect the public health, welfare, or safety to suspend the effect of statutes, rules, or regulations that require personal interactions to complete original notarial acts; and

WHEREAS, To reduce the threat to human health caused by COVID-19 in Maryland, protect the health and safety of Maryland residents requiring essential notarial services, and save lives, it is necessary and reasonable for the Secretary of State to issue guidance to notaries public on the use of communications technologies that permit the notary to see and hear the person signing a document in real time;

NOW, THEREFORE, I, LAWRENCE J. HOGAN, JR., GOVERNOR OF THE STATE OF MARYLAND, BY VIRTUE OF THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND LAWS OF MARYLAND, INCLUDING BUT NOT LIMITED TO TITLE 14 OF THE PUBLIC SAFETY ARTICLE, AND IN AN EFFORT TO CONTROL AND PREVENT THE SPREAD OF COVID-19 WITHIN THE STATE, DO HEREBY ORDER:

I. A "communication technology" is an electronic device or process that enables the notary public visually to:

   a. in real time, view the individual; and

   b. compare for consistency the information and photos on identification credentials.

II. An individual need not be in the physical presence of a notary public who performs a notarial act if:

   a. they communicate with each other simultaneously by sight and sound through a communication technology; and

   b. the notary public:

      i. is appointed and commissioned to perform a notarial act;

      ii. has notified the Secretary of State of the intention to perform notarial acts facilitated by communication technologies, and identifies the communication technologies the notary public intends to use;

      iii. either:

         1. personally knows the individual; or

         2. has satisfactory evidence of the identity of the individual by:

            a) means of a government identification credential, which may be remotely presented, that is issued to the individual and contains the signature and photograph of the individual; or

            b) verification on oath or verification by a credible witness who personally appears before the notarial officer and:

               i. is known to the notarial officer; or

               ii. whom the notarial officer can identify on the basis of a passport, driver's license, consular identification, or government-issued identification card, which may be remotely presented;

iv. confirms that the individual made a statement or executed a signature on the same record before the notary public;

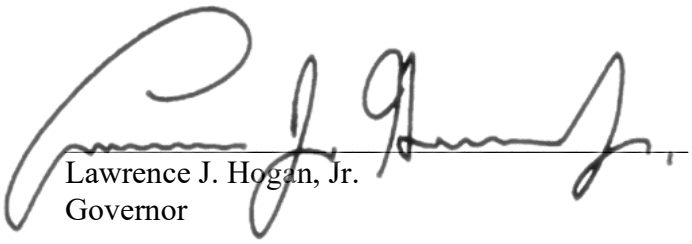
v. creates, or directs another person to create, and retains an audio-visual recording of the performance of the notarial act; and

vi. indicates on a certificate of the notarial act and in a journal that the individual was not in the physical presence of the notary public and the notarial act was performed using a communication technology.

III. This Order remains effective until the termination of the state of emergency and the proclamation of the catastrophic health emergency has been rescinded, except as may be rescinded, superseded, amended, or revised by additional orders.

IV. The effect of any statute, rule, or regulation of an agency of the State or a political subdivision inconsistent with this order is hereby suspended.

ISSUED UNDER MY HAND THIS 30TH DAY OF MARCH, 2020, AND EFFECTIVE IMMEDIATELY.



Lawrence J. Hogan, Jr.
Governor