EXECUTIVE ORDER
20-08

WHEREAS, on March 13, 2020, Executive Order 20-02 invoked the provisions of sections 44.100 and 44.110, RSMo, and declared a state of emergency that exists in the State of Missouri due to the spread of COVID-19; and

WHEREAS, I have been advised by the Missouri Department of Health and Senior Services and the State Emergency Management Agency that there have been confirmed cases of COVID-19 in this state; and

WHEREAS, COVID-19 can result in mild or severe symptoms, is highly contagious, and is spread through close contact between persons and respiratory transmission; and

WHEREAS, COVID-19 poses a serious health risk for Missouri residents and visitors; and

WHEREAS, the spread of COVID-19 and identification of additional cases in Missouri is likely to continue, and steps should be taken to prevent a substantial risk to public health and safety; and

WHEREAS, Secretary of State John R Ashcroft, pursuant to Executive Order 20-04 Section 10, has requested my office to issue an executive order on remote electronic notarization; and

WHEREAS, Missouri citizens and businesses require a secure and safe method by which to execute important legal documents; and

NOW, THEREFORE, I, MICHAEL L. PARSON, GOVERNOR OF THE STATE OF MISSOURI, by virtue of the authority vested in me by the Constitution and the Laws of the State of Missouri, including chapter 44, RSMo, hereby order that the requirement of personal appearance before a notary public under the laws of this state is suspended to the extent that any notarial act is authorized to be performed utilizing audio-video technology, provided that the following conditions are met:

1. Any notarial act performed through 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:

a. That the Notary Public is registered as an electronic notary public;
b. 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; and
c. That the notary shall affix their electronic notary seal to the electronic document.

9. For paper documents:
   a. A tangible or electronic copy of the signed document must be mailed or otherwise transmitted to the notary within five business days; and
   b. 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 through a video conference as set forth in section 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 section 486.350, RSMo.
12. That the Secretary of State shall retain the powers provided to him under the law to investigate and adjudicate any notary complaint related to the methods of notarization under this executive order.

This order shall terminate on May 15, 2020, unless extended in whole or in part.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson, on this 6th day of April, 2020.

MICHAEL L. PARSON

GOVERNOR

ATTEST:

JOHN R. ASHCROFT

SECRETARY OF STATE