



**Alabama: Temporary Authorization of Remote Notarization Under Governor's
Fifth Supplemental State of Emergency Proclamation – Procedures for Consideration**

Effective April 2, 2020 and for the duration of the declared public health emergency unless
rescinded or extended by proclamation

[View the Proclamation...](#)

This Proclamation gives all commissioned Alabama Notaries the ability to officiate for notarization of wet-signed paper documents, using videoconference technology to enable presence before the Notary of the principal signer and any witnesses.

An earlier Proclamation limited this authority to Alabama Attorney-Notaries and Notaries being supervised by an Alabama Attorney, but those limitations are now lifted. The April 2, 2020 Proclamation granting these powers expires at the end of Alabama's declared public health emergency unless it is rescinded or extended.

American Society of Notaries offers the following procedural steps for consideration. They are intended to help Alabama Notaries decide how to proceed in a way that produces the customary assurances of notarization under highly unusual circumstances. "Musts" within these procedures indicate a requirement for complying with the Proclamation.

Notarization using videoconference technology for a remotely located individual will be a two-phase process, as described below.

Phase One

1. You (the Notary) must be physically located in Alabama. The principal signer and any witnesses should also be physically located in Alabama, as would be the case if they were appearing in your physical presence. You, the principal and any witness(es) must participate simultaneously in the same videoconference session.
 - Recommendation: At the beginning of the videoconference session, the principal signer and witness should state their names and where they are located in Alabama at the present time of notarization. Ensure that their verbal statements are recorded (see next item).
2. At a minimum, the videoconference connection should be in real-time, with good video resolution and audio clarity for all participants. It must also enable the Notary to record and save the entire notarization's audio-video session. Videoconference recordings must be saved, securely, for at least five years from the date of recording/notarization that you note in your "log book" (recordbook, journal).

- Recommendation: If you do not already use a log book, you should obtain one specifically for this purpose.
3. Before the videoconference session, ask the principal to fax or email a copy of the document to you so you may review it for completeness (no substantial blanks or missing pages) and facts such as the name of the principal signer and the notarial act required. The principal must maintain possession of the original paper document.
 4. During the videoconference session, ask the principal to show each page of the original document on-camera, so you may compare it to the copy you received earlier. (At all times, store the document copy in your possession in a secure manner until the steps detailed in Phase One and Two are completed.)
 5. Identify the remotely located principal signer and any witnesses also appearing by videoconference technology, using the same methods you use for a physically present signer (personal knowledge or identification credentials). When relying on ID credentials, have the individual hold his/her ID credential up to the web camera so you can examine both the front and back of it. Be sure to note in your log book how you identified the principal and any witness.
 6. Ask the principal if he or she is signing the document voluntarily and is mentally competent to do so, then witness the principal's signature and if applicable, the witness' signature. You must be able to see the actual act(s) of signing, on-camera.
 7. Perform the notarization verbal ceremony. For an acknowledgment, ask the principal "Do you acknowledge signing this document of your own free will, with understanding of the document's contents and purposes?" For an oath/affirmation, ask "Do you swear that the contents of this document are true, so help you God?" or "Do you affirm the contents of this document are true?"

At this point, you would ordinarily complete the notarial certificate, but the wet-signed document is not yet in your possession. See Phase Two.

8. Record in your log book the details of this phase of the notarial act using videoconference technology. Note in the log book entry that the principal signer (and witness, if applicable) appeared by videoconference technology, under the Governor's Fifth Supplemental Proclamation of April 2, 2020. (This will explain the lack of the principal's signature in the log book entry.) Also note the date and time of day that you witnessed the principal's signature.

Phase Two

1. The Proclamation requires that "All documents must be returned to the Notary for certification and execution," so ask the principal to mail the entire wet-signed document to you, with the principal retaining a copy for his or her records.

2. Upon receiving the wet-signed document, compare it to the faxed or emailed copy you received previously to ensure you have all pages and that the contents appear to be the same. Complete the notarial certificate on the wet-signed document. The venue will be "State of Alabama, County of (where you were physically located for the notarization)." As dictated by the Proclamation, the date and time of notarization will be the date and time that you witnessed (by videoconference technology) the document being signed.
 - Recommendation: Also add a notation, "Notarized Under Governor's Fifth Supplemental Proclamation of April 2, 2020."
3. Verify that your log book record for this notarization is complete and correct, then promptly mail the wet-signed document containing your completed notarial certificate back to the principal signer. (If possible, consider sending the document by certified mail.) Update your log book record with the date that you mailed the wet-signed document back to the principal. Destroy the document copy that was faxed or emailed to you prior to notarization.
 - Recommendation: If for some reason the notarization is never performed, be sure to destroy the document copy in your possession.

Records of Videoconference Notarizations

1. Log book records of videoconference notarizations should be retained for at least as long as you are required to retain the recording of the videoconference session (five years from the date of recording/notarization).
 - Recommendation: Save a copy of the Proclamation with every log book containing entries for these videoconference-assisted notarizations.
2. Recordings of notarizations performed using videoconferencing should be stored in a way that secures them from unauthorized access.
3. Make an entry in your log book regarding where and how a recording of a notarization performed using videoconferencing is stored. Cross-reference this log book entry with the entry for the related notarial act.

Notary Fees

For performance of a videoconference notarization, the Governor's Proclamation does not authorize any fee that differs from the customary fee of \$5 per notarial act.

