



## North Carolina Notaries

Updated March 16, 2021

On March 11, 2021, House Bill 196, [S.L. 2021-3](#), was signed into law by the Governor. As a result of Sections of NCGS 10B-25, **emergency video notarization now expires at 12:01 AM on December 31, 2021**, and NCGS 10B Article 3, emergency video witnessing now expires on December 31, 2021. The sections became effective March 1, 2021.

Please visit the [North Carolina Secretary of State](#) website for information on emergency video notarization requirements, emergency notarization notary certificates and emergency notarization notary journal template.

### HISTORY:

**On March 1, 2021, the temporary emergency video notarization law, signed into effect by Governor Cooper on May 4, 2020, expired.**

Pursuant to the NC Secretary of State's website:

**VIDEO NOTARIZATION TO EXPIRE** The General Assembly has not finalized action on the extension of the temporary emergency video notarization law, and will not do so before the law sunsets on Monday. We anticipate the General Assembly will be supportive of the extension and we expect it to be part of the upcoming COVID-related budget bill to be rolled out next week. However, other items in the bill are still being negotiated and the temporary emergency remote notarization will expire, even if it is for a short time. The law will expire at 12:01 a.m. on Monday, March 1, 2021. After this time, all notarial acts will revert to the original law requiring in-person presence by the principal signers.

Also expiring will be the time extension permitting an appointee to appear before a Register of Deeds within 90 days to take the oath of office. That time will revert back to 45 days.

Please visit the [North Carolina Secretary of State](#) website for information.

**On May 4, 2020, Governor Cooper signed Senate Bill 704 into effect, providing for Emergency Video Notarizations.**

Pursuant to Senate Bill 704, in consultation with and at the recommendation of Secretary of State Elaine F. Marshall, all Notaries Public as public officers of the State of North Carolina may temporarily perform emergency video notarizations until Aug. 1, 2020, so that notarial acts will not impede crucial business transactions, real estate transactions, medical documents, court documents, and most other important document notarizations. The following temporary emergency video notarization requirements were passed by the General Assembly and signed by Governor Cooper on May 4, 2020. They take effect immediately and will sunset on August 1, 2020.

Please visit the [North Carolina Secretary of State](#) website for information on emergency video notarization requirements, emergency notarization notary certificates and emergency notarization notary journal template.

**On March 19, 2020, the [North Carolina Secretary of State](#) published the following helpful hints for notaries.** Any questions regarding notaries, should be directed to the Secretary of State's email: [notary@sosnc.gov](mailto:notary@sosnc.gov).

### **North Carolina Notaries**

During these uncertain times around the Covid-19 crisis, we wanted to provide our notaries with guidance on how to practice social distancing while complying with the in-person personal appearance requirements of the North Carolina notary law.

The statutory purpose of the notary law is to protect the public from fraud and forgery N.C.G.S. 10B-2(1)(3) and it is indeed in times such as this when notaries have to be even more vigilant as there are certainly those among us that seek to perpetrate all manner of fraud when people are most vulnerable would be evildoers relish opportunities to strike when we are at our most vulnerable.

It would take an unlikely statutory change to remove the requirement for the notary and the principal signer to be in "close physical proximity" during a notarization, see N.C.G.S. 10B-20(c)(1), N.C.G.S. 10B-3(16). However, with a little thought and preplanning, notaries can employ social distancing practices to reduce the amount of physical contact and time they need to spend with the signer.

Below are a number of steps that can be taken to reduce exposure during a notarization while satisfying the statutory requirements for a legal notarization:

Wear gloves and a mask – provide them for the principal signers also

Eliminate physical contact – do not shake hands

Do not share pens – have them bring their own, sanitize after usage or gift them

Keep a safe distance from the principal at all times (minimum of 6 feet) – Standing at the opposite ends of a 6’ conference table or passing documents through a bank teller’s glass window satisfies the personal appearance requirement

Do not touch the identification – view it from the desk/table top

Arrange the documents such that each document needing to be notarized is grouped together, the amount of time being spent with the signer can be dramatically reduced

Have the signer sign all signatures that require an acknowledgment prior to meeting the notary (Acknowledged signatures do not need to be signed in front of the notary they simply must be acknowledged)

Identify each page requiring a signature to be notarized prior to the notarial act so you can have the signer acknowledge each signature simultaneously i.e. “Do you acknowledge that you willingly signed page 2, 4, 6, 8 & 12?”

In the case where an oath is required on any of the documents, the signature would need to be made in the presence of the notary who would also need to administer an oath or an affirmation. When multiple oaths are required the notary may administer one single oath for all of the documents i.e. “Do you swear that the information on pages 1, 3, 5, and 9 is true, so help you God?”

After positively identifying the principal and administering the oath/affirmation or taking their acknowledgment, the notary may relocate to another room to complete the notarial certificate(s) as the law does not require the certificates to be completed in the presence of the principal signer N.C.G.S.10B-20(C)(1). Use sticky tabs to indicate where the principal needs to sign your journal.

Thank you for your continuing efforts to provide the best possible service to our citizens during this difficult time and stay safe.

As always, if you are unsure of anything as we try and navigate through this together, please reach out to the Department at [notary@sosnc.gov](mailto:notary@sosnc.gov). We are always happy to help.