

ESRA Statement of Policy: Remote Notarization

ESRA supports state oversight of notarial laws, acknowledges the essential assurances provided by notarial acts, and further believes that these essential assurances can be achieved electronically.

ESRA supports and encourages the nationwide adoption of remote notarization, a form of eNotarization in which the signer appears before the notary by means of real-time audio-video communication and the notary performs and completes the notarial act by electronic means.

ESRA supports enabling laws, regulations and standards that:

- (a) Are technology neutral, focusing on the desired outcome of completing the notarial act rather than the technical means by which it is achieved;
- (b) Advance, enable and support the interstate and intrastate adoption and recognition of remote notarization across all U.S. states and territories.

Innovation - ESRA supports innovation and recognizes the opportunity for new technologies to enhance and improve identity authentication, security, efficiency and user experience of the notarial act. Electronic processes such as remote notarization can:

- (a) Utilize data and technology to improve identity validation;
- (b) Generate valid, reliable and tamper-evident notarial transaction records which provide an audit trail;
- (c) Enable governments and businesses to respond to the increasing demands of citizens and consumers to communicate with them and conduct transactions through means other than the exchange of paper documents;
- (d) Provide convenience for businesses and consumers, and strengthen access to digital transactions including for example people in military service, on travel, in rural areas, or with disabilities.

Interoperability – ESRA supports remote notarization standards and best practices that can be adopted within and across industries and geographies, leading to broader acceptance and adoption. ESRA reaffirms the importance of uniformity of statutes and rules to boosting long-term adoption of electronic processes such as remote notarization, and supports:

- (a) Industry collaboration on practices and standards;
- (b) Laws and rules that recognize the value of industry input into regulations that may affect remotely notarized transactions across jurisdictional lines.

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Removal of barriers – ESRA opposes laws or rules that create new or more stringent requirements for remote notarization when compared to requirements for notarial acts performed with respect to non-electronic signatures and records.

- (a) ESRA favors remote notarization laws that are self-actuating and not conditioned upon the subsequent adoption of new rules or procedures.
- (b) ESRA encourages law and policy makers to acknowledge the applicability of ESIGN and UETA to the subject matter of remote notarization.
- (c) ESRA opposes broad “government purpose” exceptions in which recognition and acceptance of remote notarization by government agencies are refused or unnecessarily deferred.

Security and Verifiability – ESRA promotes awareness that electronic processes can provide equivalent or even heightened security, verifiability and transparency over processes performed by paper-based means.

About ESRA

The Electronic Signature & Records Association (ESRA) is the premier trade association representing organizations that adopt or provide electronic signature and document technology. Founded in 2006, ESRA’s mission is to further public policy and educate its members and the general public on current legal, regulatory and operational issues regarding the use of electronic signatures and records.

Globally, ESRA leads endeavors to advocate the use of electronic signatures and records, promote process efficiencies and provide educational resources to the public, businesses and government. ESRA frequently issues position statements on pending legislation or rulemaking, and ESRA may also offer policy positions that seek to change current laws or rules that do not comport with ESRA’s mission.

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Interested in joining the conversation?
Contact ESRA today at ESRA@eSignRecords.org