

COVID-19 Executive Orders Authorizing Remote Notarization

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Issue

Summarize the governor's COVID-19 executive orders temporarily authorizing remote notarization.

Summary

On March 10, 2020, the governor [declared](#) public health and civil preparedness emergencies in response to the COVID-19 pandemic. On March 23, he issued an executive order that, among other things, allowed notarial acts to be performed remotely and established several requirements for remote notarizations ([EO 7K](#), § 3). One week later, he issued a follow-up order establishing additional requirements for remote notarizations ([EO 7Q](#), § 3, Mar. 30, 2020).

Both orders authorized remote notarizations through June 23, 2020. On June 16, however, the governor issued an order allowing remote notarizations for the duration of the public health and civil preparedness emergencies, including any renewal period ([EO 7ZZ](#), § 12).

State Law

Remote notarization refers to notarial acts performed when the person signing the document is not in the same physical location as the notary; the parties communicate through audio and visual equipment (e.g., a webcam). According to the [Notary Public Manual](#), published by the Office of the Secretary of the State, Connecticut law does not permit remote notarization (see p. 5); it requires that notarial acts be performed in a notary's presence. For example, the law defines "acknowledgement" as "a notarial act in which a notary public certifies that a signatory...has

admitted, in the notary's presence, to having signed a document for its stated purpose" ([CGS § 3-94a\(1\)](#)).

Executive Orders

EO 7K

EO 7K, issued on March 23, allowed the remote performance of any notarial act required by state law. In the order's preamble, the governor stated that in-person interactions should be avoided to the maximum extent possible to promote social distancing and mitigate COVID-19's spread.

Specifically, EO 7K allowed any notary public or Superior Court commissioner (hereafter, "notary") to use an electronic device or process to simultaneously communicate with a remotely located individual by sight and sound (i.e., communication technology). The authorization applied through June 23, 2020, and included the following conditions:

1. A signatory who is not personally known to the notary must present satisfactory identification while communicating with the notary, not merely transmit it before or after the transaction.
2. The communication technology must be capable of recording the complete notarial act.
3. The notary must retain a recording of the complete notarial act for at least 10 years.
4. The signatory must affirmatively represent that he or she is physically present in Connecticut during the transaction.
5. The signatory must transmit to the notary, by fax or electronic means, a copy of the signed document on the same date it was executed.
6. The notary may notarize the transmitted copy and send it back to the signatory by fax or electronic means.
7. The notary may repeat the notarization of the original signed document as of its execution date as long as the notary receives the original signed document, together with the electronically notarized copy, within 30 days after the execution date.
8. Only an attorney in good standing and admitted to practice law in Connecticut may remotely administer a self-proving affidavit to a last will and testament or conduct a real estate closing ([EO 7K](#), § 3; Mar. 23, 2020).

EO 7Q

EO 7Q, issued on March 30 and valid through June 23, replaced EO 7K with a revised order. EO 7Q contains the same provisions described above, with the following additions:

1. The order suspends all witness requirements for notarizations, except for those concerning a last will and testament.
2. Any witnessing requirement for a last will and testament may be satisfied remotely, using the communication technology described above, if a Superior Court commissioner supervises its completion and certifies his or her supervision.
3. Town clerks must accept remotely notarized documents for recording on their town's land records. Remotely notarized documents submitted to the clerks for this purpose must be accompanied by a one-page certification confirming the use of remote notarization ([EO 7Q](#), § 3, Mar. 30, 2020).

EO 7ZZ

EO 7ZZ extended EO 7Q's sunset date to allow remote notarizations (as described above) for the duration of the public health and civil preparedness emergencies, including any renewal period ([EO 7ZZ](#), § 12, Jun. 16, 2020).

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