

# Remote Online Notarization (RON) for Legal Professionals

2024 Montana Notary Conference



Presented by:



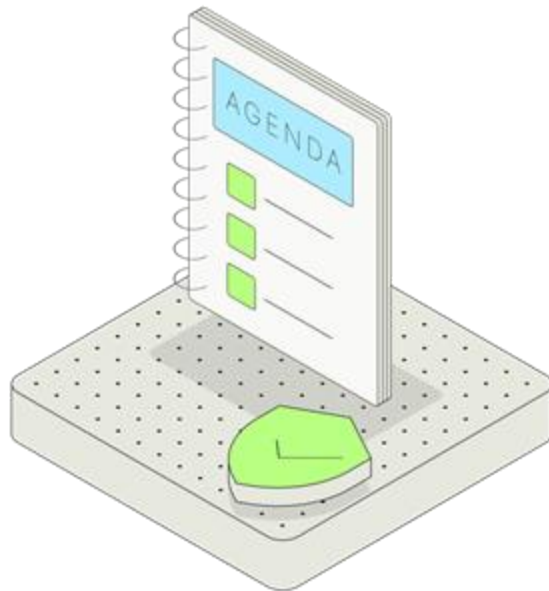
**Dale Hardy**  
Senior Counsel  
Government & Regulatory Affairs



# Who's on First?

## Agenda:

1. Brief Recap of RON
1. Review MT Statutes & Regulations on RON
1. Notary Onboarding Flow
1. Ethical Considerations for Attorneys Utilizing RON

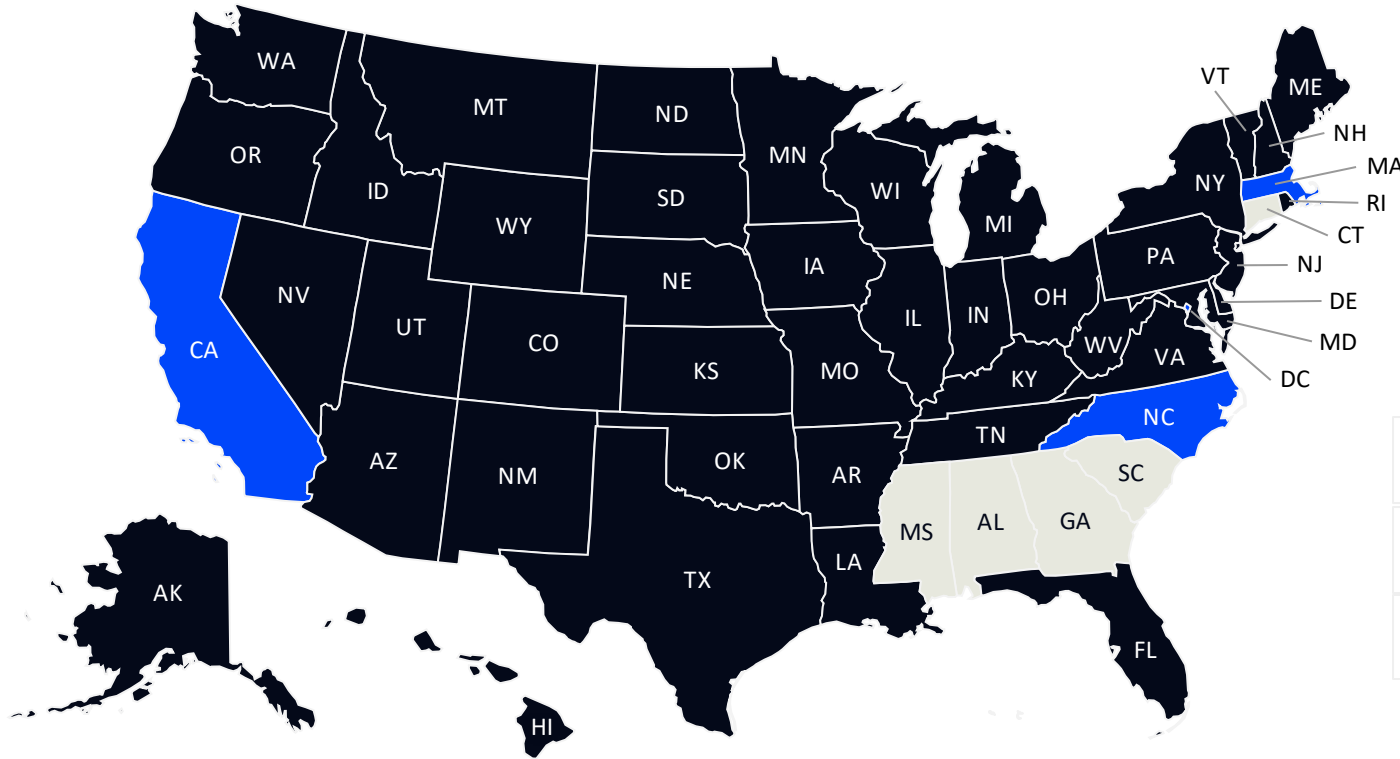


# A Brief History of (RON) Time

- Virginia was the first state to allow remote notarizations over the internet, effective in 2012.
- Montana was the second state in 2015.
- By 1/1/20, 22 states had adopted.
- As of today, 45 states with RON\*.



# As Things Stand Today



42 states currently allow their commissioned notaries to *perform* remote online notarizations.

All 50 states *accept* remotely notarized documents.

As of August 2024

RON Law Passed and Effective (42 States)	
RON Law Passed & Not Effective (3 States + DC)	
Without RON Law (5 States)	

# Back to Basics

- Remote presence;
- A/V technology & recording;
- Electronic documents & signatures;
- Identity Proofing;
- Electronic journal;



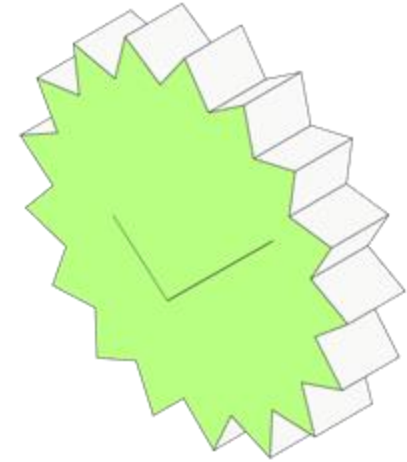
# Mont. Code § 1-5-615 - System selection, etc.

- Notary to select 1 or more "electronic notarization system".
- System provider to take reasonable steps to make sure notary knows how to use it.
- Electronic notarization system vs. communication technology.
- Notary must identify the compliant system they intend to use.
- Notary must complete a course of instruction and pass an exam.



# Mont. Code § 1-5-616 - Signature & Stamp

- Notary has to have an official signature on file with the SOS.
- Signatures used in notarization have to either match, or be an image of the official signature.
- Official stamp has to include specific information.
- Electronic stamp must be roughly equivalent with tangible stamp.





# Onboarding

- MT notaries have to complete state specific platform training in order to obtain authorization from the state to perform RON.
- Once the training is completed, they are able to generate a certificate of completion to submit to the Secretary of State.
- The Secretary of State updates the notary's information in the notary lookup tool, which we use to verify the notary's ability to be fully onboarded.



# Onboarding, cont'd.



Secretary of State of the State of Montana

To all to whom these Presents shall come, Greeting:

Know Ye That I,

Christi Jacobsen, Secretary of State of the State of Montana,

by virtue of the power vested in me by the Constitution and in pursuance of the Laws,  
hereby **certify that:**

**Ima Notary**

**Notary Public for the State of Montana**  
**Commission # 12345678900**

HAS COMPLETED AN APPROVED TRAINING COURSE AND PASSED THE  
EXAMINATION REQUIRED BY MONTANA LAW AND IS AUTHORIZED TO  
OFFER ELECTRONIC AND REMOTE NOTARIZATIONS SERVICES.



In Testimony Whereof, July 21, 2021; I have  
hereunto subscribed my name and caused the  
Great Seal of the State of Montana to be affixed  
at Helena, Montana.

A handwritten signature in cursive script, reading "Christi Jacobsen".

Christi Jacobsen, Secretary of State

# Onboarding, cont'd.

## Notary Search

Search by name or commission number

### Advanced Search

☐ Starts with

☒ Contains

☐ Active entities only

City

Special Services Offered

(N/A) ▼

Search

Clear Filters

Advanced ^

Results: 69

Name	Commission #	City of Residence	Status
J DOE Commission Number: 363166	363166	KALISPELL	Active
MARY DOE Commission Number: 356653	356653	BELGRADE	Active



# Onboarding, cont'd.

Melinda Jane Doe

Notary InfoDocuments

Commission Details

Commission Number123456789

Commission CityBillings

Traditional Commission Expiration DateNovember 30th, 2024

Commissioning StateMontana



# Onboarding, cont'd.

MELINDA JANE DOE

Commission Number: 359740

Employer Name

TRIANGLE COMMUNICATIONS

Employer Address

2121 US HIGHWAY 2 NW  
HAVRE, MT 59501

Employer Phone #

(406) 394-7807

Special Services

- eNotary-DocVerify
- eNotary-DocVerify
- Remote-DocVerify
- Remote-DocVerify

Status

Active

City of Residence

HAVRE

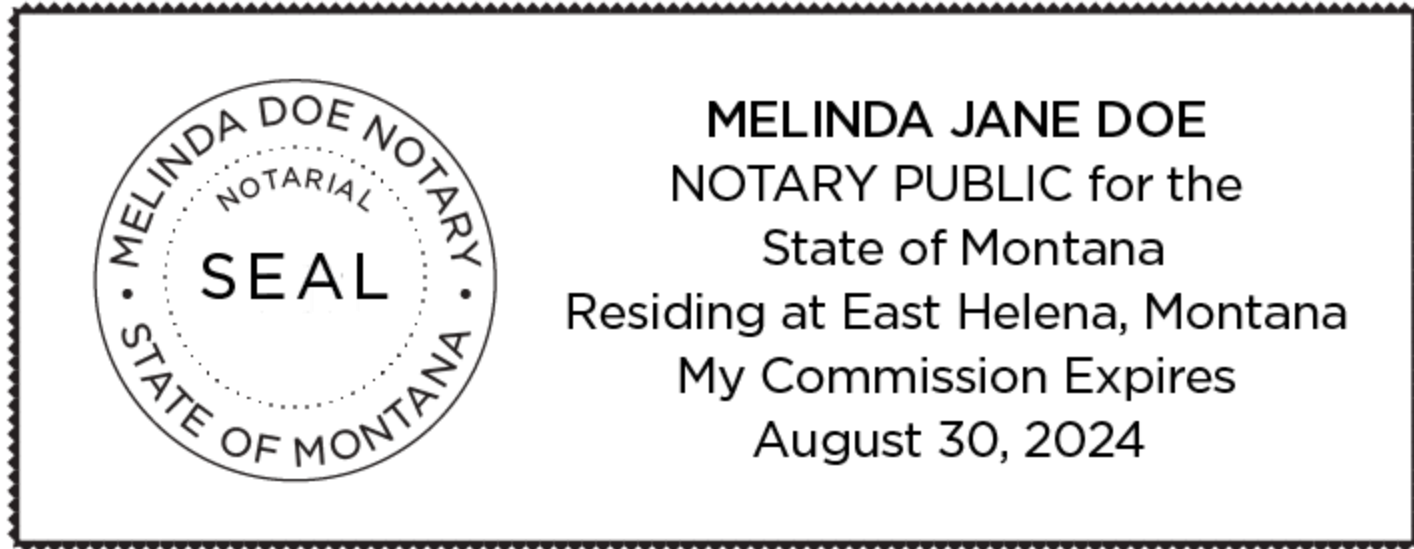
Electronic Notary

Authorized

Expiration Date

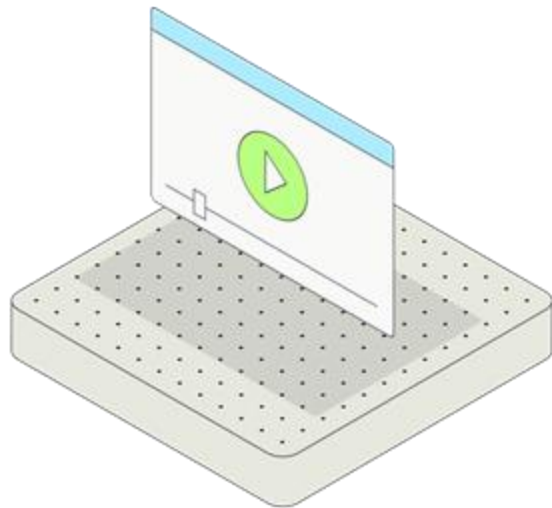
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Onboarding, cont'd.



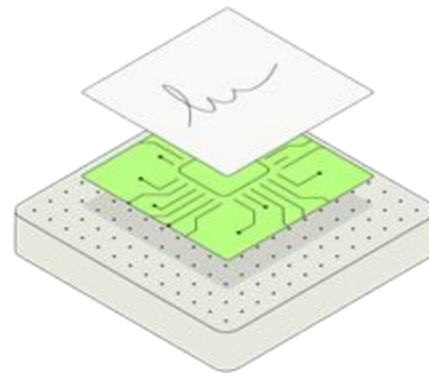
# Mont. Code § 1-5-618 - RON Recordings

- Notarizations via communication technology must be a/v recorded.
- Notaries have to keep the recording, but can utilize a repository.
- Can allow a person to obtain a copy of the record if the requester provides specific info.
- Reasons for access not restricted when request accompanied by subpoena or SOS direction.
- Retention period of 10 years for recordings.



# Mont. Code § 1-5-618, cont'd - Journals

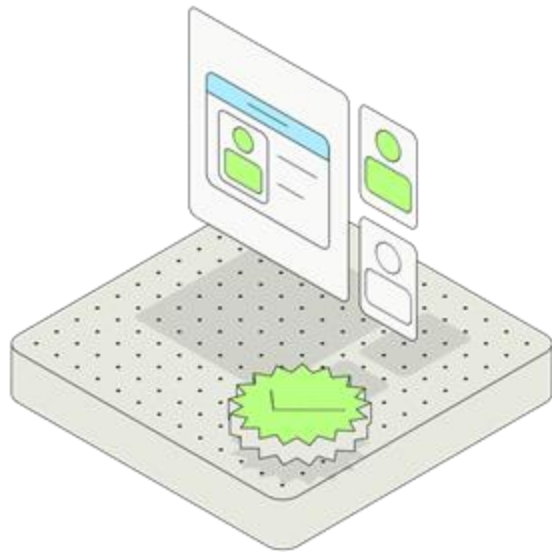
- Notary has to have at least one journal to chronicle notarizations.
- Journal can be tangible or electronic. Both formats must be designed in a way to deter fraud.
- Each journal entry must have specific information recorded.
- Notary has to promptly notify SOS if journal is lost or stolen, and notify the SOS of the journal's location upon resignation or commission revocation/suspension.
- Journal retention period of 10 years.





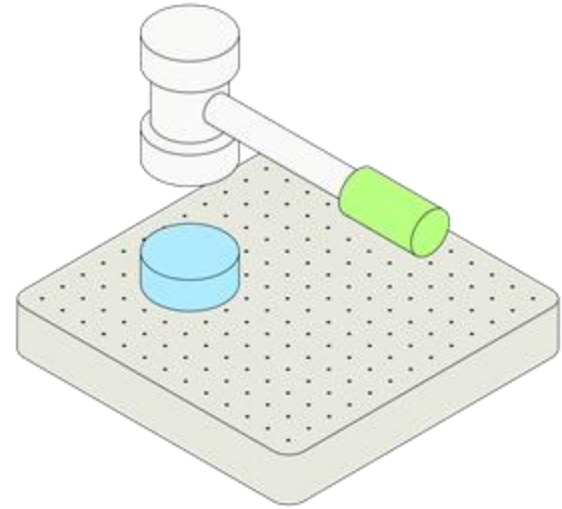
# Mont. Admin. R. 44.15.108 - RON Specifics

- Reiterates that sessions have to be live, simultaneous, and involving audio and visual communication.
- All sessions, for tangible and electronic documents, have to be a/v recorded.
- Notaries have to inform parties that the session will be a/v recorded.
- The notary and individual each have to recite certain information during each session.
- Each identification method has special requirements for the actual meeting session.



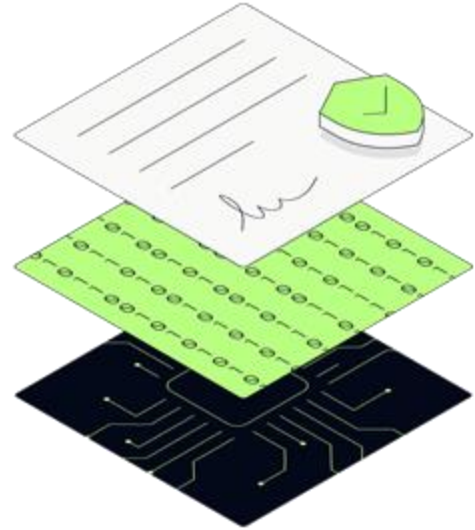
# Mont. Code § 1-5-629 - Venue

- Notary may act officially throughout the state, not restricted to one county.
- Venue for the notarial act is set as the state and county where the notary is located at the time the notarial act is performed.



# Mont. Code § 1-5-609 - Certificates

- Specifies information to be recorded on document.
- Certificate must be part of or affixed to document, tangible or electronic.
- RON must also indicate that communication technology was used.
- Certificate doesn't have to use short form, but can. Complies if it has all required information.



# Mont. Code § 1-5-610 - Short Forms

(1) For an acknowledgment in an individual capacity:

State of.....

County of.....

This record was acknowledged before me on (date) by (name(s) of individual(s))  
.....

.....

(Signature of notarial officer)

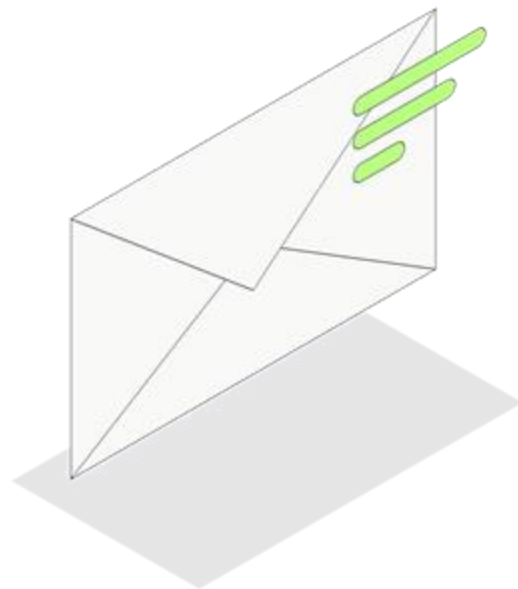
(Official Stamp)

.....

Printed name and title of officer (if not shown in stamp)

# Record Retention

- Notarial *officers* required to retain a/v records for at least 10 years.
- Notaries *public* also required to retain journal for at least 10 years.
- Rule is fuzzy when the records are part of a client's files, though.
- Consider potential future impact of record when deciding on retention policies.



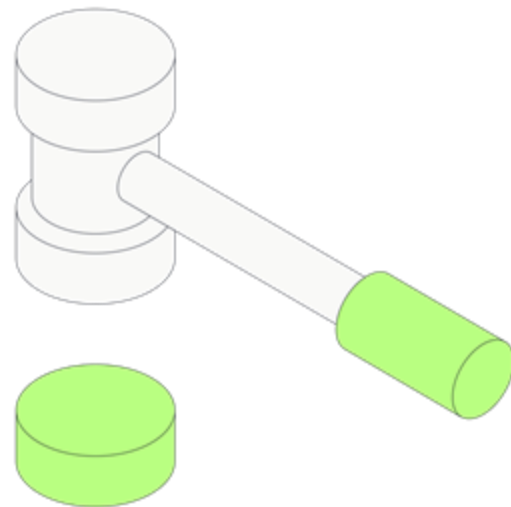
# Confidentiality

- Rule 1.6 on Confidentiality of Information.
- Subsection (a), general rule, don't disclose unless it's with client's informed consent, or in a subsection (b) exception.
- (b)(6) "to comply with other law or a court order".
- Choosing a repository.



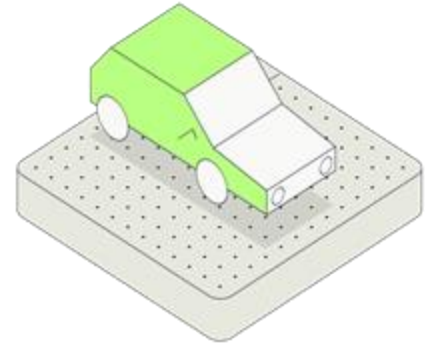
# Misc. Considerations

- Identity Verification
- Consent
- Security
- Technology
- Competence
- Jurisdiction
- Notarization Process
- Privacy



# Interstate Recognition

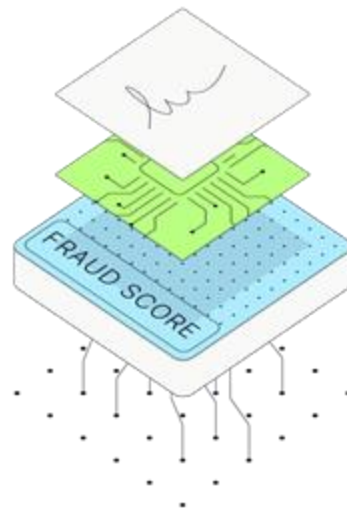
- Every state has statutes granting recognition to notarial acts performed by notaries in other states.
- Some also point to the Full Faith and Credit and comity.
- RON unlocked all new aspects and nuances.
- There are still multiple bodies of law that govern each document.



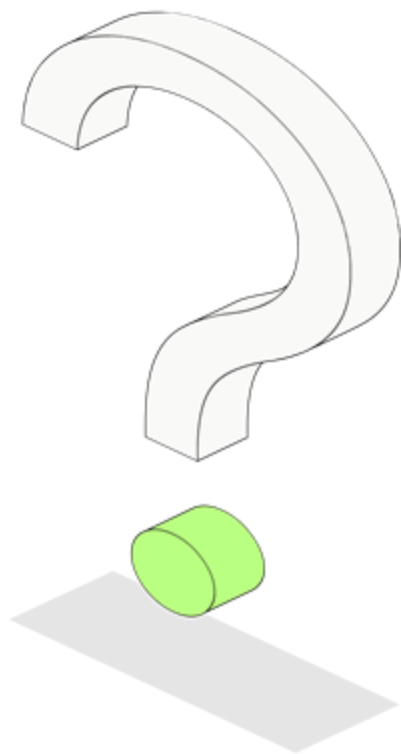


# Future of Electronic Records

- There are many use cases that don't legally require notarization, but can be electronically signed.
- Businesses and consumers are no longer satisfied with have no additional assurance beyond a standard e-signature, but want convenience and security features electronic processes can offer.
- Humans (particularly notaries) can have major role to play as fraud agents (trusted referees).
- RON & notarization can also be improved.



# Questions?



Thank you!

