

The Notary news

The North Carolina Department of
The Secretary of State, Elaine F. Marshall



* * 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 evil doers 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. We are always happy to help.

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