MEMORANDUM

DATE: April 20, 2020

TO: County Clerks
    Trial Court Administrators

FROM: Stephanie Beyersdorf, Management Analyst

RE: Remote Notarization

Governor Whitmer’s Executive Order (EO) 2020-41 temporarily suspends the strict requirements of the Michigan Law on Notarial Acts and permits the notarization of documents outside the physical presence of a notary or required witnesses within certain parameters.

Notaries, individuals seeking the notary’s services, and witnesses must be able to directly interact and communicate simultaneously by sight and sound through two-way real-time audiovisual technology. The notary must use the two-way real-time audiovisual technology to create an audio and visual recording of the entire notarial act and retain the notarial record as required by statute. Any individual(s) and witnesses unknown to the notary must present satisfactory evidence of identity and affirm that they are physically in the state, or that the document is intended for filing or relates to a matter under the jurisdiction or substantially connected to this state. The individual(s), any witnesses, and the notary must be able to affix their signatures to the document in a manner that renders any subsequent change or modification of the remote notarial act to be tamper evident.

There are other requirements for e-notarization and remote notarization under statute that are waived until May 6, 2020, under EO 2020-41. Please visit the Michigan Secretary of State (SOS) website and this Frequently Asked Questions document developed by the SOS for more information. The State Bar of Michigan has also published guidance on remote notarization under EO 2020-41.

Please contact courtservices@courts.mi.gov if you have any questions about this subject or need more information.

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1 MCL 55.261 et seq allows for remote notarization and the acceptance of electronic signatures.
2 MCL 55.286b(5) requires a ten year retention period.