



Michigan Supreme Court

State Court Administrative Office

Court Services Division

Michigan Hall of Justice

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Jennifer Warner
Director

MEMORANDUM

DATE: September 9, 2020

TO: County Clerks
Trial Court Administrators

FROM: Stephanie Beyersdorf, Management Analyst

RE: Remote Notarization

Governor Whitmer signed [Executive Order \(EO\) 2020-173](#), extending the provisions of EO 2020-158, on August 28, 2020. The EO temporarily suspends the strict requirements of the Michigan Law on Notarial Acts¹ through September 30, 2020, and permits the notarization of documents outside the physical presence of a notary or required witnesses within certain parameters.

As a reminder, 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.² 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 of 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. The signatory must send the entire signed document to the witness within 72 hours of execution, and the witness must return the signed transmitted document within 72 hours of receipt.

There are other requirements for e-notarization and remote notarization under statute that are waived until September 30, 2020, under [EO 2020-173](#). 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](#).

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

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.