

Remote Notarization FAQs

How do I apply for a new notary commission?

To apply for a commission, you must create a new account or login to your existing NY Business Express account. Follow these steps to apply for your license online:

- Access the online system at: <https://businessexpress.ny.gov>; then, click on "Search Applications" and search for "Notary"
- Sign in or create a NY.gov account.
- Click on the Apply button for the type of commission you would like to apply for (traditional notary or electronic notary).

You will be able to log in to your account and view the status of your application.

I am currently a traditional notary but would like to register as an electronic notary. Can I change my commission type?

No, you cannot change your license type. You must be a notary public to be an electronic notary, which requires you to register the capability to perform electronic notarial acts. Follow these steps to register your capability to perform electronic notarial acts by applying for an electronic notary public commission online:

- Starting February 1st, access the online system at: <https://businessexpress.ny.gov>; then, click on "Search Applications" and search for "Notary"
- Sign in or create a NY.gov account.
- Select the option to Apply for an Electronic Notary Public commission.
- Follow the steps to find your record and proceed with the electronic notary registration.

How do I renew my notary commission?

You may continue to renew your commission by mail or visiting your local county clerk's office.

Coming soon: DOS is currently developing an online licensing system that will accept reappointments through: <https://businessexpress.ny.gov>. Please check back for additional details.

We recommend visiting the site to create or reactivate an NY.gov account prior to roll out.

How do I complete my Oath of Office?

Prior to starting your online application, download, complete, and obtain a scanned copy (i.e., PDF file) of the Oath of Office form. You will be asked to upload your completed form to your application during the application process. An Oath of Office must be completed each time you apply for a new commission or for reappointment/renewal.

If I apply online for my initial license, should I also mail my application?

No. Unless the Department specifically requests additional document, please do not mail your application to the Department. Sending additional papers or documents to the Department may delay processing your online application.

What if I completed my exam before online exam scheduling was available?

Exam results are valid for two years only. If you completed your exam within the past two years, but prior to online exam scheduling, you will be asked to provide your exam information during the application process.

How do I check the status of my application?

You may track the status of your application by logging in to your NY Business Express account. Click on "My Dashboard" to view your application status.

Changes in law

A new law, NY Executive Law Section 135-c, authorizes notaries to perform electronic notarial acts, provided they first register with the Department of State and comply with new rules for performing electronic notarizations. On February 1, 2023, notaries wishing to provide electronic notary services will be able to register as an Electronic Notary with the Department of State.

What is an Electronic Notary?

Electronic notaries are notaries public who are registered to perform electronic notarial acts, which may be done remotely online. An electronic notary commission will authorize the license holder to provide both electronic remote online notarial services and traditional notary services.

What are Electronic notarial acts?

Electronic notarial acts are notarial acts performed using software to create an electronically generated and saved record. An electronic notarial act may be done remotely whereby the notary and the signer are physically separated but able to communicate with each other simultaneously by sight and sound using means authorized by the Secretary of State. Those means are set forth in new regulations which are available [here](#).

How is electronic notarization performed?

Electronic notarization is done by a registered electronic notary using commercially available software that complies with Department of State regulations. To provide an electronic notarization, the notary public must be physically located within the State of New York at the time of the notarization. The notary must identify the remote signer (also known as the "principal") of the document through any of the following three methods:

1. the notary's personal knowledge of the signer;
2. by means of communication technology that facilitates remote presentation by the signer of an official, acceptable form of ID, credential analysis, and identity proofing; or
3. through oath or affirmation of a witness who personally knows the signer, and who is either personally known to the notary or identified by the previously referenced means of communication technology.

Commercial software is available to notaries public to perform identify proofing and credential analysis.

Regardless of the method used to confirm the identity of the signer, for electronic notarizations where the document signer appears remotely, the notary must be able to see and interact, in real-time, with the remote signer of the document through audio-visual communication technology. Regardless of the

location of the signer, this technology must have security protocols in place to prevent unauthorized access. The notary must make and keep an audio-visual recording of the electronic notarization and ensure that there is a back-up of the recording. This recording must be kept for a minimum of 10 years.

After the signer has executed the document, it **must** be transmitted to the notary public for officiating. This is done by presentation to the notary of the executed document through the software platform. The notary must confirm that the document is the same as the one signed electronically in the notary public's presence before applying the notary stamp and signature to the document. For electronic notarial acts performed remotely, the following statement **must** be added to the jurat "This electronic notarial act involved a remote online appearance involving the use of communication technology."

The electronic notarial process does not require transmission of paper records or ink signatures of either the signer (i.e., principal) or electronic notary. The result of the process is an electronically created, electronically stored document that may be done online, and may be papered out for recording or other purposes.

What is "papering out?"

"Papering out" is a process by which the notary who performed an electronic notary service executes a paper certification (a certificate of authenticity) that a tangible copy of the signature page and document type of an electronic record remotely notarized by such notary public is an accurate copy of such electronic record.

What can an electronic notary charge for papering out an electronically created and electronically notarized document?

Two dollars. The definition of a "notarial act" includes preparation of a certificate of authenticity (which is a paper document, not an electronically created document) for any document that has been created through an electronic notarial act.

What is Remote Ink Notarization (aka "RIN")?

Remote ink notarization is the performance of a notarial act (not an electronic notarial act) using communication technology, where the notary and the signer are in different locations, to generate a *paper* document. This process involves use of communication technology to verify the identity of the document signer followed by electronic transmission of an ink-signed document to the remotely located notary for application of an ink, or wet signature.

Is Remote Ink Notarization permitted in New York State?

Not after January 31, 2023. During the COVID-19 pandemic, like in many jurisdictions the practice of RIN was authorized by executive order. After the pandemic, RIN was permitted in New York State by temporary statute (Executive Law section 135-c, "Remote ink notarization") alongside electronic notarization, subject to standards provided in the temporary law. On January 31, 2023, only electronic notarization is permitted in New York State, through repeal of Executive Law § 135-c, Remote ink notarization and replacement with Executive Law § 135-c, Electronic notarization.

Will electronically notarized documents be accepted by a county clerk or other government offices?

Yes, through use of the papering out process. The new law states, in part, “[a] county clerk, city registrar, or other recording officer where applicable shall accept for recording a tangible copy of an electronic record and that is otherwise eligible to be recorded under the laws of this state **if the record has been certified by a notary public** or other individual authorized to perform a notarial act.” New York Executive Law § 135-c(6)(d)(ii). To be accepted, the notary would first have to certify the electronically notarized document. New York Executive Law § 135-c(6)(d)(i). Specific questions about filing such documents should be directed toward the filing office where the document will be submitted.

What is credential analysis?

Credential analysis is a process where a third-party service validates a government-issued identification presented by an individual through a review of public and proprietary data sources.

What is identity proofing?

Identity proofing is a process or service through which a third party confirms the identity of a signer through review of personal information from public and proprietary data sources.

What is the difference between credential analysis and identify proofing?

Credential analysis validates the authenticity of the principal’s government-issued identification, and identity proofing validates the identity of the individual principal.

Does New York State require platform certification for Electronic Notarization Platform Providers?

NYS does not require platform certification. The model used here requires notaries to select platforms that comply with minimum standards. Notaries should obtain confirmation that any platform used complies with the NYS requirements and the platform provider is required by New York’s General Business Law to comply with those standards if they’re operating in the NY marketplace or if they’re representing to commissioned notaries that such platform complies.

Does the Department of State recommend a particular service provider?

No, the Department does not recommend any particular provider, but the notary must use a provider that meets NYS requirements. If unsure, a notary should contact the service provider and obtain confirmation, from the provider, that their service complies with specific NYS requirements.

Are notaries required to keep a journal?

Yes. Beginning January 25th, 2023, all notaries, including those notaries that only provide traditional in-person services, are required to keep a journal of all notarial acts performed which includes the type of identification provided, for 10 years. Additionally, electronic notaries must maintain a journal of all notarial acts as well as an audio & video record of all electronic notarial acts performed.

What information must be maintained in the journal?

"Traditional" notary journal must include:

- (1) the date, approximate time, and type of notarial acts performed
- (2) the name and address of any individuals for whom a notarial act was performed
- (3) the number and type of notarial services provided
- (4) the type of credential used to identify the principal, including, for verification made where a notary relies on the oath or affirmation of two witnesses who identify themselves with a valid government issued ID and who know the document signer personally, the names of the witnesses and, if applicable, the type of credential used; and
- (5) the verification procedures used for any personal appearance before the notary public.

"Electronic" notary journal must include:

- (1) the date, approximate time, and type of notarial acts performed
- (2) the name and address of any individuals for whom a notarial act was performed
- (3) the number and type of notarial services provided
- (4) the type of credential used to identify the principal, including, for verification made where a notary relies on the oath or affirmation of two witnesses who identify themselves with a valid government issued ID and who know the document signer personally, the names of the witnesses and, if applicable, the type of credential used;
- (5) the verification procedures used for any personal appearance before the notary public;
- (6) for electronic notarial acts, identification of the communication technology, certification authority, and verification providers used; and
- (7) an actual audio/video recording of the act.

Does the law required that the signer physically be within NYS for electronic notarization?

No. The notary must be in NYS but the person using the services can be any place provided that if the person is not in the US, the following additional rule applies:

If the principal is located outside of the United States, the notary must verify, through verbal confirmation made by the signer in the course of the recorded electronic notarial act, that the record or subject of the notarial act:

- (1) is to be filed with or relates to a matter before a public official or court, governmental entity, or other entity subject to the jurisdiction of the United States; or
- (2) involves property located in the territorial jurisdiction of the United States or involves a transaction substantially connected with the United States;

If an electronic notarization is done remotely, the jurat must expressly state that the person making the acknowledgement or making the oath appeared through use of communication technology.

How much can a notary charge for remote notarization?

An Electronic Notary may charge up to \$25.00 per electronic notarial act performed. The fee may be charged for each notarial act performed during one electronic session. A certificate of authenticity for any document that has been created through an electronic notarial act is a notarial act for which \$2.00 may be charged.

May a notary public charge for administering an oath or affirmation or for taking an acknowledgment or proof or execution?

A notary public may charge a fee of \$2.00 for administering an oath or affirmation or for taking an acknowledgment or proof of execution. Unless otherwise authorized by law, a notarial fee may not exceed this amount.

Who is exempt for taking the notary public examination?

An individual who is currently a member of the New York State Bar or a court clerk of the Unified Court System, appointed to that position after taking a Civil Service promotional examination in the court clerk series of titles, while not exempt from the application fee, may be appointed a notary public without an examination.

Can a person convicted of a criminal offense become a notary public?

Generally, a person convicted of felony cannot be appointed as a notary public. Also, certain misdemeanors are considered disqualifying. However, should a person convicted of any crime obtain an executive pardon, a certificate of relief from disabilities, or a certificate of good conduct from the parole board, he or she may be considered for appointment.

What has the County Clerk's office to do with notaries?

Notaries Public are commissioned in their counties of residence. After receiving and approving an applicant for a notary public commission, the Secretary of State provides a copy of the application information and the signature of the notary public to the appropriate county clerk. The county clerk maintains a record of the commission and signature. The public may then access this record and verify the "official" signature of the notary at the county clerk's office.

Does a notary public receive any form of identification or license?

Yes, upon approval of a new or renewed application a notary who has submitted their application online will receive a printable identification card via email. Renewals submitted by mail will receive an identification card by mail.

What happens if my document was notarized by a person who purported to be a notary public, but was not?

Generally, section 142-a of the Executive Law provides that a document notarized by a person who was not commissioned as a notary public will not be deemed invalid because of that fact. If you find yourself in a situation where you think this may be of importance, you should contact your attorney.

In addition to my residence address, should I provide you with my business address on my notary application?

The notary application address is subject to disclosure under the Freedom of Information Law and if an applicant does not want their residence address released, they may also provide our office with a NYS business address for disclosure purposes only.

How do I change my name or address on my license?

If you have changed your name or address, you may submit a change of personal name or address form along with a \$10 fee. (The \$10 fee is not required if the individual name change is the result in change of marital status) You may also change your name upon renewal of your license/registration. You must provide proof of your name change, e.g. a copy of one of the following: court order changing your name; marriage certificate; driver's license, or a non-driver's ID card; valid passport; or immigration documents. Please note: you must continue to notarize using the name under which you were commissioned throughout the remainder of your term.

What name should I sign on the renewal application?

If you are changing or have changed your name, you should use your new name when signing your renewal application.

Are there any legal memoranda for Notaries Public?

Yes. [Legal Memoranda](#)

Where can I find more information?

For additional information, including a copy of the laws, please visit our website. You may also call (518) 474-4429 or [email](#) the Department for assistance.