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Massachusetts Passes Remote Notarization Act due to COVID-19

Background

Like numerous other states, Massachusetts law requires that many official documents be witnessed and signed in-person by a notary public, including, but not limited to, mortgages and other real estate documents, credit and loan documents, wills, powers of attorney, and custodial agreements. Due to restrictions imposed during the COVID-19 pandemic, however, it has become difficult or impossible for many people to meet in person with a notary public.

To address this issue, Massachusetts Governor Charlie Baker has signed an emergency act into law allowing documents to be notarized remotely for the duration of the current state of emergency. To date, 40 other states have rolled out similar emergency legislation. Find the full text of the bill [here](#) and read our summary below.

Summary

On Monday, April 27, 2020, Governor Baker signed An Act Providing for Virtual Notarization to

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Address Challenges Related to COVID-19 into law. The act will remain in effect for the duration of the COVID-19 state of emergency and for three business days after it is lifted. This emergency act allows notary publics to notarize documents using electronic videoconference technology and lays out the specific procedures they need to follow.

The following rules apply to all documents that are notarized via videoconference, though there are special rules that apply specifically to real estate transaction and estate planning documents.

- The notary can use any videoconference software of their choice as long as it can record the session. The notary must record the video and audio from the session and keep a copy of the recording for 10 years.
- The notary and signatory parties must be physically located in Massachusetts during the videoconference.
- For estate planning documents that must be witnessed and executed by multiple parties, those witnesses can participate virtually in a single videoconference. The witnesses can complete the documents in multiple parts, and each transmit their portion of the document to the notary.

Employer Next Steps

- Massachusetts companies or individuals that deal with notarized documents should review these emergency regulations to see how they could benefit their business operations.
- Companies or individuals in other states should research their remote notary regulations, as many other states have also issued emergency rules on this matter.
- If you are a Full-Service or Virtual HR client and would like our help in updating your policy, please [email us](#).

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