



Vermont Issues Emergency Rules Enabling Use of Remote Notarization

In the wake of the COVID-19 pandemic, many state leaders and title professionals are looking for a solution to enable real estate transactions to continue to close. Such solutions include emergency rules and executive orders to permit the use of remote notarization in the state. Through such promulgation of [emergency administrative rules](#), effective March 24, 2020, Vermont's Deputy Secretary of State, Chris Winters, authorized the use of secure communication technology to conduct a notarization, under the following conditions:

1. The communication technology must allow the signer and the notary to communicate simultaneously by sight and sound;
2. The notary must be commissioned in Vermont and must be physically located in Vermont when taking the acknowledgment;
3. The signer must be physically located in Vermont;
4. Unless personally known to the notary, the signer must present, prior to the notarial act, two forms of satisfactory evidence of identity; [\[1\]](#)
5. The notarial act is performed on either the original paper that was signed by the individual and subsequently provided to the notary, or a printed copy of the signed document that was electronically provided to the notary by the signer;
6. The notary can reasonably confirm that the record before the notary is the same record signed by the individual;
7. The notary must record the notarial act and retain a copy of the recording for seven (7) years;
8. The notary must execute a certificate in accordance with the emergency rules, including a statement that the notarial act was performed remotely; and
9. The remote notarial act must comply with all other requirements of the Vermont Notary Act (26 VSA § 5361, et seq.)

These Emergency Rules are effective immediately for 180 days, unless modified by the Secretary of State.

It is clear that we will need to adjust our business practices to allow real estate transactions to continue during this unprecedented time. However, it is imperative that we continue to employ safe and trusted methods of executing documents, particularly those affecting real estate title. VATC is committed to helping you through this uncertain time and will be providing further guidance detailing how you can comply with these Emergency Rules in the coming days.

Should you have any questions about these Emergency Rules, please contact [Andy Mikell](#), VATC's State Manager and Title Counsel, or [Liz Smith](#), VATC's Associate Counsel. We look forward to continuing to serve you and your clients throughout this crisis and beyond.

[\[1\]](#) Note: 26 VSA § 5365(b) identifies the following instruments as satisfactory evidence of identity:

- a passport, driver's license, or government-issued nondriver identification card, which is current or expired not more than three years, and another form of government identification issued to an individual, which is current or expired not more than three years and contains the signature or a photograph of the individual, or
- oath or affirmation from a credible witness appearing before the notarial officer