

# Keep Calm and Notary On: How to Meet Your Notary Needs in Texas While Social Distancing

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**PRACTICES** Energy, Power and Natural Resources, Oil and Gas

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With most of the country working from home, many are wondering how to get their documents notarized. Thankfully, several states, including Texas, have authorized online notarization ceremonies. Under the new telecommunications statutes, individuals can have documents notarized from a healthy distance.

Historically, Texas required both in-person notarization and the filing of the original notarized document, which precluded any possibility of a telecommuting notary. Consequently, a signatory was required to sign a document in person before the notary, who would then acknowledge such document, and only the original document, and not an electronic copy, could be filed in the public record. However, in 1998, Texas began moving to a more accessible system by giving counties the option to accept documents electronically. Then, in July of 2018, the Texas Government Code was amended to authorize online notarization, and in September of 2019, Texas amended its Property Code to allow the filing of copies of documents notarized online. Thus, online notarization is possible even in Texas counties without electronic recording options.

Not every notary public is authorized to perform online notarizations. An online notary public must file the necessary application to be specifically commissioned as such by the secretary of state. After securing a duly authorized online notary, the process should feel like a traditional notary proceeding with one main exception: the signatory will “appear” via interactive, two-way audio-video conference. Texas law establishes technology standards for the online notarial process, including certain security requirements. The online notary should provide an approved method of video conferencing and electronic execution of the document. Note, only the notary must be physically located in the state at the time of the notarial ceremony. During the session, the notary will first verify the identity of the signer through personal knowledge or credential analysis and then acknowledge the document electronically. When a document, such as a deed of trust, is to be recorded in a county that does not accept electronic filing, the notary will execute and place their seal on an original declaration, affirming that the printed copy of the electronically signed copy is a true and correct copy, and will attach the declaration to the principal document. A printed copy of the principal document and the original declaration may then together be filed in the public record. When a document is to be recorded in a county that does accept online filing, the original declaration is not needed, and the notarized PDF can be submitted electronically. The notary is required to keep a record of each online notarization, including a recording of any video and audio, which will be maintained for at least five years following the transaction.

With the updated notarization procedures Texas has recently enacted, remote notarizations are simple and readily available. Individuals looking to have documents notarized in the current work-from-home climate can rest assured that, with a webcam and an online notary, they will be able to do so.

A list of Texas counties with electronic filing capabilities can be found [here](#).

For additional information or assistance with an online notarization, please contact any of the lawyers listed below.