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News & Types: Client Advisories

Governor J. B. Pritzker Signs Executive Order Approving Remote Notarization in Illinois

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Practices: Real Estate

Governor J. B. Pritzker, through COVID-19 Executive Order No. 14 signed March 26, 2020, has approved Remote Notarization in Illinois for as long as the Gubernatorial Disaster Proclamation of March 9, 2020 is in place. The temporary authorization will automatically cease when the Gubernatorial Disaster Proclamation is rescinded. The Illinois Secretary of State has published guidelines for the use of Remote Notarization which, importantly, requires that both the notary public and the signor must be physically present within the State of Illinois at the time the Remote Notarization is performed.

Remote Notarization may be accomplished via two-way, real time audio-video communication that allows for direct interaction between the notary and signor. As part of the Remote Notarization, the signor must show the notary each and every page of the document and the customer must initial each page to ensure that the document is complete. The notary must be able to clearly read each page, the signor's initials on each page of the document, and the ID of the signor. The act of signing must be captured sufficiently up close on the two-way audio-video communication for the notary to observe. The audio-video communication MUST be recorded and retained by the notary for not less than three years. The presence of the notary and signor, as well as the title and nature of the document, must be recorded via question/answer on the audio-video recording. The signor must electronically (email, fax, etc.) transmit the entire signed document to the notary no later than the day after the document is signed. The notary then must execute the document and return it to the signor within 24 hours. If necessary, an original signed document may be signed, notarized and provided to each party, together with the electronically notarized document, within 30 days of the remote witnessing.

All notarial rules and regulations, and prohibitions, shall continue pursuant to the Illinois Notary Public Act, 5 ILCS 312.

The Executive Order can be found via this link and the Secretary of State Guidelines can be found here.

For any questions regarding this executive order, feel free to contact any member of the Real Estate Practice Group.

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