

Proposed Executive Order Content:

In order to provide individuals and businesses a safe and secure method by which to sign and execute important legal documents for real estate transactions and to promote and secure the safety and protection of the people of Texas during the State of Emergency subject to the provisions of this Order, a Notary as defined herein may perform a notarization for an individual not in the physical presence of the Notary. This order addresses provisions of Texas Civil Practice and Remedies Code Section 121.006 (c) (1) that require a person to physically appear before the notary public.

Pursuant to this Order and the authority granted in Texas Government Code, Section 418.012, a Texas notary public may notarize signatures to documents through two-way audio-video communication technology that allows for direct and contemporaneous interaction between an individual signing the document (the "Signatory") and the Notary by sight and sound.

1. The Notary must have reasonably identified the Signatory by one or more of the following:
 - a. The Notary's personal knowledge of the Signatory;
 - b. The Signatory is introduced by oath of a credible witness who personally knows the Signatory and is either personally known to the Notary or provides qualifying identification in accordance with subsection c.;
 - c. The remote presentation by the Signatory of a government-issued identification, such as a passport or driver license that contains the signature and photo of the Signatory and is of sufficient quality to allow the Notary to identify the Signatory; or
 - d. Validation of the Signatory's government-issued identification and affirmation of the Signatory's identity by a third-party review of public and proprietary data sources.
2. Personal appearance or personally appear means: The Signatory for whom the notarization is being performed appears by way of an interactive two-way audio video communication.
3. A recording of the two-way audio-video communication of the notarial act must be kept for two (2) years from the date of the notarial act.
4. This Order shall expire the sooner of the termination of the State of Emergency or May 30, 2020.
5. Any document acknowledged in accordance with the provisions of this Order shall be considered duly acknowledged and to fully comply with the provisions of Texas law. Accordingly, all Texas County Clerks shall accept for recording in the public records all documents signed and notarized by means of the two-way

audio video communication described in this Order.

6. Nothing in this Order shall prevent a traditional notarization or statutory remote online notarization.

Procedures for operating under the Executive Order:

1. The Signatory must attest to being physically located in Texas during the two-way audio-video communication.
2. The Notary must attest to being physically located in Texas during the two-way audio-video communication.
3. The Signatory must affirmatively state on the two-way audio-video communication what document(s) the Signatory is signing.
4. The Signatory's act of signing must be captured sufficiently up close on the two-way audio-video communication for the Notary to clearly observe.
5. The Signatory must send the original signed document(s) by courier, U.S. Mail or overnight carrier directly to the Notary for signature by the Notary and affixation of the Notary's official stamp or seal.
6. The official date and time of the notarization shall be the date and time when the Notary witnessed the Signatory sign the document(s) during the two-way audio-video communication.
7. The document(s) must contain a notarial certificate, a jurat or an acknowledgement, which states that the signer appeared remotely pursuant to Executive Order No. _____, by including language such as the following: "This notarization involved the use of two-way audio-video communication technology pursuant to Executive Order _____."