



AL Senate Bill 275

Notary Law Update: AL Senate Bill 275

State: Alabama

Summary:

Alabama enacts remote notarization provisions that take effect July 1, 2021.

Signed: April 29, 2021

Effective: July 01, 2021

Chapter: Act 2021-319

Affects:

Adds Section 36-20-73.1 to the Code of Alabama.

Changes:

1. Defines the terms "original signature" and "signatory."
2. Provides that unless otherwise provided by law, notarial acts require the Notary's original signature.
3. Authorizes an individual to personally appear before a Notary by physically appearing or appearing through the use of two-way audio-video communication technology that allows the parties to communicate by sight and sound.
4. Requires the Notary to be located in Alabama for a remote notarization.
5. Requires the remote notarization to be recorded and maintained by the Notary for 7 years.
6. Requires the Notary to identify the signer for a remote notarization through (1) personal knowledge or (2) the presentation of two valid forms of government-issued identification, one which includes a

photo and signature, and a process by which the Notary verifies the identity of the signatory through a review of public or private data sources.

7. Prescribes the following information that must be included in the recording of the remote notarization: (a) the date and time of the remote notarial act; (b) a description of the documents to which the remote notarial act relates; (c) an attestation by the Notary of being physically located in this state; (d) a description of how the identification of the signatory was verified; (e) a clear image of any government-issued identification, if applicable and (f) a clear image of the act of signing observed by the Notary.
8. Provides that the official date and time of the remote notarization is the date and time the Notary witnessed the signature, including the date and time the signature was witnessed using audio-video communication technology.
9. Provides that all documents used during the two-way audio-video communication shall be provided to the Notary for his or her authentication and original signature.
10. Provides that any action taken before July 1, 2021, allowing for the remote notarization of signatures under the Emergency Management Act of 1955, is ratified and confirmed.
11. Prohibits remote notarization from being used to notarize an absentee ballot application or an absentee ballot affidavit, or for any purpose related to voting.
12. Provides that a Notary who intentionally or fraudulently violates the new law is guilty of a Class C misdemeanor.

Analysis:

Alabama becomes the latest state to enact remote notarization provisions, but with a twist. Unlike most other states, Alabama requires a remote notarization to be performed on an “original” (paper) document with “original” (wet ink) signatures. In addition, the identification provisions differ from other states. Senate Bill 275 requires the Notary to personally know the signatory or the signatory must present two valid forms of government-issued ID, one which includes the face and signature of the signatory and a “process by which the notary public verifies the identity of the signatory through a review of public or private data sources.” This process isn’t defined or prescribed. Presumably, it could be a credential analysis of one of the government-issued forms of ID or knowledge-based authentication or challenge-response questions formulated from a signatory’s unique life and transaction history.

[Read the bill text.](#)