

**Code of Alabama 1975**  
**Title 36 - Chapter 20 - Article 4 Employment of Notaries**  
**Section 36-20-73.1**  
<http://alisondb.legislature.state.al.us/alison/CodeOfAlabama/1975/Coatoc.htm>

**Section 36-20-73.1**

**Attestations; remote notarization.**

(a) For the purposes of this section, the following terms shall have the following meanings:

(1) ORIGINAL SIGNATURE. A signature signed directly onto a document in wet ink by an individual who is named on the document.

(2) SIGNATORY. The individual who is named on the document and is to sign the document.

(b) Unless otherwise provided by law, the powers and functions of a notary public require his or her original signature.

(c) For purposes of this article, and subject to subsections (d) to (f), inclusive, an individual may personally appear before an acknowledging notary by either of the following:

(1) Physically appearing before the notary.

(2) Appearing through the use of two-way audio-video communication technology that allows a notary public and a remotely located signatory to communicate with each other simultaneously by sight and sound, provided that the notary public is physically located in this state and the two-way audio-video communication is recorded and maintained for a period of seven years by the notary public.

(d) If appearing through the use of two-way audio-video communication, the identity of the signatory shall be verified by the notary public using either of the following methods:

(1) The personal knowledge of the notary public of the identity of the signatory.

(2)a. The presentation of two valid forms of government issued identification, one of which shall include the face and signature of the signatory; and

b. A process by which the notary public verifies the identity of the signatory through a review of public or private data sources.

(e) The two-way audio-video communication recording shall contain all of the following:

(1) The date and time of the remote notarial act.

(2) A description of the documents to which the remote notarial act relates.

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- (3) An attestation by the notary public of being physically located in this state.
- (4) A description of how the identification of the signatory was verified.
- (5) A clear image of any government issued identification, if applicable.
- (6) A clear image of the act of signing observed by the notary public.
- (f) The official date and time of the notarization is the date and time the notary public witnessed the signature, including the date and time the signature was witnessed via two-way audio-video communication technology. All documents used during the two-way audio-video communication, shall be provided to the notary for his or her authentication and original signature.
- (g) Any action taken before July 1, 2021, allowing for the remote notarization of signatures under the Emergency Management Act of 1955, Chapter 9 of Title 31, is ratified and confirmed.
- (h) Remote notarization may not be used to notarize an absentee ballot application or an absentee ballot affidavit, or for any purpose related to voting.
- (i) A notary who intentionally or fraudulently violates this section shall be guilty of a Class C misdemeanor.

***(Act 2021-319, §1.)***