

ONV2 - How to Perform an Online Notarization

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Hello and welcome to the Texas Secretary of State's Online Notary Training series.

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In this lesson, we will cover how to perform an online notarization, the additional steps necessary to ensure proper identification of a signer, and other important tips to keep in mind when conducting online notarizations.

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Like a traditional notarization, an online notarized document consists of two parts, the main body of the document, which contains the statements and intent, and the notarial certificate, which is completed by the notary public as part of the online notarization process.

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An online notarization involves 5 basic steps.

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1 You must prepare for the online notarization session 2 The signer must appear before you.

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3 you must properly identify the signer, 4, you must record the notarization in your record book, and five, you must execute and complete the notarial certificate.

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An online notarization requires the notary to be adequately prepared for the session.

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They must know how many signers and witnesses will be present during the online session.

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Additionally, the notary should inform the signers about the total cost of the notarization before starting the process.

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This ensures that both the signers and the notary are aware of any additional costs and the procedures involved in completing the online notarization.

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Finally, the notary should inform the signers about the steps that must be completed before the notarization session can begin.

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All signers or credible witnesses who are not personally known to the notary must successfully

complete the credential analysis and identity proofing requirements either before or during the online notarization session.

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In both cases, the notary must keep proof of whether the signers and witnesses passed or failed the credential analysis and identity proofing as part of their notarial records.

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This information should be included in the notaries record book in case a public information request is made for that notarization.

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Credential analysis is a process in which a signer verifies their identity, typically using a government issued ID from the United States, whether federal or state.

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In the case of a residential real estate transaction, a foreign passport may also be used.

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This analysis involves reviewing and verifying the ID to ensure its authenticity and confirming that all information on the ID matches the details provided by the signer.

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Importantly, credential analysis must be conducted using an independent third party tool.

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It cannot be completed by the notary as part of their official duties.

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A notary is not allowed to charge extra for these services.

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Identity proofing is another process for verifying a person's identity through knowledge based authentication.

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This method requires the signer to answer security questions based on information that only the real individual would know, like credential analysis.

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Identity proofing must be done using a third party tool and cannot be performed by the notary in the course of their notarial duties.

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A notary cannot charge extra for these services.

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Credential analysis and identity proofing are essential steps to prevent fraud and identity theft, helping to build trust between the notary and the signer.

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The second step in the online notarization process is to ensure that the signer is present during your online notarization session.

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Online notarizations must be conducted through a secure two way audio and visual conference.

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This conference should give the notary complete control of the session, including the ability to start and end the session, remove any unwanted or uninvited participants, and ensure that the session is encrypted and secure from potential hackers.

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Once the signer has successfully completed the credential analysis and identity proofing processes, you may begin recording the online notarization session.

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It is essential that the signer is personally present during the session, as you must be able to communicate with them and verify that they are a real person.

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If the signer is not present at the time of the online notarization, you should end the session and refuse to proceed with the notarization until the signer is available.

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Failing to ensure the signer's presence and proceeding with the online notarization violates Texas notary law, which could result in criminal charges and the revocation of your notary Commission.

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The third step in performing an online notarization is to properly identify the signer.

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If the signer is not personally known to you, they must present a valid form of identification.

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This identification must be the same card used in the credential analysis process and should be displayed on screen for recording during the online notarization session.

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This allows you to compare the identification presented by the signer with the individual appearing on the screen, ensuring that they are the same person.

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The identification requirements for online notarization are the same As for traditional notarization.

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Specifically, the identification must contain a photograph and signature of the signer, not be expired, and a United States Federal or state issued identification card or passport, unless you are notarizing a residential real estate transaction.

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A credible witness may also be used for online notarizations and must adhere to the same guidelines as in traditional notarizations.

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As previously stated, you must record your entire online notarization session.

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This recording should begin as soon as all signing parties are present, ensuring that you can confirm the signer's presence.

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You're required to use a two way audio and visual conference platform to document the session.

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It's crucial to keep both the digital recording and an entry of the notarization record in your record book.

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Let me explain these requirements in more detail.

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You must securely store both the original recording file and a backup.

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It is essential that the backup is not stored on the same device or drive as the original.

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This way, if the original recording file becomes compromised or is destroyed, the backup will remain intact and can be accessed if needed.

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You must make a physical entry of the notarization in your traditional notary record book, including all necessary elements of a traditional notarization.

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It is best practice to note that the notarization was performed online in your record book.

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Ensure that both the original recording file and the backup are accessible only to you.

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Do not share these files with any other parties unless you receive a formal written public information request.

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You must retain both the online notarization recording and its backup, as well as the entry in your traditional notary record book for 10 years from the last entry recorded.

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The final step in the online notarization process is to notarize the document.

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The method of execution will depend on the type of notarization being performed.

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An online notary should briefly review the document to ensure that they are not notarizing any statements outside of their authority and that the document contains A valid online notarial certificate.

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If the notarization is an acknowledgement, the signer may sign the document prior to the online notarization session and then simply acknowledge their signature during the session.

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Once the online notarization session begins, the signer must either have already signed the document or be willing to sign it on screen as part of the session.

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In cases of a jurat, the signer must sign the document during the online notarization session.

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Signatures applied to documents during an online notarization session must be digital unless the online notarization involves a tangible document.

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For more information about this process, please refer to the Rules and Laws in Texas Government Code Chapter 406.

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Once the signer has successfully signed the document, the notary may apply their digital certificate and seal to the notarial certificate.

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The notarial certificate must indicate that the document was signed electronically using a two way audio and visual conference.

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Thank you for watching the Texas Secretary of State's Notary public training video.

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How to Perform an Online Notarization Now that you have learned about what an online notary is and how to perform online notarizations, you are ready to take the Secretary of State's online notary assessment and complete the educational requirement to become a Texas online notary public.