COVID-19 Notary Public FAQs – last updated April 10, 2020

Q: My notary commission is expiring soon. What should I do?

New and renewing notaries may still apply online at https://www.notaries.pa.gov. The Department encourages renewing notaries to complete the 3 hours of mandatory notary education and reapply online before your current commission expires. If you fail to apply for renewal of your commission before its expiration date, you will be required to take the examination when the Department returns to appointing notaries again.

The Bureau of Elections and Notaries has not appointed any notaries since March 19, 2020. We have no estimate at this point when notary appointments will resume. We also do not know when Recorders of Deeds and Prothonotary offices will reopen for the recording of oath/bond/commission and official signature, respectively. We similarly do not know when the Department’s notary exam vendor (PearsonVUE) will begin operations again.

Q: Will the Department offer an extension to the 45-day appointment period?

If the Recorder’s office is closed as ordered by the Governor, Secretary of Health, and/or county officials, then notary appointment deadlines will be extended by operation of law to the next business day. Long-term closures will mean long-term extensions of time.

The 45 days to get sworn in and record the bond/oath/commission with the Recorder of Deeds and to register the notary signature with the Prothonotary is extended only under the appropriate circumstances (where Recorder of Deeds or Prothonotary offices are completely closed to everyone by order of Governor/Secretary/county government) or if the Governor would specifically waive this regulatory statute. The latter has not occurred. Office closures differ from county to county. We encourage the you to work with these offices to find solutions. For example, if the Recorder’s office is open, but the Prothonotary’s is closed to notaries (but otherwise open for emergency cases under judicial order), perhaps the signature cards could be left at the Recorder’s office. Signatures may be able to be faxed or emailed, if permitted by the Prothonotary’s office, and followed up in person when the office is open to non-emergency cases again.

The notary oath of office is not required to be taken before the Recorder of Deeds – this is largely a matter of convenience and custom. If you are still trying to record bonds/oath/commission, you may take the oath of office before another official authorized to take oaths (any fellow notary public, judge, etc.), thereby eliminating the need to appear in the Recorder’s office. Once you have taken the oath and it is indicated on the bond form, the Recorder may follow through with the recording process. Again, if there are closures of a Recorder’s office to the public, we encourage other solutions that are acceptable to the Recorders, perhaps such as mailing original executed documents to the Recorders and a copy of their signature card to the Prothonotary.

You must complete both the bond/oath/commission process and the signature registration process in order to have completed the appointment and commissioning process for the new commission. If not, see next question on expiration of current commission.
Q: Will the Department extend my commission expiration?

No. Notary commission expiration dates have not been extended. A notary’s commission expires by operation of law (four years after appointment). The Department of State does not have the unilateral authority to extend notary commission expiration dates. The notary should stop notarizing if their commission expires.

Q: Will the Department offer an extension to the six-month Pearson VUE exam period?

Applicants whose exam authorization expired during the shutdown of the Pearson VUE test centers will be reauthorized for another six months after the centers reopen. Pearson VUE began test center closures within the Commonwealth in mid-March. Every Pennsylvania notary applicant whose exam-authorized status expired on or after March 1 and did not take or pass the notary examination by that time will be exam authorized for another six months after test centers reopen.

Q: Am I supposed to close for business? Are notaries considered a Life Sustaining Business?

Please refer to this chart and this FAQ and make your own determination based on the sector you operate in. The Bureau of Elections and Notaries cannot make this determination for you.

Q: Do electronic notary applicants need to get verified by Recorders?

No. As of Monday, March 23rd, electronic notary applicants no longer need to go to the Recorder’s office to be verified. The steps now include: apply online to be an e-notary, then the Bureau of Elections and Notaries will approve or reject your application. If approved, you can then select your solution providers (vendors). More information about the electronic notary process can be found here, including the steps to becoming an e-notary.

Q: Is an electronic notarization the same as remote notarization?

No. Pennsylvania law only allows for electronic notarization, which means notaries can use an electronic solution provider to perform notarization. Notaries must still be in the physical presence of the customer. Before a commissioned Pennsylvania notary public performs any notarial act with respect to an electronic record, the notary public must notify the Department of State that the notary public will be performing notarial acts with respect to electronic records. Once such notification is received and approved, the notary must identify each technology the notary public intends to use. There is more information here.

Currently, Pennsylvania law does not allow for remote online notarization (except for specific instances mentioned in the next question). Remote online notarization is where personal appearance is made via audio-visual communication or technology would. In other words, remote online notarization allow notaries physically in Pennsylvania to perform their duties for clients who are not in the same room with them, using specific technologies.
Q: Can I be a remote notary in Pennsylvania?

You may only be a remote notary in Pennsylvania in very specific instances per waivers approved by the Governor. Check the Department of State’s website regularly for updates and other possible waivers of statutory requirements: https://www.dos.pa.gov/Pages/COVID-19-Waivers.aspx.

Such suspensions of regulatory statute under the Emergency Management Services Code last for the duration of the declared disaster emergency – until the Governor issues an order that the suspensions are no longer necessary.

Q: What about notaries who are court reporters?

Pennsylvania notaries who are court reporters or stenographers and who are participating in criminal, civil and administrative proceedings may administer oaths and affirmations by video conference as part of those proceedings. Proceedings include depositions, arbitrations, and hearings that occur as part of any criminal, civil and administrative proceeding. See https://www.dos.pa.gov/Documents/2020-03-21-Court-Reporters-Notaries-in-person.pdf.

Because of the limited nature of these proceedings, where there are many safeguards in place to ensure the identity of the witness, court reporters do not need to apply and become e-notaries and use approved technology to administer oaths and affirmations remotely.

Q: I am a Pennsylvania citizen whose transaction does not qualify for any of the limited waivers permitted personal appearance by audio-visual means. What do I do?

Current Pennsylvania law requires notarial acts, even those performed electronically with respect to electronic records, to be done in the physical presence of the notary. Remote online notarization (where personal appearance is made via audio-visual communication or technology) is not provided for under existing Pennsylvania law, except for limited suspension of the personal appearance requirement for certain restricted types of transactions pursuant to section 7301(f) Emergency Management Services Code.

The website for all waiver/special orders is here: https://www.dos.pa.gov/Pages/COVID-19-Waivers.aspx.

There are some states that allow virtual or remote notarization, such that the notary in that state may use a technology approved by that state to notarize for a customer that is somewhere else. Each state’s rules and technology differs. Some states require that the customer be in the same state (just not in the same room). Some states don’t have that rule.

A Pennsylvania customer may seek out a notary in another state who is legally able to remotely notarize for a person in another state. It is the opinion of the Pennsylvania Department of State that a document notarized pursuant to other state law is authorized to be relied upon and may be recorded/filed/utilized, as long as the end user accepts that document and has the technology to record/file/use the document, especially if it electronic.

The customer should check with the end user of the document to see if they will accept the out of state remote notarization, prior to going this route.
Q: As a remote notary in another state, can I notarize a document for a customer in Pennsylvania? Will this notarized document then be recognized in Pennsylvania court?

There are some states that allow virtual or remote notarization, such that the notary in that state may use a technology approved by that state to notarize for a customer that is somewhere else. Each state’s rules and technology differ. Some states require that the customer be in the same state (just not in the same room). Some states don’t have that rule.

A Pennsylvania customer may seek out a notary in another state who is legally able to remotely notarize for a person in another state. It is the opinion of the Pennsylvania Department of State that a document lawfully notarized pursuant to other state law is authorized to be relied upon and may be recorded/filed/utilized, as long as the end user accepts that document and has the technology to record/file/use the document, especially if it is electronic.

The customer should check with the end user of the document to see if they will accept the out of state remote notarization, prior to going this route.