Mayor Muriel Bowser
& Office of the Secretary of the District of Columbia

Electronic Notarization Handbook

Office of Notary Commissions & Authentications

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GOVERNMENT OF THE
DISTRICT OF COLUMBIA
MURIEL BOWSER, MAYOR

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Foreword

The District of Columbia Office of Notary Commissions and Authentications (ONCA) Electronic Notarization Handbook (Handbook) is meant for residents of the District of Columbia who are currently commissioned as a notary public seeking to receive an endorsement as an e-notary. The requirements to be an e-notary and conduct an electronic notarization are parallel to the requirements for notaries.

Electronic notarization (e-notarization) is notarizing a document instead of paper. The document is on a computer, tablet, or smartphone. To finalize the document as an e-notarized document, the notary includes an electronic signature and seal to the same electronic document. A notary public who is commissioned to perform e-notarizations is called an e-notary.

E-notaries are required to use tamper evident technology to protect information and communication. Only intended recipients should read and/or process documents using tamper-evident technology. As with all notaries public, e-notaries are also required to keep and maintain an electronic log of all notarial acts that they perform. E-Notaries cannot notarize documents remotely in Washington, DC. At present, all parties are required to be present during the notarization.

This is an endorsement on your commission as a notary public in the District of Columbia, not a new commission. The beginning date of the endorsement will be different than the beginning date of the commission since you must have taken the oath as a notary to become an e-notary. The end date of the endorsement will be the same as the end date of the commission.

This Handbook builds on the orientation received from the ONCA staff on becoming a District of Columbia notary public. Topics covered in this Handbook include the basic requirements to receive an electronic notary endorsement, the benefits of becoming an e-notary, the application process, and options for completing the training requirements. Other important areas included are fees, forms, and equipment needed to successfully perform the duties as an e-notary.

In the District of Columbia, first-time applicants for an e-notary endorsement are required by law to complete training. For e-notarization endorsements, training

is only offered through outside vendors. Training is required for your initial e-notary endorsement application. Utilize an Internet search for District of Columbia providers focused on e-notary training options. This Handbook should not be considered "training" for compliance purposes. Instead, this Handbook seeks to provide information in a helpful manner as e-notarization comes online for residents of the District of Columbia.

Please review the Notary Public Handbook housed on the ONCA website at **https://os.dc.gov/service/notary-commissions** to ensure compliance with all requirements to apply as an e-notary, and with all notarial acts. ONCA makes every effort to answer anticipated questions, Handbook users should feel free to call on the expertise of the ONCA staff with any questions that were not addressed.

The History of the Notaries Public in the District

In the District of Columbia, legislation concerning the city's charter did not mention notaries until An Act to Provide Government for the District of Columbia was enacted in 1871 (the Act). The Act created a legislative assembly for the District and gave the assembly the authority to provide for the appointment of notaries. The authority to appoint notaries transferred to the President in 1878 but was returned to the District in 1944.

ONCA is governed in accordance with the laws and regulations found in Title 1, Chapter 12A of the District of Columbia Code that was first enacted in 1901 and revised in 2018 by the Revised Uniform Law on Notarial Acts Act (§§ 1-1231.01 – 1-1231.31 and Title 17, Chapter 24 of the District of Columbia Municipal Regulations. Pursuant to DC Code§ 1-1231.19(a), the Mayor may appoint citizens or legal permanent residents, of the United States who are residents of the District of Columbia or whose primary place of employment of practice is located in the District as notaries public.

ONCA commissions District of Columbia notaries and authenticates notaries who have properly notarized documents for domestic and foreign use. ONCA generates revenue for the Office through fees for notary public commissions and authentications.

As an e-notary, a notary public can notarize documents electronically, and this can be done on a computer, phone, or tablet; however, the individual must still personally appear before the notary. The office has notified vendors capable of providing technology for e-notarization that the District government will be launching the service soon. Once implemented, the entire process will be digital.

OCNA is an organization within the Office of the Secretary of the District of Columbia. ONCA is staffed by six full-time equivalents. ONCA is currently located in the Marion Barry Building at 441 4th Street NW, Suite 810 S, Washington, DC 20001. The website address is www.os.dc.gov Our email address is notary@dc.gov. Our main telephone number is 202-727-3117. Our fax number is 202-8457. Our hours of operation are Monday through Friday 9 am to 1 pm, except for holidays.

Requirements to Become an Electronic Notary (E-Notary)

The authorization granted to an e-notary is not a new commission; it is an endorsement of your commission as a notary public in the District of Columbia. You must therefore be a notary public when you apply to become an e-notary or renew your endorsement as an e-notary. Your application for the endorsement as an e-notary will be denied unless you have taken the oath of office as a notary whether for the first time or as a renewal.

All the other requirements for the endorsement as an e-notary are the same as for a notary public.

Benefits of Becoming an Electronic Notary

Understanding traditional notarization work will benefit you as you seek your endorsement as an e-notary. An electronic notary continues to conduct all notarial acts in-person. These notarial acts are called in-person electronic notarization (IPEN). IPEN will decrease or eliminate paperwork and storage requirements. However, the transactions, types of documents and requirements for notarizations are comparable to traditional notarizations.

You may also charge more service fees for IPEN, but you will incur more expenses (see below). Residential notaries may determine that a business case cannot be supported for an electronic notary endorsement.

How to Obtain an Electronic Notary Endorsement
The Online Application

To apply to become an e-notary or to renew your endorsement as an e-notary, you must use the online application on our website:
https://os.dc.gov/service/notary-commissions

•   On the ONCA website you can find the resources needed to apply for a notary commission and an electronic endorsement as an electronic notary. You may not apply to become or to renew the endorsement as an e-notary until you have taken the oath of office as a notary public.

•   Read through the instructions in full and compile all the information needed to complete the application. The application times out after five (minutes). There is no save mode.

•   If you hold a current notary public commission, click on the link for the electronic notary public endorsement application.
https://nap.os.dc.gov/AppNet64/UnityForm.aspx

•   If you are applying for an e-notary endorsement and you do not currently have a notary commission, the e-notary application will be denied. In the District of Columbia, you must hold a notary commission as a prerequisite to applying for an electronic notary endorsement.

•   The e-notary application will not ask for all the same information that is required on the notary application as we have that data in our system.

•   The type of endorsement will be the same as it is for your notary commission. If you don't check off the correct category, the application will be denied. Be sure to ensure that your endorsement tracks your commission type.

• Be sure to put your name, company/agency (if applicable), address, phone, expiration date of your Commission and default email address as it appears on your commission, or the e-notary application will be denied. Your default email address is the email address to which we send all your notifications. If this information is not correct, your application will be denied.

• If you have made any changes to the status of your Commission, such as a change in employment, or the address of your Commission, phone number, or email address, or other items during the term of your notary commission, you must have notified the ONCA office before you submit the e-notary endorsement application. Please use the PDF form on our website to make this notification. **https://os.dc.gov/service/notary-commissions**

• Our database is case sensitive. The e-notary application will be denied if you fill out any or all fields in all capital letters.

• Please do not use abbreviations (MLK, etc.). Use the drop-box provided for the thoroughfare, (Street, Avenue, etc.) and for the quadrant (NW, NE, SW, SE).

• If you do not follow the above requirements, your application will be denied.

• You must use the same email address as on your notary commission application or the application will be denied.

• If you submit your e-notary endorsement application within four (4) months or 120 days of the end of your commission as a notary public, your application will not be accepted. This is done in your interest; to save you from having to pay the e-notary endorsement application fee twice in a very limited timeframe. We estimate that the process may take up to two months (60 days) to complete the e-notary application process and schedule your oath taking.

• You must submit the name of the technology vendor or software you will

be using to perform electronic notarizations (e-notarizations). You do not have to purchase the technology prior to becoming eligible to become an e-notary, but you must notify us of the vendor or software you will use to ensure the vendor's technology solution meets the required standards. We cannot recommend vendors or software, but you may do an Internet search for "electronic notary standards, DC" or "electronic notary supplies, DC" to find software and vendors. Below are the standards as defined by the District of Columbia Municipal Regulations:

17 DCMR § 2410. Requirements For Technologies & Technology Providers

2410.1   A tamper-evident technology shall comply with these rules:

a) A technology provider shall enroll only notaries public who have been issued an electronic notary endorsement pursuant to Section 2400.

b) A technology provider shall take reasonable steps to ensure that a notary public who has selected that provider's technology has the knowledge to use it to perform electronic notarial acts in compliance with these rules.

c) A tamper-evident technology shall require access to the system by a password, or other secure means of authentication.

d) A tamper-evident technology shall enable a notary public to affix the notary's electronic signature and electronic seal in a manner that attributes such signature and seal to the notary, and in such a manner that a party that sought the notary's signature and seal on one (1) or more documents, or who seeks access to one (1) or more documents containing that signature and seal, can detect unauthorized tampering or alteration of the electronic document after it has been digitally signed by the electronic notary.

As with all purchases, due diligence is the responsibility of the buyer of the technology. ONCA's experience and expectation is that vendors have the appropriate technology. Be sure you include the seal, signature, and the short form certificate (jurat) on your checklist.

Submission and Application Process

Your electronic notarization application will be acknowledged on receipt in the Office. Processing may take three to four days to review. Upon acceptance in the system and review by staff as complete, you will be sent a notification to pay the $30 non-refundable application fee online. DC government and federal government applicants are not required to pay the fee. If the application is not sufficient, you will be sent a denial email with instructions on how to make corrections.

First time electronic notary applicants will receive notification to take a training course from an outside vendor to complete the education requirement under the law. Upon completion and verification of the training requirement, applicants receive the endorsement notification approving the application. The notice flags the purchase of the supplies needed to conduct electronic notarizations. Following this timeline, in an additional three weeks, the Oath Page is sent to the applicant. Electronic notaries must take an oath. Oaths are administered remotely and scheduled within 3-5 days of receiving the oath page. The oath page requires approval after the oath taking. Upon review and approval of the oath page, an electronic notary certificate will be sent by email to the email address of record. Like the traditional notary public application process, the e-notary process can take from 45-60 days.

Application Fee

The application fee to become (or renew) an e-notary is $30 and is not refundable. You will pay the fee online. Those who are commissioned as notaries solely for the DC or federal government are exempt from the application fee for the endorsement.

Required Training for First Time Applicants to Become an E-Notary

•   First time applicants for an e-notary endorsement are required by law to take a training course. Unlike the mandatory Orientation Session in Washington, DC to become a notary public, the training must be done through an outside vendor for e-notaries.

• ONCA cannot recommend a company or organization for the e-notarization training requirement, but you may do an Internet search for "In Person Electronic Notary Training, DC (IPEN)" and several sources will appear. Many of the vendors that provide the technology and software to support electronic notarization also offer training support.

• Once you have taken this training you must provide ONCA with evidence that you have successfully completed the training by sending us a certificate that includes your name, the name of the vendor, the date(s) you took the course, and stating you successfully completed the course. Please use the link provided in the training email you receive to upload the certificate of completion. If the training is not sufficient, you will be sent a denial email with instructions on how to successfully complete the training.

• After we receive this proof, you will be notified your application has been approved with the notification to take the oath of office by phone.

Surety Bond

No separate surety bond is required for an e-notary endorsement. The surety bond required for a notary public commission (except for those commissioned solely for the DC government) will cover the endorsement as an e-notary.

Term of E-Notary Endorsement

• The end date of the e-notary endorsement will always be the same as the end date of your commission as a notary public, but the beginning date of the endorsement as an e-notary will be different because you cannot apply for the endorsement as an e-notary until you have taken the oath of office as a notary public.

• If you apply to become (or renew) a notary public with a commission date that begins on the 15th of the month and you take the oath three days prior on the 12th of that month, you may then submit the e-notary application the same day (the 12th of that month). Your e-notary endorsement will end on the same date as your notary commission—the 14th of the same month. Using the example above, if you don't take your notary public oath of office until after the 15th of the month, you cannot apply for an endorsement as an e-notary until after date.

For example, if your commission commencement date begins on the 15th of the month but you take the oath on the 20th of that month, you cannot apply for an e-notary endorsement until the 20th of that month.

• Since the e-notary endorsement application process may not be completed for 45-60 days, the endorsement will not begin until the date the oath is taken and you have uploaded your oath page.

• If you apply to become (or renew) your e-notary endorsement during your notary commission, your endorsement will begin once you have taken the oath for the e-notary endorsement and the endorsement ends when your commission as a notary public ends.

• If you apply for an e-notary endorsement within four months (120) days of the end of your commission as a notary public your application cannot be submitted to save you from paying the e-notary application fee twice within 60 days.

Endorsement Notice/Ordering Supplies

• An Endorsement Notice is the document received by a new e-notary or renewal e-notary applicants allowing for the purchase of technology supplies.

• In the case of new applicants for e-notary purposes, the applicant must complete the training requirement from an outside vendor and provide proof they have successfully completed the course before receiving an Endorsement Notice allowing them to purchase supplies.

• For Renewal Applicants, the applicant will receive the Endorsement Notice after paying the application fee, allowing them to purchase their supplies. Those serving as notaries/e-notaries in the DC or federal government are exempt from paying fees.

Oath of Office

• You are required to take an oath of office to receive an endorsement as an e-notary.

• You will be administered the oath of office by telephone. It may take us up to

3-5 days to contact you after you receive the Oath Page. If you do not take the oath within ten (10) business of a member of the ONCA staff first contacting you, the endorsement will be cancelled, and you will have to apply again.

•   You will be placing your electronic seal, electronic signature and electronic jurat on the oath of office page. You must open the oath page in Microsoft Word and on a computer, not a phone or a tablet in order to be able to complete it. The seal, signature and jurat must be in JPEG or PNG format. You will also be required to put in your date of oath and the days and hours you are available.

•   Once you have taken the oath, you will use the link in the email to upload it. We will review it. If it is correct, you will receive your Electronic Certificate of being an e-notary by email. If there are errors, you will receive a denial email with a new oath page that must be completed in full and uploaded to our system.

•   The date your e-notary endorsement begins is the date you successfully upload your oath page.

•   Electronic notarial duties cannot be conducted legally until you have received your Electronic Notarial Endorsement Certificate. You may not conduct e-notarizations until you receive your e-notarization certificate.

Overall E-Notarization Process

•   You must perform an e-notarization using a computer, smartphone, or tablet. The steps are generally as follows. The individual for whom the e-notarization is performed may email the document(s) to the notary, bring the document(s) to the notary on a portable storage device, or direct the notary to download the document(s) from online storage at the time of the e-notarization. The notary will upload the document(s) to the notary's electronic notarization system. The e-notary may have the electronic document. The individual will sign the document in the presence of the notary using the notary's computer or mobile device; the notary will use an electronic jurat or other short form certificate and electronically sign his/her name online. When the notary applies his or her electronic signature and seal, the notary's electronic notarization system will make the e-notarization "tamper-evident" so that if there are any changes made to the document after it is signed, those changes will be evident to all. A record of the e-notarization must be recorded in a hardcopy or electronic journal meeting the same requirements as for the hardcopy journal used to record a traditional paper notarization.

- If you receive a document from an individual that does not contain a notarial certificate (jurat, acknowledgment, etc.), you must add your electronic certificate (jurat, acknowledgement, etc.) and have the individual having the document notarized sign the document(s).

- The individual having the document notarized must personally appear before you. This is In-Person Electronic Notarization (IPEN).

Signature of Individual Having Document Notarized

The individual for whom the e-notarization is performed must provide proper identification and sign the document on the computer, smartphone, or tablet in the physical presence of the notary. The identification is the same as defined for notaries public in the law.

Electronic Notarial Certificate and Seal

- An e-notary shall complete an electronic notarial certificate for every notarial act at the time of the notarization and in the presence of the individual(s) having the document(s) notarized.

- The e-notary shall complete and sign an electronic notarial certificate with an electronic signature that complies with the short form certificate requirements for all notarial acts; jurats, acknowledgments, true copies, etc.

- The electronic seal of an e-notary shall be a digital image that appears in the likeness or representation of a traditional physical notary public official seal.

- An e-notary shall use a tamper-evident technology that complies with the technology standards described above.

- Any interested individual must be able to confirm through ONCA that an e-notary who signs an electronic record had the authority at that time to perform electronic notarial acts.

- Only the e-notary to whom the tamper-evident technology is registered shall generate an official electronic certificate and seal.

Electronic Short Form Certificate – Jurat, Acknowledgment

The electronic short form (example: jurat) certificate stamp must be in the same wording as the traditional notary public hardcopy short form. If the language on the hard copy short form document corresponds with your electronic form certificate, the electronic certificate stamp is not required.

Electronic Journal Requirements

•   If you maintain a journal in an electronic format, it must be protected with technology to allow a person inspecting the journal to determine whether there have been any changes to it. We call this "tamper-evident."

•   An electronic journal must contain the same information as a tangible (hard copy) record: the date and time of the act, a brief description of the record, the type of notarial act, the name and address of the person(s) for which the notarial act was performed, the signature(s) of the person(s) for which the notarial act was performed, the identification required, the fee if any charged, and the place the notarial act was performed. If a credible witness was used in lieu of identification, the journal must include the name, address and signature of the witness and the individual(s) for whom the notarial act was performed. If an individual was unable to physically sign the document(s), the journal must state this as described in the Notary Public Handbook.

•   The electronic journal must enable access by a password or other secure means of authentication. The password will be a part of the technology for e-notarizations.

• The electronic journal must create a duplicate record of the journal as a backup.

• The electronic journal must be capable of providing tangible or electronic copies of any entry made in the journal.

• Upon request, an e-notary must provide a copy of a record of any notarial act to any person upon payment of a reasonable fee, except that if ONCA has made the request no fee shall be charged.

Chargeable Fees

• An e-notary may charge a reasonable fee based on the electronic technology that the electronic notary uses if that fee is agreed to in advance with the customer and itemized separately on the invoice.

• The e-notary may waive all or part of this fee.

• An individual who has an endorsement as an e-notary for use on behalf of the District or federal government may not charge a fee.

• An e-notary may charge a travel fee when traveling to perform a notarial act in the same way a notary public may charge a travel fee for a traditional paper notarial act. An e-notary who has an endorsement solely for use on behalf of the District or federal government may not charge any fees for travel. See 17 DCMR § 2420.5 for the specific requirements for charging travel fees.

Identification Requirements

The identification requirements are the same as for traditional notarial acts. See 17 DCMR § 2408 for the specific identification requirements.

Termination of Endorsement

• If your commission as a notary public is terminated for any reason, your endorsement as an e-notary is also terminated and you must follow the procedures below.

•   Provide ONCA with proof you have destroyed your electronic seal. You must send us an email to **notaryorientation-oath@dc.gov** stating you have destroyed the electronic seal.

•   Provide ONCA with the access instructions to your electronic journal so ONCA can access the records, or you must provide us with printed copies of the records.

Lost or Stolen Seal or Journal

•   If your electronic seal is lost or stolen, notify ONCA within 10 business days.

•   To continue in service as a notary public/e-notary, you must differentiate your seal/electronic seal from the one on file. The new seal (both traditional and electronic) must provide a distinctive mark from your previous seal.

Search for a Notary Public Map Website Feature

If you are listed in the ONCA website online Search for a Notary Public map https://os.dc.gov/service/search-notary-public, you must also be listed as an e-notary.

Other Information

•   As noted throughout this Handbook, you must follow all other requirements for traditional paper notarizations when you perform an e-notarization.

•   This includes:

    - the personal appearance of the individual for whom the e-notarization is being performed at the time of notarization,

    - both the individual and you being physically within the boundaries of the District of Columbia at the time of the e-notarization,

    - identifying the individual as provided in the District of Columbia Code,

    - using an electronic seal every time you perform a notarial act,

- knowing when you may and may not notarize, and

- performing the types of notarizations authorized by the District of Columbia Code.

Just as with a notary public commission, your e-notary endorsement may be denied, suspended, revoked, and conditioned for the same reason as your notary commission.

• Should you have any changes in your status as a notary or e-notary, you must inform ONCA as described in the Notary Public Handbook. The status of your notary public commission must be the same as your status as an e-notary.

• Please review the Notary Public Handbook on our website to make sure you have the details for the requirements on how to perform notarial acts and what you may and may not notarize.

Use the links below to review the Code for Notaries Public and the Rules for Notaries Public in the District of Columbia:

Code for Notaries Public
https://code.dccouncil.us/dc/council/code/titles/1/chapters/12A/

Rules
https://os.dc.gov/service/notary-commissions

Other Useful Websites:

Office of the Secretary of State of the District of Columbia
www.os.dc.gov

Office of Notary Commissions & Authentications
https://os.dc.gov/service/notary-and-authentication-services

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