



**State of Wisconsin**  
*Department of Financial Institutions*

Tony Evers, **Governor**

Kathy Blumenfeld, **Secretary**

March 18, 2020

**EMERGENCY GUIDANCE ON REMOTE NOTARIZATION (updated 3-20-20)**

Under current law, a person seeking notarization must “appear[] before” a notary public,<sup>1</sup> and certain types of notarized documents must be signed in the “presence” of witnesses. Those statutes don’t specify whether the appearance must be in person. We “avoid statutory interpretations that lead to absurd results,”<sup>2</sup> and it would be absurd to construe those statutes to require in-person appearances in the time of a global pandemic. People’s lives are at stake.

Many states around the country already permit notarizations to be performed remotely by trained online notaries who utilize regulated remote notary technology providers. During this unprecedented crisis, Wisconsin will permit them as well. **Therefore, until further notice to be given once this crisis abates, for documents requiring notarization, the Department will construe the statutory terms “appear[] before” and “presence” to include appearances by remote live audio and video connection.** To ensure that your remote notarization will comply with Wisconsin Act 125, which becomes effective May 1, you must comply with the steps set forth on DFI’s notary web page, available [here](#).

Wisconsin-commissioned notaries who seek to perform remote online notarial acts need to complete training from a DFI-approved remote online notarization provider and use its technology to perform the notarial act. Details [here](#).

Individuals who need documents notarized remotely may use a DFI-approved remote online notarization provider. ([Notarize.com](#) and [NotaryCam](#) are two approved providers that offer remote online notarization services to the general public at this time.) Note that DFI-approved providers may use out-of-state notaries trained and authorized to perform remote online notarizations. Notarial acts performed by an out-of-state notary public have “the same effect under the law of this state as if performed by” an in-state one.<sup>3</sup>

**CAUTION:** You still need to comply with the legal requirements for the document you need to notarize. A document that needs additional witnesses or an attorney when notarized in person still needs them to be present when the document is notarized online; the only difference is they can now participate remotely via an approved provider’s online platform. Before using remote notarial services for any land transaction, you should check with your title company whether the remote notary provider is approved for insurance purposes.

<sup>1</sup> Wis. Stat. §§ 137.01(4)(b), 706.07(2).

<sup>2</sup> *Watton v. Hegerty*, 2008 WI 74, ¶ 26, 311 Wis. 2d 52, 751 N.W.2d 359.

<sup>3</sup> Wis. Stat. § 706.07(4)(a).

## CERTIFICATION

I have reviewed this guidance document or proposed guidance document and I certify that it complies with sections 227.10 and 227.11 of the Wisconsin Statutes. I further certify that the guidance document or proposed guidance document contains no standard, requirement, or threshold that is not explicitly required or explicitly permitted by a statute or a rule that has been lawfully promulgated. I further certify that the guidance document or proposed guidance document contains no standard, requirement, or threshold that is more restrictive than a standard, requirement, or threshold contained in the Wisconsin Statutes.

/s/Matthew R. Lynch

Chief Legal Counsel

Department of Financial Institutions

*Authorized delegate for guidance document certifications pursuant to Wis. Stat. § 15.02(4)*