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# STATE BAR OF MICHIGAN MEMBER ADVISORY

**April 9, 2020**

## New Executive Order Allows for Remote Notarization

The latest executive order from Gov. Whitmer encourages the use of electronic signatures and remote notarization, witnessing, and visitation during the COVID-19 pandemic. [Executive Order 2020-41](#) will facilitate the completion of legal documents that are more crucial now than ever, but were otherwise difficult or impossible to handle during the pandemic.

“The problem of how to validate critical legal documents in a quarantine environment was a difficult and crucial issue,” State Bar of Michigan President Dennis M. Barnes said. “The State Bar thanks the governor for the thorough and thoughtful guidance provided in the executive order. We also applaud the Probate and Estate Planning and Elder Law and Disability Rights sections of the State Bar for proactively raising this critical issue and for using their subject matter expertise and valuable insight in offering a solution to this unprecedented problem.”

Here are the highlights for lawyers:

- Strict compliance with the rules and procedures of the Uniform Electronic Transactions Act and the Michigan Law on Notarial Acts is temporarily suspended under specified conditions.
- Any requirement under Michigan law that an in-person witness attest to or acknowledge an instrument, document, or deed may be satisfied by the use of two-way real-time audiovisual technology, under detailed conditions spelled out in the order. The recording must be kept for at least three years, or a different period of time required by law.
- State laws requiring an individual to appear personally before or be in the presence of either a notary at the time of a notarization or a witness at the time of attestation or acknowledgment are satisfied if the necessary persons can communicate simultaneously by sight and sound via two-way real-time audiovisual technology at the time of the notarization, attestation, or acknowledgment.

- Financial institutions and registers of deeds must not refuse to record a tangible copy of an electronic record on the ground that it does not bear the original signature of a person, witness, or notary, if the notary before whom it was executed certifies that the tangible copy is an accurate copy of the electronic record.

The executive order, which took effect immediately, continues through May 6, 2020.

Among its many upsides, the order makes it easier to complete important legal work for those on the frontline of the pandemic response. The State Bar of Michigan is launching two initiatives in response to the COVID-19 crisis that give you opportunities to help. [More information can be found here.](#)

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