

Dear Committee Members,

I have a colleague who does estate planning and she expressed to me her concern about the impact that COVID-19 is having on her ability to notarize materials and conduct estate planning. Is it possible for Oregon to consider allowing for remote notary and/or other electronic methods for conducting business?

Remote Notary: Texas has this in place, (as do many other states. See this list from the National Notary Association <https://www.nationalnotary.org/notary-bulletin/blog/2018/06/remote-notarization-what-you-need-to-know>). Oregon allows for electronic notarization only if the notary is in the same room as the signer. Texas allows the notary to watch on camera and electronically notarize when they witness the signer (remotely) sign electronically. Something like this in Oregon could allow these transactions to take place without people having to be in the same room.

Estate Planning: The notary issue affects most estate planning documents. However, so does the requirement for in person witnesses. It may be helpful to contemplate remote witnesses (for a temporary period of time) for estate planning documents, such as a Will. Many people are wanting to do estate plans now that there is a pandemic. However, the estate planning community has gone to halt due to the fear of passing or catching COVID-19.

I respectfully ask that you consider ways that Oregon might expedite a move to remote notary and witnessing to ensure this important planning can continue.

Thank you,

Kim Herb