



Oregon Law Commission

March 27, 2020

To: The Oregon Legal Community
Re: Remote Online Notarization (“e-notarization”) in Oregon

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In light of the Governor’s recent Executive Orders concerning COVID-19, there has been renewed interest in the ability to notarize documents by remote action, commonly referred to as “e-notarization,” which is currently not recognized in Oregon.

The Legislature may consider enacting e-notarization on an emergency basis. Although the law would be on an expedited track due to needs associated with COVID-19, the proposal is based on a uniform law that has also been enacted in several other states.

The Commission has been vetting the proposed law for some months and had already completed a recommended bill before the current crisis. In May 2019, the Oregon Law Commission convened a Workgroup to consider a proposal of the National Conference of Commissioners on Uniform State Laws for a Revised Uniform Law on Notarial Acts which addresses e-notarization. Our Workgroup included a variety of different stakeholders, including estate planning lawyers, real estate lawyers, and representatives from the Oregon State Bar, title companies, the Oregon Bankers Association, the Oregon Credit Union Association, the Oregon Secretary of State, County Clerks, and the Oregon Judicial Department. On September 26, 2019, the Workgroup finalized a draft bill to propose adoption of the uniform law, as amended to meld with existing Oregon statutes.

The full Commission endorsed the bill on October 17, 2019. Unfortunately, we were unable to identify a legislator who would sponsor the bill in the 2020 short session.

With the onset of recent interest, the Workgroup was reconstituted this week by electronic conference to review the draft bill and to recommend that an emergency clause be substituted to make the bill effective on passage. The revised proposed bill is being considered for introduction in an upcoming Special Session. It would make e-notarization and recordation of documents available in Oregon.

The Commission and the Workgroup are pleased that we can propose a fully vetted bill just when Oregon needs it most. We are available to answer any questions the legal community might have about this new technology and how it can help in this crisis.

Very truly yours

Mark Comstock
Workgroup Chair

P.K. Runkles-Pearson
Oregon Law Commission Chair

