

Frequently Asked Questions

Connecticut Executive Order 7Q Enabling Remote Notarization

In the wake of the COVID-19 pandemic, many state leaders and title professionals are looking for a solution to enable real estate transactions to continue to close. Such solutions include emergency rules and executive orders to permit the use of remote notarization in the state. Under [Executive Order 7Q](#) issued by Connecticut Governor Lamont on March 30, 2020 to replace previously issued [Executive Order 7K](#), Connecticut attorneys and notaries are able to offer remote notarization services.

These FAQs are designed to provide some basic explanation of what is allowed under Connecticut Executive Order 7Q and what you must do to meet the requirements set forth by this emergency order.

- 1. How do I conduct a remote notarization under Connecticut Executive Order 7Q?**
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- 10. Under Conn. Gen. Stat. § 47-5, any conveyance of land requires an attestation by two witnesses "with their own hands." What effect, if any, does Connecticut Executive Order 7Q have on this requirement?**

- 11. If my client executes a document and then electronically provides a copy of that document, am I allowed to notarize the copy I received electronically that includes copies of my client's signature?**
- 12. I understand that, under Connecticut Executive Order 7Q, I am required to submit a certification along with any documents I submit for recording that were remotely notarized. CATIC has provided a certification, but am I free to use a different certification?**
- 13. Will lenders allow documents to be executed in accordance with Connecticut Executive Order 7Q?**
- 14. Does Connecticut Executive Order 7Q allow me to conduct a full remote notarization, as allowed in other states across the country?**
- 15. I hear that a federal remote notarization act is being considered by Congress. If such an act passes, how will Connecticut Executive Order 7Q be affected?**

1. How do I conduct a remote notarization under Connecticut Executive Order 7Q?

Under Executive Order 7Q, Connecticut's Governor, Ned Lamont, authorized the use of communication technology to conduct a notarization, under the following conditions:

1. The communication technology must allow the signer and the notary to communicate simultaneously by sight and sound;
2. The signer must present satisfactory evidence of identity, unless personally known to the notary, in the form of:
 - a. at least two current documents, one issued by a federal or state government and containing the individual's signature and either a photograph or physical description, and the other by an institution, business entity or state government or the federal government and containing at least the individual's signature, both of which must be presented while connected to the communication technology, or
 - b. oath or affirmation of a credible person who is personally known to the notary public and who personally knows the individual;
3. The notary must record the notarial act and retain a copy of the recording for ten (10) years;
4. The signer must affirm that he or she is in Connecticut at the time of execution; and
5. The signer must send the notary the signed documents either by fax or electronic means on the same day the documents were signed.

If the above conditions are met, the notary may notarize the documents and transmit them back to the signer for use. The notary may also notarize the original document as of the date of execution if the notary receives the original document along with the executed electronic version within thirty (30) days of initial execution.

2. What technology do I need to conduct a remote notarization under Connecticut Executive Order 7Q?

To conduct a remote notarization under this emergency order, you will need:

1. A webcam equipped with a microphone that will allow you and your client to simultaneously see and hear each other.
2. An internet connection that can support a video conference call. You should also use a secure connection, i.e., a private network that requires a password to access the network.
3. Access to or an account with a video conference provider. Since Connecticut Executive Order 7Q requires you to retain a copy of the remote notarization session, you must engage a video conference provider that provides this service. For more information about vendors, please refer to Question 3 below.

Some optional technology that may be helpful when remotely witnessing the execution of a document is an electronic document creator. These providers allow you to upload a document and “tag” where your client must sign and/or initial the document to complete it. Please note that these programs will enable your client to use electronic signatures to sign these documents, which can then be electronically transmitted to you for notarization.

3. Does CATIC require the use of any particular vendors or have a list of approved vendors that we must use to conduct a notarization under Connecticut Executive Order 7Q?

To comply with the provisions of Executive Order 7Q, you may use whatever vendor you feel can meet your business needs. CATIC does not require the use of specific vendors nor do we have a list of approved vendors. If you are looking for vendor options, you may refer to CATIC’s [Technology Vendor List](#). This list provides a helpful starting point as you begin to consider which vendors can meet your needs.

4. What if my client does not have the ability to print or scan documents? How can they execute documents remotely?

If your client does not have a printer to create a hardcopy of the document for a wet signature, you may mail a copy to them for execution. If your client has signed a hardcopy of the document but does not have a scanner to create a digital version to electronically transmit back to you, the client may fax a copy of the documents or even send a photograph of the document by email or text. **At this time, CATIC requires wet signatures on all conveyance documents, unless the document can be eRecorded.**

The client should also promptly send or deliver the original wet-signed document to you by mail. While the Executive Order permits originals to be sent within thirty (30) days of execution, your lender partners will likely want you to receive signed loan documents in lesser time. You should notarize the original wet-ink copy of the document and submit that version for recording along with an executed certificate, as required by the Executive Order.

5. How do I verify my client's identity over video conference?

Connecticut Executive Order 7Q permits a single-factor identification process which requires:

1. Personal knowledge of your client;
2. Satisfactory evidence of identification, as described in Question 6; or
3. Oath or affirmation of a credible person who is personally known to the notary public and who personally knows the individual.

6. How should my client provide a copy of his/her ID, as required by Connecticut Executive Order 7Q?

Connecticut Executive Order 7Q requires that your client, while connected to the communication technology, present satisfactory evidence of identity. Such evidence must include at least two current documents, one issued by a federal or state government and containing the individual's signature and either a photograph or physical description, and the other by an institution, business entity or state government or the federal government and containing at least the individual's signature [e.g., credit card (number may be partially redacted), library card, etc.]. You may consider asking your client to provide a copy of the documents used to verify identity for you to retain in your file.

7. How do I verify that my client is in Connecticut at the time of the execution of the documents?

Under Connecticut Executive Order 7Q, your client must affirm that he/she is in Connecticut at the time of the signing. You are not required to do anything further to verify the location of your client.

8. Can I notarize a document for a client physically located in Connecticut while I am out of state?

Connecticut Executive Order 7Q stipulates that the signer must be physically located in Connecticut at the time of signing but does not make mention of where the attorney/notary must be at the time of notarization. However, from a practical standpoint, the attorney/notary should be in the State of Connecticut at the time of the notarization. This is because the notarial act will take place where the notary is physically located at the time of notarization, and that notarial act will be interpreted by the laws of the state where the notary is located. If the notary is in Massachusetts and the signer is in Connecticut, the notarial act would be occurring in Massachusetts and Massachusetts law would apply. Massachusetts law does not permit remote notarization of a signer who is not in Massachusetts. Thus, this act would not be valid.

9. Do CATIC's Agent Alerts notifying agents of the issuance of Connecticut Executive Order 7K, as later replaced by Executive Order 7Q, equally apply to Commissioners of the Superior Court or do they apply only to notaries commissioned by the Connecticut Secretary of State under Conn. Gen. Stat. § 3-94b?



The Orders do not differentiate between notaries and attorneys, and thus CATIC's Agent Alerts apply equally to notaries and attorneys who may act as notaries pursuant to Conn. Gen. Stat. § 51-85. The term "notary" can be read as "attorney or notary" throughout the alerts.

10. Under Conn. Gen. Stat. § 47-5, any conveyance of land requires an attestation by two witnesses "with their own hands." What effect, if any, does Connecticut Executive Order 7Q have on this requirement?

Connecticut Executive Order 7Q suspends witness requirements on any document that requires a notarial act, other than a Last Will and Testament. Such suspension applies to documents including, but not limited to, land conveyance documents executed pursuant to Conn. Gen. Stat. § 47-5.

11. If my client executes a document and then electronically provides a copy of that document, am I allowed to notarize the copy I received electronically that includes copies of my client's signature?

Connecticut Executive Order 7Q requires the signer to apply his/her signature to the document and then send the attorney/notary a copy by fax or electronic means for notarization. Executive Order 7Q also requires Town Clerks to accept for recording documents pertaining to real property that were executed remotely. Despite the language in the Order, it is critical that you consider whether your local Town Clerk will accept a document that includes copies of signatures for recording. Some Town Clerks have agreed to accept a document that includes some copies of signatures and some wet signatures, but that is not the case in every town. In advance of executing documents, you should reach out to the Town Clerk to whom you will be submitting documents for recording to determine recording requirements. You should also discuss your method of executing the documents with your lender partners. In the event the Town Clerk and/or lender will not accept a document with copies of signatures, the attorney/notary may notarize the original document executed by the signer if provided within thirty (30) days of remote execution. The attorney/notary would notarize the document using the date of the original, remote execution. **At this time, CATIC requires wet signatures on all conveyance documents, unless the document can be eRecorded.**

12. I understand that, under Connecticut Executive Order 7Q, I am required to submit a certification along with any documents I submit for recording that were remotely notarized. CATIC has provided a certification, but am I free to use a different certification?

Yes, you may use a different or amended certification if you prefer. CATIC has provided a sample certification to allow agents to certify the specific processes used to notarize the document(s) referenced in the certificate. You should review the certification to ensure you meet the stipulations set forth therein. For example, there is an optional provision in the sample certificate that confirms that you have executed the original copy of the document signed by your client as provided within thirty (30) days of remote execution.

If you did not complete this optional step, you should remove this provision from the certificate you submit with the documents for recording.

13. Will lenders allow documents to be executed in accordance with Connecticut Executive Order 7Q?

Lenders may have special requirements for executing documents remotely. CATIC recommends that you reach out to your lender partners to describe the process you are using to enable your clients to sign documents remotely. You should also verify that such practices will not violate their closing instructions. Some lenders will currently not accept electronic signatures on certain documents.

14. Does Connecticut Executive Order 7Q allow me to conduct a full remote notarization, as allowed in other states across the country?

No. Executive Order 7Q enables some remote notarization processes but does not permit a full remote notarization to be conducted under Connecticut law. Though the signer may execute a document in a separate physical location from the notary, and the notary may witness such process through communication technology, the Order requires that the signer provide a copy of the documents to the attorney/notary for notarization using a wet-ink signature. This requirement differs from typical remote notarization laws that allow the notary to also electronically notarize the document in a remote setting through audio-video technology.

15. I hear that a federal remote notarization act is being considered by Congress. If such an act passes, how will Connecticut Executive Order 7Q be affected?

The federal legislation that is currently being considered by Congress is the [SECURE Notarization Act](#). This federal proposal would allow notaries in every state to remotely notarize documents in accordance with minimum standards set forth in the bill. Those minimum standards require the use of tamper-evident technology and multifactor authentication to verify the identity of the signer.

The SECURE Notarization Act preempts state law to the extent that the state law establishes standards that fall below the minimum standards set forth in the federal act. Since Connecticut Executive Order 7Q requires only single-factor authentication of the signer's identification, it would not comply with the federal standard and could not be used to conduct remote notarizations if the federal act passes. In that event, you would need to engage a third-party remote notarization provider to assist you in remotely notarizing your client's documents. For a list of companies that offer remote notarization services, please refer to CATIC's [Technology Vendor List](#). Please contact your state's U.S. Senators, and reference S. 3533, or your Congressional Representatives, and reference H.R. 6364, if you would like to provide your opinion on such legislation.

Connecticut U.S. Senators	
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Richard Blumenthal (D)	Hartford, CT: 860- 258-6940 Bridgeport, CT: 203- 330-0598 Washington, DC 202- 224-2823
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Connecticut U.S. Representatives		
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Joe Courtney (D)	2 nd District	Norwich, CT: 860-886-0139 Enfield, CT: 860-741-6011 Washington, DC: 202-225-2076
Rosa DeLauro (D)	3 rd District	New Haven, CT: 203-562-3718 Washington, DC: 202-225-3661
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