THE STATE OF GEORGIA

EXECUTIVE ORDER

BY THE GOVERNOR:

TEMPORARILY ALLOWING REMOTE NOTARIZATION AND ATTESTATION

WHEREAS: On March 14, 2020, due to the impact of COVID-19 on the State of Georgia, I issued Executive Order No. 03.14.20.01, declaring a Public Health State of Emergency in Georgia; and

WHEREAS: The Georgia General Assembly concurred with Executive Order 03.14.20.01 by joint resolution on March 15, 2020; and

WHEREAS: On April 8, 2020, I renewed the Public Health State of Emergency until May 13, 2020, by issuing Executive Order 04.08.20.02; and

WHEREAS: Certain legal documents require the in-person services of a notary public or a witness and such interactions should be avoided to the maximum extent possible in order to promote social distancing and the mitigation of the spread of COVID-19; and

WHEREAS: Code Section 38-3-51(c)(4) vests the Governor with the power to perform and exercise such other functions, powers, and duties as may be deemed necessary to promote and secure the safety and protection of the civilian population; and

WHEREAS: Code Section 38-3-51(d)(1) vests the Governor with the power to suspend any regulatory statute prescribing the procedures for conduct of state business, or the orders, rules, or regulations of any state agency if strict compliance with any statute, order, rule, or regulation would in any way prevent, hinder, or delay necessary action in coping with the emergency or disaster; and

WHEREAS: Upon consideration, I have determined that the following temporary actions are necessary and appropriate to protect the health, safety, and welfare of Georgia's residents and provide a safe and secure method by which to execute important legal documents.

NOW, THEREFORE, PURSUANT TO CODE SECTION 38-3-51, AND THE AUTHORITY VESTED IN ME AS THE GOVERNOR OF THE STATE OF GEORGIA, IT IS HEREBY

ORDERED: That any purported requirement under the laws of this state that a notarial act performed pursuant to Chapter 17 of Title 45 of the Official Code of Georgia must occur in the physical presence of the notary public is hereby suspended, and any such act may be performed remotely if the all following requirements are met:

1. The notary public uses real-time audio-video communication technology or any similar real-time means of electronic video conferencing that allows the parties to communicate with each other simultaneously by sight and sound in order to notarize signatures.
2. The notary public is an attorney licensed to practice law in the State of Georgia or is operating under the supervision of an attorney licensed to practice law in the State of Georgia. As used here, the term "supervision" shall mean that the notary public is an employee, independent contractor, agent, or other representative of an attorney or an attorney observes the execution of documents either in-person or via the real-time audio-video communication technology.
3. The signer requiring the notarial act from the notary public presents satisfactory evidence of identity as required in Code Section 45-17-8, while connected to the real-time audio-video communication technology.
4. The notary public is physically located in the state of Georgia,
5. The signer transmits a copy of the signed document to the notary public on the same date it was executed for execution by the notary.

IT IS FURTHER

ORDERED: That any requirement under Georgia law, including, but not limited to, Code Sections 10-6B-5, 15-9-86, 19-3-62, 19-8-4, 19-8-5, 19-8-6, 19-8-7, 29-2-11, 29-4-3, 29-5-3, 31-32-5, 44-5-128, 44-5-143, 44-5-144, 44-5-145, or 53-4-20,including a power of attorney, verified petition filed in probate court, antenuptial agreement, surrender of rights for adoption, return filed in probate court, standby guardian designation, nomination of guardian, nomination of conservator, advance directive for health care, designation of successor custodian, will, codicil, or other document be signed, subscribed, executed, witnessed, attested, acknowledged, or affirmed in the physical presence of another individual or other individuals may be satisfied

by the use of audio-video communication technology or any similar real-time means of electronic video conferencing that allows all of the parties to communicate with each other simultaneously by sight and sound.

IT IS FURTHER

ORDERED: That the official date and time of the notarization or witnessing performed via the use of audio-video communication technology or any similar real-time means of electronic video conferencing pursuant to this Order shall be the date and time when the notary and/or witness(es) witness the signature via the videoconference technology.

IT IS FURTHER

ORDERED: That all documents notarized or witnessed via the use of audio-video communication technology or any similar real-time means of electronic video conferencing pursuant to this Order shall be signed, certified, and executed, as appropriate, by the notary and/or witness(es) on the same calendar day that the signer signs the document.

IT IS FURTHER

ORDERED: That if one or more of the provisions contained in this Order shall be held to be invalid, in violation of the Georgia Constitution, in violation of Georgia law, or unenforceable in any respect, such invalidity, violation, or unenforceability shall not affect any other provisions of this Order, but, in such case, this Order shall be construed as if such invalid, illegal, or unenforceable provision had never been contained within the Order.

IT IS FURTHER

ORDERED: All provisions of the Order shall become effective upon signature and shall expire at the conclusion of the Public Health State of Emergency declared in Executive Order 03.14.20.01 and renewed by Executive Order 04.08.20.02. If the Public Health State of Emergency declared in Executive Order 03.14.20.01 is renewed, this Order shall carry forward with the Public Health State of Emergency until such state of emergency is terminated or ceases to be renewed by the Governor.

This 9th day of April 2020, at 4:51 A.M./P.M.

GOVERNOR