

Dear Representative Snyder,

I hope this message finds you well. I am a resident of Muskegon, Muskegon and a remote online notary. I am writing to propose enhancements to Michigan's Remote Online Notarization (RON) laws to improve their effectiveness and security.

The proposed legislation, titled the "Michigan Remote Online Notarization Enhancement Act of 2025," aims to:

- Increase the maximum allowable fee for remote notarizations from \$10 to \$25, aligning with other states and ensuring fair compensation for notaries.
- Permit notaries to perform RON for signers located outside Michigan, including internationally, provided the notary is physically within Michigan and adheres to all state requirements.
- Mandate biennial reviews of approved RON platforms by the Secretary of State and the Department of Technology, Management, and Budget to ensure compliance with technological advancements and national best practices.
- Specify that notaries may designate approved third-party custodians for the storage and maintenance of journals and audio-visual recordings, provided these custodians meet state-prescribed security and retention standards.
- Require the use of multi-factor authentication methods, including biometric verification, to enhance security and fraud prevention in remote notarizations.
- Introduce mandatory training and certification for notaries wishing to perform RON, ensuring proficiency in using approved platforms and understanding legal responsibilities.
- Establish explicit data security and privacy standards for the storage and transmission of electronic records and recordings associated with RON, protecting the confidentiality and integrity of notarial acts.

I have attached the full text of the proposed legislation for your review. I believe these enhancements will modernize Michigan's RON framework, ensuring it remains competitive and secure.

I would be grateful for the opportunity to discuss this proposal further and explore how we can work together to implement these improvements.

Thank you for your time and consideration.

Best,

Nathan Smith-Manley
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Online Notarization Laws in Michigan Proposed Legislation

Section 1. Short Title

This Act shall be known as the **"Michigan Remote Online Notarization Enhancement Act of 2025."**

Section 2. Purpose

The purpose of this Act is to update and modernize Michigan's remote online notarization (RON) laws

by:

- Expanding the scope of notarial acts that can be performed remotely.
- Ensuring reasonable compensation for notaries performing RON.
- Strengthening security protocols to prevent fraud and unauthorized access.
- Establishing clear data retention and privacy standards.
- Clarifying requirements for out-of-state and international remote notarizations.
- Providing notaries with access to approved technology that meets national security and compliance standards.
- Introducing biometric verification to enhance security in remote notarization.

Section 3. Amendments to Michigan Compiled Laws (MCL 55.286b)

The following amendments shall be made to **MCL 55.286b (Remote Online Notarization Statute)**:

1. Increased Compensation for Remote Online Notarial Acts

Amendment to MCL 55.286b(7):

- The maximum fee that a notary public may charge for performing a remote online notarization shall be **increased from \$10 to \$25 per notarial act**.
- This adjustment aligns Michigan with other states that allow reasonable compensation for the additional technological and administrative requirements of RON.
- Notaries shall disclose their fees before initiating the notarial act.

2. Expanded Authority for Remote Online Notarization of Out-of-State and International Signers

Amendment to MCL 55.286b(5):

- A notary public located in Michigan may perform a remote online notarization **for a signer located anywhere within the United States or internationally**, provided that the notarial act complies with Michigan law and the signer consents to Michigan jurisdiction.
- If the signer is located outside the United States, the notary shall confirm that the notarized document is **intended for use within the United States or permitted under applicable international agreements**.
- The notary must retain a record of the signer's jurisdiction and confirm identity through **multi-factor authentication and biometric verification**.

3. Platform Approval and Compliance Standards

Amendment to MCL 55.286b(2):

- Remote electronic notarization systems must be **approved and reviewed biennially** by the **Michigan Secretary of State** and the **Department of Technology, Management, and Budget (DTMB)**.
- The Secretary of State shall establish and publish **minimum technical standards** for approved RON platforms, ensuring compliance with:
 - **Tamper-evident document technology**.
 - **Secure, encrypted audio-visual communication**.
 - **Multi-factor identity authentication, including biometric verification**.
 - **Audit trail and recordkeeping requirements**.
- The **biennial review process** shall ensure that RON platforms remain up-to-date with advancements in cybersecurity and fraud prevention.

4. Strengthened Journal and Recording Retention Requirements

Amendment to MCL 55.286b(10):

- **Retention Period**:

- Notaries must **retain an electronic journal and audio-visual recording of each remote notarization for a minimum of ten (10) years.**

- **Third-Party Custodian Option**:

- Notaries may **designate an approved third-party custodian or platform provider** to maintain their journal and recordings, provided that the custodian meets state-prescribed security standards.

- **Access to Records**:

- A notary must be able to retrieve journal entries **on demand** in the event of an audit or legal request.

- The Michigan Secretary of State shall have **access to review journal records for compliance**