

**Title 15 ELECTED OFFICIALS**  
**Division 30 Secretary of State**  
**Chapter 110 [Notary Use of] Electronic Notarization [Signatures and Seals]**

**EMERGENCY RULE**

**15 CSR 30-110.070 Storage and Retention of Notarial Records.** The secretary is adding a section for electronic notary rules to update electronic notarization as authorized by the Missouri legislatures.

*PURPOSE: This amendment updates the Chapter title to more accurately reflect its purpose and to create rules related to online notarization authorized by the legislatures.*

*EMERGENCY STATEMENT: The Secretary of State determined that this emergency rule is necessary to preserve a compelling government interest. This emergency rule is necessary to address changes made by the legislatures, which takes effect on August 28, 2020, to electronic notarization. The Secretary of State needs this emergency rule since the Executive Order issued by the Governor expired on August 28, 2020. The Secretary of State finds there is a compelling government interest, which requires this emergency action since due to the pandemic of COVID-19 in person notarization is unable to be performed for wills, powers of attorney and durable power of attorney in health care decisions.*

*A proposed rule, which covers the same material, is published in this issue of the Missouri Register. The scope of this emergency rule is limited to the circumstances creating the emergency and complies with the protections extended in the Missouri and United States Constitutions. The Secretary of State believes this emergency rule is fair to all interested persons and parties under the circumstances. This emergency rule was filed August 31, 2020, becomes effective September 10, 2020, and expires March 10, 2021.*

**1. Remote Online Notarization (RON) systems.**

**(A) RON must:**

**(i) Facilitate the process of collecting the required notarial records;**

**(ii) Provide a method by which a notary can access and/or export the notarial records; and**

**(iii) Provide automated backup of the notarial records and audio/video recording to ensure redundancy.**

**(B) RON technology solution must employ data protection safeguards consistent with generally accepted information security standards.**

**(C) Retention of the audio/video recording and notarial records by either the notary or their designated third party, as directed by the notary, must adhere to the laws, directives, rules and regulations of the State.**

**2. A notary must retain an electronic journal and an audio-visual recording created under Chapter 486 RSMo in a computer or other electronic storage device that protects the journal and recording against unauthorized access by password or cryptographic process:**

**(A) The recording must be created in an industry standard audio-visual file format and must not include images of any electronic record on which the remotely located individual executed an electronic signature;**

**(B) An electronic journal must be retained for at least ten (10) years after the last notarial act chronicled in the journal. An audio-visual recording must be retained for at least the (10) years after the recording is made; and**

**(C) A notary must take reasonable steps to ensure that a backup of the electronic journal and audio-visual recording exists and is secure from unauthorized use.**

*AUTHORITY: section 486.1110 and 486.1195, RSMo 2020.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Office of Secretary of State, P.O. Box 1767, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*