

WASHINGTON STATE BAR ASSOCIATION

Office of the President

Rajeev D. Majumdar, President

March 24, 2020

Governor Jay Inslee
Office of the Governor
PO Box 40002
Olympia, WA 98504-0002

For the Attention of Kathryn Leathers, General Counsel, Office of the Governor

Sent by E-mail to Avoid Delay

Re: COVID-19 / STAY HOME STAY HEALTHY – Legal Notarization

Dear Governor Inslee:

I am writing on behalf of the Washington State Bar Association to bring a matter to your attention of great import to the people of Washington, and a request in regards to that.

Under the laws of Washington, Notaries Public, serve an essential role in administering oaths, witnessing acts, and authenticating documents. These are necessary acts for executing wills, deeds, contracts, leases, powers of attorney, and many other acts that our citizens, especially our vulnerable ones, need to complete in this time of uncertainty. Unfortunately, as of today, our law requires such acts to be done in person, which is contrary to best social distancing practices. RCW 42.45.040.

Other states have acted quickly to address this critical issue, and we believe Washington should do the same.



We are requesting that you, by virtue of the authority vested in you by RCW 43.06.220(2) concerning waiver or suspension of statutory obligations or limitation in a state of emergency, take action to issue an Executive Order as soon as possible along these lines:

Any notarial act that is required under Washington State law is authorized to be performed utilizing audio-video technology provided that the following conditions are met:

- 1. The person seeking the Notary's services, if not personally known to the Notary, must present valid photo ID to the Notary during the video conference, not merely transmit it prior to or after;*
- 2. The video conference must allow for direct interaction between the person and the Notary (e.g. no pre-recorded videos of the person signing);*
- 3. The person must transmit by fax or electronic means a legible copy of the signed document directly to the Notary on the same date it was signed;*
- 4. The Notary may notarize the transmitted copy of the document and transmit the same back to the person; and*
- 5. The Notary may repeat the notarization of the original signed document as of the date of execution provided the Notary receives such original signed document together with the electronically notarized copy within thirty days after the date of execution.*

This language suggested is nearly identical in scope and substance to an Executive Order issued by the Governor of New York on March 7, 2020 and would provide great assistance to consumers, attorneys, and other professionals impacted by public health guidelines related to the COVID-19 outbreak. Please also see the enclosed Executive Order issued by the Governor of New Hampshire for your reference.

Let me know if you have questions about this request. On behalf of WSBA, thank you for your attention and your public service as Governor.

In Service,



Rajeev D. Majumdar
WSBA President
(206) 214-5177

Enclosure – electronically attached.

cc: *Taylor Wonhoff, Deputy General Counsel, Office of the Governor*
Senator Jamie Pedersen, Chair, Senate Law & Justice Committee
Senator Mike Padden, Ranking Member, Senate Law & Justice Committee
Representative Christine Kilduff, Chair, House Civil Rights & Judiciary Committee
Representative Morgan Irwin, Ranking Member, House Civil Rights & Judiciary Committee
Sanjay Walvekar, WSBA Outreach and Legislative Affairs Manager
Kyle Sciuchetti, WSBA President-elect, and Chair of Legislative Committee

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