

Coronavirus (COVID-19): Governor Issues Emergency Executive Order Suspending Provisions Requiring In-Person Witnessing and Notarization of Legal Documents



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In [Executive Order 20-12](#) issued Tuesday, Arkansas Governor Asa Hutchinson suspended certain requirements for witnessing and notarization of legal documents in order to limit in-person encounters and face-to-face meetings in response to COVID-19. Due to the limitation on these in-person encounters and face-to-face meetings, vulnerable Arkansans may be deprived of the ability to obtain services and complete essential legal documents necessary to protect themselves, their property and their loved ones.

In Executive Order 20-03, the Governor had previously declared a regional state of emergency in Arkansas. In [Executive Order 20-12](#), Governor Hutchinson amended that previous executive order and suspended the requirement under current Arkansas law that notaries witness documents in person before notarizing them. In addition, the Governor suspended the requirement under current Arkansas law that witnesses for legal documents be physically present at the signing.

Under this Executive Order, a notary public or an electronic notary public may notarize documents through real-time audio and visual means (such as Skype, Zoom, FaceTime or other similar technology) when the notary public is (i) an attorney licensed by the State of Arkansas, (ii) a title agent licensed by the State of Arkansas, (iii) supervised by an attorney or title agent licensed in the State of Arkansas, or (iv) employed by a financial institution registered with the Arkansas State Bank Department. Both the signor and the notary public must be physically present in the State of Arkansas at the time of signing.

Also, persons may witness legal documents, such as a Last Will and Testament, through real-time audio and visual means, provided that the presence and identity of the witnesses are validated at the time of signing by a notary public who is (i) an attorney licensed by the State of Arkansas, (ii) a title agent licensed by the State of Arkansas, (iii) supervised by an attorney or title agent licensed in the State of Arkansas, or (iv) employed by a financial institution registered with the Arkansas State Bank Department. Both the signor and the witnesses must be physically present in the State of Arkansas at the time of signing.