

MICHIGAN LAW ON NOTARIAL ACTS (EXCERPT)
Act 238 of 2003

55.286a Approval of electronic notarization systems; minimum requirements; certification by government-sponsored enterprise.

Sec. 26a.

(1) By March 30, 2019, the secretary and the department of technology, management, and budget shall review and approve at least 1 electronic notarization system for the performance of electronic notarizations in this state. The secretary and the department of technology, management, and budget may approve multiple electronic notarization systems, and may grant approval of additional electronic notarization systems on an ongoing basis. The secretary and the department of technology, management, and budget shall review the criteria for approval of electronic notarization systems, and whether currently approved electronic notarization systems remain sufficient for the electronic performance of notarial acts, at least every 4 years.

(2) Subject to subsection (3), in considering whether to approve an electronic notarization system for use in this state under subsection (1), the secretary and the department of technology, management, and budget shall consider, at a minimum, the following:

(a) The need to ensure that any change to or tampering with an electronic record containing the information required under this act is evident.

(b) The need to ensure integrity in the creation, transmittal, storage, or authentication of electronic notarizations, records, or signatures.

(c) The need to prevent fraud or mistake in the performance of electronic notarizations.

(d) The ability to adequately investigate and authenticate a notarial act performed electronically with that electronic notarization system.

(e) The most recent standards regarding electronic notarizations or records promulgated by national bodies, including, but not limited to, the National Association of Secretaries of State.

(f) The standards, practices, and customs of other jurisdictions that allow electronic notarial acts.

(3) If an electronic notarization system for the performance of electronic notarizations is approved or certified by a government-sponsored enterprise, as that term is defined in 2 USC 622(8), the secretary and the department of technology, management, and budget shall approve the system for use in this state if verifiable proof of that approval or certification is provided to the secretary and department, unless the use of the electronic notarization system is affirmatively disallowed by the secretary.

History: Add. 2018, Act 360, Eff. Mar. 12, 2019