



Mr. Edward Buchanan
Secretary of State
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Cheyenne, WY 82002-0020
SecOfState@wyo.gov

Dear Secretary Buchanan,

Mortgage Bankers Association (MBA)¹, the American Land Title Association (ALTA)² and the Wyoming Land Title Association (WLTA) are thankful Wyoming policymakers enacted legislation ([SF 29/Chap. 29](#)) that grants the authority to utilize Remote Online Notarization (RON) and allows the financial services industry to better serve Wyoming consumers.

As a follow up to passage of that legislation, we are writing to urge you to consider including the following requirements to protect Wyoming consumers in your proposed rules:

- Clarify that all remote notarizations done within the state's jurisdiction must be completed using a process of multifactor identification and credential analysis for ID proofing.
- Require the audio-video recording of the notarial act and the notary journal be retained for to ten years.
- Limit the authority to preform RON transactions to notaries public or delegate rulemaking authority for notarial officers to the state Supreme Court.

¹ The Mortgage Bankers Association (MBA) is the national association representing the real estate finance industry, an industry that employs more than 330,000 people in virtually every community in the country. Headquartered in Washington, D.C., the association works to ensure the continued strength of the nation's residential and commercial real estate markets, to expand homeownership, and to extend access to affordable housing to all Americans. MBA promotes fair and ethical lending practices and fosters professional excellence among real estate finance employees through a wide range of educational programs and a variety of publications. Its membership of over 1,700 companies includes all elements of real estate finance: independent mortgage banks, mortgage brokers, commercial banks, thrifts, REITs, Wall Street conduits, life insurance companies, credit unions, and others in the mortgage lending field. For additional information, visit MBA's website: www.mba.org.

² The American Land Title Association, founded in 1907, is a national trade association and voice of the real estate settlement services, abstract and title insurance industry. ALTA represents over 6,200 member companies. With more than 8,000 offices throughout the country, ALTA members operate in every county in the United States to search, review and insure land titles to protect home buyers and mortgage lenders who invest in real estate. ALTA members include title insurance companies, title agents, independent abstracters, title searchers and attorneys, ranging from small, one-county operations to large, national title insurers.

The law passed by the legislature is generally consistent with the national consensus for RON adoption and implementation, however our associations have concerns about provisions in the law that will also allow for the use of Remote Ink Notarizations (RIN). RIN was created to address short-term needs caused by the COVID-19 pandemic and typically is authorized by a temporary state executive order. Our associations assert RIN transactions are not as safe as RON transactions because they do not require multifactor identification and security standards necessary to protect consumer information.

At the beginning of 2020, the COVID-19 health crisis caused a paradigm shift where in-person financial transactions were severely restricted and prevented documents from being notarized in a traditional manner. In response, many states issued temporary executive orders to authorize the suspension of the state's statutory requirement that the principal physically appear before a notary. Many states allowed notaries to view the signing of a paper document through an unsecured audiovisual communication tool (e.g., Zoom, Microsoft Teams, and WebEx). The paper documents were then signed and transmitted electronically or through postal mail by the principal to the notary. RIN transactions were convenient for traditional notaries during the crisis, allowing them to continue notarizing documents. However, RIN transactions do not provide the level of anti-fraud protections the notary process is intended to solve for, especially when it comes to identity verification.

Therefore, we urge you to promulgate rules that would ensure all remote notarizations completed within the state's jurisdiction be completed using multifactor verification and credential analysis for ID proofing. This would be consistent with the national consensus for RON implementation offered by the nonpartisan Uniform Law Commission through their Revised Uniform Law on Notarial Act (RULONA)³ and the bipartisan National Association of Secretaries of State, which in 2018 issued their model for state RON standards.⁴

In addition, to further protect consumer data and personal information, we urge your office to require all audio-video recordings of notarial acts and notary journals be retained for ten years.

Lastly, we ask that you limit the authority to perform RON transactions to notaries public or delegate rulemaking authority for notarial officers to the state Supreme Court. SF 29 authorizes all notarial officers to perform RON transactions and their regulation by the Secretary of State. Most states limit the authority to notaries public because it is difficult to verify whether a court's deputy clerk in fact holds the title of a notarial officer. Moreover, certain notarial officers such as judges or attorneys are regulated by the state's supreme court, therefore regulations promulgated by the Secretary of State would not be binding on those officers but rather create standards of care.

Our associations welcome the opportunity to engage with you further to develop Wyoming's regulations for remote notarizations. If you have any questions, please contact Kobie Pruitt

³ <https://www.uniformlaws.org/viewdocument/final-act-no-comments-86?CommunityKey=8acec8a5-123b-4724-b131-e5ca8cc6323e&tab=librarydocuments>

⁴ https://www.nass.org/sites/default/files/resolutions/2018-02/nass-support-revised-enotarization-standards-winter18_0.pdf

(kpruitt@mba.org or 202-557-2870) at the MBA, Elizabeth Blosser (elizabethb@alta.org or 202-261-0310) at ALTA or Sasha Johnston (sasha@sheridancountytitle.com or 307-672-6478) at WLTA with any questions you may have.

Sincerely,

Mortgage Bankers Association
American Land Title Association
Wyoming Land Title Association