



March 26, 2020

The Honorable Alex Padilla
Secretary of State, State of California
1500 11th Street
Sacramento, CA 95814

Dear Secretary Padilla:

On behalf of the undersigned groups we would like to thank you for your leadership and decisiveness during this time of uncertainty for Californians as we attempt to understand the scope and ramifications of the ongoing COVID-19 pandemic.

As California's leaders continue to make difficult but necessary decisions to protect public health, the severe implications for California's economy are becoming clear. In particular, our organizations are concerned that interruptions to certain essential services, including specific services within the real estate industry that are crucial to Californians' ability to conduct real estate transactions, could have very negative economic ramifications for citizens at a time when they are already under stress. As you know, the real estate industry is one of the primary drivers of California's economy.

We therefore respectfully request that you not oppose the inclusion of S. 3533, the Securing and Enabling Commerce Using Remote and Electronic Notarization Act (SECURE Act), within upcoming COVID-19 emergency legislative response packages within the U.S. House or Senate. This bipartisan bill, introduced by Sens. Cramer (R-ND) and Warner (D-VA), is needed to immediately provide an alternative method of notarization in the form of remote online notarization (RON) to complete real estate transactions for consumers in compliance with social distancing directives.

The SECURE Act has also been introduced within the U.S. House of Representatives as H.R. 6364, a bipartisan bill introduced by Reps. Reschenthaler (R-PA) and Dean (D-PA).

Whether passed as stand-alone legislation or as part of a Senate or House stimulus bill, the SECURE Act would allow the undersigned businesses to conduct remote online notarization (RON) of critical documents using two-way audiovisual communication in compliance with specified standards. The legislation provides certainty for interstate recognition of RON and establishes minimum standards to ensure strong consumer protections.

Given the ongoing pandemic, current requirements for a signer to be physically present in front of a notary are problematic and in conflict with the Governor's orders stressing sheltering at home, avoiding unnecessary contact and keeping social distance with others to help prevent the spread of COVID-19 in the state.

While we realize your agency has been hesitant to pass RON in the state without the provisions your staff deems necessary for implementation, we believe the current crisis warrants a more flexible approach to the issue of notarization in a way that allows consumers and notaries to avoid in-person contact.

The SECURE Act is an emergency measure. It is our understanding that any authority to conduct RONs authorized under the SECURE Act would be slated to sunset after the ending of the emergency declaration based on newly proposed amendments, thereby leaving your agency and California's legislature the ability to craft a long-term, state specific solution to RON on its own terms after this crisis has passed and specifically addressing the concerns raised by your staff.

For these reasons we strongly urge you to convey to the California leadership in the U.S. House and U.S. Senate that you do not object to this temporary fix to the notarial issues generated by the pandemic crisis.

Sincerely,

California Association of Realtors®
California Building Industry Association
California Escrow Association
California Land Title Association
California Mortgage Bankers Association

cc: James Schwab, Chief Deputy Secretary of State
Honorable Toni Atkins, Senate Pro Tem
Honorable Anthony Rendon, Assembly Speaker