



NEW JERSEY STATE BAR ASSOCIATION

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March 24, 2020

The Honorable Joann Downey
The Honorable Eric Houghtaling
802 West Park Avenue
Suite 302
Ocean Township, New Jersey 07712

The Honorable Lisa Swain
205 Robin Road
Suite 122
Paramus, New Jersey 07652

Re: A3903 (Downey) – Allows remote notarial acts during Public Health Emergency and State of Emergency declared by Governor in Executive Order 103 of 2020

Dear Assemblywoman Downey, Assemblyman Houghtaling and Assemblywoman Swain:

In order to address the emergent issues facing our citizens, we request your immediate attention to amend A3903 to include amendments to address exigencies as we are seeing them on – quite literally – a moment by moment basis:

- **Expand the bill to permit any individual who is authorized to administer oaths and affidavits pursuant to N.J.S.A. 41:2-1 (oaths) and N.J.S.A. 46:14-6.1 (acknowledgments) and not just notaries public.**

This would then allow not just notaries public, but also attorneys, who are not all notaries public, to notarize documents remotely and greatly reduce the number of individuals involved in the emergent transactions taking place during this public health emergency and state of emergency.

While notaries public are authorized under N.J.S.A. 52:7-19 to administer oaths and

affidavits, there are a number of other individuals who are authorized to do so pursuant to N.J.S.A. 41:2-1 who are not notaries public. Attorneys-at-law are such individuals and routinely notarize documents for their clients. As attorneys are being called upon during this public health emergency and state of emergency to prepare countless documents in preparation for emergent matters that are coming up at a frequent clip, the importance of including attorneys and all officials who are currently authorized to administer oaths and affidavits becomes increasingly critical.

- **Permit the use of remote notaries for the creation and execution of wills and codicils.**

By far, the most urgent requests received by our members is that remote notaries be applicable in this regard as these individuals are among the most vulnerable population and these documents are in great demand during this public health emergency and state of emergency. By temporarily permitting the use of remote notaries in these two instances would greatly protect the health and safety of this vulnerable group and provide them much-needed access to justice.

We are keenly aware that these temporary measures and we propose that they only last as long as Executive Order 103 is in place. These are drastic measures and to that end, we urge you to consider these amendments prior to tomorrow's vote as we are well aware that there is little room for amendments before this bill is sent off to the Senate.

Thank you for all of the work you are doing to keep New Jersey strong, safe, healthy and on a positive track to get New Jerseyans back to normal again. If you have any questions or for further discussions, please contact Lisa Chapland at 732-239-3356 or at lchapland@njsba.com.

Very truly yours,



Evelyn Padin, Esq.

cc: Assemblyman Craig Coughlin, Speaker
Anthony "Skip" Cimino, Executive Director
Brian Quigley, General Counsel, Assembly Democrats
Kimberly A. Yonta, Esq., President-Elect