



# ARKANSAS SECRETARY OF STATE

**John Thurston**

## **Arkansas Secretary of State Electronic Notary Public Electronic Solution Provider Standards**

Approved solution providers must abide by all laws and rules governing Arkansas notaries public, including electronic notaries.

Approved solution providers must register to conduct business in the state of Arkansas and remain in good standing while serving as an approved solution provider for e-notaries.

Approved solution providers must complete the mandatory electronic notary information course to establish basic familiarity with Arkansas notary requirements.

Arkansas law (A.C.A. § 25-31-103) requires electronic signature verification companies operating in Arkansas to obtain a surety bond in the amount of two hundred fifty thousand dollars (\$250,000).

Approved solution providers must provide a free, readily-available viewer, reader or other means allowing all involved or necessary parties to view the electronic notary signature and seal without incurring any cost.

Solution providers must require an applicant notary to present the Electronic Notary Certificate of Commission from the Arkansas Secretary of State.

The solution provider shall, within five business days of accepting an electronic notary's application, provide confirmation of the agreement to the Arkansas Secretary of State's Business & Commercial Services division.

The solution provider shall, immediately upon creation of an electronic image of the notary's signature and seal, electronically provide the images to the Arkansas Secretary of State's Business & Commercial Services division.

The electronic solution should be able to access the Arkansas Secretary of State's data to verify that the notary is still in good standing, each time the notary logs in.

If a notary's commission is revoked, the Arkansas Secretary of State's office will notify the notary's solution provider. The solution provider must suspend the notary's electronic access immediately upon receiving notification.

Arkansas's electronic notary rules require that a notary must complete refresher training once every two years during a commission. The electronic solution must contain built-in time limitations which will, every two years, conduct the following actions:

- Notify the notary that s/he must complete refresher training within the two-month period surrounding the commission date (one month before date through one month after date);
- Continue to send to the notary weekly alerts of the deadline for refresher training, throughout the two-month period.
- At the end of the two-month period, if the solution provider has not received certification originating in the Arkansas Secretary of State's office that the notary has completed training, the electronic solution must block the notary from logging in. The lock-out should remain in place until training certification is received.

If the solution provider changes software, or makes other material changes to its services, this change must not be implemented until the Arkansas Secretary of State's office has been notified of, reviewed and agreed to the change. Notaries must likewise be informed of any changes not less than 30 days prior to the change.

If the Arkansas Secretary of State's office changes rules or laws for electronic notaries, the office will notify the solution providers of those changes prior to the change taking effect.

Access to the notary's electronic signature and seal must be protected by use of password, biometric or token.

Completion of an electronic notarization must create a visible representation of the notary's electronic signature and seal on the document, in a form that remains part of the document if it is printed or otherwise changes forms of media.

The electronic notarization must contain security measures that will render any changes to the document easily detectable. Watermarks or visible notification of changes are preferred.

If the solution provider stores an electronic copy of the document, the document's signer(s) should be able to access the document and should be able to specify the length of time that document will remain electronically stored, or to not have the document stored. Each signer should be able to access, download, print and delete the document without accessing any other signer's documents.

If the solution provider stores an electronic copy of the document, the solution provider must notify the signer(s) and notary that permanent storage of the electronically-notarized document remains the ultimate responsibility of the signer(s) and recipients.

If the signer(s) choose to decline storage of or delete a completed document, the electronic solution shall include data wiping, including but not limited to a three-pass write-over, to ensure deletion of the document.

The solution provider shall have and provide to the Arkansas Secretary of State's office a plan for what will happen to documents held within its vaults, and to the records of an electronic notary, in the event the vendor sells, closes, loses or otherwise is no longer in business.

The solution provider shall have in place a secure encryption system to protect the information of its client notaries and all documents it retains.

If the solution provider retains electronic copies of notarized documents, the solution provider's permanent or long-term preservation of digital records should comply with the following standards:

- Maintain multiple copies of the record.
- Maintain the original, unchanged, recorded file in the original file format throughout the life of the record.
- Perform periodic audits on the records and the system to ensure long-term accessibility to the records.
- On a continuing basis, develop planning and implementation procedures for conversion and migration (the preservation of access over time) of permanent or archival digital records, and the systems that support them, to new formats, storage media, and technologies.
- Assure that digital information can be managed, authenticated by currently acceptable technologies and accessed over time by creating and maintaining metadata.
- When digital technology is used for recording permanent, archival or legal records, the original record should be transferred to microfilm for permanent preservation.

Regularly scheduled migration of archival digital objects to new media, based upon a continuing assessment of developments in digital technology, should be part of the solution provider's digital risk management plan. Such a plan shall also include maintaining hardware and software that will migrate archival data to new media and the creation of documentation that will record information about all data formats, each type of media, required environmental conditions, processes for maintaining archival characteristics, and efforts to reduce risk. Specifically, the solution provider should evaluate, migrate and possibly upgrade hardware at regular intervals as established by industry standards.

The solution provider should annually audit, test, and sample for corruption, deterioration, and continued accessibility its digital media, hardware, and files. Documents should be hashed at every migration of software and hardware and the hash maintained with the document. As with every aspect of using digital technologies, the solution provider should document all action. Digital data will not be readable or useable in the future without active management.

Metadata creation and management are integral to the long-term retention of electronic records. Metadata provides meaning, context, and chain-of-custody for digital information. Therefore, the solution provider must assure the association of metadata with data, since metadata may be stored separately or embedded in digital objects.

In order to maintain status as an approved solution provider, the solution provider will be required to periodically submit, upon request, information to the Arkansas Secretary of State to verify that the solution provider's system meets all of the Arkansas Secretary of State's standards and rules on electronic notarization.



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## Arkansas Electronic Notary Solution Provider Application

1. Name of Applicant Provider: \_\_\_\_\_

2. How is the business organized (LLC, corporation, etc.)? \_\_\_\_\_

3. \_\_\_\_\_  
Mailing Address of Provider Headquarters:                      City:                      State:                      Zip:

4. \_\_\_\_\_  
Physical Address of Provider Headquarters:                      City:                      State:                      Zip:

5. \_\_\_\_\_  
Name/title of Principal Contact Person:

6. \_\_\_\_\_  
Regional/Local Address:                      City:                      State:                      Zip:

7. Phone: \_\_\_\_\_                      8. Fax: \_\_\_\_\_

9. Email address for contact person: \_\_\_\_\_

10. Are you currently registered to do business in Arkansas? \_\_\_\_\_ If yes, please provide your Arkansas Secretary of State filing number: \_\_\_\_\_

11. Providers may be asked to demonstrate their product, either in-person or remotely, for the Secretary of State's office. How will you present (remotely or in-person)? \_\_\_\_\_

12. What program or software would you use to make a remote demonstration? \_\_\_\_\_

13. Please provide a working model, licensed copy or account access to your electronic notary solution, including any applicable media (CD or DVD).

14. List the states, jurisdictions, enterprises, agencies and/or industries using your e-notary solution:  
\_\_\_\_\_

15. How long has the solution's underlying technology been used in electronic notarizations, transactions or commerce? \_\_\_\_\_

16. Is your technology interoperable with all other related forms of technology? \_\_\_\_\_ Is there any technology it is not compatible with? \_\_\_\_\_ If so, what? \_\_\_\_\_

17. What are the specific elements, features or operating system(s) that make your system compatible or incompatible with related technologies? \_\_\_\_\_

18. Describe the different technologies that do work with your system and how this was confirmed:

\_\_\_\_\_

19. List the applications that interface with your solution: \_\_\_\_\_

20. List the technical components that assure document security, and describe how these are applied to the notarized document:

\_\_\_\_\_

21. Describe how the Secretary of State and other users will be able to electronically authenticate the notary's electronic signature and seal: \_\_\_\_\_

22. Describe the process and steps you use to authenticate the notary: \_\_\_\_\_

\_\_\_\_\_

23. How are document and notarization authenticity and integrity maintained if your solution becomes obsolete or you go out of business? \_\_\_\_\_

24. Does your solution require proprietary applications, software or hardware? \_\_\_\_\_ Yes \_\_\_\_\_ No  
If yes, which ones and who needs to own, access, purchase, download or license what applications, software or hardware? \_\_\_\_\_

25. Is special hardware required? \_\_\_ Yes \_\_\_ No If yes, what kind? \_\_\_\_\_

26. Which users need special hardware or software? (**Check all that apply**)

\_\_\_\_\_ sender \_\_\_\_\_ recipient \_\_\_\_\_ customer \_\_\_\_\_ notary \_\_\_\_\_ state \_\_\_\_\_ other (explain)

\_\_\_\_\_

27. What is the name of the current version of your e-notary solution? \_\_\_\_\_

28. How many versions are there? \_\_\_\_\_

29. In the past, how often have you introduced a new version of your e-notary solution, and how often in the future do you intend to do so? \_\_\_\_\_

30. Will notaries/businesses be required to update the version, license or software of the e-notary solution when you introduce a new version of your software? \_\_\_\_ Yes \_\_\_\_ No If yes, how much will it cost? \_\_\_\_\_

31. How will you handle suspending the software license for revoked or expired e-notary commissions?

\_\_\_\_\_

32. How long does this process take? \_\_\_\_\_

33. Who on the provider's end should received notification of revocation? \_\_\_\_\_

34. Who will you notify of the suspension (notary, Arkansas Secretary of State, etc.)? \_\_\_\_\_

How? \_\_\_\_\_

35. Do you provide instructional documents, online tutorials, technical support or other assistance to users?

\_\_\_\_\_ Describe: \_\_\_\_\_

By signing and submitting this application, I, \_\_\_\_\_, as  
\_\_\_\_\_(title/position) of \_\_\_\_\_ (name of provider) agree to:

1. Provide a free and readily available viewer/reader so as to enable all parties relying on the electronically notarized record or document to view the electronic notary signature and the electronic notary seal without incurring any cost;
2. Comply with the laws, rules and standards that govern Arkansas notaries and e-notaries;
3. Register (or remain registered) to conduct business in the state of Arkansas and remain in good standing while serving as an approved solution provider for e-notaries;
4. Provide an electronic notarization system or solution that complies with the technical specifications and performance standards of the laws, rules and standards that govern electronic notarization processes and procedures in Arkansas;
5. If approved as a solution provider for e-notaries in the state of Arkansas, obtain a surety bond in the amount of two hundred fifty thousand dollars (\$250,000), in accordance with state law;
6. Suspend the use of any electronic notarization system or solution for any notary whose commission has been revoked or suspended by the Arkansas Secretary of State;
7. Require notaries to present the Electronic Notary Certificate of Commission prior to authorizing an electronic notary seal and signature;
8. Verify the authorization of an Arkansas notary to perform electronic notary acts by accessing the Arkansas Secretary of State's records and comparing the name, notary commission number and commission expiration date with the information on the Electronic Notary Certificate of Commission prior to authorizing an electronic notary seal and signature;
9. Designate an employee to take the mandatory electronic notary information course to establish basic familiarity with Arkansas notary laws and rules;
10. Submit changes or modifications or updates to information previously submitted and approved by the Arkansas Secretary of State's office prior to making any updates or subsequent versions of the provider's electronic notarization system available to Arkansas's electronic notaries;
11. Notify the Arkansas Secretary of State of each notary who purchases or agrees to use your electronic notarization solution;
12. Submit an exemplar of the electronic notary signature and electronic notary seal to the Arkansas Secretary of State for each electronic notary who subscribes to the provider's electronic notary solution.

By my signature below, I \_\_\_\_\_ swear or affirm that I have reviewed all of the laws and the Arkansas Secretary of State's standards and rules on electronic notarization and that the system or solution offered complies with all of the electronic notarization laws, rules and standards.

Authorized Signature: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

Return to:

**enotary@sos.arkansas.gov**  
**Business & Commercial Services, 1401 W. Capitol, Suite 250,**  
**Little Rock, AR 72201**