

## SB 300 - Revise Notary Law

The Notary Public Modernization Act passed in 2018 allows individuals to apply for and renew their notary commission directly through the Ohio Secretary of State's office, instead of all 88 Ohio counties instituting their own commissioning and skill requirements. Ohio also began allowing for online notarization, which provides Ohioans the opportunity to have a document notarized while out of state or overseas. Additionally, electronic notarization was implemented, providing the ability to notarize digital documents. Ohio is just the sixth state to allow for online notarization.

The intent of SB 300 is to provide clarification for issues that have arisen since the Secretary of State's office began implementing changes to the Notary Public Modernization Act (SB 263 - 132<sup>nd</sup> GA). SB 300 also includes other changes to streamline Ohio's notary laws and provide consistency in the language.

### Summary of changes:

- Corrects referenced revised code sections and eliminates unnecessary references
- Adds a statutory short form of acknowledgement for an LLC, which makes compliance easier
- Clarifies and improves acknowledgment language
- Adds clarity to a provision about authenticator certificates which will clarify original legislative intent

### Outline of specific changes:

1. Changes "notarial officer to "notary public" for consistency.
2. In section 147.542 regarding notarial certificates, unnecessary and confusing language stating that an acknowledgement certificate shall "clearly state that no oath or affirmation was administered to the signer with regard to the notarial act" is removed.
3. Addition of a statutory short form of acknowledgement for a LLC and re-title subsections (C) to (E) to allow for this new section. The prior short forms included individuals, corporations, and partnerships, but failed to include a limited liability company, which is the most common business entity structure.
4. Edit 147.53 to clarify and improve acknowledging language by removing he/him references.
5. Edit 147.55 and 147.551 to remove an unnecessary reference to section 147.542.
6. Edit 147.591 (C) to clarify that an authenticator certificate may not be signed or notarized with an electronic signature or electronic seal. This change would clarify intent.
7. Edit section 147.371 to include electronic submission of an electronic duplicate commission request form. Language was removed that required an affidavit to state the original commission was lost or destroyed as that is not necessary.
8. Clarifies in section 147.01, that a notary public whose commission has been revoked by the Secretary of State's office for official misconduct or incapacity shall be ineligible for reappointment to the office of notary public.
9. Removes language in section 147.03 regarding removal for violating the oath of a notary public but keeps the language focused on term of office.
10. Rewrites section 147.14 regarding removal from office for certifying an affidavit without administering the oath. The new language improves clarity and reflects the change made to section 147.01 regarding reappointment.
11. Changes the definition of "acknowledgement" in section 147.011 for clarity. The current language is concerning to notaries public and attorneys as it requires the notary public to

determine the signer has signed the document, understands the document and is aware of the consequences of executing the document by signing it. A notary public should not be responsible for advising the signer on the consequences of signing the document.

12. Addition of section 147.49, which adds an identity verification requirement for jurat certificates, making identity requirements consistent among all notarial acts
13. Addition of section 147.50, which establishes acceptable forms of identification for notarial acts
14. Changes the language of section 147.551 regarding the jurat form to require a printed name rather than a signature, which ensures clarity of the signer's identity.
15. Adds clerks of court and deputy registrars to the list of who must accept digital copies of documents executed electronically by parties and acknowledged or sworn before notaries and must accept printed copies of documents executed electronically if the document contains an authenticator certificate.