

Ohio Land Title Association  
Testimony  
Senate Bill 300  
May 17, 2022  
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Chairman Peterson, Ranking Member Craig, Vice Chair Wilson, and Members of the Senate General Government Budget Committee: Thank you for the opportunity to present proponent testimony on Senate Bill 300.

My name is Kelly Spengler. I am employed by Westcor Land Title Insurance Company as Underwriting Counsel for Ohio and other states. I live and work in central Ohio. I am a member of the Board of Trustees of the Ohio Land Title Association (I.e. OLTA) and I am testifying on OLTA's behalf. I am also a notary public for the State of Ohio.

OLTA is a trade association representing over 1,000 members who are licensed title insurance agents, underwriters, abstractors and real estate / title attorneys operating in all 88 Ohio counties. Our members conduct examinations of recorded documents and insure title to real property. The title insurance industry utilizes the services of notaries public for many real estate documents that are signed in connection with real estate purchases and refinances.

One of the most common notarial acts are acknowledgments. Senate Bill 300 redefines "acknowledgment" as a declaration by an individual before a notary public that the individual has signed a record for the purpose stated in the record. Traditionally, the acknowledgment is used to confirm that the person identified appeared before the notary and acknowledged that they signed the document. The redefinition of this term places the Ohio statute in conformity with the traditional use of an acknowledgment.

Under current Ohio statute there are several forms of acknowledgment that are specified within the code. If a notary uses these forms of acknowledgment there is a certainty that it is a valid form of the acknowledgment. This bill adds a new form of acknowledgment for a limited liability company which is an increasingly common entity that notary public would encounter.

Additionally, the list of government officials that are required to accept electronically notarized documents is expanded.

SB 300 makes critical changes to the notary public statutes that is important to clarify and make it easier to understand their responsibilities.

OLTA would request additional changes to the notary statutes. OLTA has discussed these requests with the Secretary of State's office and is continuing to work with them on specific changes to address our concerns.

Currently Revised Code Section 147.14 provides for the removal of a notary public for failure to administer an oath when a jurat is being used on the document, and bars them from ever obtaining a notary public license again. OLTA would propose changes to the statute that would work in conjunction

with other sections of the code to clarify that the secretary of state may revoke, a notary public's license upon an investigation.

Additionally, OLTA would request that Section 147.542 (B) be removed in its entirety as an acknowledgement and a jurat both contain very specific language that already clearly indicates the type of notarization that is being performed. Section 147.542(D) already requires a jurat contain a statement that an oath or affirmation was administered. Therefore, Subsection (B) could lead to unnecessary confusion about what, if any additional language should be included to comply with this subsection.

Also, Section 147.141 (A)(11) and (12) would prohibit any alternation of a written instrument or notarial certificate after the document is signed. OLTA would support the addition of language that would permit the notary to make minor changes, such as correcting a typographical error to a document after execution. These minor issues are discovered in documents as part of a review of the closing package after the documents are signed. These documents are often prepared by third parties for a closing with very little time for review prior to execution. The notary, who may also be a title insurance agent or attorney, discovers the typographical error when completing a review after the closing is completed. These errors would need to be corrected prior to recording the document(s). For example, a minor typographical error in the legal description can be discovered after the deed is signed. It is these minor errors that do not change the material terms of the document that would need corrected to avoid a burdensome process of having documents resigned.

OLTA supports the passage of this bill, and would request support for these additional changes to the notary law.