



David K. Stein

Partner

Columbus
614.227.7740
dstein@bricker.com

Ohio goes digital: The Notary Public Modernization Act

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In December 2018, now former Governor Kasich signed into law S.B. 263, also known as the Notary Public Modernization Act. The act overhauls Ohio's notary laws and will allow documents to be notarized online through audio-video conferencing.

Ohio will now allow a notary public to provide an electronic seal and electronic signature and, as mentioned, will permit document signers to appear before the notary by means of live audio-video conferencing. Electronic notarization is a growing trend across the nation, as it saves both time and money. This capability will likely be of great benefit to individuals and businesses in Ohio and will promote Ohio as a technology and innovation leader.

The new process builds upon the basic requirements for in-person notarizations:

1. The notary must have personal knowledge of the signer or have satisfactory evidence of the signer's identity.
2. The signer must give an oath or affirmation that the statement in the document is true.
3. The notary applies his or her signature to the document (physically or, now, electronically).

The new tools for notaries public will include live video links, electronic signatures and electronic notary seals. Notaries will need to complete an education course and pass a related test, undergo an updated criminal records check and apply to the Secretary of State for authorization. This educational course and test is in addition to those requirements necessary to acquire an initial notary commission. The new law also includes a continuing education requirement and the obligation to meet certain technological standards, including maintenance of files and reporting.

Previously, the commission of notaries occurred on a county-by-county basis. Under the new bill, the Secretary of State's office will oversee the commissioning and will be tasked with adopting rules, including processes and procedures, for online notarizations, revocation of authorization to perform online notarizations and more.

The Notary Public Modernization Act, which passed and was signed into law with broad bipartisan support, will simplify and enhance the process for commissioning notaries in Ohio and will allow individuals and business to quickly and efficiently get notarial acts processed. Most provisions of the bill become effective on September 20, 2019, with certain provisions going into effect sooner, in March and July of 2019.