



January 7, 2019

OHIO ENACTS NOTARY PUBLIC MODERNIZATION ACT

The Ohio General Assembly passed Ohio S.B.263 enacting the Notary Public Modernization Act. Among other items, the new law allows a duly appointed and commissioned notary public to apply to the Ohio Secretary of State for authorization to perform notarizations online using live video links, electronic signatures and electronic notary seals.

The bill requires notaries public seeking authorization to act as online notaries public to complete an educational course and pass a test in addition to those necessary to acquire an initial notary commission, but provides certain exceptions for attorneys. The bill requires county auditors, engineers and recorders to accept printed documents that were notarized electronically for purposes of approval, transfer and recording if the document contains the required notarial certificate. The bill requires online notaries public to maintain:

- audio and video recordings of the process used to confirm identities during online notarizations during the term of their authorization to perform online notarizations, and
- electronic journals with detail of all online notarizations performed during the term of their authorization to perform online notarizations, and to deposit those journals with the Secretary of State or an approved repository on the expiration of the authorization.

The secretary of state is directed to adopt rules and procedures to implement the new law. The provisions of the bill related to notaries and online notaries, except those authorizing the Secretary of State to adopt associated rules, are effective six months after the bill's effective date. The bill was signed by the governor on December 19, 2018 and will take effect March 20, 2019.

Please contact us with any questions.

✧ Elizabeth L. Anstaett and Emily C. Cellier

Darrell L. Dreher
ddreher@dtlaw.com

Elizabeth L. Anstaett
eanstaett@dtlaw.com

Emily C. Cellier
ecellier@dtlaw.com

Susan L. Ostrander
sostrander@dtlaw.com

2750 HUNTINGTON CENTER
41 S. HIGH STREET
COLUMBUS, OHIO 43215
TELEPHONE: (614) 628-8000 FACSIMILE: (614) 628-1600
WWW.DTLAW.COM

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Michael C. Tomkies
mtomkies@dtlaw.com

Susan M. Seaman
sseaman@dtlaw.com

Lindsay P. Valentine
lvalentine@dtlaw.com

Judith M. Scheiderer
jscheiderer@dtlaw.com

Robin R. De Leo
robin@deher-la.com