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The Ohio Notary Public Commission (non-attorney)



NOTARY COMMISSION

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Notary Commission

Pursuant to changes to ORC 147, effective September 20, 2019.

The Notary Modernization Act takes effect on September 20, 2019 and significantly changes the process to obtain a notary public commission and permits electronic and online notarizations in Ohio. The law eliminates the need to initiate the application process in the county where the applicant resides and eliminates the requirement to record a commission with the county. It also requires the notary to apply and renew their commission directly with the Ohio Secretary of State through the online system.

Requirements

The Secretary of State may appoint and commission a notary public if the applicant meets the required qualifications.

In order for a person to qualify, be appointed, and commissioned as a notary public, the person must be 18 years of age or older and must satisfy one of the following requirements:

- Is an Ohio resident who is not an attorney admitted to the practice of law in this state; or
- Is an Ohio resident who is an attorney admitted to the practice of law in this state; or
- Is not an Ohio resident but is an attorney admitted to the practice of law in this state and has the person's principal place of business or the person's primary practice in this state.

This brochure applies to the first category listed above.

Application and Renewal

If you qualify to be a notary public:

Apply:

1. Obtain a criminal record check, current within six months of application. If the report shows no disqualifying offenses, then the applicant may proceed to the next step.
2. Contact an authorized education and testing provider for a three-hour class and pass a test.
3. Go to OhioSoS.gov and select "Notary." Click "File Notary Commission Application and Updates" and select "File Online" at the bottom of the page. Your application will require you to provide your email address, phone number, mailing address, date of birth, and then you must upload a copy of your criminal record check, certificates from the education and testing provider, and an image of your signature. The fee to submit is \$15.00.

Renew:

To renew, notaries must follow a similar process as above. However, they must take a one-hour class (instead of taking a three-hour class and passing a test). An updated criminal record check is required.

Notaries public may apply to renew their commission beginning three months prior to its expiration. If the notary's commission expires before they submit their application for renewal, the Secretary of State may not renew the expired commission and the applicant must submit a new notary public application.

Term of Office

Each notary public holds office for the term of five years unless the commission is revoked.



Online Notarization

The Notary Modernization Act permits online notarizations to be performed by a notary public after the notary public receives additional education, testing and authorization from the Secretary of State. Online notarization is when documents are notarized in electronic form where the signer uses an electronic signature and appears before the notary using online video technology. While a notary must be physically located in Ohio at the time of the notarial act, a signer may be located anywhere within the territory of the United States or outside the United States. For more information on the requirements for an online notarization system, visit OhioSoS.gov/Notary.

Online Authorization Application

To obtain authorization to perform online notarizations in Ohio, an applicant must be commissioned as a notary public, must be an Ohio resident and must apply electronically to the Secretary of State. An application must include the following:

- Description of the technology to be used to perform online notarizations;
- A certification that the applicant will comply with the law and administrative rules;
- A disclosure of all license or commission revocations or other professional disciplinary action taken against the applicant;
- Certification of completed education and testing requirement from the authorized education and testing provider; and
- A filing fee of \$20.00 paid by credit or debit card.

Online Authorization Renewal

To renew the authority to perform online notarizations, notaries must follow a similar process as above. However, the length of the class is shorter.

The authorization to perform online notarizations expires when a notary public commission expires. Therefore, if a notary public commission expires in one year, and the notary public obtains authorization to perform online notarizations, this authorization will only be valid for one year and must be renewed when the commission is renewed.

Electronic Notarization

The Notary Modernization Act permits electronic notarizations to be performed by any notary public with an active commission in Ohio. An electronic notarization is a notarial act performed by a notary public using an electronic seal and electronic signature on a digital document. Unlike an online notarization, the signer must be in the actual physical presence of the notary public at the time of notarization. The technology used to attach an electronic signature to a document must:

- Allow the electronic signature to be attributed or uniquely linked to the notary public;
- Be capable of independent verification;
- Be retained under the notary public's exclusive control; and
- Be linked to the electronic document to which it relates in such a manner that any subsequent change of the electronic document is detectable.

Notary Seal

Before performing the duties of office, a notary public must obtain a seal of a notary public. The seal must consist of the coat of arms of the state within a circle that is at least three-quarters of an inch but not larger than one inch in diameter and shall be surrounded by the words "notary public," "notarial seal," or words to that effect, the name of the notary public and the words "State of Ohio." The seal may be of either a type that will stamp ink onto a document or one that will emboss it. The name of the notary public may, instead of appearing on the seal, be printed, typewritten, or stamped in legible, printed letters near the notary public's signature on each document signed by the notary public. A person commissioned as a notary public prior to the effective date of this law may continue to use a seal that met the requirements under the law prior to September 20, 2019.

Fees for Notarial Services Rendered

A notary public is not required to charge for the services provided; however, the notary public may charge a fee for a notarial act, not on a per signature basis, in an amount not to exceed the following:

- Five dollars per notarial act that is not an electronic or online notarization.
- Twenty-five dollars per notarial act for an online notarization.

A notary public may charge a reasonable travel fee, as agreed to by the notary public and the signer prior to the notarial act.

Prohibited Acts

Ohio Revised Code prohibits:

- Notarizing a notary's own signature;
- Performing a notarial act if the notary has a conflict of interest with regard to the transaction in question;
- Certifying that a document is an original document or a true copy of another record, or take an acknowledgment in lieu of an oath or affirmation if an oath or affirmation is required.

The list of prohibited acts is not limited to the above. For more information, consult ORC 147.141.

A notary public must follow the law regarding how to perform the duties of the office and may contact an authorized provider for education if necessary.

Complaints, Investigations and Discipline

Any person may submit a complaint in writing to the Secretary of State and allege that a notary public has violated the law. The complaint must include the name of the notary public; an explanation of the reason for the complaint; a copy of each document related to the matter; and the name, phone number, address, email address and signature of the person submitting the complaint.

The Secretary of State's office may investigate violations of the notary law and may conduct an administrative hearing resulting in discipline up to and including revocation of a notary public's commission.