

GENERAL PROVISIONS OF THE OHIO REVISED CODE GOVERNING NOTARIES PUBLIC

APPOINTMENT AND COMMISSION OF NOTARIES PUBLIC

The secretary of state may appoint and commission as notaries public as many persons who meet the required qualifications stated below, as the secretary of state considers necessary. 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.

A notary public must be appointed and commissioned as a notary public for the state. The secretary of state may revoke a notary public's commission upon presentation of satisfactory evidence of official misconduct or incapacity. (R.C. 147.01)

CERTIFICATE OF QUALIFICATIONS

Before being appointed a notary public, the applicant must provide to the secretary of state a certificate from a judge of an Ohio court of common pleas, court of appeals, or supreme court that contains the following:

- A statement that the applicant is of good moral character;
- If the applicant is not an attorney admitted to the practice of law in this state, a statement that the applicant is a resident of the Ohio county in which the applicant resides;
- If the applicant is an attorney admitted to the practice of law in this state, a statement certifying that fact and that the applicant is possessed of sufficient qualifications and ability to discharge the duties of the office of notary public.

No judge or justice shall issue a certificate until the judge or justice is satisfied from personal knowledge that the applicant possesses the qualifications necessary to a proper discharge of the duties of the office or until the applicant has passed an examination under any rules that the judge or justice may prescribe.

The county in which an attorney who is not a citizen of this state and who is a notary public has the attorney's principal place of business or the attorney's primary practice shall be deemed the county in which the attorney resides. (R.C. 147.02)

TERM OF OFFICE; OATH

Each notary public, except an attorney admitted to the practice of law in this state, holds office for the term of five years unless the commission is revoked. An attorney admitted to the practice of law in this state holds office as a notary public as long as the attorney is a resident of this state or has the attorney's principal place of business or primary practice in this state, the attorney is in good standing before the Ohio supreme court, and the commission is not revoked.

Before entering upon the duties of office, a notary public shall take and subscribe an oath to be endorsed on the notary public's commission. A notary public who violates the oath of office shall, upon complaint filed and substantiated, be removed from office by the court of common pleas of the county in which the notary public resides, and the court shall certify the removal to the secretary of state. The person so removed shall be ineligible for reappointment to the office of notary public. (R.C. 147.03)

COMMISSION MUST BE RECORDED—FEE

New and renewed commissions

Before entering upon the duties of the office, a notary public shall present his or her commission with the oath endorsed thereon, to the clerk of the court of common pleas of the county in which the notary public resides.

The clerk must record the commission in a book kept for that purpose, endorse on the margin of the record and on the back of the commission the time that the clerk received the commission for record, and make a proper index to all commissions so recorded. The fee for recording and indexing a commission shall be as provided in R.C. 2303.20 (R).

If a notary public legally changes the notary public's name or address after having been commissioned, the notary public must notify the secretary of state and the appropriate clerk of courts within thirty days after the name or address change.

A notary, other than an attorney, who resigns the person's commission shall deliver to the secretary of state, a written notice indicating the effective date of resignation.

(R.C. 147.05)

SEAL AND REGISTER

Before entering upon the discharge of 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 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 notary public must also maintain an official register in which shall be recorded a copy of every certificate of protest and copy of note, which seal and record shall be exempt from execution. Upon the death, expiration of term without reappointment, or removal from office of any notary public, the notary public's official register shall be deposited in the office of the county recorder of the county in which the notary public resides. (R.C. 147.04)

CERTIFIED COPY OF COMMISSION TO BE EVIDENCE—FEES

Upon application, the clerk of the court of common pleas must make a certified copy of a notary public commission and the endorsements on the commission, under the seal of the court. The certified copy is prima-facie evidence of the matters and facts contained in it. For each certified copy of a notary public commission, the clerk shall be entitled to receive a fee of two dollars. (R.C. 147.06)

POWERS—JURISDICTION

A notary public may, throughout the state, administer oaths required or authorized by law, take and certify depositions, take and certify acknowledgements of deeds, mortgages, liens, powers of attorney, and other instruments of writing, and receive, make, and record notarial protests. In taking depositions, the notary public shall have the power that is by law vested in judges of county courts to compel the attendance of witnesses and punish them for refusing to testify. Sheriffs and constables are required to serve and return all process issued by notaries public in the taking of depositions. (R.C. 147.07)

FEES FOR NOTARIAL SERVICES RENDERED

A notary public is entitled to the following fees:

- (A) For the protest of a bill of exchange or promissory note, one dollar and actual necessary expenses in going beyond the corporate limits of a municipal corporation to make presentment or demand;
- (B) For recording an instrument required to be recorded by a notary public, ten cents for each one hundred words;
- (C) For taking and certifying acknowledgments of deeds, mortgages, liens, powers of attorney, and other instruments of writing, and for taking and certifying depositions, administering oaths, and other official services, the same fees as are allowed by section 2319.27 of the Revised Code or by law to clerks of the courts of common pleas for like services;
- (D) For taking and certifying an affidavit, one dollar and fifty cents. (R.C. 147.08)

PROTESTS ARE EVIDENCE

The instrument of protest of a notary public appointed and qualified under the laws of this state or of any other state or territory of the United States, accompanying a bill of exchange or promissory note,

which has been protested by such notary public for nonacceptance or for nonpayment constitutes prima-facie evidence of the facts therein certified. Such instrument may be contradicted by other evidence. (R.C. 147.09)

NOTARY PUBLIC ACTING AFTER COMMISSION EXPIRES

No notary public shall do or perform any act as a notary public knowing that the notary public's term of office has expired or that the notary public has resigned the notary public's commission. (R.C. 147.10)

FORFEITURE (FINE)

A notary public who performs any act as such after the expiration of the person's term of office or after the person resigns the person's commission, knowing that the person's term has expired or that the person has resigned, shall forfeit not more than five hundred dollars, to be recovered by an action in the name of the state. Such act shall render the person ineligible for reappointment. (R.C. 147.11)

ACTS DONE BY NOTARY PUBLIC AFTER TERM VALID

An official act done by a notary public after the expiration of the notary public's term of office or after the notary public resigns the notary public's commission is as valid as if done during the notary public's term of office. (R.C. 147.12)

REMOVAL FOR RECEIVING EXCESS FEES

A notary public who charges or receives for an act or service, a fee greater than the amount prescribed by law, or who dishonestly or unfaithfully discharges any official duties as notary public, shall be removed from office by the court of common pleas of the county in which the notary public resides, upon complaint filed and substantiated in the court. The court shall certify the removal to the secretary of state. The person so removed shall be ineligible for reappointment to the office of notary public. (R.C. 147.13)

FEES FOR COMMISSIONS

Each person receiving a commission as notary public, including an attorney admitted to the practice of law in this state, shall pay a fee of fifteen dollars to the secretary of state. (R.C. 147.37)

FEES FOR DUPLICATE COMMISSION

Upon receipt of a fee of two dollars and an affidavit that the original commission of a notary public has been lost or destroyed, a duplicate commission as notary public shall be issued by the secretary of state.

Upon receipt of a fee of two dollars and the properly completed, prescribed form for a name and address change under division (C) of section 147.05 of the Revised Code, the secretary of state shall issue a duplicate commission as a notary public. (R.C. 147.371)

PENALTIES

- (A) Whoever violates section 147.10 of the Revised Code shall be fined not more than five hundred dollars.
- (B) Whoever violates section 147.14 of the Revised Code shall be fined not more than one hundred dollars or imprisoned not more than thirty days, or both. (R.C. 147.99)