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Judicial Impact Statement

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SB 263

Sens. Huffman and Wilson

SB 263 – Notary Public Modernization

Title Information

To amend sections 109.572, 147.01, 147.03, 147.04, 147.05, 147.06, 147.07, 147.08, 147.13, 147.14, 147.37, 147.371, 147.51, 147.55, and 2303.20, to enact sections 147.011, 147.021, 147.022, 147.031, 147.032, 147.041, 147.051, 147.141, 147.142, 147.542, 147.551, 147.59, 147.591, 147.60, 147.61, 147.62, 147.63, 147.64, 147.65, and 147.66, and to repeal sections 147.02 and 147.09 of the Revised Code to enact the Notary Public Modernization Act.

Background

Senate Bill 263 seeks to standardize and make uniform the process of commissioning notaries public throughout the state. The bill accomplishes this by giving the Secretary of State the authority over the commissioning and removal of notaries public in the state, and by establishing statewide standards for obtaining a notary commission, including background checks, training, and testing. The bill states that the Secretary of State shall oversee the entire process of appointing and commissioning notaries, but may authorize other entities to administer the training and testing of new notaries.

Judicial Impact

Under existing law, the commissioning of notaries public is the responsibility of the Secretary of State and training and testing is often handled by courts or by local bar associations. Revocation of a commission, although reported to the Secretary of State, occurs at the local level, in court. These practices may vary from county to county. The entities overseeing the training and testing of notaries often use any revenue received from this practice to help to fund bar association programming, law libraries, and resources for the legal community and general public. While the Judicial Conference does not oppose creating statewide standards and processes for obtaining a notary commission, we are concerned any time a practice that is being administered effectively at the local level is transferred to an out-of-town, statewide entity. Courts and bar associations that already oversee notaries and wish to continue to do so should be allowed this option, with any statewide entity established in the bill covering the rest of the state or those areas that do not wish to retain that authority. Alternatively, no statewide entity needs to be created in the bill, and local entities, municipal bar associations, and the Ohio State Bar Association (some of which currently participate in notary training and testing), could report directly to the Secretary of State and follow the program approved by the Secretary of State (so that the same program is used statewide).

Conclusion

If statewide practices and requirements for obtaining a notary commission are established, the regulation of this process should remain local for those entities that already regulate notary commissions and wish to continue to do so.

What is a Judicial Impact Statement?

A Judicial Impact Statement describes as objectively and accurately as possible the probable, practical effects on Ohio's court system of the adoption of the particular bill. The court system includes people who use the courts (parties to suits, witnesses, attorneys and other deputies, probation officials, judges and others). The Ohio Judicial Conference prepares these statements pursuant to R.C. 105.911.