



August 9, 2019

Joint Committee on Agency Rule Review
c/o Executive Director Larry Wolpert
77 S. High Street, Concourse Level
Columbus, Ohio 43215

Chairman Callender, Vice-Chair Uecker and Members of JCARR:

We are submitting these comments to support the proposed rules offered by the Ohio Secretary of State to implement Senate Bill 263 of the 132nd General Assembly - the Ohio Notary Modernization Act. These rules represent one of the final steps in the effort to simplify and enhance the administration of notary public commissions in the state of Ohio. Prior to this legislation, the process for commissioning notaries public in Ohio varied greatly from county to county, and there was no single government official charged with ensuring that notaries public were being properly trained and duly commissioned, and that Ohio's notary laws were being followed.

Following the enactment of Senate Bill 263 and the adoption of these rules, the Secretary of State will be responsible for ensuring that notaries are well trained, properly commissioned and disciplined should notary rules be violated. Notaries play a crucial role in ensuring the integrity of the process used to execute legal documents. Having stringent, uniform and consistent laws/rules governing these processes is particularly important with the implementation of online notarization in Ohio as it could increase the risk for potential fraud and abuse, particularly as it relates to our most vulnerable citizens.

We are very pleased to have been involved throughout the General Assembly's consideration of the new law and we believe that the rules offered by the Secretary of State strike the right balance between protecting the public, easing the process for obtaining notary commissions and enhancing the training for those doing this important work. We appreciate the Secretary of State's efforts to engage stakeholders early in the rule-making process, to listen to our feedback and incorporate many of our suggestions into the proposed rules.

By spelling out the requirements for education and testing in the proposed rules, current Ohio notaries and all future applicants will have a clear understanding of what is expected of them going forward to obtain or maintain a notary commission. The training and testing requirements also strike the right balance to ensure notaries and applicants can be appropriately educated as to what the law requires of them and in how to properly notarize a document, particularly as it relates to online notarization. Key to all of this will be ensuring that all education and testing providers offer the highest quality training resources and programs. We encourage the Secretary of State to hold providers to a high standard by doing a thorough quality review, taking into account who has experience in providing education and testing on the laws of Ohio, as well as to

specify in the rules who qualifies to be providers, as required by Senate Bill 263/O.R.C Section 147.021(B)(1).

Thank you again for the opportunity to give input throughout this rule-making process. We especially want to commend Allison DeSantis for her professionalism, expertise and inclusiveness. We hope you will find these comments helpful as you advance these rules.

Sincerely,



Mary Amos Augsburger, Esq.
Chief Executive Officer
Ohio State Bar Association



C. Allen Nichols
Executive Director
Ohio Notary Services, LLC

cc: The Honorable Frank LaRose, Ohio Secretary of State,
Allison DeSantis, Director of Business Services and Assistant Secretary of State