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Montgomery County

Ohio Notary Public Modernization Act Passes

Recorder McClain believes more should be done to protect senior citizens

On December 19, 2018, then-Governor John Kasich signed Senate Bill 263, also known as the Notary Public Modernization Act, which will go into effect as law on September 20, 2019. The Act will simplify the process for commissioning notaries in Ohio which is currently handled independently by each of the 88 Ohio counties. Under the new law all notary commissions, complaints and disciplinary actions will be handled by the Secretary of State.

The Act will require ALL notary applicants to pass a statewide examination, adhere to a national background check and complete three hours of mandatory training under the direction of the Secretary of State.

“As an attorney and public official, I appreciate the legislature addressing the need for sterner policing of Ohio notaries to better safeguard our communities. With stricter background checks, individuals convicted of criminal offenses involving theft, receiving stolen property, embezzlement, forgery, fraud, passing bad checks, money laundering or any criminal offense involving money or securities will be unable to obtain a notary commission,” states Recorder McClain.

McClain explains that the new law does not address notarial acts by family members. “A notary who has a direct or indirect beneficial interest in documents, such as power of attorneys and deeds, should not be able to notarize said documents because it could potentially create a conflict of interest,” states Recorder McClain. “A restriction that addresses notarial acts by family members protect our citizens, specifically those who may be vulnerable, from becoming victims of financial abuse or fraud.”

According to the National Council of Aging (NCOA), in almost 60% of elder abuse and neglect incidents, the offender is a family member. “We need to protect senior citizens however and whenever possible. Adding a restriction to this law that safeguards our seniors from potentially being taken advantage of financially is not too much to ask.”