

Ohio Electronic and Online Notarization Standards

Established by the Ohio Secretary of State
September 29, 2017

The following standards have been established pursuant to Ohio Revised Code Section 147.542(B). A currently commissioned and appointed notary public must submit a registration form to be commissioned as an electronic notary public pursuant to Ohio Revised Code Section 147.543. Following acceptance of the registration form, an electronic notary must follow these standards as well as to adhere to the law set forth in Ohio Revised Code Chapter 147.

I. Definitions

- a. “Credential analysis” means a process or service that complies with any rules or regulations adopted by the Secretary of State through which a third party affirms the validity of a government –issued identification credential or any data thereon through the review of data sources.
- b. “Electronic document” means any electronic record or file that can be signed with a digital certificate or an electronic notarization system.
- c. “Electronic journal” means a chronological record of notarizations maintained by a notary public in an electronic format.
- d. “Electronic notarial act” means a notarial act performed using an official electronic signature and seal on an electronic document, by an individual registered as an electronic notary public pursuant to Ohio Revised Code Section 147.543(A).
- e. “Electronic notarization system” means a set of applications, programs, hardware, software, or technology designed to enable an electronic notary to perform electronic notarial acts. This term includes an electronic communications device authorized by Ohio Revised Code Section 147.542(A).
- f. “Electronic Signature” means an electronic sound, symbol, or process attached to or logically associated with an electronic record and executed or adopted by a person with the intent to sign the record.
- g. “Exclusive control” means accessible by and attributable solely to the electronic notary to the exclusion of all other persons and entities, either through being in the direct physical custody of the electronic notary or through being secured with one or more biometric password, token or other authentication technologies.
- h. “Dynamic knowledge-based authentication” means an identity assessment that is based on a set of questions formulated from public or private data sources for which the signer has not provided a prior answer.

- i. “Online notarization” means the performance of an electronic notarial act by means of an electronic communications device that includes two-way live audio and video conference technology and meets the requirements of these Standards.
- j. “Real time” means the actual span of uninterrupted time during which all parts of an electronic notarial act occur.
- k. “Remote presentation” means the transmission of a quality image of a government-issued identification credential to an electronic notary public through communication technology for the purpose of enabling the electronic notary public to identify the person appearing before the electronic notary public and to perform a credential analysis.

II. Electronic Signature and Seal

- a. An electronic notary shall sign each electronic document requiring notarization with an electronic signature.
- b. An electronic notary signature shall be:
 - i. Attributed or uniquely linked to the electronic notary;
 - ii. Capable of independent verification;
 - iii. Retained under the electronic notary’s exclusive control; and
 - iv. Linked to the electronic document to which it relates in such a manner that any subsequent change of the electronic document is detectable.
- c. The notary’s official seal shall consist of the following as text in the electronic document near the electronic notary’s signature or as a graphic image attached to or logically associated with the signature:
 - i. The electronic notary’s name as shown on the notary’s electronic notary commission;
 - ii. The electronic notary’s commission number;
 - iii. The words “Electronic Notary Public”;
 - iv. The words “State of Ohio”; and
 - v. The electronic notary’s commission expiration date.

III. Online Notarizations

- a. Online notarizations must occur with the use of an electronic communications device which has two-way live audio and video conference technology and that meets the requirements of these Standards.
- b. The electronic notary shall use at least one of the following methods to identify the signer for an online notarization:
 - i. Personal knowledge of the signer.
 - ii. A signer’s successful completion of a dynamic knowledge- based authentication assessment and the performance of at least one of the following actions by the notarial officer:

1. Credential analysis by remote presentation of the signer's valid and unexpired form of government-issued identification bearing the signer's photograph.
 2. Comparing the information displayed on a high resolution image of a credential described above with information provided to the notarial officer by the signer or by the signer's completion of a dynamic knowledge-based authentication assessment.
- c. The electronic notarization system used must meet the following criteria for establishing personal appearance:
- i. The persons communicating must simultaneously see and speak to one another;
 - ii. The signal transmission must be live, real time;
 - iii. The signal transmission must be secure from interception or access by anyone other than the persons communicating; and
 - iv. The technology must provide sufficient audio clarity and video resolution to enable the notary to communicate with the signer and utilize the signer identification methods described in Section III(b).

IV. Electronic Journal

- a. An electronic notary shall keep, maintain and protect an electronic journal of all electronic notarial acts for a period of at least five years from the date of the transaction. The electronic journal must include the following:
- i. The date and time of the notarial act;
 - ii. The type of notarial act;
 - iii. The type, title, or a description of the document or proceeding;
 - iv. The printed name and address of each person seeking an electronic notarization;
 - v. The type of identification used to establish identity of each person seeking electronic notarization; and
 - vi. The fee, if any, charged for the notarial act.
- b. Any system used to store the electronic journal must also:
- i. Allow entries to be made, viewed, printed out and copied by an electronic notary only after access is obtained by at least one factor of authentication such as a password, biometric verification, token, or other form of authentication.
 - ii. Not allow a record to be deleted or altered in content or sequence by the electronic notary or any other person after a record of the electronic notarization is entered and stored.
 - iii. Have a backup system in place to provide a duplicate electronic journal of notarial acts as a precaution in the event of loss of the original record.
- c. When not in use, the electronic journal shall be kept under the exclusive control of the electronic notary, and shall not be used by any other electronic notary nor surrendered to an employer upon termination of employment.

- d. The electronic journal may be examined and copied without restriction by a law enforcement officer in the course of an official investigation or subpoenaed by court order.
- e. Any electronic notarization system used to perform an online notarization must store a video of the notarization session, showing both the notary and the signer as the document is notarized.
- f. The video of the notarization session may be released if subpoenaed by court order.