

SECRETARY OF STATE

General information (SOS)

Duties

As Ohio's chief election official, the Secretary of State oversees the elections process and appoints members of boards of elections in each of Ohio's 88 counties with the mission to ensure it is easy to vote and hard to cheat in Ohio. 8 million Ohioans are currently registered to vote with record turnout reported in the recent elections. Further, the Secretary of State receives and approves business filings granting businesses the authority to legally transact business in Ohio. The Secretary of State also provides authentications of documents to be used overseas, issues minister licenses, and appoints and commissions notary publics in Ohio.

Budget *(Current budget, description of budgeting process, sources of funding, and expected increases or decreases in budget or funding in future years.)*

The Ohio General Assembly approves the office's budget every two years through the biennial budget bill. Approximately 95% of the office's FY22 budget appropriated in the FY22-23 budget bill was derived from fees.

Workload *(Assess current, past, and anticipated workload. Has the workload increased or decreased significantly in the preceding six years?)*

The workload continues to increase as the Secretary of State's office continues to improve the services provided to Ohioans.

Staffing *(How many staff are currently employed by the Secretary of State? What are their roles? Are staffing levels proportionate to current and anticipated workload?)*

The Office had 129 FTEs in FY22. These staff are split between administration, elections, and business services staff.

Administrative hearings and public complaints *(Describe the Secretary of State's processes for administering discipline and addressing complaints. Assess the efficiency of the processes.)*

The Secretary of State's office has authority to investigate complaints submitted against a notary public. Following an investigation, a notice of proposed discipline is sent to the notary public with recommended discipline. The notice informs the notary public of the process to appeal the proposed disciplinary action. The notary public has 14 days to request an administrative hearing. The Attorney General's office represents our office in the administrative hearing process.

Minister's license to solemnize marriages

Survey responses (SOS)

Description

As governed by Ohio Revised Code Chapter 3101, the Ohio Secretary of State issues a license to an ordained minister of any religious society or congregation that authorizes the minister to solemnize marriages in Ohio.

Type (License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)

Government Certification

If the regulation is a registration, certification, or license requirement, please complete the following:

Number issued annually	9,624 in FY2022
Number renewed annually	N/A
Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?	No significant increase or decrease.
Education or training requirements	None
Experience requirements	None

If the regulation is a registration, certification, or license requirement, please complete the following:

<p>Examination requirements (<i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Secretary of State receive any proceeds of those fees? If so, how are the proceeds used?</i>)</p>	<p>None</p>
<p>Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>)</p>	<p>None</p>
<p>Initial fee</p>	<p>\$10.00</p>
<p>Duration</p>	<p>The minister's license remains active if the minister remains ordained and in good standing with the religious society or congregation.</p>
<p>Renewal fee (<i>If different from initial fee, please explain why.</i>)</p>	<p>N/A</p>
<p>Does the Secretary of State recognize uniform licensure requirements or allow for reciprocity?</p>	<p>No</p>
<p>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</p>	<p>No</p>

If the regulation is a registration, certification, or license requirement, please complete the following:

Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Secretary of State?	In addition to a licensed minister, the following individuals may solemnize marriages in Ohio: a judge of a county court, judge of a municipal court, probate judge, mayor of a municipal corporation in any county in which such municipal corporation wholly or partly lies, the superintendent of the state school for the deaf or any religious society in conformity with the rules of its church.
Is the Secretary of State permitted to exercise discretion in determining whether to register, certify, or license an individual?	Yes, the Secretary of State must determine if the applicant submitted proper credentials to show that the minister is a regularly ordained or licensed minister of a religious society or congregation as required by Ohio Revised Code section 3101.10.
Other information (<i>Significant attributes or prerequisites to licensure not addressed in this chart.</i>)	N/A

Oversight and disciplinary authority of the Secretary of State respecting individuals engaged in the occupation.

The Secretary of State's office does not have oversight or disciplinary authority as it relates to a licensed minister. We must keep a record of all licensed ministers and cancel a minister's license upon a request from the minister or direction from the religious society or congregation stating the individual is no longer ordained to perform marriages.

How much revenue is derived from fees charged by the Secretary of State to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?

\$117,770 in FY2022 (\$96,240 for licenses and \$21, 530 for a formal license to display in addition to the digital license). Revenues are deposited into office funds to support program administration.

Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?

There are no federal regulations that apply to minister licenses.

What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)

Prior to marriage, a couple must obtain a marriage license from the probate court which is a legal permit stating the individuals are allowed to marry. The minister must solemnize the marriage and sign the marriage license and ensure it is filed with the probate court to properly record the marriage. The probate court verifies the minister's information on the Secretary of State's website to ensure the process was properly completed. Marriage is a binding contract between two individuals and this regulation prevents an invalid contract.

Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?

Issuing and storing a record of minister licenses in Ohio is preventing invalid marriage contracts. The process can be completed within a business day and the registration fee is low. We do not believe there are less restrictive ways to prevent the harm.

Are there any changes the Secretary of State would like to see implemented?

We do not have any changes we would like to implement to this process.

Surrounding state comparison (LSC)

Minister’s License to Solemnize Marriages						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Type of regulation	License (<i>R.C. 3101.10</i>).	None (<i>Ind. Code 31-11-6-1</i>).	None (<i>Ky. Rev. Stat. 402.050</i>).	None (<i>Mich. Comp. Laws 551.7</i>).	None (<i>23 Pa. Cons. Stat. 1503</i>).	Registration (<i>W. Va. Code 48-2-402(a)</i>).
Education or training	No.	N/A	N/A	N/A	N/A	No.

Minister's License to Solemnize Marriages						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Experience	No.	No.	N/A	N/A	N/A	No.
Exam	No.	N/A	N/A	N/A	N/A	No.
Continuing education	No.	N/A	N/A	N/A	N/A	No.
Initial licensure fee	\$10 (ohiosos.gov/records/minister-licenses/).	N/A	N/A	N/A	N/A	Up to \$25 (<i>W. Va. Code 48-2-402(d)</i>).
License duration	None specified.	N/A	N/A	N/A	N/A	None specified.
Renewal fee	N/A	N/A	N/A	N/A	N/A	N/A

Notary public

Survey responses (SOS)

Description
<p>Pursuant to Ohio Revised Code section 147.01, the Secretary of State may appoint and commission as notaries public individuals who meet the qualifications set forth in the law. As an officer of the state, a notary public may administer oaths, take and certify depositions and take and certify acknowledgments.</p>

Type (License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)

Government Certification

If the regulation is a registration, certification, or license requirement, please complete the following:

Number issued annually	12,650 in FY 2022
Number renewed annually	13,018 in FY 2022
Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?	There was a slight decrease in active commissions following the change in notary law in 2019 and due to Covid restrictions in 2020, but these numbers increased to typical numbers in 2021 and 2022.
Education or training requirements	A notary commission applicant must complete a 3-hour education class prior to applying for a commission.
Experience requirements	None

If the regulation is a registration, certification, or license requirement, please complete the following:

<p>Examination requirements (<i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Secretary of State receive any proceeds of those fees? If so, how are the proceeds used?</i>)</p>	<p>A non-attorney notary commission applicant must pass an exam prior to applying for a commission. The exam is administered by an authorized education provider and has been approved by the Secretary of State. The exam can be administered in person on paper or online. The fee is \$55.00, and the Secretary of State does not receive any portion of the fee. The fee is paid directly to the authorized education and testing provider.</p>
<p>Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>)</p>	<p>A notary commission renewal applicant must complete a 1-hour education class prior to submitting a commission renewal application. The renewal class reviews the roles and responsibilities of a notary public, addresses the proper way to perform a notarial act, complete a notarial certificate and addresses the prohibited acts of a notary public.</p>
<p>Initial fee</p>	<p>\$15.00</p>
<p>Duration</p>	<p>A non-attorney notary commission term is 5 years. An attorney notary commission does not have an expiration date but may be revoked if the attorney violates notary law or is no longer in good standing with the Ohio Supreme Court.</p>
<p>Renewal fee (<i>If different from initial fee, please explain why.</i>)</p>	<p>\$15.00</p>
<p>Does the Secretary of State recognize uniform licensure requirements or allow for reciprocity?</p>	<p>Some language in Ohio Revised Code Chapter 147 comes from the Revised Uniform Law on Notarial Acts.</p>
<p>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</p>	<p>No</p>

If the regulation is a registration, certification, or license requirement, please complete the following:

<p>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Secretary of state?</p>	<p>In addition to commissioned notaries public, a judge, clerk or deputy clerk of any court may perform notarial acts.</p>
<p>Is the Secretary of State permitted to exercise discretion in determining whether to register, certify, or license an individual?</p>	<p>Yes, the Secretary of State must determine if the applicant is qualified as required by Ohio Revised Code Section 147.01. An applicant must be at least 18 years of age; a legal resident of Ohio or an attorney licensed to practice law in Ohio and has their principal place of business in Ohio; has not been convicted of or pleaded guilty or no contest to a disqualifying offense as determined by section 9.73 of the Revised Code; and has successfully completed the education program and passed a test, if applicable.</p>
<p>Other information (<i>Significant attributes or prerequisites to licensure not addressed in this chart.</i>)</p>	<p>N/A</p>

Oversight and disciplinary authority of the Secretary of State respecting individuals engaged in the occupation.

Pursuant to Ohio Revised Code section 147.032, if the Secretary of State believes that a violation of Chapter 147 has occurred, the Secretary of State may investigate such violations. The Secretary of State may investigate possible violations of Chapter 147 upon a signed complaint from any person. The Secretary of State may revoke the notary public’s commission; suspend the notary public’s commission for a specified period of time or until fulfillment of a condition, such as retraining, or both; or issue a letter of admonition that shall be placed in the notary public’s record.

How much revenue is derived from fees charged by the Secretary of State to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?

\$189,750 for new notary commission applications in FY 2022 and \$195,270 for renewal applications in FY 2022. Revenues are deposited into office funds to support program administration.

Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?

There are no federal regulations that apply to notary commissions.

What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)

A notary public is appointed and commissioned by the state to serve as an impartial witness to transactions, thereby helping to deter fraud. Having a document notarized means the signer appeared before a notary public and was properly identified. The notary public observes the signer's willingness and ability to understand the document and witnesses the signature or takes an acknowledgment from the signer to ensure the signature is valid.

A notarial act is an extra layer of protection when receiving a signed document to deter fraud and forgery. The notarial act prevents contract disputes and litigation and increases a document's inherent value and authenticity. Finally, a notarized document is considered self-authenticating which means it can be submitted as evidence in a trial which prevents the witness from having to be present.

Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?

The regulation is effective at preventing the harm described above and there are no other, less restrictive ways to prevent the harm.

Are there any changes the Secretary of State would like to see implemented?

Our office has worked to improve language in the Revised Code to improve the process for notaries public and signers. Senate Bill 300 was introduced in 2022 to address some issues identified since the Notary Modernization Act went into effect in 2019.

Surrounding state comparison for attorneys (LSC)

Notary Public – Attorney						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Type of regulation	License (<i>R.C. 147.01</i>).	None.	None.	None.	None.	None.
Education or training	Three-hour education program (<i>R.C. 147.01(B)(4) and</i>	N/A	N/A	N/A	N/A	N/A

Notary Public – Attorney

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	<i>147.021; O.A.C. 111:6-1-03(B).</i>					
Experience	No.	N/A	N/A	N/A	N/A	N/A
Exam	No (<i>R.C. 147.01(B)(4)(c).</i>)	N/A	N/A	N/A	N/A	N/A
Continuing education	No.	N/A	N/A	N/A	N/A	N/A
Initial licensure fee	\$75 for education program plus \$15 for the commission (<i>O.A.C. 111:6-1-03(B).</i>)	N/A	N/A	N/A	N/A	N/A
License duration	Perpetual (<i>R.C. 147.03.</i>)	N/A	N/A	N/A	N/A	N/A
Renewal fee	N/A	N/A	N/A	N/A	N/A	N/A

Surrounding state comparison for nonattorneys (LSC)

Notary Public – Nonattorney						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Type of regulation	License (<i>R.C. 147.01</i>).	License (<i>Ind. Code 33-42-12-1</i>).	Registration (<i>Ky. Rev. Stat. 423.390</i>).	Registration (<i>Mich. Comp. Laws 55.269</i>).	License (<i>57 Pa. Cons. Stat. 321</i>).	Registration (<i>W. Va. Code 39-4-20</i>).
Education or training	Initial three-hour education program (<i>R.C. 147.01(B)(4) and 147.021; O.A.C. 111:6-1-03(A)</i>). Additional one-hour education program for renewal.	Yes (<i>Ind. Code 33-42-12-1(b)(5) and 33-42-12-2</i>).	No.	No.	Three-hour education program (<i>57 Pa. Cons. Stat. 322(b)</i>).	No.
Experience	No.	No.	No.	No.	No.	No.
Exam	Yes (<i>R.C. 147.01(B)(4) and 147.021(A)</i>).	Yes (<i>Ind. Code 33-42-12-1(b)(6) and 33-42-12-2</i>).	No.	No.	Yes (<i>57 Pa. Cons. Stat. 321(a)(6) and 322(a)</i>).	No.
Continuing education	No.	One course not exceeding two hours every two years (<i>Ind. Code 33-42-12-2; 75 Ind. Admin. Code 7-2-3</i>).	No.	No.	Three-hour education program to renew (<i>57 Pa. Cons. Stat. 322(c)</i>).	No.

Notary Public – Nonattorney						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Initial licensure fee	\$130 for education program plus \$15 for the commission (O.A.C. 111:6-1-03(A)).	\$75 (inbiz.in.gov/certification/notary).	\$10 (Ky. Rev. Stat. 423.30(3)).	\$10 to county clerk plus \$10 to state (Mich. Comp. Laws 55.273(3) and 55.275(2)).	\$42 (57 Pa. Cons. Stat. 321(b)).	\$52 (sos.wv.gov/business/Pages/NotaryApp).
License duration	Five years (R.C. 147.03).	Eight years (Ind. Code 33-42-12-1(f)).	Four years (Ky. Rev. Stat. 423.390(3)).	Seven years (Mich. Comp. Laws 55.269).	Four years (57 Pa. Cons. Stat. 321(e)).	Five years (W. Va. Code 39-4-20(d)).
Renewal fee	\$45 for additional education program plus \$15 for the renewal (O.A.C. 111:6-1-03(A)).	\$75 (inbiz.in.gov/certification/notary).	\$10 (Ky. Rev. Stat. 423.30(3)).	\$10 to county clerk plus \$10 to state (Mich. Comp. Laws 55.273(3), 55.275(2), and 55.279(2)).	Appears to be \$42 (57 Pa. Cons. Stat. 321(b)).	\$52 (sos.wv.gov/business/Pages/NotaryApp).

Surrounding state comparison for online notary (LSC)

Online Notary Public Authorization						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Type of regulation	License (R.C. 147.63).	License (Ind. Code 33-42-17-2(b)(5)).	Registration (Ky. Rev. Stat. 423.390(10)).	Allowed, but not a separate regulatory process (Mich. Comp. Laws 55.286 et seq.).	Allowed, but not a separate regulatory process (57 Pa. Cons. Stat. 320).	Registration (W. Va. Code 39-4-19; sos.wv.gov/business/Pages/NotaryApp).

Online Notary Public Authorization						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Education or training	Two-hour education program (<i>R.C. 147.63(B)</i>).	No additional education or training (<i>Ind. Code 33-42-17-2</i>).	No.	N/A	N/A	No.
Experience	No.	No.	No.	N/A	N/A	No.
Exam	Yes (<i>R.C. 147.63(B)</i>).	Yes (<i>Ind. Code 33-42-17-2(b)(5)</i>).	No.	N/A	N/A	No.
Continuing education	One hour during period of authorization (<i>R.C. 147.63(D)(3)(b)(iii) and (G)</i>).	No additional continuing education (<i>Ind. Code 33-42-17-2(b)(2)</i>).	No.	N/A	N/A	No.
Initial licensure fee	\$250 for education and testing program plus \$20 for the authorization (<i>O.A.C. 111:6-1-03(D)(3) and (5)</i>).	\$100 (inbiz.in.gov/certification/notary).	Appears to be \$10 (<i>Ky. Rev. Stat. 423.390(10)(c) and 423.430</i>).	N/A	N/A	None (sos.wv.gov/business/Pages/NotaryApp).
License duration	During period of commission for nonattorneys, five years for attorneys (<i>R.C. 147.63(D)(2) and (4)</i>).	During period of commission (<i>Ind. Code 33-42-17-2</i>).	Appears to be during period of commission (<i>Ky. Rev. Stat. 423.390(10)</i>).	N/A	N/A	Appears to be during period of commission (<i>W. Va. Code 39-4-19</i> ; sos.wv.gov/

Online Notary Public Authorization						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
						business/Pages/NotaryApp).
Renewal fee	\$160 for the continuing education program plus \$20 for the authorization (R.C. 147.63(E)(4) and (5)).	Appears to be \$100 (inbiz.in.gov/certification/notary ; Ind. 33-42-17-2(d)).	Appears to be \$10 (Ky. Rev. Stat. 423.390(10)(c) and 423.430).	N/A	N/A	None (sos.wv.gov/business/Pages/NotaryApp).