

Public Comments on Ohio Notary Public Modernization Act
Secretary of State *draft* Administrative Rules

I am writing to submit my comments on the Ohio Notary Public Modernization Act. I am a freelance stenographic court reporter (meaning I'm not employed by any court in Ohio but, rather, cover depositions and hearings and other matters) and have been so since _____. *[I am a stenographic court reporter in Ohio and have been since _____.]*

The updated requirements in the Notary Public Modernization Act do not apply to stenographic court reporters based on their job duties, and I believe that the requirements for stenographic court reporters to obtain/retain their commission should be similar to that of attorneys licensed in the state of Ohio.

Under the current language in Ohio Revised Code 147.51, the only notarial act we perform in the completion of our duties as stenographic court reporters is the administration of oaths and affirmations. We do take depositions, and certify that the witness was administered an oath, but that is not one of the listed "notarial acts," under ORC 147.51.

If Ohio had a registration program for stenographic court reporters, there would be a benefit for some of the updated requirements. However, at this point, a freelance stenographic court reporter should not have to submit to a background check, at their expense, every five years just to administer an oath at a deposition, nor should they be required to pay for and complete three (3) hours of education on notarial acts which they do not perform.

A stenographic court reporter should not be required to apply to be an authorized online notary public just so they can administer an oath to a witness during a deposition via videoconference or telephone, as they are officers of the court.

The application process and education requirements for stenographic court reporters should be similar to those for attorneys under the Act. One could argue that court reporters do fewer notarial acts than most attorneys do. And, yet, the fee to apply is almost double that of the attorneys'. Also, as the draft rules are currently written, court reporters are required to renew their commission every five years, thereby incurring more costs (education, background check, renewal fees), just for the ability to swear in witnesses at a deposition.

I would propose a limited notary commission for stenographic court reporters, which only permits them to swear in witnesses during legal proceedings. Court reporters could obtain education through the Ohio Court Reporters Association or the National Court Reporters Association about deposition proceedings, which could satisfy an education component. I would also suggest that a longer commission be permitted before renewal, since we're not dealing with notarial acts which change over time.

I would also propose that the language under Section 111:6-5 Online Notary Public Application be modified to permit stenographic court reporters to administer the oath or affirmation to a witness remotely (via videoconference or telephone) without being required to apply for the online notary public commission. Again, all of the same points listed above would apply to the court reporter performing only one notarial act "online."

If these modifications are not put into place, I would, at the least, request that the Ohio Court Reporters Association be permitted to become an education provider through the Secretary of State to provide profession-specific training and continuing education.

I would also propose that the Secretary of State's office consider a registration process of certified stenographic court reporters within their system to create a profession-specific notary public commission.

Thank you for the opportunity to provide comment on this Notary Public Modernization Act. I truly hope you will consider the role of the stenographic court reporter in legal proceedings and conclude that the notarial acts and requirements within the ORC and the Act do not apply to us as we perform our job duties.