

Here's what the Ohio Revised Code says about administering the oath/affirmation:

147.14 Removal from office for certifying affidavit without administering oath.

No notary public shall certify to the affidavit of a person without administering the appropriate oath or affirmation to the person.

A notary public who violates this section shall be removed from office by the Court of Common Pleas of the county in which a conviction for a violation of this section is had. The court shall certify the removal to the secretary of state. The person so removed shall be ineligible to reappointment for a period of three years.

Removal from office apparently wasn't severe enough, as additional penalties were added...

147.99 Penalties.

(A) Whoever violates section 147.10 of the Revised Code (notarizing after commission expiration) shall be fined not more than five hundred dollars.

*(B) Whoever violates section 147.14 of the Revised Code shall be fined not more than one hundred dollars or imprisoned not more than thirty days, or both.

The State takes the oath/affirmation very seriously. As an Ohio notary, you should too!!

NOTE!! Administering the oath is *only* required for Affidavits, or other documents containing SWORN statements. A document containing verbiage such as “John Smith, upon oath” or “Being duly sworn”, or a notary certificate with the wording “Sworn to and subscribed before me...” is your indicator that the signer must be administered the required oath/affirmation, AND that a JURAT notary certificate is required to show you administered the oath/affirmation! If oath/affirmation language is shown in the document, but it contains an *improper acknowledgement* certificate, then you must replace it with the correct jurat certificate.

The new Ohio law holds YOU responsible for ensuring that the notary certificate correctly describes the notarial act you have performed for the document!!

Do NOT administer an oath for simple acknowledgements!!

Note that a person signing as attorney-in-fact/power of attorney, cannot take an oath/affirmation on behalf of the person they are signing for.

A Sample Oath can be as follows:

Do you solemnly swear that the information you have provided for this document is truthful and correct to the best of your knowledge, so help you God?

An Affirmation is substantially the same wording as above, but omits the appeal to a higher power. Both have equal legal standing.

Raising of the right hand is not required, but does help to reinforce to the signer the solemnity of the ceremony.

The notary must ask the signer if they prefer an Oath or Affirmation, and explain the difference.