

COLORADO REVISED STATUTES

TITLE 1. ELECTIONS

ARTICLE 4. ELECTIONS—ACCESS TO BALLOT BY CANDIDATES

PART 9. PETITIONS FOR CANDIDACY

1-4-905. Circulators - requirements - affidavits - notarization - training.

(1) A person shall and circulate a petition to nominate a candidate unless the person is a citizen of the United States and at least eighteen years of age.

(2) (a) Each petition section must have attached a signed, notarized, and dated affidavit executed by the person who circulated the petition section, which **MUST** include: The affiant's printed name, the address at which the affiant resides, including the street name and number, the city or town, the county, and the date of signature; a statement that the affiant has read and understands the laws governing the circulation of petitions; a statement that the affiant was a citizen of the United States and at least eighteen years of age at the time the section of the petition was circulated and signed by the listed electors; a statement that the affiant circulated the section of the petition; a statement that each signature on the petition section was affixed in the affiant's presence and is the signature of the person whose name it purports to be; a statement that to the best of the affiant's knowledge and belief each of the persons signing the petition section was, at the time of signing, an eligible elector; a statement that the affiant has not paid or will not in the future pay and that the affiant believes that no other person has paid or will pay, directly or indirectly, any money or other thing of value to any signer for the purpose of inducing or causing the signer to sign the petition; A statement that the affiant understands that the affiant can be prosecuted for violating the law governing the circulation of petitions, including the requirement that the affiant truthfully completed the affidavit and that each signature thereon was affixed in the affiant's presence; and a statement that the affiant understands that failing to make himself or herself available to be deposed and to provide testimony in the event of a protest shall invalidate the petition section if it is challenged on the grounds of circulator fraud.

(b) (I) A notary public shall not notarize an affidavit required under subsection (2)(a) of this section unless:

(A) The circulator is in the physical presence of the notary public;

(B) The circulator has dated the affidavit and fully and accurately completed all of the personal information on the affidavit required by subsection (2)(a) of this section; and

(C) The circulator presents a form of identification as defined in section 1-1-104 (19.5).

(II) An affidavit that is notarized in violation of any provision of subsection (2)(b)(i) of this section is invalid.

(III) If the date signed by a circulator on an affidavit required under subsection (2)(a) of this section is different from the date signed by the notary public, the affidavit is invalid. If a notary public notarizes an affidavit that has not been dated by the circulator, the notarization date does not cure the circulator's failure to date the affidavit and the affidavit is invalid.

TITLE 6. CONSUMER AND COMMERCIAL AFFAIRS

FAIR TRADE AND RESTRAINT OF TRADE

ARTICLE 1. COLORADO CONSUMER PROTECTION ACT

PART 1. CONSUMER PROTECTION – GENERAL

6-1-105. Deceptive trade practices.

(1) A person engages in a deceptive trade practice when, in the course of the person's business, vocation, or occupation, the person:

(vv) Violates section 24-21-523 (1)(f) or (1)(i) or 24-21-525 (3), (4), or (5);

PART 7. SPECIFIC PROVISIONS

6-1-727. Immigration-related services provided by nonattorneys - deceptive trade practice.

(1) Legislative declaration. The general assembly hereby finds and determines that the practice by some nonattorneys of providing legal advice or services in immigration matters negatively impacts the people who use their services and the public interest in preventing fraud and providing adequate opportunities to pursue immigration relief. While the Colorado supreme court regulates the practice of law in this state, the general assembly hereby finds and declares that it is in the public interest to prohibit nonattorneys from engaging in deceptive trade practices in immigration services in addition to the Colorado supreme court's prohibition against the unauthorized practice of law.

(2) Definitions. As used in this section, unless the context otherwise requires:

(a) "Compensation" means money, property, or anything of value.

(b)

(I) "Immigration matter" means a proceeding, filing, or other action that affects a person's immigrant, nonimmigrant, or citizenship status that arises under an immigration and naturalization law, executive order, or presidential proclamation or pursuant to an action of the United States citizenship and immigration services, the United States immigration and customs enforcement, the United States department of labor, the United States department of state, the United States department of justice, the United States department of homeland security, the board of immigration appeals, or their successor agencies, or any other entity having jurisdiction over immigration law.

(II) "Immigration matter" includes a pending or future act of congress or executive order that concerns immigration reform.

(c) "Practice of law" has the meaning established by the Colorado supreme court, whether by rule or decision.

(3) Prohibited practices - assistance with immigration matters - permitted practices.

(a) A person shall not engage in the practice of law in an immigration matter for compensation unless the person is:

(I) Licensed or otherwise authorized to practice law in this state pursuant to Colorado supreme court rules and article 93 of title 13; or

(II) Authorized, under federal law, whether acting through a charitable organization or otherwise, to represent others in immigration matters.

(b) If a person other than a person listed in subparagraph (I) or (II) of paragraph (a) of this subsection (3) engages in or offers to engage in one or more of the following acts or practices in an immigration matter for compensation, the person engages in a deceptive trade practice:

(I) Advising or assisting another person in a determination of the person's legal or illegal status for the purpose of an immigration matter;

(II) For the purpose of applying for a benefit, visa, or program related to an immigration

matter, selecting for another person, assisting another person in selecting, or advising another person in selecting a benefit, visa, or program;

(III) Selecting for another person, assisting another person in selecting, or advising another person in selecting his or her answers on a government agency form or document related to an immigration matter;

(IV) Preparing documents for, or otherwise representing the interests of, another person in a judicial or administrative proceeding in an immigration matter;

(V) Explaining, advising, or otherwise interpreting the meaning or intent of a question on a government agency form in an immigration matter;

(VI) Demanding or accepting advance payment for the future performance of services in an immigration matter, especially with regard to services to be performed if a pending or future act of congress or executive order that concerns immigration reform is made effective; or

(VII) Selecting, drafting, or completing a legal document affecting the legal rights of another person in an immigration matter.

(c) With or without compensation or the expectation of compensation, a person other than a person listed in subparagraph (I) or (II) of paragraph (a) of this subsection (3) engages in a deceptive trade practice in an immigration matter if he or she represents, in any language, either orally or in a document, letterhead, advertisement, stationery, business card, website, or other written material that he or she:

(I) Is a notario publico, notario, immigration assistant, immigration consultant, immigration specialist, or other designation or title that conveys or implies in any language that he or she possesses professional legal skills or expertise in the area of immigration law; or

(II) Can or is willing to provide services in an immigration matter, if such services would constitute the practice of law.

(d) The prohibitions of subsection (3)(a) to (3)(c) of this section do not apply to the activities of a nonattorney assistant acting under the supervision of a person who is:

(I) Licensed or otherwise authorized to practice law in this state pursuant to Colorado supreme court rules and article 93 of title 13; or

(II) Authorized, under federal law, to represent others in immigration matters.

(e) Notwithstanding paragraphs (a) to (d) of this subsection (3), a person other than a person listed in subparagraph (i) or (ii) of paragraph (a) of this subsection (3) may:

(iii) Offer other immigration-related services that:

(A) Are not prohibited under this subsection (3), section 24-21-523 (1)(f) or (1)(i) or 24-21-525 (3), (4), or (5), or any other provision of law; and

(B) Do not constitute the practice of law.

TITLE 24. GOVERNMENT – STATE
ARTICLE 21. SECRETARY OF STATE – DEPARTMENT OF STATE
PART 5. REVISED UNIFORM LAW ON NOTARIAL ACTS

24-21-501. Short title. The short title of this part 5 is the “Revised Uniform Law on Notarial Acts”.

24-21-502. Definitions. In this part 5:

(1) “Acknowledgment” means a declaration by an individual before a notarial officer that the individual has signed a record for the purpose stated in the record and, if the record is signed in a

representative capacity, that the individual signed the record with proper authority and signed it as the act of the individual or entity identified in the record.

(2) “Electronic” means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.

(3) “Electronic record” means a record containing information that is created, generated, sent, communicated, received, or stored by electronic means.

(4) “Electronic signature” means an electronic symbol, sound, or process attached to or logically associated with an electronic record and executed or adopted by an individual with the intent to sign the electronic record.

(5) “In a representative capacity” means acting as:

(a) An authorized officer, agent, partner, trustee, or other representative for a person other than an individual;

(b) A public officer, personal representative, guardian, or other representative, in the capacity stated in a record;

(c) An agent or attorney-in-fact for a principal; or

(d) An authorized representative of another in any other capacity.

(6) “Notarial act” means an act, whether performed with respect to a tangible or electronic record, that a notarial officer may perform under the law of this state. The term includes taking an acknowledgment, administering an oath or affirmation, taking a deposition or other sworn testimony, taking a verification on oath or affirmation, witnessing or attesting a signature, certifying a copy, and noting a protest of a negotiable instrument.

(7) “Notarial officer” means a notary public or other individual authorized to perform a notarial act.

(8) “Notary public” means an individual commissioned to perform a notarial act by the secretary of state.

(9) “Official stamp” means a physical image affixed to a tangible record or an electronic image attached to or logically associated with an electronic record.

(10) “Person” means an individual, corporation, business trust, statutory trust, estate, trust, partnership, limited liability company, association, joint venture, public corporation, government or governmental subdivision, agency, or instrumentality, or any other legal or commercial entity.

(11) “Record” means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

(12) “Sign” means, with present intent to authenticate or adopt a record:

(a) To execute or adopt a tangible symbol; or

(b) To attach to or logically associate with the record an electronic symbol, sound, or process.

(13) “Signature” means a tangible symbol or an electronic signature that evidences the signing of a record.

(14) “Stamping device” means:

(a) A physical device capable of affixing to a tangible record an official stamp; or

(b) An electronic device or process capable of attaching to or logically associating with an electronic record an official stamp.

(15) “State” means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.

(16) “Verification on oath or affirmation” means a declaration, made by an individual on oath or affirmation before a notarial officer, that a statement in a record is true.

24-21-503. Applicability. This part 5 applies to a notarial act performed on or after the effective date of this part 5.

24-21-504. Authority to perform notarial act. (1) A notarial officer may perform a notarial act authorized by this part 5 or by law of this state other than this part 5.

(2) A notarial officer shall not perform a notarial act with respect to a record in which the officer has a disqualifying interest. For the purposes of this section, a notarial officer has a disqualifying interest in a record if:

(a) The officer or the officer's spouse, partner in a civil union, ancestor, descendent, or sibling is a party to or is named in the record that is to be notarized; or

(b) The officer or the officer's spouse or partner in a civil union may receive directly, and as a proximate result of the notarization, any advantage, right, title, interest, cash, or property exceeding in value the sum of any fee properly received in accordance with this part 5.

(3) A notarial act performed in violation of this section is voidable.

24-21-505. Requirements for certain notarial acts. (1) A notarial officer who takes an acknowledgment of a record shall determine, from personal knowledge or satisfactory evidence of the identity of the individual, that the individual appearing before the officer and making the acknowledgment has the identity claimed and that the signature on the record is the signature of the individual.

(2) A notarial officer who takes a verification of a statement on oath or affirmation shall determine, from personal knowledge or satisfactory evidence of the identity of the individual, that the individual appearing before the officer and making the verification has the identity claimed and that the signature on the statement verified is the signature of the individual.

(3) A notarial officer who witnesses or attests to a signature shall determine, from personal knowledge or satisfactory evidence of the identity of the individual, that the individual appearing before the officer and signing the record has the identity claimed.

(4)(a) A notarial officer who certifies a copy of a record or an item that was copied shall determine that the copy is a full, true, and accurate transcription or reproduction of the record or item.

(b) A notarial officer shall not certify a copy of a record that can be obtained from any of the following offices in this state:

(i) A clerk and recorder of public documents;

(ii) The secretary of state;

(iii) The state archives; or

(iv) An office of vital records.

(c) A notarial officer shall not certify a copy of a record if the record states on its face that it is illegal to copy the record.

(5)(a) A notarial officer who makes or notes a protest of a negotiable instrument shall determine the matters set forth in section 4-3-505 (b) of the "uniform commercial code".

(b) A notary public shall not make or note a protest of a negotiable instrument unless the notary is an employee of a financial institution acting in the course and scope of the notary's employment with the financial institution.

24-21-506. Personal appearance required. If a notarial act relates to a statement made in or a

signature executed on a record, the individual making the statement or executing the signature shall appear personally before the notarial officer.

24-21-507. Identification of individual. (1) A notarial officer has personal knowledge of the identity of an individual appearing before the officer if the individual is personally known to the officer through dealings sufficient to provide reasonable certainty that the individual has the identity claimed.

(2) A notarial officer has satisfactory evidence of the identity of an individual appearing before the officer if the officer can identify the individual:

(a) By means of:

(i) A passport, driver's license, or government-issued nondriver identification card that is current or expired not more than one year before performance of the notarial act; or

(ii) Another form of government identification issued to the individual that is current or expired not more than one year before performance of the notarial act, contains the signature or a photograph of the individual, and is satisfactory to the officer; or

(b) By a verification on oath or affirmation of a credible witness personally appearing before the officer and known to the officer or whom the officer can identify on the basis of a passport, driver's license, or government-issued nondriver identification card that is current or expired not more than one year before performance of the notarial act.

(3) A notarial officer may require an individual to provide additional information or identification credentials necessary to assure the officer of the identity of the individual.

24-21-508. Authority to refuse to perform notarial act. (1) A notarial officer may refuse to perform a notarial act if the officer is not satisfied that:

(a) The individual executing the record is competent or has the capacity to execute the record; or

(b) The individual's signature is knowingly and voluntarily made.

(2) A notarial officer may refuse to perform a notarial act unless refusal is prohibited by law other than this part 5.

24-21-509. Signature if individual unable to sign. (1) If an individual is physically unable to sign a record, the individual may, in the presence of the notarial officer, direct an individual other than the notarial officer to sign the individual's name on the record. The notarial officer shall insert "signature affixed by (name of other individual) at the direction of (name of individual)" or words of similar import under or near the signature.

(2) A notary public may use signals or electronic or mechanical means to take an acknowledgment from, administer an oath or affirmation to, or otherwise communicate with any individual in the presence of the notary public when it appears that the individual is unable to communicate verbally or in writing.

24-21-510. Notarial act in this state. (1) A notarial act may be performed in this state by:

(a) A notary public of this state;

(b) A judge, clerk, or deputy clerk of a court of this state; or

(c) Any other individual authorized to perform the specific act by the law of this state.

(2) The signature and title of an individual performing a notarial act in this state are prima facie evidence that the signature is genuine and that the individual holds the designated title.

(3) The signature and title of a notarial officer described in subsection (1)(a) or (1)(b) of this section conclusively establish the authority of the officer to perform the notarial act.

24-21-511. Notarial act in another state. (1) A notarial act performed in another state has the same effect under the law of this state as if performed by a notarial officer of this state if the act performed in that state is performed by:

- (a) A notary public of that state;
- (b) A judge, clerk, or deputy clerk of a court of that state; or
- (c) Any other individual authorized by the law of that state to perform the notarial act.

(2) The signature and title of an individual performing a notarial act in another state are prima facie evidence that the signature is genuine and that the individual holds the designated title.

(3) The signature and title of a notarial officer described in subsection (1)(a) or (1)(b) of this section conclusively establish the authority of the officer to perform the notarial act.

24-21-512. Notarial act under authority of federally recognized Indian tribe. (1) A notarial act performed under the authority and in the jurisdiction of a federally recognized Indian tribe has the same effect as if performed by a notarial officer of this state if the act performed in the jurisdiction of the tribe is performed by:

- (a) A notary public of the tribe;
- (b) A judge, clerk, or deputy clerk of a court of the tribe; or
- (c) Any other individual authorized by the law of the tribe to perform the notarial act.

(2) The signature and title of an individual performing a notarial act under the authority of and in the jurisdiction of a federally recognized Indian tribe are prima facie evidence that the signature is genuine and that the individual holds the designated title.

(3) The signature and title of a notarial officer described in subsection (1)(a) or (1)(b) of this section conclusively establish the authority of the officer to perform the notarial act.

24-21-513. Notarial act under federal authority. (1) A notarial act performed under federal law has the same effect under the law of this state as if performed by a notarial officer of this state if the act performed under federal law is performed by:

- (a) A judge, clerk, or deputy clerk of a court;
- (b) An individual in military service or performing duties under the authority of military service who is authorized to perform notarial acts under federal law;
- (c) An individual designated a notarizing officer by the united states department of state for performing notarial acts overseas; or
- (d) Any other individual authorized by federal law to perform the notarial act.

(2) The signature and title of an individual acting under federal authority and performing a notarial act are prima facie evidence that the signature is genuine and that the individual holds the designated title.

(3) The signature and title of an officer described in subsection (1)(a), (1)(b), or (1)(c) of this section conclusively establish the authority of the officer to perform the notarial act.

24-21-514. Foreign notarial act. (1) In this section, “foreign state” means a government other than the united states, a state, or a federally recognized Indian tribe.

(2) If a notarial act is performed under authority and in the jurisdiction of a foreign state or

constituent unit of the foreign state or is performed under the authority of a multinational or international governmental organization, the act has the same effect under the law of this state as if performed by a notarial officer of this state.

(3) If the title of office and indication of authority to perform notarial acts in a foreign state appears in a digest of foreign law or in a list customarily used as a source for that information, the authority of an officer with that title to perform notarial acts is conclusively established.

(4) The signature and official stamp of an individual holding an office described in subsection (3) of this section are prima facie evidence that the signature is genuine and the individual holds the designated title.

(5) An apostille in the form prescribed by the Hague Convention of October 5, 1961, and issued by a foreign state party to the convention conclusively establishes that the signature of the notarial officer is genuine and that the officer holds the indicated office.

(6) A consular authentication issued by an individual designated by the United States Department of State as a notarizing officer for performing notarial acts overseas and attached to the record with respect to which the notarial act is performed conclusively establishes that the signature of the notarial officer is genuine and that the officer holds the indicated office.

24-21-515. Certificate of notarial act. (1) A notarial act must be evidenced by a certificate. The certificate must:

- (a) Be executed contemporaneously with the performance of the notarial act;
- (b) Be signed and dated by the notarial officer and, if the notarial officer is a notary public, be signed in the same manner as on file with the secretary of state;
- (c) Identify the county and state in which the notarial act is performed;
- (d) Contain the title of office of the notarial officer; and
- (e) If the notarial officer is a notary public, indicate the date of expiration of the officer's commission.

(2) If a notarial act regarding a tangible record is performed by a notary public, an official stamp must be affixed to the certificate. If a notarial act is performed regarding a tangible record by a notarial officer other than a notary public and the certificate contains the information specified in subsections (1)(b), (1)(c), and (1)(d) of this section, an official stamp may be affixed to the certificate. If a notarial act regarding an electronic record is performed by a notarial officer and the certificate contains the information specified in subsections (1)(b), (1)(c), and (1)(d) of this section, an official stamp may be attached to or logically associated with the certificate.

(3) A certificate of a notarial act is sufficient if it meets the requirements of subsections (1) and (2) of this section and:

- (a) Is in a short form set forth in section 24-21-516;
- (b) Is in a form otherwise permitted by the law of this state;
- (c) Is in a form permitted by the law applicable in the jurisdiction in which the notarial act was performed; or
- (d) Sets forth the actions of the notarial officer and the actions are sufficient to meet the requirements of the notarial act as provided in sections 24-21-505, 24-21-506, and 24-21-507 or law of this state other than this part 5.

(4) By executing a certificate of a notarial act, a notarial officer certifies that the officer has complied with the requirements and made the determinations specified in sections 24-21-504, 24-21-505, and 24-21-506.

(5) A notarial officer shall not affix the officer's signature to, or logically associate it with, a

certificate until the notarial act has been performed.

(6) If a notarial act is performed regarding a tangible record, a certificate must be part of, or securely attached to, the record. If a notarial act is performed regarding an electronic record, the certificate must be affixed to, or logically associated with, the electronic record. If the secretary of state has established standards pursuant to section 24-21-527 for attaching, affixing, or logically associating the certificate, the process must conform to the standards.

24-21-516. Short form certificates. (1) The following short form certificates of notarial acts are sufficient for the purposes indicated, if completed with the information required by section 24-21-515 (1) and (2):

(a) For an acknowledgment in an individual capacity:

State of

County of

This record was acknowledged before me on (date) by (name(s) of individual(s))

Signature of notarial officer

(Title of office)

My commission expires:

(b) For an acknowledgment in a representative capacity:

State of

County of

This record was acknowledged before me on (date) by (name(s) of individual(s)) as (type of authority, such as officer or trustee) of (name of party on behalf of whom record was executed).

Signature of notarial officer stamp

(Title of office)

My commission expires:

(c) For a verification on oath or affirmation:

State of

County of

Signed and sworn to (or affirmed) before me on (date) by (name(s) of individual(s) making statement)

Signature of notarial officer

(Title of office)

My commission expires:

(d) For witnessing or attesting a signature:

State of

County of

Signed before me on (date) by (name(s) of individual(s))

Signature of notarial officer stamp

(Title of office)

My commission expires:

(e) For certifying a copy of a record:

State of

County of

I certify that this is a true and correct copy of a record in the possession of ____.

Dated

Signature of notarial officer stamp

(Title of office)

My commission expires:

24-21-517. Official stamp. (1) The official stamp of a notary public must:

(a) Be rectangular and contain only the outline of the seal and the following information printed within the outline of the seal:

(i) The notary public's name, as it appears on the notary's certificate of commission;

(ii) The notary's identification number;

(iii) The notary's commission expiration date;

(iv) The words "state of Colorado"; and

(v) The words "notary public"; and

(b) Be capable of being copied together with the record to which it is affixed or attached or with which it is logically associated.

(2) A notary public shall not provide, keep, or use a seal embosser.

24-21-518. Stamping device. (1) A notary public is responsible for the security of the notary public's stamping device and may not allow another individual to use the device to perform a notarial act. On resignation from, or the revocation of expiration of, the notary public's commission, or on the expiration of the date set forth in the stamping device, if any, the notary public shall disable the stamping device by destroying, defacing, damaging, erasing, or securing it against use in a manner that renders it unusable. On the death or adjudication of incompetency of a notary public, the notary public's personal representative or guardian or any other person knowingly in possession of the stamping device shall render it unusable by destroying, defacing, damaging, erasing, or securing it against use in a manner that renders it unusable.

(2) If a notary public's stamping device is lost or stolen, the notary public or the notary public's personal representative or guardian shall notify the secretary of state in writing within thirty days after discovering that the device is lost or stolen.

24-21-519. Journal. (1) A notary public shall maintain a journal in which the notary public chronicles all notarial acts that the notary public performs. The notary public shall retain the journal for ten years after the performance of the last notarial act chronicled in the journal.

(2) A journal may be created on a tangible medium or in an electronic format. If a journal is maintained on a tangible medium, it must be a permanent, bound register with numbered pages. If a journal is maintained in an electronic format, it must be in a permanent, tamper-evident electronic format complying with the rules of the secretary of state.

(3) An entry in a journal must be made contemporaneously with performance of the notarial act and contain the following information:

(a) The date and time of the notarial act;

(b) A description of the record, if any, and type of notarial act;

(c) The full name and address of each individual for whom the notarial act is performed;

(d) The signature or electronic signature of each individual for whom the notarial act is performed;

- (e) If identity of the individual is based on personal knowledge, a statement to that effect;
- (f) If identity of the individual is based on satisfactory evidence, a brief description of the method of identification and the type of identification credential presented, if any; and
- (g) The fee, if any, charged by the notary public.

(4) A notary public is responsible for the security of the notary public's journal. A notary public shall keep the journal in a secure area under the exclusive control of the notary, and shall not allow any other notary to use the journal.

(5) Upon written request of any member of the public, which request must include the name of the parties, the type of document, and the month and year in which a record was notarized, a notary public may supply a certified copy of the line item representing the requested transaction. A notary public may charge the fee allowed in section 24-21-529 for each certified copy of a line item, and shall record the transaction in the notary's journal.

(6) The secretary of state may audit or inspect a notary public's journal without restriction. A notary public shall surrender the notary's journal to the secretary of state upon receiving a written request.

(7) A certified peace officer, as defined in section 16-2.5-102, acting in the course of an official investigation may inspect a notary public's journal without restriction.

(8) If a notary public's journal is lost or stolen, the notary public shall notify the secretary of state in writing within thirty days after discovering that the journal is lost or stolen.

(9) On resignation from, or the revocation or expiration of, a notary public's commission, the notary public shall retain the notary public's journal in accordance with subsection (1) of this section and inform the secretary of state where the journal is located.

(10)(a) Instead of retaining a journal as provided in subsections (1) and (9) of this section, a current or former notary public may:

(i) Transmit the journal to the state archives established pursuant to part 1 of article 80 of this title 24; or

(ii) Leave the journal with the notary's firm or employer in the regular course of business.

(b) If notary public acts pursuant to subsection (10)(a) of this section, the notary public is no longer subject to subsection (5) of this section and shall notify the secretary of state in writing whether the notary has transmitted the journal to the state archives or the firm or employer, including the contact information for the firm or employer if the notary leaves the journal with the notary's firm or employer.

(c) Instead of maintaining a journal as required by subsection (1) of this section, a notary public may maintain the original or a copy, including an electronic record, of a document that contains the information otherwise required to be entered in the notary's journal if the notary's firm or employer retains the original, copy, or electronic record in the regular course of business.

(11) On the death or adjudication of incompetency of a current or former notary public, the notary public's personal representative or guardian or any other person knowingly in possession of the journal shall transmit it to the state archives established pursuant to part 1 of article 80 of this title 24. The person shall notify the secretary of state in writing when the person transmits the journal to the state archives.

24-21-520. Notification regarding performance of notarial act on electronic record - selection of technology. (1) A notary public may select one or more tamper-evident technologies to perform notarial acts with respect to electronic records. A person may not require a notary public to perform a notarial act with respect to an electronic record with a technology that the

notary public has not selected.

(2) Before a notary public performs the notary public's initial notarial act with respect to an electronic record, a notary public shall notify the secretary of state that the notary public will be performing notarial acts with respect to electronic records and identify the technology the notary public intends to use. If the secretary of state has established standards for approval of technology pursuant to section 24-21-527, the technology must conform to the standards. If the technology conforms to the standards, the secretary of state shall approve the use of the technology.

(3) In every instance, the electronic signature of a notary public must contain or be accompanied by the following elements, all of which must be immediately perceptible and reproducible in the electronic record to which the notary's electronic signature is attached: the notary's name, as it appears on the notary's certificate of commission; the notary's identification number; the words "notary public" and "state of Colorado"; a document authentication number issued by the secretary of state; and the words "my commission expires" followed by the expiration date of the notary's commission. A notary's electronic signature must conform to any standards promulgated by the secretary of state.

24-21-521. Commission as notary public - qualifications - no immunity or benefit. (1) An individual qualified under subsection (3) of this section may apply to the secretary of state for a commission as a notary public. The applicant shall comply with and provide the information required by rules established by the secretary of state and pay any application fee. In accordance with section 24-21-111 (1), the secretary of state may require, at the secretary of state's discretion, the application required by this section, and any renewal of the application, to be made by electronic means designated by the secretary of state.

(2) In accordance with section 42-1-211, the department of state and the department of revenue shall allow for the exchange of information and data collected by the systems used by the departments to collect information on legal names and signatures of all applicants for driver's licenses or state identification cards.

(3) An applicant for a commission as a notary public must:

(a) Be at least eighteen years of age;

(b) Be a citizen or permanent legal resident of the United States or otherwise lawfully present in the United States;

(c) Be a resident of or have a place of employment or practice in this state;

(d) Be able to read and write English;

(e) Not be disqualified to receive a commission under section 24-21-523; and

(f) Have passed the examination required under section 24-21-522 (1).

(4) The secretary of state shall verify the lawful presence in the United States of each applicant through the verification process outlined in section 24-76.5-103 (4).

(5) Before issuance of a commission as a notary public, an applicant for the commission shall take the following affirmation in the presence of a person qualified to administer an affirmation in this state:

I, (name of applicant), solemnly affirm, under the penalty of perjury in the second degree, as defined in section 18-8-503, Colorado Revised Statutes, that I have carefully read the notary law of this state, and, if appointed and commissioned as a notary public, I will faithfully perform, to the best of my ability, all notarial acts in conformance with the law.

(Signature of applicant)

Subscribed and affirmed before me this ____ day of _____, 20____.

(Official signature and seal of person qualified to administer affirmation)

(6) On compliance with this section, the secretary of state shall issue a commission as a notary public to an applicant for a term of four years, unless revoked in accordance with section 24-21-523. An applicant who has been denied appointment and commission may appeal the decision in accordance with article 4 of this title 24.

(7) A commission to act as a notary public authorizes the notary public to perform notarial acts. The commission does not provide the notary public any immunity or benefit conferred by law of this state on public officials or employees.

24-21-522. Examination of notary public. (1) An applicant for a commission as a notary public who does not hold a commission in this state must pass an examination administered by the secretary of state or an entity approved by the secretary of state. The examination must be based on the course of study described in subsection (2) of this section.

(2) The secretary of state or an entity approved by the secretary of state shall offer regularly a course of study to applicants who do not hold commissions as notaries public in this state. The course must cover the laws, rules, procedures, and ethics relevant to notarial acts. The office of the secretary of state may enter into a contract with a private contractor or contractors to conduct notary training programs. The contractor or contractors may charge a fee for any such training program.

24-21-523. Grounds to deny, refuse to renew, revoke, suspend, or condition commission of notary public. (1) The secretary of state may deny, refuse to renew, revoke, suspend, or impose a condition on a commission as notary public for:

- (a) Failure to comply with this part 5;
- (b) A substantial and material misstatement or omission of fact in the application for a commission as a notary public submitted to the secretary of state;
- (c) Notwithstanding section 24-5-101, a conviction of the applicant or notary public of any felony or, in the prior five years, a misdemeanor involving dishonesty;
- (d) A finding against, or admission of liability by, the applicant or notary public in any legal proceeding or disciplinary action based on the applicant's or notary public's fraud, dishonesty, or deceit;
- (e) Failure by the notary public to discharge any duty required of a notary public, whether by this part 5, rules of the secretary of state, or any federal or state law;
- (f) Use of false or misleading advertising or representation by the notary public representing that the notary has a duty, right, or privilege that the notary does not have;
- (g) Violation by the notary public of a rule of the secretary of state regarding a notary public;
- (h) Denial, refusal to renew, revocation, suspension, or conditioning of a notary public commission in another state;
- (i) A finding by a court of this state that the applicant or notary public has engaged in the unauthorized practice of law;
- (j) Failure to comply with any term of suspension or condition imposed on the commission of a notary public under this section; or
- (k) Performance of any notarial act while not currently commissioned by the secretary of state.

(2) Whenever the secretary of state or the secretary of state's designee believes that a

violation of this part 5 has occurred, the secretary of state or the secretary of state's designee may investigate the violation. The secretary of state or the secretary of state's designee may also investigate possible violations of this part 5 upon a signed complaint from any person.

(3) If the secretary of state denies, refuses to renew, revokes, suspends, or imposes conditions on a commission as a notary public, the applicant or notary public is entitled to timely notice and hearing in accordance with the "State Administrative Procedure Act", article 4 of this title 24.

(4) When a complaint or investigation results in a finding of misconduct that, in the secretary of state's discretion, does not warrant initiation of a disciplinary proceeding, the secretary of state may take nondisciplinary action. For the purposes of this subsection (4), nondisciplinary action includes the issuance of a letter of admonition, which may be placed in the notary public's file.

(5) The authority of the secretary of state to deny, refuse to renew, suspend, revoke, or impose conditions on a commission as a notary public does not prevent a person from seeking and obtaining other criminal or civil remedies provided by law.

(6) A person whose notary commission has been revoked pursuant to this part 5 may not apply for or receive a commission and appointment as a notary.

24-21-524. Database of notaries public. (1) The secretary of state shall maintain an electronic database of notaries public:

(a) Through which a person may verify the authority of a notary public to perform notarial acts; and

(b) Which indicates whether a notary public has notified the secretary of state that the notary public will be performing notarial acts on electronic records.

24-21-525. Prohibited acts. (1) A commission as a notary public does not authorize an individual to:

(a) Assist persons in drafting legal records, give legal advice, or otherwise practice law;

(b) Act as an immigration consultant or an expert on immigration matters;

(c) Represent a person in a judicial or administrative proceeding relating to immigration to the United States, United States citizenship, or related matters; or

(d) Receive compensation for performing any of the activities listed in this subsection (1).

(2) A notary public shall not engage in false or deceptive advertising.

(3) A notary public, other than an attorney licensed to practice law in this state, shall not use the term "notario" or "notario publico".

(4) A notary public, other than an attorney licensed to practice law in this state, shall not advertise or represent that the notary public may assist persons in drafting legal records, give legal advice, or otherwise practice law. If a notary public who is not an attorney licensed to practice law in this state in any manner advertises or represents that the notary public offers notarial services, whether orally or in a record, including broadcast media, print media, and the internet, the notary public shall include the following statement, or an alternate statement authorized or required by the secretary of state, in the advertisement or representation, prominently and in each language used in the advertisement or representation: "I am not an attorney licensed to practice law in the state of Colorado and I may not give legal advice or accept fees for legal advice. I am not an immigration consultant, nor am I an expert on immigration matters. If you suspect fraud, you may contact the Colorado attorney general's office or the Colorado supreme court." If the form of advertisement or representation is not

broadcast media, print media, or the internet and does not permit inclusion of the statement required by this subsection (4) because of size, it must be displayed prominently or provided at the place of performance of the notarial act before the notarial act is performed.

(5) A notary public, other than an attorney licensed to practice law in this state, shall not engage in conduct that constitutes a deceptive trade practice pursuant to section 6-1-727.

(6) Except as otherwise allowed by law, a notary public shall not withhold access to or possession of an original record provided by a person that seeks performance of a notarial act by the notary public.

(7) A notary public shall not perform any notarial act with respect to a record that is blank or that contains unfilled blanks in its text.

24-21-526. Validity of notarial acts. Except as otherwise provided in section 24-21-504 (2), the failure of a notarial officer to perform a duty or meet a requirement specified in this part 5 does not invalidate a notarial act performed by the notarial officer. The validity of a notarial act under this part 5 does not prevent an aggrieved person from seeking to invalidate the record or transaction that is the subject of the notarial act or from seeking other remedies based on law of this state other than this part 5 or law of the united states. This section does not validate a purported notarial act performed by an individual who does not have the authority to perform notarial acts.

24-21-527. Rules. (1) The secretary of state may adopt rules to implement this part 5 in accordance with article 4 of this title 24. Rules adopted regarding the performance of notarial acts with respect to electronic records may not require, or accord greater legal status or effect to, the implementation or application of a specific technology or technical specification.

The rules may:

(a) Prescribe the manner of performing notarial acts regarding tangible and electronic records;

(b) Include provisions to ensure that any change to or tampering with a record bearing a certificate of a notarial act is self-evident;

(c) Include provisions to ensure integrity in the creation, transmittal, storage, or authentication of electronic records or signatures;

(d) Prescribe the process of granting, renewing, conditioning, denying, suspending, or revoking a notary public commission and assuring the trustworthiness of an individual holding a commission as notary public, including rules for use of the electronic filing system;

(e) Include provisions to prevent fraud or mistake in the performance of notarial acts; and

(f) Provide for the administration of the examination under section 24-21-522 (1) and the course of study under section 24-21-522 (2).

(2) In adopting, amending, or repealing rules about notarial acts with respect to electronic records, the secretary of state shall consider, so far as is consistent with this part 5:

(a) The most recent standards regarding electronic records promulgated by national bodies, such as the national association of secretaries of state;

(b) Standards, practices, and customs of other jurisdictions that substantially enact this part 5; and

(c) The views of governmental officials and entities and other interested persons.

24-21-528. Disposition of fees. (1) The secretary of state shall collect all fees pursuant to this

article 21 in the manner required by section 24-21-104 (3) and shall transmit them to the state treasurer, who shall credit them to the department of state cash fund created in section 24-21-104 (3)(b).

(2) The general assembly shall make annual appropriations from the department of state cash fund for expenditures of the secretary of state incurred in the performance of the secretary of state's duties under this part 5.

24-21-529. Notary's fees. (1) Except as specified in subsection (2) of this section, the fees of a notary public may be, but must not exceed, five dollars for each document attested by a person before a notary, except as otherwise provided by law. The fee for each such document must include all duties and functions required to complete the notarial act in accordance with this part 5.

(2) In lieu of the fee authorized in subsection (1) of this section, a notary public may charge a fee, not to exceed ten dollars, for the notary's electronic signature.

24-21-530. Change of name or address. A notary public shall notify the secretary of state within thirty days after he or she changes his or her name, business address, or residential address. In the case of a name change, the notary public shall include a sample of the notary's handwritten official signature on the notice. Pursuant to section 24-21-104 (3), the secretary of state shall determine the amount of, and collect, the fee, payable to the secretary of state, for recording notice of change of name or address.

24-21-531. Official misconduct by a notary public - liability of notary or surety. (1) A notary public who knowingly and willfully violates the duties imposed by this part 5 commits official misconduct and is guilty of a class 2 misdemeanor.

(2) A notary public and the surety or sureties on his or her bond are liable to the persons involved for all damages proximately caused by the notary's official misconduct.

(3) Nothing in this part 5 shall be construed to deny a notary public the right to obtain a surety bond or insurance on a voluntary basis to provide coverage for liability.

24-21-532. Willful impersonation. A person who acts as, or otherwise willfully impersonates, a notary public while not lawfully appointed and commissioned to perform notarial acts is guilty of a class 2 misdemeanor and shall be punished as specified in section 18-1.3-501.

24-21-533. Wrongful possession of journal or seal. A person who unlawfully possesses and uses a notary's journal, an official seal, a notary's electronic signature, or any papers, copies, or electronic records relating to notarial acts is guilty of a class 3 misdemeanor and shall be punished as specified in section 18-1.3-501.

24-21-534. Certification restrictions. (1) The secretary of state may issue certificates or apostilles attesting to the authenticity of a notarial act performed by a commissioned notary public.

(2) The secretary of state shall not certify a signature of a notary public on:

(a) A record that is not properly notarized in accordance with the requirements of this part 5;

(b) A record:

(i) Regarding allegiance to a government or jurisdiction;

(ii) Relating to the relinquishment or renunciation of citizenship, sovereignty, in itinere status

or world service authority; or

(iii) Retting forth or implying for the bearer a claim of immunity from the law of this state or federal law.

24-21-535. Notary public commission in effect. A commission as a notary public in effect on the effective date of this part 5 continues until its date of expiration. A notary public who applies to renew a commission as a notary public on or after the effective date of this part 5 is subject to and shall comply with this part 5. A notary public, in performing notarial acts after the effective date of this part 5, shall comply with this part 5.

24-21-536. Savings clause. This part 5 does not affect the validity or effect of a notarial act performed before the effective date of this part 5.

24-21-537. Uniformity of application and construction. In applying and construing this part 5, consideration must be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.

24-21-538. Relation to “electronic signatures in global and national commerce act”. This part 5 modifies, limits, and supersedes the “Electronic Signatures in Global and National Commerce Act”, 15 U.S.S. sec. 7001 et seq., but does not modify, limit, or supersede section 101 (c) of that act, 15 U.S.C. sec. 7001(c), or authorize electronic delivery of any of the notices described in section 103 (b) of that act, 15 U.S.C. sec. 7003 (b).

24-21-539. Effective date. This part 5 takes effect on July 1, 2018.

24-21-540. Repeal. This part 5 is repealed, effective September 1, 2023. Before its repeal, this part 5 is scheduled for review in accordance with section 24-34-104.

TITLE 24. GOVERNMENT - STATE/ELECTRONIC TRANSACTIONS ARTICLE 71.3. UNIFORM ELECTRONIC TRANSACTIONS ACT

24-71.3-111. Notarization and acknowledgment.

If a law requires a signature or record to be notarized, acknowledged, verified, or made under oath, the requirement is satisfied if the electronic signature of the person authorized to perform those acts, together with all other information required to be included by other applicable law, is attached to or logically associated with the signature or record.

TITLE 38. PROPERTY – REAL AND PERSONAL INTERESTS IN LAND ARTICLE 30. TITLES AND INTEREST

38-30-114. Validation of acknowledgments.

Any deed or other conveyance of real property executed pursuant to section 38-30-113, if acknowledged in conformity with the provisions of section 38-35-101, shall be considered for all purposes as having been properly acknowledged. Such acknowledgment shall carry with it the presumption provided for by said section 38-35-101.

38-30-126. Acknowledgments, before whom taken.

(1) Deeds, bonds, and agreements in writing conveying lands or any interest therein, or affecting title thereto, may be acknowledged or proved before the following officers when executed within this state:

(a) Any judge of any court of record, the clerk of any such court of record, or the deputy of any such clerk, such judge, clerk, or deputy clerk certifying such acknowledgment under the seal of such court;

(b) The clerk and recorder of any county, or his deputy, such clerk or deputy clerk certifying the same under the seal of such county;

(c) Any notary public, certifying the same under his notarial seal; or

(d) Prior to the second Tuesday in January, 1965, any justice of the peace within his county, except that if such deed, bond, or agreement is for the conveyance of lands situated beyond the county of such justice of the peace, there shall be affixed to his certificate of such acknowledgment a certificate of the county clerk and recorder of the proper county, under his hand and the seal of such county, as to the official capacity of such justice of the peace, and that the signature to such certificate of acknowledgment is the true signature of such justice.

(2) When executed out of this state, and within the United States or any territory thereof, before:

(a) The secretary of any such state or territory, certifying such acknowledgment under the seal of such state or territory;

(b) The clerk of any court of record of such state or territory, or of the United States within such state or territory, having a seal, such clerk certifying the acknowledgment under the seal of such court;

(c) Any notary public of such state or territory, certifying the same under his notarial seal;

(d) Any commissioner of deeds for any such foreign state or territory appointed under the laws of this state, certifying such acknowledgment under his hand and official seal;

(e) Any other officer authorized by the laws of any such state or territory to take and certify such acknowledgment if there is affixed to the certificate of such officer, other than those above enumerated, a certificate by the clerk of some court of record of the county, city, or district, wherein such officer resides, under the seal of such court, that the person certifying such acknowledgment is the officer he assumes to be, that he has the authority by the laws of such state or territory to take and certify such acknowledgment, and that the signature of such officer to the certificate of acknowledgment is the true signature of such officer.

(3) When executed or acknowledged out of the United States, before:

(a) Any judge, or clerk, or deputy clerk of any court of record of any foreign kingdom, empire, republic, state, principality, province, colony, island possession, or bailiwick, such judge, clerk, or deputy clerk certifying such acknowledgment under the seal of such court;

(b) The chief magistrate or other chief executive officer of any province, colony, island possession, or bailiwick or the mayor or the chief executive officer of any city, town, borough, county, or municipal corporation having a seal, of such foreign kingdom, empire, republic, state, principality, province, colony, island possession, or bailiwick, such chief magistrate or other chief executive officer or such mayor certifying such acknowledgment under such seal; or

(c) Any ambassador, minister, consul, vice-consul, consular agent, vice-consular agent, charge d'affaires, vice-charge d'affaires, commercial agent, vice-commercial agent, or diplomatic, consular, or commercial agent or representative or duly constituted deputy of any

thereof of the United States or of any other government or country appointed to reside in the foreign country or place where the proof of acknowledgment is made, he certifying the same under the seal of his office.

(4) When executed or acknowledged out of the state and within any colony, island possession, or bailiwick belonging to or under the control of the United States, before:

(a) Any judge or clerk or deputy clerk of any court of record of such colony, island possession, or bailiwick, such judge, clerk, or deputy clerk certifying such acknowledgment under the seal of such court;

(b) The chief magistrate or other chief executive officer of any such colony, island possession, or bailiwick, he certifying the same under his official seal, or before the mayor or the chief executive officer of any city, town, borough, county, or municipal corporation having a seal, of such colony, island possession, or bailiwick, such mayor or other chief officer certifying such acknowledgment under his official seal; or

(c) Any notary public within such colony, island possession, or bailiwick, such notary public certifying such acknowledgment under his seal.

38-30-127. Acknowledgments taken pursuant to other laws.

(1) In addition to the acknowledgment of instruments as provided by articles 30 to 44 of this title, instruments may be acknowledged by:

(a) Members of the armed forces of the United States and certain other persons, as provided by section 24-12-104, C.R.S.;

(b) Any person within or outside of this state, pursuant to part 5 of article 21 of title 24.

(2) Any person otherwise authorized by law to take acknowledgments in this state may take and certify acknowledgments either in accordance with articles 30 to 44 of this title or in the same manner and on the same evidence as provided in part 5 of article 21 of title 24. Any certificate of acknowledgment that is taken pursuant to such part 2 shall be valid and have the benefits set forth in subsection (3) of this section, whether such certificate is given before or after January 1, 1999.

(3) A certificate of acknowledgment taken pursuant to part 5 of article 21 of title 24, or taken pursuant to such part 2 and subsection (2) of this section shall:

(a) Constitute prima facie evidence of proper execution of the instrument acknowledged;

(b) Carry with it the presumptions provided by section 38-35-101; and

(c) Be accorded the same force and effect as any acknowledgment taken and certified in accordance with articles 30 to 44 of this title.

38-30-136 - Subsequent proof of execution - proof or acknowledgment of copy.

(1) When any deed or instrument of writing has been executed and not acknowledged according to law at the time of the execution thereof, such deed or instrument of writing may at any subsequent time be acknowledged by the makers thereof in the manner provided in this article, or proof may be made of the execution thereof before any officer authorized to take acknowledgments of deeds in the manner provided in this section. Such officer, when the fact is not within his own knowledge, shall ascertain from the testimony of at least one competent, credible witness, to be sworn and examined by him, that the person offering to prove the execution of such deed or writing is a subscribing witness thereto. Thereupon such officer shall examine such subscribing witness upon oath or affirmation, and shall reduce his testimony to writing and require the witness to subscribe the same, endorsed upon or attached to such deed or

other writing, and shall thereupon grant a certificate that such witness was personally known or was proved to him by the testimony of at least one witness (who shall be named in such certificate) to be a subscribing witness to the deed or instrument of writing to be proved, that such subscribing witness was lawfully sworn and examined by him, and that the testimony of the said officer was reduced to writing and by said subscribing witness subscribed in his presence.

(2) If by the testimony it appears that such witness saw the person, whose name is subscribed to such instrument of writing, sign, seal, and deliver the same or that such person afterwards acknowledged the same to the said witness to be his free and voluntary act or deed and that such witness subscribed the said deed or instrument of writing in attestation thereof, in the presence and with the consent of the person so executing the same, such proof if attested and the authority of the officer to take the same duly proved in the same manner as required in the case of acknowledgment, shall have the same force and effect as an acknowledgment of said deed or instrument of writing by the person executing the same, and duly certified.

(3) When any such deed or instrument of writing has been executed and recorded without due proof, attestation or acknowledgment as required by law, a certified copy from such record may be proved or acknowledged in the same manner and with like effect as the original thereof. No person shall be permitted to use such certified copy so proved as evidence except upon satisfactory proof that the original thereof has been lost or destroyed or is beyond his power to produce.

CODE OF COLORADO REGULATIONS

TITLE 8 DEPARTMENT OF STATE CHAPTER 1505-11 NOTARY PROGRAM RULES

Rule 1. Definitions

1.1 “Approved course of instruction” means a live classroom or webcast course approved by the Secretary of State.

1.2 “Approved vendor” means a vendor approved by the Secretary of State who provides an approved course of instruction to notaries and prospective notaries for a fee.

1.3 “Course provider” means an entity other than an individual that uses the Secretary of State’s curriculum, in addition to any entity-specific practices, to provide notary training to its employees or members free of charge.

1.4 “DAN” means the unique document authentication number issued by the Secretary of State and required by section 24-21-520(3), C.R.S., for electronic notarizations.

1.5 “Electronic notarization” means a notary’s notarization of electronic records that includes the notary’s and the document signer’s electronic signatures.

1.6 “Electronic notarization software” means any software, coding, disk, card, certificate, or program that creates and affixes the notary’s electronic signature.

1.7 “Legal proceeding or disciplinary action based on the applicant’s or notary public’s fraud, dishonesty, or deceit” in section 24-21-523(1)(d), C.R.S., means any civil or criminal matter conducted either judicially or administratively concerning activities involving fraud, deceit, or the other violations listed in Rule 1.8.

1.8 “Misdemeanor involving dishonesty” in section 24-21-523(1)(c), C.R.S., means a violation of, or a conspiracy to violate, a civil or criminal law involving fraud, dishonesty,

bribery, perjury, larceny, theft, robbery, extortion, forgery, counterfeiting, embezzlement, misappropriation of property, or any other offense adversely affecting a person's fitness to serve as a notary public.

1.9 "New applicant" means a person seeking a commission as a Colorado notary for the first time or a formerly commissioned notary in Colorado whose commission has been expired for more than 30 days.

Rule 2. Notary Commissions

2.1 Filing and training requirements

2.1.1 All notary filings must be submitted via the Secretary of State's online electronic filing system.

2.1.2 No more than 90 days before applying for a commission, a new applicant must successfully complete training and pass the exam administered by the Secretary of State.

2.1.3 No more than 90 days before renewing a commission, a notary must successfully complete training and pass the exam administered by the Secretary of State.

2.1.4 The Secretary of State will grant credit only for completion of courses offered by an approved vendor, an approved course provider, or the Secretary of State.

2.1.5 The Secretary of State may require a notary who has committed misconduct meriting a disciplinary proceeding to retake and successfully complete the training and exam.

2.1.6 Examination. The Secretary of State's open book examination will test the applicant's understanding of notary duties contained in the following:

(a) Title 24, Article 21, Part 5 (The Revised Uniform Law on Notarial Acts) of the Colorado Revised Statutes;

(b) Title 38, Article 30 (Titles and Interests) of the Colorado Revised Statutes;

(c) Title 1, Article 40 (Initiative and Referendum) of the Colorado Revised Statutes;

and

(d) The Official Notary Handbook published by the Secretary of State.

2.2 Electronic notarization

2.2.1 A notary must submit a notice of intent on the approved form and receive approval from the Secretary of State before the notary may electronically notarize a document. A new applicant may file the intent at the time of application but may only electronically notarize a document after he or she has been commissioned and approved. A notary may choose to either use a DAN as the notary's electronic signature or adopt a different electronic signature which the notary must always use in conjunction with a DAN. If the applicant intends to use a different electronic signature than a DAN, the applicant must attach an example of the electronic signature, a description of the electronic signature technology, and contact information for the technology's supplier or vendor. A notary must notify the Secretary of State of all electronic signature changes.

2.2.2 A notary must:

(a) Use a different DAN for each electronic notarization;

(b) Take reasonable measures to secure assigned DANs against another person's access or use and must not permit such access or use; and

(c) Request new DANs to replace lost or stolen DANs after notifying the Secretary in the same manner as for a journal or seal.

2.2.3 A notary must verify that the document signer has adopted an electronic signature to function as his or her signature before electronically notarizing a document.

- 2.2.4 Expiration of the Secretary of State’s approval to notarize electronically
- (a) Approval automatically expires:
 - (1) Upon revocation, expiration, or resignation of the notary’s commission;
 - (2) 30 days after the notary’s name changes unless the notary previously submitted a name change.
 - (3) Upon conviction of a felony;
 - (4) Upon conviction of a misdemeanor involving dishonesty;
 - (5) If the notary no longer has a place of employment or practice or a residential address in the state of Colorado; or
 - (6) Upon the expiration or revocation of the technology described in the notification.
 - (b) If approval expires, the notary or the notary’s authorized representative must destroy all electronic notarization software and unused DANs unless:
 - (1) The notary’s commission expired; and
 - (2) Within 30 days of the commission’s expiration, the Secretary of State recommissions the notary and the notary reregisters his or her electronic signature.

Rule 3. Notary Trainer Requirements

3.1 Trainer Application

3.1.1 A course provider applicant must:

- (a) Submit an application that includes:
 - (1) Procedures to establish the identity of a person attending a live course and ensure that the person is present for the required time;
 - (2) Procedures to ensure that the person receiving the certificate of completion is the same person who completed the course;
 - (3) Copies of any course handout materials, workbooks, and tests; and
 - (4) A draft copy of the certificate of successful completion as required by Rule

3.3.

- (b) Attend in-person or online training provided by the Secretary of State.

3.1.2 A vendor applicant must submit an application that includes:

- (a) Procedures to establish the identity of a person attending a live course and ensure that the person is present for the required time;
- (b) Procedures to ensure that the person receiving the certificate of completion is the same person who completed the course;
- (c) Copies of any course handout materials, workbooks and tests;
- (d) A draft copy of the certificate of successful completion as required by Rule 3.3;
- (e) A detailed curriculum; and
- (f) The required application fee.

3.1.3 Deficient application. The Secretary of State will notify an applicant of any application or curriculum deficiencies. If the applicant fails to cure the deficiency within 30 days after the mailing date of the notice, the Secretary will consider the application rejected. A rejected applicant may request a hearing in accordance with the State Administrative Procedure Act (Article 4 of Title 24, C.R.S.).

3.2 Vendor-specific requirements

3.2.1 The Secretary of State must approve a vendor’s proposed curriculum before a vendor may offer a notary training course. Curriculum must be based on:

(a) The Colorado Revised Uniform Law on Notaria Acts including but not limited to: the physical presence requirement, duty not to notarize a blank document, duty to use a notarial certificate, disqualifying interest, application procedures, resignation requirements, duty to maintain a journal of notarial acts, revocation proceedings, liability, identification of signers, role of the notary, and official misconduct; and

(b) Widely accepted best practices, including but not limited to the role of the notary and notarizations for the elderly.

3.2.2 Seal of Accreditation

(a) The Secretary of State will provide a seal of accreditation to a vendor applicant within 60 days after receipt of a subsequently approved application.

(b) A vendor must prominently display the seal of accreditation on all vendor materials provided to a course attendee.

(c) A seal of accreditation expires four years after issuance. To renew accreditation, a vendor must submit for reapproval a detailed curriculum; copies of any course handout materials, workbooks, and tests; and the required form and fee.

(d) A vendor may not assign or transfer a seal of accreditation to another vendor or curriculum without the Secretary of State's approval.

(e) The seal of accreditation does not imply endorsement of a vendor's products or services or other courses.

3.2.3 Vendor's list of attendees. An approved vendor must maintain and, upon request, provide a list of attendees and the following information to the Secretary of State:

(a) The name of the instructor or instructors who taught the approved course of instruction;

(b) The date, time, and location of the approved course of instruction;

(c) Whether proof of completion was issued to each attendee;

(d) Each course attendee's full name and the type of current government-issued photo identification used to establish the course attendee's identity.

3.3 Certificate of completion. When a student successfully completes a course, the approved vendor or course provider must issue the graduate a certificate of successful completion.

3.3.1 Approved vendors and course providers must ensure that only a person who has completed an approved course of instruction receives a certificate of successful completion. Vendors and course providers may not issue a certificate of completion to an attendee who is absent during any substantive part of the course.

3.3.2 A certificate of successful completion of an approved course of instruction expires six months from the date of issuance.

3.3.3 The certificate of proof of successful completion of an approved course of instruction must contain:

(a) The name of the vendor or course provider who provided the course;

(b) The name of the person who completed the course;

(c) The date of completion of the course;

(d) The statement, "This certificate of proof of completion is valid for a period of six months from the date of issuance."; and

(e) For vendors, the seal of accreditation.

3.4 Notification of changes. Using their letterhead, approved vendors and course providers must notify the Secretary of State within 30 days of:

3.4.1 A change in physical address or email address.

3.4.2 Substantial changes to an approved curriculum and provide copies of the changes.

3.5 Duty to revise training. Approved vendors and course providers must revise approved courses of instruction as necessary to ensure that the courses accurately reflect current Colorado law. Approved vendors and course providers must submit notice of revised training and copies of the revisions to the Secretary of State for review and approval in a format that satisfies Rule 3.4, before offering the revised training to the public.

3.6 Enforcement

3.6.1 Duty to respond to the Secretary of State's written request. Vendors and course providers must respond in writing within 20 business days of receiving a written request from the Secretary of State for any information relating to a complaint or approved course of instruction. The Secretary of State will send a written request to the address or email address listed on the most current application.

3.6.2 Onsite inspections. Approved vendors and course providers must permit the Secretary of State or the Secretary's designee to attend any approved course of instruction without prior notice at no charge to observe, monitor, audit, and investigate.

3.6.3 Complaints. A person may file a complaint against an approved vendor or course provider with the Secretary of State alleging a violation of these rules. The person must submit a signed and dated complaint on the Secretary of State's standard form.

3.6.4 Grounds for termination of accreditation or approval. The Secretary of State may terminate an approved vendor's accreditation or approval of a course provider for any of the following reasons:

- (a) Violation of any provision of these rules.
- (b) Misrepresentation of a notary public's duties and authority under Colorado law.
- (c) Deviation from the lesson plan for an approved course of instruction.
- (d) Making representations that the Secretary of State endorses, recommends, or mandates use of any of the vendor's products, goods, or services.
- (e) Failure to timely respond to the Secretary of State's request for communication or otherwise cooperate with an investigation.

3.6.5 Right to appeal termination of accreditation or approval. If the Secretary of State proposes to terminate an approved vendor's accreditation status or approval of a course provider, the vendor or course provider has the right to request a hearing as provided in the State Administrative Procedure Act, (Article 4 of Title 24, C.R.S.)

(a) If the approved vendor or the course provider does not request a hearing, termination will be effective 30 days after the mailing date of the termination notice.

(b) Termination does not bar the Secretary of State from beginning or continuing an investigation concerning the vendor or course provider.

Rule 4. Notary Journal Requirements

4.1 If a current or former notary leaves the notary journal with the notary's firm or employer, as authorized by section 24-21-519(10)(a) C.R.S., the notary must notify the secretary of state by electronically submitting the required form.

4.2 A firm or employer in possession of a notary's journal has the same responsibility as a notary to:

4.2.1 Keep the journal secure as detailed in section 24-21-519(4) C.R.S.;

4.2.2 Provide a copy of a requested transaction to a member of the public per section 24-21-519(5), C.R.S, but without certifying the copy or charging a notary fee;

4.2.3 Provide the journal to the Secretary of State for auditing or inspection without restriction per section 24-21-519(6) C.R.S.;

4.2.4 Provide the journal to a certified peace officer per section 24-21-519(7), C.R.S.;

and

4.2.5 Notify the Secretary of state if the journal is lost or stolen per section 24-11 21519(8) C.R.S.

4.3 A firm or employer in possession of a notary's journal may:

4.3.1. Retain the journal indefinitely; or

4.3.2 Transmit the journal to the Colorado State Archives and notify the Secretary of State per section 24-21-519(10)(a)(i) and (b) C.R.S.