

### Today's Agenda

- Overview**
  - The Law
  - What is a Notary?
- Core**
  - The Notarial Acts
  - Satisfactory Evidence of ID and Other Juicy Topics
- Issues Areas**
  - Disqualifying Interest
  - Electronic Notarizations
  - Unlawful Practice of Law, Etc.
- Next Steps**
  - Testing
  - Application
  - Supplies

V.00.7

---

---

---

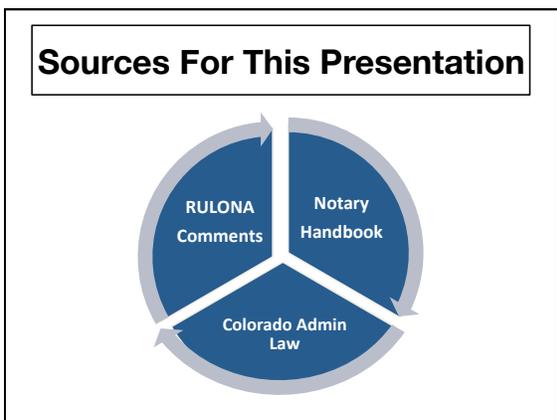
---

---

---

---

---



---

---

---

---

---

---

---

---

### RULONA

- RULONA**
  - Revised Uniform Law on Notarial Acts
  - Model Law For States to Follow
  - Promotes Harmonization
- Comments**
  - Unlocks the meaning of laws
  - Gives insight into drafter's views
- Colorado Law**
  - Carbon Copy
  - Some Modifications That We Highlight

---

---

---

---

---

---

---

---

### What Is A Notary?

**A Quasi Public Official**

- "Officer"
- Office of the Notary Public

**Works For The Secretary of State**

- Deputized
- Responsible to the people of the State of Colorado
- Not a customer or employer

**Jurisdictional Boundaries & Term**

- Only within the four corners of Colorado – No reciprocal agreements
- Notarize for anyone within the state, wherever in the state
- 4 Years

---

---

---

---

---

---

---

---

### Core Functions

**Act As An Unbiased Witness**

- Third party disinterested witness in every transaction

**Verify Signer's Identification**

- Is the person in front of you is who she says she is?
- Satisfactory evidence of identification

**Asses Willingness of Signer to Participate**

- Is the signer being coerced or pressured into participating?
- Is the signer lucid?

**First Line of Defense Against Fraud**

- 15.4 million people experienced identity theft in (2016)
- Quit claim deeds, wills, power of attorney, release of deed of trust

**Not responsible for Contents of document**

---

---

---

---

---

---

---

---

### Qualifications

**At least 18 years of age**

**Citizen or permanent resident of the USA or lawfully present in the US**

**Be a resident or have a place of employment in Colorado** – One of the addresses needs to be in Colorado

**Be able to read and write the English language**

**Not disqualified to receive a commission** – Not convicted of a felony, misdemeanor involving dishonesty in past of 5 years, never had a notary commission **revoked in any state**

**No Finding of Admission of Liability** in a civil lawsuit based on notary's fraud, deceit or dishonesty

---

---

---

---

---

---

---

---

**The Major Notarial Acts**

- Acknowledgments** • Unsworn To Statements
- Oaths & Affirmations** • Sworn To Statements
- Copy Certifications** • No Swearing. Basic Document Comparison.

---

---

---

---

---

---

---

**The Not So Major Notarial Acts**

- Signature Witnessing** • Merely confirming a signature  
• Similar to an acknowledgment
- Protests** • Negotiable Instruments  
• Employee of financial institutions
- Sworn Testimony & Depositions** • Legal Proceedings  
• Verbal oaths still must be recorded in journal

---

---

---

---

---

---

---

**Physical Presence**

- Always Required
- No Exceptions
- Remote Notarization

---

---

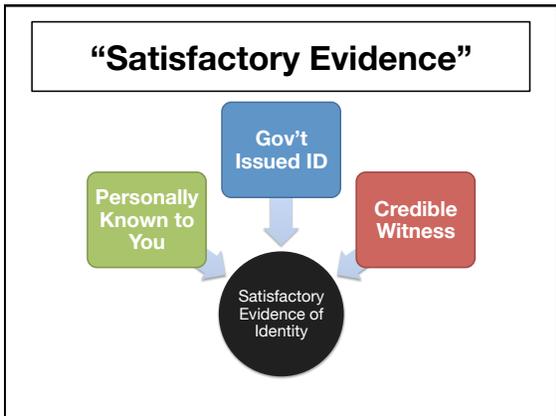
---

---

---

---

---



---

---

---

---

---

---

---

**Personally Known**

**Know the client**

- Must know first and last name

**Seen Identifications previously**

**“Sufficient Dealings”**

---

---

---

---

---

---

---

**Gov't Issued Identification**

**Type 1**

- Passport, driver's license or gov't issued non-driver ID only.
- May not be expired more than one year from date of notarization.
- Foreign identification accepted.

**Type 2**

- Gov't issued.
- Contains only the individual's signature or picture.
- Same expiration rule.
- Must be satisfactory to the Notary.
- Military ID

---

---

---

---

---

---

---

### Secure & Verifiable Identification

**Picture & Signature**

- Preferred form of ID

**Common Forms of ID**

- Colorado driver's license
- US Passport
- Military ID
- Driver's license from other states

**Not ID**

- Birth certificate
- Rent or utility receipts

**Additional ID**

- Notary may request additional identification to verify customers identity

---

---

---

---

---

---

---

---

### Credible Witness

**Identify the Credible Witness**

- Personally known to (sufficient dealings)
- Identified through Type 1 ID (not Type 2)

**Written Statement – Verification on Oath or Affirmation**

- Credible Witness personally knows the client
- Client is the same person whose name appears in the document

**Notary Journal Entry Required**

- Two journal entries – one for the credible witness, one for the signer

---

---

---

---

---

---

---

---

### CREDIBLE WITNESS SWORN STATEMENT

**Credible Witness**

I, \_\_\_\_\_, do hereby affirm that the person before the notary is personally known to me as \_\_\_\_\_ and is the same person named in the document titled \_\_\_\_\_ requiring notarization.

Dated: \_\_\_/\_\_\_/\_\_\_

\_\_\_\_\_

**Notary Public**

STATE OF COLORADO  
COUNTY OF \_\_\_\_\_

Signed and affirmed before me on \_\_\_/\_\_\_/\_\_\_ by \_\_\_\_\_.

\_\_\_\_\_  
Notary Public

My Commission Expires \_\_\_/\_\_\_/\_\_\_

---

---

---

---

---

---

---

---

### Right To Refuse

**Reason 1**

- Doubts whether the signer is competent or has the capacity to understand the significance of signing the document

**Reason 2**

- Signer is not acting voluntarily

**Other Reasons to Refuse**

- Bad ID or no ID
- Document is illegal
- Record in journal

---

---

---

---

---

---

---

---

### Acknowledgments

**Defined**

- The individual is signing the (document) for the purposes stated in the (document)
- Signer not saying contents of documents are truthful or accurate

**What the notary is certifying**

- The signer has the identity claimed
- The signature on the document is the signature of the individual appearing before the notary

**Declaration of the Signer**

- Do you acknowledge and declare that you understand this document and have signed it voluntarily for the purposes stated in it?
- Was this document signed by you?

**Unique Qualities**

- Examples: contracts, deeds, agreements, powers of attorney, etc.
- The notary does not need to witness the signature. **May be pre-signed**

---

---

---

---

---

---

---

---

### Acknowledgment Certificate

State of Colorado )  
 ) ss.  
 County Of Denver )

This record was **acknowledged** before me on May 1, 2019 by Kristin Davis.

Andrew Whitfield  
 Notary Public  
 [Stamp]

My Commission Expires: \_\_\_\_\_

---

---

---

---

---

---

---

---

### Oaths & Affirmations

**Defined**

- Signer swears to or affirms that the statements in the document are true and accurate.
- Examples: affidavits, applications, etc.

**What the Notary is "Certifying"**

- The signer signed the document in the physical presence of the notary
- The signer appeared before notary on the date stated in the notary certificate
- The notary verbally administered an oath or affirmation
- The signer swore to or affirmed the contents of the document

**How to Identify & Unique Qualities**

- "Sworn to" "Affirmed by" "Affiant" "Under penalty of perjury"
- Witness signature of client

---

---

---

---

---

---

---

---

### Oaths - Trigger Language

Oath

"Do you solemnly swear that the contents of this document are true and accurate, **so help me God?**"

Deity

Affirmation

"Do you affirm **under penalty of perjury** that the contents of the foregoing document are true and accurate?"

Perjury

---

---

---

---

---

---

---

---

### Oath/Affirmation Certificate

State of Colorado )  
 ) ss.  
 County Of Denver )

Signed and **sworn to (or affirmed)** before me on January 31<sup>st</sup> by Kim Cattrall.

Andrew Whitfield  
 Notary Public  
 [Stamp]

My Commission Expires: \_\_\_\_\_

---

---

---

---

---

---

---

---

## Signature Witnessing

Signature Witnessing

- Witnessing the signature of an identified individual
- No declaration that it is signed for the purposes stated in the document
- No statement that the contents of document are true

What the Notary is Certifying

- Person signing the record has the identity claimed
- Signature on the document is the signature of the signer

---

---

---

---

---

---

---

---

## Signature Witnessing Certificate

State of Colorado )  
 ) ss.  
 County Of Denver )

Signed before me on January 31<sup>st</sup> by Cynthia Nixon.

Andrew Whitfield  
 Notary Public  
 [Stamp]

My Commission Expires: \_\_\_\_\_

---

---

---

---

---

---

---

---




---

---

---

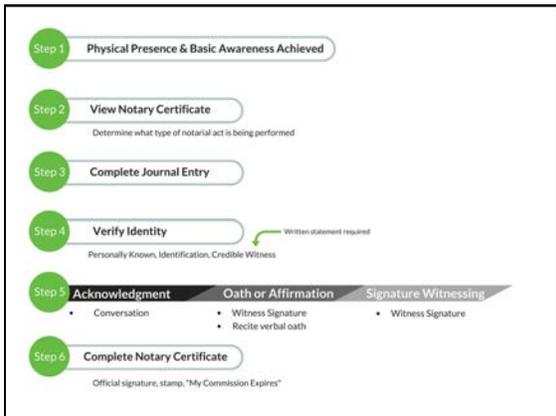
---

---

---

---

---



---

---

---

---

---

---

---

---

### Copy Certifications

**What the Notary is Certifying**

- The notary has compared the copy with the **original** document, and
- The notary has determined that the copy is a full, true, and accurate reproduction of the original document (or item).

**What You Can't Do**

- Notary may not certify documents that can be obtained in **Colorado** from:
  - County clerk and recorder
  - Secretary of State
  - State archives
  - State office of vital records
  - Clerk of the court

**Unique Qualities**

- If can be obtained outside of Colorado, then may certify
- Some federal documents say you can't reproduce

---

---

---

---

---

---

---

---

### Document Types



Colorado Birth Record  
Colorado Marriage Certificate  
Colorado Divorce Decree  
Secretary of State Records  
Some federal documents



Nebraska Birth Record  
Ohio Marriage Certificate  
Michigan Divorce Decree  
Utah State Records

---

---

---

---

---

---

---

---

### Copy Certification Certificate

State of Colorado )  
                          ) SS.  
County Of Denver )

I certify that this is a true and correct copy of a record in the possession of Cynthia Nixon. Dated July 1, 2019.

Andrew Whitfield  
Notary Public  
[Stamp]

My commission expires: \_\_\_\_\_

---

---

---

---

---

---

---

---

### Copy Certificate Process



---

---

---

---

---

---

---

---

### What's Next

**Notary Certificates** (24-21-515, C.R.S.)

- Required for every notarization

**Journaling** (24-21-519, C.R.S.)

- The required fields

**Stamps** (24-21-517, C.R.S. & 24-21-518, C.R.S.)

- Required elements

**Electronic Notarization** (24-21-520, C.R.S.)

---

---

---

---

---

---

---

---

**Notary Certificates**  
24-21-515, C.R.S.

**Required – No Exception**

- Executed contemporaneously with the notarization
- If not present, must be added
- Notaries do not choose certificates – practicing law

**Additional Info – Recommended**

- Title of the document, to whom was issues, who is signing, on what date, etc.

**Short Form Certificates**

- Must be securely attached

---

---

---

---

---

---

---

---

**Notary Certificates**  
24-21-515, C.R.S.

State of Colorado  
County of Jefferson

This record was acknowledged before me on April 7, 2025 by Andrew Whitfield.

*Signature*  
Notary Public

Notary Stamp

My Commission Expires: June 16, 2026

**Required Elements:**

- County and State
- Type of Notarial Act
- Date of Act
- Official Signature of the Notary
- Title of Office
- Commission Expiration
- Stamp

---

---

---

---

---

---

---

---

**Notary Journal**  
24-21-509, C.R.S.

**Type**

- Paper
- Electronic

**Required Fields**

- Date & time of notarial act
- Description of Record
- Type of Notarial Act
- Full Name & Address of clients
- Signature
- Type of Satisfactory Evidence of ID – Personally known, credible witness, or identification.
- Fee Charged

**Best Practice**

- Get the signature first
- Type of ID but not the number
- Record cancelled notarizations

---

---

---

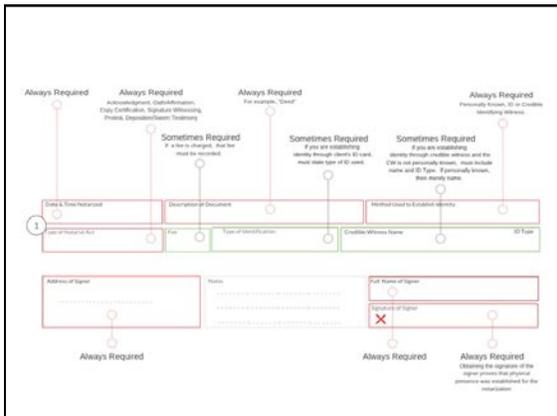
---

---

---

---

---




---

---

---

---

---

---

---

---

### Notary Journal Rules

24-21-519, C.R.S.

**Required for Every Notarial Act**

- Written and verbal
- Required for acts that are not performed

**Journal Owned by the Notary**

- Responsible for security of journal
- One journal per notary – no community journals

**Lost or Stolen**

- Notify Secretary of State in writing within 30 days of discovering that it is missing

---

---

---

---

---

---

---

---

### Duty to Disclose

24-21-519, C.R.S.

**Who Can See The Journal**

- Any member of the public upon written request
- Secretary of state without restriction
- Peace officers without restriction

**When Disclosing . . .**

- Must be inspected within your physical presence
- Redact personally identifiable information

---

---

---

---

---

---

---

---

### Disclosure Process for Public

24-21-519, C.R.S.

**Step 1** Request Submitted in Writing

**Step 2** Record Request in Notary Journal

**Step 3** Charge Fee

**Written request must include**

- Name of parties to the document
- Type of document
- Month and year of notarization

**Noticing a trend here?**

**\$5**

- For every certified entry

---

---

---

---

---

---

---

---

### Notary Journal - Resignation

24-21-519, C.R.S.

**10 Year Retention Rule - Resignation**

- Must keep 10 years from date of last notarization
- Upon resignation, must tell SOS where it is

**Transmit to State Archives**

**Leave if with Firm or Employer**

- Inherent risks – Lost, stolen, misfiled

**Tell SOS Where It Is Located**

---

---

---

---

---

---

---

---

### Notary Journal Exception

24-21-519, C.R.S.

**Regular Course of Business Exception**

- The notary's firm or employer retains the original or copy in the regular course of business
- The notarized document must contain all the information otherwise required to be entered into the journal

**Bad for The Notary**

- Liability exposure
- Responsible for lost, misfiled, destroyed or unrecoverable journal entries.

---

---

---

---

---

---

---

---

**Notary Stamp Rules**  
24-21-517, C.R.S. & 24-21-518, C.R.S.

**Stamp Owned by the Notary**

- Responsible for security of stamp
- Stamp belongs to notary regardless who paid for it
- Notify Secretary of State in writing within 30 days of discovering that it is missing

**Renewing, Resignation or Expiration**

- **Renewing** - Need a new stamp because the date of expiration changes
- **Resignation or Expiration** - Notary must disable stamping device
- "Destroying, defacing, damaging, erasing or securing it against use in a manner that renders it unusable."

---

---

---

---

---

---

---

---

**Notary Stamp**  
24-21-517, C.R.S. & 24-21-518, C.R.S.

Name submitted on application

JAMES TIBERIUS KIRK  
NOTARY PUBLIC  
STATE OF COLORADO  
NOTARY ID 2008401XXXX  
MY COMMISSION EXPIRES APRIL 7, 2022

Embossers not permitted  
Round stamps not permitted  
Must be Rubber

If you ordered a stamp from us, it looks exactly like this

---

---

---

---

---

---

---

---

**Electronic Notarization**  
24-21-520, C.R.S.

**What It Is**

- Allows you to notarize an electronic document (i.e., a document on the computer)

**Like A Normal Notarization**

- Physical Presence must be met
- Must have a notary certificate
- Must witness the electronic signature
- Record "Electronic Notarization" in your journal

---

---

---

---

---

---

---

---



### Issue Areas

---

**Liability** – Remedies & Insurance (24-21-523, C.R.S.) & (24-21-531, C.R.S.)

---

**Disqualifying Interest** – When you can't do the notarization (24-21-504, C.R.S.)

---

**No Blanks requirement** – Unique to Colorado (24-21525(7), C.R.S.)

---

**Foreign Language Documents** – Contents of the document don't matter

---

**Persons At Risk** – Elderly

---

**Petition Circulator Documents** – Weird ID requirements

---

**Unauthorized Practice of Law** – Not permitted (24-21-525, C.R.S.)

---

---

---

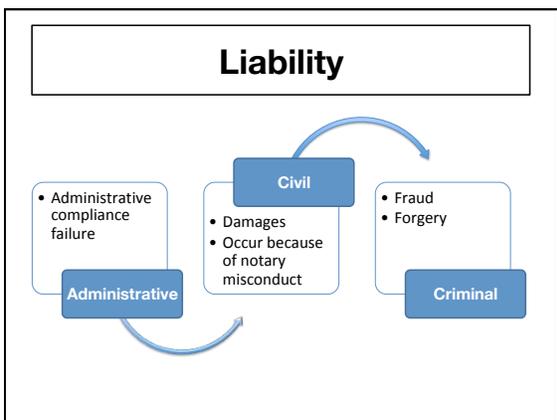
---

---

---

---

---




---

---

---

---

---

---

---

---

### Remedies

24-21-523, C.R.S.

Secretary of State's Powers – Disciplinary Hearings

- Deny
- Refuse to renew
- Impose conditions on receiving a commission
- **Suspend** – Conditions can be attached
- **Revoke** – Hearing required – Resignation Procedures

Letter of Admonishment

- Mere clerical errors
- No disciplinary action required – Letter placed in file

---

---

---

---

---

---

---

---

**OFFICIAL MISCONDUCT**  
24-21-531, C.R.S.

**When it Occurs**

- Notary knowingly and willfully violates RULONA
- Guilty of class 2 misdemeanor
- Civil remedies expressly permitted by the statute

**Examples**

- Signer is not physically present
- Notarizations are predated or postdated
- Notary certificate prefilled
- Robo-signing – assembly line notarizations

**Remedy**

- Notary and the surety company responsible for all damages caused by the official misconduct

---

---

---

---

---

---

---

---

**Insurance**

**Not Required**

- Some company policies will cover notaries public for notarizations covered at the workplace
- RULONA expressly permits it

**Bonding**

- Protects the public against faulty notarizations

**Errors & Omissions Insurance**

- Protects the notary
- Inexpensive. \$52 for \$10,000 policy for four years (sorry about that –said the wrong number!).
- No deductible.

---

---

---

---

---

---

---

---

**Notary Investigations**

**Upon Signed Complaint**

- Submitted by member of the public
- Physical presence, blanks, incorrect notarial certificate, etc.

**Upon Initiative of the Secretary of State**

- A notarized document received by the Secretary of State
- Authentications and notary application notarizations

---

---

---

---

---

---

---

---

**Disqualifying Interest**  
24-21-504, C.R.S.

**No Family Members**

- Spouse
- Partner
- Ancestor (like grandparents)
- Descendent (like children)
- Sibling
- In-laws
- Friends and colleague permitted

**No Notary Benefit**

- Can't benefit (beyond the fee for performing the service)
- Can't be named in the document
- Secretary of State says: "[W]e consider notaries to have a disqualifying interest under the statute when they stand to receive any benefit or advantage in their own person, and as a natural and foreseeable result of the notarized document itself or the relief or action sought by it."

---

---

---

---

---

---

---

---

**No Disqualifying Interest**  
24-21-504, C.R.S.

**Notarizations At Work**

- Even though salary is given for performing notarizations, no beneficial interest.

**Attorneys and Clients**

- If no direct beneficial interest, may perform notarizations for clients.
- Fees derived for drafting a document or representing a client are not direct.

**Family Businesses- New Interpretation**

- ~~Notarizations done on behalf of the business are permitted.~~
- ~~The business "benefits"~~

---

---

---

---

---

---

---

---

**No Blanks Requirement**  
24-21-525(7), C.R.S.

**Unique to Colorado**

- Not part of original RULONA
- No Comments

**Defined - Secretary of State**

- "Any document with a blank in it that might be filled in after the time of the client's oath to, or acknowledgment of, that document"

**Large Unfinished Areas**

- Sections that are meant to be completed by other parties
- Deeds, parenting plans, etc.
- Client should initial and date those areas

**Signature Banks**

- Does not affect the contents of the document
- Detailed notary certificate and journal entry

---

---

---

---

---

---

---

---



---

---

---

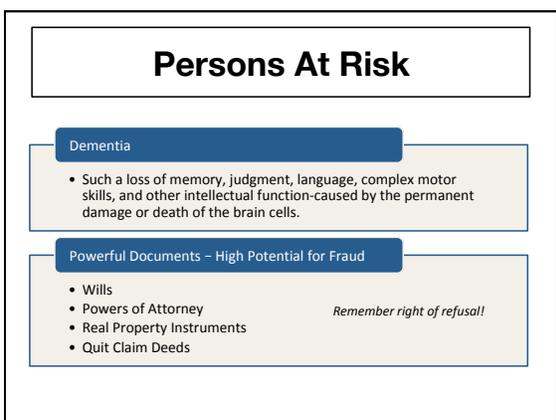
---

---

---

---

---



---

---

---

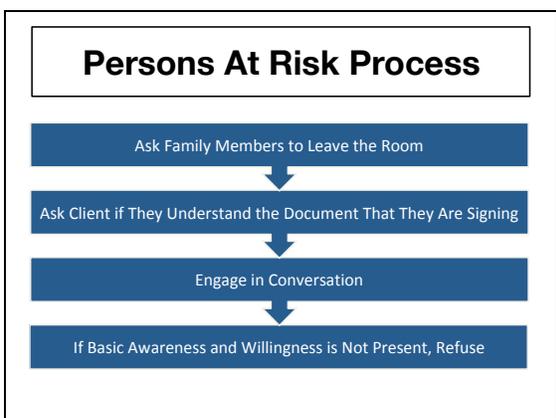
---

---

---

---

---



---

---

---

---

---

---

---

---

### Petition Circulator Rules

- Circulator Must Complete Affidavit in full
- Colorado DL, US Passport, Utility bill, bank statement, etc.
- ID must contain a Colorado address
- Personally Known is not acceptable ID
- Notary Petitions training course
- Detailed notary journal entry



Circulator's Signature and date (in your presence!)

Type of ID Presented

---

---

---

---

---

---

---

---

### Unauthorized Practice of Law

24-21-525, C.R.S.

Big Testing Area

- Unless you're an attorney, you may not advise clients in any way shape or form

The Do Not List

- Don't advise clients what type of notarial certificate to use
- Don't "draw" legal opinions
- Don't advertise that you're an expert on immigration matters without a disclaimer that you're not an attorney
- Don't assist people in drafting legal memoranda
- Don't give legal advice

---

---

---

---

---

---

---

---

### Winding Up

---

Ethical Responsibility

---

Resignation Procedures

---

Clerical Duties

---

State's Test

---

Notary Application Process

---

How To Get Your Training Certificate

---

---

---

---

---

---

---

---

## Ethical Responsibility

### Lawful & Reasonable Request

- SOS encourages notaries to provide the notarization
- Check with your employer about public & private notarization
- Develop a company policy – ask us for employer handbook recommendations

### Discrimination

- Referred to Civil Rights Commission by SOS

### Record it In Your Journal

- If you refuse – record

---

---

---

---

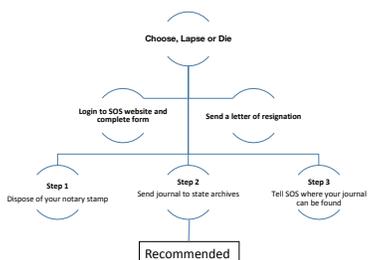
---

---

---

---

## Resignation Procedure



---

---

---

---

---

---

---

---

## Clerical Duties

### Inform the Secretary of State in 30 days

- Name changes
- Residence address changes
- Business address changes
- Lose journal
- Lose stamp

### Leaving Place of Employment

- Commission runs with the notary
- Supplies belong to the notary

### Renew 90 Days Before Commission Expires

---

---

---

---

---

---

---

---

### Get Your Testing Certificate

- Go to <http://cosos.learnercommunity.com>
- Click "Catalog"
- Select "Colorado Notary Public Examination and "Enroll Now"
- Complete the Exam
- Printer Certificate of Completion



---

---

---

---

---

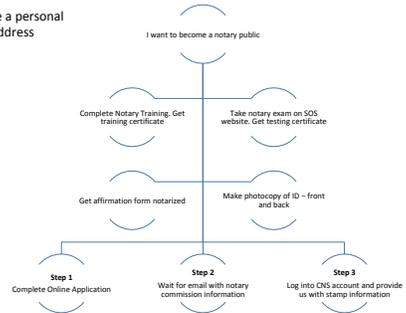
---

---

---

### New Notary Application Process

**Tip:** Use a personal email address



---

---

---

---

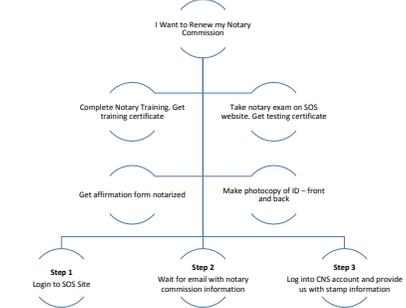
---

---

---

---

### Renewing Notary Application Process



---

---

---

---

---

---

---

---

### Get Your Training Certificate

Mock Test  
Complete The Quiz  
90 Days

---

---

---

---

---

---

---

### One-Sheets

RULONA and the State's notary exam are constantly evolving. The following One-sheets will give you the information you need to know to pass the State's exam. Once you've passed the exam, subscribe to our newsletter (under the Resources tab) to stay up to date on the latest changes.

- Current One-Sheets**
- Electronic Notarizations
  - Disqualifying Interest

---

---

---

---

---

---

---

### Electronic Notarization One-Sheet

#### What It Is

Allows you to notarize an electronic document (i.e., a document on the computer)

#### DANs

- Stands for Document Authentication Number
- Must be used for every E notarization
- Provided by the Secretary of State
- One unique DAN per notarization

#### Like Normal Notarizations

- Physical Presence must be met
- Must have a notary certificate
- Record "Electronic Notarization" in your journal

#### Requirements

- Must be a currently commissioned notary
- E-notary commission expires at the same time as your normal commission
- Must apply to Secretary of State for an electronic notary commission
- Must use a "tamper evident technology" and let the SSO know which you select
- Your electronic signature must have your official name and notary ID number

---

---

---

---

---

---

---

### Disqualifying Interest - Family Business



- The old interpretation of RULONA was that family members could notarize for a family member who was acting in her capacity as an officer (e.g., president, CFO, etc.) of the company.
- For example, the notary's mom is president of Acme company. For the business, she needs a bill of lading notarized. Under the old law, the notary could notarize this document.



- Notaries may not notarize documents for family members even if that family member is acting in her capacity as an officer of the company.
- A key section of the law:  
*A notarial officer [another way of saying notary public] has a disqualifying interest in a record if: (a) The officer or the officer's spouse, a partner in a civil union ancestor, descendant, or sibling is a party to or is named in the record that is to be notarized...*  
24-21-504, C.R.S.

---

---

---

---

---

---

---

---