

Today's Agenda

Overview

- The Law
- What is a Notary?

Core

- The Notarial Acts
- Satisfactory Evidence of ID and Other Juicy Topics

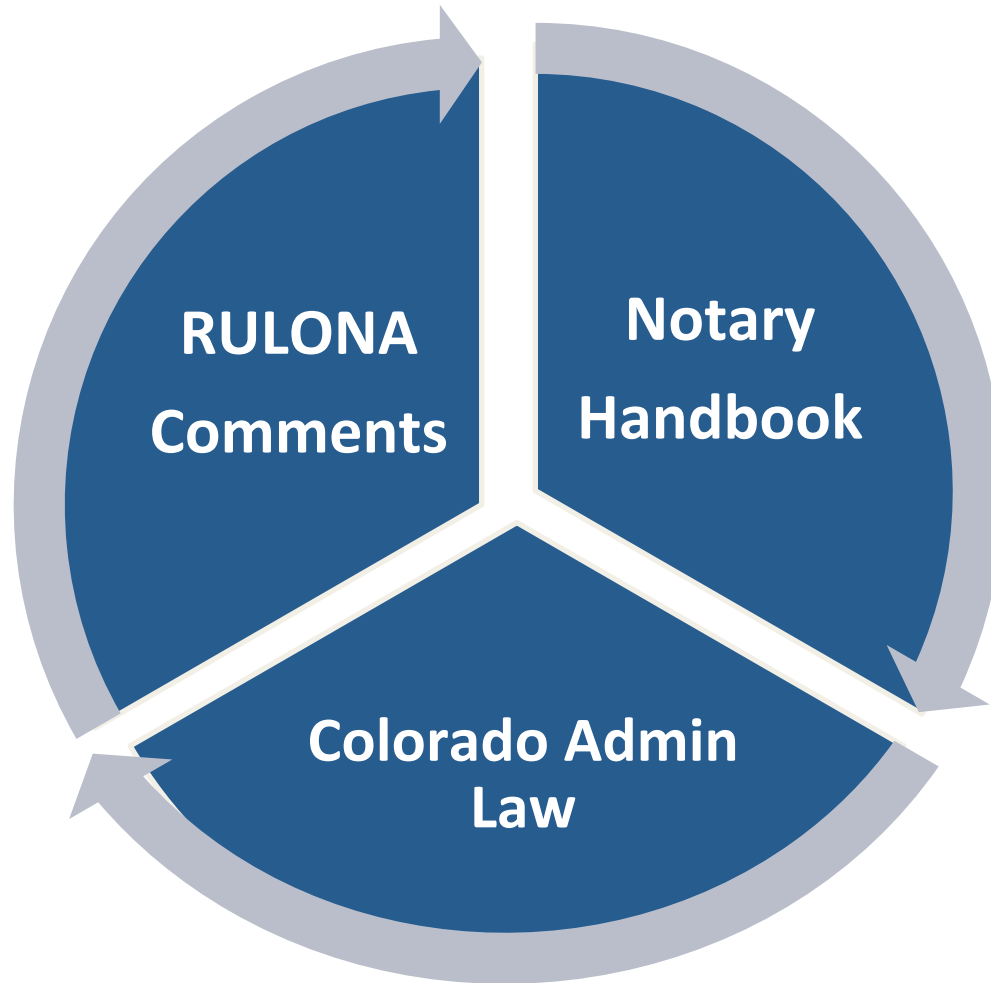
Issues Areas

- Disqualifying Interest
- Electronic Notarizations
- Unlawful Practice of Law, Etc.

Next Steps

- Testing
- Application
- Supplies

Sources For This Presentation



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

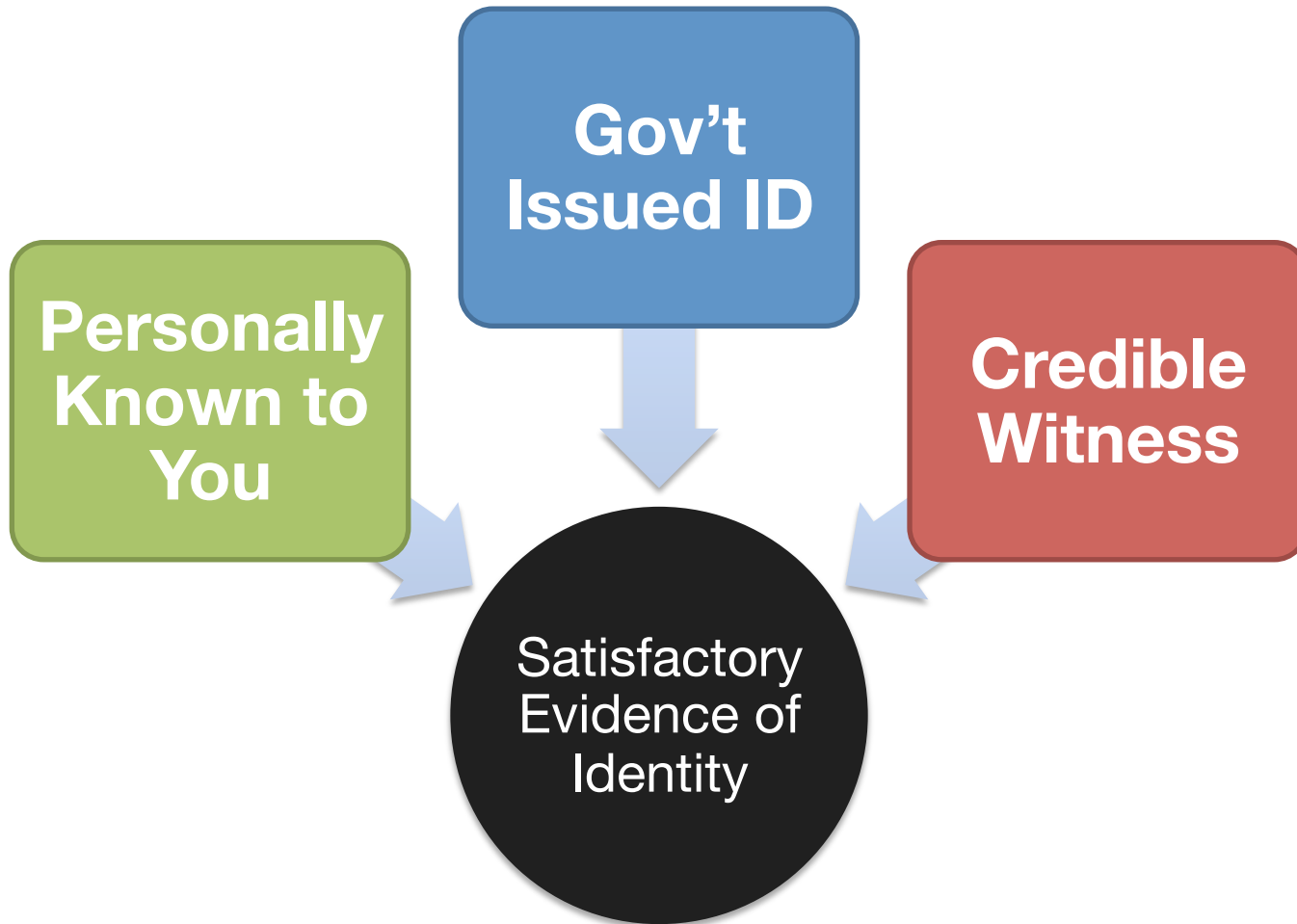


Always Required

No Exceptions

Remote Notarization

“Satisfactory Evidence”



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
(credible witness)
notary is personally known to me as _____ and is the same
person named in the document titled _____ requiring
notarization.

Dated: ___ / ___ / _____

(credible witness signature)

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 and 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 31st 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 31st by Cynthia Nixon.

Andrew Whitfield
Notary Public
[Stamp]

My Commission Expires: _____

Acknowledgment

Document signed for the purpose stated in the document
Document can be pre-signed

Oath/Affirmation

Individual is verifying a statement in the document as being true
Signature must be seen by notary

Signature on the document is the signature of the signer

Person signing document has the ID claimed

Signature Witnessing

Mere witnessing of a signature by an identified individual

Step 1

Physical Presence & Basic Awareness Achieved

Step 2

View Notary Certificate

Determine what type of notarial act is being performed

Step 3

Complete Journal Entry

Step 4

Verify Identity

Personally Known, Identification, Credible Witness

Written statement required

Step 5

Acknowledgment

- Conversation

Oath or Affirmation

- Witness Signature
- Recite verbal oath

Signature Witnessing

- Witness Signature

Step 6

Complete Notary Certificate

Official signature, 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

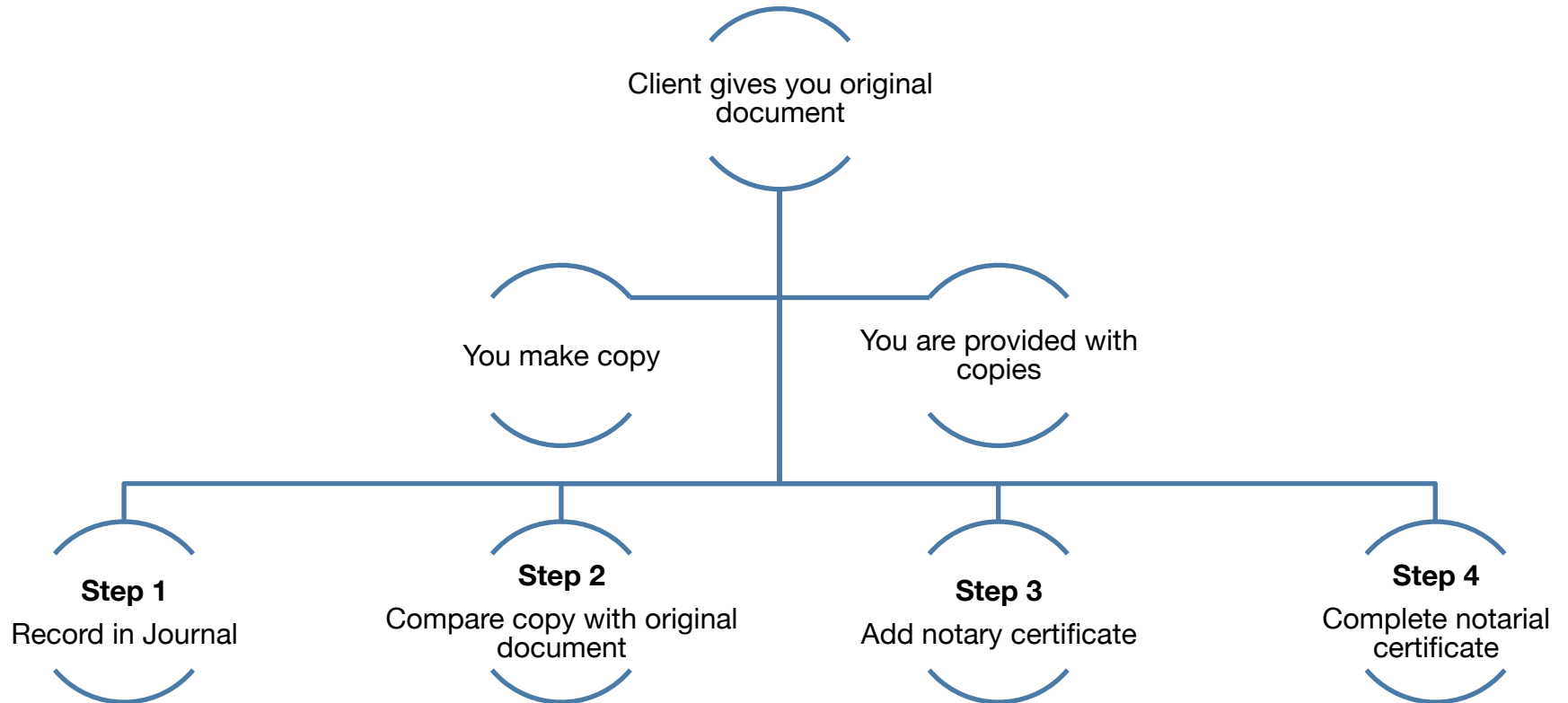
State of Colorado)
) ss.
County Of Denver)

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



Best Practice - Notary makes the copy herself

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.


Notary Public



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

Always Required

Always Required

Acknowledgment, Oath/Affirmation,
Copy Certification, Signature Witnessing,
Protest, Deposition/Sworn Testimony

Always Required

For example, "Deed"

Always Required

Personally Known, ID or Credible
Identifying Witness.

Sometimes Required

If a fee is charged, that fee
must be recorded.

Sometimes Required

If you are establishing
identity through client's ID card,
must state type of ID used.

Sometimes Required

If you are establishing
identity through credible witness and the
CW is not personally known, must include
name and ID Type. If personally known,
then merely name.

1

Date & Time Notarized	Description of Document		Method Used to Establish Identity	
Type of Notarial Act	Fee	Type of Identification	Credible Witness Name	ID Type

Address of Signer	Notes	Full Name of Signer
	
	Signature of Signer
	X

Always Required

Always Required

Always Required

Obtaining the signature of the
signer proves that physical
presence was established for the
notarization

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

Written request must include

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

Step 2

Record Request in
Notary Journal

Noticing a trend here?

Step 3

Charge Fee

\$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

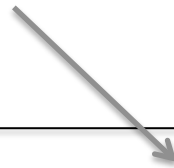
Renewing, Resignation or Expiration

- **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

How It Works

Document Authentication Numbers (“DANs”)

- Electronic equivalent of your notary stamp and electronic signature
- DAN’s provided by the Secretary of State
- Record DAN used in notary journal

Your commission ID number



DAN assigned by the SOS



20091234567 - XXXX

E Notary Certificate Example

STATE OF COLORADO

COUNTY OF JEFFERSON

In Evergreen, on the 19th day of July, 2016, before me, a Notary Public in and for the above state and county, personally appeared Edgar Smithson, known to me or proved to be the person named in and who executed the foregoing instrument, and being first duly sworn, such person acknowledged that he or she executed said instrument for the purposes therein contained as his or her free and voluntary act and deed.

Lando Mulrooney

NOTARY PUBLIC

STATE OF COLORADO

Document Authentication Number
20161987305 – 5863

My Commission Expires 02/03/2020
My Notary ID: 20161987305

More Requirements

The List

- Must be a currently commissioned “wet” notary
- E-notary commission expires at the same time as your normal commission
- Must apply separately but it’s free
- Must use a “tamper-evident technology” and let the SOS know which you select
- Your electronic signature must have your official name and notary ID number

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.)

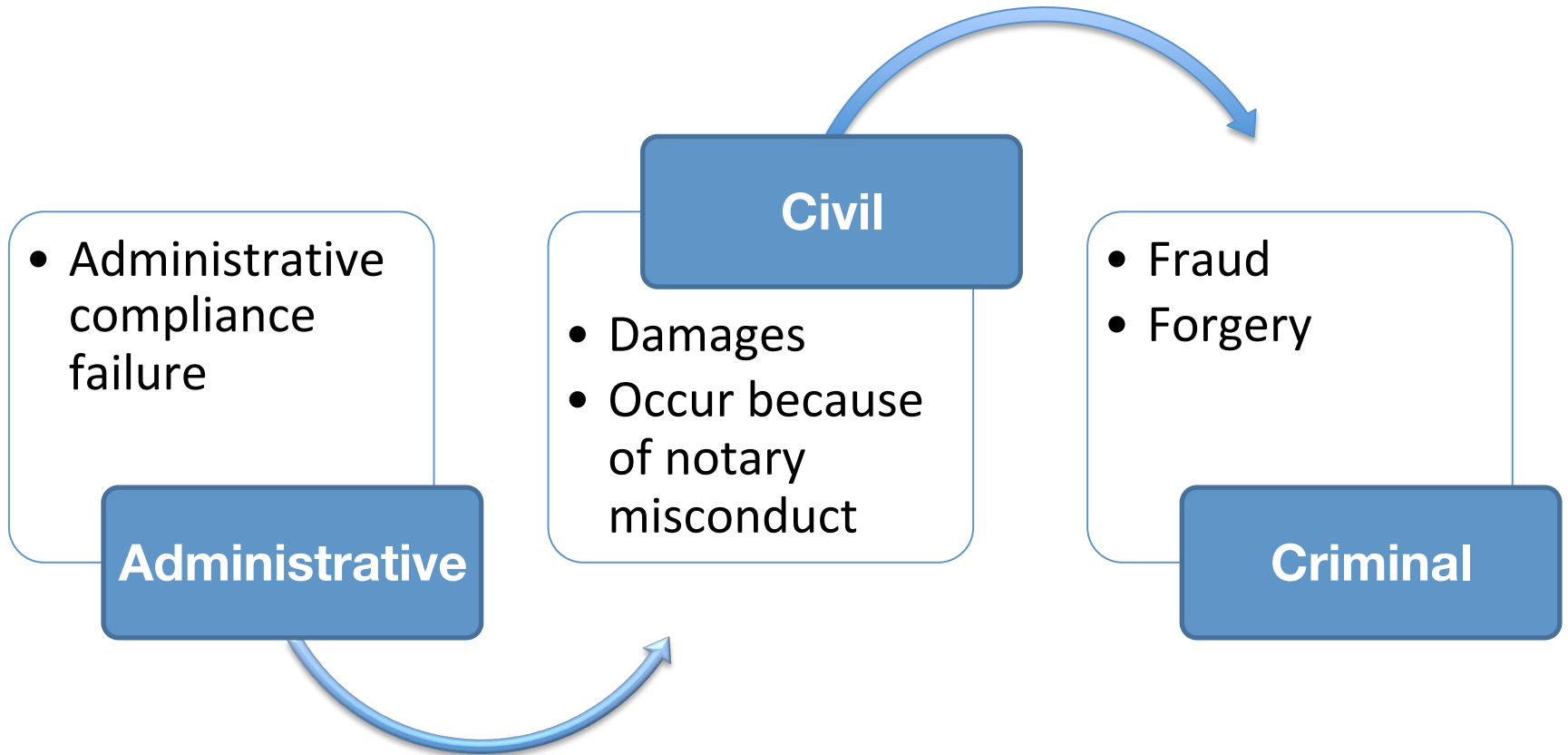
Foreign Language Documents – Contents of the document don't matter

Persons At Risk – Elderly

Petition Circulator Documents – Weird ID requirements

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

Liability



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

Foreign Language Documents

Speak The Language of the Signer

The notary must be able to communicate with the signer



and

Notary Certificate must be in English

The notary must understand the notarial certificate

Contents of Document Are Not Important

No 3rd Party Translators

Notary cannot notarize her own translation of a document

Persons At Risk

Dementia

- Such a loss of memory, judgment, language, complex motor skills, and other intellectual function-caused by the permanent damage or death of the brain cells.

Powerful Documents – High Potential for Fraud

- Wills
- Powers of Attorney
- Real Property Instruments
- Quit Claim Deeds

Remember right of refusal!

Persons At Risk Process

Ask Family Members to Leave the Room



Ask Client if They Understand the Document That They Are Signing



Engage in Conversation



If Basic Awareness and Willingness is Not Present, Refuse

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

• I understand that the entire petition section may be rejected if any portion of the circulator affidavit is incomplete; and
 • I understand that I am required to provide my permanent residence address and the temporary street address where I am staying in Colorado if I am not a Colorado resident.

Circulator Name (please print)

Last Name First Name

Permanent Residence Address (or location if homeless)

Street name and number (no P.O. Boxes) City/Town County State Zip Code

Temporary Colorado Address (if you are not a Colorado Resident)

Street name and number (no P.O. Boxes) City/Town County State Zip Code

Sign and Date in the Presence of a Notary

Signature of Circulator Date of Signing

A NOTARY PUBLIC MUST COMPLETE THE FOLLOWING SECTION:

STATE OF COLORADO

COUNTY OF _____

Subscribed and sworn to before me this _____ day of _____, 20____ by _____

Day Month Year Printed name of Circulator above

Type of ID provided by circulator: _____ (ID provided must be from "Acceptable Forms of Identification" list; "Personally Known" is not an acceptable entry)

Signature (and Title) of Notary / Official Administering Oath: _____

My Commission Expires: _____

[seal]

(Revised 1/30/2015) Section # *insert number here* Proposed Initiative # *insert number here*

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

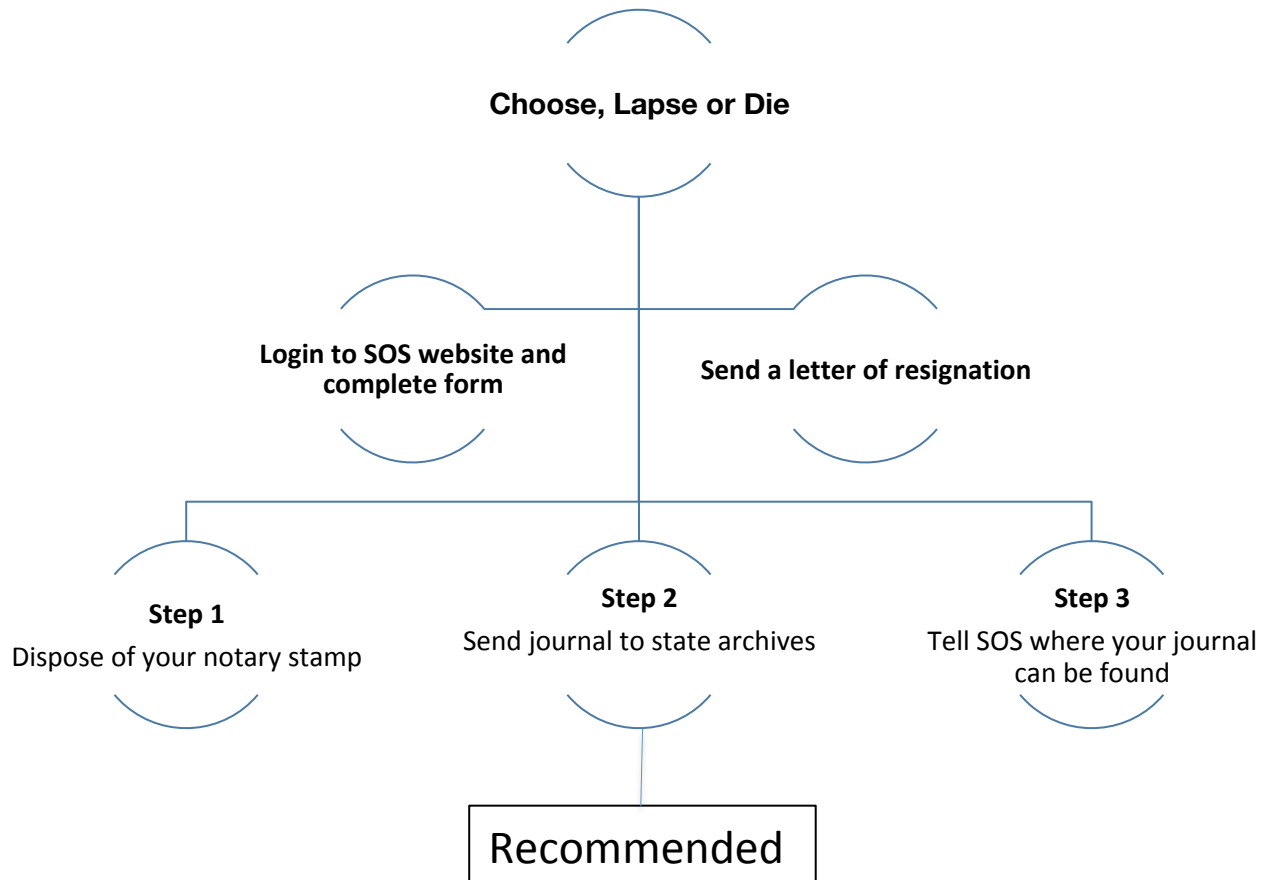
Discrimination

- 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



online course

Colorado Notary Public Examination

This test is required to obtain your notary commission.

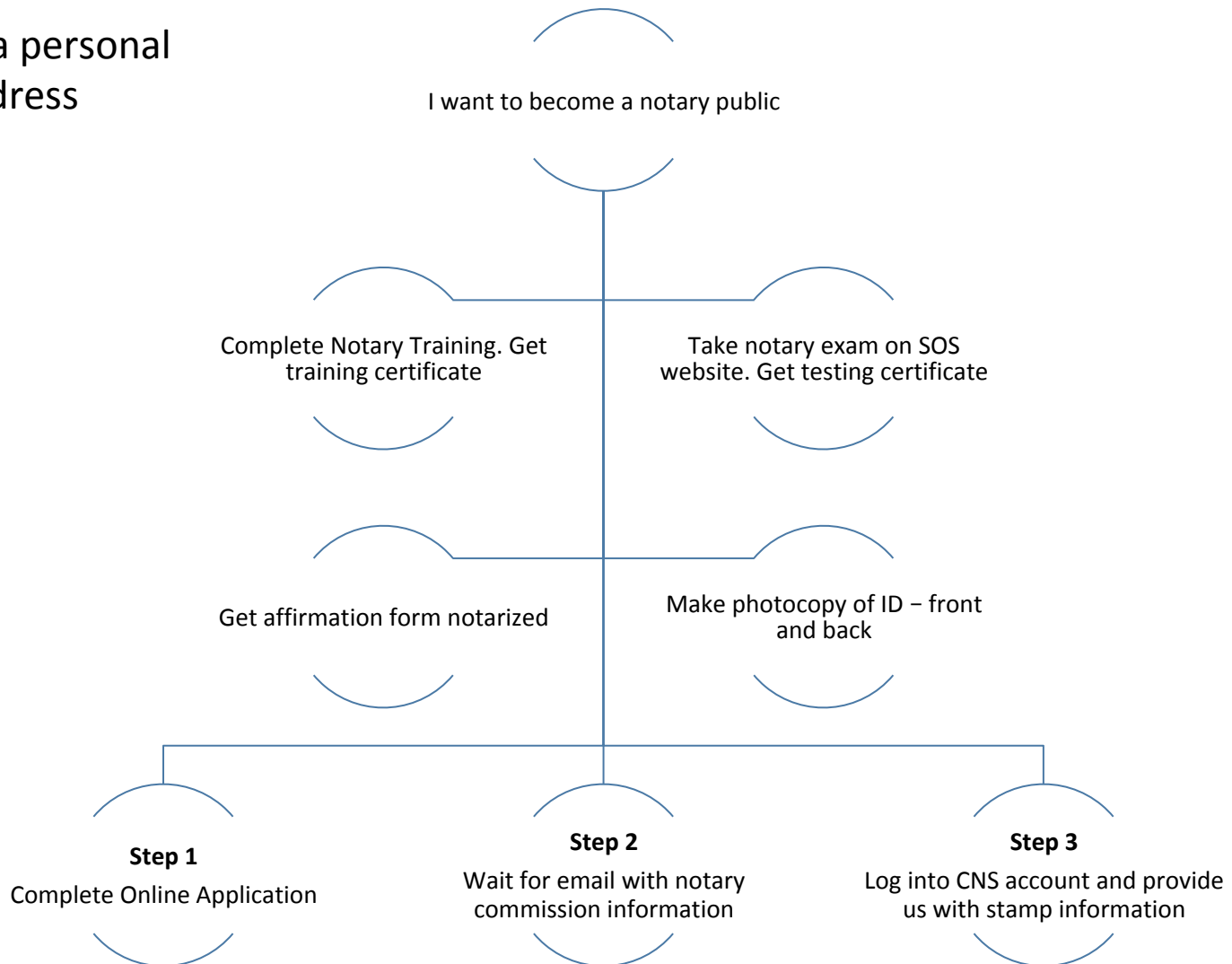
Public
Free

ENROLL NOW

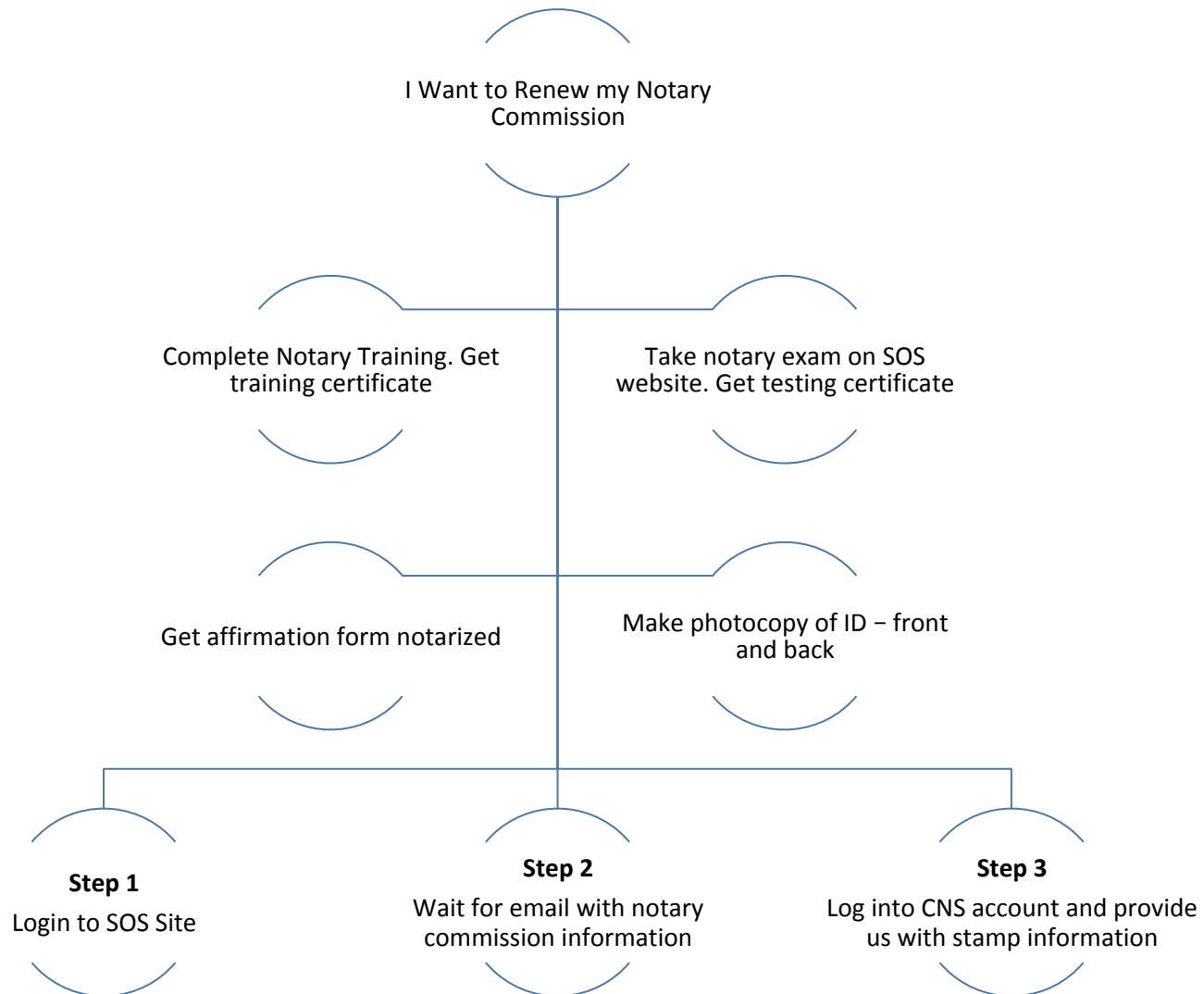


New Notary Application Process

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 SOS 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.