



# NATIONAL NOTARY ASSOCIATION

July 29, 2014

The Honorable Scott Gessler  
Colorado Secretary of State  
1700 Broadway #200,  
Denver, CO 80290

SENT VIA ELECTRONIC MAIL

Dear Secretary Gessler,

Below please find the National Notary Association's comments in response to your request for assistance in helping to shape the revision of Colorado's Notary Public program administrative rules.

- **Current Definition 7.1.C "Best practices"**  
Is current definition 7.1.C. "Best Practices" deleted from the draft rules or is it retained? It appears that it is your intent to strike it, given the amendments to revised rule 3.1 (see below).
- **Current Definition 7.1.F "Renewing applicant"**  
Is current definition 7.1.F. "Renewing Applicant" deleted from the draft rules or is it retained?
- **Proposed Definition 1.6 "Electronic notarization"**  
The proposed definition should also state that an electronic notarization requires the use of an electronic signature by the signing party and the Notary. To be clear, an electronic notarization is a notarial act that involves both an electronic record and electronic signatures on the electronic record.
- **Other Definitions**  
We would suggest a definition of "Colorado law" (occurs at least in proposed rule 3.9.4[b]) be created and drafted to include the Notaries Public Act and any rules implementing the Act.
- **Proposed 3.1 Approval of Vendor Curriculum**  
May an approved vendor include best practices in its educational course or must the course be based solely on the Colorado Notaries Public Act, as draft rule 3.1 implies? If best practices may not be taught in an approved course, we will need clarification on this point and a timeline for bringing our course into compliance with the 3.1 final rule.
- **Proposed 3.2.1E**  
Subsection E of proposed rule 3.2.1E is vague. Does it refer to the amount of the fee the vendor must pay to have the course approved? If so, the rule should note the amount of

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the vendor application fee. Or, does the proposed rule refer to the course fee a vendor will require of the Notary applicant taking the course to pay?

- **Proposed 3.9.1 Duty to Respond to the Secretary of State's Written Request**  
The draft rule should require the Secretary to include in the written request to a vendor or course provider a disclosure that the vendor or course provider must respond to the Secretary within 20 business days. Grounds: a vendor or course provider may have its accreditation terminated for failure to timely respond (3.9.4[e]); thus, a disclosure will help remind the vendor or course provider of its duty to timely respond.
- **Proposed 3.9.3 Complaints**  
Does the "form" required by the Secretary include submission of the complaint in an electronic form?

I trust that these comments will help you in your consideration to move forward with the project to recodify the Notary program rules. If I can be of further assistance to you, please do not hesitate to contact me.

Respectfully submitted,



William A. Anderson  
Vice President, Legislative Affairs