

Rule 1 Definitions

1. "Document authentication number" means a number issued by the Secretary of State that includes the Secretary of State's accounting system validation number issued to each notary upon commissioning and a randomly generated number that when used together may constitute the notary's electronic signature and identify both the individual notary and the document to which the document authentication number has been affixed.
2. "Electronic notarization" means the performance of a notarial act that involves electronic records and includes the notary's electronic signature.
3. "Electronic notarization software" means any software, coding, disk, card, certificate, or program that may be employed to create and affix the notary's electronic signature.
4. "Notary's electronic signature" means the document authentication number(s) issued by the Secretary of State when accompanied by the information required in 12-55-106.5(1) or an electronic signature approved pursuant to Rule 2.

Rule 2 Electronic Signature Registration

1. Before performing any electronic notarization, an applicant or a notary shall file with the Secretary of State a notification of intent to notarize documents electronically. This notification may be submitted at the time of application for a notary commission or at any subsequent time during the notary's term of commission.
2. A submitted notification shall not be deemed filed until it has been approved and an approval certificate has been issued by the Secretary of State. A notification submitted at the time of application for a commission shall not be deemed filed unless and until the application is accepted and the notary is commissioned by the Secretary of State and the approval certificate has been issued.
3. Notification of intent to notarize electronically shall be on forms prescribed by the Secretary of State, and shall include a statement whether the applicant or notary will use only document authentication numbers as his or her electronic signature. If the applicant or notary indicates an intention to use a different electronic signature than document authentication numbers, then the notification of intent shall also be accompanied by an example of the electronic signature that will be used by the applicant or notary, and shall include the following information:
 - (a) A description of the technology that will be used for the notary's electronic notarizations, specifically for the creation of the notary's electronic signature;
 - (b) The name, address, telephone number, and web or e-mail address of the supplier or vendor of such technology; and
 - (c) Such other information as the Secretary of State finds necessary to confirm that the technology complies with the requirements of the Colorado Notaries Public Act, article 55 of title 12 of the Colorado Revised Statutes.
4. If the notary is certified to notarize electronically:
 - (a) The Secretary of State will:
 - (1) Provide an electronic log to the notary that contains a series of document authentication numbers. Such log shall constitute the journal referenced in section 12-55-104(2) CRS.

(2) Maintain a record of the series of numbers issued at the offices of the Secretary of State.

(b) The notary *may* use the document authentication numbers provided in the electronic log as the notary's electronic signature, provided that the notary's name, the words "NOTARY PUBLIC" and "STATE OF COLORADO", and the words "my commission expires," followed by the expiration of the notary's commission, accompany each authentication number so used. .

(c) A different document authentication number shall be used for each electronic notarization that the notary performs.

(d) A notary shall take reasonable measures to secure his or her journal of authentication numbers against access or use by other persons, and shall not, under any circumstances, permit such access or use by another.

5. Any form of electronic signature must:

(a) Be discrete to the individual submitting the electronic signature;

(b) Be retrievable from the electronic document in perceivable form.

Rule 3 Expiration of Notice to Notarize Electronically

1. The approval to electronically notarize shall expire when:

(a) The commission for which it was filed expires;

(b) The commission for which it was filed is revoked;

(c) Thirty days have elapsed after the notary's name changes, unless the notary sooner submits a change of name pursuant to section 12-55-114 CRS, including with the submission, if the notary uses a different signature than the document authentication numbers issued by the Secretary of State, a description and example of the notary's new electronic signature, in accord with section 3 of Rule 2 of these Rules Concerning Electronic Notarization.

(d) The notary, during his or her commission term, resigns the commission, is convicted of a felony, ceases to reside in Colorado, or dies;

(e) The technology described in the notification changes;

(f) The technology described in the notification expires or is revoked, if applicable; or

(g) The supplier or vendor goes out of business or for any other reason no longer supplies the technology described in the notification.

2. Except as provided in section (3) of this Rule 3, when a notary's approval to notarize electronically expires, the notary or the notary's duly authorized representative shall, within 30 days after such expiration, permanently erase, delete, or destroy the notary's electronic notarization software, if applicable, and, if the notary has elected to use document authentication numbers provided by the Secretary of State as his or her electronic signature, any and all unused authentication numbers.

3. If a notary's signature notification expires solely on account of the expiration of the notary's

commission, the notary need not permanently erase, delete, or destroy the electronic notarization software if the notary is recommissioned and reregisters his or her electronic signature within 30 days after the commission expiration.

Rule 4 Electronic Notarization of Signature

A notary shall electronically notarize a document only if the notary can verify that the document signer is issuing a signature that the signer has adopted to function as his or her signature.

Rule 5 Lost or Compromised Document Authentication Numbers

If a notary loses his or her document authentication numbers , or becomes aware that any person other than the Secretary of State has access to, or control of, such authentication numbers, s/he shall notify the Secretary of State in the same manner as for a lost journal or seal pursuant to section 12-55-113 CRS. The Secretary of State shall, upon request of the notary, issue a new electronic journal of electronic signatures to the notary.

Rule 6 Effective Date

These Rules Concerning Electronic Notarizations shall take effect November 30, 2004.