

July 29, 2014

State of Colorado  
Department of State  
1700 Broadway  
Suite 200  
Denver, CO 80290

***RE: Notary Program Rules – Rulemaking***

Dear Mr. Secretary:

I respectfully request that the following modifications and additions be included into the official record when your office commences with formal rulemaking for the notary program:

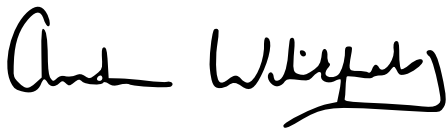
**Modifications**

1. **Page 3 of 17, Line 16** – Remove “DURING THE SIX MONTHS”. Adding this language would seem to suggest that the State testing certificate would mirror the time limitation of training certificates – six months. The State receives little to no benefit by placing a time restriction on the testing certificate because notary law does not change often enough to justify a time limit. In fact, this may prove burdensome to the State as well as notary public applicants. The State’s IT department will likely need to add language to the testing certificate and the notary public website to reflect this change. Additionally, the State’s call center (and vendors) will receive more phone traffic regarding the re-testing process. Finally, requiring applicants to re-test places undue burden on an applicant that has already passed the test.
2. **Page 3 of 17, Line 31-32** – The rules state that the notary test shall include Titles and Interests law. Article 30 is sizable and makes multiple references to notaries public and acknowledgments in general. We recommend that the specific teaching point of Titles and Interests be articulated and added to section 3.1, lines 6-10 (training content requirements).
3. **Page 13 of 17, Line 15-23.** We recommend that the requirement that vendors submit a list of attendees be removed and thus modified as follows: “UPON REQUEST, AN APPROVED VENDOR MUST SUBMIT A LIST OF ATTENDEES TO THE SECRETARY OF STATE ON THE APPROVED FORM NO LATER THAN THE TEN DAYS AFTER THE REQUEST IS MADE.” Providing the Secretary of State with a list of attendees on a monthly basis serves no governmental purpose. Should the need arise, a request can be made to provide this information. If the State determines that there is a governmental purpose, we recommend that the State collect this information on a quarterly basis.

## Suggested Additions

1. **Permit Notaries Public to fulfill resignation duties by electronically submitting their notary journal to the Secretary of State.** Nationwide, notaries public often fail to follow resignation procedures for various reasons. Colorado also suffers from this problem. Under the present law, the notary must send their paper journal to the Secretary of State. We recommend that the Secretary of State drafts rules that would permit notary publics to resign by submitting an electronic version (CSV file) of their notary journal to the State. This benefits the State in several ways: prevents the state from having to physically warehouse paper notary journals, prevents the state from having to catalog notary journals, allows the state to quickly recall notarizations performed by a resigned notary, allows the state to run reports regarding notarization metrics (E.g. types of notarizations being performed, how many notarizations the average notary performs annually, etc.).
2. **Give Preferred Listing to Approved Vendors Located in Colorado.** Companies incorporated in Colorado are presently given preferred listing on the Secretary of State's website for notary training. I would urge the Secretary of State to describe in rule that companies on this list meet all the following requirements: (1) the company is incorporated in Colorado, (2) at least one company employee is domiciled in Colorado, (3) company pays income tax in Colorado, and (4) Colorado is their primary place of business. The purpose of this rule is to prevent foreign entities from merely incorporating in Colorado to be placed on this preferred list thus circumventing the reason the preferred list exists – the promotion of Colorado based businesses that pay taxes for the privilege of operating in Colorado.

Thank you for your consideration



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