



August 4, 2022

Colorado Secretary of State
1700 Broadway, Suite 550
Denver, CO 80290

RE: TRACKING NUMBER 2022-00352 – USE OF INTERPRETERS (8 CCR 1505-11 RULE 2.3) – SENT VIA EMAIL

To Whom It May Concern,

On behalf of our Colorado members, I provide the following comments on the proposed Notary Program rule clarifying when an interpreter may be used to facilitate the performance of a notarial act.

First, the NNA supports making notarial services accessible to individuals who are deaf, hard of hearing, or deafblind. This is an area of the law that is overlooked in most state Notary statutes and administrative rules, and we commend your office for addressing it.

Second, we believe it is important, as the proposed rule states, to leave intact Rule 2.3.1 that provides the general prescription regarding the Notary being able to directly communicate with, be understood by, and understand the individual for whom the Notary is performing a notarial act. Many aspects of a notarial act require a Notary to understand and directly communicate with an individual. To cite just one example, in executing a verification on oath or affirmation, the Notary must have direct communication with the individual in order to administer an oral oath or affirmation and to ensure the individual understood and properly took the oath or affirmation. Without direct communication, the Notary would be unable to truthfully complete the certificate of notarial act reciting that an oath or affirmation was administered. This imperils the integrity of the notarial act.

Third, we believe the exception in proposed Rule 2.3.2 allowing the Notary to use an interpreter for the deaf, hard of hearing, and deafblind is reasonable. We further believe the guardrails that are put around the exception in Rules 2.3.3 and 2.3.4 will ensure that the Notary and parties relying on the notarial act can have confidence in the qualifications and impartiality of the interpreter.

We do ask, however, that you further require in the proposed rule:

1. The interpreter to present their valid certification required by Rule 2.3.3 to the Notary and declare to the Notary that they do not have a conflict of interest as required by Rule 2.3.4.
2. The Notary to add a statement to the notarized record that is similar in form and content to the one in current C.R.S. 24-21-509(1) and that could read as follows, “(Name of interpreter), an interpreter, assisted me in facilitating communication for the notarial act pursuant to 8 CCR 1505-11 Rule 2.3.”

Thank you for the opportunity to provide these comments.

Sincerely,

A handwritten signature in blue ink that reads "Bill Anderson".

Bill Anderson
Vice President, Government Affairs