



August 15, 2022

To: Office of Secretary of State

From: Jenifer Waller  
President/CEO

RE: Formal Comments Notary Program Rule 8 CCR 1505-12 -Prohibition of Translator Services 2.3.1 and 2.3.2

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The Colorado Bankers Association (CBA) represents more than 95 percent banking assets in Colorado. On behalf of the membership, CBA submits the following comments regarding our concerns with limiting access to notary services in Colorado

1. The Office of Secretary of State issued a temporary adoption of Rule 2.3.1 effective July 1, 2022, which mandate:
  - 2.3.1 A notary public must be able to communicate directly with, be understood by, and understand the individual for whom the notary public is performing a notarial act.
  - This posits that a business can locate a notary that speaks a variety of languages or dialects.
  - It precludes the use of certified translators which are regularly recognized in the court system and allowed in the legal system.
    - Certified translators are for official uses where certification is required to verify that the translation is complete and accurate.
  - The US Department of Justice has published several articles acknowledging the need for and appropriate use of certified translators in the investigative process and in the court process.
  - There is a method to protect notaries, protect the individual without requiring a business to locate notaries that speak multiple languages or dialects within a language.
2. The Colorado Bankers Association and its members are not aware of any criminal proceedings for fraud in a notarial act involving the use of a translator in a business transaction.

- To the contrary, CBA is aware of business transactions that were cancelled, including the sale of a home, because a notary speaking Cantonese, could not be located.
3. Across the U.S, 7.1 million American households are unbanked.
- Most of those households come from lower socioeconomic conditions and are minorities.
  - The proposed changes to the notary rules will place an unintended and undue burden on Limited English Proficient (LEP) individuals when seeking services.

In the name of fraud prevention, the unintended consequences of the proposed rules are unfathomable. Those consequences go beyond the purchase of a home or automobile, but to the daily lives of Coloradoans. This stopgap your office is attempting to close can be addressed with the use of certified translators and then all Coloradoans would have access to a notary to sign a will, complete a medical directive, adopt a child, and buy a home.

On behalf of the Colorado Bankers Association and its membership, we beseech you to reconsider the consequences of this proposed rule.