



January 5, 2022

Ms. Shannon Kenney  
ATTN: Dept. Rulemaking Program Manager  
Office of Secretary of State Jena Griswold  
1700 Broadway, Suite 200  
Denver, CO 80290

**RE:** The Preliminary Draft of Proposed Amendments to the Notary Program Rules (8 CCR 1505-11)

Dear Ms. Kenney,

Notarize, Inc. welcomes the opportunity to comment on the proposed amendments to the Notary Program Rules (8 CCR 1505-11).

Notarize would like to thank the State of Colorado and the Office of the Secretary of State for its leadership on the issue of remote online notarization (RON). Notarize would like to submit both the following comments of support and proposed suggestions to ensure that Colorado's implementation of RON continues successfully.

**ABOUT NOTARIZE:**

Notarize is a digital trust provider that integrates technology with live human interaction to transform how people verify identities and conduct business online, starting with notarizations. We are one of the first RON technology vendors to allow any person or organization to get their documents legally notarized online, 24/7. Our mission is to make it easier for people to execute the most important transactions of their lives and to make those transactions more accessible, convenient, and secure.

**SUPPORT FOR 8 CCR 1505-11 AMENDMENTS:**

**New Rules 3.6.5, (a), (b), and 5.3.6 (a)**

We would like to express our support for the proposed amendments to 8 CCR 1505-11:3.6.5, 8 CCR 1505-11:5.3.5, and 8 CCR 1505-11:5.3.9. These amendments will lead to the continued success of RON in Colorado and we encourage the Secretary of State to adopt them.

- Providing written notice, an opportunity to respond in writing, and a reasonable opportunity to fix any issues of noncompliance will ensure that a vendor can investigate and thoroughly respond to any alleged issues of noncompliance and remedy the situation.

- Providing a vendor with a hearing prior to terminating, suspending, or imposing conditions on an existing accreditation creates a process that will hold bad actors accountable to the oversight of the State while allowing compliant and responsible corporate citizens with reasonable opportunity to be heard.
- Providing the opportunity for a hearing if the Secretary of State denies the approval of a vendor's application for registration in Colorado will allow for vendors to respond to perceived compliance issues during the application process, and ensure a more competitive vendor environment while also promoting compliance with Colorado law.

**PROPOSED CHANGES TO 8 CCR 1505-11:**

**8 CCR 1505-11:5.3.6 (b), and 5.3.8 (a) (c)**

As 8 CCR 1505-11 is being amended, we would like to propose the following suggestions to 8 CCR 1505-11:5.3.6 Subsection (b) and 5.3.8 Subsections (a) (c), that we feel will improve the Notary Program Rules while maintaining the Secretary of State's desired intentions:

5.3.6 (b):

- Requiring a vendor to seek approval from the Secretary of State for any platform changes 30 days in advance of implementation is an overly burdensome requirement that would limit a vendor's ability to operate in the state of Colorado.
- Most vendors would be unable to fully detail changes being made that far in advance. The reality of operations as a software company is that changes are often required to be made in real time, with short deadlines and turnarounds.
- This requirement may inadvertently decrease competition in the market, boxing out small to medium-sized vendors that would have difficulty meeting this requirement, thus further entrenching large-scale technology companies.
- We suggest requiring vendors to notify the Secretary of State's office of any substantial or material changes potentially affecting the vendor's compliance not less than 7 days before instituting the change. At that point the Secretary's office could request a demonstration to verify that the change maintains the vendor's compliance with Colorado law.

5.3.8 (a) & (c):

- Permitting termination of approval for violations that are not material or substantially related to what is required to maintain a compliant platform is an overly burdensome requirement that would limit a vendor's ability to operate in the state of Colorado.
- The proposed amendments to 3.6.5 (a), (b), and 5.3.6 (a) provide both the State and a vendor an adequate time frame to address any issues of noncompliance, as well as adequate time to conduct an internal investigation and properly remedy the situation.
- We would suggest removing the proposed amendments to 5.3.8 (a) and (c) entirely and formally adopting the proposed amendments identified in 3.6.5 (a), (b), and 5.3.6 (a).

**CONCLUSION:**

We thank the Office of the Secretary of State for demonstrating leadership by continuing to advance RON in Colorado and we look forward to building upon our partnership with your office. Since our founding, Notarize has continued to remain engaged with the states that have passed RON laws and implemented regulations. Our mission is to work with our regulatory partners, such as your office, and provide our expertise as we strive to establish a regulatory framework that allows for all parties involved to maintain compliance while preserving the intent of the notarial law in today's digital age.

Should you have any questions regarding our comments and concerns, please contact me at [REDACTED] or [REDACTED] cell. In the meantime, thank you for the opportunity to provide our input and we appreciate your consideration of our recommendations.

Sincerely,

A handwritten signature in black ink, appearing to read "Kim Gaedeke". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Kim Gaedeke  
AVP, Government Affairs & Community Engagement  
Notarize, Inc.