

Colorado SOS eNotary Tutorial Slides [as of July 5, 2019]

By the end of this tutorial, you should be able to:

- Determine if eNotary is right for you
- Recognize how eNotarization is different than remote notarization
- Request and manage Document Authentication Numbers (DANs)
- Identify tamper-evident technology
- Perform an eNotarization the correct way
- Recognize why an eNotary application is different than a notary renewal
- Apply to be an eNotary and avoid rejection of your application
- Resign as an eNotary while keeping your notary commission

What is eNotary?

Electronic notary, often shortened to eNotary, is for documents that remain electronic. The signer inserts or acknowledges an electronic signature. Then the eNotary inserts an electronic signature to certify the document. eNotary is different than traditional notarizations which have wet ink signatures. Otherwise, the process is very similar.

Is eNotary Right for You?

eNotary is not common. You might think every notary would also be an eNotary, but that's not the case. Only a small percentage of Colorado notaries get the extra certification that's required.

[image: in February 2019, only 3% of Colorado notaries were eNotaries]

These are some situations where eNotary is useful:

- Organizations that work with e-filings and need to stay paperless
- Organizations that only work with electronic documents
- Organizations that work with court documents
- Mortgage companies

If you think eNotary would be useful for your organization or clients, keep reading. It's a simple process to add eNotary to your existing notary certification. But first, you should understand the concept of eNotary and how it differs from remote notarization.

eNotary is Not Remote Notary

[image: video chat is not physical presence]

eNotary does not mean remote notary. This is a common misunderstanding. The need for physical presence applies to eNotary, like any other notarization. The signer must be in your physical presence to affirm, swear to, or acknowledge the document being notarized electronically.

For eNotary, you must meet all the requirements of a traditional notarization:

- **Physical Presence:** You and the client must be in the same room
- **Notary Certificate:** You must use a complete notarial certificate with appropriate notarial language
- **Process/Best practices:** Use the same process as a traditional notarization

Scenario

Frank is commissioned for eNotary.

A client that is personally known to him is requesting that he eNotarize a document. The client already electronically signed the document and she's going to email it to Frank in a few minutes.

How should Frank eNotarize the document?

Frank should use video chat to establish physical presence, then proceed with the notarization.

Frank should talk to the client on the phone to make sure it's really her.

X Frank cannot notarize the document in this situation.

Frank can notarize the document by email because the signer is personally known to him.

eNotary does not mean remote notary. The need for physical presence applies to eNotary just like any other notarization.

Document Authentication Numbers

As an eNotary, you'll use a Document Authentication Number, or DAN, instead of a stamp.

Example: 20091234567 – 001234

A DAN is the legal equivalent to using a stamp, and it also acts as your electronic signature. You must insert a DAN on the document.

You may also use electronic signature software, use a sound, or use a symbol in addition to the DAN.

The Secretary of State assigns 50 DANs to each eNotary to start. You can request more online, if needed, by logging in on the Secretary of State's Notary Public home page.

What does a DAN look like?

This is an example of a DAN used in an eNotary notarial certificate.

[start image:

Notary Signature

NOTARY PUBLIC

STATE OF COLORADO

Notary ID: 20171234567

My commission expires July 1, 2021

DAN #20171234567-001234

end image]

DAN has two parts

The first part is your notary ID number. The second part are random numbers assigned by the SOS.

Tamper-Evident Technology

Would you be able to detect if someone changed a digital document?

This is the purpose of tamper-evident technology. If it's hacked, it will show a record of any changes to the notarization or the document itself.

You must use tamper-evident technology for eNotary.

We do not suggest one type of technology or process over another. If you're unsure what software to use, you can contact notary suppliers for suggestions.

If you change your choice of technology, you must notify the Secretary of State's office.

Definition: Tamper-evident technology is "one that is designed to allow a person inspecting an electronic record to determine whether there has been any tampering with the integrity of a certificate of notarial act logically associated with a record or with the attachment or association of the notarial act with that electronic record." [Source: ULC RULONA 2018, Section 20(a) Selection of Technology, Comment]

Performing an eNotarization

e-Notarization Process

1. Record the transaction in your journal.
2. Identify the client using "satisfactory evidence".
3. The signer acknowledges his electronic signature on the document, or the notary administers an oath or affirmation.
4. Complete the notarial certificate.
5. Insert a "DAN" - Document Authentication Number.

Electronic Notarization Checklist

1. Record the transaction in your journal
2. Identify the client using "Satisfactory Evidence"
3. Signer acknowledges his/her signature on document or Notary administers oath/affirmation
4. Complete the notarial certificate
5. Insert a "DAN" - Document Authentication Number

Remember physical presence! eNotary does NOT mean remote notarization!

What Does an eNotarization Look Like?

This is an example of an eNotarization.

POWER OF ATTORNEY

[Electronic Record Document]

I, John Doe [Principal's name] being of sound mind and legal capacity, do hereby appoint Robert Smith as my true and lawful attorney in fact, to act for me in my name, place, and stead, and to manage my financial affairs on my behalf.

In witness whereof, I have signed this Power of Attorney of my own free will.

John Doe
Principal's signature

July 1, 2018
Date

STATE OF COLORADO
COUNTY OF DENVER

Signed and affirmed before me on July 1, 2018 by John Doe.
Signature: Mary Q. Notary.

NOTARY PUBLIC
STATE OF COLORADO
Notary ID: 20171234567
My commission expires July 1, 2021
DAN #20171234567-1234

The client will add their electronic signature. This may look like a traditional signature, or it may be the client's typed name. For an oath, affirmation, or signature witness, the eNotary must witness the signature as it's applied to the document. For an acknowledgment, the signature will already be on the document. The eNotary adds a complete notarial certificate by typing it on the document. The eNotary certificate must include the DAN. The eNotary inserts the DAN by typing it onto the document.

eNotary Application vs. Notary Renewal

An eNotary application is different than a notary renewal. You must be a commissioned Colorado notary before you can apply to be an eNotary. That means you need to apply and renew your commission online. Then you can apply to be an eNotary. Applying to be an eNotary is a different process and a different application than a notary renewal.

Notary Public Application Form

1. Personal Information

2. Notary Public Information

3. Signature and Seal Information

4. Notary Public Information

5. Signature and Seal Information

Notary Public Application Form

6. Notary Public Information

7. Signature and Seal Information

8. Signature and Seal Information

9. Signature and Seal Information

Applying to be an eNotary

If you want to be an eNotary, you must get approval from the Secretary of State's office. These are the requirements to apply to be an eNotary:

Must be a current commissioned Colorado notary

An eNotary commission expires with the notary's regular commission

Apply online at www.sos.state.co.us by logging into your notary record

There is no fee. You'll submit the application online

You must select a tamper-evident technology and tell the Secretary of State which one you're using

Your electronic signature must include your name —as it appears on your commission —and your notary ID number

[View SOS eNotary application form .pdf]

Resigning Your Status as an eNotary

You can resign as an eNotary while keeping your notary commission. Here's how:

Step 1 of 3: Log in to your account and select "Stop being an eNotary" under the eNotary section on your home page.

Step 2 of 3: Check the box to indicate that you want to resign your status as an eNotary. Then click "Continue".

Note: This does not resign your notary commission, only your ability to be an eNotary.

eNotary Resignation

Notary ID	19984015082
Name	Suzy Q Smith
Expiration	04/29/2022
Status	Active

I want to resign my status as an eNotary.
You are only giving up your ability to electronically notarize documents - you are not resigning your notary commission.

Continue

Congratulations

Congratulations! You've completed the tutorial. You should now be able to:

Determine if eNotary is right for you

Recognize how eNotarization is different than remote notarization

Request and manage Document Authentication Numbers (DANs)

Identify tamper-evident technology

Perform an eNotarization the correct way

Recognize why an eNotary application is different than a notary renewal

Apply to be an eNotary and avoid rejection of your application

Resign as an eNotary while keeping your notary commission

Questions? You can email us at notary@sos.state.co.us or call 303-894-2200 and press 4.

Colorado Secretary of State, Notary Program Rules

Rule 2.2 Electronic notarization

2.2.1 A notary must submit a notice of intent on the approved form and receive approval from the Secretary of State before the notary may electronically notarize a document. A new applicant may file the intent at the time of application but may only electronically notarize a document after he or she has been commissioned and approved. A notary may choose to either use a DAN as the notary's electronic signature or adopt a different electronic signature which the notary must always use in conjunction with a DAN. If the applicant intends to use a different electronic signature than a DAN, the applicant must attach an example of the electronic signature, a description of the electronic signature technology, and contact information for the technology's supplier or vendor. A notary must notify the Secretary of State of all electronic signature changes.

2.2.2 A notary must:

- Use a different DAN for each electronic notarization;
- Take reasonable measures to secure assigned DANs against another person's access or use and must not permit such access or use; and
- Request new DANs to replace lost or stolen DANs after notifying the Secretary in the same manner as for a journal or seal.

2.2.3 A notary must verify that the document signer has adopted an electronic signature to function as his or her signature before electronically notarizing a document.

2.2.4 Expiration of the Secretary of State's approval to notarize electronically

(a) Approval automatically expires:

- Upon revocation, expiration, or resignation of the notary's commission;
- 30 days after the notary's name changes unless the notary previously submitted a name change.
- Upon conviction of a felony;
- Upon conviction of a misdemeanor involving dishonesty;
- If the notary no longer has a place of employment or practice or a residential address in the state of Colorado; or
- Upon the expiration or revocation of the technology described in the notification.

(b) If approval expires, the notary or the notary's authorized representative must destroy all electronic notarization software and unused DANs unless:

- The notary's commission expired; and
- Within 30 days of the commission's expiration, the Secretary of State recommissions the notary and the notary reregisters his or her electronic signature.