JARED POLIS
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EXECUTIVE ORDER

Ordering the Temporary Suspension of the Personal Appearance Requirement for Notarization due to the Presence of COVID-19

Pursuant to the authority vested in the Governor of the State of Colorado and, in particular, pursuant to Article IV, Section 2 of the Colorado Constitution and the relevant portions of the Colorado Disaster Emergency Act, C.R.S. § 24-33.5-701 *et seq.* (Act), I, Jared Polis, Governor of the State of Colorado, hereby issue this Executive Order ordering the temporary suspension of the personal appearance requirement before notarial officers to perform notarizations due to the presence of coronavirus disease 2019 (COVID-19) in Colorado.

I. Background and Purpose

On March 5, 2020, the Colorado Department of Public Health and Environment's (CDPHE) public health laboratory confirmed the first presumptive positive COVID-19 test result in Colorado. Since then, the number of confirmed cases has continued to climb, and we have evidence of community spread throughout the State. I verbally declared a disaster emergency on March 10, 2020, and issued the corresponding Executive Order D 2020 003 on March 11, 2020.

My administration, along with other State, local, and federal authorities, has taken a wide array of actions to mitigate the effects of the pandemic, prevent further spread, and protect against overwhelming our health care resources.

We must take action to minimize the duration of this epidemic and the disruption to our daily lives. The virus that causes COVID-19 is spread primarily by close contact between people and through respiratory droplets when an infected person coughs or sneezes. Public health experts recommend we practice "social distancing," or maintaining a physical distance of six (6) feet or more from other people, as a way to slow the spread of COVID-19.

This Executive Order temporarily suspends the requirement to appear personally before notarial officers to perform notarizations, and authorizes the Secretary of State to promulgate and issue temporary emergency rules to permit notarial officers to perform remote notarizations.

II. Directives

A. I temporarily suspend the requirement that the individual making a statement or executing a signature appear personally before a notarial officer, as set forth in C.R.S. § 24-21-506. This temporary suspension does not apply to any notarial act required by Title 1 of Colorado Revised Statutes.

B. I authorize the Secretary of State, consistent with the Secretary of State's rulemaking authority under C.R.S. § 24-21-527(1)(a)-(f), to promulgate and issue temporary emergency rules to:

1. Authorize notarial officers to perform notarizations where a person appears before a notarial officer remotely, by real-time audio-video communication; and

2. Establish the standards and processes necessary to allow remote notarizations, including rules regarding authentication, verification of identity, and audio-video recording.

C. Nothing in this Executive Order affects the rights or duties of parties to existing contracts of insurance or other private contracts that may require or anticipate in-person notarization of documents, nor does anything in this Executive Order preclude the parties to any such contract from waiving or modifying any provision thereof.

III. Duration

This Executive Order shall expire thirty (30) days from March 27, 2020, unless extended further by Executive Order.

GIVEN under my hand and the Executive Seal of the State of Colorado, this twenty-seventh day of March, 2020

Jared Polis
Governor