

# **UNIFORM UNSWORN DECLARATIONS ACT\***

Drafted by the

**NATIONAL CONFERENCE OF COMMISSIONERS  
ON UNIFORM STATE LAWS**

and by it

**APPROVED AND RECOMMENDED FOR ENACTMENT  
IN ALL THE STATES**

at its

**ANNUAL CONFERENCE  
MEETING IN ITS ONE-HUNDRED-AND-TWENTY-FIFTH YEAR  
STOWE, VERMONT  
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**WITHOUT PREFATORY NOTE AND COMMENTS**

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**By**

**NATIONAL CONFERENCE OF COMMISSIONERS  
ON UNIFORM STATE LAWS**

\*The following text is subject to revision by the Committee on Style of the National Conference of Commissioners on Uniform State Laws.

## **UNIFORM UNSWORN DECLARATIONS ACT**

**SECTION 1. SHORT TITLE.** This [act] may be cited as the Uniform Unsworn Declarations Act.

**SECTION 2. DEFINITIONS.** In this [act]:

(1) “Law” includes a statute, judicial decision or order, rule of court, executive order, and administrative rule, regulation, or order.

(2) “Record” means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

(3) “Sign” means, with present intent to authenticate or adopt a record:

(A) to execute or adopt a tangible symbol; or

(B) to attach to or logically associate with the record an electronic symbol, sound, or process.

(4) “Sworn declaration” means a declaration in a signed record given under oath. The term includes a sworn statement, verification, certificate, and affidavit.

(5) “Unsworn declaration” means a declaration in a signed record not given under oath but given under penalty of perjury.

**SECTION 3. APPLICABILITY.** This [act] applies to an unsworn declaration by a declarant who at the time of making the declaration is physically located within or outside the boundaries of the United States, whether or not the location is subject to the jurisdiction of the United States.

**SECTION 4. VALIDITY OF UNSWORN DECLARATION.**

(a) Except as otherwise provided in subsection (b), if a law of this state requires or permits use of a sworn declaration, an unsworn declaration meeting the requirements of this [act]

has the same effect as a sworn declaration.

(b) This [act] does not apply to:

(1) a deposition;

(2) an oath of office;

(3) an oath required to be given before a specified official other than a notary public;

(4) a declaration to be recorded under [insert appropriate section of state real-estate law]; or

(5) an oath required by [insert appropriate section of state law relating to self-proved wills].

**Legislative Note:** *An enacting state will need to ensure that its perjury law includes an unsworn declaration.*

**SECTION 5. REQUIRED MEDIUM.** If a law of this state requires that a sworn declaration be presented in a particular medium, an unsworn declaration must be presented in that medium.

**SECTION 6. FORM OF UNSWORN DECLARATION.** An unsworn declaration under this [act] must be in substantially the following form:

I declare under penalty of perjury under the law of [insert name of the enacting state] that the foregoing is true and correct.

Signed on the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, at \_\_\_\_\_.  
(date) (month) (year) (city or other location, and state or country)

\_\_\_\_\_  
(printed name)

\_\_\_\_\_  
(signature)

*Legislative Note: An enacting state will need to replace “[insert name of state]” in the declaration form with the name of the enacting state so that the declaration is made under penalty of perjury under the law of the enacting state. For example, if the State of Texas is the enacting state, the declaration form would state: “I declare under penalty of perjury under the law of Texas that the foregoing is true and correct.”*

*Legislative Note: An enacting state will need to ensure that its perjury law includes an unsworn declaration. For example, Ore. Rev. Stats. § 162.065 provides: “(1) A person commits the crime of perjury if the person makes a false sworn statement or a false unsworn declaration in regard to a material issue, knowing it to be false. (2) Perjury is a Class C felony.”*

**SECTION 7. UNIFORMITY OF APPLICATION AND CONSTRUCTION.** In applying and construing this uniform act, consideration must be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.

**SECTION 8. RELATION TO ELECTRONIC SIGNATURES IN GLOBAL AND NATIONAL COMMERCE ACT.** This [act] modifies, limits, 40 or supersedes the Electronic Signatures in Global and National Commerce Act, 15 U.S.C. Section 7001 et seq., but does not modify, limit, or supersede Section 101(c) of that act, 15 U.S.C. Section 7001(c), or authorize electronic delivery of any of the notices described in Section 103(b) of that act, 15 U.S.C. Section 7003(b).

**SECTION 9. REPEALS; CONFORMING AMENDMENTS.**

- (a) . . . .
- (b) . . . .
- (c) . . . .

**SECTION 10. EFFECTIVE DATE.** This [act] takes effect . . . .