



THE UNIFORM ELECTRONIC LEGAL MATERIAL ACT

- A Summary -

Increasingly, state governments are publishing laws, statutes, agency rules, and court rules and decisions online. In some states, important state-level legal material is no longer published in books, but is only available online. While electronic publication of legal material has created public access to the material, it has also raised concerns. One concern is whether the legal material is official, authentic, government data, which has not been altered. An additional concern is how will electronic legal material be preserved? How will the public access the material ten, fifty, or even 100 years from now? The Uniform Electronic Legal Material Act (UELMA) provides states with an outcomes-based approach to the authentication and preservation of electronic legal material. The goals of the authentication and preservation program outlined in the act are to: enable end-users to verify the trustworthiness of the legal material they are using and provide a framework for states to preserve legal material in a way that allows for permanent access.

The UELMA requires that official electronic legal material be:

1. *Authenticated*, by providing a method to determine that it is unaltered;
2. *Preserved*, in either electronic or print form; and
3. *Accessible*, for use by the public on a permanent basis.

If electronic legal material is authenticated, it is presumed to be an accurate copy of the legal material. The UELMA creates the presumption that authenticated electronic legal material is accurate and that this applies in every other state that has enacted the UELMA. If one state enacts the UELMA, and authenticates its electronic legal material, its legal material is presumed to be an accurate copy for use in another state that has enacted the UELMA.

The UELMA requires that if a state preserves legal material electronically, it must provide for back-up and recovery, and ensure the trustworthiness and continuing usability of the material. In recognizing all of the years of experience that states have gained in the preservation of print material, the act places no special requirements on a state that chooses to preserve its legal material in print format.

State policy and preference allow each state to determine which categories of legal information will be included in UELMA's coverage. For each category of legal information, an official publisher is named. The act requires that the official publisher be responsible for executing the terms of the act, regardless of where or by whom the legal material is actually printed or distributed. The UELMA allows only a state agency, officer, or employee to be the official publisher, although state policy may allow a commercial entity to produce an official version of the state's legal material. The UELMA does not interfere with the contractual relationship between a state and a commercial publisher with which the state contracts for the production of its legal material.

Furthermore, the UELMA does not require specific technologies, leaving the choice of technology for authentication and preservation up to the states.

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