

## Comments and issues re: ULONA

- Issues with current ULONA are not so much what it provides, but rather its scope (or lack of scope)
  - Identity issues – notaries as third party witnesses; identification of persons and documents
    - Primary identity issues
      - What is needed to verify identity of notary, i.e. certificate of commission, seal, etc.
      - What kind of personal identification of third party is needed; is personally known sufficient
      - Issues regarding identification of documents and preventing change of identified documents (e.g. certifying a copy of a document); especially electronic documents
    - Homeland security – most homeland security issues seem to be identification issues, both identification of persons and documents; need additional research into federal (and maybe state or city (e.g., N.Y. & L.A.)) legislation making special requirements; federal REAL Act, others; what is needed to identify person for these acts; is it different from other identity issues
    - Identity theft – primarily an identity issue; are there special issues; what legislation is needed to deal with both electronic and non-electronic identity theft; also a criminal issue
  - Journal issues – what info should be required in the journal; how should it be recorded and kept; how to create and keep it electronically; what issues are legislative and what are administrative; should journal requirements only apply to notaries who have commissions from the Sec’y of State
  - Foreign notarizations – Apostilles – use of notary in international commerce; any special issues for non-western legal systems; language & translation; to what extent is this already set by treaty
  - Immigration and naturalization
    - Immigration fraud – how can this be dealt with; is it just another fraud; is this primarily an identity issue (see above); to what extent does this overlap Homeland Security issue; it’s also criminal issue
    - Immigration and use of notaries – clarity on the authority of a notary when working with an immigrant; i.e., confusion between common law notary and civil law notary (notaire, notario public, etc.); in Europe notaries act like some transactional lawyers in the U.S., like a solicitor in England
  - Fraud – what kind of frauds occur (other than identified above); how do they occur; are they better cured legislatively (administratively); is criminal legislation more or equally appropriate combined with criminal enforcement
  - E-Notarization –new section on e-Notarization (perhaps at current sec. 7), see URPERA sec. 3(c); what information and/or technology is needed to verify identity an e-notary
    - What info needed in the e-certificate (name, commission expiration date, state, etc.); should e-seal be required; if so, who issues e-seal; e-Apostilles (see below)