

## MEMORANDUM

TO: Uniform Law Commission

FROM: Richard B. Long, Chair, Drafting Committee  
Joseph A. Colquitt, Reporter, Drafting Committee

DATE: June 8, 2016

RE: Uniform Unsworn Domestic Declarations Act & Uniform Unsworn Declarations Act

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The Uniform Unsworn Domestic Declarations Act is up for its first, and possibly final, reading at the July 2016 Annual Meeting. A corresponding act, the Uniform Unsworn Declarations Act, is also up for its first and potentially final reading. The goal of this memorandum is to briefly introduce the acts and explain which version is appropriate for enactment, depending on the state.

The purpose of these acts is to provide the same flexibility that federal courts and agencies have with regard to unsworn declarations made under 28 U.S.C. § 1746. Federal law permits the use of unsworn declarations made under penalty of perjury, whether the declaration was made within, or outside of, the United States.

In 2008, the Uniform Law Commission finalized its Uniform Unsworn Foreign Declarations Act (UUFDA). A copy of UUFDA is available in your packet for your reference. UUFDA allows the use of unsworn declarations under penalty of perjury when made outside the United States. Since its creation, more than 20 states have enacted UUFDA. Another 20 or so states have their own laws or rules, some of which also permit the use of unsworn declarations made under penalty of perjury within the United States.

This committee's aim is to build upon the success of UUFDA and promote uniformity in this area of the law by offering states these two new acts. States that have already enacted UUFDA would enact the new Uniform Unsworn Domestic Declarations Act. States that have not enacted UUFDA would enact the Uniform Unsworn Declarations Act, which covers declarations made inside and outside the United States.

The committee has worked through a number of issues as it has drafted these acts over the course of the last year. A sampling of the issues the committee has resolved include:

- How to define "law" in Section 2(2) of the act;
- Whether or not to exempt acknowledgements from the act; and
- How to remind states to appropriately amend their perjury laws to include unsworn statements.

The committee has worked closely with observers from several notary public organizations throughout the drafting process to ensure that the acts are acceptable to the notary public community. Some of these observers may be in attendance at the Annual Meeting. The committee looks forward to receiving feedback from the Committee of the Whole, and is confident that the

Uniform Unsworn Domestic Declarations Act and Uniform Unsworn Declarations Act will be familiar to states, noncontroversial, and easily enacted.