



UNIFORM ELECTRONIC LEGAL MATERIAL ACT

Increasingly, state governments are publishing laws, statutes, agency rules, court rules and decisions online. Often, important state-level legal material is *only* available online. While electronic publication of legal material has facilitated public access to the material, it has also raised concerns: Is the legal material official, authentic, and unaltered government data? How will electronic legal material be preserved? How will the public access the material in the future? In response to these concerns, 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: (1) enable end-users to verify the trustworthiness of the legal material they are using, and (2) provide a framework for states to preserve legal material in a way that allows for permanent access.

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.

UELMA creates the presumption that authenticated electronic legal material is accurate. If one state enacts UELMA and authenticates its electronic legal material accordingly, its legal material is presumed to be an accurate copy for use in another state that has enacted and implemented UELMA.

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

For further information about UELMA, please contact ULC Legislative Counsel Haley Tanzman at (312) 450-6620 or htanzman@uniformlaws.org.