Uniform Law Commission
NATIONAL CONFERENCE OF COMMISSIONERS ON UNIFORM STATE LAWS

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THE UNIFORM ELECTRONIC LEGAL MATERIAL ACT
Technology Options for Authentication and Preservation

The Uniform Electronic Legal Material Act (UELMA) establishes an outcomes-based, technology-neutral framework for providing online legal material with the same level of accuracy and reliability traditionally found only in official printed records. The act requires that official electronic legal material be (1) authenticated, by providing a method to determine that it is unaltered; (2) preserved, either in electronic or print form; and (3) accessible, for use by the public on a permanent basis. UELMA does not require specific technologies, leaving the choice of technology for authentication and preservation up to the states. Since its promulgation in 2011, states have used various forms of technology to authenticate and preserve their legal material, taking various approaches to keep cost to a minimum. Fiscal impact information for each UELMA enactment can be found here: https://www.aallnet.org/advocacy/government-relations/state-issues/uelma-resources/uelma-enactments/.

In December 2011 the California Office of Legislative Counsel published a white paper to test and compare five different methods of authentication of California's primary legislative documents in electronic format. The white paper discussed the studied methods of authentication, approximate implementation cost for each method, and various software options for authentication. The white paper is available here:
http://www.mnhs.org/preserve/records/legislativerecords/docs_pdfs/CA_Authentication_WhitePaper_Dec2011.pdf.

California enacted UELMA in 2012 and the California Office of Legislative Counsel (OLC) utilized Adobe Acrobat signature functionality, which is based on public key infrastructure (PKI) technology, to authenticate electronic legal material. In California there was an initial implementation cost of $135,000 to $165,000 for set up, authentication, archiving, and onsite storage, which was taken out of the General Fund. The ongoing costs of implementation in California are between $40,000 and $70,000 annually. More information on California's authentication process is available here: https://leginfo.legislature.ca.gov/faces/faq.xhtml.

Minnesota enacted UELMA in 2013 and the Minnesota Revisor of Statute's Office developed their own online authentication system software for authentication, which resulted in minimal cost to the state. Minnesota chose to forego additional hardware and commercially available software in implementing UELMA, meaning the only cost to the state was "opportunity cost," where staff time was allotted for programming and the programmer's time could not be used on other projects. A white paper discussing Minnesota's process is available here: https://www.aallnet.org/wp-content/uploads/2018/01/UELMAMNauthentication.pdf.

Open Law Library, an open-access publisher with a mission to make all official laws freely and openly accessible to governments and their citizens, has developed a UELMA compliance system. The initial cost of developing the Open Law Platform was significant, but it is now a fully generalized legal publishing platform that is available for any jurisdiction to use. The

District of Columbia enacted UELMA in 2013 and is using the Open Law Platform to authenticate electronic legal material at no cost to the District. More information on the Open Law Platform is available here: http://www.openlawlib.org/files/UELMA-Open-Law-White-Paper.pdf.

Data Seal is another technology that has been used by states to authentic electronic legal material. Data Seal is free, open source software that allows data published by governments to be authenticated by end users with a simple, drag-and-drop interface. It was created for the purpose of helping governments to comply with UELMA. The free version of Data Seal is available on GitHub: https://github.com/unitedstates/data-seal/. Paid Data Seal hosting is available from Silicon Valley Software Group: https://svsg.co/data-seal/.

Without question, the prospect of technology-related implementation costs for the authentication and implementation of UELMA will continue to diminish in the future as new technology is developed and the cost for current technology decreases. Additional information on technology options for UELMA authentication and preservation can be found at the American Association of Law Libraries UELMA Resources webpage: https://www.aallnet.org/advocacy/government-relations/state-issues/uelma-resources/.

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