



April 13, 2007

Ms. Patricia Brumfield Fry, Chair
Study Committee to Revise the Uniform Law on Notarial Acts
National Conference of Commissioners on Uniform State Laws
211 E. Ontario Street, Suite 1300
Chicago, Illinois 60611

Sent Via Facsimile and Regular Mail

Dear Ms. Fry:

It is the position of the National Notary Association, the largest professional association of Notaries Public in the United States, that a revision of the Uniform Law on Notarial Acts (ULONA) is not needed at this time. The grounds for our position are as follows:

- (1) The ULONA admirably fulfills its purpose of promoting uniformity in those notarial practices that affect interstate and international commerce by defining notarial acts, listing the notarial officers authorized to perform official acts, providing statutory certificates for notarial acts and setting forth the requirements for the recognition of interstate, federal and foreign notarial acts.
- (2) Developments in e-commerce laws do not in themselves warrant an updating of the ULONA. Both the Uniform Electronic Transactions Act and the federal E-SIGN law already permit Notaries to use electronic signatures to perform notarial acts.
- (3) There is no need for a revision of the ULONA to incorporate standards for electronic notarization. The National Association of Secretaries of State last summer adopted national standards for electronic notarization after empanelling a National E-Notarization Commission consisting of secretaries of state, Notary regulating officials and federal government representatives to study the issue and draft recommended standards.
- (4) Since the ULONA now ensures the recognition of all notarial acts, modification of the ULONA to incorporate electronic provisions could actually erect barriers to the recognition of notarial acts by creating a class distinction between paper-based and electronic acts. Faced with a similar issue of whether to update the 1961 Hague Convention Abolishing the Requirement of Legalization for Foreign Public Documents, the Hague Convention on Private International Law determined that the Convention applies both to paper-based and electronic documents.

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(5) It was not the stated legislative intent of the drafters of ULONA to set policy on the qualifications of Notaries Public or other officers empowered to perform notarial acts that is typically the responsibility of individual states. (See Commissioners' Comments, Section 1.) Accordingly, any suggestion that a revision to the ULONA should weigh in on the desirability of requiring an educational course, mandatory examination and other qualifications for Notaries goes beyond the scope of the ULONA and the predecessor acts it replaced.

(6) Laws touching upon the ethical conduct of Notaries and journal-keeping, as important as they are, also fall outside of the scope of the ULONA and are best addressed by the individual states legislatures themselves. These laws have not historically proved to be an impediment to interstate and international commerce. And the states are not without guidance for crafting these laws: the NNA's own *Model Notary Act*, which was most recently published in 2002 and is undergoing revision for republication late in 2007, is one such source. Since 2002, the states of Colorado, Kansas, New Mexico, Massachusetts, Minnesota, North Carolina, Nebraska and Virginia have enacted laws or adopted rules based in whole or in part on *Model Notary Act* provisions.

In conclusion, the NNA believes the ULONA's narrow focus on essential cross-jurisdictional issues is its primary asset, for it ensures a baseline of uniformity for recognition of notarial acts in the United States and abroad.

Sincerely,

A handwritten signature in black ink that reads "Timothy S. Reiniger". The signature is written in a cursive style with a large, stylized initial 'T'.

Timothy S. Reiniger, Esq.
Executive Director

TSR:snw