CHAPTER 3E

UNIFORM ELECTRONIC LEGAL MATERIAL ACT

3E.01 SHORT TITLE.
3E.02 DEFINITIONS.
3E.03 APPLICABILITY.
3E.04 LEGAL MATERIAL IN OFFICIAL ELECTRONIC RECORD.
3E.05 AUTHENTICATION OF OFFICIAL ELECTRONIC RECORD.
3E.06 EFFECT OF AUTHENTICATION.
3E.07 PRESERVATION AND SECURITY OF LEGAL MATERIAL IN OFFICIAL ELECTRONIC RECORD.
3E.08 PUBLIC ACCESS TO LEGAL MATERIAL IN OFFICIAL ELECTRONIC RECORD.
3E.09 STANDARDS.
3E.10 RELATION TO ELECTRONIC SIGNATURES IN GLOBAL AND NATIONAL COMMERCE ACT.

3E.01 SHORT TITLE.

This chapter may be cited as the "Uniform Electronic Legal Material Act."

History: *2013 c 7 s 1,11*

3E.02 DEFINITIONS.

Subdivision 1. **Scope.** For the purposes of this chapter, the terms in this section have the meanings given them.

Subd. 2. **Electronic.** "Electronic" means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.

Subd. 3. **Legal material.** "Legal material" means, whether or not in effect:

(1) the Minnesota Constitution;

(2) Laws of Minnesota;

(3) Minnesota Statutes; or

(4) Minnesota Rules.

Subd. 4. **Official publisher.** "Official publisher" means:

(1) for the Minnesota Constitution, the revisor of statutes;

(2) for Laws of Minnesota, Minnesota Statutes, and Minnesota Rules, the revisor of statutes.

Subd. 5. **Publish.** "Publish" means to display, present, or release to the public or cause to be displayed, presented, or released to the public by the official publisher.

Subd. 6. **Record.** "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

Subd. 7. **State.** "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.

History: *2013 c 7 s 2,11*

3E.03 APPLICABILITY.

This chapter applies to all legal material in an electronic record that is designated as official under section 3E.04 and first published electronically on or after January 1, 2015.

History: *2013 c 7 s 3,11*

3E.04 LEGAL MATERIAL IN OFFICIAL ELECTRONIC RECORD.

Subdivision 1. **Electronic publication only; requirements.** If an official publisher publishes legal material only in an electronic record, the publisher shall:

(1) designate the electronic record as official; and

(2) comply with sections 3E.05, 3E.07, and 3E.08.

Subd. 2. **Electronic and nonelectronic publication.** An official publisher that publishes legal material in an electronic record and also publishes the material in a record other than an electronic record may designate the electronic record as official if the publisher complies with sections 3E.05, 3E.07, and 3E.08.

History: *2013 c 7 s 4,11*

3E.05 AUTHENTICATION OF OFFICIAL ELECTRONIC RECORD.

An official publisher of legal material in an electronic record that is designated as official under section 3E.04 shall authenticate the record. To authenticate an electronic record, the publisher shall provide a method for a user to determine that the record received by the user from the publisher is unaltered from the official record published by the publisher.

History: *2013 c 7 s 5,11*

3E.06 EFFECT OF AUTHENTICATION.

Subdivision 1. **Presumption of accuracy.** Legal material in an electronic record that is authenticated under section 3E.05 is presumed to be an accurate copy of the legal material.

Subd. 2. **Presumption in another state.** If another state has adopted a law substantially similar to this chapter, legal material in an electronic record that is designated as official and authenticated by the official publisher in that state is presumed to be an accurate copy of the legal material.

Subd. 3. **Burden of proof.** A party contesting the authentication of legal material in an electronic record authenticated under section 3E.05 has the burden of proving by a preponderance of the evidence that the record is not authentic.

History: *2013 c 7 s 6,11*

3E.07 PRESERVATION AND SECURITY OF LEGAL MATERIAL IN OFFICIAL ELECTRONIC RECORD.

Subdivision 1. **Preservation and security required.** An official publisher of legal material in an electronic record that is or was designated as official under section 3E.04 shall provide for the preservation and security of the record in an electronic form or a form that is not electronic.

Subd. 2. **Requirements if preservation in electronic form.** If legal material is preserved under subdivision 1 in an electronic record, the official publisher shall:

(1) ensure the integrity of the record;

(2) provide for backup and disaster recovery of the record; and

(3) ensure the continuing usability of the material.

History: *2013 c 7 s 7,11*

3E.08 PUBLIC ACCESS TO LEGAL MATERIAL IN OFFICIAL ELECTRONIC RECORD.

An official publisher of legal material in an electronic record that is required to be preserved under section 3E.07 shall ensure that the material is reasonably available for use by the public on a permanent basis.

History: *2013 c 7 s 8,11*

3E.09 STANDARDS.

In implementing this chapter, an official publisher of legal material in an electronic record shall consider:

(1) standards and practices of other jurisdictions;

(2) the most recent standards regarding authentication of, preservation and security of, and public access to legal material in an electronic record and other electronic records, as promulgated by national standard-setting bodies;

(3) the needs of users of legal material in an electronic record;

(4) the views of governmental officials and entities and other interested persons; and

(5) to the extent practicable, methods and technologies for the authentication of, preservation and security of, and public access to legal material which are compatible with the methods and technologies used by other official publishers in this state and in other states that have adopted a law substantially similar to this chapter.

History: *2013 c 7 s 9,11*

3E.10 RELATION TO ELECTRONIC SIGNATURES IN GLOBAL AND NATIONAL COMMERCE ACT.

This chapter modifies, limits, and supersedes the Electronic Signatures in Global and National Commerce Act, United States Code, title 15, section 7001 et seq., but does not modify, limit, or supersede section 101(c) of that act, United States Code, title 15, section 7001(c), or authorize electronic delivery of any of the notices described in section 103(b) of that act, United States Code, title 15, section 7003(b).

History: *2013 c 7 s 10,11*