

Topic: Electronic Summons  
 Question by: Tamra Laxson  
 Jurisdiction: Oklahoma  
 Date: January 28, 2013

Jurisdiction	Question(s)
	Are there any other states that accept this form of Service of Process? If so, can you please provide the pros/cons?
<b>Manitoba</b>	
<b>Corporations Canada</b>	
<b>Alabama</b>	
<b>Alaska</b>	
<b>Arizona</b>	In Arizona, we do not accept service of process by email or any other electronic means at this time. Our statutes do not specifically allow for it, nor do they specifically prohibit it.
<b>Arkansas</b>	
<b>California</b>	
<b>Colorado</b>	
<b>Connecticut</b>	In Connecticut we do not have such a law, so we have not had any experience with electronically served summonses.
<b>Delaware</b>	
<b>District of Columbia</b>	Although in the District of Columbia we do not accept e-services of process, this is more of a technical issue rather than policy. DC courts accept many e-filings. We plan to add e-service of process by the next fiscal year.
<b>Florida</b>	The Florida Department of State does not accept electronic Service of Process.
<b>Georgia</b>	
<b>Hawaii</b>	Hawaii is the same as Utah except that we slightly modified MORAA (only change was fee schedule to assure that we would still get our current fees if registered agents changed information).
<b>Idaho</b>	

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Illinois	
Indiana	
Iowa	
Kansas	
Kentucky	
Louisiana	Louisiana does not accept electronic service of process.
Maine	
Maryland	
Massachusetts	Massachusetts does not permit electronic service of process on the Secretary of State's Office.
Michigan	Michigan does not.
Minnesota	
Mississippi	
Missouri	
Montana	Montana does not currently accept Service of Process electronically.
Nebraska	
Nevada	
New Hampshire	N.H does not.
New Jersey	
New Mexico	
New York	
North Carolina	
North Dakota	North Dakota does not accept electronic service of process documents.
Ohio	Ohio does not accept service of process electronically.
Oklahoma	

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<b>Oregon</b>	
<b>Pennsylvania</b>	Pennsylvania does not accept electronic submission of service of process.
<b>Rhode Island</b>	
<b>South Carolina</b>	
<b>South Dakota</b>	
<b>Tennessee</b>	
<b>Texas</b>	See Additional Comments below
<b>Utah</b>	Utah Division of Corporations and Commercial Code does not, but we passed the MoRAA and we no longer get service of process for businesses.
<b>Vermont</b>	
<b>Virginia</b>	
<b>Washington</b>	Washington State does not have an electronic option for Service of Process at this time.
<b>West Virginia</b>	
<b>Wisconsin</b>	
<b>Wyoming</b>	

**Additional comments:**

**TEXAS:**

To my knowledge, Texas SOS has not yet been served electronically. However, it appears that a court could direct that service be electronic. Section 17.026 of the Texas Civil Practice and Remedies Code provides as follows.

Sec. 17.026. SERVICE ON SECRETARY OF STATE. (a) In an action in which citation may be served on the secretary of state, service may be made by certified mail, return receipt requested, by the clerk of the court in which the case is pending or by the party or the representative of the party.

(b) The method of service of citation provided by this section is in addition to any other method authorized by statute or the Texas Rules of Civil Procedure for service on the secretary of state.

I did not find any rule in The Texas Rules of Civil Procedure that related to service on the SOS but the rules generally provide the method of service in Rule 21a:

Every notice required by these rules, and every pleading, plea, motion, or other form of request required to be served under Rule 21, other than the citation to be served upon the filing of a cause of action and except as otherwise expressly provided in these rules, may be served by delivering a copy to the party to be served, or the party's duly authorized agent or attorney of record, as the case may be, either in person or by agent or by courier receipted delivery or by certified or registered mail, to the party's last known address, or by telephonic document transfer to the recipient's current telecopier number, or by such other manner as the court in its discretion may direct. Service by mail shall be complete upon deposit of the paper, enclosed in a postpaid, properly addressed wrapper, in a post office or official depository under the care and custody of the United States Postal Service. Service by telephonic document transfer after 5:00 p.m. local time of the recipient shall be deemed served on the following day. Whenever a party has the right or is required to do some act within a prescribed period after the service of a notice or other paper upon him and the notice or paper is served upon him by mail or by telephonic document transfer, three days shall be added to the prescribed period. Notice may be served by a party to the suit, an attorney of record, a sheriff or constable, or by any other person competent to testify. The party or attorney of record shall certify to the court compliance with this rule in writing over signature and on the filed instrument. A certificate by a party or an attorney of record, or the return of the officer, or the affidavit of any other person showing service of a notice shall be prima facie evidence of the fact of service. Nothing herein shall preclude any party from offering proof that the notice or instrument was not received,

or, if service was by mail, that it was not received within three days from the date of deposit in a postoffice or official depository under the care and custody of the United States Postal Service, and upon so finding, the court may extend the time for taking the action required of such party or grant such other relief as it deems just. The provisions hereof relating to the method of service of notice are cumulative of all other methods of service prescribed by these rules.

This would appear to give a court discretion to authorize electronic service should they chose to do so.

Sincerely,

Lorna Wassdorf

Director, Business & Filings Division

Office of the Secretary of State

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**Full text of email:**

Good Afternoon,

We are facing legislation that allows for Service of Process (Summons/Petition) to be submitted to our agency electronically. Are there any other states that accept this form of Service of Process?

If so, can you please provide the pros/cons?

Thank you,

Tamra Laxson  
Business Filing Division  
Oklahoma Secretary of state

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