

Topic: Blockchain and Authentication

Question by: Cheri Myers

Jurisdiction: North Carolina

Date: September 12, 2020

| Jurisdiction | Question(s) |
|-----------------------------|--|
| | <p>My Chief Deputy, Rodney Maddox, showed me an ABA Journal Tech Monthly headline "Some States are allowing people and companies to use blockchain to authenticate documents."</p> <p>The blurb under the headline says, " Looking to capture a slice of the emerging blockchain market, state4s have enacted new laws and procedures for recognition of signatures, documents and contracts stored on the technology as legal instruments for verification."</p> <p>Now this might be me and the definition of "authenticate." So, I have few questions.</p> <p>Do any states:</p> <ol style="list-style-type: none"> 1. Use e-authentication processes? 2. Use blockchain in their Authentications Office 3. Use blockchain to authenticate signatures for business registration and Secured Transaction documents? |
| Manitoba | |
| Corporations Canada | At Corporations Canada we do not use e-authentication or blockchain technology at this point in time. |
| Alabama | |
| Alaska | |
| Arizona | |
| Arkansas | |
| California | |
| Colorado | |
| Connecticut | |
| Delaware | |
| District of Columbia | For DC the answer is no to all three questions. |
| Florida | |

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| Georgia | |
| Hawaii | For Hawaii, the answer is "no" for all three questions. |
| Idaho | |
| Illinois | |
| Indiana | |
| Iowa | |
| Kansas | |
| Kentucky | |
| Louisiana | Louisiana's response to all three questions is no. I did find the article interesting and thanks for sharing. |
| Maine | |
| Maryland | |
| Massachusetts | Massachusetts answers no for all three (3) questions. |
| Michigan | <ol style="list-style-type: none"> 1. No 2. No 3. No |
| Minnesota | |
| Mississippi | |
| Missouri | |
| Montana | |
| Nebraska | |

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| Nevada | |
| New Hampshire | |
| New Jersey | |
| New Mexico | |
| New York | |
| North Carolina | |
| North Dakota | |
| Ohio | <p>Ohio does not - and we have heard from many vendors giving demos to us on blockchain technology. I do not see how it would be beneficial or necessary for a lot of what we do, but one of our future goals is to do electronic Apostilles, and that is where I see a potential use for this technology.</p> |
| Oklahoma | |
| Oregon | |
| Pennsylvania | |
| Rhode Island | |
| South Carolina | |
| South Dakota | |
| Tennessee | |

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| Texas | <ol style="list-style-type: none"> 1. Use e-authentication processes? No. 2. Use blockchain in their Authentications Office? No. 3. Use blockchain to authenticate signatures for business registration and Secured Transaction documents? No. <p>That said, Texas recently enacted certain amendments to its Business Organizations Code that address the use of new technology for internal books and records, and other transactions. S.B. 1859<https://capitol.texas.gov/BillLookup/Text.aspx?LegSess=86R&Bill=SB1859>, which became effective September 1, 2019, authorizes an entity to use blockchain, or other electronic data systems that employ distributed ledger technology, for business entity books, records, ownership/membership documentation, consents, and other documents and actions.</p> <p>For those states dealing with electronic or remote notarizations, you may be interested in S.B. 2128<https://capitol.texas.gov/BillLookup/Text.aspx?LegSess=86R&Bill=SB2128>, which took effect on September 1, 2019. That bill amended the Texas Property Code to address the recording by a county clerk of a paper document concerning real or personal property that is a paper copy of an electronic record. In general, to be recorded, the paper copy must: (1) contain an image of an electronic signature or signatures that are acknowledged, sworn to with a jurat, or proved according to law; and (2) include, as an attachment, an executed "Declaration of Authenticity." The attached declaration of authenticity is made under penalty of perjury by a notary public (not the SOS). The notary's declaration includes a statement that, at the time of printing of the copy of the electronic document, no security features present on the electronic record indicated any changes or errors in the electronic signature or other information in the electronic record after the electronic record's creation or execution.</p> |
| Utah | |
| Vermont | |
| Virginia | |

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| Washington | |
| West Virginia | |
| Wisconsin | |
| Wyoming | |

Additional comments:

Full text of email:

Good Morning IACA!

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The blurb under the headline says, " Looking to capture a slice of the emerging blockchain market, state4s have enacted new laws and procedures for recognition of signatures, documents and contracts stored on the technology as legal instruments for verification."

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Do any states:

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2. Use blockchain in their Authentications Office
3. Use blockchain to authenticate signatures for business registration and Secured Transaction documents?

Thank you all and have a great weekend!

Cheri

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