



**SENATE SUBSTITUTE AMENDMENT 1,  
TO 1997 ASSEMBLY BILL 811**

May 7, 1998 - Offered by COMMITTEE ON INFORMATION POLICY.

1     **AN ACT** *to repeal* 16.855 (23); *to renumber* chapter 137; *to amend* 20.575 (1)  
2           (g), 137.01 (4) (a) and 990.01 (38); and *to create* chapter 137 (title) and  
3           subchapter II of chapter 137 [precedes 137.04] of the statutes; **relating to:**  
4           authorizing the use of electronic signatures and creating a committee to study  
5           the use and regulation of electronic signatures in this state.

***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

6           **SECTION 1.** 16.855 (23) of the statutes, as created by 1997 Wisconsin Act 27, is  
7           repealed.

8           **SECTION 2.** 20.575 (1) (g) of the statutes, as affected by 1997 Wisconsin Act 35,  
9           is amended to read:

10           20.575 (1) (g) *Program fees.* The amounts in the schedule for the purpose of  
11           carrying out general program operations. Except as provided under par. (ka), all  
12           amounts received by the secretary of state, including fees under ~~chs.~~ ch. 132 and

1 subch. I of ch. 137 and all moneys transferred from the appropriation under s. 20.144  
2 (1) (g), shall be credited to this appropriation. Notwithstanding s. 20.001 (3) (a), any  
3 unencumbered balance at the close of a fiscal year exceeding 10% of that fiscal year's  
4 expenditures under this appropriation shall lapse to the general fund.

5 **SECTION 3.** Chapter 137 (title) of the statutes is created to read:

6 **CHAPTER 137**

7 **AUTHENTICATIONS**

8 **SECTION 4.** Chapter 137 of the statutes, as affected by 1997 Wisconsin Act 27,  
9 is renumbered subchapter I of chapter 137 [precedes 137.01].

10 **SECTION 5.** 137.01 (4) (a) of the statutes is amended to read:

11 137.01 (4) (a) Every official act of a notary public shall be attested by the notary  
12 public's written signature or electronic signature, as defined in s. 137.04 (2).

13 **SECTION 6.** Subchapter II of chapter 137 [precedes 137.04] of the statutes is  
14 created to read:

15 **CHAPTER 137**

16 **SUBCHAPTER II**

17 **ELECTRONIC SIGNATURES**

18 **137.04 Definitions.** In this subchapter:

19 (1) "Authenticate" means to validate a document in such a manner that the  
20 identity of the person who originates the document is incontrovertible and the  
21 information contained in the document is identical to that originated by the person.

22 (2) "Electronic signature" means any combination of words, letters, symbols or  
23 characters that is attached to or logically associated with an electronic record and  
24 used by a person for the purpose of authenticating a document that has been created  
25 in or transformed into an electronic format.

1           **(3)** “Governmental unit” means any association, authority, board, commission,  
2           department, independent agency, institution, office, society or other body in state  
3           government created or authorized to be created by the constitution or any law,  
4           including the legislature, the office of the governor and the courts, and any political  
5           subdivision of the state or body within one or more political subdivisions which is  
6           created by law or by action of one or more political subdivisions.

7           **137.05 Submission of written documents.** Unless otherwise prohibited by  
8           law, any document that is required by law to be submitted in writing to a  
9           governmental unit and that requires a written signature may be submitted by  
10          transforming the document into electronic format, but only with the consent of the  
11          governmental unit that is to receive the document.

12          **137.06 Electronic signature. (1)** Unless otherwise prohibited by law, any  
13          document that requires a manual, facsimile or other form of signature or that is given  
14          effect with a manual, facsimile or other form of signature may be signed or given  
15          effect with an electronic signature if the electronic signature meets all of the  
16          following requirements:

- 17           1. The electronic signature is unique to the person using it.
- 18           2. The electronic signature is capable of verification.
- 19           3. The electronic signature is under the sole control of the person using it.
- 20           4. The electronic signature is linked to the document to which it is attached or  
21          associated in such a manner that, if the document is altered after the electronic  
22          signature is created, the electronic signature is invalidated.

23          **(2)** An electronic signature that satisfies all of the requirements specified in  
24          sub. (1) has the same force and effect as a manual, facsimile or other form of  
25          signature.

1           **SECTION 7.** 990.01 (38) of the statutes is amended to read:

2           990.01 (38) SIGNATURE. If the signature of any person is required by law it shall  
3 always be the handwriting of such person or, if the person is unable to write, the  
4 person's mark or the person's name written by some other person at the person's  
5 request and in the person's presence, or, subject to any applicable requirements  
6 under subch. II of ch. 137, the electronic signature of the person.

7           **SECTION 8. Nonstatutory provisions.**

8           (1) COMMISSION ON THE USE OF ELECTRONIC SIGNATURES.

9           (a) In this subsection:

10           1. "Committee" has the meaning specified in section 15.01 (3) of the statutes.

11           2. "Electronic signature" has the meaning specified in section 137.04 (2) of the  
12 statutes, as created by this act.

13           3. "Governmental unit" has the meaning specified in section 137.04 (3) of the  
14 statutes, as created by this act.

15           (b) There is established a committee called the commission on the use of  
16 electronic signatures consisting of members appointed by the governor.

17           (c) The commission shall study the use and regulation of electronic signatures  
18 in this state and any other matter affecting the use and regulation of electronic  
19 signatures.

20           (d) The department of administration shall provide to the commission  
21 information on the expected uses of electronic signatures by governmental units in  
22 exercising their powers and performing their duties.

23           (e) No later than the first day of the 12th month beginning after the publication  
24 of this act, the commission shall submit a report to the legislature in the manner  
25 provided under section 13.172 (2) of the statutes. The report shall include the

1 commission's proposed recommendations regarding the use and regulation of  
2 electronic signatures.

3 **SECTION 9. Effective dates.** This act takes effect on the day after publication,  
4 except as follows:

5 (1) The treatment of sections 16.855 (23), 20.575 (1) (g), 137.01 (4) (a) and  
6 990.01 (38) and subchapter II of chapter 137 of the statutes, the renumbering of  
7 chapter 137 of the statutes and the creation of chapter 137 (title) of the statutes take  
8 effect on the first day of the 18th month beginning after publication.

9 (END)