

AN ACT

RELATING TO RECORDS; ENACTING THE ELECTRONIC AUTHENTICATION OF DOCUMENTS ACT; CREATING A CENTRAL REGISTRY FOR AUTHENTICATING ELECTRONIC DOCUMENTS; ~~MAKING AN APPROPRIATION.~~

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. SHORT TITLE.--This act may be cited as the "Electronic Authentication of Documents Act".

Section 2. PURPOSE.--The purpose of the Electronic Authentication of Documents Act is to:

- A. provide a centralized, public, electronic registry for authenticating electronic documents by means of a public and private key system;
- B. promote commerce; and
- C. facilitate electronic information and document transactions.

Section 3. DEFINITIONS.--As used in the Electronic Authentication of Documents Act:

- A. "archival listing" means entries in the register that show public keys that are no longer current;
- B. "authenticate" means to ascertain the identity of the originator, verify the integrity of the electronic data and establish a link between the data and the originator;
- C. "document" means any identifiable collection of words, letters or graphical knowledge representations,

regardless of the mode of representation. "Document" includes correspondence, agreements, invoices, reports, certifications, maps, drawings and images in both electronic and hard copy formats;

D. "electronic authentication" means the electronic signing of a document that establishes a verifiable link between the originator of a document and the document by means of a public key and private key system;

E. "key pair" means a private key and its corresponding public key that can verify an electronic authentication created by the private key;

F. "office" means the office of electronic documentation;

G. "originator" means the person who signs a document electronically;

H. "person" means any individual or entity, including:

(1) an estate, trust, receiver, cooperative association, club, corporation, company, firm, partnership, joint venture or syndicate; and

(2) any federal, state or local governmental unit or subdivision or any agency, department or instrumentality thereof;

I. "private key" means the code or alphanumeric sequence used to encode an electronic authentication that is

known only to its owner and that is the part of a key pair used to create an electronic authentication;

J. "public key" means the code or alphanumeric sequence used to decode an electronic authentication that is the part of a key pair used to verify an electronic authentication;

K. "public and private key system" means the hardware, software and firmware provided by a vendor for the following purposes:

(1) to generate public and private key pairs;

(2) to produce a record abstraction by means of a secure hash code;

(3) to encode a signature block and a record abstraction or an entire document;

(4) to decode a signature block and a record abstraction or an entire document; and

(5) to verify the integrity of a document;

L. "record abstraction" means a condensed representation of a document that is prepared by using a secure hash code;

M. "register" means a database or other electronic structure that binds a person's name or other identity to a public key;

N. "revocation" means the act of notifying the

secretary that a public key has ceased or will cease to be effective after a specified time and date;

O. "secretary" means the secretary of state;

P. "secure hash code" means a mathematical algorithm that, when applied to an electronic version of a document, creates a condensed version of the document that makes it computationally impossible to identify or re-create the document without essential knowledge of that document; and

Q. "sign" or "signing" means the execution or adoption of any symbol by a person with the intention to establish the authenticity of a document as his own.

Section 4. OFFICE OF ELECTRONIC DOCUMENTATION--POWERS AND DUTIES.--The "office of electronic documentation" is established under the secretary of state. The office shall maintain a register of public keys for electronic authentications made in accordance with standards adopted pursuant to the provisions of Section 14-3-15.2 NMSA 1978. The office shall register public keys for public officials, persons who wish to transact business with the state and any other person when registration will promote the purposes of the Electronic Authentication of Documents Act. The register shall include both current listings and archival listings.

Section 5. REGULATIONS.--

A. The secretary shall adopt regulations to accomplish the purposes of the Electronic Authentication of

Documents Act.

B. The regulations shall address the following matters:

- (1) registration of public keys;
- (2) revocation of public keys; and
- (3) reasonable public access to the public keys maintained by the office.

C. The regulations may address the following matters:

- (1) circumstances under which the office may reject an application for registration of a public key;
- (2) circumstances under which the office may cancel the listing of a public key; and
- (3) circumstances under which the office may reject an attempt to revoke registration of a public key.

Section 6. CONTRACTING SERVICES.--The secretary may contract with a private, public or quasi-public organization for the provision of services under the Electronic Authentication of Documents Act. A contract for services shall comply with regulations adopted pursuant to the Electronic Authentication of Documents Act and the provisions of the Public Records Act and the Procurement Code.

~~Section 7. APPROPRIATION.--Seventy-two thousand dollars (\$72,000) is appropriated from the general fund to the secretary of state for expenditure in fiscal year 1997 for the~~

~~purpose of carrying out the purposes of the Electronic Authentication of Documents Act. Any unexpended or unencumbered balance remaining at the end of fiscal year 1997 shall revert to the general fund.~~

Section 8. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 1996. _____

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