

# Wyoming Secretary of State

## Chuck Gray



May 8, 2023

The Honorable John Barrasso  
United States Senate  
307 Dirksen Senate Office Building  
Washington, D.C. 20510

Senator Barrasso:

Thank you for meeting with me during my visit to Washington, D.C. in March. On the heels of our discussion, I wanted to follow up regarding my opposition to H.R. 1059, the Securing and Enabling Commerce Using Remote Notarization Act of 2022 (otherwise known as the "SECURE Notarization Act"), which passed the United States House of Representatives in February and will soon be before the United States Senate. As head of the enforcement agency tasked with regulation of notaries public in the State of Wyoming, I am not only concerned by the SECURE Notarization Act's one-size-fits-all approach, but I remain troubled by the negative implications on Wyoming notaries should the SECURE Notarization Act become law.

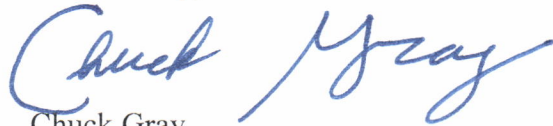
First, the SECURE Notarization Act is unnecessary and problematic for the people of Wyoming. The Wyoming Legislature has already enacted legislation governing electronic and remote notarization through its passage of the Wyoming Revised Uniform Law on Notarial Acts in 2021. *See* WYO. STAT. § 32-3-101, *et seq.* This legislation was thoroughly vetted by lawmakers, the Wyoming Secretary of State's Office, and those most affected during the 2021 Interim, to ensure the most common-sense standards for electronic and remote notarization were put forward which were best suited for notaries in Wyoming.

By contrast, the SECURE Notarization Act imposes different requirements on our notaries performing electronic and remote notarizations "that occur in or affect interstate commerce." Most notably, it requires the use of a process or service to verify the identity of the person whose signature is being notarized, or the presence of a witness to verify that person's identity. It should be noted that these requirements, among others, were considered, and rejected, by the Wyoming Legislature in the months leading up to the introduction and ultimate adoption of Wyoming's Revised Uniform Law on Notarial Acts. I remain concerned that in this way, the SECURE Notarization Act will present disparate requirements on notaries in Wyoming than those expressly chosen by the Wyoming Legislature.

My concerns with the SECURE Notarization Act do not end here, as there are also practical problems regarding its implementation. First, given the SECURE Notarization Act's regulation of notarial acts which "occur in or affect interstate commerce," a notary may have difficulty knowing whether to follow the stricter terms of the SECURE Notarization Act or apply Wyoming law. Along these lines, the SECURE Notarization Act requires the Wyoming Secretary of State's Office to potentially enforce and apply vague questions of federal law in determining whether a notarial act "occurs in or affects interstate commerce."

Wyoming has and will continue to craft policy which is best tailored for its people. Our regulations governing notaries are no different. For these reasons, I respectfully request you oppose the SECURE Notarization Act, a misguided solution to a problem that does not exist.

Respectfully,



Chuck Gray  
Wyoming Secretary of State

# Wyoming Secretary of State

## Chuck Gray



May 8, 2023

The Honorable Cynthia Lummis  
United States Senate  
Russell Senate Office Building, Suite SR-124  
Washington, D.C. 20510

Senator Lummis:

Thank you for meeting with me during my visit to Washington, D.C. in March. On the heels of our discussion, I wanted to follow up regarding my opposition to H.R. 1059, the Securing and Enabling Commerce Using Remote Notarization Act of 2022 (otherwise known as the "SECURE Notarization Act"), which passed the United States House of Representatives in February and will soon be before the United States Senate. As head of the enforcement agency tasked with regulation of notaries public in the State of Wyoming, I am not only concerned by the SECURE Notarization Act's one-size-fits-all approach, but I remain troubled by the negative implications on Wyoming notaries should the SECURE Notarization Act become law.

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Chuck Gray  
Wyoming Secretary of State

# Wyoming Secretary of State

## Chuck Gray



May 8, 2023

The Honorable Harriet Hageman  
United States House of Representatives  
1531 Longworth House Office Building  
Washington, D.C. 20515

Representative Hageman:

Thank you for meeting with me during my visit to Washington, D.C. in March. On the heels of our discussion, I wanted to follow up regarding my opposition to H.R. 1059, the Securing and Enabling Commerce Using Remote Notarization Act of 2023 (otherwise known as the "SECURE Notarization Act"), which passed the United States House of Representatives in February and will soon be before the United States Senate. As head of the enforcement agency tasked with regulation of notaries public in the State of Wyoming, I am not only concerned by the SECURE Notarization Act's one-size-fits-all approach, but I remain troubled by the negative implications on Wyoming notaries should the SECURE Notarization Act become law.

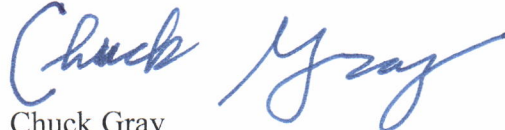
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Wyoming has and will continue to craft policy which is best tailored for its people. Our regulations governing notaries are no different. For these reasons, I respectfully request that should the SECURE Notarization Act make its way back to the House for concurrence, you oppose this misguided solution to a problem that does not exist.

Respectfully,

A handwritten signature in blue ink that reads "Chuck Gray". The signature is written in a cursive style with a large initial "C" and a long, sweeping tail on the "y".

Chuck Gray  
Wyoming Secretary of State