

The Electronic Signature & Records Association (ESRA) is the premier trade association representing organizations that adopt or provide electronic signature and document technology. Founded in 2006, ESRA's mission is to further public policy and educate its members and the general public on current legal, regulatory and operational issues regarding the use of electronic signatures and records.

Globally, ESRA leads endeavors to advocate the use of electronic signatures and records, promote process efficiencies and provide educational resources to the public, businesses and government. ESRA frequently issues position statements on pending legislation or rulemaking, and ESRA may also offer policy positions that seek to change current laws or rules that do not comport with ESRA's mission.

In all instances, ESRA's policy positions are guided by these core principles:

#### Technology Neutrality

ESRA favors rules or laws that focus on desired outcomes rather than the technical means by which they are achieved.

- ESRA acknowledges E-SIGN and UETA as examples of technology-neutral laws.
- ESRA opposes laws, rules, regulations or policies that identify a specific technology as a requirement for compliance.

#### Interoperability

ESRA supports standards and best practices that can be adopted within and across industries and geographies, leading to broader acceptance and adoption.

- ESRA encourages industry collaboration on practices and standards.
- ESRA supports laws and rules that recognize the value of industry input into regulations that may affect electronic transactions across jurisdictional lines.
- ESRA encourages state regulators and lawmakers to recognize the importance of uniformity of statutes and rules to long-term adoption rates.

#### Removal of Barriers

Some laws and policies have the unintended effect of slowing down the adoption of electronic signatures and records.

- ESRA favors laws that are self-actuating, not conditioned upon the subsequent adoption of new rules or procedures that have no deadline for adoption.
- ESRA encourages law and policy makers to acknowledge the applicability of E-SIGN and UETA to the subject matter of any law or policy, and to avoid adopting provisions that may conflict with or weaken the impact of those existing statutes.
- ESRA opposes the broad notion of a "government purpose" exception, where electronic alternatives are foreclosed without a formal statement supporting the need to maintain paper-based transactions to carry out an agency's regulatory purpose.

#### Consumer Enablement

ESRA believes that electronic signatures and records benefit consumers by giving them choices.

- ESRA supports policies that enable governments and businesses to respond to the increasing demands of citizens and consumers to communicate with them through means other than the exchange of paper documents.
- ESRA supports policies that enable consumers to conduct business electronically in a fair and informed manner.

- ESRA supports accessibility to digital transactions for people with disabilities.

#### Non-Discrimination

Electronic transactions are in many cases more reliable, secure and enforceable than the paper-based transactions they replace, and should not be held to a higher standard at the expense of cost and user experience.

- ESRA opposes laws and rules that would impose constraints or burdens on electronic processes as compared with paper.
- ESRA opposes any rules or laws that prohibit or otherwise exclude an electronic alternative to a paper-based process.

#### Innovation

Technological advancements lead to changes in consumer behavior and business methods, and often lead to the establishment of entirely new industries. Laws and regulations evolve to accommodate these rapid changes.

- ESRA supports candid reassessments of current laws, rules and policies that are based on technical limitations of the past, and encourages policymakers to acknowledge the need to update them to take full advantage of the benefits of new technologies.
- ESRA supports the “overlay” concept, which enables new technologies to be written into existing laws and regulations without changing their substance or their effect.
- ESRA encourages the drafting of laws and regulations that anticipate the introduction of new technologies, with a view toward accommodating future improvements and efficiencies.