



RON TUSLER

STATE REPRESENTATIVE • 3rd ASSEMBLY DISTRICT

Testimony on Assembly Bill 27
Uniform Unsworn Declarations Act
Assembly Committee on State Affairs
February 7, 2024

Chairman Swearingen and committee members:

Thank you for the opportunity to speak in support of AB 27, the Uniform Unsworn Declarations Act (UUDA). I'd also like to thank Senator Wanggaard for being the lead author on this important legislation.

In 2010, Wisconsin adopted the Uniform Unsworn *Foreign* Declarations Act (2009 Act 166), which applied to declarations made outside the boundaries and jurisdiction of the United States. Existing law allows the use of unsworn declarations in certain circumstances, but it only applies to declarations made in a foreign country.

This bill replaces the Uniform Unsworn *Foreign* Declarations Act and aligns it with existing federal law. Federal courts have allowed sworn and unsworn declarations made inside or outside the United States since the late 1970s. (28 U.S.C. § 1746). Under federal law, an unsworn declaration is treated the same as a sworn declaration if the declaration was made under penalty of perjury and contains substantially the same language set out in the federal statute. AB 27 uses the same procedure and removes the requirement that the declarant is outside the jurisdiction of the United States.

When talking about this proposed bill, it is important to differentiate between a "sworn" declaration and an "unsworn" declaration. A "sworn" declaration is a statement of facts sworn to by the individual in front of a notary public or other authorized official. Sworn declarations are often required for court proceedings and administrative agency proceedings. However, sometimes it is difficult for an individual to meet the formalities required to "swear" to a declaration. For example, if an individual is in a foreign country, the individual may have to go to a U.S. embassy to find a notary public or other authorized official. The purpose of the uniform law is to make it easier for individuals to make declarations by allowing the use of "unsworn" declarations.



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To make an “unsworn” declaration, an individual signs a statement that the facts in the declaration are true and correct under penalty of perjury. The new uniform act expands current law to also allow the use of unsworn declarations made by an individual who is physically located in the United States but outside of Wisconsin. An unsworn declaration is treated the same as a sworn declaration if the declaration was made under penalty of perjury and contains substantially the same language set out in the federal statute.

It is important to note that this proposed legislation does not change any other aspects of current Wisconsin law and continues to include exceptions for unsworn declarations in certain circumstances such as depositions, oaths of office, and real estate transfers.

AB 27 will align state and federal law, alleviate burdens on potential declarants, and provide consistency across all states. This alignment will eliminate inconsistencies and confusion between state and federal law and save time and money in litigation.

The UUDA has been adopted by the Uniform Law Commission and is supported by the Wisconsin Judicial Council.

Thank you for your consideration of this important legislation. I’m happy to take any questions that you may have.



Van H. Wanggaard

Wisconsin State Senator

Testimony on Assembly Bill 27

Thank you committee members, for this hearing today on Assembly Bill 27, the Uniform Unsworn Declarations Act.

Simply, this bill will allow a Wisconsinite to make an unsworn declaration in lieu of signing an affidavit.

If you're like me the first time I heard the term, "unsworn declaration," right now you're wondering, "what the heck is an unsworn declaration?" An unsworn declaration is a written statement signed under the penalty of perjury but without a notary present.

Your next question is probably, "why would anyone need to make an unsworn declaration?" At times, obtaining an affidavit can be difficult, adding time and expense to our already cumbersome legal process. An affidavit requires an individual to find a notary to attest in person that they have sworn to tell the truth. Affidavits are useful when writing a will, or when someone is unavailable or unable to find a notary.

On the other hand, unsworn declarations are used when a witness is unavailable. Current Wisconsin law allows for a person to submit an unsworn declaration in lieu of an affidavit only if they are outside of the United States' jurisdiction. This bill simply eliminates that restriction so that any Wisconsinite can submit an unsworn declaration no matter where they are.

Federal courts have utilized them since the 1970's without problems. Wisconsin has authorized unsworn declarations for people located outside the country since 2009 without problems.

I believe the time has come to expand the use of unsworn declarations in Wisconsin to alleviate burdens on our court system, and I urge you to support AB 27.

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