CAB CA/BROWSER FORUM

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BALLOT 192 – NOTARY REVISION

Results on Ballot 192 – Notary Revision

The voting period for Ballot 192 has ended. The ballot has passed. Here are the results.

Voting by CAs – 10 votes total including abstentions

9 Yes votes: Actalis, Comodo, DigiCert, Entrust, GDCA, HARICA, SHECA, Symantec, Trustwave

0 No votes:

1 Abstain: OATI

100% of voting CAs voted in favor

Voting by browsers – 2 votes total including abstentions

2 Yes votes: Apple, Mozilla

0 No votes:

0 Abstain:

100% of voting browsers voted in favor

Under Bylaw 2.2(g), a ballot result will be considered valid only when more than half of the number of currently active Members has participated. Votes to abstain are counted in determining a quorum. Half of currently active Members as of the start of voting is 12, so quorum was 12 votes – quorum was met.

Bylaw 2.2(f) requires a yes vote by two-thirds of CA votes and 50%-plus-one browser votes for approval. Votes to abstain are not counted for this purpose. This requirement was met for both CAs and browsers.

At least one CA Member and one browser Member must vote in favor of a ballot for the ballot to be adopted. This requirement was met

The ballot passes.

Ballot 192 – Notary Revisions

The following motion has been proposed by Jeremy Rowley of DigiCert and endorsed by Kirk Hall of Entrust and Rich Smith of Comodo.

Currently, section 11.11.1(A)(ii) states,

11.11.1.   Verified Legal Opinion

(1)   Verification Requirements: Before relying on a legal opinion submitted to the CA, the CA MUST verify that such legal opinion meets the following requirements:

(A)   Status of Author: The CA MUST verify that the legal opinion is authored by an independent legal practitioner retained by and representing the Applicant (or an in-house legal practitioner employed by the Applicant) (Legal Practitioner) who is either:

…

(ii) A notary that is a member of the International Union of Latin Notaries, and is licensed to practice in the country of the Applicant's Jurisdiction of Incorporation or Registration or any jurisdiction where the Applicant maintains an office or physical facility (and that such jurisdiction recognizes the role of the Latin Notary);

The EV Guidelines already define "Latin Notary" appropriately and sufficiently as "A person with legal training whose commission under applicable law not only includes authority to authenticate the execution of a signature on a document but also responsibility for the correctness and content of the document. A Latin Notary is sometimes referred to as a Civil Law Notary."

Whether a Latin Notary (or Civil Law Notary) is a member of the IULN should not be dispositive as to whether the person is competent and qualified to provide a legal opinion. The current wording of section 11.11.1(A)(ii) means we cannot accept letters from proper Latin Notaries (individuals) who aren't members of the IULN.

By deleting the requirement that a Latin Notary be a member of the International Union of Latin Notaries, this ballot permits a more extensive view on who can provide the type of legal opinion required by the EV Guidelines.

–MOTION BEGINS–

11. Effective immediately, modify 11.11.1(A) as follows:

'''11.11.1. Verified Legal Opinion'''

(1) '''Verification Requirements''': Before relying on a legal opinion submitted to the CA, the CA MUST verify that such legal opinion meets the following requirements:

(A) '''Status of Author''': The CA MUST verify that the legal opinion is authored by an independent legal practitioner retained by and representing the Applicant (or an in-house legal practitioner employed by the Applicant) (Legal Practitioner) who is either:

(i) A lawyer (or solicitor, barrister, advocate, or equivalent) licensed to practice law in the country of the Applicant's Jurisdiction of Incorporation or Registration or any jurisdiction where the Applicant maintains an office or physical facility, or

(ii) A ~~notary that is a member of the International Union of Latin Notaries, and is~~ <u>Latin Notary who is currently commissioned or</u> licensed to practice in the country of the Applicant's Jurisdiction of Incorporation or Registration or any jurisdiction where the Applicant maintains an office or physical facility (and that jurisdiction recognizes the role of the Latin Notary);

–MOTION ENDS—

The procedure for approval of this ballot is as follows:

BALLOT 192	Start time (22:00 UTC)	End time (22:00 UTC)
Discussion (7 to 14 days)	15th June	21st June
Vote for approval (7 days)	21st June	28th June

Votes must be cast by posting an on-list reply to this thread on the Public list. A vote in favor of the motion must indicate a clear 'yes' in the response. A vote against must indicate a clear 'no' in the response. A vote to abstain must indicate a clear 'abstain' in the response. Unclear responses will not be counted. The latest vote received from any representative of a voting member before the close of the voting period will be counted. Voting members are listed here: https://cabforum.org/members/

In order for the motion to be adopted, two thirds or more of the votes cast by members in the CA category and greater than 50% of the votes cast by members in the browser category must be in favor. Quorum is shown on CA/Browser Forum wiki. Under Bylaw 2.2(g), at least the required quorum number must participate in the ballot for the ballot to be valid, either by voting in favor, voting against, or abstaining.