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July 15, 2020

The Honorable John Thune
United States Senate
Washington, D.C. 20510

Dear Senator Thune:

On behalf of community banks across the country, with more than 52,000 locations, thank you for introducing the E-SIGN Modernization Act (S. 4159).

Current law allows a consumer who has given consent to receive documents electronically for the purpose of opening an account or entering into an agreement with a business provided the consumer can “reasonably demonstrate” that they can access information in electronic form. This includes email access and the ability to open a PDF file. This reasonable demonstration requirement dates back to a time when technology was less reliable and not as widely used. In today’s more technologically advanced environment, this requirement is no longer necessary. It is an extra step with the potential to disrupt a transaction and an impediment to commerce.

The E-SIGN Modernization Act would remove the reasonable demonstration requirement. After a consumer consents to receiving electronic records and receives consumer disclosures, no further steps would be needed to proceed with a transaction. This will facilitate transactions needed to sustain the economy during the pandemic, including home purchases and mortgage transactions.

Thank you for introducing S. 4159. ICBA is pleased to support this important legislation.

Sincerely,

/s/

Rebeca Romero Rainey
President & CEO

The Nation’s Voice for Community Banks.®

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