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SEC ISSUES FINAL RULES REQUIRING ELECTRONIC FILING OF FORM ID

By Amos J. Oelking, III

On April 21, 2004, the SEC issued final rules requiring the electronic filing of Form ID. Form ID is the application for access codes to file on the SEC's EDGAR system. The final rules were adopted substantially as proposed in March 2004.

Currently, applicants are required to file a Form ID in paper form by fax. In order to help ensure the authenticity of electronically-filed Forms ID, the new rules will require applicants to file in paper form by fax, within two business days before or after electronically filing a Form ID, a notarized document manually signed by the applicant (over the applicant's typed signature) that (i) includes the information contained in the Form ID, (ii) confirms the authenticity of the electronically-filed Form ID and (iii) if filed after electronically filing the Form ID, includes the accession number assigned to the electronically-filed Form ID. As stated in its proposed rules release, the SEC expects to eventually replace this procedure with a requirement that applicants use a certificate from a certification authority, which would work like an electronic "pass card," to authenticate their Form ID filings.

The new rules become effective April 26, 2004, by which time a new on-line filing system, to be accessed through an EDGAR Filer Management website, will be completed. ([Click here to link to the full text of the SEC's final rules release.](#))

In connection with establishing the EDGAR Filer Management website, the EDGAR system will be modified to require applicants filing a Form ID, as well as current users who log onto EDGAR for the first time on or after April 26, 2004, to choose a "passphrase." This passphrase will allow a user to change its EDGAR access codes more easily than the current system for changing access codes.

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Please remember that these legal principles may change and vary widely in their application to specific factual circumstances. You should consult with counsel about your individual circumstances. For further information regarding these issues you may contact the head of our Corporate and Securities practice group:

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