



# Countywide Electronic/Digital Signature Policy

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## 1.0 PURPOSE

Recognizing the necessity for Electronic/Digital Signatures as an integrated technology, the purpose of this policy is to establish guidelines for the appropriate business use of electronic and digital signatures by all Mariposa County agencies, departments, and employees, as well as to provide guidance regarding when an electronic or digital signature may replace a hand-written (wet) signature.

## 2.0 POLICY INTENT

This policy is meant to broadly permit and encourage the use of electronic signatures County-wide including, but not limited to, all internal and external activities, as well as for all documents and transactions where it is legally permissible, operationally feasible to do so, where existing technology permits, and where it is otherwise appropriate based on the Department's needs. It applies to documents requiring a signature or initials of any person where the signature or initials are intended to show authorship, approval, or authorization as allowed by law.

Consequently, there is no longer a preference for obtaining original/wet signatures from vendors on signed contracts. Affixing an electronic signature to any document in a manner consistent with this Policy shall satisfy the County's requirements for signing a document.

Throughout this policy, the term "electronic signatures" is used to refer to both electronic signatures and digital signatures as defined below. Individual circumstances will dictate which type of signature is appropriate. This policy is designed to allow for the use of whichever type of signature is most appropriate for the occasion.

## 3.0 POLICY LIMITATIONS

This policy is not meant to change any other authority or requirement including limitations on contract amounts or established routing/approval processes.

## 4.0 DEFINITIONS

- Electronic signature

*A generic term that refers to any representation in electronic form that can be used to express intent, including a printed name at the bottom of an e-mail, a digitized copy of a handwritten signature, a biometric mark, a sound or a digital signature. An Electronic Signature provides:*

- *Who signed*



# Countywide Electronic/Digital Signature Policy

---

- *What was signed*
- *Captures intent and consent*
- *Significantly increases the ease and flexibility of signatory process*
  
- Digital signature
  - A specific type of signature that works on an underlying technology that uses public-key cryptography and is known as public-key infrastructure (PKI). A Digital Signature:*
    - *Secures sensitive data associated with documents through encryption*
    - *Detects tampering efforts and invalidates associated documents*
    - *Strengthens electronic signatures as a trusted tool.*

## 5.0 DEPARTMENT DISCRETION

This policy is intended to permit the broad use of electronic signatures County-wide but recognizes that there may be times when wet signatures are necessary. Responsibility for determining what documents require wet signatures rests with the Department Head.

## 6.0 DOCUMENT TYPES

Common types of documents and their treatments are listed in Appendix A. However, departments should consult County Counsel to determine whether applicable laws permit electronic signatures for document types not listed in the appendix.

## 7.0 BUSINESS PROCEDURES

Each County Agency or Department that opts to use electronic signatures must adopt/amend their business procedures and document retention schedules to support the requirements of this Policy, as well as the applicable laws for specific document types.

## 8.0 CONSENT REQUIRED

No party to an agreement or other document can be forced to accept an electronic signature from the County. Consequently, all parties to any contract, agreement, or document will be required to opt-in via a Consent to Use Electronic Signature form which will be attached to each digital agreement. Consent to use electronic signatures may be withdrawn at any time prior to complete execution of an agreement by contacting the Clerk of the Board's Office, but will apply to the specified document, not those already completed.

## 9.0 EXTERNAL SIGNATURE SECURITY

When an electronic signature initiated by another party is received by the County, the receiving Department should ensure, with a reasonable degree of certainty, that the sender's electronic



# Countywide Electronic/Digital Signature Policy

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signature was affixed by a service meeting the security controls of the County and the California Secretary of State. Departments in doubt should consult with the Technical Services division of County Administration.

## 10.0 SECURE ELECTRONIC SIGNATURES

“Secure Electronic Signatures” are those that meet all of the following criteria:

- Must be unique to the person using it.
- Must be capable of verification.  
*This means that the technology used permits the signature’s authenticity to be verified. Use of a signature service like Adobe Sign to add a digitally-encrypted signature meets this requirement. Simply pasting a signature image into a Word document or PDF without other security does not meet this requirement because the image can be forged.*
- Must be under the sole control of the person using it.  
*Only the signatory has the ability to affix the signature. Department heads should NOT share their logins with assistants, deputies, or other staff.*
- Must be linked to the data in the document in such a manner that if any of the data is changed, the digital signature is invalidated.

Electronic signatures processed through the County’s approved signature service meet the criteria for Secure Electronic Signatures. Consequently, staff is encouraged to limit electronic signatures to that service.

## 11.0 ACCOUNTABILITY

County employees’ use of electronic signatures and/or records bearing electronic signatures, shall be consistent with applicable federal, state, and local laws, as well as any regulations and policies including all information technology security policies.

Employees who use electronic signatures in a manner that is not consistent with applicable laws, policies, or procedures (e.g., falsifying a signature, altering signed documents, or unauthorized use of County eSignature licenses) may be subject to disciplinary action up to and including termination, and/or the conduct may result in criminal investigation and prosecution. All inquiries and violations shall be immediately made known to the County Administrative Officer.



# Countywide Electronic/Digital Signature Policy

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## 12.0 ACCEPTABLE TECHNOLOGIES

Given the complex nature and ongoing evolution of signature technologies, responsibility for identifying and vetting appropriate technologies that meet all legal requirements for Secure Electronic Signatures rests solely with Technical Services. Consequently, Departments are authorized to initiate signatures only through the County's approved signature service(s).

APPENDIX A  
Examples of Common Document Type Handling

Document Type	Electronic/Digital Signature Acceptable?	Notes (if an electronic signature is used)
Applications, Certificates, Permits	Yes, if allowed by law	The Department should work with County Counsel to determine whether applicable laws permit an electronic signature to be used.
Attestations, Certifications, Notarizations	<b>NO</b>	
Board approved items, including contracts, grant applications, letters, and other documents	Yes	Where applicable, allowable, and appropriate. Documents must be routed through the Clerk of Board's Office for digitization of signatures using the County's Secure Electronic Signature provider.
Board Resolutions, Ordinances, Proclamations, Memorial Certificates, or Certificates of Appreciation	<b>NO</b>	
Budget Action Forms	Yes	Secure Electronic Signature as outlined in this policy.
Employee/HR related Forms, Requests, Reports, and Reviews	Yes	If an employee requests that an item be signed in hardcopy format, the Department should issue the item in that format.  If wet signatures are obtained, the document may be scanned and stored electronically.
Financial Documents	Yes, if allowed by law	The Department should work with County Counsel to determine whether applicable laws permit an electronic signature to be used.
Grant applications submitted by departments	Yes	The County does not require added security features for these purposes, however, the Department should follow the preferences of the granting authority.
Internal/external documents not included elsewhere, including Board memos, and normal letters/correspondence	Yes	The signature does not need to have added security features for these purposes, but the Department may opt to use a Secure Electronic Signature as outlined in this policy.
Legal Items (Declarations, Court filings, etc.)	Yes, if allowed by law	The Department should work with County Counsel to determine whether applicable laws permit an electronic signature to be used.
Oaths	<b>NO</b>	
Purchasing Agent/Assistant Purchasing Agent contracts (CAO and Dept. Heads)	Yes	Contracts <i>must</i> be routed through the Clerk of the Board's Office for digitization of signatures using the County's Secure Electronic Signature provider. While digital signatures are preferred, vendors may opt to supply wet signatures.  If wet signatures are obtained, the document may be scanned and stored electronically.