Status **Pending** PolicyStat ID **20217435**

San Bernardino County Employees' Retirement Association

Origination	12/1/2022	Area	Administration
Last Approved	N/A	Applicability	SBCERA systemwide
Effective	Upon Approval		
Last Revised	2/2/2023		
Next Review	3 years after approval		

Use of Electronic Signature Policy

Administration Policy No. 022

I. Background

Current technologies allow for the use of digital signatures that are sufficient to ensure the integrity, security, and authenticity of documents executed by digital signature. Government Code section 31527 (i) allows the Board of Retirement to adopt a regulation for acceptance of documents requiring a signature by a member using a digital signature if the document and digital signature are submitted using a technology that the Board of Retirement deems sufficient to ensure the documents' integrity, security, and authenticity.

Regulations of the Board of Retirement are effective when approved by the Board of Supervisors.

The Board of Retirement approved changes to the SBCERA By-Laws at its June 3, 2021 meeting. The Board of Supervisors approved the changes to the By-Laws on July 27, 2021. These changes include a regulation allowing the use and acceptance of digital signatures. This policy provides details regarding the implementation of the digital signature regulation.

II. Policy

It is the policy of the Board of Retirement that the use of digital signatures for SBCERA business is permitted when such use is acceptable to all parties to the transaction. To ensure the integrity, security, and authenticity of documents signed with a digital signature, the use of digital signatures shall conform to Government Code section 16.5 and regulations promulgated by the California Secretary of State.

To avoid any confusion, all members and staff shall use official SBCERA forms approved by the CEO to transact SBCERA business requiring a signature.

DocuSign is a technology that complies with the requirements of Government Code section 16.5 and regulations promulgated by the California Secretary of State. Therefore, the Board of Retirement approves the use of DocuSign as an accepted technology for digital signatures. Any documents signed using DocuSign shall be given the same force as an original document.

Alternative digital signature technologies may be accepted by SBCERA through the MySBCERA secure portal if those technologies comply with Government Code section 16.5 (a) (1) – (4) and regulations promulgated by the California Secretary of State. SBCERA shall also, at its discretion, allow official SBCERA forms to be accepted by a facsimile.

If a scanned handwritten signature is submitted through MySBCERA on an official SBCERA form, SBCERA reserves the right to verify the signature and reject the document if the signature cannot be verified. In no case will an emailed document with a scanned handwritten signature be accepted to update a member's account.

Other forms of electronically transmitted marks or signatures such as email signatures and signatures typed in a word processing program are not acceptable for member business where a signature is required except in circumstances where digital signature requirements have been suspended by valid order of a federal, state, or local authority due to emergency. In such circumstances, an electronically transmitted signature shall be acceptable if it is unique to the signer and verifiable by SBCERA staff.

Approval Signatures

Step Description	Approver	Date
	Barbara Hannah: Chief Counsel	Pending

Applicability

SBCERA, SBCERA Internal