

## **Section 1 – Purpose**

To establish an electronic signature policy for OIHCD developed to:

- Promote efficiency in order to conserve public resources;
- Establish guidelines for the use of electronic signatures for certain District transactions;
- Provide reasonable assurance of the integrity, authenticity, and nonrepudiation of electronic documents when electronic signatures are used by the District; and
- Establish electronic signature provider DocuSign as the approved method for affixing an electronic signature to an electronic record.

Reducing OIHCD’s reliance on paper-based transactions will further improve information security and sharing, allow faster approval of and access to documents, and reduce costs and environmental impact. Streamlining the processes described herein that require wet signatures and replacing them with electronic signatures, when practicable, is consistent with the intent of Washington State law to promote electronic transactions and remove barriers that might prevent the use of electronic transactions by governmental entities.

## **Section 2 – Background**

The Uniform Electronic Transactions Act, Chapter 1.80 RCW (“UETA”) allows Washington governmental entities to determine whether, and to what extent, those entities create and retain electronic records and electronic signatures. Entities further have the right to convert written records into electronic records at the entity’s discretion.

The convenience and low cost of conducting business over the Internet has the potential to increase efficiencies in all business including government business. Technological advances and increased use of computers as part of everyday business will continue. The benefits of using electronic signatures and electronic records can reduce use of paper, save time and reduce costs associated with handling physical documents.

The OIHCD Board of Commissioners, the District Superintendent, and their designees are authorized, pursuant to the UETA, to use DocuSign as an electronic signature provider. References in this policy to the “DocuSign electronic signature platform” includes any future replacement of such platform that functions at the same level as DocuSign.

The District Superintendent is authorized to develop and implement additional procedures, if needed, to establish (i) the manner and format in which electronic records must be created, generated, sent, communicated, received, and stored and the systems

established for those purposes and (ii) the control processes as appropriate to ensure adequate preservation, disposition, integrity, security, confidentiality, and auditability of electronic records, all consistent with the requirements of this policy and State law.

The UETA provides the legal background for electronic signatures and electronic records:

- A record or signature may not be denied legal effect or enforceability solely because it is in electronic form;
- A contract may not be denied legal effect or enforceability solely because an electronic record was used in its formation;
- If a law requires a record to be in writing, an electronic record satisfies the law; and
- If a law requires a signature, an electronic signature satisfies the law.

If there is a conflict between the provisions of this policy and the UETA, the UETA shall control.

### **Section 3 – Policy**

- 3.1 OIHCD encourages electronic transactions and the use of electronic signatures and recognizes an electronic signature as legally binding and equivalent in force and effect to a wet signature.
- 3.2 OIHCD authorizes the use of the DocuSign electronic signature platform to affix electronic signatures to OIHCD records.
- 3.3 The District Superintendent is authorized to use the DocuSign electronic signature platform to affix electronic signatures to OIHCD records as provided in this policy.
- 3.4 The DocuSign electronic signature platform may be used to affix electronic signatures to the following records: Minutes of OIHCD Board Meetings and Resolutions Adopted by the OIHCD Board of Commissioners, Claim Vouchers Approved by the Auditing Officer and subsequent approval by the OIHCD Board of Commissioners, and any and all contracts and agreements to which OIHCD is a party, except as provided below in Section 11.
- 3.5 Electronic signatures may be used to conduct transactions when:
  - all parties have consented to conduct business electronically;
  - the parties intend to sign;
  - there is a connection between the electronic signature and the associated record; and
  - the electronic signature records created for each transaction are capable of retention and accurate reproduction for reference by all parties entitled to retain the instrument executed.

- 3.6 Electronic signatures cannot be applied using another individual's name. Records signed on behalf of the District Superintendent or Commissioner by a designee shall use their own electronic signature.
- 3.7 An electronic signature is an acceptable substitute for a wet signature whenever the use of a wet signature is authorized or required except as provided otherwise herein.
- 3.8 OIHCD retains the right to conduct a transaction using a physical medium and/or wet signatures.
- 3.9 OIHCD may, at its discretion, convert written records to electronic records subject to the Public Records Act and Office of the Secretary of State Records Management Guidelines and Retention Schedules.
- 3.10 All documents signed and received through electronic signatures are subject to the Public Records Act and Office of the Secretary of State Records Management Guidelines and Retention Schedules.
- 3.11 The provisions of this policy and the UETA do not apply to the execution of negotiable instruments such as checks, money orders, and promissory notes or to secured transactions such as when a loan is secured by collateral.
- 3.12 This policy may be modified, rescinded, or replaced at any time by the OIHCD Board of Commissioners.

## **Section 4 – Definitions**

### **4.1 Electronic Signature**

An electronic sound, symbol, or process attached to or logically associated with a contract or other record and executed or adopted by a person with the intent to sign the record.

### **4.2 Record**

Information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form, except as otherwise defined for the purpose of state or local agency record retention, preservation, or disclosure.

### **4.3 Wet Signature**

A signature created when a person physically marks a document with the intent to sign the record.

Policy Adopted November 6, 2018

Policy Amended, December 18, 2024