

ELECTRONIC SIGNATURE POLICY

State law has codified the authority to execute documents remotely using electronic signatures of various types, and allows counties to determine whether, and the extent to which, it will send and accept electronic records and electronic signatures.¹ This policy is intended to be interpreted broadly to allow for the use of electronic signatures whenever legally applicable to County business needs. Streamlining processes that require physical or hardcopy signatures and replacing them with electronic signatures, when practicable, is consistent with the intent of State law to promote electronic transactions. By allowing documents to be executed electronically, the County will reduce its reliance on paper-based transactions and will:

- increase the speed of conducting business and promote faster overall service to the citizens of Canyon County;
- facilitate more efficient operations and access to documents;
- improve alignment with technology advancements and private industry practices; and
- reduce costs and environmental impact.

Though the use of e-signatures is encouraged whenever appropriate and permitted by law, this Policy does not require the use of electronic signatures, nor can the County mandate the usage of e-signatures by third parties.

REFERENCES:

[Idaho Code Title 28, Chapter Idaho Code Title 28, Chapter 50 Uniform Electronic Transactions Act](#)

DEFINITIONS

The following definitions apply to this policy:

1. **Authorized Signer:** Elected Officials, Department Administrators, and their designees, and any other County employee who has been granted authority to sign certain records on behalf of the County either by the nature of their position in relation to the record, by direct authorization from the Board of County Commissioners or by statute.
2. **Digital Signature:** One type of electronic signature that contains a digital certificate, issued by a licensed certificate authority, behind the signature and offers authentication when sending a "signed" electronic document.
3. **Electronic Record:** A record created, generated, sent, communicated, received, or stored by or through electronic means.
4. **Electronic Signature:** An electronic sound, symbol, or process attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record.
5. **Facsimile Signature:** A reproduction of a hand-written signature that has been saved electronically or by engraving, imprinting, or stamping.
6. **Physical or Hardcopy Signature:** A signature affixed to a document in a physical manner, by ink or other method where a person physically signs a paper document.

¹ [I.C. § 28-50-118](#) Acceptance and distribution of electronic records by governmental agencies.

POLICY

1. The County authorizes electronic transactions and the use and acceptance of electronic, digital, or facsimile signatures to conduct County business in accordance with this Policy.
2. An electronic signature may be used with the same force and effect as a Physical or Hardcopy Signature, subject to the limitations in this Policy and state and federal law, so long as the electronic signature includes or can be confirmed by documented, electronically or otherwise, evidence of the following:
 - a. The method of signing or the record itself adequately identifies the signer. For example, it includes the signer's first and last name, title, and agency or business.²
 - b. The date of the signature, unless the electronic signature technology is self-auditing.
 - c. Context and surrounding circumstances, including the parties' conduct, indicate each party agrees to conduct a transaction by electronic means.
 - d. The method of signing adequately addresses the risks associated with using an electronic signature on the particular type of transaction in which the electronic signature is being used and that electronic signatures are not otherwise prohibited by law for that type of transaction. Elected Officials and Department Administrators are authorized to determine adequacy and cost implications in consultation with legal and other departments as applicable.
 - e. The electronic signature method allows the signature to be preserved in the record for compliance with the Public Records Act and records retention schedules.
3. A document signed electronically, digitally, or via facsimile shall be deemed the equivalent of an original signed document if the individual or entity signing the document has complied with the provisions of this Policy.
4. A County document that is required by law to be signed in non-electronic media may not be electronically or digitally signed.
5. If an electronic or digital signature is used for interstate transactions or for documents required by the U.S. federal government, the signature shall comply with the requirements of the [Electronic Signatures in Global and Electronic Commerce Act](#).
6. This Policy in no way affects the County's ability to conduct a transaction using a physical medium and shall not be construed as a prohibition on the use of Physical or Hardcopy Signatures. Elected Officials and Department Administrators are authorized to require Physical or Hardcopy Signatures when deemed necessary to adequately identify the signer and prove execution.
7. This Policy in no way affects, expands, or constricts the permissions of any Authorized Signer for the County or increases the number and identity of Authorized Signers for the County.
8. The use and acceptance of an electronic signature affirmed by an electronic record notary public is permitted if the notarization complies with I.C. § 28-50-109 and the Revised Uniform Law on Notarial Acts, Idaho Code Title 51, Chapter 1, as presently enacted or hereafter amended.


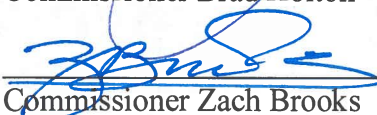
² [I.C. § 28-50-109](#), Attribution and effect of electronic record and electronic signature.

9. Electronically or digitally signed electronic records shall be stored in such a way as to allow the signature to be preserved for compliance with the Public Records Act, Title 74, Chapter 1, and records retention schedules.

DATED this 21st day of December, 2023.

BOARD OF COUNTY COMMISSIONERS

☒ Motion Carried Unanimously
☐ Motion Carried/Split Vote Below
☐ Motion Defeated/Split Vote Below

	Yes	No	Did Not Vote
 _____ Commissioner Leslie Van Beek	_____	_____	_____
<u>unavailable for signature</u> _____ Commissioner Brad Holton	_____	_____	_____
 _____ Commissioner Zach Brooks	<u>X</u>	_____	_____

ATTEST: CHRIS YAMAMOTO, CLERK

By: J Ross
Deputy Clerk