Temporary Electronic Signature Policy

Minnesota Department of Administration

Version: 1.00
Effective Date: 04/20/2020
Approval: Lenora Madigan, signature on file

Policy Statement

The Commissioner of Administration will temporarily accept e-signatures that have been authenticated by a third-party digital software, such as DocuSign and Adobe Sign, when it includes the date and time of the signature, an authentication code, and is attributable to the person intending to sign the document. Handwritten signatures on faxed or scanned documents are e-signatures and are acceptable for all purposes.

Additionally, the Commissioner recognizes the unique concerns surrounding the COVID-19 emergency for certain documents that require notarized signatures. Therefore, pursuant to Minnesota Statutes, section 325L17, the Commissioner will temporarily accept documents with e-signatures that have been notarized by a remote online notary public. Remote online notarization must be performed by a remote online notary public currently registered with the Minnesota Secretary of State and pursuant to the procedures set forth in Minnesota Statutes, section 358.645, subdivision 7.

The Minnesota Uniform Electronic Transactions Act (UETA) defines an e-signature as “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.”

The UETA allows a government agency to determine whether, and to what extent, it will send and accept e-signatures in place of written ones, and otherwise process, use and rely upon e-signatures. The government agency giving due consideration to security, may specify the parameters for using and accepting e-signatures, such as the manner and format in which the e-signature was created, generated, sent, communicated, received and stored. In establishing parameters for accepting e-signatures, the government agency may consider the promotion of consistency and interoperability with similar requirements adopted by other governmental agencies.

1 Conduct an e-Notary search at: https://notary.sos.state.mn.us/search/searchfornotary
2 Minn. Stat. Chapter 325L
3 Minn. Stat. § 325L.02(h)
4 Minn. Stat. § 325L.18(a)
5 Minn. Stat. § 325L.18(b)
6 Minn. Stat. § 325L.19
Under Minnesota Statutes, section 325L.09(b), an e-signature should be attributable to the person intending to sign the document. Based on the context and surrounding circumstances of different e-signatures, the Commissioner has determined three types of signatures as unacceptable forms of e-signatures:

- An image of a signature that is placed on a contract by digitally copying and pasting it onto the document
- A signature created by selecting a script or calligraphy font for the typed name of the person “signing”
- A typed name that appears following /s/

**Reason for the policy**

On March 13, 2020, Governor Tim Walz signed Executive Order 20-01, declaring a peacetime emergency in Minnesota related to COVID-19. This peacetime emergency was extended on April 13, 2020, in Executive Order 20-35. This peacetime emergency has presented unprecedented challenges to the Department of Administration and its partners. Due to these challenges under this peacetime emergency, the Commissioner of Administration issues this temporary policy under authority in Minnesota Statutes, section 325L.17 and section 325L.18.

**Applicability**

This temporary policy extends the Department of Administration’s Office of State Procurement current policy 19-01, to all Department divisions and programs, with the exception of any limitations in Minnesota Statutes, Chapter 79A, during the duration of the peacetime emergency declared in Executive Orders 20-01 and 20-35.

**Related Information**

Office of State Procurement Electronic Signature Policy 19-01
Version: 1.00
Effective Date: 10/01/2018

**History**

<table>
<thead>
<tr>
<th>Version</th>
<th>Description</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.0</td>
<td>Temporary Electronic Signature Policy</td>
<td>4/20/2020</td>
</tr>
</tbody>
</table>
Contact

Contact Stacie Christensen at stacie.christensen@state.mn.us or 651-201-2500 with questions related to this temporary policy.