



## HEATHER GLEN COMMUNITY SERVICES DISTRICT

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POLICY TITLE: **Digital Signature Policy**

POLICY NUMBER: **1060**

ADOPTED BY BOARD OF DIRECTORS: **06/26/25**

### 1060.1 – Policy

It is the policy of the Heather Glen Community Services District (the “District”) to accept and utilize electronic signatures, specifically digital signatures, on documents where a signature is required or used, provided the following conditions are met:

- The electronic signatures are “digital” signatures that comply with the requirements of California Government Code Section 16.5 and applicable State regulations,<sup>1</sup>
- The signatories are willing and wanting to utilize digital signatures, and
- The digital signatures are created by technologies authorized by the California Secretary of State and supported by the District.

Digital signatures shall be the **preferred and standard method** for executing District documents and communications, except where a wet (manual) signature is specifically required by applicable law, regulation, or directive. The use of digital signatures supports operational efficiency, promotes secure transactions, and facilitates timely communication. Examples of documents where digital signatures may be used include, but are not limited to:

- Invoices
- Official District and community correspondence
- Letters, notices, and other written communications issued by the District

Digital signatures must comply with the California Uniform Electronic Transactions Act (UETA) and any other applicable federal, state, or local laws governing electronic signatures.

The use of a digital signature, or the District’s acceptance thereof, is at the discretion of the District and the signer. Nothing in this Policy shall be construed to require the District to use or accept digital signatures in any particular case.

### 1060.2 – Definitions

For purposes of this Policy, the following definitions apply:

- a) “**Digital Signature**” means an electronic identifier and type of “electronic signature,”

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<sup>1</sup> Cal. Code Regs., tit. 2, § 22000 et seq.





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created by computer, intended by the party using it to have the same force and effect as the use of a manual signature.<sup>2</sup>

- b) “**Digital Signature Certification Authority**” means an entity authorized by the Secretary of State to issue digital certificates that are required for a digital signature under California law.
- c) “**Digital Signature Provider**” means an entity that provides document signing services using digital technology.
- d) “**Electronic Signature**” means an electronic sound, symbol, or process attached to or logically associated with an electronic record and executed or adopted by a person with the intent to sign the electronic record.<sup>3</sup>

### 1060.3 – Legal Authority for Electronic Signatures

The use of electronic and digital signatures by the District is authorized under the following California statutes:

- **Uniform Electronic Transactions Act (UETA)**, codified at California Civil Code Section 1633.1 et seq., which provides that a signature may not be denied legal effect or enforceability solely because it is in electronic form.<sup>4</sup> The UETA applies to a transaction only when the parties have agreed to conduct the transaction by electronic means, which is determined based on the “context and surrounding circumstances, including the parties’ conduct.”<sup>5</sup>
- **California Government Code Section 16.5** applies to public entities<sup>6</sup> such as the District, and authorizes any party to a written communication with a public entity, in which a signature is required or used, to affix a signature by use of a digital signature that complies with the requirements of Section 16.5.<sup>7</sup>

Digital signature transactions involving public entities that are subject to the UETA are also

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<sup>2</sup> Cal. Gov. Code, § 16.5(d).

<sup>3</sup> Cal. Civ. Code, § 1633.2(h).

<sup>4</sup> Cal. Civ. Code, §§ 1633.7(a)-(b).

<sup>5</sup> Cal. Civ. Code, § 1633.5(b)

<sup>6</sup> “Public entity’ includes the state, the Regents of the University of California, the Trustees of the California State University and the California State University, a county, city, district, public authority, public agency, and any other political subdivision or public corporation in the State.” Cal. Gov. Code, §§ 16.5(a) & 811.2 (emphasis added).

<sup>7</sup> Cal. Gov. Code, § 16.5(a).





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subject to the more particular requirements of Government Code Section 16.5.<sup>8</sup> The use of a digital signature will have the same force and effect as the use of a manual signature if, and only if, the digital signature embodies the five attributes<sup>9</sup> discussed in Section 1060.4 below.

### 1060.4 – Requirements for Digital Signatures

Government Code Section 16.5 and State regulations require that a digital signature: (i) be created by a technology deemed acceptable for use by the State of California and (ii) embody the following five attributes:

1. Be unique to the person using it;
2. Be capable of verification;
3. Be under the sole control of the person using it;
4. Be linked to the data in such a manner that if the data are changed, the digital signature is invalidated; and
5. Conform to regulations adopted by the Secretary of State, codified at Chapter 10 of Division 7 of Title 2 (commencing with Section 22000) of the California Code of Regulations.<sup>10</sup>

### 1060.5 – Approved Digital Signature Technologies

The California Secretary of State authorizes public entities to use digital signatures created through either:

- **Public Key Cryptography (PKC)**, or
- **Signature Dynamics**,

provided such technologies meet the standards set forth in Section 22003 of the California Code of Regulations.

**Public Key Cryptography (PKC)** involves secure encryption technology that allows users to affix digital signatures with immediate third-party verification. PKC is the most secure form of digital signature and is preferred for documents requiring a high level of authentication.

**Signature Dynamics** involves capturing a handwritten signature using specialized hardware (e.g., stylus and tablet), recording biometric data such as speed and pressure. While this method offers some verification capabilities, it lacks the encryption and verification standards of

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<sup>8</sup> See *Cal. Civ. Code*, § 1633.3(e).

<sup>9</sup> *Cal. Gov. Code*, § 16.5(a).

<sup>10</sup> *Cal. Gov. Code*, § 16.5; 2 C.C.R. § 22002.





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PKC and may require additional steps for authentication, including visual or forensic analysis.

Whenever possible and especially in cases requiring **immediate or high-assurance verification**, the District shall use or accept only PKC-based digital signatures.

The District shall only contract with digital signature providers that utilize technologies authorized by the Secretary of State and issue certificates through an approved **Digital Signature Certification Authority**.

District staff shall evaluate the appropriate digital signature technology for each document based on factors including:

- The nature of the network used to transmit the document (open vs. closed)
- The need for signature verification
- Available resources and time for verification
- Compatibility with manual signature records (if necessary)
- Potential for fraud prevention
- Requirements for document reproduction or public access
- Whether the document will be used by other government agencies and whether the technology is interoperable