



TITLE: Electronic Signature and Remote Notarization Policy		POLICY: EXE-003-2020
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MAYOR: Nicola Smith <i>Nicola Smith</i> <small>Nicola Smith (Oct 7, 2020 11:58 PDT)</small>		INTERIM CITY CLERK: Karen Fitzthum <i>Karen Fitzthum</i>

APPLICABLE TO: All City Departments, Offices and Employees

POLICY STATEMENT: An electronic signature and remote notarization policy will be written clearly and published for the purpose of providing an authentic and efficient procedural process for the use of electronic signatures.

PURPOSE: This policy provides guidelines for the use of electronic signatures and remote notarizations and will determine the scope of the city's use of the electronic signature DocuSign and the video conferencing provider Zoom for recording notarization, or any replacement platforms.

REFERENCES:

WA ESSB 6028	Uniform Electronic Transactions Act
15 U.S.C. Ch. 96	Electronic Signatures in Global and National Commerce Act
WA Senate Bill 5641	Notary Laws
RCW 42.45.280	Electronic Records Notary Public
Proclamation 20-27, as amended or extended	Proclamation Amending Electronic Notary Proclamation 20-05

DEFINITIONS:

Electronic Signature: An electronic symbol applied to a document with the intent of having the symbol act as a signature.

Digital Signature: A type of electronic signature with increased certification and trust used for agreements between the City and parties outside the City and for agreements within the City as required by departments.

Record: Data that is imprinted on a document that can be retrieved in accordance with local agency retention, preservation, destruction, and disclosure policies.

Wet Signature: A signature created in person when the signer physically marks a document.

Notary: An individual with the authorization to execute specific legal formalities, such as witnessing signatures on documents.

Remote Notarization: A form of notarization where the signer appears before the notary at the time of notarization using audio-visual technology, as opposed to being in the room physically.

RESPONSIBILITIES: It is the responsibility of all City of Lynnwood employees, elected officials and volunteers to ensure that they adhere to the electronic signature and remote notary procedures outlined in this policy to provide reasonable assurance of authenticity and accuracy when using electronic documents.

ELECTRONIC SIGNATURE POLICY:

1. The City of Lynnwood recognizes electronic signatures as legally binding and equivalent in nature to wet signatures.
2. The City of Lynnwood authorizes the electronic signature platform DocuSign, or any replacement electronic signature platform, to be utilized in applying digital signatures to city documents.
3. The digital signature platform DocuSign or any future replacement electronic signature platform is authorized to apply electronic signatures to any contracts and other documents to which the City of Lynnwood is a party, including but not limited to City Council, Boards or Commission actions or meeting minutes, resolutions and ordinances adopted or passed by the City Council, and claim vouchers approved by the City Council.
4. Electronic Digital signatures may be used on City records requiring execution by a third party.
5. Electronic signatures may be applied using other electronic signature tools, such as Adobe, for documents such as internal documents.

6. Electronic Signatures may not be applied using another employee's name. Any employee or official applying an electronic signature shall use his or her own name.
7. This policy does not impact the use or legitimacy of wet signatures.

ELECTRONIC SIGNATURE PROCEDURES:

1. A limited number of individuals are permitted to route documents for signatures between the City and outside organizations. The City Clerk determines who may use this tool for signatures that bind the City.

The City Clerk will develop procedures for using DocuSign and for establishing an approved list of individuals that may route documents for official signatures.

The City Clerk will work with Department to support electronic signatures with software programs other than DocuSign for internal signature processes.

2. A. If you receive a document from DocuSign that requires an electronic signature, select the "review document" option in the DocuSign email.
B. Once the document opens, review the contents of the document fully. Once you are satisfied that you have the authority to sign the document, and that you agree to comply fully with the obligations of the document you may proceed. To sign, click the "sign" button with the red arrow and then click on the yellow "adopt and sign" button to apply your electronic signature to the document.
C. You may decline to sign a document, or just not proceed. If you wish assistance you may contact the City Clerk or City Attorney.
D. Select the yellow "Finish" button in the upper right-hand corner to return the signed document to the original sender.

REMOTE NOTARIZATION POLICY:

1. The City of Lynnwood recognizes remote notarization as legally binding and equivalent in nature to electronic notarization and physical notarization.
2. The City of Lynnwood authorizes the use of the remote notarization platform DocuSign in conjunction with the audio-visual platform Zoom to notarize city documents.

3. The remote notarization platform DocuSign and the audio-visual platform Zoom, or any future replacement remote notarization or audio-visual platforms are authorized to remotely notarize any contracts to which the City of Lynnwood is a party.
4. Per RCW 42.45.280, a remotely located individual must personally appear for the notarial act using communication technology and must be identified by the notary public using at least two forms of valid identification.
5. A notary public must have an electronic notary endorsement and remote online notary authority (RON) prior to performing remote notarial acts.
6. A notary public must retain an audio-visual recording of the notarial act as outlined in RCW 42.45.280.
7. Per WAC 308-30-220, the maximum fee that a notary may charge for witnessing or attesting to a signature, taking an acknowledgement or a verification upon oath or affirmation, certifying or attesting a copy, administering an oath or affirmation or certifying that an event has occurred or an act has been performed is \$10.
8. This policy does not impact the use or legitimacy of electronic or physical notarization.

REMOTE NOTARIZATION PROCEDURES:

1. A. Apply for remote online notary authority (RON) by sending an email to the Washington Department of Licensing notary group at notaries@dol.wa.gov
B. In the subject line put "Remote Online Notary Endorsement Application" and in the body of the email include your name, your notary license number, and the date that you applied for the electronic notary endorsement
2. A. The online notarization process starts when a sender prepares a DocuSign envelope to send to the signer and the notary.
B. After receiving the envelope, the notary schedules a remote audio-visual conferencing session with the signer through Zoom.
C. When the Zoom session begins, the notary will start recording the session by utilizing the record button on the Zoom toolbar located at the bottom of the screen.
D. Once the Zoom recording has begun, the notary will confirm the identity of the signer.
E. After the signer's identity has been verified, the notary will share their screen and then will begin the signing portion of the process by

clicking on the yellow “begin signing” button in their DocuSign notification email.

F. The witness a signature dialogue box will then appear, at which point the notary will select the yellow “start” button.

G. The notary then grants the signer control of the session to proceed with affixing their signature to the document.

H. Once the signer has finished signing the document, they will notify the notary that they have signed the document and the notary then takes back remote control of the session.

I. At this point, the notary stops sharing the video conferencing session and clicks the yellow “continue” button to regain control of the session.

J. The notary then completes the jurisdiction and type of ID fields to confirm to signer’s identity, and then clicks the yellow “continue notarial act” button.

K. The notary can then drag and drop their electronic notarial stamp to the appropriate location on the document.

L. If needed, the notary can also attach a notarial certificate by selecting the “attach notarial certificate” option under the “other actions” menu.

M. The notary then selects the yellow “finish” button in the upper right-hand corner, completing the remote notarization process.

N. Once the remote notarization process has been completed, the notary will retain the recording and any relevant documentation in a secure area for the allotted length of time listed on the records retention schedule.









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Final Audit Report

2020-10-07

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