



Oregon

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TO: Members of the PERS Board

FROM: Melanie Chandler, Research Policy Coordinator, Policy Analysis and Compliance Section
Stephanie Vaughn, Manager, Policy Analysis and Compliance Section

SUBJECT: Adoption of Acceptable Signature Standard rule updates

OAR 459-005-0210 *Transmission of Information, Reports, and Documents*

OVERVIEW

- Action: Adoption of the Acceptable Signature Standard rule updates.
- Reason: Clarify acceptable signatory documentation for PERS documents.

BACKGROUND

In 2020, employers adapting to evolving pandemic realities asked PERS to assess acceptability of forms submitted using electronic and digital signatures where the established requirement had been forms signed using a “wet signature.” *i.e.*, written by hand in ink. The other common types of signatures staff encountered include electronic signatures and digital signatures.

Electronic signatures, generally, replicate a person’s signature on a document using any symbol or series of symbols executed by an individual to be the binding equivalent of the individual’s handwritten signature. *Digital signatures* are based on cryptographic methods of originator authentication using certificates embedded in an electronic document that attest to the document’s authenticity.

Given the inherent risk of fraud, be it through identity theft or actions taken to trigger unauthorized distribution of benefits, staff proactively evaluated the standard for appropriate signature based on the source of the document (*i.e.* PERS forms) rather than the type of signature being used. Forms received from members, beneficiaries, or alternate payees (including POAs) involve the most risk as they indicate where and how benefits are paid.

Recognizing this risk, the rule amendments clarify current practice of accepting only handwritten signatures of members, beneficiaries, or alternate payees, as wet signatures are unique for each individual and represent a verifiable record of a person’s consent and understanding of the actions being taken. The rule provides an exception for documents that are notarized via remote online notarization.

Most of the information received from employers is received electronically via Employer Data Exchange (EDX); however, PERS does receive some documents and communications outside EDX. Documents submitted to PERS by employers do not raise the same fraud and risk concerns as documents submitted by members, beneficiaries, and alternate payees. Thus, for

PERS forms received from employers, PERS accepts any signature format, including digital or electronic signatures.

Finally, in the course of business, staff may also encounter digital and electronic signatures on other documents. For example, judges typically sign court orders in divorce cases using a digital/electronic signature, doctors may use digital/electronic signatures on disability forms, and financial institutions may sign trustee-to-trustee transfer forms with digital/electronic signatures. PERS staff can generally accept these signatures and do not need to distinguish based on the signature's format.

SUMMARY OF MODIFICATIONS TO RULES SINCE NOTICE

The following modifications have been made to the rules since notice:

Subsection (1)(d) was edited to remove a reference to Docusign which was originally included as an example but has the potential to cause confusion due to Docusign having multiple product lines which include both electronic and digital signatures.

Subsection (1)(f) added language clarifying that “PERS forms” do not include forms within Online Member Services (OMS) or the Voya participant interface that are completed and submitted within OMS or the Voya participant interface. PERS members and OSGP participants are required to sign into these platforms, so their identity is already verified.

Subsection (1)(g) was added to define “remote online notarization” to enhance clarity.

Subsection (8)(a) was edited to remove the phrase “or on behalf of” as pertains to members due to a concern expressed by PERS staff that all forms submitted to PERS are technically in support of members and the language, as previously written, could be inadvertently misconstrued.

Subsection (8)(a) was edited to change the phrase “notarized electronically” to “notarized via Remote Online Notarization” to minimize potential confusion.

PUBLIC COMMENT AND HEARING TESTIMONY

A public rulemaking hearing was held remotely, and in person, on June 23, 2026, at 2:00 p.m. The public comment period ended June 26, 2026, at 5:00 p.m. No public comments were received.

IMPACT

Mandatory: No

Benefit: Updates the rules to reflect current agency practice and provides clarification for members, employers, and the general public.

Cost: There are no discrete costs attributable to the rule.

RULEMAKING TIMELINE

May 25, 2026:	Staff began the rulemaking process by filing Notice of Rulemaking with the Secretary of State.
May 29, 2026:	PERS Board notified that staff began the rulemaking process.
June 1, 2026:	Secretary of State published the Notice in the Oregon Administrative Rules Database. Notice is sent to employers, legislators, and interested parties. The public comment period begins.
June 23, 2026:	Rulemaking hearing was held remotely and at the PERS headquarters at 2:00 p.m.
June 26, 2026:	Public comment period ended at 5:00 p.m.
July 24, 2026:	Staff will propose adopting the rule modifications, including any changes resulting from public comment or reviews by staff.

BOARD OPTIONS

The Board may:

1. Pass a motion to adopt modifications to the acceptable electronic signatures rules, as presented.
2. Direct staff to make other changes to the rules or explore other options.

STAFF RECOMMENDATION

Staff recommends the Board choose Option #1.

B.5. Attachment 1 – OAR 459-005-0210 *Transmission of Information, Reports, and Documents*