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NOTICE OF PROPOSED RULEMAKING

INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 459

OREGON PUBLIC EMPLOYEES RETIREMENT SYSTEM

FILED: 05/27/2026 11:18 AM

ARCHIVES DIVISION SECRETARY OF STATE

FILING CAPTION: Update to explain what electronic signatures PERS can accept.

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 06/26/2026 5:00 PM

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.

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Filed By:

Joel Mellor
Rules Coordinator

HEARING(S)

Auxiliary aids for persons with disabilities are available upon advance request. Notify the contact listed above.

DATE: 06/23/2026

TIME: 2:00 PM

OFFICER: Joel Mellor

IN-PERSON HEARING DETAILS

ADDRESS: PERS Headquarters Boardroom , 11410 SW 68th Parkway, Tigard, OR 97223

REMOTE HEARING DETAILS

MEETING URL: [Click here to join the meeting](#)

PHONE NUMBER: 971-300-4342

SPECIAL INSTRUCTIONS:

Meeting ID: 256 569 515 341 71

Passcode: KE25Bw3G

Dial in by phone

+1 971-300-4342,,88787756# United States, Portland

NEED FOR THE RULE(S):

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 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.

Oregon PERS serves the people of Oregon by administering public employee benefit trusts to pay the right person the right benefit at the right time. Given the inherent risk of fraud, be it through identity theft or actions taken to trigger unauthorized distribution of benefits, staff 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.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

ORS 238.650, 238.005–238.750, 192.355, 243.435 & 243.470

These documents are available on the Internet at: https://www.oregonlegislature.gov/bills_laws/Pages/ORS.aspx

STATEMENT IDENTIFYING HOW ADOPTION OF RULE(S) WILL AFFECT RACIAL EQUITY IN THIS STATE:

Adoption of the rule will not affect racial equity.

FISCAL AND ECONOMIC IMPACT:

There are no discrete costs attributable to the rules.

COST OF COMPLIANCE:

(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the

rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

None.

DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):

The rules do not affect small businesses and therefore small businesses were not involved in the development of the rules.

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? NO IF NOT, WHY NOT?

A public hearing will be held and the PERS Board solicits input on rules from any interested or affected parties.

AMEND: 459-005-0210

RULE SUMMARY: Set out what types of documents, and signatures on the documents, PERS requires.

CHANGES TO RULE:

459-005-0210

Transmission of Information, Reports, and Documents ¶¶

(1) As used in this rule:¶¶

(a) "Deferred Compensation Program" means the Oregon Savings Growth Plan (OSGP), the PERS Board as Trustee of the OSGP, the PERS Director as Administrator of the OSGP, and any OSGP staff member.¶¶

(b) "Digital signature" means the signature includes a certificate embedded in an electronic document that attests to the document's authenticity.¶¶

(c) "Document" means any document that is not specifically excluded under sections (3) and (8) of this rule, including, but not limited to, any petition, written request, or other document related to the appeal of a staff or Board action under OAR 459-001-0030, 459-001-0032, or 459-001-0035.¶¶

(d) "Electronic signature" means signatures that replicate a person's signature on the document (such as DocuSign).¶¶

(e) "PERS" means the PERS Board, the PERS Director, the PERS Health Insurance Program which is administered by PERS under ORS Chapter 238, and any PERS staff member.¶¶

(f) "PERS forms" means forms created and published by PERS or the Deferred Compensation Program for the purpose of administering benefits.¶¶

(2) Unless otherwise provided for in this rule, information, reports, or documents may be transmitted to PERS or the Deferred Compensation Program by personal delivery or by use of:¶¶

(a) The United States Postal Service (USPS);¶¶

(b) A private express carrier as defined in ORS 293.660(2);¶¶

(c) Telephonic facsimile communication (fax);¶¶

(d) Electronic mail through the Internet (email); or¶¶

(e) PERS' Online Member Services (OMS);¶¶

(f) Other sources approved by the Director for the transmission of reports or documents.¶¶

(3) The following original documents shall be accepted by PERS or the Deferred Compensation Program only if transmitted in person, or by use of USPS or by private express carrier:¶¶

(a) Contracts and Agreements pertaining to the merger or integration of other retirement systems into PERS.¶¶

(b) Any request by a member for confidential information under provisions of ORS 192.355(12).¶¶

(c) Subpoenas, garnishments, summons, and other legal documents that require service on PERS. These documents will not be accepted unless they are served in accordance with applicable law.¶¶

(4) The following standards shall be observed when transmitting any information, report, or document to PERS or the Deferred Compensation Program by fax or email. Failure to comply with these standards shall result in the PERS or the Deferred Compensation Program not accepting the information, report, or document:¶¶

(a) The quality of the original hard copy shall be clear and dark enough to transmit legibly.¶¶

(b) Any information, report, or document requiring signature shall be signed prior to being transmitted.¶¶

- (c) If PERS or the Deferred Compensation Program requests the transmission of a specific form, the transmission shall be on forms furnished by PERS or the Deferred Compensation Program or substitute forms previously approved by PERS or the Deferred Compensation Program, respectively.¶
- (d) Any PERS or Deferred Compensation Program report or form shall be completed as required in PERS instructions.¶
- (e) If PERS or the Deferred Compensation Program requests the transmission of a report or document that is part of a longer report or document, or contains multiple pages, then the entire text of the report or document must be transmitted. Both sides of any two-sided PERS or Deferred Compensation Program form are to be transmitted.¶
- (f) For a report or document that requires accompanying documentation, all components shall be transmitted together as one transmission.¶
- (g) The first sheet of the transmission shall indicate the number of pages being transmitted, and shall contain a telephone number to call if there are problems with the transmission.¶
- (h) Neither the original nor any additional copies of the facsimile filings should be filed with PERS.¶
- (i) The sender shall maintain the original of the document with the original notarization or signature affixed, as well as proof of fax transmission.¶
- (5) PERS or the Deferred Compensation Program may require the original, or a certified copy of the original, where a question of authenticity arises.¶
- (6) State regulations require encrypted messaging systems for communicating confidential information such as date of birth, Social Security number, or personal medical information. Because email communications for PERS and the Deferred Compensation Program are not encrypted, it is PERS' policy to not use email for sharing confidential information. Only information, reports, or documents not otherwise protected under the provisions of ORS 192.355, which do not contain confidential information, may be transmitted by email. If confidential information is transmitted by email to PERS or the Deferred Compensation Program, PERS cannot guarantee that such information may not be intercepted and read by other parties besides the person to whom it is addressed.¶
- (7) Information, reports, or documents submitted to PERS or the Deferred Compensation Program may become a public record. Public records may be subject to public inspection and copying, if not otherwise protected by federal or state law.¶
- (8) PERS staff shall use the following standard for acceptance of signatures submitted to PERS:¶
- (a) PERS forms received from, or on behalf of, members, beneficiaries, or alternate payees must include a handwritten signature unless the form has also been electronically notarized. If the form contains a digital or electronic signature that has been notarized electronically, staff may accept all uses of the same signature that appear within the notarized document. ¶
- (b) Unless otherwise specified, PERS staff can generally accept digital and electronic signatures on other documents, including documents from employers, and not need to distinguish based on the signature's format¶
- (9) This rule does not address the transmission of a remittance, a payment, a remittance advice or a payment advice, which is addressed in OAR 459-005-0215.

Statutory/Other Authority: ORS 238.650

Statutes/Other Implemented: ORS 238.005-238.750, 192.355, 243.435, 243.470