



Food and
Nutrition
Service

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SUBJECT: Accepting SNAP Applicant and Client Signatures Electronically

TO: Program Directors
All Regions

This memorandum is to clarify the use of accepting Supplemental Nutrition Assistance Program (SNAP) applicant and client signatures electronically. Section 11(e)(2)(C)(i) of the Food and Nutrition Act of 2008 (the Act), as amended, indicates that signatures provided and maintained electronically shall not be prohibited. It has come to the attention of the Food and Nutrition Service (FNS) that SNAP State agencies may not fully realize the methods available in terms of electronic signatures. This memorandum provides information and guidance on electronic signature systems that SNAP State agencies may implement in an effort to share innovative and client friendly approaches in improving the efficiency of SNAP administration.

Electronic Signatures

The concept of electronic signatures provides States flexibility in terms of the methods available to capture and maintain a customer's signature electronically. Any electronic means of conducting the SNAP certification process may be suitable for electronic signatures. Examples of electronic means include online, mobile, and telephone system. However, States must ensure that any electronic signature methodology used meets the following criteria:

1. The signature is provided by the client electronically;
2. The signature is maintained by the SNAP State agency electronically; and
3. The method and form of the signature constitutes a legal signature in their State.

To the first criterion, only the SNAP household member or authorized representative can provide the signature electronically. In addition, the State must include safeguards to ensure the security and integrity of the application's contents and signature. Any form of electronic signature does not relieve the State of verifying the identity of the person making the application, per 7 CFR 273.2(f)(1)(vii), before issuing SNAP benefits to an eligible applicant. This required verification practice helps mitigate potential fraudulent applications.

To the second criterion, once a signature is provided electronically, the State must maintain records of that signature electronically. In addition, the State must link the signature with the document to which the signature attests. As with any certification document (electronic or paper), the State must comply with Federal records retention requirements as outlined in 7 CFR 272.1(f).

Guidance documents lack the force and effect of law, unless expressly authorized by statute or incorporated into a contract. USDA may not cite, use, or rely on any guidance that is not available through their guidance portal, except to establish historical facts.

Finally, the third criterion may require the State to consult with their legal counsel to ensure that the electronic signature method constitutes a legal signature in their State.

Examples of electronic signatures include:

- Handwritten signature input onto an electronic signature pad
- Handwritten signature, mark, or command input on a display screen (e.g. stylus device used to sign a document displayed on a touch screen)
- Digitized image of a handwritten signature that is attached to an electronic record
- Typed name (e.g. on an online application)
- Unique identifier (e.g. code, password, or PIN)
- Electronically recorded sound (e.g. voice recording, telephonic signatures)
- The process of using a mouse to click a button (such as clicking an “I Agree” button)
- Digital signature

Electronic and Telephonic Signatures

Many States have compartmentalized electronic signatures and telephonic signatures. Telephonic signature, as defined as a State option in section 11(e)(2)(C)(ii) of the Act, requires the State to make an audio recording of the SNAP applicant or client’s verbal assent over a telephone¹. However, a telephonic signature is one type of an electronic signature.

Due to the more detailed definition of telephonic signatures in the Act and the associated technical complexity of implementing telephonic signatures, it is easy to incorrectly assume that only telephonic signatures can be accepted over the telephone. States can implement a variety of electronic signature systems over the telephone as long as the signature complies with program requirements as outlined in the previous section. Note that final regulations implementing the 2008 Farm Bill’s provision providing for telephonic signatures is currently in clearance and expected to be published soon.

FNS is currently aware of two States that have implemented electronic signatures systems, *other than telephonic signatures*, over the telephone using Interactive Voice Response (IVR) technology. In Illinois, a notification at the time of recertification is mailed to a SNAP client with an access number and password that can be entered via an IVR should the client need to sign their recertification application over the phone. In New York City, an IVR is used to accept the client’s social security number and date of birth to sign a recertification application over the phone. These are two examples of electronic signatures accepted over the telephone and are considered valid signatures in the State.

¹ For more information on telephonic signatures, please refer to FNS’ May 12, 2014, memorandum titled “SNAP Telephonic Signature Guidance.”

These are **not** telephonic signatures as they do not meet the definition of a telephonic signature (e.g. audio recording of the client's verbal assent).

For States with integrated SNAP with Medicaid programs, it is important to note that the United States Department of Health and Human Services (HHS) Centers for Medicare and Medicaid Services (CMS) has their own regulations and guidance on accepting signatures over the telephone.

Additional Types of Electronic Signatures

The Act remains technologically neutral in terms of the methods a State may use to implement an electronic signature. This neutrality should provide adequate flexibility as the technology landscape changes and States adopt new ways of conducting business electronically.

One additional type of electronic signature States may be interested in adopting is digital signatures. As defined by the National Institute of Standards and Technology², digital signatures provide a cryptographic mechanism for verifying a signature's origin, authenticity, data integrity, and signatory non-repudiation. Put more simply, digital signatures allow State agencies to have greater confidence in the authenticity of the signature, that the household cannot deny having signed and submitted an application, and that nothing was altered on an application or signature once submitted.

If you have any questions, please contact Sasha Gersten-Paal (sasha.gersten-paal@fns.usda.gov).

/s/ Original Signed On File

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² "FIPS PUB 186-4: Digital Signature Standard (DSS)" (PDF). <http://nvlpubs.nist.gov/>. National Institute of Standards and Technology.