

March 4, 2022

CALIFORNIA DEPARTMENT OF SOCIAL SERVICES

EXECUTIVE SUMMARY

ALL COUNTY LETTER NO. 22-20

The purpose of this All County Letter (ACL) is to inform County Welfare Departments (CWDs) of the requirements set forth in [Section 78\(a\) of Assembly Bill \(AB\) 135 \(Chapter 85, Statutes of 2021\)](#). AB 135, Section 78(a), enacts new requirements stipulated by the [California Welfare and Institutions Code \(WIC\) Section 18900.4](#) for CalFresh.



KIM JOHNSON
DIRECTOR

STATE OF CALIFORNIA—HEALTH AND HUMAN SERVICES AGENCY
DEPARTMENT OF SOCIAL SERVICES
744 P Street • Sacramento, CA 95814 • www.cdss.ca.gov



GAVIN NEWSOM
GOVERNOR

March 4, 2022

ALL COUNTY LETTER NO. 22-20

TO: ALL COUNTY WELFARE DIRECTORS
ALL CALFRESH PROGRAM SPECIALISTS
ALL CALWORKS PROGRAM SPECIALISTS
ALL CONSORTIA REPRESENTATIVES
ALL QUALITY CONTROL PROGRAM COORDINATORS

SUBJECT: CALFRESH IMPLEMENTATION OF ASSEMBLY BILL (AB) 135
SECTION 78(A): ELECTRONIC SIGNATURE REQUIREMENTS

REFERENCE: [ASSEMBLY BILL \(AB\) 135 \(CHAPTER 85, STATUTES OF 2021\)](#)
[SECTION 78\(a\); WELFARE AND INSTITUTIONS CODE \(WIC\)](#)
[SECTION 18900.4; TITLE 7 OF THE CODE OF FEDERAL](#)
[REGULATIONS \(CFR\) SECTION 273.2\(e\)\(2\); CIVIL CODE \(CIV\)](#)
[SECTION 1633.1-1633.17; 7 CFR 273.2\(c\)\(7\); 7 CFR](#)
[273.2\(c\)\(7\)\(iii\); ALL COUNTY INFORMATION NOTICE \(ACIN\)](#)
[NO. I-60-13; ALL COUNTY LETTER \(ACL\) NO. 17-57; FOOD](#)
[AND NUTRITION ACT OF 2008 SECTION 11\(e\)\(2\)\(C\)\(I\) AND \(ii\);](#)
[MANUAL OF POLICIES AND PROCEDURES \(MPP\) SECTION](#)
[40-131.](#)

The purpose of this All County Letter (ACL) is to inform County Welfare Departments (CWDs) of the requirements set forth in [Section 78\(a\) of Assembly Bill \(AB\) 135 \(Chapter 85, Statutes of 2021\)](#) henceforth referred to as AB 135. AB 135 adds [Section 18900.4](#) to the California Welfare and Institutions Code (WIC) for CalFresh. [WIC Section 18900.4](#) requires CWDs to provide CalFresh households with an option to complete an application and recertification interview by telephone and capture their signature via an electronic signature method, to the extent permitted under federal law.

Background

Title [7 Code of Federal Regulations \(CFR\) 273.2\(e\)\(2\)](#) and the [Manual of Policies and Procedures \(MPP\) section 40-131](#) currently allow CWDs to complete an electronic

interview, defined as a telephone or video conference, in lieu of a face-to-face interview for all applicant households, for specified categories of households, or on a case-by-case basis.

Regulations at [7 CFR 273.2\(c\)\(7\)](#) allow state agencies to accept “unwritten” signatures, which may include electronic, recorded telephonic, or recorded gestured signatures. Electronic signatures may include, but are not limited to, the use of a Personal Identification Number (PIN), a computer password, or clicking on an “I accept these conditions” button on a screen. [ACL No. 17-57](#), issued on June 9, 2017, goes on to define a telephonic signature as a type of electronic signature.

For more information on unwritten signatures, including electronic signatures and telephonic signatures, refer to [ACL No. 17-57](#). For a detailed description of CWDs’ responsibilities when implementing electronic signatures, refer to [ACIN No. I-60-13](#), issued on September 26, 2013.

New CalFresh Electronic Signature Policy

To the extent permitted under federal law, [WIC Section 18900.4](#) now requires CWDs to provide CalFresh households with an option to complete an application and recertification by telephone and capture their signature by an electronic signature method, such as a telephonic signature, in compliance with state and federal program requirements, that is supported by county business practices and available technology.

CWDs must ensure that the electronic signature method(s) meet the following requirements:

- The client must take an affirmative action to indicate concurrence, such as entering a Personal Identification Number (PIN) or providing verbal affirmation;
- The record of the signature must be maintained electronically and linked to the document to which the signature attests; and
- The process put in place for CalFresh must constitute a legal signature in the State of California, as defined by the Secretary of State and the Uniform Electronic Transactions Act.

[ACL No. 17-57](#) informed CWDs that the requirements under [7 CFR 273.2\(c\)\(7\)\(iii\)](#) and those found in [ACIN No. I-60-13](#) for telephonic signatures apply to all electronic signature methods. Per federal guidelines, CWDs must follow the requirements below when implementing an electronic signature system:

- For signatures captured telephonically, CWDs must make an audio recording of both the household's verbal assent and a summary of the information to which the household assents. An example of a summary of the information to which

the household assents is a recording of a reiteration of the household details agreed to during the telephonic conversation;

- The audio file of the recorded verbal assent described above must be linked to the application so that the household's entire case file is readily accessible to the State agency; and
- The CWD must promptly provide the household member a printed copy of the completed application with instructions on how to correct any errors or omissions, so the household may review the information and make any necessary changes within ten days following the completion of the electronic signature.

For CWDs currently using the California Statewide Automated Welfare System (CalSAWS) this requirement is effective beginning on or before January 1, 2023.

For CWDs currently using the CalWORKs Information Network (CalWIN) system, this requirement is effective beginning on or before January 1, 2024.

Electronic Signature – Periodic Report (SAR 7) and Other Forms

[ACIN No. I-60-13](#) informed CWDs that electronic signatures may also be accepted in other instances where a signature is required, and an electronic signature is not specifically precluded. The [California Uniform Electronic Transactions Act, Civil Code \(CIV\) section 1633.1-1633.17](#) allows the use of an electronic signature if a law requires a signature. As such, CWDs may accept electronic signatures, including telephonic signatures, for other county and state forms in addition to application and recertification forms as long as they follow the electronic signature requirements listed in [7 CFR 273.2\(c\)\(7\)](#). It should be noted that [ACL No. 17-57](#) states the telephonic signature requirements under [7 CFR 273.2](#) and in [ACIN No. I-60-13](#) apply to all electronic signature methods and thus should be followed when using an electronic signature on any county or state form. CWDs must also review the description of CWD responsibilities when implementing electronic signatures, found in [ACIN No. I-60-13](#). As a reminder, CWDs should only request a signature for forms that require a signature.

If you have any questions or need additional guidance regarding the information in this letter, please contact the CalFresh Policy and Employment Bureau at CalFreshPolicy@dss.ca.gov.

Sincerely,

Original Document Signed By

JENNIFER HERNANDEZ, Deputy Director
Family Engagement and Empowerment Division