
By: **Delegate Petzold (Maryland Digital Signature Task Force) and
Delegates Rosenberg, Mandel, Heller, and Barve**

Introduced and read first time: February 5, 1998

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Digital Signature Pilot Program**

3 FOR the purpose of establishing a digital signature pilot program in State
4 government; providing for agency participation in the program; authorizing
5 certain agencies to establish procedures to allow for the use of digital signatures
6 under certain circumstances; providing for the use of digital signatures under
7 certain circumstances; requiring the Secretary of State to adopt certain
8 regulations; requiring a certain report; defining certain terms; and generally
9 relating to the creation of a digital signature pilot program.

10 BY adding to

11 Article - State Government

12 Section 8-504

13 Annotated Code of Maryland

14 (1995 Replacement Volume and 1997 Supplement)

15 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
16 MARYLAND, That the Laws of Maryland read as follows:

17 **Article - State Government**

18 8-504.

19 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
20 INDICATED.

21 (2) "AGENCY" MEANS ANY DEPARTMENT, AGENCY, OFFICE, OR OTHER
22 UNIT OF STATE GOVERNMENT.

23 (3) "DIGITAL SIGNATURE" MEANS AN ELECTRONIC IDENTIFIER,
24 CREATED BY A COMPUTER, INTENDED BY THE PARTY USING IT TO HAVE THE SAME
25 FORCE AND EFFECT AS THE USE OF A MANUAL SIGNATURE.

26 (4) "PILOT" MEANS THE DIGITAL SIGNATURE PILOT PROGRAM.

1 (B) (1) THERE IS A DIGITAL SIGNATURE PILOT PROGRAM IN STATE
2 GOVERNMENT.

3 (2) THE FOLLOWING AGENCIES MAY PARTICIPATE IN THE PILOT:

4 (I) THE SECRETARY OF STATE;

5 (II) THE STATE ARCHIVES;

6 (III) THE DEPARTMENT OF GENERAL SERVICES;

7 (IV) THE DEPARTMENT OF BUDGET AND MANAGEMENT; AND

8 (V) ANY OTHER AGENCY AUTHORIZED BY THE GOVERNOR.

9 (C) (1) THE PROVISIONS OF THIS SECTION ONLY APPLY TO
10 COMMUNICATIONS WITHIN OR BETWEEN STATE AGENCIES.

11 (2) SUBJECT TO THE PROVISIONS OF THIS SECTION, ANY AGENCY
12 PARTICIPATING IN THE PILOT MAY ESTABLISH METHODS AND PROCEDURES TO
13 ALLOW FOR THE USE OF A DIGITAL SIGNATURE IN ANY COMMUNICATION IN WHICH
14 A SIGNATURE IS REQUIRED OR USED WITHIN THE AGENCY OR BETWEEN THE
15 AGENCY AND ANOTHER AGENCY.

16 (3) THE USE OF A DIGITAL SIGNATURE UNDER THIS SECTION SHALL
17 HAVE THE SAME FORCE AND EFFECT AS THE USE OF A MANUAL SIGNATURE IF AND
18 ONLY IF IT EMBODIES ALL OF THE FOLLOWING ATTRIBUTES:

19 (I) IT IS UNIQUE TO THE SIGNER USING IT;

20 (II) IT IS CAPABLE OF VERIFICATION;

21 (III) IT IS UNDER THE SOLE CONTROL OF THE SIGNER USING IT;

22 (IV) IT IS LINKED TO DATA IN SUCH A MANNER THAT IF THE DATA
23 ARE CHANGED, THE DIGITAL SIGNATURE IS INVALIDATED; AND

24 (V) IT CONFORMS TO REGULATIONS ADOPTED BY THE SECRETARY
25 OF STATE.

26 (4) NOTHING IN THIS SECTION SHALL REQUIRE AN AGENCY TO USE OR
27 PERMIT THE USE OF A DIGITAL SIGNATURE.

28 (D) THE SECRETARY OF STATE SHALL ADOPT REGULATIONS TO IMPLEMENT
29 AND ADMINISTER A METHOD USED UNDER THE PILOT TO CONDUCT
30 AUTHENTICATED ELECTRONIC TRANSACTIONS USING DIGITAL SIGNATURES.

31 SECTION 2. AND BE IT FURTHER ENACTED, That the State agencies
32 participating in the pilot program shall report to the Governor and, subject to §
33 2-1246 of the State Government Article, to the General Assembly by October 1, 1999

1 on the procedures developed for the use of digital signatures and the experience and
2 effectiveness of the pilot program.

3 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take
4 effect October 1, 1998.