## Electronic And Digital Signatures According To The Secretary of State

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According to the "filing tips" section of the California Secretary of State's website, an "electronic signature" is "typically is defined as meaning an electronic sound, symbol, or process attached to or logically associated with an electronic record and executed or adopted by a person with the intent to sign the electronic record." This is, of course, the definition of "electronic signature" found in California's version of the Uniform Electronic Transactions Act, Cal. Civ. Code § 1633.2(h).

The Secretary of State's website defines a "digital signature" as "a type of electronic signature that requires specific security criteria to be met during the electronic transaction to ensure the signature is from the party it is supposed to be from." The California Government Code defines "digital signature" somewhat differently as "an electronic identifier, created by computer, intended by the party using it to have the same force and effect as the use of a manual signature." Cal. Gov't Code § 16.5(d). The statute further provides that a digital signature is a type of "electronic signature" as defined in subdivision (h) of Section 1633.2 of the Civil Code". The Secretary of State's office has further adopted regulations governing the acceptability and use of digital signatures by public entities. 2 CCR § 22000 - 22005.

From the foregoing, it is clear that digital signatures are a subset electronic signatures. The Secretary of State, however, will only accept only electronic signatures that are not digital signatures in filings. Moreover, the Secretary of State accepts electronic signatures only in filings submitted through the Secretary of State's online process.

## **More Baffling Trail Instructions**

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Following up on last Friday's trail use sign, I came across this sign with some rather interesting "cautions before beginning a jogging".

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