

Topic: Online Filing Signature Question
 Question by: Cheri L. Myers
 Jurisdiction: North Carolina
 Date: January 24, 2014

Jurisdiction	Question(s)
	North Carolina is looking into online filing of business entity filings. For those jurisdictions already filing online, did you have an issue with signatures? And how have you dealt with it online? If more than one signature is required, for example with an LLC, how do you handle all of the signatures required?
Manitoba	
Corporations Canada	
Alabama	
Alaska	
Arizona	
Arkansas	
California	
Colorado	
Connecticut	
Delaware	
District of Columbia	<p>In the District of Columbia all online filers set up account. When user completes any filings he/she is required to type the name of the governor that execute the workflow. That name is being recorded as well as the name of the user executing the workflow and information about credit card holder.</p> <p>This fulfills our e-signature requirement.</p>
Florida	
Georgia	
Hawaii	In Hawaii, we do not have an issue with signatures. The forms that we have online, require a minimum of one signature. If the entity desires all to sign they can register with a paper filing.
Idaho	

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Illinois	
Indiana	
Iowa	
Kansas	
Kentucky	
Louisiana	Louisiana is the same as Nevada.
Maine	
Maryland	
Massachusetts	
Michigan	In Michigan, online filing is only available for certain annual reports and statements; a typed signature is acceptable.
Minnesota	
Mississippi	
Missouri	
Montana	
Nebraska	
Nevada	In Nevada, we only require one signature. We can accept a typed signature after they have logged in
New Hampshire	
New Jersey	
New Mexico	
New York	In New York we accept a typed signature for online and paper filings. Under NY law the definition of a "signature" includes typed signatures. At this time our system only accommodates documents that require one signature.
North Carolina	
North Dakota	

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Ohio	<p>In Ohio, we have Administrative Rules which outline the electronic filing process. (http://codes.ohio.gov/oac/111-21) One requirement is that our office assign a code to be used as an "electronic signature" when filing online. They set up their user profile and we send them an electronic signature code which they use as part of their log in. They type the name of the person authenticating/signing the form and this constitutes the signature. Some forms require multiple signatures, and these names must each be typed on our system. It is up to the customer to ensure that each person signing the form is present and agrees to the typing of their name. We do not monitor or enforce this requirement.</p>
Oklahoma	
Oregon	<p>A signature is a signature, whether it's electronic or paper. That's what ESIGN and UETA say; it just needs to be logically associated with the record. Bare minimum, all you really need is something typed in. We put in a statement that tells them the penalty for false statement, but it's really the payment and IP address that we can trace back to the filer that ties them (maybe) to the record.</p> <p>That said, there is some merit in filing through an account system. Our business registry filings are done that way. Then the question becomes how much you want to make sure the account holder is identified. Our stance is that we don't want to create a higher standard than we have with paper, but no lower either. One method we are in the process of adopting is the "out of band" verification to establish a login, i.e. send the initial password for the account creator to their email account. Not much verification, really, but no more than we get with paper filings.</p> <p>To address multiple signatures, each person is supposed to sign for themselves, or an authorized agent may sign on their behalf. The authorized agent identifies themselves as such and may also be the registered agent, but doesn't have to be. It could be anyone given the authority by a person entitled to execute the document. We had to add that to the statutes through legislation last year.</p> <p>Of course, there are ways to build in much more verifiability of signatures, up to and including high level digital signatures. But if you're going that far, then you're verifying identity, and that's a whole 'nother ballgame.</p>
Pennsylvania	
Rhode Island	
South Carolina	
South Dakota	
Tennessee	

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Texas	
Utah	
Vermont	
Virginia	<p>We did not have an issue with electronic signatures for our online filings, per se. Any intentional mark (e.g., "X") should work. However, we took a shortcut by equating the signature with the requirement that the printed name be set forth next to the signature. These items should remain separate.</p> <p>As to multiple signatures, we don't take them! If you want to have more than one incorporator or organizer for a new corporation or LLC (the only charter filings that we currently process online), you must submit "paper," which includes submissions in PDF format (that are subject to review).</p>
Washington	<p>Washington State is similar to New York.</p> <p>We accept a typed signature along with a true and correct perjury statement. The same statement is on the paper forms.</p>
West Virginia	
Wisconsin	
Wyoming	

Additional comments:

Full text of email:

Good afternoon BOS!

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Thanks, Cheri

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