

**DE 89-08 - October 6, 1989**

**Use of Signature Facsimile by Registered Voters**

*To: Honorable Dorothy Walker Ruggles, Supervisor of Elections, Pinellas County, 315 Court Street, Clearwater, Florida 34616-5190*

*Prepared by: Division of Elections*

This is in reference to your request for an advisory opinion. Under Section 106.23(2), Florida Statutes, the Division of Elections has authority to issue advisory opinions relating to the Florida Election Code, Chapters 97-106, Florida Statutes, to several categories of persons, including supervisors of elections.

You have asked whether a signature facsimile stamp is legal when used by a registered voter on various registration forms.

It is well recognized that a "signing" may be accomplished in a number of different fashions. State v. Schell, 224 N.E.2d 49 (Ind. 1967). In McGrady v. Munsey Trust Co., 32 A.2d 106 (D.C. 1943), the court held that "to sign" means to affix a signature. Here, the court recognized that historically a signature is accomplished by writing one's name or by using the cross mark. However, in today's world a signature may also be affixed by using a machine or stamp. The court emphasized that absent statutory direction as to the method of signing, there is no substantial difference between affixing one's name with a stamp or with a pen when the intention is that it constitute one's authentic signature.

In AGO 80-13, the Attorney General opined that when a statute does not specify a manual or personal signature or prescribe a method of affixing the signature, a facsimile or rubber stamp may be lawfully used. The Attorney General stated that the general rule of law as to the method of affixing signatures in Florida is set forth in State v. Hickman, 189 So.2d 254 (Fla. 2d DCA 1966).

In Hickman, the court held that a signature may be made by the signer or by someone duly authorized by him. The court also stated that if a facsimile or rubber stamp is used, the only prerequisite is that it must be affixed upon the authority or at the direction of the person whose signature it purports to be and that it must be affixed in his presence.

In light of the above-mentioned authorities and the fact that the Florida registration statutes do not prescribe the method of affixing a signature to the various registration forms, it is our opinion that a signature facsimile stamp is legal when properly used by a registered voter.

**SUMMARY**

Absent statutory direction as to the method of signing, there is no substantial difference between affixing one's name with a stamp or with a pen when the intention is that it constitute one's authentic

signature. Consequently, when a statute does not specify a manual or personal signature or prescribe a method of affixing the signature, a facsimile or rubber stamp may be lawfully used. The facsimile may be used by the signer or by another person at the direction of the person whose signature it purports to be and it must be affixed in the signer's presence. Therefore, it is our opinion that a signature facsimile stamp is legal when properly used by a registered voter.