



# Superior Court of California County of Marin Digital Signatures vs Electronic Signatures

Local Rule 8.15 states that the Court will allow the use of a digital signature, which shall have the same force and effect as the use of a manual signature, if and only if it complies with all the requirements of Government Code Section 16.5.

GC 16.5(d) states that a “Digital Signature” means 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.

## The following signature types are acceptable by the clerk’s office:

- **Wet signature**
- **Electronic signature created by fax if “BY FAX” is indicated on the document. A “BY FAX” signature is an original ‘wet’ signature on a document that was then transmitted by fax, printed, and presented for filing.**
- **Digital signature created by computer**

## What is a wet signature?

A “wet signature” is created when a person physically marks a document. We prefer to have this done in blue ink for ease in determining that the signature is an original, but black ink is also acceptable.

## What is an electronic signature?

Various legal definitions exist for electronic signatures, but the term most generally refers to the acknowledgement or adoption of an electronic message, transaction or document.

NOTE: The only type of electronic signature that has historically accepted by our court is one created by fax if the document indicates “BY FAX”. **A “by fax” signature is an original ‘wet’ signature on a document that was then transmitted by fax, printed, and presented for filing.** A typed signature is not a signature by fax.

## What is a digital signature?

Sometimes referred to as a cryptographic signature, a digital signature is considered the most “secure” type of electronic signature. It includes a certificate of authority, such as a Windows certificate, to ensure the validity of the signature’s author and owner. **These signatures are acceptable by the court.** A typed signature is not a digital signature.

See examples:

