

### Signatures—Facsimile Signatures—State Auditor.

In the absence of statutory requirements the state auditor has authority to adopt a facsimile signature, and having done so the use of the same constitutes a valid and legal signature.

Mr. George P. Porter,  
State Auditor,  
Helena, Montana.

February 11, 1932.

My dear Mr. Porter:

You have requested my opinion as to whether the use of a signature machine which prints a facsimile of your signature constitutes a valid and legal signature.

In this regard you state you have an addressograph signature machine which has a steel engraved plate which prints a facsimile of your signature, and this plate is kept in your possession and adopted by you as your signature.

Under Requisites and Sufficiency of Signatures, 36 Cyc. 448, it is held:

“Signatures adopted by persons are sufficient to give validity to instruments even though they are illegible or defective; or contain only the christian name of the person signing; or made with a lead pencil; or typewritten; or printed; \* \* \*.”

The statutes of this state do not specify the manner in which the state auditor shall sign warrants and the legality of the use of a facsimile signature on the same has never been questioned in our courts. However, in the case of Pennington vs. Baehr, 48 Cal. 565 it was held that “coupons or bonds are not invalid because signed by a printed facsimile of the maker’s autograph, if adopted by the maker for that purpose, although such signing is not expressly authorized by statute.”

It has also been held that lithographic signatures of a secretary of an irrigation district, adopted by him, and appearing on the interest

coupons on irrigation bonds issued by the district, were sufficient evidence of his signature to such bonds.

Hewel vs. Hogin, 3 Cal. App. 248, 84 Pac. 1002.

It is therefore my opinion that in the absence of any statutory requirement you have the authority to adopt the facsimile signature as your own and that having done so the use of the same constitutes a valid and legal signature.

Very truly yours,

L. A. FOOT,  
Attorney General.