

Signatures On Electronically Filed Documents (by Cindi Mishkin and Jill Kent, July 2022)

[California Rules of Court, rule 8.75](#) explains how an electronically filed document is signed in the appellate courts. (For the trial court, see Cal. Rules of Court, rule 2.257.) The rule covers three circumstances: (1) documents signed under penalty of perjury, (2) documents not signed under penalty of perjury, and (3) judicial signatures. This guide covers the first two.

In short here are the easiest ways to sign an electronically filed document:

- (1) if you are the intended signer of a document which is not required to be filed under penalty of perjury and you or your agent file the document through [TrueFiling](#) – an electronic filing service provider – simply type your name where you normally would sign the document (Cal. Rules of Court, rule 8.75(b)(1) [document deemed signed by the electronic filer]);
- (2) if you are the intended signer under the penalty of perjury and you or your agent file the document through TrueFiling, simply type your name where you normally would sign the document and include text near the typed name that you “declare[] under penalty of perjury under the laws of the State of California that the information submitted is true and correct” (Cal. Rules of Court, rule 8.75(a)(1));
- (3) if the document is signed by someone other than the filer or by multiple people, gather the signature(s) on the original document and save the original document with the other person’s (people’s) signature(s) in the case file, and file the document with a copy of the signatures. (Cal. Rules of Court, rule 8.75(b)(2)(B).)

Details of the new rules are as follows:

REGULAR SIGNATURE/DOCUMENTS NOT SIGNED UNDER PENALTY OF PERJURY:

An electronic signature is defined as “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 a document or record created, generated, sent, communicated, received, or stored by electronic means.” (Cal. Rules of Court, rule 8.70(c)(10).)

In other words, the regular electronic signature is your name typed in the

signature space of the document, in any font you would like. For a regular signature, you do not need to save a “wet” original signature and you do not need to provide a picture or copy of your signature. And to be sure, if you are the electronic filer, you do not even really need to type your name. You can type it if you want to.

Documents not signed under penalty of perjury are deemed signed by the electronic filer. (Cal. Rules of Court, rule 8.75(b)(1).) The electronic filer includes the “person filing the document in electronic form directly with the court, by an agent, or through an electronic filing service provider.” (Cal. Rules of Court, rule 8.70(c)(7); accord [Cal. Supreme Ct. Rules Regarding Electronic Filing](#), rule 8.)

If multiple people must sign the electronically-filed document (such as a stipulation), it is deemed signed if: (1) all persons sign the document using a secure electronic signature (Cal. Rules of Court, rules 8.70(c)(11) and 8.75(b)(2)(A)), or (2) if the electronic filer obtains original signatures of the people signing the document, the filer must maintain the originally signed document (or copy thereof with an original signature) and make it available for inspection upon demand. (Cal. Rules of Court, rule 8.75(b)(2)(B).)

SIGNED UNDER PENALTY OF PERJURY:

Electronically filed documents that must be signed under penalty of perjury are deemed so signed under three circumstances:

- a. when the declarant or the declarant’s agent is the electronic filer (Rule 8.70(c)(7)) and the declarant uses an “electronic signature” (Rule 8.70(c)(10)) and includes the text that the declarant “declares under penalty of perjury under the laws of the State of California that the information submitted is true and correct” (Rule 8.75(a)(1)); or
- b. when the declarant is not the electronic filer, and uses a “secure electronic signature” (Cal. Rules of Court, rule 8.70(c)(11)), and “declares under penalty of perjury under the laws of the State of California that the information submitted is true and correct” (Rule 8.75(a)(1)); or
- c. when the declarant prints out and physically signs the document before the document is electronically filed. The party electronically

filing the document must retain the signed, original printed document and provide it for inspection on demand of any other party or the court (Rule 8.75(a)(2)).