

## Validity of Electronic Signatures That Look Nothing Like Your Actual Signature?

A lot of stores now have you sign for credit card transactions on an electronic screen. Sometimes it's with a stylus. Most places -- a lot of restaurants, it seems -- ask you to use your finger now instead. With the finger one especially, my signature often looks nothing at all like my actual signature.

A signature seems to serve two purposes: (1) indicating that a specific person signed the document, and then (2) that that person's signature signaled their consent/agreement, etc. A finger signature doesn't seem reliable at all then as a means of proving (1) and, thus, (2).

Does anyone know how the credit card companies handle disputes based on finger or stylus signatures?

Or do they just accept the cost of losing credit card disputes based on these signatures as a cost of doing business and outweighed by the fact that finger signatures make credit card use more frequent? I wouldn't be surprised if that's it, especially given that transactions under \$25 or so often don't require a signature at all.

Genuinely curious,

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Many credit cards, including the Apple card, no longer require signatures for this reason. And since you can't use a pen-and-ink signature online, they are becoming less and less prevalent anyway. See <https://creditcards.usnews.com/articles/credit-card-signatures-are-disappearing-what-you-need-to-know>

The fact is that you can sign almost anything and the system is not going to reject it. I seem to remember a story about guy experimenting with different signatures and having all of them accepted--even signing "I stole this card." So there's not much point to them anymore with the chip identification, etc. Claims of fraud generally don't rely on comparing signatures in any event.

Kevin Grierson, Virginia

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My husband has been known to sign with something other than his signature. He hates them. Charges always go through. My signature has become asquiggle because there are so many letters in my name and I get writer's cramp.

Elizabeth Pugliese-Shaw, Maryland

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Oftentimes at Lowe's and Office Depot, I sign the electronic signature pad "Batman". I have never had a cashier question it. Just sayin'

John Miles, Georgia

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Would electronic signatures not matching written signatures be an issue for those attorneys that email retainer agreements and such to clients that allow for electronic signatures like DocuSign?

Oscar Acuna

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I routinely use digital signatures from clients on intake agreements and court filings. My assumption is that the validity of such signatures is not based upon the resemblance of the digital signature to the client's "real" signature, but rather on the fact that my client's e-mail address is the one that was used to receive, access, and digitally sign the document.

I confess that I haven't spent much time thinking about how I'd prove my client was the one who signed the document, but I know that the signed docs

are stamped with a long code consisting of random letters and numbers. I assume the provider has a method of using this code to ensure traceability.

Now you've got me wondering. Has anyone had to prove that a specific person digitally signed a document?

Andrew C. McDannold, Florida

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The Uniform Electronic Transactions Act and ESIGN determine validity of electronic signatures. No need for them to look like anything.

Mitchell Goldstein, Virginia