

SIGNATURES:
COUNTY WARRANTS:

A county warrant may be executed by a county judge by the use of the facsimile signature of the county judge who is required to sign the warrant provided the manual signature of said judge has been properly filed with the Secretary of State.

OPINION NO. 273

June 7, 1971

Honorable Arlie H. Meyer
Representative, District 105
Room 235, Capitol Building
Jefferson City, Missouri 65101



Dear Representative Meyer:

This is in response to your request for an opinion as follows:

"I would appreciate a legal opinion from your office on the following question:

"Under the Uniform Facsimile Signature of Public Officials Law sections 105.273 to 105.278 may the three officials who sign county warrants use a facsimile signature?"

Subsequent to your opinion request, you have informed us the request concerns the authority for the use of a facsimile signature for a county court judge who is required to sign a warrant.

The use of facsimile signatures for public officers is found in Section 105.273 to and including Section 105.278, RSMo 1969.

Section 105.273, RSMo, provides:

"As used in sections 105.273 to 105.278

"(1) 'Public security' means a bond, note, certificate of indebtedness, or other obligation for the payment of money, issued by this state or by any of its departments, agencies or other instrumentalities or by any of its political subdivisions;

"(2) 'Instrument of payment' means a check, draft, warrant or order for the payment, delivery or transfer of funds;

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"(3) 'Authorized officer' means any official of this state or any of its departments, agencies, or other instrumentalities or any of its political subdivisions whose signature to a public security or instrument of payment is required or permitted;

"(4) 'Facsimile signature' means a reproduction by engraving, imprinting, stamping, or other means of the manual signature of an authorized officer."

Section 105.274, RSMo, provides:

"Any authorized officer, after filing with the secretary of state his manual signature certified by him under oath, may execute or cause to be executed with a facsimile signature in lieu of his manual signature:

"(1) Any public security, provided that at least one signature required or permitted to be placed thereon shall be manually subscribed; and

"(2) Any instrument of payment.

"Upon compliance with sections 105.273 to 105.278 by the authorized officer, his facsimile signature has the same legal effect as his manual signature."

Under the above statutes, the facsimile signature of any officer who is required by law to sign an "instrument of payment" may be used in lieu of the officer's manual signature in executing any "instrument of payment" provided his manual signature has been filed with the Secretary of State.

Counties are political subdivisions of the state. Barton County v. Walser, 47 Mo. 189; Chaffin v. County of Christian, 359 S.W.2d 730; Miller v. Ste. Genevieve County, 358 S.W.2d 28. A county officer is an officer of a political subdivision of this state, and a warrant for the payment of money by the county is an "instrument for payment" under the above statute, and any official whose signature is required by law may execute or cause to be executed his facsimile signature in lieu of his manual signature.

In regard to the duties of the county court and to the county clerk in issuing warrants, Section 50.180, RSMo 1969, provides:

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"When the county court shall ascertain any sum of money to be due from the county, as aforesaid, such court shall order its clerk to issue therefor a warrant, specifying in the body thereof on what account the debt was incurred for which the same was issued, and unless otherwise provided by law, in the following form:

Treasurer of the county of _____: Pay to _____ dollars, out of any money in the treasury appropriated for ordinary county expenditures (or express the particular fund, as the case may require).

Given at the courthouse, this _____ day of _____, 19 _____, by order of the county court.

Attest: C D, clerk.

A B, president."

Section 50.190, RSMo 1969, provides in part:

"Every such warrant shall be drawn for the whole amount ascertained to be due to the person entitled to the same, and but one warrant shall be drawn for the amount allowed to any person at one time, and shall be written or printed in roman letters, without ornament. It shall be signed by the president of the court whilst the court is in session, attested by the clerk, and warrants shall be numbered progressively throughout each year; . . ."

Under the above statutes, when the county court ascertains any sum of money is due from the county, it directs the county clerk to issue a warrant for the amount due, which warrant is required to be signed by the president of the county court while the said court is in session, and the same shall be attested by the county clerk. It is our opinion that a county judge who is required to sign a county warrant for the payment of money may use or cause to be used his facsimile signature to such warrant.

CONCLUSION

It is the opinion of this office that a county warrant may be executed by a county judge by the use of the facsimile signature of the county judge who is required to sign the warrant provided the manual signature of said judge has been properly filed with the Secretary of State.

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The foregoing opinion, which I hereby approve, was prepared by my Assistant, Moody Mansur.

Yours very truly,

A handwritten signature in cursive script, reading "John C. Danforth". The signature is written in black ink and is positioned above the typed name.

JOHN C. DANFORTH
Attorney General