

## SEC Facilitates Use of Electronic Signatures

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On November 17, 2020, the SEC [adopted amendments](#) to Rule 302(b) that will allow reporting companies to make SEC filings (periodic and current reports and registration statements) with electronic signatures. To accomplish this, new Rule 302(b)(2) requires the signatory to manually sign a document attesting that the signatory agrees that the use of an electronic signature in SEC filings constitutes the legal equivalent of that person's manual signature. The EDGAR Filer Manual will be updated to provide specific requirements to sign an authentication document through an electronic signature.

Reporting companies will be required to retain the signatory's manually signed document attesting that the signatory agrees that the use of that person's electronic signature constitutes the legal equivalent of that person's manual signature for as long as the signatory may use an electronic signature to sign an SEC filing and for a minimum of seven years after the date of the most recent electronic signature authentication document.

The new rules will be effective immediately upon their publication in the Federal Register. In related action, on November 20, 2020, the staff of Corporation Finance stated that it will not recommend enforcement action against reporting companies that comply with amended Rule 302(b) in advance of the effective date. The existing temporary COVID relief continues to allow signatories to retain manually signed pages and deliver them to the reporting company for retention as soon as reasonably practicable.

For questions regarding the signatory requirements, please contact your GableGotwals attorney or a member of our [Corporate & Securities team](#).



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