

## Questions on signatures on membership applications.

### **1. The acceptance of digital/electronic signatures for primary and secondary membership applications.**

Digital signatures or Electronic Signatures are not acceptable on an OHC membership application for either a primary or a secondary membership application, right now.

The U.S. Code defines an electronic signature for the purpose of US law as "an electronic sound, symbol, or process, attached to or logically associated with a contract or other record and executed or adopted by a person with the intent to sign the record." "Electronic record" means a record created, generated, sent, communicated, received, or stored by electronic means. It may be an electronic transmission of the document which contains the signature, as in the case of a fax, or it may be encoded message, such as telegraphy using Morse code.

"Digital signature" means cryptographic assertion of the signer's identity. A digital signature is a mathematical scheme for demonstrating the authenticity of a digital message or document. A valid digital signature gives a recipient reason to believe that the message was created by a known sender, such that the sender cannot deny having sent the message.

Both electronic and digital signatures are valid under US Law, but when applied to an electronic document. OHC Bylaw 4.1 says: "A prospective member must submit a written application in form as approved by the OHC..." An electronic membership application has not been approved by the OHC as an acceptable membership application form. While it is valid under US law to sign an electronic form with a digital or electronic signature, OHC has not approved the use of electronic forms.

The OHC may approve such a form in the future, until then; the current form requires a conventional signature.

### **2. The need to show proof of a primary membership in another chapter before a chapter can accept a secondary membership application.**

A properly completed membership application should serve as proof that the member has declared a primary membership. No further proof should be required. However, there have been rare cases in the past where someone attempted to skip the primary membership to avoid paying State OHC dues, so I recommend the following:

- 1) If you know the applicant and know they are a primary member of another chapter then accept the application without any question. This should be the practice 99% of the time.
- 2) If you don't know the person and don't know their primary chapter, then ask to see that person's primary chapter ID card. If they show it to you, and the primary ID is current, then accept the application.
- 3) If the person does not have a primary chapter ID or they show you an expired primary ID, but they claim to be a current member of \_\_\_\_\_ chapter then accept the application, but follow up by asking the Treasurer/ Application chair of the primary chapter or the State Membership Chair to verify the applicants primary chapter. If the State Membership Chair replies that the applicant is not a current member of a primary chapter then send the applicant a notice by mail or email that their secondary

chapter membership request is not valid until they can show proof of a primary chapter membership. Tell the applicant that you will hold the membership application until a primary membership can be validated. This should almost never happen.

Let's be sure that I'm clear here. The three step process that I've outlined above is not in the OHC rules or in Robert's Rules. This is my recommendation on how to act within in OHC's "Horsemen helping Horsemen" mission. The OHC rules only say that a member must declare a primary chapter before joining multiple chapters. Use your best judgment

### **3. Is it acceptable for one person to sign and then initial by the name for other applicants on a membership form?**

No, it is not acceptable for one person to sign and then initial by the name for other applicants.

There are two reasons that OHC requires a signature on the membership application.

- 1) Bylaw 4.1 states in part: "...and agree to the Bylaws and Standing Rules of OHC." The signature on the membership application indicates that the person submitting the application agrees to the Bylaws and Standing Rules.
- 2) The signature affirms that the person whose name appears in the top of the form is applying for membership. In other words, someone else is not applying for membership in your name without your permission.

Since the signature serves these two purposes, the application is not valid if each person applying for membership on each form has not signed the form. A person may legally sign a form for another person, if that person signing has power of attorney granted by the first person. But, OHC cannot be sure that a valid power of attorney exists unless a copy of the power of attorney is attached to the membership form. This is not practical.

A person will only be granted membership in the OHC when that person signs the membership form. Forms that don't have a signature by each applicant will be returned for proper signatures.

If a family membership application includes two adults, and only one of the adult applicants has signed the form, then that adult will be granted membership. The second adult applicant will not be granted membership until a form with a valid signature is submitted.

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