

AN ACT concerning State government.

**Be it enacted by the People of the State of Illinois,
represented in the General Assembly:**

Section 5. The Illinois Notary Public Act is amended by adding Section 1-105 as follows:

(5 ILCS 312/1-105 new)

Sec. 1-105. Notarization Task Force on Best Practices and Verification Standards to Implement Electronic Notarization.

(a) The General Assembly finds and declares that:

(1) As more and more citizens throughout the State of Illinois rely on electronic devices they also increasingly depend on electronic documentation. Any assertion that e-mails or word processing documents are necessarily "informal and not legally binding" has been dispelled by national legislation such as the federal "E-Sign" law in 2000 and the Uniform Electronic Transactions Act, which has been virtually universally adopted throughout the United States. Increasingly, laws have bestowed upon electronic documents the same legal effect as paper instruments.

(2) Moreover, institutions, businesses, and commerce have gradually put more of their faith in electronic commerce and information technology in order to facilitate formal and informal interactions that are oftentimes

mission-critical and sensitive. In order to meet the growing demand for electronic commerce that is both convenient and secure, understanding the processes and technology is critical and the need for an electronic or remote notarization - the process of notarizing a signature on an electronic document by electronic methods - is becoming a necessity.

(b) As used in this Section, "Task Force" means the Notarization Task Force on Best Practices and Verification Standards to Implement Electronic Notarization.

(c) There is created a Notarization Task Force on Best Practices and Verification Standards to Implement Electronic Notarization to review and report on national standards for best practices in relation to electronic notarization, including security concerns and fraud prevention. The goal of the Task Force is to investigate and provide recommendations on national and State initiatives to implement electronic notarization in such a manner that increases the availability to notary public services, protects consumers, and maintains the integrity of the notarization seal and signature.

(d) The Task Force's report shall include, but not be limited to, standards for an electronic signature, including encryption and decryption; the application process for electronic notarial commission; and the training of notaries on electronic notarization standards and best practices prior to the commission of an electronic notary's electronic signature.

The report shall also evaluate and make a recommendation on fees for notary application and commission, on which documents and acts can be attested to by electronic notaries, and on security measures that will protect the integrity of the electronic notary's electronic signature, as well as standards that the Secretary of State may rely upon for revoking an electronic notarization. The report must make a recommendation on whether and to what extent this Act should be expanded and updated.

(e) The Task Force shall meet no less than 5 times between the effective date of this amendatory Act of the 100th General Assembly and December 31, 2019. The Task Force shall prepare a report that summarizes its work and makes recommendations resulting from its review. The Task Force shall submit the report of its findings and recommendations to the Governor and the General Assembly no later than June 30, 2020.

(f) The Task Force shall consist of the following 17 members:

(1) one member appointed by the Secretary of State from the Index Department of the Office of the Secretary of State;

(2) one member appointed by the Secretary of State from the Department of Information Technology of the Office of the Secretary of State;

(3) one member appointed by the President of the Senate;

(4) one member appointed by the Minority Leader of the Senate;

(5) one member appointed by the Speaker of the House of Representatives;

(6) one member appointed by the Minority Leader of the House of Representatives;

(7) one member appointed by the Attorney General;

(8) one member appointed by the Secretary of State from nominations made by the president of a statewide organization representing state's attorneys;

(9) one member appointed by the Secretary of State from nominations made by a statewide organization representing attorneys;

(10) one member appointed by the Secretary of State from nominations made by an organization representing attorneys in a municipality of more than 1,000,000 inhabitants;

(11) one member appointed by the Secretary of State from nominations made by a statewide organization representing bankers;

(12) one member appointed by the Secretary of State from nominations made by a statewide organization representing community bankers;

(13) one member appointed by the Secretary of State from nominations made by a statewide organization representing credit unions;

(14) one member appointed by the Secretary of State from nominations made by a statewide organization representing corporate fiduciaries;

(15) one member appointed by the Secretary of State from nominations made by an organization representing realtors in a municipality of more than 1,000,000 inhabitants;

(16) one member appointed by the Secretary of State from nominations made by a statewide organization representing realtors; and

(17) one member appointed by the Secretary of State from nominations made by a statewide chapter of a national organization representing elder law attorneys.

(g) The Secretary of State shall designate which member shall serve as chairperson and facilitate the Task Force. The members of the Task Force shall be appointed no later than 90 days after the effective date of this amendatory Act of the 100th General Assembly. Vacancies in the membership of the Task Force shall be filled in the same manner as the original appointment. The members of the Task Force shall not receive compensation for serving as members of the Task Force.

(h) The Office of the Secretary of State shall provide the Task Force with administrative and other support.

(i) This Section is repealed on July 1, 2020.

Section 99. Effective date. This Act takes effect July 1, 2017.