

1 AN ACT concerning government.

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

4 Section 5. The Illinois Notary Public Act is amended by
5 changing Sections 1-104, 2-101, 2-102, 2-102.5, 2-103, 2-104,
6 2-105, 2-107, 3-101, 3-103, 3-104, 3-105, 3-106, 4-101, 5-101,
7 5-102, 6-102, 6-104, and Sections 7-106, 7-107, and 7-108 and
8 by adding Sections 1-106, 2-101.5, 2-102.6, 2-102.7, 3-101.5,
9 and 3-107, 6-102.5, and the heading of Article VI-A and
10 Sections 6A-101, 6A-102, 6A-103, 6A-104, 6A-105, 6A-106, and
11 7-110 as follows:

12 (5 ILCS 312/1-104) (from Ch. 102, par. 201-104)

13 Sec. 1-104. Definitions. As used in this Act: Notary
14 Public and Notarization Defined.

15 "Accredited immigration representative" means a not for
16 profit organization recognized by the Board of Immigration
17 Appeals under 8 C.F.R. 292.29(a) and employees of those
18 organizations accredited under 8 C.F.R. 292.29(d).

19 "Acknowledgment" means a declaration by an individual
20 before a notarial officer that the individual has signed a
21 record for the purpose stated in the record and, if the record
22 is signed in a representative capacity, that the individual
23 signed the record with proper authority and signed it as the

1 act of the individual or entity identified in the record.

2 "Audio-video communication" means communication by which a
3 person is able to see, hear, and communicate with another
4 person in real time using electronic means.

5 "Communication technology" means an electronic device or
6 process that allows a notary public and a remotely located
7 individual to communicate with each other simultaneously by
8 audio-video communication.

9 "Credential" means a tangible record evidencing the
10 identity of a person, including a valid and unexpired
11 identification card or other document issued by the federal
12 government or any state government that contains the
13 photograph and signature of the principal.

14 "Digital certificate" means a computer-based record or
15 electronic file to a notary public or applicant for commission
16 as an electronic notary public for the purpose of creating an
17 official electronic signature. The digital certificate shall
18 be kept in the exclusive control of the electronic notary
19 public.

20 "Dynamic knowledge based authentication assessment" means
21 an identity assessment that is based on a set of questions
22 formulated from public or private data sources for which the
23 person taking the assessment has not previously provided an
24 answer that meets any rules adopted by the Secretary of State.

25 "Electronic" means of or relating to technology having
26 electrical, digital, magnetic, wireless, optical,

1 electromagnetic, or similar capabilities.

2 "Electronic document" means information that is created,
3 generated, sent, communicated, received, or stored by
4 electronic means.

5 "Electronic notarial act" means an act that an electronic
6 notary public of this State is authorized to perform. The term
7 includes:

8 (1) taking an acknowledgment;

9 (2) administering an oath or affirmation;

10 (3) executing a jurat;

11 (4) certifying a true and correct copy; and

12 (5) performing such other duties as may be prescribed
13 by a specific statute.

14 "Electronic notarial certificate" means the portion of a
15 notarized electronic document that is completed by an online
16 notary public and contains the following:

17 (1) the electronic notary public's electronic
18 signature, electronic seal, title, and commission
19 expiration date;

20 (2) other required information concerning the date and
21 placement of the electronic notarization; and

22 (3) the facts attested to or certified by the
23 electronic notary public in the particular notarization.

24 "Electronic notarial certificate" includes the form of an
25 acknowledgment, jurat, verification on oath or affirmation, or
26 verification of witness or attestation that is completed

1 remotely by an electronic notary public and:

2 (1) contains the electronic notary's electronic
3 signature, electronic seal, title and commission, and
4 expiration date;

5 (2) contains other required information concerning the
6 date and place of the electronic notarization;

7 (3) otherwise conforms to the requirements for an
8 acknowledgment, jurat, verification on oath or
9 affirmation, or verification of witness or attestation
10 under the laws of this State; and

11 (4) indicates that the person making the
12 acknowledgment, oath, or affirmation appeared.

13 "Electronic notarization system" means a set of
14 applications, programs, hardware, software, or technology to
15 enable an electronic notary to perform electronic notarial
16 acts through audio-video communication.

17 "Electronic notary public" means a person commissioned by
18 the Secretary of State to perform electronic notarial acts.

19 "Electronic presentation" means the transmission of a
20 quality image of a government-issued identification credential
21 to an electronic notary public through communication
22 technology for the purpose of enabling the electronic notary
23 public to identify the person appearing before the electronic
24 notary public and to perform a credential analysis.

25 "Electronic record" means a record created, generated,
26 sent, communicated, received, or stored by electronic means.

1 "Electronic seal" means information within a notarized
2 electronic document that includes the names, commission
3 number, jurisdiction, and expiration date of the commission of
4 an electronic notary public and generally includes the
5 information required to be set forth in a mechanical stamp
6 under subsection (b-5) of Section 3-101.

7 "Electronic signature" means the official signature of the
8 commissioned notary that is on file with the Secretary of
9 State and has been reduced to an electronic format that may be
10 attached to or logically associated with a record and executed
11 or adopted by an individual with the intent to sign the record.

12 "Identity proofing" means a process or service operating
13 according to criteria approved by the Secretary of state
14 through which a third person affirms the identity of an
15 individual through review of personal information from public
16 and proprietary data sources, including (a) by means of
17 dynamic knowledge-based authentication, such as a review of
18 personal information from public or proprietary data sources;
19 or (b) by means of analysis of biometric data, such as, but not
20 limited to, facial recognition, voiceprint analysis, or
21 fingerprint analysis.

22 "In the presence of" or "appear before" means:

23 (1) being in the same physical location as another
24 person and close enough to see, hear, communicate with and
25 exchange credentials with that person; or

26 (2) being in a different physical location from another

1 person, but able to see, hear, and communicate with the
2 person by means of audio-video communication that meets
3 any rules adopted by the Secretary of State.

4 "Notarial act" means an act, whether performed with
5 respect to a tangible or electronic record, that a notary
6 public, a remote notary public, or an electronic notary public
7 may perform under the laws of this State. "Notary act"
8 includes taking an acknowledgment, administering an oath, or
9 affirmation, taking a verification on oath, or affirmation,
10 witnessing or attesting a signature, certifying or attesting a
11 copy, and noting a protest of a negotiable instrument.

12 "Notary public" or "notary" means an individual
13 commissioned to perform notarial acts.

14 "Notarization" means the performance of a notarial act.

15 "Outside the United States" means a location outside of
16 the geographic boundaries of a state or commonwealth of the
17 United States, the District of Columbia, Puerto Rico, the
18 United States Virgin Islands, and any territory, or insular
19 possession, or other location subject to the jurisdiction of
20 the United States.

21 "Principal" means an individual:

22 (1) whose signature is notarized; or

23 (2) taking an oath or affirmation from the notary but
24 not in the capacity of a witness for the notarization.

25 "Public key certificate" means an electronic credential
26 which is used to identify an individual who signed an

1 electronic record with the certificate.

2 "Real time" means the actual span of uninterrupted time
3 during which all parts of an electronic notarial act occur.

4 "Remote notarial act" means a notarial act that is done by
5 way of audio-video communication technology that allows for
6 direct, contemporaneous interaction between the individual
7 signing the document (the signatory) and the witness by sight
8 and sound but that requires the notary public to use his or her
9 physical stamp and seal to notarize the document without the
10 aid of an electronic seal or signature.

11 "Remote notary public" means any notary public that
12 performs a remote notarial act.

13 "Tamper evident" means that any change to an electronic
14 document shall display evidence of the change.

15 "Unique to the electronic notary public" and "sole
16 control" mean, with respect to an electronic notarization that
17 the signing device used to affix the electronic signature of
18 the electronic notary public and to render the official
19 electronic seal information tamper evident must be accessible
20 by and attributable solely to the electronic notary public to
21 the exclusion of all other persons and entities for the
22 necessary period of time that such device is engaged and
23 operating to effectuate the authorized electronic
24 notarization.

25 ~~(a) The terms "notary public" and "notary" are used~~
26 ~~interchangeably to mean any individual appointed and~~

1 ~~commissioned to perform notarial acts.~~

2 ~~(b) "Notarization" means the performance of a notarial~~
3 ~~act.~~

4 ~~(c) "Accredited immigration representative" means a~~
5 ~~not for profit organization recognized by the Board of~~
6 ~~Immigration Appeals under 8 C.F.R. 292.2(a) and employees of~~
7 ~~those organizations accredited under 8 C.F.R. 292.2(d).~~

8 (Source: P.A. 93-1001, eff. 8-23-04.)

9 (5 ILCS 312/1-106 new)

10 Sec. 1-106. Electronic Notarization Fund. The Electronic
11 Notarization Fund is created as a special fund in the State
12 treasury. Moneys in the Electronic Notarization Fund during
13 the preceding calendar year, shall be distributed, subject to
14 appropriation, to the Secretary of State to fund the
15 Department of Index's implementation of the electronic
16 notarization commissions. This Section is effective on and
17 after July 1, 2022.

18 (5 ILCS 312/2-101) (from Ch. 102, par. 202-101)

19 Sec. 2-101. Appointment.

20 (a) The Secretary of State may appoint and commission as
21 notaries public for a 4-year term as many persons resident in a
22 county in this State as he deems necessary. The Secretary of
23 State may appoint and commission as notaries public for a
24 one-year term as many persons who are residents of a state

1 bordering Illinois whose place of work or business is within a
2 county in this State as the Secretary deems necessary, but
3 only if the laws of that state authorize residents of Illinois
4 to be appointed and commissioned as notaries public in that
5 state.

6 (b) A notary public commissioned in this State may apply
7 for an electronic notary public commission to perform
8 electronic notarial acts with the name that appears on the
9 notary's commission.

10 (c) An individual may apply for a notary public commission
11 and apply for an electronic notary public commission at the
12 same time.

13 (d) Any notary or electronic notary appointed by the
14 Secretary of State may elect not to perform a notarial act or
15 an electronic notarial act for any reason.

16 (e) The commission of a notary public and an electronic
17 notary public shall have the same term pursuant to subsection
18 (a).

19 (f) The electronic notary public commission of a notary
20 public is suspended by operation of law when the notary public
21 is no longer appointed and commissioned as a notary public in
22 this State under this Act. If the commission of the notary
23 public has been revoked or suspended, the Secretary of State
24 shall immediately notify the notary public in writing that his
25 or her commission as a notary public and as an electronic
26 notary public will be suspended by operation of law until he or

1 she is reappointed.

2 (Source: P.A. 91-818, eff. 6-13-00.)

3 (5 ILCS 312/2-101.5 new)

4 Sec. 2-101.5. Course of study and examination.

5 (a) Applicants applying for the first time as a notary
6 public or as an electronic notary public or applying to renew
7 his or her appointment as a notary public or as an electronic
8 notary public shall:

9 (1) complete any course of study on notarization and
10 electronic notarization that is required by the Secretary
11 of State; and

12 (2) pass an examination at the completion of the
13 course.

14 (b) The Secretary of State shall have the authority to
15 adopt administrative rules mandating a course of study and
16 examination and establishing the course of study content,
17 length of the course of study to be required, and to approve
18 any course of study providers.

19 (5 ILCS 312/2-102) (from Ch. 102, par. 202-102)

20 Sec. 2-102. Application.

21 (a) Application for notary public commission. Every
22 applicant for appointment and commission as a notary shall
23 complete an application in a format prescribed by the
24 Secretary of State to be filed with the Secretary of State,

1 stating:

2 (1) ~~(a)~~ the applicant's official name, as it appears
3 on his or her current driver's license or state-issued
4 identification card;

5 (2) ~~(b)~~ the county in which the applicant resides or,
6 if the applicant is a resident of a state bordering
7 Illinois, the county in Illinois in which that person's
8 principal place of work or principal place of business is
9 located;

10 (3) ~~(c)~~ the applicant's residence address, as it
11 appears on his or her current driver's license or
12 state-issued identification card;

13 (4) the applicant's e-mail address;

14 (5) ~~(c-5)~~ the applicant's business address if
15 different than the applicant's residence address, if
16 performing notarial acts constitutes any portion of the
17 applicant's job duties;

18 (6) ~~(d)~~ that the applicant has resided in the State of
19 Illinois for 30 days preceding the application or that the
20 applicant who is a resident of a state bordering Illinois
21 has worked or maintained a business in Illinois for 30
22 days preceding the application;

23 (7) ~~(e)~~ that the applicant is a citizen of the United
24 States or ~~an alien~~ lawfully admitted for permanent
25 residence in the United States;

26 (8) ~~(f)~~ the applicant's date of birth;

1 (9) ~~(g)~~ that the applicant is proficient in the ~~able~~
2 ~~to read and write~~ the English language;

3 (10) that the applicant has not had a prior
4 application or commission revoked due to a finding or
5 decision by the Secretary of State ~~(h) that the applicant~~
6 ~~has never been the holder of a notary public appointment~~
7 ~~that was revoked or suspended during the past 10 years;~~

8 (11) ~~(i)~~ that the applicant has not been convicted of
9 a felony;

10 (12) ~~(i-5)~~ that the applicant's signature authorizes
11 the Office of the Secretary of State to conduct a
12 verification to confirm the information provided in the
13 application, including a criminal background check of the
14 applicant, if necessary; ~~and~~

15 (13) that the applicant has provided satisfactory
16 proof to the Secretary of State that the applicant has
17 successfully completed any required course of study on
18 notarization; and

19 (14) ~~(j)~~ any other information the Secretary of State
20 deems necessary.

21 (b) Any notary appointed under subsection (a) shall have
22 the authority to conduct remote notarizations.

23 (c) Application for electronic notary public commission.
24 An application for an electronic notary public commission must
25 be filed with the Secretary of State in a manner prescribed by
26 the Secretary of State. Every applicant for appointment and

1 commission as an electronic notary public shall complete an
2 application to be filed with the Secretary of State, stating:

3 (1) all information required to be included in an
4 application for appointment as an electronic notary
5 public, as provided under subsection (a);

6 (2) that the applicant is commissioned as a notary
7 public under this Act;

8 (3) the applicant's email address;

9 (4) that the applicant has provided satisfactory proof
10 to the Secretary of State that the applicant has
11 successfully completed any required course of study on
12 electronic notarization and passed a qualifying
13 examination;

14 (5) a description of the technology or device that the
15 applicant intends to use to create his or her electronic
16 signature in performing electronic notarial acts;

17 (6) the electronic signature of the applicant; and

18 (7) any other information the Secretary of State deems
19 necessary.

20 (d) Electronic notarial acts. Before an electronic notary
21 public performs an electronic notarial act using audio-video
22 communication, he or she must be granted an electronic notary
23 public commission by the Secretary of State under this
24 Section, and identify the technology that the electronic
25 notary public intends to use, which must be approved by the
26 Secretary of State.

1 (e) Approval of commission. Upon the applicant's
2 fulfillment of the requirements for a notarial commission or
3 an electronic notary public commission, the Secretary of State
4 shall approve the commission and issue to the applicant a
5 unique commission number.

6 (f) Rejection of application. The Secretary of State may
7 reject an application for a notarial commission or an
8 electronic notary public commission if the applicant fails to
9 comply with any Section of this Act.

10 (Source: P.A. 99-112, eff. 1-1-16; 100-809, eff. 1-1-19.)

11 (5 ILCS 312/2-102.5)

12 Sec. 2-102.5. Online ~~notary public~~ application system.

13 (a) The Secretary of State may establish and maintain an
14 online application system that permits an Illinois resident to
15 apply for appointment and commission as a notary public or
16 electronic notary public.

17 (b) Any such online ~~notary public~~ application system shall
18 employ security measures to ensure the accuracy and integrity
19 of notary public applications submitted electronically under
20 this Section.

21 (c) The Secretary of State may cross reference information
22 provided by applicants with that contained in the Secretary of
23 State's driver's license and Illinois Identification Card
24 databases in order to match the information submitted by
25 applicants, and may receive from those databases the

1 applicant's digitized signature upon a successful match of the
2 applicant's information with that information contained in the
3 databases.

4 (d) An online ~~notary public~~ application shall contain all
5 of the information that is required for a paper application as
6 provided in Section 2-102 of this Act. The applicant shall
7 also be required to provide:

8 (1) the applicant's full Illinois driver's license or
9 Illinois Identification Card number;

10 (2) the date of issuance of the Illinois driver's
11 license or Illinois Identification Card; and

12 (3) the applicant's e-mail address for notices to be
13 provided under this Section.

14 (e) For his or her application to be accepted, the
15 applicant shall mark the box associated with the following
16 statement included as part of the online ~~notary public~~
17 application: "By clicking on the box below, I swear or affirm
18 all of the following:

19 (1) I am the person whose name and identifying
20 information is provided on this form, and I desire to be
21 appointed and commissioned as a notary public in the State
22 of Illinois.

23 (2) All the information I have provided on this form
24 is true and correct as of the date I am submitting this
25 form.

26 (3) I authorize the Secretary of State to utilize my

1 signature on file with the Secretary of State driver's
2 license and Illinois Identification Card databases and
3 understand that such signature will be used on this online
4 ~~notary public~~ application for appointment and commission
5 as a notary public or electronic notary as if I had signed
6 this form personally."

7 (4) I authorize the Secretary of State to utilize my
8 signature to conduct a verification to confirm the
9 information provided in the application, including a
10 criminal background check, if necessary."

11 (f) Immediately upon receiving a completed online ~~notary~~
12 ~~public~~ application, the online system shall send by electronic
13 mail a confirmation notice that the application has been
14 received. Upon completion of the procedure outlined in
15 subsection (c) of this Section, the online ~~notary public~~
16 application system shall send by electronic mail a notice
17 informing the applicant of whether the following information
18 has been matched with the Secretary of State driver's license
19 and Illinois Identification Card databases:

20 (1) that the applicant has an authentic Illinois
21 driver's license or Illinois Identification Card issued by
22 the Secretary of State and that the driver's license or
23 Illinois Identification Card number provided by the
24 applicant matches the driver's license or Illinois
25 Identification Card number for that person on file with
26 the Secretary of State;

1 (2) that the date of issuance of the Illinois driver's
2 license or Illinois Identification Card listed on the
3 application matches the date of issuance of that license
4 or card for that person on file with the Secretary of
5 State;

6 (3) that the date of birth provided by the applicant
7 matches the date of birth for that person on file with the
8 Secretary of State; ~~and~~

9 (4) that the residence address provided by the
10 applicant matches the residence address for that person on
11 file with the Secretary of State; ~~and.~~

12 (5) the last 4 digits of the applicant's social
13 security number.

14 (g) If the information provided by the applicant matches
15 all of the criteria identified in subsection (f) of this
16 Section, the online ~~notary public~~ application system shall
17 retrieve from the Secretary of State's database files an
18 electronic copy of the applicant's signature from his or her
19 Illinois driver's license or Illinois Identification Card and
20 such signature shall be deemed to be the applicant's signature
21 on his or her online ~~notary public~~ application.

22 (Source: P.A. 99-112, eff. 1-1-16.)

23 (5 ILCS 312/2-102.6 new)

24 Sec. 2-102.6. Database of notaries public. The Secretary
25 of State may maintain a database of notaries public on a

1 publicly-accessible website which: (1) any interested person
2 may use to verify the authority and good standing of a listed
3 individual to perform notarial acts; (2) indicates whether a
4 notary holds a valid electronic commission and is able to
5 lawfully perform electronic notarial acts; and (3) describes
6 any administrative or disciplinary action taken against the
7 notary by the Secretary of State.

8 (5 ILCS 312/2-102.7 new)

9 Sec. 2-102.7. Registration of electronic notarization
10 technology.

11 (a) Notaries holding an electronic notary public
12 commission shall register the capability to notarize
13 electronically before performing any electronic notarial acts
14 with the Secretary of State. The registration shall be made
15 with the Secretary of State every time an electronic notary
16 public adopts a new or additional technology with which to
17 perform electronic notarial acts and the technology or vendor
18 must first be approved by the Secretary of State.

19 (b) Prior to any electronic notarial acts being performed
20 in this State, the vendor of electronic notarization
21 technology must submit the technology to the Secretary of
22 State and receive approval by the Secretary of State for use in
23 this State.

24 (c) The Secretary of State shall adopt rules applicable to
25 this Section, setting forth the standards electronic notary

1 platforms must achieve to be approved for use in the State of
2 Illinois and requirements with which vendors of electronic
3 notary platforms must comply.

4 (5 ILCS 312/2-103) (from Ch. 102, par. 202-103)

5 Sec. 2-103. Appointment Fee.

6 (a) Every applicant for appointment and commission as a
7 notary public shall pay to the Secretary of State a fee of \$15
8 ~~\$10~~. Ten dollars from each applicant fee shall be deposited in
9 the General Revenue Fund. Five dollars from each applicant fee
10 shall be deposited in the Electronic Notarization Fund.

11 (b) Every applicant for a commission as an electronic
12 notary public shall pay to the Secretary of State a fee of \$25.
13 This fee is in addition to the fee proscribed for a commission
14 as a notary public and shall be deposited in the Electronic
15 Notarization Fund.

16 (c) The changes made to this Section by this amendatory
17 Act of the 102nd General Assembly are effective on and after
18 July 1, 2022.

19 (Source: P.A. 85-1396.)

20 (5 ILCS 312/2-104) (from Ch. 102, par. 202-104)

21 Sec. 2-104. Oath.

22 (a) Every applicant for appointment and commission as a
23 notary public shall take the following oath:

24 "I, (name of applicant), solemnly affirm, under the

1 penalty of perjury, that the answers to all questions in this
 2 application are true, complete, and correct; that I have
 3 carefully read the notary law of this State; and that, if
 4 appointed and commissioned as a notary public, I will perform
 5 faithfully, to the best of my ability, all notarial acts in
 6 accordance with the law."

7 (b) In the event that the applicant completes a paper
 8 application for appointment and commission as a notary public,
 9 he or she shall take the oath in the presence of a person
 10 qualified to administer an oath in this State. The printed
 11 oath shall be followed by the signature of the applicant and
 12 notarized as follows:

13 " (Signature of applicant)
 14 State of Illinois
 15 County of (name of county where the notarization is
 16 completed)

17 Subscribed and affirmed before me on (insert date) by
 18 (name of person who signature is being notarized).

19 (Official signature and official seal
 20 of notary)".

21 (c) In the event that the applicant completes an online
 22 application for appointment and commission as a notary public,
 23 he or she shall affirm the oath electronically. An electronic
 24 affirmation of the oath in the online ~~notary public~~
 25 application system shall have the same force and effect as an
 26 oath sworn and affirmed in person.

1 (Source: P.A. 99-112, eff. 1-1-16.)

2 (5 ILCS 312/2-105) (from Ch. 102, par. 202-105)

3 Sec. 2-105. Bond.

4 (a) Every application for appointment and commission as a
5 notary public shall be accompanied by or logically associated
6 with an executed bond commencing on the date of the
7 appointment with a term of 4 years, in the sum of \$5,000, with,
8 as surety thereon, a company qualified to write surety bonds
9 in this State. The bond shall be conditioned upon the faithful
10 performance of all notarial acts in accordance with this Act.
11 The Secretary of State may prescribe an official bond form.

12 (b) A notary public that performs notarizations either
13 remotely or electronically and by means of audio-video
14 communication shall obtain and maintain a surety bond in the
15 amount of \$25,000 from a surety or insurance company licensed
16 to do business in this State, and this bond shall be
17 exclusively conditioned on the faithful performance of remote
18 notarial acts or electronic notarial acts by means of
19 audio-video communication. When a notary is required to hold
20 both the \$5,000 bond and the \$25,000 bond, one bond totaling
21 \$30,000 shall satisfy the provisions of this Section.

22 (c) The bonding company issuing the bond to a notary
23 public or an electronic notary public shall submit
24 verification of the bond information for the notary to the
25 Secretary of State in a format prescribed by the Secretary of

1 State.

2 (d) In addition to the surety bond, a notary public shall
3 maintain an errors and omissions insurance policy from an
4 insurer authorized to transact business in this State, in the
5 minimum amount of \$25,000 and on such terms as are specified by
6 the Secretary by rule and that are reasonably necessary to
7 protect the public. The applicant shall provide evidence of
8 this insurance policy to the Secretary of State on a form
9 prescribed by the Secretary of State.

10 (Source: P.A. 84-322.)

11 (5 ILCS 312/2-107)

12 Sec. 2-107. Notary public remittance agent.

13 (a) Every company, corporation, association, organization,
14 or person that remits notary public applications to the
15 Secretary of State on behalf of applicants for appointment and
16 commission as a notary public, for compensation or otherwise,
17 shall comply with standards to qualify for licensure as a
18 notary public remittance agent.

19 (b) The Secretary of State shall adopt rules describing
20 the requirements for a notary public remittance agent to be
21 licensed in the State of Illinois. ~~The standards to qualify~~
22 ~~for licensure as a notary public remittance agent shall~~
23 ~~include, but not be limited to, the following:~~

24 ~~(1) the applicant has not been the subject of any~~
25 ~~administrative citation, criminal complaint, or civil~~

1 ~~action arising from his or her duties as a notary public~~
2 ~~remittance agent;~~

3 ~~(2) the agent holds a surety bond in the amount of~~
4 ~~\$20,000 for the purposes of acting as a remittance agent;~~
5 ~~and~~

6 ~~(3) the agent complies with all requirements set forth~~
7 ~~by the Secretary of State for the submission of the notary~~
8 ~~public applications.~~

9 (c) A notary public remittance agent submitting an
10 application on behalf of an applicant for appointment and
11 commission as a notary public shall remit the application and
12 fee provided by the applicant within 30 days after receiving
13 the application and fee from the applicant.

14 (d) The agent shall not modify a notary's application
15 information in any way prior to submitting the application
16 information to the Secretary of State.

17 (e) The agent shall not issue a notary seal or notary stamp
18 to the notary applicant until sufficient evidence has been
19 received that the notary applicant has received a commission
20 from the Secretary of State.

21 (f) Any violation of this Act, including this Section, may
22 result in an administrative citation, criminal complaint, or
23 civil action arising from his or her duties as a notary public
24 or notary public remittance agent.

25 (g) ~~(e)~~ The provisions of this Section do not apply to
26 units of ~~local~~ government or private businesses that are

1 making applications, and providing application fees for their
2 employees.

3 (h) The Secretary of State shall adopt rules applicable to
4 this Section.

5 (Source: P.A. 101-366, eff. 1-1-20.)

6 (5 ILCS 312/3-101) (from Ch. 102, par. 203-101)

7 Sec. 3-101. Official seal.

8 (a) Notary public official seal. Each notary public shall,
9 upon receiving the notary commission from the Secretary of
10 State ~~county clerk~~, obtain an official rubber stamp seal with
11 which the notary shall authenticate his or her official acts.
12 The rubber stamp seal shall contain the following information:

13 (1) the words "Official Seal";

14 (2) the notary's official name;

15 (3) the words "Notary Public", "State of Illinois",
16 and "My commission expires (commission
17 expiration date)"; and

18 (4) a serrated or milled edge border in a rectangular
19 form not more than one inch in height by two and one-half
20 inches in length surrounding the information.

21 (b) (Blank).

22 (b-5) Electronic notary public electronic seal and
23 electronic signature. An electronic notarial act must be
24 evidenced by the following, which must be attached to or
25 logically associated with the electronic document that is the

1 subject of the electronic notarial act and which must be
2 immediately perceptible and reproducible:

3 (1) the electronic signature of the electronic notary
4 public;

5 (2) the electronic seal of the electronic notary
6 public, which shall look identical to a traditional notary
7 public seal;

8 (3) the words "Notary Public", "State of Illinois",
9 and "My commission expires (commission expiration date)";
10 and

11 (4) language explicitly stating that the electronic
12 notarial act was performed using audio-video
13 communication, if applicable.

14 (c) Registered devices. An electronic notary shall
15 register his or her chosen device with the Secretary of State
16 before first use. Thereafter, electronic notary public shall
17 take reasonable steps to ensure that any registered device
18 used to create an electronic seal or electronic signature is
19 current and has not been revoked or terminated by the device's
20 issuing or registering authority. Upon learning that the
21 technology or device used to create his or her electronic
22 signature has been rendered ineffective or unsecure, an
23 electronic notary public shall cease performing electronic
24 notarial acts until:

25 (1) a new technology or device is acquired; and

26 (2) the electronic notary public sends an electronic

1 message to the Secretary of State that includes the
2 electronic signature of the electronic notary public
3 required under paragraph (6) of subsection (b) of Section
4 2-102 relating to the new technology or device.

5 (d) Electronic signature and seal security.

6 (1) An electronic notary public shall keep the
7 electronic notary public's electronic signature and
8 electronic seal secure and under the notary public's
9 exclusive control. The electronic notary public shall not
10 allow another person to use his or her electronic
11 signature or electronic seal.

12 (2) An electronic notary public shall notify an
13 appropriate law enforcement agency, the vendor of the
14 electronic notary technology, and the Secretary of State
15 no later than the next business day after the theft,
16 compromise, or vandalism of the electronic notary public's
17 electronic signature or electronic seal.

18 (3) The electronic notary public shall not disclose
19 any access information used to affix the electronic notary
20 public's signature and seal except when requested by law
21 enforcement.

22 (e) Certificate of electronic notarial act. An electronic
23 notary public shall attach his or her electronic signature and
24 electronic seal with the electronic notarial certificate of an
25 electronic document in a manner that is capable of independent
26 verification and renders any subsequent change or modification

1 to the electronic document evidence.

2 (f) The Secretary of State shall have the authority to
3 adopt administrative rules to implement this Section.

4 (Source: P.A. 100-81, eff. 1-1-18.)

5 (5 ILCS 312/3-101.5 new)

6 Sec. 3-101.5. Security of electronic signature and seal.
7 The following requirements apply only to electronic notaries
8 public.

9 (a) The electronic signature and electronic seal of an
10 electronic notary public must be used only for the purposes of
11 performing electronic notarial acts.

12 (b) The electronic notary public's electronic signature
13 and electronic seal are deemed to be reliable if the following
14 requirements are met:

15 (1) it is unique to the electronic notary public;

16 (2) it is capable of independent verification;

17 (3) it is retained under the electronic notary
18 public's sole control;

19 (4) it is attached to or logically associated with the
20 electronic document in a tamper evident manner. Evidence
21 of tampering pursuant to this standard may be used to
22 determine whether the electronic notarial act is valid or
23 invalid;

24 (5) the electronic notary public has chosen technology
25 or a vendor that meets the minimum requirements

1 established by the Secretary of State and is approved by
2 the Secretary of State; and

3 (6) the technology adheres to any other standards or
4 requirements set by the Secretary of State in
5 administrative rule.

6 (c) The electronic notary public shall be prohibited from
7 selling or transferring personal information learned through
8 the course of an electronic notarization, except when required
9 by law, law enforcement, the Secretary of State or court
10 order.

11 (d) The Secretary of State shall have the authority to
12 adopt administrative rules to implement this Section.

13 (5 ILCS 312/3-103) (from Ch. 102, par. 203-103)

14 Sec. 3-103. Notice.

15 (a) Every notary public who is not an attorney or an
16 accredited immigration representative who advertises the
17 services of a notary public in a language other than English,
18 whether by radio, television, signs, pamphlets, newspapers,
19 electronic communications, or other written communication,
20 with the exception of a single desk plaque, shall include in
21 the document, advertisement, stationery, letterhead, business
22 card, or other comparable written or electronic material the
23 following: notice in English and the language in which the
24 written or electronic communication appears. This notice shall
25 be of a conspicuous size, if in writing or electronic

1 communication, and shall state: "I AM NOT AN ATTORNEY LICENSED
2 TO PRACTICE LAW IN ILLINOIS. I AM NOT ALLOWED TO DRAFT LEGAL
3 DOCUMENTS OR RECORDS, NOR MAY I GIVE LEGAL ADVICE ON ANY
4 MATTER, INCLUDING, BUT NOT LIMITED TO, MATTERS OF IMMIGRATION,
5 OR ACCEPT OR CHARGE FEES FOR THE PERFORMANCE OF THOSE
6 ACTIVITIES ". If such advertisement is by radio or television,
7 the statement may be modified but must include substantially
8 the same message.

9 A notary public shall not, in any document, advertisement,
10 stationery, letterhead, business card, electronic
11 communication, or other comparable written material describing
12 the role of the notary public, literally translate from
13 English into another language terms or titles including, but
14 not limited to, notary public, notary, licensed, attorney,
15 lawyer, or any other term that implies the person is an
16 attorney. To illustrate, the word "notario" is prohibited
17 under this provision.

18 Failure to follow the procedures in this Section shall
19 result in a fine of \$1,500 for each written violation. The
20 second violation shall result in permanent revocation of the
21 commission of notary public. Violations shall not preempt or
22 preclude additional appropriate civil or criminal penalties.

23 (b) All notaries public required to comply with the
24 provisions of subsection (a) shall prominently post at their
25 place of business as recorded with the Secretary of State
26 pursuant to Section 2-102 of this Act a schedule of fees

1 established by law which a notary public may charge. The fee
2 schedule shall be written in English and in the non-English
3 language in which notary services were solicited and shall
4 contain the disavowal of legal representation required above
5 in subsection (a), unless such notice of disavowal is already
6 prominently posted.

7 (c) No notary public, agency or any other person who is not
8 an attorney shall represent, hold themselves out or advertise
9 that they are experts on immigration matters or provide any
10 other assistance that requires legal analysis, legal judgment,
11 or interpretation of the law unless they are a designated
12 entity as defined pursuant to Section 245a.1 of Part 245a of
13 the Code of Federal Regulations (8 CFR 245a.1) or an entity
14 accredited by the Board of Immigration Appeals.

15 (c-5) In addition to the notice required under subsection
16 (a), every notary public who is subject to subsection (a)
17 shall, prior to rendering notary services or electronic notary
18 services, provide any person seeking notary or electronic
19 notary services services with a written acknowledgment that
20 substantially states, in English and the language used in the
21 advertisement for notary services the following: "I AM NOT AN
22 ATTORNEY LICENSED TO PRACTICE LAW IN ILLINOIS. I AM NOT
23 ALLOWED TO DRAFT LEGAL DOCUMENTS OR RECORDS, NOR MAY I GIVE
24 LEGAL ADVICE ON ANY MATTER OR ACCEPT OR CHARGE FEES FOR THE
25 PERFORMANCE OF THOSE ACTIVITIES". The Office of the Secretary
26 of State shall translate this acknowledgement into Spanish and

1 any other language the Secretary of State may deem necessary
2 to achieve the requirements of this subsection (c-5), and
3 shall make the translations available on the website of the
4 Secretary of State. This acknowledgment shall be signed by the
5 recipient of notary services or electronic notary services
6 before notary services or electronic notary services are
7 rendered, and the notary shall retain copies of all signed
8 acknowledgments throughout their present commission and for 2
9 years thereafter. Notaries shall provide recipients of notary
10 services or electronic notary services with a copy of their
11 signed acknowledgment at the time services are rendered. This
12 provision shall not apply to notary services or electronic
13 notary services related to documents prepared or produced in
14 accordance with the Illinois Election Code.

15 (d) Any person who aids, abets or otherwise induces
16 another person to give false information concerning
17 immigration status shall be guilty of a Class A misdemeanor
18 for a first offense and a Class 3 felony for a second or
19 subsequent offense committed within 5 years of a previous
20 conviction for the same offense.

21 Any notary public who violates the provisions of this
22 Section shall be guilty of official misconduct and subject to
23 fine or imprisonment.

24 Nothing in this Section shall preclude any consumer of
25 notary public services from pursuing other civil remedies
26 available under the law.

1 (e) No notary public who is not an attorney or an
2 accredited representative shall accept payment in exchange for
3 providing legal advice or any other assistance that requires
4 legal analysis, legal judgment, or interpretation of the law.

5 (f) Violation of subsection (e) is a business offense
6 punishable by a fine of 3 times the amount received for
7 services, or \$1,001 minimum, and restitution of the amount
8 paid to the consumer. Nothing in this Section shall be
9 construed to preempt nor preclude additional appropriate civil
10 remedies or criminal charges available under law.

11 (g) If a notary public or electronic notary public of this
12 State is convicted of a 2 or more business offense ~~offenses~~
13 involving a violation of this Act ~~within a 12-month period~~
14 ~~while commissioned, or of 3 or more business offenses~~
15 ~~involving a violation of this Act within a 5-year period~~
16 ~~regardless of being commissioned,~~ the Secretary shall
17 automatically revoke the notary public commission or
18 electronic notary public commission of that person on the date
19 that the person's most recent business offense conviction is
20 entered as a final judgment.

21 (Source: P.A. 100-81, eff. 1-1-18; 101-465, eff. 1-1-20.)

22 (5 ILCS 312/3-104) (from Ch. 102, par. 203-104)

23 Sec. 3-104. Maximum Fee.

24 (a) Except as otherwise provided in this subsection (a)
25 ~~provided in subsection (b) of this Section,~~ the maximum fee

1 for non-electronic notarization in this State is \$5 ~~\$1.00~~ for
2 any notarial act performed and, ~~until July 1, 2018,~~ up to \$25
3 for any notarial act performed pursuant to Section 3-102.

4 ~~(b)~~ Fees for a notary public, agency, or any other person
5 who is not an attorney or an accredited representative filling
6 out immigration forms shall be limited to the following:

7 (1) \$10 per form completion;

8 (2) \$10 per page for the translation of a non-English
9 language into English where such translation is required
10 for immigration forms;

11 (3) \$5 ~~\$1~~ for notarizing;

12 (4) \$3 to execute any procedures necessary to obtain a
13 document required to complete immigration forms; and

14 (5) A maximum of \$75 for one complete application.

15 Fees authorized under this subsection shall not include
16 application fees required to be submitted with immigration
17 applications.

18 (b) The maximum fee in this State up to \$25 for any
19 electronic notarial act performed pursuant to this Act. An
20 electronic notary public may charge a reasonable fee to
21 recover any cost of providing a copy of an entry or a recording
22 of an audio-video communication in an electronic journal
23 maintained pursuant to Section 3-107.

24 (c) Any person who violates the provisions of ~~this~~
25 subsection (a) or (b) shall be guilty of a Class A misdemeanor
26 for a first offense and a Class 3 felony for a second or

1 subsequent offense committed within 5 years of a previous
2 conviction for the same offense.

3 (d) ~~(e)~~ Upon his own information or upon complaint of any
4 person, the Attorney General or any State's Attorney, or their
5 designee, may maintain an action for injunctive relief in the
6 court against any notary public or any other person who
7 violates the provisions of subsection (a) or (b) of this
8 Section. These remedies are in addition to, and not in
9 substitution for, other available remedies.

10 If the Attorney General or any State's Attorney fails to
11 bring an action as provided pursuant to this subsection within
12 90 days of receipt of a complaint, any person may file a civil
13 action to enforce the provisions of this subsection and
14 maintain an action for injunctive relief.

15 (e) ~~(d)~~ All notaries public must provide itemized receipts
16 and keep records for fees accepted for services provided.
17 Notarial fees must appear on the itemized receipt as separate
18 and distinct from any other charges assessed. Failure to
19 provide itemized receipts and keep records that can be
20 presented as evidence of no wrongdoing shall be construed as a
21 presumptive admission of allegations raised in complaints
22 against the notary for violations related to accepting
23 prohibited fees.

24 (Source: P.A. 98-29, eff. 6-21-13.)

25 (5 ILCS 312/3-105) (from Ch. 102, par. 203-105)

1 Sec. 3-105. Authority.

2 (a) A notary public shall have authority to perform
3 notarial acts, or electronic notarial acts, if the notary
4 holds an electronic notary public commission, throughout the
5 State so long as the notary resides in the same county in which
6 the notary was commissioned or, if the notary is a resident of
7 a state bordering Illinois, so long as the notary's principal
8 place of work or principal place of business is in the same
9 county in Illinois in which the notary was commissioned.

10 (b) An electronic notary public who is physically located
11 in this State may perform an electronic notarial act using
12 communication technology in accordance with this Article and
13 any rules adopted by the Secretary of State for a remotely
14 located individual who is physically located: (i) in this
15 State; or (ii) outside of this State, but not outside the
16 United States.

17 (Source: P.A. 91-818, eff. 6-13-00.)

18 (5 ILCS 312/3-106) (from Ch. 102, par. 203-106)

19 Sec. 3-106. Certificate of Authority. Upon the receipt of
20 a written request, the notarized document, and a fee of \$2
21 payable to the Secretary of State or County Clerk, the Office
22 of the Secretary of State ~~or County Clerk~~ shall provide a
23 certificate of authority in substantially the following form:

24 I (Secretary of State ~~or County~~
25 ~~Clerk~~) of the State of Illinois, which office is an office of

1 record having a seal, certify that (notary's name),
 2 by whom the foregoing or annexed document was notarized or
 3 electronically notarized, was, on (insert date), appointed and
 4 commissioned a notary public in and for the State of Illinois
 5 and that as such, full faith and credit is and ought to be
 6 given to this notary's official attestations. In testimony
 7 whereof, I have affixed my signature and the seal of this
 8 office on (insert date).

9

10 (Secretary of State ~~or County Clerk~~).

11 (Source: P.A. 91-357, eff. 7-29-99.)

12 (5 ILCS 312/3-107 new)

13 Sec. 3-107. Journal.

14 (a) A notary public or an electronic notary public shall
 15 keep a journal of each notarial act or electronic notarial act
 16 which includes, without limitation, the requirements set by
 17 the Secretary of State in administrative rule, but shall not
 18 include any electronic signatures of the person for whom an
 19 electronic notarial act was performed or any witnesses.

20 (b) The Secretary of State shall adopt administrative
 21 rules that set forth, at a minimum:

22 (1) the information to be recorded for each
 23 notarization or electronic notarization;

24 (2) the period during which the notary public or
 25 electronic notary public must maintain the journal; and

1 (3) the minimum security requirements for protecting
2 the information in the journal and access to the contents
3 of the journal.

4 (c) A notary or electronic notary may maintain his or her
5 journal in either paper form or electronic form and may
6 maintain more than one journal or electronic journal to record
7 notarial acts or electronic notarial acts.

8 (d) The fact that the employer or contractor of a notary or
9 electronic notary public keeps a record of notarial acts or
10 electronic notarial acts does not relieve the notary public of
11 the duties required by this Section. A notary public or
12 electronic notary public shall not surrender the journal to an
13 employer upon termination of employment and an employer shall
14 not retain the journal of an employee when the employment of
15 the notary public or electronic notary public ceases.

16 (e) If the journal of a notary public or electronic notary
17 public is lost, stolen, or compromised, the notary or
18 electronic notary shall notify the Secretary of State within
19 10 business days after the discovery of the loss, theft, or
20 breach of security.

21 (5 ILCS 312/4-101) (from Ch. 102, par. 204-101)

22 Sec. 4-101. Changes causing commission to cease to be in
23 effect.

24 (a) When any notary public legally changes his or her
25 name, changes his or her residential address or business

1 address, or email address, without notifying the Index
2 Department of the Secretary of State in writing within 30 days
3 thereof, or, if the notary public is a resident of a state
4 bordering Illinois, no longer maintains a principal place of
5 work or principal place of business in the same county in
6 Illinois in which he or she was commissioned, the commission
7 of that notary ceases to be in effect. When the commission of a
8 notary public ceases to be in effect, his or her notarial seal
9 or electronic notary seal shall be surrendered to the
10 Secretary of State, and his or her certificate of notarial
11 commission or certificate of electronic notarial commission
12 shall be destroyed. These individuals who desire to again
13 become a notary public must file a new application, bond, and
14 oath with the Secretary of State.

15 (b) Any change to the information submitted by an
16 electronic notary public in registering to perform electronic
17 notarial acts in compliance with any Section of this Act shall
18 be reported by the notary within 30 business days to the
19 Secretary of State.

20 (c) Any notary public or electronic notary public that
21 fails to comply with this Section shall be prohibited from
22 obtaining a new commission for a period of not less than 5
23 years.

24 (Source: P.A. 100-809, eff. 1-1-19.)

25 (5 ILCS 312/5-101) (from Ch. 102, par. 205-101)

1 Sec. 5-101. Reappointment. No person is automatically
2 reappointed as a notary public or electronic notary public. At
3 least 60 days prior to the expiration of a commission, the
4 Secretary of State shall mail notice of the expiration date to
5 the holder of a commission. Every notary public or electronic
6 notary public who is an applicant for reappointment shall
7 comply with the provisions of Article II of this Act.

8 (Source: P.A. 84-322.)

9 (5 ILCS 312/5-102) (from Ch. 102, par. 205-102)

10 Sec. 5-102. Solicitation to Purchase Bond. No person shall
11 solicit any notary public and offer to provide a surety bond
12 more than 60 days in advance of the expiration date of the
13 ~~notary public's~~ commission of a notary public or electronic
14 notary public.

15 Nor shall any person solicit any applicant for a
16 commission or reappointment thereof and offer to provide a
17 surety bond for the notary commission unless any such
18 solicitation specifically sets forth in bold face type not
19 less than 1/4 inch in height the following: "WE ARE NOT
20 ASSOCIATED WITH ANY STATE OR LOCAL GOVERNMENTAL AGENCY".

21 Whenever it shall appear to the Secretary of State that
22 any person is engaged or is about to engage in any acts or
23 practices which constitute or will constitute a violation of
24 the provisions of this Section, the Secretary of State may, in
25 his discretion, through the Attorney General, apply for an

1 injunction, and, upon a proper showing, any circuit court
2 shall have power to issue a permanent or temporary injunction
3 or restraining order without bond to enforce the provisions of
4 this Act, and either party to such suit shall have the right to
5 prosecute an appeal from the order or judgment of the court.

6 Any person, association, corporation, or others who
7 violate the provisions of this Section shall be guilty of a
8 business offense and punishable by a fine of not less than \$500
9 for each offense.

10 (Source: P.A. 84-322.)

11 (5 ILCS 312/6-102) (from Ch. 102, par. 206-102)

12 Sec. 6-102. Notarial Acts.

13 (a) In taking an acknowledgment, the notary public must
14 determine, either from personal knowledge or from satisfactory
15 evidence, that the person appearing before the notary and
16 making the acknowledgment is the person whose true signature
17 is on the instrument.

18 (b) In taking a verification upon oath or affirmation, the
19 notary public must determine, either from personal knowledge
20 or from satisfactory evidence, that the person appearing
21 before the notary and making the verification is the person
22 whose true signature is on the statement verified.

23 (c) In witnessing or attesting a signature, the notary
24 public must determine, either from personal knowledge or from
25 satisfactory evidence, that the signature is that of the

1 person appearing before the notary and named therein.

2 (d) A notary public has satisfactory evidence that a
3 person is the person whose true signature is on a document if
4 that person:

5 (1) is personally known to the notary;

6 (2) is identified upon the oath or affirmation of a
7 credible witness personally known to the notary; or

8 (3) is identified on the basis of identification
9 documents. Identification documents are documents that are
10 valid at the time of the notarial act, issued by a state
11 agency, federal government agency, or consulate, and
12 bearing the photographic image of the individual's face
13 and signature of the individual.

14 (e) A notary public or electronic notary public shall have
15 no obligation to perform any notarial or electronic notarial
16 act, and may refuse to perform a notarial or electronic
17 notarial act without further explanation.

18 (Source: P.A. 97-397, eff. 1-1-12; 98-29, eff. 6-21-13.)

19 (5 ILCS 312/6-102.5 new)

20 Sec. 6-102.5. Remote notarial acts.

21 (a) Any commissioned notary public may perform any
22 notarial act described under Section 6-102 remotely.

23 (b) A remote notarial action must be performed in
24 accordance with the following audio-video communication
25 requirements:

1 (1) Two-way audio-video communication technology must
2 allow for remotely located notaries and principals to
3 engage in direct, contemporaneous interaction between the
4 individual signing the document (signatory) and the
5 witness by sight and sound.

6 (2) The two-way audio video communication technology
7 must be recorded and preserved by the signatory or the
8 signatory's designee for a period of at least 3 years.

9 (3) The signatory must attest to being physically
10 located in Illinois during the two-way audio-video
11 communication.

12 (4) The signatory must affirmatively state on the
13 two-way audio-video communication what document the
14 signatory is signing.

15 (5) Each page of the document being witnessed must be
16 shown to the witness on the two-way audio-video
17 communication technology in a means clearly legible to the
18 witness and initialed by the signatory in the presence of
19 the witness.

20 (6) The act of signing must be captured sufficiently
21 up close on the two-way audio-video communication for the
22 witness to observe.

23 (c) Application of the notary's seal and signature:

24 (1) The signatory must transmit by fax or electronic
25 means a legible copy of the entire signed document
26 directly to the notary no later than the day after the

1 document is signed.

2 (2) The notary must sign the transmitted copy of the
3 document as a witness and transmit the signed copy of the
4 document back to the signatory via fax or electronic means
5 within 24 hours after receipt.

6 (3) If necessary, the notary may sign the original
7 signed document as of the date of the original execution
8 by the signatory provided that the witness receives the
9 original signed document together with the electronically
10 witnessed copy within 30 days after the date of the remote
11 notarization.

12 (d) The Secretary of State shall adopt administrative
13 rules to implement this Section.

14 (5 ILCS 312/6-104) (from Ch. 102, par. 206-104)

15 Sec. 6-104. Acts prohibited.

16 (a) A notary public shall not use any name or initial in
17 signing certificates other than that by which the notary was
18 commissioned.

19 (b) A notary public shall not acknowledge any instrument
20 in which the notary's name appears as a party to the
21 transaction.

22 (c) A notary public shall not affix his signature to a
23 blank form of affidavit or certificate of acknowledgment.

24 (d) A notary public shall not take the acknowledgment of
25 or administer an oath to any person whom the notary actually

1 knows to have been adjudged mentally ill by a court of
2 competent jurisdiction and who has not been restored to mental
3 health as a matter of record.

4 (e) A notary public shall not take the acknowledgment of
5 any person who is blind until the notary has read the
6 instrument to such person.

7 (f) A notary public shall not take the acknowledgment of
8 any person who does not speak or understand the English
9 language, unless the nature and effect of the instrument to be
10 notarized is translated into a language which the person does
11 understand.

12 (g) A notary public shall not change anything in a written
13 instrument after it has been signed by anyone.

14 (h) No notary public shall be authorized to prepare any
15 legal instrument, or fill in the blanks of an instrument,
16 other than a notary certificate; however, this prohibition
17 shall not prohibit an attorney, who is also a notary public,
18 from performing notarial acts for any document prepared by
19 that attorney.

20 (i) If a notary public accepts or receives any money from
21 any one to whom an oath has been administered or on behalf of
22 whom an acknowledgment has been taken for the purpose of
23 transmitting or forwarding such money to another and willfully
24 fails to transmit or forward such money promptly, the notary
25 is personally liable for any loss sustained because of such
26 failure. The person or persons damaged by such failure may

1 bring an action to recover damages, together with interest and
2 reasonable attorney fees, against such notary public or his
3 bondsmen.

4 (j) A notary public shall not perform any notarial act
5 when his or her commission is suspended or revoked, nor shall
6 he or she fail to comply with any term of suspension which may
7 be imposed for violation of this Section.

8 (k) No notary public shall be authorized to explain,
9 certify, or verify the contents of any document; however, this
10 prohibition shall not prohibit an attorney, who is also a
11 notary public, from performing notarial acts for any document
12 prepared by that attorney.

13 (l) A notary public shall not represent himself or herself
14 as an electronic notary public if the person has not been
15 commissioned as an electronic notary public by the Secretary
16 of State.

17 (m) No person shall knowingly create, manufacture, or
18 distribute software or hardware for the purpose of allowing a
19 person to act as an electronic notary public without being
20 commissioned in accordance with this Act. A violation of this
21 subsection (m) is a Class A misdemeanor.

22 (n) No person shall wrongfully obtain, conceal, damage, or
23 destroy the technology or device used to create the electronic
24 signature or seal of an electronic notary public. A violation
25 of this subsection (n) is a Class A misdemeanor.

26 (o) A notary public shall not sell, rent, transfer, or

1 otherwise make available to a third party the contents of the
2 notarial journal, audio video recordings, or any other record
3 associated with any notarial act, including personally
4 identifiable information, except when required by law, law
5 enforcement, the Secretary of State, or a court order.

6 (p) The Secretary of State may suspend the commission of a
7 notary or electronic notary who fails to produce any journal
8 entry within 10 days after receipt of a request from the
9 Secretary of State.

10 (q) Upon surrender, revocation, or expiration of a
11 commission as a notary or electronic notary, all notarial
12 records or electronic notarial records required under this
13 Section, except as otherwise provided by law, must be kept by
14 the notary public or electronic notary for a period of 5 years
15 after the termination of the registration of the notary public
16 or electronic notary public.

17 (Source: P.A. 100-81, eff. 1-1-18; 100-809, eff. 1-1-19.)

18 (5 ILCS 312/Art. VI-A heading new)

19 ARTICLE VI-A

20 ELECTRONIC NOTARIAL ACTS AND FORMS

21 (5 ILCS 312/6A-101 new)

22 Sec. 6A-101. Requirements for systems and providers of
23 electronic notarial technology.

24 (a) An electronic notarization system shall comply with

1 this Act and any rules adopted by the Secretary of State.

2 (b) An electronic notarization system requiring enrollment
3 shall enroll only persons commissioned as electronic notaries
4 public by the Secretary of State.

5 (c) An electronic notarization vendor shall take
6 reasonable steps to ensure that an electronic notary public
7 who has enrolled to use the system has the knowledge to use it
8 to perform electronic notarial acts in compliance with this
9 Act.

10 (d) A provider of an electronic notarization system
11 requiring enrollment shall notify the Secretary of State of
12 the name of each electronic notary public who enrolls in the
13 system within 5 days after enrollment by means prescribed by
14 rule by the Secretary of State.

15 (e) The Secretary of State shall adopt administrative
16 rules that set forth the requirements a provider of electronic
17 notarization technology must meet in order to be approved for
18 use in the State of Illinois. At a minimum, those
19 administrative rules shall establish:

20 (1) minimum standards ensuring a secure means of
21 authentication to be employed to protect the integrity of
22 the electronic notary's electronic seal and electronic
23 signature;

24 (2) minimum standards ensuring that documents
25 electronically notarized be tamper-evident and protected
26 from unauthorized use; and

1 (3) requirements for competent operation of the
2 electronic platform.

3 (5 ILCS 312/6A-102 new)

4 Sec. 6A-102. Electronic notary not liable for system
5 failure. An electronic notary public who exercised reasonable
6 care enrolling in and using an electronic notarization system
7 shall not be liable for any damages resulting from the
8 system's failure to comply with the requirements of this Act.
9 Any provision in a contract or agreement between the
10 electronic notary public and provider that attempts to waive
11 this immunity shall be null, void, and of no effect.

12 (5 ILCS 312/6A-103 new)

13 Sec. 6A-103. Electronic notarial acts.

14 (a) An electronic notary public:

15 (1) is a notary public for purposes of this Act and is
16 subject to all provisions of this Act;

17 (2) may perform notarial acts as provided by this Act
18 in addition to performing electronic notarizations; and

19 (3) may perform an electronic notarization authorized
20 under this Article.

21 (b) In performing an electronic notarization, an
22 electronic notary public shall verify the identity of a person
23 creating an electronic signature at the time that the
24 signature is taken by using two-way audio and video conference

1 technology that meets the requirements of this Act and rules
2 adopted under this Article. For the purposes of performing an
3 electronic notarial act for a person using audio-video
4 communication, an electronic notary public has satisfactory or
5 documentary evidence of the identity of the person if the
6 electronic notary public confirms the identity of the person
7 by:

8 (1) the electronic notary public's personal knowledge
9 of the person creating the electronic signature; or

10 (2) each of the following:

11 (A) remote electronic presentation by the person
12 creating the electronic signature of a
13 government-issued identification credential,
14 including a passport or driver's license, that
15 contains the signature and a photograph of the person;

16 (B) credential analysis of the front and back of
17 the government-issued identification credential and
18 the data thereon; and

19 (C) a dynamic knowledge-based authentication
20 assessment.

21 (c) An electronic notary public may perform any of the
22 acts set forth in Section 6-102 using audio-video
23 communication in accordance with this Section and any rules
24 adopted by the Secretary of State.

25 (d) If an electronic notarial act is performed using
26 audio-video communication:

1 (1) the technology must allow the persons
2 communicating to see and speak to each other
3 simultaneously;

4 (2) the signal transmission must be in real time; and

5 (3) the electronic notarial act must be recorded.

6 (e) The validity of the electronic notarial act will be
7 determined by applying the laws of the State of Illinois.

8 (f) The electronic notarial certificate for an electronic
9 notarization must include a notation that the notarization is
10 an electronic notarization.

11 (g) When performing an electronic notarization, an
12 electronic notary public shall complete an electronic notarial
13 certificate and attach or logically associate the electronic
14 notary's electronic signature and seal to that certificate in
15 a tamper evident manner. Evidence of tampering pursuant to
16 this standard may be used to determine whether the electronic
17 notarial act is valid or invalid.

18 (h) The liability, sanctions, and remedies for improper
19 performance of electronic notarial acts are the same as
20 described and provided by law for the improper performance of
21 non-electronic notarial acts as described under Section 7-108.

22 (i) Electronic notarial acts need to fulfill certain basic
23 requirements to ensure non-repudiation and the capability of
24 being authenticated by the Secretary of State for purposes of
25 issuing apostilles and certificates of authentication. The
26 requirements are as follows:

1 (1) the fact of the electronic notarial act, including
2 the electronic notary's identity, signature, and
3 electronic commission status, must be verifiable by the
4 Secretary of State; and

5 (2) the notarized electronic document will be rendered
6 ineligible for authentication by the Secretary of State if
7 it is improperly modified after the time of electronic
8 notarization, including any unauthorized alterations to
9 the document content, the electronic notarial certificate,
10 the electronic notary public's electronic signature, or
11 the electronic notary public's official electronic seal.

12 (5 ILCS 312/6A-104 new)

13 Sec. 6A-104. Requirements for audio-video communication.

14 (a) An electronic notary public shall arrange for a
15 recording to be made of each electronic notarial act performed
16 using audio-video communication. The audio-video recording
17 required by this Section shall be in addition to the journal
18 entry for the electronic notarial act required by Section
19 3-107. Before performing any electronic notarial act using
20 audio-video communication, the electronic notary public must
21 inform all participating persons that the electronic
22 notarization will be electronically recorded.

23 (b) If the person for whom the electronic notarial act is
24 being performed is identified by personal knowledge, the
25 recording of the electronic notarial act must include an

1 explanation by the electronic notary public as to how he or she
2 knows the person and how long he or she has known the person.

3 (c) If the person for whom the electronic notarial act is
4 being performed is identified by a credible witness:

5 (1) the credible witness must appear before the
6 electronic notary public; and

7 (2) the recording of the electronic notarial act must
8 include:

9 (A) a statement by the electronic notary public as
10 to whether he or she identified the credible witness
11 by personal knowledge or satisfactory evidence; and

12 (B) an explanation by the credible witness as to
13 how he or she knows the person for whom the electronic
14 notarial act is being performed and how long he or she
15 has known the person.

16 (d) An electronic notary public shall keep a recording
17 made pursuant to this Section for a period of not less than 7
18 years, regardless of whether the electronic notarial act was
19 actually completed.

20 (e) An electronic notary public who performs an electronic
21 notarial act for a principal by means of audio-video
22 communication shall be located within the State of Illinois at
23 the time the electronic notarial act is performed. The
24 electronic notary public shall include a statement in the
25 electronic notarial certificate to indicate that the
26 electronic notarial act was performed by means of audio-video

1 communication. The statement may also be included in the
2 electronic notarial seal.

3 (f) An electronic notary public who performs an electronic
4 notarial act for a principal by means of audio-video
5 communication shall:

6 (1) be located within this State at the time the
7 electronic notarial act is performed;

8 (2) execute the electronic notarial act in a single
9 recorded session that complies with Section 6A-103;

10 (3) be satisfied that any electronic record that is
11 electronically signed, acknowledged, or otherwise
12 presented for electronic notarization by the principal is
13 the same record electronically signed by the electronic
14 notary;

15 (4) be satisfied that the quality of the audio-video
16 communication is sufficient to make the determination
17 required for the electronic notarial act under this Act
18 and any other law of this State; and

19 (5) identify the venue for the electronic notarial act
20 as the jurisdiction within Illinois where the notary is
21 physically located while performing the act.

22 (g) An electronic notarization system used to perform
23 electronic notarial acts by means of audio-video communication
24 shall conform to the requirements set forth in this Act and by
25 administrative rules adopted by the Secretary of State.

26 (h) The provisions of Section 3-107 related respectively

1 to security, inspection, copying, and disposition of the
2 journal shall also apply to security, inspection, copying, and
3 disposition of audio-video recordings required by this
4 Section.

5 (i) The Secretary of State shall adopt administrative
6 rules to implement this Section.

7 (5 ILCS 312/6A-105 new)

8 Sec. 6A-105. Electronic certificate of notarial acts.

9 (a) An electronic notarial certificate must be evidenced
10 by an electronic notarial certificate signed and dated by the
11 electronic notary public. The electronic notarial certificate
12 must include identification of the jurisdiction in which the
13 electronic notarial act is performed and the electronic seal
14 of the electronic notary public.

15 (b) An electronic notarial certificate of an electronic
16 notarial act is sufficient if it meets the requirements of
17 subsection (a) and it:

18 (1) is in the short form set forth in 6-105;

19 (2) is in a form otherwise prescribed by the law of
20 this State; or

21 (3) sets forth the actions of the electronic notary
22 public and those are sufficient to meet the requirements
23 of the designated electronic notarial act.

24 (c) At the time of an electronic notarial act, an
25 electronic notary public shall officially sign every

1 electronic notarial certificate and electronically affix the
2 electronic seal clearly and legibly, so that it is capable of
3 photographic reproduction. The illegibility of any of the
4 information required under this Section does not affect the
5 validity of a transaction.

6 (5 ILCS 312/6A-106 new)

7 Sec. 6A-106. Electronic acknowledgments; physical
8 presence.

9 (a) For purposes of this Act, a person may appear before
10 the person taking the acknowledgment by:

11 (1) being in the same physical location as the other
12 person and close enough to see, hear, communicate with,
13 and exchange tangible identification credentials with that
14 person; or

15 (2) being outside the physical presence of the other
16 person, but interacting with the other person by means of
17 communication technology.

18 (b) If the acknowledging person is outside the physical
19 presence of the person taking the acknowledgment, the
20 certification of acknowledgment must indicate that the
21 notarial act was performed by means of communication
22 technology. A form of certificate of acknowledgment as
23 provided by the Secretary of State, which may include the use
24 of a remote online notarial certificate, is sufficient for
25 purposes of this subsection (b) if it substantially reads as

1 follows: "The foregoing instrument was acknowledged before me
2 by means of communication technology this (date) by ... (each
3 form continued as sufficient for its respective purposes.)".

4 (5 ILCS 312/7-106) (from Ch. 102, par. 207-106)

5 Sec. 7-106. Willful Impersonation.

6 (a) Any person who acts as, or otherwise willfully
7 impersonates, a notary public while not lawfully appointed and
8 commissioned to perform notarial acts is guilty of a Class A
9 misdemeanor.

10 (b) Any notary public or other person who is not an
11 electronic notary public that impersonates an electronic
12 notary public to perform electronic notarial acts is guilty of
13 a Class A misdemeanor.

14 (Source: P.A. 84-322.)

15 (5 ILCS 312/7-107) (from Ch. 102, par. 207-107)

16 Sec. 7-107. Wrongful Possession.

17 (a) No person may unlawfully possess, obtain, conceal,
18 damage, or destroy a notary's official seal. Any person who
19 unlawfully possesses a notary's official seal is guilty of a
20 misdemeanor and punishable upon conviction by a fine not
21 exceeding \$1,000.

22 (b) No person may unlawfully possess, conceal, damage, or
23 destroy the certificate, disk, coding, card, program,
24 software, or hardware enabling an electronic notary public to

1 affix an official electronic signature or seal.

2 (c) Any person who violates this Section shall be guilty
3 of a misdemeanor and punishable upon conviction by a fine not
4 exceeding \$1,000.

5 (Source: P.A. 84-322.)

6 (5 ILCS 312/7-108) (from Ch. 102, par. 207-108)

7 Sec. 7-108. Reprimand, suspension, and revocation of
8 commission.

9 (a) The Secretary of State may revoke the commission of
10 any notary public who, during the current term of appointment:

11 (1) submits an application for commission and
12 appointment as a notary public which contains substantial
13 and material misstatement or omission of fact; ~~or~~

14 (2) is convicted of any felony, misdemeanors,
15 including those defined in Part C, Articles 16, 17, 18,
16 19, and 21, and Part E, Articles 31, 32, and 33 of the
17 Criminal Code of 2012, or official misconduct under this
18 Act; ~~or~~

19 (3) is a licensed attorney and has been sanctioned,
20 suspended, or disbarred by the Illinois Attorney
21 Registration and Disciplinary Commission or the Illinois
22 Supreme Court.

23 (b) Whenever the Secretary of State believes that a
24 violation of this Article has occurred, he or she may
25 investigate any such violation. The Secretary may also

1 investigate possible violations of this Article upon a signed
2 written complaint on a form designated by the Secretary.

3 (c) A notary's failure to cooperate or respond to an
4 investigation by the Secretary of State is a failure by the
5 notary to fully and faithfully discharge the responsibilities
6 and duties of a notary and shall result in suspension or
7 revocation of the notary's commission or the electronic
8 notary's commission.

9 (d) All written complaints which on their face appear to
10 establish facts which, if proven true, would constitute an act
11 of misrepresentation or fraud in notarization or electronic
12 notarization, or misrepresentation or fraud on the part of the
13 notary, may ~~shall~~ be investigated by the Secretary of State to
14 determine whether cause exists to reprimand, suspend, or
15 revoke the commission of the notary.

16 (e) The Secretary of State may deliver a written official
17 warning and reprimand to a notary, or may revoke or suspend a
18 notary's commission or an electronic notary's commission, for
19 any of the following:

20 (1) a notary's official misconduct, as defined under
21 Section 7-104;

22 (2) any ground for which an application for
23 appointment as a notary may be denied for failure to
24 complete application requirements as provided under
25 Section 2-102;

26 (3) any prohibited act provided under Section 6-104;

1 or

2 (4) a violation of any provision of the general
3 statutes.

4 (f) After investigation and upon a determination by the
5 Secretary of State that one or more prohibited acts have been
6 performed in the notarization or electronic notarization of a
7 document, the Secretary shall, after considering the extent of
8 the prohibited act and the degree of culpability of the
9 notary, order one or more of the following courses of action:

10 (1) issue a letter of warning to the notary, including
11 the Secretary's findings;

12 (2) order suspension of the commission of the notary
13 or electronic commission of the notary for a period of
14 time designated by the Secretary;

15 (3) order revocation of the commission of the notary
16 or electronic commission of the notary;

17 (4) refer the allegations to the appropriate State's
18 Attorney's Office or the Attorney General for criminal
19 investigation; or

20 (5) refer the allegations to the Illinois Attorney
21 Registration and Disciplinary Commission for disciplinary
22 proceedings.

23 (g) After a notary receives notice from the Secretary of
24 State that his or her commission has been revoked, that notary
25 shall immediately deliver his or her official seal to the
26 Secretary. After an electronic notary public receives notice

1 from the Secretary of State that his or her electronic
2 commission has been revoked, the electronic notary public
3 shall immediately notify the electronic notary's chosen
4 technology provider, and to the extent possible, destroy or
5 remove the software used for electronic notarizations.

6 (h) A notary whose appointment has been revoked due to a
7 violation of this Act shall not be eligible for a new
8 commission as a notary public in this State for a period of at
9 least 5 years from the date of the final revocation.

10 (i) A notary may voluntarily resign from appointment by
11 notifying the Secretary of State in writing of his or her
12 intention to do so, and by physically returning his or her
13 stamp to the Secretary. An electronic notary public may
14 voluntarily resign from appointment by notifying the Secretary
15 of State in writing of his or her intention to do so, and by
16 notifying the electronic notary's chosen technology provider,
17 and to the extent possible, destroy or remove the software
18 used for electronic notarizations. A voluntary resignation
19 shall not stop or preclude any investigation into a notary's
20 conduct, or prevent further suspension or revocation by the
21 Secretary, who may pursue any such investigation to a
22 conclusion and issue any finding.

23 (j) Upon a determination by a sworn law enforcement
24 officer that the allegations raised by the complaint are
25 founded, and the notary has received notice of suspension or
26 revocation from the Secretary of State, the notary is entitled

1 to an administrative hearing.

2 (k) The Secretary of State shall adopt administrative
3 hearing rules applicable to this Section that are consistent
4 with the Illinois Administrative Procedure Act.

5 (l) Any revocation, resignation, expiration, or suspension
6 of the commission of a notary public terminates or suspends
7 any commission to notarize electronically.

8 (m) A notary public may terminate registration to notarize
9 electronically and maintain his or her underlying notary
10 public commission upon directing a written notification of the
11 change to the Secretary of State within 30 days.

12 (Source: P.A. 100-809, eff. 1-1-19; 101-81, eff. 7-12-19.)

13 (5 ILCS 312/7-110 new)

14 Sec. 7-110. Applicable law; conflict of law.

15 (a) The validity of any notarization, including an
16 electronic notarization, shall be determined by applying the
17 laws of this State, regardless of the physical location of the
18 principal at the time of a remote notarization.

19 (b) An electronic notary public authorized to perform
20 electronic notarizations is subject to and must comply with
21 this Act.

22 (c) If a conflict between a provision of this Section and
23 another law of this State, this Section controls.

24 (5 ILCS 312/2-106 rep.)

1 Section 10. The Illinois Notary Public Act is amended by
2 repealing Section 2-106.

3 Section 15. The State Finance Act is amended by adding
4 Section 5.938 as follows:

5 (30 ILCS 105/5.938 new)

6 Sec. 5.938. The Electronic Notarization Fund.

7 Section 20. The Counties Code is amended by changing
8 Section 4-4001 as follows:

9 (55 ILCS 5/4-4001) (from Ch. 34, par. 4-4001)

10 Sec. 4-4001. County clerks; counties of first and second
11 class. The fees of the county clerk in counties of the first
12 and second class, except when increased by county ordinance
13 pursuant to the provisions of this Section, shall be:

14 For each official copy of any process, file, record or
15 other instrument of and pertaining to his office, 50¢ for
16 each 100 words, and \$1 additional for certifying and
17 sealing the same.

18 For filing any paper not herein otherwise provided
19 for, \$1, except that no fee shall be charged for filing a
20 Statement of economic interest pursuant to the Illinois
21 Governmental Ethics Act or reports made pursuant to
22 Article 9 of the Election Code.

1 For issuance of fireworks permits, \$2.

2 For issuance of liquor licenses, \$5.

3 For filing and recording of the appointment and oath
4 of each public official, \$3.

5 For officially certifying and sealing each copy of any
6 process, file, record or other instrument of and
7 pertaining to his office, \$1.

8 For swearing any person to an affidavit, \$1.

9 For issuing each license in all matters except where
10 the fee for the issuance thereof is otherwise fixed, \$4.

11 For issuing each civil union or marriage license, the
12 certificate thereof, and for recording the same, including
13 the recording of the parent's or guardian's consent where
14 indicated, a fee to be determined by the county board of
15 the county, not to exceed \$75, which shall be the same,
16 whether for a civil union or marriage license. \$5 from all
17 civil union and marriage license fees shall be remitted by
18 the clerk to the State Treasurer for deposit into the
19 Domestic Violence Fund.

20 For taking and certifying acknowledgments to any
21 instrument, except where herein otherwise provided for,
22 \$1.

23 For issuing each certificate of appointment or
24 commission, the fee for which is not otherwise fixed by
25 law, \$1.

26 For cancelling tax sale and issuing and sealing

1 certificates of redemption, \$3.

2 For issuing order to county treasurer for redemption
3 of forfeited tax, \$2.

4 For trying and sealing weights and measures by county
5 standard, together with all actual expenses in connection
6 therewith, \$1.

7 For services in case of estrays, \$2.

8 The following fees shall be allowed for services
9 attending the sale of land for taxes, and shall be charged
10 as costs against the delinquent property and be collected
11 with the taxes thereon:

12 For services in attending the tax sale and issuing
13 certificate of sale and sealing the same, for each tract
14 or town lot sold, \$4.

15 For making list of delinquent lands and town lots
16 sold, to be filed with the Comptroller, for each tract or
17 town lot sold, 10¢.

18 The county board of any county of the first or second class
19 may by ordinance authorize the county clerk to impose an
20 additional \$2 charge for certified copies of vital records as
21 defined in Section 1 of the Vital Records Act, for the purpose
22 of developing, maintaining, and improving technology in the
23 office of the County Clerk.

24 The foregoing fees allowed by this Section are the maximum
25 fees that may be collected from any officer, agency,
26 department or other instrumentality of the State. The county

1 board may, however, by ordinance, increase the fees allowed by
2 this Section ~~and also the notary public recordation fees~~
3 ~~allowed by Section 2-106 of the Illinois Notary Public Act~~ and
4 the indexing and filing of assumed name certificate fees
5 allowed by Section 3 of the Assumed Business Name Act and
6 collect such increased fees from all persons and entities
7 other than officers, agencies, departments and other
8 instrumentalities of the State if the increase is justified by
9 an acceptable cost study showing that the fees allowed by
10 these Sections are not sufficient to cover the cost of
11 providing the service.

12 A Statement of the costs of providing each service,
13 program and activity shall be prepared by the county board.
14 All supporting documents shall be public record and subject to
15 public examination and audit. All direct and indirect costs,
16 as defined in the United States Office of Management and
17 Budget Circular A-87, may be included in the determination of
18 the costs of each service, program and activity.

19 The county clerk in all cases may demand and receive the
20 payment of all fees for services in advance so far as the same
21 can be ascertained.

22 The county board of any county of the first or second class
23 may by ordinance authorize the county treasurer to establish a
24 special fund for deposit of the additional charge. Moneys in
25 the special fund shall be used solely to provide the
26 equipment, material and necessary expenses incurred to help

1 defray the cost of implementing and maintaining such document
2 storage system.

3 (Source: P.A. 96-328, eff. 8-11-09; 97-4, eff. 5-31-11;
4 97-986, eff. 8-17-12.)

5 Section 25. The Uniform Real Property Electronic Recording
6 Act is amended by changing Section 2 and by adding Section 3.5
7 as follows:

8 (765 ILCS 33/2)

9 Sec. 2. Definitions. In this Act:

10 (1) "Document" means information that is:

11 (A) inscribed on a tangible medium or that is
12 stored in an electronic or other medium and is
13 retrievable in perceivable form; and

14 (B) eligible to be recorded in the land records
15 maintained by the county recorder.

16 (2) "Electronic" means relating to technology having
17 electrical, digital, magnetic, wireless, optical,
18 electromagnetic, or similar capabilities.

19 (3) "Electronic document" means a document created,
20 generated, sent, communicated, received, or stored by
21 electronic means ~~that is received by the recorder in an~~
22 ~~electronic form.~~

23 (4) "Electronic signature" means an electronic sound,
24 symbol, or process attached to or logically associated

1 with a document and executed or adopted by a person with
2 the intent to sign the document.

3 (5) "Person" means an individual, corporation,
4 business trust, estate, trust, partnership, limited
5 liability company, association, joint venture, public
6 corporation, government, or governmental subdivision,
7 agency, or instrumentality, or any other legal or
8 commercial entity.

9 (6) "State" means a state of the United States, the
10 District of Columbia, Puerto Rico, the United States
11 Virgin Islands, or any territory or insular possession
12 subject to the jurisdiction of the United States.

13 (7) "Secretary" means the Secretary of State.

14 (8) "Commission" means the Illinois Electronic
15 Recording Commission.

16 Any notifications required by this Act must be made in
17 writing and may be communicated by certified mail, return
18 receipt requested or electronic mail so long as receipt is
19 verified.

20 (Source: P.A. 95-472, eff. 8-27-07.)

21 (765 ILCS 33/3.5 new)

22 Sec. 3.5. Electronic documents certified by notary public.

23 (a) A paper or tangible copy of an electronic document
24 that a notary public has certified to be a true and correct
25 copy under subsection (b) satisfies any requirement of law

1 that, as a condition for recording, the document:

2 (1) be an original or be in writing;

3 (2) be signed or contain an original signature, if the
4 document contains an electronic signature of the person
5 required to sign the document; and

6 (3) be notarized, acknowledged, verified, witnessed,
7 or made under oath, if the document contains an electronic
8 signature of the person authorized to perform that act,
9 and all other information required to be included.

10 (b) A notary public duly appointed and commissioned under
11 Section 2-101 of the Illinois Notary Public Act may certify
12 that a paper or tangible copy of an electronic document is a
13 true and correct copy of the electronic document if the notary
14 public has:

15 (1) reasonably confirmed that the electronic document
16 is in a tamper evident format;

17 (2) detected no changes or errors in any electronic
18 signature or other information in the electronic document;

19 (3) personally printed or supervised the printing of
20 the electronic document onto paper or other tangible
21 medium; or

22 (4) not made any changes or modifications to the
23 electronic document or to the paper or tangible copy
24 thereof other than the certification described in this
25 subsection (b).

26 (c) A county recorder shall accept for recording a paper

1 or tangible copy of a document that has been certified by a
2 notary public to be a true and correct copy of an electronic
3 document under subsection (b) as evidenced by a notarial
4 certificate.

5 (d) A notarial certificate in substantially the following
6 form is sufficient for the purposes of this Section:

7 "State of

8 County of

9 On this (date), I certify that the foregoing and annexed
10 document [entitled ,] (and) containing
11 pages is a true and correct copy of an electronic document
12 printed by me or under my supervision. I further certify that,
13 at the time of printing, no security features present on the
14 electronic document indicated any changes or errors in an
15 electronic signature or other information in the electronic
16 document since its creation or execution.

17

18 (Signature of Notary Public)

19 (Seal)"

20 (f) If a notarial certificate is attached to or made a part
21 of a paper or tangible document, the certificate is prima
22 facie evidence that the requirements of subsection (c) have

1 been satisfied with respect to the document.

2 (g) A paper or tangible copy of a deed, mortgage, or other
3 document shall be deemed, from the time of being filed for
4 record, as notice to subsequent purchasers and creditors,
5 though it may not be certified in accordance with the
6 provisions of this Section.

7 (h) This Section does not apply to any map or plat governed
8 by the Plat Act, the Judicial Plat Act, or the Permanent Survey
9 Act, or to any monument record governed by the Land Survey
10 Monuments Act.

11 Section 99. Effective date. This Act takes effect on the
12 later of: (1) January 1, 2022; or (2) the date on which the
13 Office of the Secretary of State files with the Index
14 Department of the Office of the Secretary of State a notice
15 that the Office of the Secretary of State has adopted the rules
16 necessary to implement this Act, and upon the filing of the
17 notice, the Index Department shall provide a copy of the
18 notice to the Legislative Reference Bureau; except that, the
19 changes to Sections 1-106 and 2-103 of the Illinois Notary
20 Public Act take effect July 1, 2022.