



Sen. Linda Holmes

**Filed: 4/16/2021**

10200SB2664sam001

LRB102 15608 RJF 25356 a

1 AMENDMENT TO SENATE BILL 2664

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 2664 by replacing  
3 everything after the enacting clause with the following:

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

1 Appeals under 8 C.F.R. 292.29(a) and employees of those  
2 organizations accredited under 8 C.F.R. 292.29(d).

3 "Acknowledgment" means a declaration by an individual  
4 before a notarial officer that the individual has signed a  
5 record for the purpose stated in the record and, if the record  
6 is signed in a representative capacity, that the individual  
7 signed the record with proper authority and signed it as the  
8 act of the individual or entity identified in the record.

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

12 "Communication technology" means an electronic device or  
13 process that allows a notary public and a remotely located  
14 individual to communicate with each other simultaneously by  
15 audio-video communication.

16 "Credential" means a tangible record evidencing the  
17 identity of a person, including a valid and unexpired  
18 identification card or other document issued by the federal  
19 government or any state government that contains the  
20 photograph and signature of the principal.

21 "Digital certificate" means a computer-based record or  
22 electronic file to a notary public or applicant for commission  
23 as an electronic notary public for the purpose of creating an  
24 official electronic signature. The digital certificate shall  
25 be kept in the exclusive control of the electronic notary  
26 public.

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

6       "Electronic" means of or relating to technology having  
7 electrical, digital, magnetic, wireless, optical,  
8 electromagnetic, or similar capabilities.

9       "Electronic document" means information that is created,  
10 generated, sent, communicated, received, or stored by  
11 electronic means.

12       "Electronic notarial act" means an act that an electronic  
13 notary public of this State is authorized to perform. The term  
14 includes:

15           (1) taking an acknowledgment;

16           (2) administering an oath or affirmation;

17           (3) executing a jurat;

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

19           (5) performing such other duties as may be prescribed

20       by a specific statute.

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

24           (1) the electronic notary public's electronic  
25 signature, electronic seal, title, and commission  
26 expiration date;

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

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

5           "Electronic notarial certificate" includes the form of an  
6           acknowledgment, jurat, verification on oath or affirmation, or  
7           verification of witness or attestation that is completed  
8           remotely by an electronic notary public and:

9           (1) contains the electronic notary's electronic  
10           signature, electronic seal, title and commission, and  
11           expiration date;

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

14           (3) otherwise conforms to the requirements for an  
15           acknowledgment, jurat, verification on oath or  
16           affirmation, or verification of witness or attestation  
17           under the laws of this State; and

18           (4) indicates that the person making the  
19           acknowledgment, oath, or affirmation appeared.

20           "Electronic notarization system" means a set of  
21           applications, programs, hardware, software, or technology to  
22           enable an electronic notary to perform electronic notarial  
23           acts through audio-video communication.

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

26           "Electronic presentation" means the transmission of a

1 quality image of a government-issued identification credential  
2 to an electronic notary public through communication  
3 technology for the purpose of enabling the electronic notary  
4 public to identify the person appearing before the electronic  
5 notary public and to perform a credential analysis.

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

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

14 "Electronic signature" means the official signature of the  
15 commissioned notary that is on file with the Secretary of  
16 State and has been reduced to an electronic format that may be  
17 attached to or logically associated with a record and executed  
18 or adopted by an individual with the intent to sign the record.

19 "Identity proofing" means a process or service operating  
20 according to criteria approved by the Secretary of state  
21 through which a third person affirms the identity of an  
22 individual through review of personal information from public  
23 and proprietary data sources, including (a) by means of  
24 dynamic knowledge-based authentication, such as a review of  
25 personal information from public or proprietary data sources;  
26 or (b) by means of analysis of biometric data, such as, but not

1 limited to, facial recognition, voiceprint analysis, or  
2 fingerprint analysis.

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

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

7 (2) being in a different physical location from another  
8 person, but able to see, hear, and communicate with the  
9 person by means of audio-video communication that meets  
10 any rules adopted by the Secretary of State.

11 "Notarial act" means an act, whether performed with  
12 respect to a tangible or electronic record, that a notary  
13 public, a remote notary public, or an electronic notary public  
14 may perform under the laws of this State. "Notary act"  
15 includes taking an acknowledgment, administering an oath, or  
16 affirmation, taking a verification on oath, or affirmation,  
17 witnessing or attesting a signature, certifying or attesting a  
18 copy, and noting a protest of a negotiable instrument.

19 "Notary public" or "notary" means an individual  
20 commissioned to perform notarial acts.

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

22 "Outside the United States" means a location outside of  
23 the geographic boundaries of a state or commonwealth of the  
24 United States, the District of Columbia, Puerto Rico, the  
25 United States Virgin Islands, and any territory, or insular  
26 possession, or other location subject to the jurisdiction of

1 the United States.

2 "Principal" means an individual:

3 (1) whose signature is notarized; or

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

6 "Public key certificate" means an electronic credential  
7 which is used to identify an individual who signed an  
8 electronic record with the certificate.

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

11 "Remote notarial act" means a notarial act that is done by  
12 way of audio-video communication technology that allows for  
13 direct, contemporaneous interaction between the individual  
14 signing the document (the signatory) and the witness by sight  
15 and sound but that requires the notary public to use his or her  
16 physical stamp and seal to notarize the document without the  
17 aid of an electronic seal or signature.

18 "Remote notary public" means any notary public that  
19 performs a remote notarial act.

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

22 "Unique to the electronic notary public" and "sole  
23 control" mean, with respect to an electronic notarization that  
24 the signing device used to affix the electronic signature of  
25 the electronic notary public and to render the official  
26 electronic seal information tamper evident must be accessible

1 by and attributable solely to the electronic notary public to  
2 the exclusion of all other persons and entities for the  
3 necessary period of time that such device is engaged and  
4 operating to effectuate the authorized electronic  
5 notarization.

6 ~~(a) The terms "notary public" and "notary" are used~~  
7 ~~interchangeably to mean any individual appointed and~~  
8 ~~commissioned to perform notarial acts.~~

9 ~~(b) "Notarization" means the performance of a notarial~~  
10 ~~act.~~

11 ~~(c) "Accredited immigration representative" means a~~  
12 ~~not-for-profit organization recognized by the Board of~~  
13 ~~Immigration Appeals under 8 C.F.R. 292.2(a) and employees of~~  
14 ~~those organizations accredited under 8 C.F.R. 292.2(d).~~

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

16 (5 ILCS 312/1-106 new)

17 Sec. 1-106. Electronic Notarization Fund. The Electronic  
18 Notarization Fund is created as a special fund in the State  
19 treasury. Moneys in the Electronic Notarization Fund during  
20 the preceding calendar year, shall be distributed, subject to  
21 appropriation, to the Secretary of State to fund the  
22 Department of Index's implementation of the electronic  
23 notarization commissions. This Section is effective on and  
24 after July 1, 2022.



1 (5 ILCS 312/2-101) (from Ch. 102, par. 202-101)

2 Sec. 2-101. Appointment.

3 (a) The Secretary of State may appoint and commission as  
4 notaries public for a 4-year term as many persons resident in a  
5 county in this State as he deems necessary. The Secretary of  
6 State may appoint and commission as notaries public for a  
7 one-year term as many persons who are residents of a state  
8 bordering Illinois whose place of work or business is within a  
9 county in this State as the Secretary deems necessary, but  
10 only if the laws of that state authorize residents of Illinois  
11 to be appointed and commissioned as notaries public in that  
12 state.

13 (b) A notary public commissioned in this State may apply  
14 for an electronic notary public commission to perform  
15 electronic notarial acts with the name that appears on the  
16 notary's commission.

17 (c) An individual may apply for a notary public commission  
18 and apply for an electronic notary public commission at the  
19 same time.

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

23 (e) The commission of a notary public and an electronic  
24 notary public shall have the same term pursuant to subsection  
25 (a).

26 (f) The electronic notary public commission of a notary

1 public is suspended by operation of law when the notary public  
2 is no longer appointed and commissioned as a notary public in  
3 this State under this Act. If the commission of the notary  
4 public has been revoked or suspended, the Secretary of State  
5 shall immediately notify the notary public in writing that his  
6 or her commission as a notary public and as an electronic  
7 notary public will be suspended by operation of law until he or  
8 she is reappointed.

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

10 (5 ILCS 312/2-101.5 new)

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

12 (a) Applicants applying for the first time as a notary  
13 public or as an electronic notary public or applying to renew  
14 his or her appointment as a notary public or as an electronic  
15 notary public shall:

16 (1) complete any course of study on notarization and  
17 electronic notarization that is required by the Secretary  
18 of State; and

19 (2) pass an examination at the completion of the  
20 course.

21 (b) The Secretary of State shall have the authority to  
22 adopt administrative rules mandating a course of study and  
23 examination and establishing the course of study content,  
24 length of the course of study to be required, and to approve  
25 any course of study providers.

1 (5 ILCS 312/2-102) (from Ch. 102, par. 202-102)

2 Sec. 2-102. Application.

3 (a) Application for notary public commission. Every  
4 applicant for appointment and commission as a notary shall  
5 complete an application in a format prescribed by the  
6 Secretary of State to be filed with the Secretary of State,  
7 stating:

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

11 (2) ~~(b)~~ the county in which the applicant resides or,  
12 if the applicant is a resident of a state bordering  
13 Illinois, the county in Illinois in which that person's  
14 principal place of work or principal place of business is  
15 located;

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

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

20 (5) ~~(e-5)~~ the applicant's business address if  
21 different than the applicant's residence address, if  
22 performing notarial acts constitutes any portion of the  
23 applicant's job duties;

24 (6) ~~(d)~~ that the applicant has resided in the State of  
25 Illinois for 30 days preceding the application or that the

1 applicant who is a resident of a state bordering Illinois  
2 has worked or maintained a business in Illinois for 30  
3 days preceding the application;

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

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

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

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

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

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

22 (13) that the applicant has provided satisfactory  
23 proof to the Secretary of State that the applicant has  
24 successfully completed any required course of study on  
25 notarization; and

26 (14) ~~(j)~~ any other information the Secretary of State

1       deems necessary.

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

4       (c) Application for electronic notary public commission.  
5 An application for an electronic notary public commission must  
6 be filed with the Secretary of State in a manner prescribed by  
7 the Secretary of State. Every applicant for appointment and  
8 commission as an electronic notary public shall complete an  
9 application to be filed with the Secretary of State, stating:

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

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

15       (3) the applicant's email address;

16       (4) that the applicant has provided satisfactory proof  
17 to the Secretary of State that the applicant has  
18 successfully completed any required course of study on  
19 electronic notarization and passed a qualifying  
20 examination;

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

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

25       (7) any other information the Secretary of State deems  
26 necessary.

1       (d) Electronic notarial acts. Before an electronic notary  
2 public performs an electronic notarial act using audio-video  
3 communication, he or she must be granted an electronic notary  
4 public commission by the Secretary of State under this  
5 Section, and identify the technology that the electronic  
6 notary public intends to use, which must be approved by the  
7 Secretary of State.

8       (e) Approval of commission. Upon the applicant's  
9 fulfillment of the requirements for a notarial commission or  
10 an electronic notary public commission, the Secretary of State  
11 shall approve the commission and issue to the applicant a  
12 unique commission number.

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

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

18 (5 ILCS 312/2-102.5)

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

20 (a) The Secretary of State may establish and maintain an  
21 online application system that permits an Illinois resident to  
22 apply for appointment and commission as a notary public or  
23 electronic notary public.

24 (b) Any such online ~~notary public~~ application system shall  
25 employ security measures to ensure the accuracy and integrity

1 of notary public applications submitted electronically under  
2 this Section.

3 (c) The Secretary of State may cross reference information  
4 provided by applicants with that contained in the Secretary of  
5 State's driver's license and Illinois Identification Card  
6 databases in order to match the information submitted by  
7 applicants, and may receive from those databases the  
8 applicant's digitized signature upon a successful match of the  
9 applicant's information with that information contained in the  
10 databases.

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

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

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

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

21 (e) For his or her application to be accepted, the  
22 applicant shall mark the box associated with the following  
23 statement included as part of the online ~~notary public~~  
24 application: "By clicking on the box below, I swear or affirm  
25 all of the following:

26 (1) I am the person whose name and identifying

1 information is provided on this form, and I desire to be  
2 appointed and commissioned as a notary public in the State  
3 of Illinois.

4 (2) All the information I have provided on this form  
5 is true and correct as of the date I am submitting this  
6 form.

7 (3) I authorize the Secretary of State to utilize my  
8 signature on file with the Secretary of State driver's  
9 license and Illinois Identification Card databases and  
10 understand that such signature will be used on this online  
11 ~~notary public~~ application for appointment and commission  
12 as a notary public or electronic notary as if I had signed  
13 this form personally."

14 (4) I authorize the Secretary of State to utilize my  
15 signature to conduct a verification to confirm the  
16 information provided in the application, including a  
17 criminal background check, if necessary."

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



1           (1) that the applicant has an authentic Illinois  
2 driver's license or Illinois Identification Card issued by  
3 the Secretary of State and that the driver's license or  
4 Illinois Identification Card number provided by the  
5 applicant matches the driver's license or Illinois  
6 Identification Card number for that person on file with  
7 the Secretary of State;

8           (2) that the date of issuance of the Illinois driver's  
9 license or Illinois Identification Card listed on the  
10 application matches the date of issuance of that license  
11 or card for that person on file with the Secretary of  
12 State;

13           (3) that the date of birth provided by the applicant  
14 matches the date of birth for that person on file with the  
15 Secretary of State; ~~and~~

16           (4) that the residence address provided by the  
17 applicant matches the residence address for that person on  
18 file with the Secretary of State; ~~and.~~

19           (5) the last 4 digits of the applicant's social  
20 security number.

21           (g) If the information provided by the applicant matches  
22 all of the criteria identified in subsection (f) of this  
23 Section, the online ~~notary public~~ application system shall  
24 retrieve from the Secretary of State's database files an  
25 electronic copy of the applicant's signature from his or her  
26 Illinois driver's license or Illinois Identification Card and

1 such signature shall be deemed to be the applicant's signature  
2 on his or her online ~~notary public~~ application.

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

4 (5 ILCS 312/2-102.6 new)

5 Sec. 2-102.6. Database of notaries public. The Secretary  
6 of State may maintain a database of notaries public on a  
7 publicly-accessible website which: (1) any interested person  
8 may use to verify the authority and good standing of a listed  
9 individual to perform notarial acts; (2) indicates whether a  
10 notary holds a valid electronic commission and is able to  
11 lawfully perform electronic notarial acts; and (3) describes  
12 any administrative or disciplinary action taken against the  
13 notary by the Secretary of State.

14 (5 ILCS 312/2-102.7 new)

15 Sec. 2-102.7. Registration of electronic notarization  
16 technology.

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

1       (b) Prior to any electronic notarial acts being performed  
2 in this State, the vendor of electronic notarization  
3 technology must submit the technology to the Secretary of  
4 State and receive approval by the Secretary of State for use in  
5 this State.

6       (c) The Secretary of State shall adopt rules applicable to  
7 this Section, setting forth the standards electronic notary  
8 platforms must achieve to be approved for use in the State of  
9 Illinois and requirements with which vendors of electronic  
10 notary platforms must comply.

11       (5 ILCS 312/2-103) (from Ch. 102, par. 202-103)

12       Sec. 2-103. Appointment Fee.

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

18       (b) Every applicant for a commission as an electronic  
19 notary public shall pay to the Secretary of State a fee of \$25.  
20 This fee is in addition to the fee proscribed for a commission  
21 as a notary public and shall be deposited in the Electronic  
22 Notarization Fund.

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

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

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

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

6 "I, (name of applicant), solemnly affirm, under the  
7 penalty of perjury, that the answers to all questions in this  
8 application are true, complete, and correct; that I have  
9 carefully read the notary law of this State; and that, if  
10 appointed and commissioned as a notary public, I will perform  
11 faithfully, to the best of my ability, all notarial acts in  
12 accordance with the law."

13 (b) In the event that the applicant completes a paper  
14 application for appointment and commission as a notary public,  
15 he or she shall take the oath in the presence of a person  
16 qualified to administer an oath in this State. The printed  
17 oath shall be followed by the signature of the applicant and  
18 notarized as follows:

19 " ..... (Signature of applicant)  
20 State of Illinois  
21 County of (name of county where the notarization is  
22 completed)

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

25 ..... (Official signature and official seal

1 of notary)".

2 (c) In the event that the applicant completes an online  
3 application for appointment and commission as a notary public,  
4 he or she shall affirm the oath electronically. An electronic  
5 affirmation of the oath in the online ~~notary public~~  
6 application system shall have the same force and effect as an  
7 oath sworn and affirmed in person.

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

9 (5 ILCS 312/2-105) (from Ch. 102, par. 202-105)

10 Sec. 2-105. Bond.

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

19 (b) A notary public that performs notarizations either  
20 remotely or electronically and by means of audio-video  
21 communication shall obtain and maintain a surety bond in the  
22 amount of \$25,000 from a surety or insurance company licensed  
23 to do business in this State, and this bond shall be  
24 exclusively conditioned on the faithful performance of remote  
25 notarial acts or electronic notarial acts by means of

1 audio-video communication. When a notary is required to hold  
2 both the \$5,000 bond and the \$25,000 bond, one bond totaling  
3 \$30,000 shall satisfy the provisions of this Section.

4 (c) The bonding company issuing the bond to a notary  
5 public or an electronic notary public shall submit  
6 verification of the bond information for the notary to the  
7 Secretary of State in a format prescribed by the Secretary of  
8 State.

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

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

18 (5 ILCS 312/2-107)

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

20 (a) Every company, corporation, association, organization,  
21 or person that remits notary public applications to the  
22 Secretary of State on behalf of applicants for appointment and  
23 commission as a notary public, for compensation or otherwise,  
24 shall comply with standards to qualify for licensure as a  
25 notary public remittance agent.

1           **(b) The Secretary of State shall adopt rules describing**  
2 **the requirements for a notary public remittance agent to be**  
3 **licensed in the State of Illinois.** ~~The standards to qualify~~  
4 ~~for licensure as a notary public remittance agent shall~~  
5 ~~include, but not be limited to, the following:~~

6           ~~(1) the applicant has not been the subject of any~~  
7 ~~administrative citation, criminal complaint, or civil~~  
8 ~~action arising from his or her duties as a notary public~~  
9 ~~remittance agent;~~

10           ~~(2) the agent holds a surety bond in the amount of~~  
11 ~~\$20,000 for the purposes of acting as a remittance agent;~~  
12 ~~and~~

13           ~~(3) the agent complies with all requirements set forth~~  
14 ~~by the Secretary of State for the submission of the notary~~  
15 ~~public applications.~~

16           **(c) A notary public remittance agent submitting an**  
17 **application on behalf of an applicant for appointment and**  
18 **commission as a notary public shall remit the application and**  
19 **fee provided by the applicant within 30 days after receiving**  
20 **the application and fee from the applicant.**

21           **(d) The agent shall not modify a notary's application**  
22 **information in any way prior to submitting the application**  
23 **information to the Secretary of State.**

24           **(e) The agent shall not issue a notary seal or notary stamp**  
25 **to the notary applicant until sufficient evidence has been**  
26 **received that the notary applicant has received a commission**

1 from the Secretary of State.

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

6 (g) ~~(e)~~ The provisions of this Section do not apply to  
7 units of ~~local~~ government or private businesses that are  
8 making applications, and providing application fees for their  
9 employees.

10 (h) The Secretary of State shall adopt rules applicable to  
11 this Section.

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

13 (5 ILCS 312/3-101) (from Ch. 102, par. 203-101)

14 Sec. 3-101. Official seal.

15 (a) Notary public official seal. Each notary public shall,  
16 upon receiving the notary commission from the Secretary of  
17 State ~~county clerk,~~ obtain an official rubber stamp seal with  
18 which the notary shall authenticate his or her official acts.  
19 The rubber stamp seal shall contain the following information:

20 (1) the words "Official Seal";

21 (2) the notary's official name;

22 (3) the words "Notary Public", "State of Illinois",  
23 and "My commission expires ..... (commission  
24 expiration date)"; and

25 (4) a serrated or milled edge border in a rectangular



1 form not more than one inch in height by two and one-half  
2 inches in length surrounding the information.

3 (b) (Blank).

4 (b-5) Electronic notary public electronic seal and  
5 electronic signature. An electronic notarial act must be  
6 evidenced by the following, which must be attached to or  
7 logically associated with the electronic document that is the  
8 subject of the electronic notarial act and which must be  
9 immediately perceptible and reproducible:

10 (1) the electronic signature of the electronic notary  
11 public;

12 (2) the electronic seal of the electronic notary  
13 public, which shall look identical to a traditional notary  
14 public seal;

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

18 (4) language explicitly stating that the electronic  
19 notarial act was performed using audio-video  
20 communication, if applicable.

21 (c) Registered devices. An electronic notary shall  
22 register his or her chosen device with the Secretary of State  
23 before first use. Thereafter, electronic notary public shall  
24 take reasonable steps to ensure that any registered device  
25 used to create an electronic seal or electronic signature is  
26 current and has not been revoked or terminated by the device's

1 issuing or registering authority. Upon learning that the  
2 technology or device used to create his or her electronic  
3 signature has been rendered ineffective or unsecure, an  
4 electronic notary public shall cease performing electronic  
5 notarial acts until:

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

7 (2) the electronic notary public sends an electronic  
8 message to the Secretary of State that includes the  
9 electronic signature of the electronic notary public  
10 required under paragraph (6) of subsection (b) of Section  
11 2-102 relating to the new technology or device.

12 (d) Electronic signature and seal security.

13 (1) An electronic notary public shall keep the  
14 electronic notary public's electronic signature and  
15 electronic seal secure and under the notary public's  
16 exclusive control. The electronic notary public shall not  
17 allow another person to use his or her electronic  
18 signature or electronic seal.

19 (2) An electronic notary public shall notify an  
20 appropriate law enforcement agency, the vendor of the  
21 electronic notary technology, and the Secretary of State  
22 no later than the next business day after the theft,  
23 compromise, or vandalism of the electronic notary public's  
24 electronic signature or electronic seal.

25 (3) The electronic notary public shall not disclose  
26 any access information used to affix the electronic notary

1       public's signature and seal except when requested by law  
2       enforcement.

3       (e) Certificate of electronic notarial act. An electronic  
4       notary public shall attach his or her electronic signature and  
5       electronic seal with the electronic notarial certificate of an  
6       electronic document in a manner that is capable of independent  
7       verification and renders any subsequent change or modification  
8       to the electronic document evidence.

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

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

12       (5 ILCS 312/3-101.5 new)

13       Sec. 3-101.5. Security of electronic signature and seal.  
14       The following requirements apply only to electronic notaries  
15       public.

16       (a) The electronic signature and electronic seal of an  
17       electronic notary public must be used only for the purposes of  
18       performing electronic notarial acts.

19       (b) The electronic notary public's electronic signature  
20       and electronic seal are deemed to be reliable if the following  
21       requirements are met:

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

23               (2) it is capable of independent verification;

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

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

6           (5) the electronic notary public has chosen technology  
7           or a vendor that meets the minimum requirements  
8           established by the Secretary of State and is approved by  
9           the Secretary of State; and

10           (6) the technology adheres to any other standards or  
11           requirements set by the Secretary of State in  
12           administrative rule.

13           (c) The electronic notary public shall be prohibited from  
14           selling or transferring personal information learned through  
15           the course of an electronic notarization, except when required  
16           by law, law enforcement, the Secretary of State or court  
17           order.

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

20           (5 ILCS 312/3-103) (from Ch. 102, par. 203-103)

21           Sec. 3-103. Notice.

22           (a) Every notary public who is not an attorney or an  
23           accredited immigration representative who advertises the  
24           services of a notary public in a language other than English,  
25           whether by radio, television, signs, pamphlets, newspapers,

1 electronic communications, or other written communication,  
2 with the exception of a single desk plaque, shall include in  
3 the document, advertisement, stationery, letterhead, business  
4 card, or other comparable written or electronic material the  
5 following: notice in English and the language in which the  
6 written or electronic communication appears. This notice shall  
7 be of a conspicuous size, if in writing or electronic  
8 communication, and shall state: "I AM NOT AN ATTORNEY LICENSED  
9 TO PRACTICE LAW IN ILLINOIS. I AM NOT ALLOWED TO DRAFT LEGAL  
10 DOCUMENTS OR RECORDS, NOR MAY I GIVE LEGAL ADVICE ON ANY  
11 MATTER, INCLUDING, BUT NOT LIMITED TO, MATTERS OF IMMIGRATION,  
12 OR ACCEPT OR CHARGE FEES FOR THE PERFORMANCE OF THOSE  
13 ACTIVITIES ". If such advertisement is by radio or television,  
14 the statement may be modified but must include substantially  
15 the same message.

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

25 Failure to follow the procedures in this Section shall  
26 result in a fine of \$1,500 for each written violation. The

1 second violation shall result in permanent revocation of the  
2 commission of notary public. Violations shall not preempt or  
3 preclude additional appropriate civil or criminal penalties.

4 (b) All notaries public required to comply with the  
5 provisions of subsection (a) shall prominently post at their  
6 place of business as recorded with the Secretary of State  
7 pursuant to Section 2-102 of this Act a schedule of fees  
8 established by law which a notary public may charge. The fee  
9 schedule shall be written in English and in the non-English  
10 language in which notary services were solicited and shall  
11 contain the disavowal of legal representation required above  
12 in subsection (a), unless such notice of disavowal is already  
13 prominently posted.

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

22 (c-5) In addition to the notice required under subsection  
23 (a), every notary public who is subject to subsection (a)  
24 shall, prior to rendering notary services or electronic notary  
25 services, provide any person seeking notary or electronic  
26 notary services services with a written acknowledgment that

1 substantially states, in English and the language used in the  
2 advertisement for notary services the following: "I AM NOT AN  
3 ATTORNEY LICENSED TO PRACTICE LAW IN ILLINOIS. I AM NOT  
4 ALLOWED TO DRAFT LEGAL DOCUMENTS OR RECORDS, NOR MAY I GIVE  
5 LEGAL ADVICE ON ANY MATTER OR ACCEPT OR CHARGE FEES FOR THE  
6 PERFORMANCE OF THOSE ACTIVITIES". The Office of the Secretary  
7 of State shall translate this acknowledgement into Spanish and  
8 any other language the Secretary of State may deem necessary  
9 to achieve the requirements of this subsection (c-5), and  
10 shall make the translations available on the website of the  
11 Secretary of State. This acknowledgment shall be signed by the  
12 recipient of notary services or electronic notary services  
13 before notary services or electronic notary services are  
14 rendered, and the notary shall retain copies of all signed  
15 acknowledgments throughout their present commission and for 2  
16 years thereafter. Notaries shall provide recipients of notary  
17 services or electronic notary services with a copy of their  
18 signed acknowledgment at the time services are rendered. This  
19 provision shall not apply to notary services or electronic  
20 notary services related to documents prepared or produced in  
21 accordance with the Illinois Election Code.

22 (d) Any person who aids, abets or otherwise induces  
23 another person to give false information concerning  
24 immigration status shall be guilty of a Class A misdemeanor  
25 for a first offense and a Class 3 felony for a second or  
26 subsequent offense committed within 5 years of a previous

1 conviction for the same offense.

2 Any notary public who violates the provisions of this  
3 Section shall be guilty of official misconduct and subject to  
4 fine or imprisonment.

5 Nothing in this Section shall preclude any consumer of  
6 notary public services from pursuing other civil remedies  
7 available under the law.

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

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

18 (g) If a notary public or electronic notary public of this  
19 State is convicted of a 2 or more business offense offenses  
20 involving a violation of this Act ~~within a 12-month period~~  
21 ~~while commissioned, or of 3 or more business offenses~~  
22 ~~involving a violation of this Act within a 5-year period~~  
23 ~~regardless of being commissioned,~~ the Secretary shall  
24 automatically revoke the notary public commission or  
25 electronic notary public commission of that person on the date  
26 that the person's most recent business offense conviction is



1 entered as a final judgment.

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

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

4 Sec. 3-104. Maximum Fee.

5 (a) Except as otherwise provided in this subsection (a)  
6 ~~provided in subsection (b) of this Section~~, the maximum fee  
7 for non-electronic notarization in this State is \$5 ~~\$1.00~~ for  
8 any notarial act performed and, ~~until July 1, 2018,~~ up to \$25  
9 for any notarial act performed pursuant to Section 3-102.

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

13 (1) \$10 per form completion;

14 (2) \$10 per page for the translation of a non-English  
15 language into English where such translation is required  
16 for immigration forms;

17 (3) \$5 ~~\$1~~ for notarizing;

18 (4) \$3 to execute any procedures necessary to obtain a  
19 document required to complete immigration forms; and

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

21 Fees authorized under this subsection shall not include  
22 application fees required to be submitted with immigration  
23 applications.

24 (b) The maximum fee in this State up to \$25 for any  
25 electronic notarial act performed pursuant to this Act. An

1 electronic notary public may charge a reasonable fee to  
2 recover any cost of providing a copy of an entry or a recording  
3 of an audio-video communication in an electronic journal  
4 maintained pursuant to Section 3-107.

5 (c) Any person who violates the provisions of ~~this~~  
6 subsection (a) or (b) shall be guilty of a Class A misdemeanor  
7 for a first offense and a Class 3 felony for a second or  
8 subsequent offense committed within 5 years of a previous  
9 conviction for the same offense.

10 (d) ~~(e)~~ Upon his own information or upon complaint of any  
11 person, the Attorney General or any State's Attorney, or their  
12 designee, may maintain an action for injunctive relief in the  
13 court against any notary public or any other person who  
14 violates the provisions of subsection (a) or (b) of this  
15 Section. These remedies are in addition to, and not in  
16 substitution for, other available remedies.

17 If the Attorney General or any State's Attorney fails to  
18 bring an action as provided pursuant to this subsection within  
19 90 days of receipt of a complaint, any person may file a civil  
20 action to enforce the provisions of this subsection and  
21 maintain an action for injunctive relief.

22 (e) ~~(d)~~ All notaries public must provide itemized receipts  
23 and keep records for fees accepted for services provided.  
24 Notarial fees must appear on the itemized receipt as separate  
25 and distinct from any other charges assessed. Failure to  
26 provide itemized receipts and keep records that can be

1 presented as evidence of no wrongdoing shall be construed as a  
2 presumptive admission of allegations raised in complaints  
3 against the notary for violations related to accepting  
4 prohibited fees.

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

6 (5 ILCS 312/3-105) (from Ch. 102, par. 203-105)

7 Sec. 3-105. Authority.

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

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

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

24 (5 ILCS 312/3-106) (from Ch. 102, par. 203-106)

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

6           I ..... (Secretary of State ~~or ..... County~~  
 7 ~~Clerk~~) of the State of Illinois, which office is an office of  
 8 record having a seal, certify that ..... (notary's name),  
 9 by whom the foregoing or annexed document was notarized or  
 10 electronically notarized, was, on (insert date), appointed and  
 11 commissioned a notary public in and for the State of Illinois  
 12 and that as such, full faith and credit is and ought to be  
 13 given to this notary's official attestations. In testimony  
 14 whereof, I have affixed my signature and the seal of this  
 15 office on (insert date).

16 .....

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

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

19           (5 ILCS 312/3-107 new)

20           Sec. 3-107. Journal.

21           (a) A notary public or an electronic notary public shall  
 22 keep a journal of each notarial act or electronic notarial act  
 23 which includes, without limitation, the requirements set by  
 24 the Secretary of State in administrative rule, but shall not  
 25 include any electronic signatures of the person for whom an

1 electronic notarial act was performed or any witnesses.

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

4 (1) the information to be recorded for each  
5 notarization or electronic notarization;

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

8 (3) the minimum security requirements for protecting  
9 the information in the journal and access to the contents  
10 of the journal.

11 (c) A notary or electronic notary may maintain his or her  
12 journal in either paper form or electronic form and may  
13 maintain more than one journal or electronic journal to record  
14 notarial acts or electronic notarial acts.

15 (d) The fact that the employer or contractor of a notary or  
16 electronic notary public keeps a record of notarial acts or  
17 electronic notarial acts does not relieve the notary public of  
18 the duties required by this Section. A notary public or  
19 electronic notary public shall not surrender the journal to an  
20 employer upon termination of employment and an employer shall  
21 not retain the journal of an employee when the employment of  
22 the notary public or electronic notary public ceases.

23 (e) If the journal of a notary public or electronic notary  
24 public is lost, stolen, or compromised, the notary or  
25 electronic notary shall notify the Secretary of State within  
26 10 business days after the discovery of the loss, theft, or

1 breach of security.

2 (5 ILCS 312/4-101) (from Ch. 102, par. 204-101)

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

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

21 (b) Any change to the information submitted by an  
22 electronic notary public in registering to perform electronic  
23 notarial acts in compliance with any Section of this Act shall  
24 be reported by the notary within 30 business days to the  
25 Secretary of State.

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

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

6           (5 ILCS 312/5-101) (from Ch. 102, par. 205-101)

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

14       (Source: P.A. 84-322.)

15           (5 ILCS 312/5-102) (from Ch. 102, par. 205-102)

16       Sec. 5-102. Solicitation to Purchase Bond. No person shall  
17 solicit any notary public and offer to provide a surety bond  
18 more than 60 days in advance of the expiration date of the  
19 ~~notary public's~~ commission of a notary public or electronic  
20 notary public.

21       Nor shall any person solicit any applicant for a  
22 commission or reappointment thereof and offer to provide a  
23 surety bond for the notary commission unless any such  
24 solicitation specifically sets forth in bold face type not

1 less than 1/4 inch in height the following: "WE ARE NOT  
2 ASSOCIATED WITH ANY STATE OR LOCAL GOVERNMENTAL AGENCY".

3 Whenever it shall appear to the Secretary of State that  
4 any person is engaged or is about to engage in any acts or  
5 practices which constitute or will constitute a violation of  
6 the provisions of this Section, the Secretary of State may, in  
7 his discretion, through the Attorney General, apply for an  
8 injunction, and, upon a proper showing, any circuit court  
9 shall have power to issue a permanent or temporary injunction  
10 or restraining order without bond to enforce the provisions of  
11 this Act, and either party to such suit shall have the right to  
12 prosecute an appeal from the order or judgment of the court.

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

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

18 (5 ILCS 312/6-102) (from Ch. 102, par. 206-102)

19 Sec. 6-102. Notarial Acts.

20 (a) In taking an acknowledgment, the notary public must  
21 determine, either from personal knowledge or from satisfactory  
22 evidence, that the person appearing before the notary and  
23 making the acknowledgment is the person whose true signature  
24 is on the instrument.

25 (b) In taking a verification upon oath or affirmation, the



1 notary public must determine, either from personal knowledge  
2 or from satisfactory evidence, that the person appearing  
3 before the notary and making the verification is the person  
4 whose true signature is on the statement verified.

5 (c) In witnessing or attesting a signature, the notary  
6 public must determine, either from personal knowledge or from  
7 satisfactory evidence, that the signature is that of the  
8 person appearing before the notary and named therein.

9 (d) A notary public has satisfactory evidence that a  
10 person is the person whose true signature is on a document if  
11 that person:

12 (1) is personally known to the notary;

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

15 (3) is identified on the basis of identification  
16 documents. Identification documents are documents that are  
17 valid at the time of the notarial act, issued by a state  
18 agency, federal government agency, or consulate, and  
19 bearing the photographic image of the individual's face  
20 and signature of the individual.

21 (e) A notary public or electronic notary public shall have  
22 no obligation to perform any notarial or electronic notarial  
23 act, and may refuse to perform a notarial or electronic  
24 notarial act without further explanation.

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

1 (5 ILCS 312/6-102.5 new)

2 Sec. 6-102.5. Remote notarial acts.

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

5 (b) A remote notarial action must be performed in  
6 accordance with the following audio-video communication  
7 requirements:

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

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

16 (3) The signatory must attest to being physically  
17 located in Illinois during the two-way audio-video  
18 communication.

19 (4) The signatory must affirmatively state on the  
20 two-way audio-video communication what document the  
21 signatory is signing.

22 (5) Each page of the document being witnessed must be  
23 shown to the witness on the two-way audio-video  
24 communication technology in a means clearly legible to the  
25 witness and initialed by the signatory in the presence of  
26 the witness.

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

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

5           (1) The signatory must transmit by fax or electronic  
6           means a legible copy of the entire signed document  
7           directly to the notary no later than the day after the  
8           document is signed.

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

13           (3) If necessary, the notary may sign the original  
14           signed document as of the date of the original execution  
15           by the signatory provided that the witness receives the  
16           original signed document together with the electronically  
17           witnessed copy within 30 days after the date of the remote  
18           notarization.

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

21           (5 ILCS 312/6-104) (from Ch. 102, par. 206-104)

22           Sec. 6-104. Acts prohibited.

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

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

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

6           (d) A notary public shall not take the acknowledgment of  
7 or administer an oath to any person whom the notary actually  
8 knows to have been adjudged mentally ill by a court of  
9 competent jurisdiction and who has not been restored to mental  
10 health as a matter of record.

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

14           (f) A notary public shall not take the acknowledgment of  
15 any person who does not speak or understand the English  
16 language, unless the nature and effect of the instrument to be  
17 notarized is translated into a language which the person does  
18 understand.

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

21           (h) No notary public shall be authorized to prepare any  
22 legal instrument, or fill in the blanks of an instrument,  
23 other than a notary certificate; however, this prohibition  
24 shall not prohibit an attorney, who is also a notary public,  
25 from performing notarial acts for any document prepared by  
26 that attorney.

1 (i) If a notary public accepts or receives any money from  
2 any one to whom an oath has been administered or on behalf of  
3 whom an acknowledgment has been taken for the purpose of  
4 transmitting or forwarding such money to another and willfully  
5 fails to transmit or forward such money promptly, the notary  
6 is personally liable for any loss sustained because of such  
7 failure. The person or persons damaged by such failure may  
8 bring an action to recover damages, together with interest and  
9 reasonable attorney fees, against such notary public or his  
10 bondsmen.

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

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

20 (l) A notary public shall not represent himself or herself  
21 as an electronic notary public if the person has not been  
22 commissioned as an electronic notary public by the Secretary  
23 of State.

24 (m) No person shall knowingly create, manufacture, or  
25 distribute software or hardware for the purpose of allowing a  
26 person to act as an electronic notary public without being

1 commissioned in accordance with this Act. A violation of this  
2 subsection (m) is a Class A misdemeanor.

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

7 (o) A notary public shall not sell, rent, transfer, or  
8 otherwise make available to a third party the contents of the  
9 notarial journal, audio video recordings, or any other record  
10 associated with any notarial act, including personally  
11 identifiable information, except when required by law, law  
12 enforcement, the Secretary of State, or a court order.

13 (p) The Secretary of State may suspend the commission of a  
14 notary or electronic notary who fails to produce any journal  
15 entry within 10 days after receipt of a request from the  
16 Secretary of State.

17 (q) Upon surrender, revocation, or expiration of a  
18 commission as a notary or electronic notary, all notarial  
19 records or electronic notarial records required under this  
20 Section, except as otherwise provided by law, must be kept by  
21 the notary public or electronic notary for a period of 5 years  
22 after the termination of the registration of the notary public  
23 or electronic notary public.

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



1           (1) minimum standards ensuring a secure means of  
2           authentication to be employed to protect the integrity of  
3           the electronic notary's electronic seal and electronic  
4           signature;

5           (2) minimum standards ensuring that documents  
6           electronically notarized be tamper-evident and protected  
7           from unauthorized use; and

8           (3) requirements for competent operation of the  
9           electronic platform.

10           (5 ILCS 312/6A-102 new)

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

19           (5 ILCS 312/6A-103 new)

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

21           (a) An electronic notary public:

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

24           (2) may perform notarial acts as provided by this Act



1 in addition to performing electronic notarizations; and

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

4 (b) In performing an electronic notarization, an  
5 electronic notary public shall verify the identity of a person  
6 creating an electronic signature at the time that the  
7 signature is taken by using two-way audio and video conference  
8 technology that meets the requirements of this Act and rules  
9 adopted under this Article. For the purposes of performing an  
10 electronic notarial act for a person using audio-video  
11 communication, an electronic notary public has satisfactory or  
12 documentary evidence of the identity of the person if the  
13 electronic notary public confirms the identity of the person  
14 by:

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

17 (2) each of the following:

18 (A) remote electronic presentation by the person  
19 creating the electronic signature of a  
20 government-issued identification credential,  
21 including a passport or driver's license, that  
22 contains the signature and a photograph of the person;

23 (B) credential analysis of the front and back of  
24 the government-issued identification credential and  
25 the data thereon; and

26 (C) a dynamic knowledge-based authentication

1           assessment.

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

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

8           (1) the technology must allow the persons  
9 communicating to see and speak to each other  
10 simultaneously;

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

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

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

15           (f) The electronic notarial certificate for an electronic  
16 notarization must include a notation that the notarization is  
17 an electronic notarization.

18           (g) When performing an electronic notarization, an  
19 electronic notary public shall complete an electronic notarial  
20 certificate and attach or logically associate the electronic  
21 notary's electronic signature and seal to that certificate in  
22 a tamper evident manner. Evidence of tampering pursuant to  
23 this standard may be used to determine whether the electronic  
24 notarial act is valid or invalid.

25           (h) The liability, sanctions, and remedies for improper  
26 performance of electronic notarial acts are the same as

1 described and provided by law for the improper performance of  
2 non-electronic notarial acts as described under Section 7-108.

3 (i) Electronic notarial acts need to fulfill certain basic  
4 requirements to ensure non-repudiation and the capability of  
5 being authenticated by the Secretary of State for purposes of  
6 issuing apostilles and certificates of authentication. The  
7 requirements are as follows:

8 (1) the fact of the electronic notarial act, including  
9 the electronic notary's identity, signature, and  
10 electronic commission status, must be verifiable by the  
11 Secretary of State; and

12 (2) the notarized electronic document will be rendered  
13 ineligible for authentication by the Secretary of State if  
14 it is improperly modified after the time of electronic  
15 notarization, including any unauthorized alterations to  
16 the document content, the electronic notarial certificate,  
17 the electronic notary public's electronic signature, or  
18 the electronic notary public's official electronic seal.

19 (5 ILCS 312/6A-104 new)

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

21 (a) An electronic notary public shall arrange for a  
22 recording to be made of each electronic notarial act performed  
23 using audio-video communication. The audio-video recording  
24 required by this Section shall be in addition to the journal  
25 entry for the electronic notarial act required by Section

1 3-107. Before performing any electronic notarial act using  
2 audio-video communication, the electronic notary public must  
3 inform all participating persons that the electronic  
4 notarization will be electronically recorded.

5 (b) If the person for whom the electronic notarial act is  
6 being performed is identified by personal knowledge, the  
7 recording of the electronic notarial act must include an  
8 explanation by the electronic notary public as to how he or she  
9 knows the person and how long he or she has known the person.

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

12 (1) the credible witness must appear before the  
13 electronic notary public; and

14 (2) the recording of the electronic notarial act must  
15 include:

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

19 (B) an explanation by the credible witness as to  
20 how he or she knows the person for whom the electronic  
21 notarial act is being performed and how long he or she  
22 has known the person.

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

1       (e) An electronic notary public who performs an electronic  
2 notarial act for a principal by means of audio-video  
3 communication shall be located within the State of Illinois at  
4 the time the electronic notarial act is performed. The  
5 electronic notary public shall include a statement in the  
6 electronic notarial certificate to indicate that the  
7 electronic notarial act was performed by means of audio-video  
8 communication. The statement may also be included in the  
9 electronic notarial seal.

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

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

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

17           (3) be satisfied that any electronic record that is  
18 electronically signed, acknowledged, or otherwise  
19 presented for electronic notarization by the principal is  
20 the same record electronically signed by the electronic  
21 notary;

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

26           (5) identify the venue for the electronic notarial act

1       as the jurisdiction within Illinois where the notary is  
2       physically located while performing the act.

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

7       (h) The provisions of Section 3-107 related respectively  
8       to security, inspection, copying, and disposition of the  
9       journal shall also apply to security, inspection, copying, and  
10       disposition of audio-video recordings required by this  
11       Section.

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

14       (5 ILCS 312/6A-105 new)

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

16       (a) An electronic notarial certificate must be evidenced  
17       by an electronic notarial certificate signed and dated by the  
18       electronic notary public. The electronic notarial certificate  
19       must include identification of the jurisdiction in which the  
20       electronic notarial act is performed and the electronic seal  
21       of the electronic notary public.

22       (b) An electronic notarial certificate of an electronic  
23       notarial act is sufficient if it meets the requirements of  
24       subsection (a) and it:

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

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

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

6           (c) At the time of an electronic notarial act, an  
7           electronic notary public shall officially sign every  
8           electronic notarial certificate and electronically affix the  
9           electronic seal clearly and legibly, so that it is capable of  
10           photographic reproduction. The illegibility of any of the  
11           information required under this Section does not affect the  
12           validity of a transaction.

13           (5 ILCS 312/6A-106 new)

14           Sec. 6A-106. Electronic acknowledgments; physical  
15           presence.

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

18           (1) being in the same physical location as the other  
19           person and close enough to see, hear, communicate with,  
20           and exchange tangible identification credentials with that  
21           person; or

22           (2) being outside the physical presence of the other  
23           person, but interacting with the other person by means of  
24           communication technology.

25           (b) If the acknowledging person is outside the physical

1 presence of the person taking the acknowledgment, the  
2 certification of acknowledgment must indicate that the  
3 notarial act was performed by means of communication  
4 technology. A form of certificate of acknowledgment as  
5 provided by the Secretary of State, which may include the use  
6 of a remote online notarial certificate, is sufficient for  
7 purposes of this subsection (b) if it substantially reads as  
8 follows: "The foregoing instrument was acknowledged before me  
9 by means of communication technology this (date) by ... (each  
10 form continued as sufficient for its respective purposes.)".

11 (5 ILCS 312/7-106) (from Ch. 102, par. 207-106)

12 Sec. 7-106. Willful Impersonation.

13 (a) Any person who acts as, or otherwise willfully  
14 impersonates, a notary public while not lawfully appointed and  
15 commissioned to perform notarial acts is guilty of a Class A  
16 misdemeanor.

17 (b) Any notary public or other person who is not an  
18 electronic notary public that impersonates an electronic  
19 notary public to perform electronic notarial acts is guilty of  
20 a Class A misdemeanor.

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

22 (5 ILCS 312/7-107) (from Ch. 102, par. 207-107)

23 Sec. 7-107. Wrongful Possession.

24 (a) No person may unlawfully possess, obtain, conceal,



1 damage, or destroy a notary's official seal. Any person who  
2 unlawfully possesses a notary's official seal is guilty of a  
3 misdemeanor and punishable upon conviction by a fine not  
4 exceeding \$1,000.

5 (b) No person may unlawfully possess, conceal, damage, or  
6 destroy the certificate, disk, coding, card, program,  
7 software, or hardware enabling an electronic notary public to  
8 affix an official electronic signature or seal.

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

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

13 (5 ILCS 312/7-108) (from Ch. 102, par. 207-108)

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

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

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

21 (2) is convicted of any felony, misdemeanors,  
22 including those defined in Part C, Articles 16, 17, 18,  
23 19, and 21, and Part E, Articles 31, 32, and 33 of the  
24 Criminal Code of 2012, or official misconduct under this  
25 Act; or-

1           (3) is a licensed attorney and has been sanctioned,  
2           suspended, or disbarred by the Illinois Attorney  
3           Registration and Disciplinary Commission or the Illinois  
4           Supreme Court.

5           (b) Whenever the Secretary of State believes that a  
6 violation of this Article has occurred, he or she may  
7 investigate any such violation. The Secretary may also  
8 investigate possible violations of this Article upon a signed  
9 written complaint on a form designated by the Secretary.

10           (c) A notary's failure to cooperate or respond to an  
11 investigation by the Secretary of State is a failure by the  
12 notary to fully and faithfully discharge the responsibilities  
13 and duties of a notary and shall result in suspension or  
14 revocation of the notary's commission or the electronic  
15 notary's commission.

16           (d) All written complaints which on their face appear to  
17 establish facts which, if proven true, would constitute an act  
18 of misrepresentation or fraud in notarization or electronic  
19 notarization, or misrepresentation or fraud on the part of the  
20 notary, may shall be investigated by the Secretary of State to  
21 determine whether cause exists to reprimand, suspend, or  
22 revoke the commission of the notary.

23           (e) The Secretary of State may deliver a written official  
24 warning and reprimand to a notary, or may revoke or suspend a  
25 notary's commission or an electronic notary's commission, for  
26 any of the following:

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

3 (2) any ground for which an application for  
4 appointment as a notary may be denied for failure to  
5 complete application requirements as provided under  
6 Section 2-102;

7 (3) any prohibited act provided under Section 6-104;  
8 or

9 (4) a violation of any provision of the general  
10 statutes.

11 (f) After investigation and upon a determination by the  
12 Secretary of State that one or more prohibited acts have been  
13 performed in the notarization or electronic notarization of a  
14 document, the Secretary shall, after considering the extent of  
15 the prohibited act and the degree of culpability of the  
16 notary, order one or more of the following courses of action:

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

19 (2) order suspension of the commission of the notary  
20 or electronic commission of the notary for a period of  
21 time designated by the Secretary;

22 (3) order revocation of the commission of the notary  
23 or electronic commission of the notary;

24 (4) refer the allegations to the appropriate State's  
25 Attorney's Office or the Attorney General for criminal  
26 investigation; or

1           (5) refer the allegations to the Illinois Attorney  
2           Registration and Disciplinary Commission for disciplinary  
3           proceedings.

4           (g) After a notary receives notice from the Secretary of  
5           State that his or her commission has been revoked, that notary  
6           shall immediately deliver his or her official seal to the  
7           Secretary. After an electronic notary public receives notice  
8           from the Secretary of State that his or her electronic  
9           commission has been revoked, the electronic notary public  
10           shall immediately notify the electronic notary's chosen  
11           technology provider, and to the extent possible, destroy or  
12           remove the software used for electronic notarizations.

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

17           (i) A notary may voluntarily resign from appointment by  
18           notifying the Secretary of State in writing of his or her  
19           intention to do so, and by physically returning his or her  
20           stamp to the Secretary. An electronic notary public may  
21           voluntarily resign from appointment by notifying the Secretary  
22           of State in writing of his or her intention to do so, and by  
23           notifying the electronic notary's chosen technology provider,  
24           and to the extent possible, destroy or remove the software  
25           used for electronic notarizations. A voluntary resignation  
26           shall not stop or preclude any investigation into a notary's

1 conduct, or prevent further suspension or revocation by the  
2 Secretary, who may pursue any such investigation to a  
3 conclusion and issue any finding.

4 (j) Upon a determination by a sworn law enforcement  
5 officer that the allegations raised by the complaint are  
6 founded, and the notary has received notice of suspension or  
7 revocation from the Secretary of State, the notary is entitled  
8 to an administrative hearing.

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

12 (l) Any revocation, resignation, expiration, or suspension  
13 of the commission of a notary public terminates or suspends  
14 any commission to notarize electronically.

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

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

20 (5 ILCS 312/7-110 new)

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

22 (a) The validity of any notarization, including an  
23 electronic notarization, shall be determined by applying the  
24 laws of this State, regardless of the physical location of the  
25 principal at the time of a remote notarization.

1       (b) An electronic notary public authorized to perform  
2 electronic notarizations is subject to and must comply with  
3 this Act.

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

6       (5 ILCS 312/2-106 rep.)

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

9       Section 15. The State Finance Act is amended by adding  
10 Section 5.938 as follows:

11       (30 ILCS 105/5.938 new)

12       Sec. 5.938. The Electronic Notarization Fund.

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

15       (55 ILCS 5/4-4001) (from Ch. 34, par. 4-4001)

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

20               For each official copy of any process, file, record or  
21 other instrument of and pertaining to his office, 50¢ for

1 each 100 words, and \$1 additional for certifying and  
2 sealing the same.

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

8 For issuance of fireworks permits, \$2.

9 For issuance of liquor licenses, \$5.

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

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

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

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

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

1           For taking and certifying acknowledgments to any  
2 instrument, except where herein otherwise provided for,  
3 \$1.

4           For issuing each certificate of appointment or  
5 commission, the fee for which is not otherwise fixed by  
6 law, \$1.

7           For cancelling tax sale and issuing and sealing  
8 certificates of redemption, \$3.

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

11           For trying and sealing weights and measures by county  
12 standard, together with all actual expenses in connection  
13 therewith, \$1.

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

15           The following fees shall be allowed for services  
16 attending the sale of land for taxes, and shall be charged  
17 as costs against the delinquent property and be collected  
18 with the taxes thereon:

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

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

25           The county board of any county of the first or second class  
26 may by ordinance authorize the county clerk to impose an



1 additional \$2 charge for certified copies of vital records as  
2 defined in Section 1 of the Vital Records Act, for the purpose  
3 of developing, maintaining, and improving technology in the  
4 office of the County Clerk.

5 The foregoing fees allowed by this Section are the maximum  
6 fees that may be collected from any officer, agency,  
7 department or other instrumentality of the State. The county  
8 board may, however, by ordinance, increase the fees allowed by  
9 this Section ~~and also the notary public recordation fees~~  
10 ~~allowed by Section 2-106 of the Illinois Notary Public Act~~ and  
11 the indexing and filing of assumed name certificate fees  
12 allowed by Section 3 of the Assumed Business Name Act and  
13 collect such increased fees from all persons and entities  
14 other than officers, agencies, departments and other  
15 instrumentalities of the State if the increase is justified by  
16 an acceptable cost study showing that the fees allowed by  
17 these Sections are not sufficient to cover the cost of  
18 providing the service.

19 A Statement of the costs of providing each service,  
20 program and activity shall be prepared by the county board.  
21 All supporting documents shall be public record and subject to  
22 public examination and audit. All direct and indirect costs,  
23 as defined in the United States Office of Management and  
24 Budget Circular A-87, may be included in the determination of  
25 the costs of each service, program and activity.

26 The county clerk in all cases may demand and receive the

1 payment of all fees for services in advance so far as the same  
2 can be ascertained.

3 The county board of any county of the first or second class  
4 may by ordinance authorize the county treasurer to establish a  
5 special fund for deposit of the additional charge. Moneys in  
6 the special fund shall be used solely to provide the  
7 equipment, material and necessary expenses incurred to help  
8 defray the cost of implementing and maintaining such document  
9 storage system.

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

12 Section 25. The Uniform Real Property Electronic Recording  
13 Act is amended by changing Section 2 and by adding Section 3.5  
14 as follows:

15 (765 ILCS 33/2)

16 Sec. 2. Definitions. In this Act:

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

18 (A) inscribed on a tangible medium or that is  
19 stored in an electronic or other medium and is  
20 retrievable in perceivable form; and

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

23 (2) "Electronic" means relating to technology having  
24 electrical, digital, magnetic, wireless, optical,

1 electromagnetic, or similar capabilities.

2 (3) "Electronic document" means a document created,  
3 generated, sent, communicated, received, or stored by  
4 electronic means ~~that is received by the recorder in an~~  
5 ~~electronic form.~~

6 (4) "Electronic signature" means an electronic sound,  
7 symbol, or process attached to or logically associated  
8 with a document and executed or adopted by a person with  
9 the intent to sign the document.

10 (5) "Person" means an individual, corporation,  
11 business trust, estate, trust, partnership, limited  
12 liability company, association, joint venture, public  
13 corporation, government, or governmental subdivision,  
14 agency, or instrumentality, or any other legal or  
15 commercial entity.

16 (6) "State" means a state of the United States, the  
17 District of Columbia, Puerto Rico, the United States  
18 Virgin Islands, or any territory or insular possession  
19 subject to the jurisdiction of the United States.

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

21 (8) "Commission" means the Illinois Electronic  
22 Recording Commission.

23 Any notifications required by this Act must be made in  
24 writing and may be communicated by certified mail, return  
25 receipt requested or electronic mail so long as receipt is  
26 verified.

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

2 (765 ILCS 33/3.5 new)

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

4 (a) A paper or tangible copy of an electronic document  
5 that a notary public has certified to be a true and correct  
6 copy under subsection (b) satisfies any requirement of law  
7 that, as a condition for recording, the document:

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

9 (2) be signed or contain an original signature, if the  
10 document contains an electronic signature of the person  
11 required to sign the document; and

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

16 (b) A notary public duly appointed and commissioned under  
17 Section 2-101 of the Illinois Notary Public Act may certify  
18 that a paper or tangible copy of an electronic document is a  
19 true and correct copy of the electronic document if the notary  
20 public has:

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

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

25 (3) personally printed or supervised the printing of

1 the electronic document onto paper or other tangible  
2 medium; or

3 (4) not made any changes or modifications to the  
4 electronic document or to the paper or tangible copy  
5 thereof other than the certification described in this  
6 subsection (b).

7 (c) A county recorder shall accept for recording a paper  
8 or tangible copy of a document that has been certified by a  
9 notary public to be a true and correct copy of an electronic  
10 document under subsection (b) as evidenced by a notarial  
11 certificate.

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

14 "State of .....

15 County of .....

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

1 .....

2 (Signature of Notary Public)

3 (Seal) "

4 (f) If a notarial certificate is attached to or made a part  
5 of a paper or tangible document, the certificate is prima  
6 facie evidence that the requirements of subsection (c) have  
7 been satisfied with respect to the document.

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

13 (h) This Section does not apply to any map or plat governed  
14 by the Plat Act, the Judicial Plat Act, or the Permanent Survey  
15 Act, or to any monument record governed by the Land Survey  
16 Monuments Act.

17 Section 99. Effective date. This Act takes effect on the  
18 later of: (1) January 1, 2022; or (2) the date on which the  
19 Office of the Secretary of State files with the Index  
20 Department of the Office of the Secretary of State a notice  
21 that the Office of the Secretary of State has adopted the rules  
22 necessary to implement this Act, and upon the filing of the  
23 notice, the Index Department shall provide a copy of the  
24 notice to the Legislative Reference Bureau; except that, the

1 changes to Sections 1-106 and 2-103 of the Illinois Notary  
2 Public Act take effect July 1, 2022.".