



Sen. Don Harmon

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10300HB0351sam001

LRB103 03878 AWJ 64806 a

1 AMENDMENT TO HOUSE BILL 351

2 AMENDMENT NO. _____. Amend House Bill 351 on page 1,
3 immediately above line 4, by inserting the following:

4 "Section 3. The Illinois Notary Public Act is amended by
5 changing Section 3-107 as follows:

6 (5 ILCS 312/3-107)

7 (This Section may contain text from a Public Act with a
8 delayed effective date)

9 Sec. 3-107. Journal.

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

16 (b) The Secretary of State shall adopt administrative

1 rules that set forth, at a minimum:

2 (1) the information to be recorded for each
3 notarization or electronic notarization;

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

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

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

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

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

26 (f) Notwithstanding any other provision of this Section or

1 any rules adopted under this Section, neither a notary public
2 nor an electronic notary public is required to keep a journal
3 of or to otherwise record in a journal a notarial act or an
4 electronic notarial act if that act is performed on any of the
5 following documents to be filed by or on behalf of a candidate
6 for public office:

- 7 (1) nominating petitions;
8 (2) petitions of candidacy;
9 (3) petitions for nomination;
10 (4) nominating papers; or
11 (5) nomination papers.

12 The exemption under this subsection (f) applies regardless
13 of whether the notarial act or electronic notarial act is
14 performed on the documents described in paragraphs (1) through
15 (5) of this subsection before, on, or after the effective date
16 of this amendatory Act of the 103rd General Assembly, and the
17 failure of a notary public or an electronic notary public to
18 keep a journal of or to otherwise record such an act does not
19 affect the validity of the notarial act on that document and is
20 not a violation of this Act. As used in this subsection (f),
21 "public office" has the meaning given in Section 9-1.10 of the
22 Election Code.

23 (Source: P.A. 102-160 (See Section 99 of P.A. 102-160 for
24 effective date of P.A. 102-160).); and

25 on page 2, line 10, by replacing "State Board of Elections"

1 with "Illinois Sentencing Policy Advisory Council"; and

2 on page 2, line 22, by replacing "Illinois Sentencing Policy
3 Advisory Council" with "State Board of Elections"; and

4 on page 2, line 26, by replacing "Council" with "State Board of
5 Elections"; and

6 on page 3, lines 7 and 8, by replacing "Illinois Sentencing
7 Policy Advisory Council" with "State Board of Elections"; and

8 on page 3, line 24, by replacing "2024" with "2025"; and

9 on page 3, line 25, by replacing "2025" with "2026"; and

10 on page 9, immediately above line 10, by inserting the
11 following:

12 "Section 90. The General Assembly finds that the Office of
13 the Secretary of State filed the rules necessary to implement
14 Public Act 102-160 on June 5, 2023. This Act amends Public Act
15 102-160 in accordance with that finding.

16 Section 91. "An Act concerning government", approved July
17 23, 2021, Public Act 102-160, is amended by changing Section
18 99 as follows:

1 (P.A. 102-160, Sec. 99)

2 Sec. 99. Effective date. This Act takes effect on June 5,
3 2023 (the date of the filing of the later of: (1) January 1,
4 2022; or (2) the date on which the Office of the Secretary of
5 State files with the Index Department of the Office of the
6 Secretary of State a notice that the Office of the Secretary of
7 State has adopted the rules necessary to implement this Act),
8 and upon the filing of the notice, the Index Department shall
9 provide a copy of the notice to the Legislative Reference
10 Bureau; except that, the changes to Sections 1-106, 2-103, and
11 2-106 of the Illinois Notary Public Act take effect July 1,
12 2022.

13 (Source: P.A. 102-160.)

14 Section 95. No acceleration or delay. Except for the
15 changes to Section 99 of Public Act 102-160, where this Act
16 makes changes in a statute that is represented in this Act by
17 text that is not yet or no longer in effect (for example, a
18 Section represented by multiple versions), the use of that
19 text does not accelerate or delay the taking effect of (i) the
20 changes made by this Act or (ii) provisions derived from any
21 other Public Act."