



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

SB1219

Introduced 1/30/2013, by Sen. Patricia Van Pelt

SYNOPSIS AS INTRODUCED:

5 ILCS 312/2-102	from Ch. 102, par. 202-102
5 ILCS 312/2-104	from Ch. 102, par. 202-104
5 ILCS 312/3-101	from Ch. 102, par. 203-101
5 ILCS 312/6-102	from Ch. 102, par. 206-102

Amends the Illinois Notary Public Act. Provides that if the Secretary of State implements an electronic application system for the appointment of notaries public, then each applicant for appointment as a notary public shall use that system to apply for appointment as a notary public. Authorizes persons making an electronic application for appointment as a notary public to sign and verify electronically the oath that is required of all notaries public. Repeals a provision that would have terminated, as of July 1, 2013, the requirement that a notary public officially sign, at the time of a notarial act, every notary certificate and affix the rubber stamp seal clearly and legibly using black ink, so that it is capable of photographic reproduction. Provides that identification documents are documents that are valid at the time of the notarial act, issued by a state agency, federal government agency, or consulate, and bearing the photographic image of the individual's face and signature of the individual (now, the definition of that term is scheduled to be repealed on July 1, 2013). Effective June 30, 2013.

LRB098 06750 JDS 36798 b

1 AN ACT concerning government.

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

4 Section 5. The Illinois Notary Public Act is amended by
5 changing Sections 2-102, 2-104, 3-101, and 6-102 as follows:

6 (5 ILCS 312/2-102) (from Ch. 102, par. 202-102)

7 Sec. 2-102. Application. Every applicant for appointment
8 and commission as a notary shall complete an application form
9 furnished by the Secretary of State to be filed with the
10 Secretary of State. Upon implementation by the Secretary of
11 State of an electronic application system for appointment and
12 commission as a notary public, each applicant for appointment
13 and commission as a notary public shall use that system in
14 order to apply for appointment and commission as a notary
15 public. The filing of an electronic application for appointment
16 and commission as a notary public shall be the equivalent of
17 the filing of a verified, written application for appointment
18 and commission as a notary public, and an applicant's
19 electronic signature shall be considered the equivalent of the
20 applicant's written signature and verified oath, as described
21 in Section 2-104 of this Act. Whether making a written or an
22 electronic application for appointment and commission as a
23 notary public, each applicant shall, in his or her application,

1 ~~state, stating:~~

2 (a) the applicant's official name, which contains his or
3 her last name and at least the initial of the first name;

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

8 (c) the applicant's residence address and business
9 address, if any, or any address at which an applicant will use
10 a notary public commission to receive fees;

11 (d) that the applicant has resided in the State of Illinois
12 for 30 days preceding the application or that the applicant who
13 is a resident of a state bordering Illinois has worked or
14 maintained a business in Illinois for 30 days preceding the
15 application;

16 (e) that the applicant is a citizen of the United States or
17 an alien lawfully admitted for permanent residence in the
18 United States;

19 (f) that the applicant is at least 18 years of age;

20 (g) that the applicant is able to read and write the
21 English language;

22 (h) that the applicant has never been the holder of a
23 notary public appointment that was revoked or suspended during
24 the past 10 years;

25 (i) that the applicant has not been convicted of a felony;
26 and

1 (j) any other information the Secretary of State deems
2 necessary.

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

4 (5 ILCS 312/2-104) (from Ch. 102, par. 202-104)

5 Sec. 2-104. Oath. Every applicant making a written
6 application for appointment and commission as a notary public
7 shall take the following oath in the presence of a person
8 qualified to administer an oath in this State, and every
9 applicant making an electronic application for appointment and
10 commission as a notary public shall electronically sign and
11 verify the following statement under oath pursuant to Section
12 1-109 of the Code of Civil Procedure:

13 "I, (name of applicant), solemnly affirm, under the penalty
14 of perjury, that the answers to all questions in this
15 application are true, complete, and correct; that I have
16 carefully read the notary law of this State; and that, if
17 appointed and commissioned as a notary public, I will perform
18 faithfully, to the best of my ability, all notarial acts in
19 accordance with the law.

20 (Signature of applicant)

21 Subscribed and affirmed before me on (insert date).

22 (Official signature and official seal
23 of notary)".

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

1 (5 ILCS 312/3-101) (from Ch. 102, par. 203-101)

2 Sec. 3-101. Official Seal and Signature.

3 (a) Each notary public shall, upon receiving the commission
4 from the county clerk, obtain an official rubber stamp seal
5 with which the notary shall authenticate his official acts. The
6 rubber stamp seal shall contain the following information:

7 (1) the words "Official Seal";

8 (2) the notary's official name;

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

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

15 (b) At the time of the notarial act, a notary public shall
16 officially sign every notary certificate and affix the rubber
17 stamp seal clearly and legibly using black ink, so that it is
18 capable of photographic reproduction. The illegibility of any
19 of the information required by this Section does not affect the
20 validity of a transaction.

21 ~~This subsection does not apply on or after July 1, 2013.~~

22 (Source: P.A. 95-988, eff. 6-1-09.)

23 (5 ILCS 312/6-102) (from Ch. 102, par. 206-102)

24 Sec. 6-102. Notarial Acts.

25 (a) In taking an acknowledgment, the notary public must

1 determine, either from personal knowledge or from satisfactory
2 evidence, that the person appearing before the notary and
3 making the acknowledgment is the person whose true signature is
4 on the instrument.

5 (b) In taking a verification upon oath or affirmation, the
6 notary public must determine, either from personal knowledge or
7 from satisfactory evidence, that the person appearing before
8 the notary and making the verification is the person whose true
9 signature is on the statement verified.

10 (c) In witnessing or attesting a signature, the notary
11 public must determine, either from personal knowledge or from
12 satisfactory evidence, that the signature is that of the person
13 appearing before the notary and named therein.

14 (d) A notary public has satisfactory evidence that a person
15 is the person whose true signature is on a document if that
16 person:

17 (1) is personally known to the notary;

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

20 (3) is identified on the basis of identification
21 documents. Identification ~~Until July 1, 2013,~~
22 ~~identification~~ documents are documents that are valid at
23 the time of the notarial act, issued by a state agency,
24 federal government agency, or consulate, and bearing the
25 photographic image of the individual's face and signature
26 of the individual.

1 (Source: P.A. 97-397, eff. 1-1-12.)

2 Section 99. Effective date. This Act takes effect June 30,
3 2013.