



## 99TH GENERAL ASSEMBLY

### State of Illinois

### 2015 and 2016

#### HB2797

by Rep. Barbara Flynn Currie

#### SYNOPSIS AS INTRODUCED:

5 ILCS 312/2-102	from Ch. 102, par. 202-102
5 ILCS 312/2-102.5 new	
5 ILCS 312/2-104	from Ch. 102, par. 202-104
625 ILCS 5/6-110.1	

Amends the Illinois Notary Public Act. Provides that the Secretary of State may establish and maintain an online application system that permits an Illinois resident to apply for appointment and commission as a notary public. Sets forth a list of required information that must be contained in an online application. Requires the online application system to employ security measures and automatically send confirmation messages by electronic mail upon receipt of an application and verification of an applicant's information in the Secretary of State's driver's license and Illinois Identification Card databases. Provides that an online applicant shall swear and affirm the oath electronically. Allows the Secretary of State to conduct a verification on all notary public applications. Amends the Illinois Vehicle Code. Allows the Secretary of State to release photographs and signatures obtained in the process of issuing a driver's license, permit, or identification card to officers and employees of the Secretary who have a need to have access to the stored images for purposes of issuing and controlling notary public commissions and for the purpose of providing the signatures required to process online applications for appointment and commission as notaries public.

LRB099 03997 JLK 29189 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 and 2-104 and by adding Section 2-102.5  
6 as follows:

7 (5 ILCS 312/2-102) (from Ch. 102, par. 202-102)

8 Sec. 2-102. Application. Every applicant for appointment  
9 and commission as a notary shall complete an application in a  
10 format prescribed ~~form furnished~~ by the Secretary of State to  
11 be filed with the Secretary of State, stating:

12 (a) the applicant's official name, as it appears on his or  
13 her current driver's license or state-issued identification  
14 card ~~which contains his or her last name and at least the~~  
15 ~~initial of the first name;~~

16 (b) the county in which the applicant resides or, if the  
17 applicant is a resident of a state bordering Illinois, the  
18 county in Illinois in which that person's principal place of  
19 work or principal place of business is located;

20 (c) the applicant's residence address, as it appears on his  
21 or her current driver's license or state-issued identification  
22 card, and business address, if any, ~~or any address at which an~~  
23 ~~applicant will use a notary public commission to receive fees;~~

1 (d) that the applicant has resided in the State of Illinois  
2 for 30 days preceding the application or that the applicant who  
3 is a resident of a state bordering Illinois has worked or  
4 maintained a business in Illinois for 30 days preceding the  
5 application;

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

9 (f) the applicant's date of birth ~~that the applicant is at~~  
10 ~~least 18 years of age;~~

11 (g) that the applicant is able to read and write the  
12 English language;

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

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

18 (i-5) that the applicant's signature authorizes the Office  
19 of the Secretary of State to conduct a verification to confirm  
20 the information provided in the application; and

21 (j) any other information the Secretary of State deems  
22 necessary.

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

24 (5 ILCS 312/2-102.5 new)

25 Sec. 2-102.5. Online notary public application system.

1       (a) The Secretary of State may establish and maintain an  
2 online application system that permits an Illinois resident to  
3 apply for appointment and commission as a notary public.

4       (b) Any such online notary public application system shall  
5 employ security measures to ensure the accuracy and integrity  
6 of notary public applications submitted electronically under  
7 this Section.

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

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

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

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

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

26       (e) For his or her application to be accepted, the

1 applicant shall mark the box associated with the following  
2 statement included as part of the online notary public  
3 application: "By clicking on the box below, I swear or affirm  
4 all of the following:

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

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

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

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 the  
7           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 or  
11          card for that person on file with the Secretary of State;

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

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

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

1 (5 ILCS 312/2-104) (from Ch. 102, par. 202-104)

2 Sec. 2-104. Oath.

3 (a) Every applicant for appointment and commission as a  
4 notary public shall take the following oath ~~in the presence of~~  
5 ~~a person qualified to administer an oath in this State:~~

6 "I, (name of applicant), solemnly affirm, under the penalty  
7 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 oath  
17 shall be followed by the signature of the applicant and  
18 notarized as follows:

19 ..... (Signature of applicant)  
20 Subscribed and affirmed before me on (insert date).  
21 ..... (Official signature and official seal  
22 of notary)".

23 (c) In the event that the applicant completes an online  
24 application for appointment and commission as a notary public,  
25 he or she shall affirm the oath electronically. An electronic  
26 affirmation of the oath in the online notary public application

1 system shall have the same force and effect as an oath sworn  
2 and affirmed in person.

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

4 Section 10. The Illinois Vehicle Code is amended by  
5 changing Section 6-110.1 as follows:

6 (625 ILCS 5/6-110.1)

7 Sec. 6-110.1. Confidentiality of captured photographs or  
8 images. The Secretary of State shall maintain a file on or  
9 contract to file all photographs and signatures obtained in the  
10 process of issuing a driver's license, permit, or  
11 identification card. The photographs and signatures shall be  
12 confidential and shall not be disclosed except to the following  
13 persons:

14 (1) the individual upon written request;

15 (2) officers and employees of the Secretary of State  
16 who have a need to have access to the stored images for  
17 purposes of issuing and controlling driver's licenses,  
18 permits, or identification cards;

19 (3) law enforcement officials for a lawful civil or  
20 criminal law enforcement investigation;

21 (3-5) the State Board of Elections for the sole purpose  
22 of providing the signatures required by a local election  
23 authority to register a voter through an online voter  
24 registration system; ~~or~~



1       (3-10) officers and employees of the Secretary of State who  
2       have a need to have access to the stored images for purposes of  
3       issuing and controlling notary public commissions and for the  
4       purpose of providing the signatures required to process online  
5       applications for appointment and commission as notaries  
6       public; or

7               (4) other entities that the Secretary may exempt by  
8       rule.

9       (Source: P.A. 98-115, eff. 7-29-13.)