

1 AN ACT concerning State 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 adding Section 1-105 as follows:

6 (5 ILCS 312/1-105 new)

7 Sec. 1-105. Notarization Task Force on Best Practices and
8 Verification Standards to Implement Electronic Notarization.

9 (a) The General Assembly finds and declares that:

10 (1) As more and more citizens throughout the State of
11 Illinois rely on electronic devices they also increasingly
12 depend on electronic documentation. Any assertion that
13 e-mails or word processing documents are necessarily
14 "informal and not legally binding" has been dispelled by
15 national legislation such as the federal "E-Sign" law in
16 2000 and the Uniform Electronic Transactions Act, which has
17 been virtually universally adopted throughout the United
18 States. Increasingly, laws have bestowed upon electronic
19 documents the same legal effect as paper instruments.

20 (2) Moreover, institutions, businesses, and commerce
21 have gradually put more of their faith in electronic
22 commerce and information technology in order to facilitate
23 formal and informal interactions that are oftentimes

1 mission-critical and sensitive. In order to meet the
2 growing demand for electronic commerce that is both
3 convenient and secure, understanding the processes and
4 technology is critical and the need for an electronic or
5 remote notarization - the process of notarizing a signature
6 on an electronic document by electronic methods - is
7 becoming a necessity.

8 (b) As used in this Section, "Task Force" means the
9 Notarization Task Force on Best Practices and Verification
10 Standards to Implement Electronic Notarization.

11 (c) There is created a Notarization Task Force on Best
12 Practices and Verification Standards to Implement Electronic
13 Notarization to review and report on national standards for
14 best practices in relation to electronic notarization,
15 including security concerns and fraud prevention. The goal of
16 the Task Force is to investigate and provide recommendations on
17 national and State initiatives to implement electronic
18 notarization in such a manner that increases the availability
19 to notary public services, protects consumers, and maintains
20 the integrity of the notarization seal and signature.

21 (d) The Task Force's report shall include, but not be
22 limited to, standards for an electronic signature, including
23 encryption and decryption; the application process for
24 electronic notarial commission; and the training of notaries on
25 electronic notarization standards and best practices prior to
26 the commission of an electronic notary's electronic signature.

1 The report shall also evaluate and make a recommendation on
2 fees for notary application and commission, on which documents
3 and acts can be attested to by electronic notaries, and on
4 security measures that will protect the integrity of the
5 electronic notary's electronic signature, as well as standards
6 that the Secretary of State may rely upon for revoking an
7 electronic notarization. The report must make a recommendation
8 on whether and to what extent this Act should be expanded and
9 updated.

10 (e) The Task Force shall meet no less than 5 times between
11 the effective date of this amendatory Act of the 100th General
12 Assembly and December 31, 2019. The Task Force shall prepare a
13 report that summarizes its work and makes recommendations
14 resulting from its review. The Task Force shall submit the
15 report of its findings and recommendations to the Governor and
16 the General Assembly no later than June 30, 2020.

17 (f) The Task Force shall consist of the following 17
18 members:

19 (1) one member appointed by the Secretary of State from
20 the Index Department of the Office of the Secretary of
21 State;

22 (2) one member appointed by the Secretary of State from
23 the Department of Information Technology of the Office of
24 the Secretary of State;

25 (3) one member appointed by the President of the
26 Senate;

1 (4) one member appointed by the Minority Leader of the
2 Senate;

3 (5) one member appointed by the Speaker of the House of
4 Representatives;

5 (6) one member appointed by the Minority Leader of the
6 House of Representatives;

7 (7) one member appointed by the Attorney General;

8 (8) one member appointed by the Secretary of State from
9 nominations made by the president of a statewide
10 organization representing state's attorneys;

11 (9) one member appointed by the Secretary of State from
12 nominations made by a statewide organization representing
13 attorneys;

14 (10) one member appointed by the Secretary of State
15 from nominations made by an organization representing
16 attorneys in a municipality of more than 1,000,000
17 inhabitants;

18 (11) one member appointed by the Secretary of State
19 from nominations made by a statewide organization
20 representing bankers;

21 (12) one member appointed by the Secretary of State
22 from nominations made by a statewide organization
23 representing community bankers;

24 (13) one member appointed by the Secretary of State
25 from nominations made by a statewide organization
26 representing credit unions;

1 (14) one member appointed by the Secretary of State
2 from nominations made by a statewide organization
3 representing corporate fiduciaries;

4 (15) one member appointed by the Secretary of State
5 from nominations made by an organization representing
6 realtors in a municipality of more than 1,000,000
7 inhabitants;

8 (16) one member appointed by the Secretary of State
9 from nominations made by a statewide organization
10 representing realtors; and

11 (17) one member appointed by the Secretary of State
12 from nominations made by a statewide chapter of a national
13 organization representing elder law attorneys.

14 (g) The Secretary of State shall designate which member
15 shall serve as chairperson and facilitate the Task Force. The
16 members of the Task Force shall be appointed no later than 90
17 days after the effective date of this amendatory Act of the
18 100th General Assembly. Vacancies in the membership of the Task
19 Force shall be filled in the same manner as the original
20 appointment. The members of the Task Force shall not receive
21 compensation for serving as members of the Task Force.

22 (h) The Office of the Secretary of State shall provide the
23 Task Force with administrative and other support.

24 (i) This Section is repealed on July 1, 2020.

25 Section 99. Effective date. This Act takes effect July 1,
26 2017.