



Sen. Linda Holmes

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10000SB1459sam002

LRB100 11203 MLM 25426 a

1 AMENDMENT TO SENATE BILL 1459

2 AMENDMENT NO. _____. Amend Senate Bill 1459 by replacing
3 everything after the enacting clause with the following:

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 increasing
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

1 been virtually universally adopted throughout the United
2 States. Increasingly, laws have bestowed upon electronic
3 documents the same legal effect as paper instruments.

4 (2) Moreover, institutions, businesses, and commerce
5 have gradually put more of their faith in electronic
6 commerce and information technology in order to facilitate
7 formal and informal interactions that are oftentimes
8 mission-critical and sensitive. In order to meet the
9 growing demand for electronic commerce that is both
10 convenient and secure, understanding the processes and
11 technology is critical and the need for an electronic or
12 remote notarization - the process of notarizing a signature
13 on an electronic document by electronic methods - is
14 becoming a necessity.

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

18 (c) There is created a Notarization Task Force on Best
19 Practices and Verification Standards to Implement Electronic
20 Notarization to review and report on national standards for
21 best practices in relation to electronic notarization,
22 including security concerns and fraud prevention. The goal of
23 the Task Force is to investigate and provide recommendations on
24 national and State initiatives to implement electronic
25 notarization in such a manner that increases the availability
26 to notary public services, protects consumers, and maintains

1 the integrity of the notarization seal and signature.

2 (d) The Task Force's report shall include, but not be
3 limited to, standards for an electronic signature, including
4 encryption and decryption; the application process for
5 electronic notarial commission; and the training of notaries on
6 electronic notarization standards and best practices prior to
7 the commission of an electronic notary's electronic signature.
8 The report shall also evaluate and make a recommendation on
9 fees for notary application and commission, on which documents
10 and acts can be attested to by electronic notaries, and on
11 security measures that will protect the integrity of the
12 electronic notary's electronic signature, as well as standards
13 that the Secretary of State may rely upon for revoking an
14 electronic notarization. The report must make a recommendation
15 on whether and to what extent this Act should be expanded and
16 updated.

17 (e) The Task Force shall meet no less than 5 times between
18 the effective date of this amendatory Act of the 100th General
19 Assembly and December 31, 2019. The Task Force shall prepare a
20 report that summarizes its work and makes recommendations
21 resulting from its review. The Task Force shall submit the
22 report of its findings and recommendations to the Governor and
23 the General Assembly no later than June 30, 2020.

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

26 (1) one member appointed by the Secretary of State from

1 the Index Department of the Office of the Secretary of
2 State;

3 (2) one member appointed by the Secretary of State from
4 the Department of Information Technology of the Office of
5 the Secretary of State;

6 (3) one member appointed by the President of the
7 Senate;

8 (4) one member appointed by the Minority Leader of the
9 Senate;

10 (5) one member appointed by the Speaker of the House of
11 Representatives;

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

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

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

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

21 (10) one member appointed by the Secretary of State
22 from nominations made by an organization representing
23 attorneys in a municipality of more than 1,000,000
24 inhabitants;

25 (11) one member appointed by the Secretary of State
26 from nominations made by a statewide organization

1 representing bankers;

2 (12) one member appointed by the Secretary of State
3 from nominations made by a statewide organization
4 representing community bankers;

5 (13) one member appointed by the Secretary of State
6 from nominations made by a statewide organization
7 representing credit unions;

8 (14) one member appointed by the Secretary of State
9 from nominations made by a statewide organization
10 representing corporate fiduciaries;

11 (15) one member appointed by the Secretary of State
12 from nominations made by an organization representing
13 realtors in a municipality of more than 1,000,000
14 inhabitants;

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

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

21 (g) The Secretary of State shall designate which member
22 shall serve as chairperson and facilitate the Task Force. The
23 members of the Task Force shall be appointed no later than 90
24 days after the effective date of this amendatory Act of the
25 100th General Assembly. Vacancies in the membership of the Task
26 Force shall be filled in the same manner as the original

1 appointment. The members of the Task Force shall not receive
2 compensation for serving as members of the Task Force.

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

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

6 Section 99. Effective date. This Act takes effect July 1,
7 2017.".