

1 AN ACT concerning business.

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

4 Section 5. The Uniform Electronic Transactions Act is
5 amended by changing Section 18 as follows:

6 (815 ILCS 333/18)

7 Sec. 18. Acceptance and distribution of electronic records
8 by governmental agencies.

9 (a) Except as otherwise provided in Section 12(f), each
10 governmental agency of this State shall determine whether, and
11 the extent to which, it will send and accept electronic
12 records and electronic signatures to and from other persons
13 and otherwise create, generate, communicate, store, process,
14 use, and rely upon electronic records and electronic
15 signatures.

16 (b) To the extent that a governmental agency uses
17 electronic records and electronic signatures under subsection
18 (a), the governmental agency, giving due consideration to
19 security, may ~~Department of Innovation and Technology and the~~
20 ~~Secretary of State, pursuant to their rulemaking authority~~
21 ~~under other law and giving due consideration to security,~~
22 ~~shall, no later than 6 months after the effective date of this~~
23 ~~amendatory Act of the 103rd General Assembly, adopt~~

1 ~~administrative rules that~~ specify:

2 (1) the manner and format in which the electronic
3 records must be created, generated, sent, communicated,
4 received, and stored and the systems established for those
5 purposes;

6 (2) if electronic records must be signed by electronic
7 means, the type of electronic signature required, the
8 manner and format in which the electronic signature must
9 be affixed to the electronic record, and the identity of,
10 or criteria that must be met by, any third party used by a
11 person filing a document to facilitate the process;

12 (3) control processes and procedures as appropriate to
13 ensure adequate preservation, disposition, integrity,
14 security, confidentiality, and auditability of electronic
15 records; and

16 (4) any other required attributes for electronic
17 records which are specified for corresponding
18 nonelectronic records or reasonably necessary under the
19 circumstances.

20 (b-5) Pursuant to their rulemaking authority under other
21 laws, the Secretary of State and the Department of Innovation
22 and Technology may adopt rules setting forth their respective
23 minimum requirements under subsection (b) of this Section. Any
24 rules adopted by the Secretary of State under this subsection
25 shall only apply with respect to the Secretary of State and any
26 rules adopted by the Department of Innovation and Technology

1 under this subsection shall only apply with respect to client
2 agencies, as that term is defined in the Department of
3 Innovation and Technology Act.

4 (c) Except as otherwise provided in Section 12(f), this
5 Act does not require a governmental agency of this State to use
6 or permit the use of electronic records or electronic
7 signatures.

8 (Source: P.A. 102-38, eff. 6-25-21; 103-390, eff. 7-28-23.)