

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.