



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SB1611

Introduced 2/26/2021, by Sen. Bill Cunningham

SYNOPSIS AS INTRODUCED:

15 ILCS 305/35 new

Amends Secretary of State Act. Allows the Secretary of State to adopt rules to authorize the filing of documents with his or her office that have been signed by electronic means. Specifies the rules to be adopted. Provides certification requirements for entities seeking to provide services to third parties for the execution of electronic signatures for filing with the Secretary of State. Specifies minimum requirements for the use of electronic signatures on documents. Provides for the refusal of non-compliant electronic signatures. Provides that electronic signatures and electronic delivery of records shall have the same force and effect as manual signatures and the physical delivery of records. Provides that electronic records and electronic signatures accepted by the Secretary of State shall be admissible in all administrative, quasi-judicial, and judicial proceedings.

LRB102 16184 RJF 21563 b

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 Secretary of State Act is amended by adding
5 Section 35 as follows:

6 (15 ILCS 305/35 new)

7 Sec. 35. Authority to accept electronic signatures.

8 (a) Through the adoption of administrative rules, the
9 Secretary may authorize the filing of documents with his or
10 her office that have been signed by electronic means.

11 (b) The administrative rules adopted by the Secretary
12 shall set forth the following:

13 (1) the type of electronic signature required;

14 (2) the manner and format in which the electronic
15 signature must be affixed to the electronic record;

16 (3) the types of transactions which may be filed with
17 his or her office with electronic signatures;

18 (4) the procedures for seeking certification of
19 compliance with electronic signature requirements; and

20 (5) the date on which the Secretary will begin
21 accepting electronic signatures.

22 (c) Any entity seeking to provide services to third
23 parties for the execution of electronic signatures for filing

1 with the Secretary of State shall apply for a certification of
2 compliance with the requirements for the submission of
3 electronic signatures. To receive a certification of
4 compliance, the entity must establish the ability to comply
5 with all of the requirements of this Section and the
6 administrative rules adopted pursuant to this Section. There
7 is no limitation on the number of entities that may be issued a
8 certification of compliance. The Secretary shall include on
9 its Internet website a list of the entities that have been
10 issued a certification of compliance.

11 (d) The Secretary shall only accept electronic signatures
12 created by use of the services of an entity that has received a
13 certification of compliance as set forth in this Section.

14 (e) An electronic signature must meet all of the following
15 requirements:

16 (1) Be executed or adopted by a person with the intent
17 to sign the document so as to indicate the person's
18 approval of the information contained in the document.

19 (2) Be attached to or logically associated with the
20 information contained in the document being signed.

21 (3) Be capable of reliable identification and
22 authentication of the person as the signer. Identification
23 and authentication may be accomplished through additional
24 security procedures or processes if reliably correlated to
25 the electronic signature.

26 (4) Be linked to the document in a manner that would

1 invalidate the electronic signature if the document is
2 changed.

3 (5) Be linked to the document so as to preserve its
4 integrity as an accurate and complete record for the full
5 retention period of the document.

6 (6) Be compatible with the standards and technology
7 for electronic signatures that are generally used in
8 commerce and industry and by state governments.

9 (f) If the Secretary determines an electronic signature is
10 not in compliance with this Section or the administrative
11 rules adopted pursuant to this Section, or is not in
12 compliance with other applicable statutory or regulatory
13 provisions, the Secretary may refuse to accept the signature.

14 (g) Electronic signatures accepted by the Secretary of
15 State shall have the same force and effect as manual
16 signatures.

17 (h) Electronic delivery of records accepted by the
18 Secretary of State shall have the same force and effect as
19 physical delivery of records.

20 (i) Electronic records and electronic signatures accepted
21 by the Secretary of State shall be admissible in all
22 administrative, quasi-judicial, and judicial proceedings. In
23 any such proceeding, nothing in the application of the rules
24 of evidence shall apply so as to deny the admissibility of an
25 electronic record or electronic signature into evidence on the
26 sole ground that it is an electronic record or electronic

1 signature, or on the grounds that it is not in its original
2 form or is not an original. Information in the form of an
3 electronic record shall be given due evidentiary weight by the
4 trier of fact.