

# SB2588



## 103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB2588

Introduced 8/16/2023, by Sen. Don Harmon

### SYNOPSIS AS INTRODUCED:

5 ILCS 312/3-107

Amends the Illinois Notary Public Act. Provides that neither a notary public nor an electronic notary public is required to keep a journal of or to otherwise record in a journal a notarial act or an electronic notarial act if that act is performed on specified electoral documents to be filed by or on behalf of a candidate for public office. Clarifies that this exemption from the Act's ordinarily applicable journaling requirement applies without regard to whether the notarial act is performed before, on, or after the effective date of the amendatory Act. Defines "public office". Adds a nonacceleration clause. Effective immediately.

LRB103 33696 JDS 63508 b

A BILL FOR

1 AN ACT concerning government.

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

4 Section 3. The Illinois Notary Public Act is amended by  
5 changing Section 3-107 as follows:

6 (5 ILCS 312/3-107)

7 (This Section may contain text from a Public Act with a  
8 delayed effective date)

9 Sec. 3-107. Journal.

10 (a) A notary public or an electronic notary public shall  
11 keep a journal of each notarial act or electronic notarial act  
12 which includes, without limitation, the requirements set by  
13 the Secretary of State in administrative rule, but shall not  
14 include any electronic signatures of the person for whom an  
15 electronic notarial act was performed or any witnesses.

16 (b) The Secretary of State shall adopt administrative  
17 rules that set forth, at a minimum:

18 (1) the information to be recorded for each  
19 notarization or electronic notarization;

20 (2) the period during which the notary public or  
21 electronic notary public must maintain the journal; and

22 (3) the minimum security requirements for protecting  
23 the information in the journal and access to the contents

1 of the journal.

2 (c) A notary or electronic notary may maintain his or her  
3 journal in either paper form or electronic form and may  
4 maintain more than one journal or electronic journal to record  
5 notarial acts or electronic notarial acts.

6 (d) The fact that the employer or contractor of a notary or  
7 electronic notary public keeps a record of notarial acts or  
8 electronic notarial acts does not relieve the notary public of  
9 the duties required by this Section. A notary public or  
10 electronic notary public shall not surrender the journal to an  
11 employer upon termination of employment and an employer shall  
12 not retain the journal of an employee when the employment of  
13 the notary public or electronic notary public ceases.

14 (e) If the journal of a notary public or electronic notary  
15 public is lost, stolen, or compromised, the notary or  
16 electronic notary shall notify the Secretary of State within  
17 10 business days after the discovery of the loss, theft, or  
18 breach of security.

19 (f) Notwithstanding any other provision of this Section or  
20 any rules adopted under this Section, neither a notary public  
21 nor an electronic notary public is required to keep a journal  
22 of or to otherwise record in a journal a notarial act or an  
23 electronic notarial act if that act is performed on any of the  
24 following documents to be filed by or on behalf of a candidate  
25 for public office:

26 (1) nominating petitions;

1           (2) petitions of candidacy;

2           (3) petitions for nomination;

3           (4) nominating papers; or

4           (5) nomination papers.

5           The exemption under this subsection (f) applies regardless  
6 of whether the notarial act or electronic notarial act is  
7 performed on the documents described in paragraphs (1) through  
8 (5) of this subsection before, on, or after the effective date  
9 of this amendatory Act of the 103rd General Assembly, and the  
10 failure of a notary public or an electronic notary public to  
11 keep a journal of or to otherwise record such an act does not  
12 affect the validity of the notarial act on that document and is  
13 not a violation of this Act. As used in this subsection (f),  
14 "public office" has the meaning given in Section 9-1.10 of the  
15 Election Code.

16           (Source: P.A. 102-160 (See Section 99 of P.A. 102-160 for  
17 effective date of P.A. 102-160).)

18           Section 95. No acceleration or delay. Where this Act makes  
19 changes in a statute that is represented in this Act by text  
20 that is not yet or no longer in effect (for example, a Section  
21 represented by multiple versions), the use of that text does  
22 not accelerate or delay the taking effect of (i) the changes  
23 made by this Act or (ii) provisions derived from any other  
24 Public Act.

25           Section 99. Effective date. This Act takes effect upon

1 becoming law.