

ILLINOIS NOTARY PUBLIC HANDBOOK

State of Illinois

Alexi Giannoulas



Secretary of State

Notary Public

To all to whom these Presents Shall Come, Greeting:

I, Alexi Giannoulas, Secretary of State of the State of Illinois, do hereby appoint and commission

County of _____ residing at _____

a Notary Public of the State of Illinois, for a commission term as specified below.



Commission Begins

Commission Expires

*In Testimony Whereof, I hereto set my hand and the State Seal
this _____ day of _____ A.D. _____.*

Commission No.: _____

Secretary of State

Alexi Giannoulas
Secretary of State



OFFICE OF THE SECRETARY OF STATE



This handbook outlines the important duties of a notary public. The Illinois Notary Public Act, effective July 1, 1986, was passed to better meet the needs of the modern business world. In 2000 and 2022, it was again modernized to keep up with a changing business environment.

The following are basic rules for proper and safe notarization: 1) Keep your notary seal in a safe place;

- 2) Do not notarize a signature unless the signer is present at the time of notarization;
- 3) Do not lend your stamp to anyone, including your employer;
- 4) Do not identify a document signer on the word of a friend or employer who is not willing to take an oath;
- 5) Sign your name on notarial certificates exactly as it appears on your commission and affix your seal.

I encourage you to become familiar with the topics in this handbook. If you have questions, please contact the Office of the Secretary of State, Index Department, 111 E. Monroe St., Springfield, IL 62756.

A handwritten signature in black ink that reads "Alexi Giannoulias".

Alexi Giannoulias
Secretary of State

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ILLINOIS NOTARY PUBLIC ACT

(Illinois Compiled Statutes 5 ILCS 312)

ARTICLE I GENERAL PROVISIONS

Sec. 1-101. Short Title.

This Act may be cited as the Illinois Notary Public Act.

(Source: P.A. 86-1475.)

Sec. 1-102. Purposes and Rules of Construction.

a) This Act shall be construed and applied to promote its underlying purposes and policies.

b) The underlying purposes and policies of this Act are:

- 1) to simplify, clarify, and modernize the law governing notaries public; and
- 2) to promote, serve, and protect the public interest.

(Source: P.A. 84-322.)

Sec. 1-103. Prospective Effect of Act.

This Act applies prospectively. Nothing in this Act shall be construed to revoke any notary public commission existing on the effective date of this Act. All reappointments of notarial commissions shall be obtained in accordance with this Act.

(Source: P.A. 84-322.)

Sec. 1-104. Definitions. As used in this Act:

“Accredited immigration representative” means a not-for-profit organization recognized by the Board of Immigration Appeals under 8 C.F.R. 292.29(a) and employees of those organizations accredited under 8 C.F.R. 292.29(d).

“Acknowledgment” means a declaration by an individual before a notarial officer that the individual has signed a record for the purpose stated in the record and, if the record is signed in a representative capacity, that the individual signed the record with proper authority and signed it as the act of the individual or entity identified in the record.

“Audio-video communication” means communication by which a person is able to see, hear, and communicate with another person in real time using electronic means.

“Communication technology” means an electronic device or process that allows a notary public and a remotely located individual to communicate with each other simultaneously by audio-video communication.

“Credential” means a tangible record evidencing the identity of a person, including a valid and unexpired identification card or other document issued by the federal government or any state government that contains the photograph and signature of the principal.

“Digital certificate” means a computer-based record or electronic file to a notary public or applicant for commission as an electronic notary public for the purpose of creating an official electronic signature. The digital certificate shall be kept in the exclusive control of the electronic notary public.

“Dynamic knowledge-based authentication assessment” means an identity assessment that is based on a set of questions formulated from public or private data sources for which the person taking the assessment has not previously provided an answer that meets any rules adopted by the Secretary of State.

“Electronic” means of or relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.

“Electronic document” means information that is created, generated, sent, communicated, received, or stored by electronic means.

“Electronic notarial act” means an act that an electronic notary public of this State is authorized to perform. The term includes:

- 1) taking an acknowledgment;
- 2) administering an oath or affirmation;
- 3) executing a jurat;
- 4) certifying a true and correct copy; and
- 5) performing such other duties as may be prescribed by a specific statute.

“Electronic notarial certificate” means the portion of a notarized electronic document that is completed by an online notary public and contains the following:

- 1) the electronic notary public’s electronic signature, electronic seal, title, and commission expiration date;
- 2) other required information concerning the date and placement of the electronic notarization; and
- 3) the facts attested to or certified by the electronic notary public in the particular notarization.

“Electronic notarial certificate” includes the form of an acknowledgment, jurat, verification on oath or affirmation, or verification of witness or attestation that is completed remotely by an electronic notary public and:

- 1) contains the electronic notary’s electronic signature, electronic seal, title and commission, and expiration date;
- 2) contains other required information concerning the date and place of the electronic notarization;
- 3) otherwise conforms to the requirements for an acknowledgment, jurat, verification on oath or affirmation, or verification of witness or attestation under the laws of this State; and
- 4) indicates that the person making the acknowledgment, oath, or affirmation appeared.

“Electronic notarization system” means a set of applications, programs, hardware, software, or technology to enable an electronic notary to perform electronic notarial acts through audio-video communication.

“Electronic notary public” means a person commissioned by the Secretary of State to perform electronic notarial acts.

“Electronic presentation” means the transmission of a quality image of a government-issued identification credential to an electronic notary public through communication technology for the purpose of enabling the electronic notary public to identify the person appearing before the electronic notary public and to perform a credential analysis.

“Electronic record” means a record created, generated, sent, communicated, received, or stored by electronic means.

“Electronic seal” means information within a notarized electronic document that includes the names, commission number, jurisdiction, and expiration date of the commission of an electronic notary public and generally includes the information required to be set forth in a mechanical stamp under subsection (b-5) of Section 3-101.

“Electronic signature” means the official signature of the commissioned notary that is on file with the Secretary of State and has been reduced to an electronic format that may be attached to or logically associated with a record and executed or adopted by an individual with the intent to sign the record.

“Identity proofing” means a process or service operating according to criteria approved by the Secretary of state through which a third person affirms the identity of an individual through review of personal information from public and proprietary data sources, including (a) by means of dynamic knowledge-based authentication, such as a review of personal information from public or proprietary data sources; or (b) by means of analysis of biometric data, such as, but not limited to, facial recognition, voiceprint analysis, or fingerprint analysis.

“In the presence of” or “appear before” means:

1) being in the same physical location as another person and close enough to see, hear, communicate with and exchange credentials with that person; or

2) being in a different physical location from another person, but able to see, hear, and communicate with the person by means of audio-video communication that meets any rules adopted by the Secretary of State.

“Notarial act” means an act, whether performed with respect to a tangible or electronic record, that a notary public, a remote notary public, or an electronic notary public may perform under the laws of this State. “Notary act” includes taking an acknowledgment, administering an oath, or affirmation, taking a verification on oath, or affirmation, witnessing or attesting a signature, certifying, or attesting a copy, and noting a protest of a negotiable instrument.

“Notary public” or “notary” means an individual commissioned to perform notarial acts.

“Notarization” means the performance of a notarial act.

“Outside the United States” means a location outside of the geographic boundaries of a state or commonwealth of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, and any territory, or insular possession, or other location subject to the jurisdiction of the United States.

“Principal” means an individual:

1) whose signature is notarized; or

2) taking an oath or affirmation from the notary but not in the capacity of a witness for the notarization.

“Public key certificate” means an electronic credential which is used to identify an individual who signed an electronic record with the certificate.

“Real time” means the actual span of uninterrupted time during which all parts of an electronic notarial act occur.

“Remote notarial act” means a notarial act that is done by way of audio-video communication technology that allows for direct, contemporaneous interaction between the individual signing the document (the signatory) and the witness by sight and sound but that requires the notary public to use his or her physical stamp and seal to notarize the document without the aid of an electronic seal or signature.

“Remote notary public” means any notary public that performs a remote notarial act.

“Tamper evident” means that any change to an electronic document shall display evidence of the change.

“Unique to the electronic notary public” and “sole control” mean, with respect to an electronic notarization that the signing device used to affix the electronic signature of the electronic notary public and to render the official electronic seal information tamper evident must be accessible by and attributable solely to the electronic notary public to the exclusion of all other persons and entities for the necessary period of time that such device is engaged and operating to effectuate the authorized electronic notarization.

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

Sec. 1-105. (Repealed).

(Source: P.A. 101-645, eff. 6-26-20. Repealed internally, eff. 7-1-21.)

Sec. 1-106. Electronic Notarization Fund.

The Electronic Notarization Fund is created as a special fund in the State treasury. Moneys in the Electronic Notarization Fund during the preceding calendar year, shall be distributed, subject to appropriation, to the Secretary of State to fund the Department of Index's implementation and maintenance of the electronic notarization commissions. This Section is effective on and after July 1, 2022.

(Source: P.A. 102-160, eff. 7-1-22.)

ARTICLE II APPOINTMENT PROVISIONS

Sec. 2-101. Appointment.

a) The Secretary of State may appoint and commission as notaries public for a 4-year term as many persons resident in a county in this State as he deems necessary. The Secretary of State may appoint and commission as notaries public for a one-year term as many persons who are residents of a state bordering Illinois whose place of work or business is within a county in this State as the Secretary deems necessary, but only if the laws of that state authorize residents of Illinois to be appointed and commissioned as notaries public in that state.

b) A notary public commissioned in this State may apply for an electronic notary public commission to perform electronic notarial acts with the name that appears on the notary's commission.

c) An individual may apply for a notary public commission and apply for an electronic notary public commission at the same time.

d) Any notary or electronic notary appointed by the Secretary of State may elect not to perform a notarial act or an electronic notarial act for any reason.

e) The commission of a notary public and an electronic notary public shall have the same term pursuant to subsection (a).

f) The electronic notary public commission of a notary public is suspended by operation of law when the notary public is no longer appointed and commissioned as a notary public in this State under this Act. If the commission of the notary public has been revoked or suspended, the Secretary of State shall immediately notify the notary public in writing that his or her commission as a notary public and as an electronic notary public will be suspended by operation of law until he or she is reapointed.

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

Sec. 2-101.5. Course of study and examination.

a) Applicants applying for the first time as a notary public or as an electronic notary public or applying to renew his or her appointment as a notary public or as an electronic notary public shall:

1) complete any course of study on notarization and electronic notarization that is required by the Secretary of State; and

2) pass an examination at the completion of the course.

b) The Secretary of State shall have the authority to adopt administrative rules mandating a course of study and examination and establishing the course of study content, length of the course of study to be required, and to approve any course of study providers.

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

Sec. 2-102. Application.

a) Application for notary public commission. Every applicant for appointment and commission as a notary shall complete an application in a format prescribed by the Secretary of State to be filed with the Secretary of State, stating:

- 1) the applicant's official name, as it appears on his or her current driver's license or state-issued identification card;
- 2) the county in which the applicant resides or, if the applicant is a resident of a state bordering Illinois, the county in Illinois in which that person's principal place of work or principal place of business is located;
- 3) the applicant's residence address, as it appears on his or her current driver's license or state-issued identification card;
- 4) the applicant's e-mail address;
- 5) the applicant's business address if different than the applicant's residence address, if performing notarial acts constitutes any portion of the applicant's job duties;
- 6) that the applicant has resided in the State of Illinois for 30 days preceding the application or that the applicant who is a resident of a state bordering Illinois has worked or maintained a business in Illinois for 30 days preceding the application;
- 7) that the applicant is a citizen of the United States or lawfully admitted for permanent residence in the United States;
- 8) the applicant's date of birth;
- 9) that the applicant is proficient in the English language;
- 10) that the applicant has not had a prior application or commission revoked due to a finding or decision by the Secretary of State;
- 11) that the applicant has not been convicted of a felony;
- 12) that the applicant's signature authorizes the Office of the Secretary of State to conduct a verification to confirm the information provided in the application, including a criminal background check of the applicant, if necessary;
- 13) that the applicant has provided satisfactory proof to the Secretary of State that the applicant has successfully completed any required course of study on notarization; and
- 14) any other information the Secretary of State deems necessary.

b) Any notary appointed under subsection (a) shall have the authority to conduct remote notarizations.

c) Application for electronic notary public commission. An application for an electronic notary public commission must be filed with the Secretary of State in a manner prescribed by the Secretary of State. Every applicant for appointment and commission as an electronic notary public shall complete an application to be filed with the Secretary of State, stating:

- 1) all information required to be included in an application for appointment as an electronic notary public, as provided under subsection (a);
- 2) that the applicant is commissioned as a notary public under this Act;
- 3) the applicant's email address;
- 4) that the applicant has provided satisfactory proof to the Secretary of State that the applicant has successfully completed any required course of study on electronic notarization and passed a qualifying examination;
- 5) a description of the technology or device that the applicant intends to use to create his or her electronic signature in performing electronic notarial acts;
- 6) the electronic signature of the applicant; and
- 7) any other information the Secretary of State deems necessary.

d) Electronic notarial acts. Before an electronic notary public performs an electronic notarial act using audio-video communication, he or she must be granted an electronic notary public commission by the Secretary of State under this Section, and identify the technology that the electronic notary public intends to use, which must be approved by the Secretary of State.

e) Approval of commission. Upon the applicant's fulfillment of the requirements for a notarial commission or an electronic notary public commission, the Secretary of State shall approve the commission and issue to the applicant a unique commission number.

f) Rejection of application. The Secretary of State may reject an application for a notarial commission or an electronic notary public commission if the applicant fails to comply with any Section of this Act.

(Source: P.A. 102-160 (See Section 99 of P.A. 102-160 for effective date of P.A. 102-160); 102-1030, eff. 5-27-22.)

Sec. 2-102.5. Online application system.

a) The Secretary of State may establish and maintain an online application system that permits an Illinois resident to apply for appointment and commission as a notary public or electronic notary public.

b) Any such online application system shall employ security measures to ensure the accuracy and integrity of notary public applications submitted electronically under this Section.

c) The Secretary of State may cross reference information provided by applicants with that contained in the Secretary of State's driver's license and Illinois Identification Card databases in order to match the information submitted by applicants, and may receive from those databases the applicant's digitized signature upon a successful match of the applicant's information with that information contained in the databases.

d) An online application shall contain all of the information that is required for a paper application as provided in Section 2-102 of this Act. The applicant shall also be required to provide:

1) the applicant's full Illinois driver's license or Illinois Identification Card number;

2) the date of issuance of the Illinois driver's license or Illinois Identification Card; and

3) the applicant's e-mail address for notices to be provided under this Section.

e) For his or her application to be accepted, the applicant shall mark the box associated with the following statement included as part of the online application: "By clicking on the box below, I swear or affirm all of the following:

1) I am the person whose name and identifying information is provided on this form, and I desire to be appointed and commissioned as a notary public in the State of Illinois.

2) All the information I have provided on this form is true and correct as of the date I am submitting this form.

3) I authorize the Secretary of State to utilize my signature on file with the Secretary of State driver's license and Illinois Identification Card databases and understand that such signature will be used on this online application for appointment and commission as a notary public or electronic notary as if I had signed this form personally.

4) I authorize the Secretary of State to utilize my signature to conduct a verification to confirm the information provided in the application, including a criminal background check, if necessary."

f) Immediately upon receiving a completed online application, the online system shall send by electronic mail a confirmation notice that the application has been received. Upon completion of the procedure outlined in subsection (c) of this Section, the online application system shall send by electronic mail a notice informing the applicant of whether the following information has been matched with the Secretary of State driver's license and Illinois Identification Card databases:

1) that the applicant has an authentic Illinois driver's license or Illinois Identification Card issued by the Secretary of State and that the driver's license or Illinois Identification Card number provided by the applicant matches the driver's license or Illinois Identification Card number for that person on file with the Secretary of State;

2) that the date of issuance of the Illinois driver's license or Illinois Identification Card listed on the application matches the date of issuance of that license or card for that person on file with the Secretary of State;

3) that the date of birth provided by the applicant matches the date of birth for that person on file with the Secretary of State;

4) that the residence address provided by the applicant matches the residence address for that person on file with the Secretary of State; and

5) the last 4 digits of the applicant's social security number.

g) If the information provided by the applicant matches all of the criteria identified in subsection (f) of this Section, the online application system shall retrieve from the Secretary of State's database files an electronic copy of the applicant's signature from his or her Illinois driver's license or Illinois Identification Card and such signature shall be deemed to be the applicant's signature on his or her online application.

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

Sec. 2-102.6. Database of notaries public.

The Secretary of State may maintain a database of notaries public on a publicly-accessible website which: (1) any interested person may use to verify the authority and good standing of a listed individual to perform notarial acts; (2) indicates whether a notary holds a valid electronic commission and is able to lawfully perform electronic notarial acts; and (3) describes any administrative or disciplinary action taken against the notary by the Secretary of State.

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

Sec. 2-102.7. Registration of electronic notarization technology.

a) Notaries holding an electronic notary public commission shall register the capability to notarize electronically before performing any electronic notarial acts with the Secretary of State. The registration shall be made with the Secretary of State every time an electronic notary public adopts a new or additional technology with which to perform electronic notarial acts and the technology or vendor must first be approved by the Secretary of State.

b) Prior to any electronic notarial acts being performed in this State, the vendor of electronic notarization technology must submit the technology to the Secretary of State and receive approval by the Secretary of State for use in this State.

c) The Secretary of State shall adopt rules applicable to this Section, setting forth the standards electronic notary platforms must achieve to be approved for use in the State of Illinois and requirements with which vendors of electronic notary platforms must comply.

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

Sec. 2-103. Appointment fee.

a) Every applicant for appointment and commission as a notary public shall pay to the Secretary of State a fee of \$15. Ten dollars from each applicant fee shall be deposited in the General Revenue Fund. Five dollars from each applicant fee shall be deposited in the Electronic Notarization Fund.

b) Every applicant for a commission as an electronic notary public shall pay to the Secretary of State a fee of \$25. This fee is in addition to the fee proscribed for a commission as a notary public and shall be deposited in the Electronic Notarization Fund.

c) The changes made to this Section by this amendatory Act of the 102nd General Assembly are effective on and after July 1, 2022.

(Source: P.A. 102-160, eff. 7-1-22.)

Sec. 2-104. Oath.

a) Every applicant for appointment and commission as a notary public shall take the following oath:

“I, _____ (name of applicant), solemnly affirm, under the penalty of perjury, that the answers to all questions in this application are true, complete, and correct; that I have carefully read the notary law of this State; and that, if appointed and commissioned as a notary public, I will perform faithfully, to the best of my ability, all notarial acts in accordance with the law.”

b) In the event that the applicant completes a paper application for appointment and commission as a notary public, he or she shall take the oath in the presence of a person qualified to administer an oath in this State. The printed oath shall be followed by the signature of the applicant and notarized as follows:

_____ (Signature of applicant)

State of Illinois

County of _____
(name of county where the notarization is completed)

Subscribed and affirmed before me on _____, _____

by _____
(name of person who signature is being notarized).

(Official signature and official seal of notary)”.

c) In the event that the applicant completes an online application for appointment and commission as a notary public, he or she shall affirm the oath electronically. An electronic affirmation of the oath in the online application system shall have the same force and effect as an oath sworn and affirmed in person.

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

Sec. 2-105. Bond.

a) Every application for appointment and commission as a notary public shall be accompanied by or logically associated with an executed bond commencing on the date of the appointment with a term of 4 years, in the sum of \$5,000, with, as surety thereon, a company qualified to write surety bonds in this State. The bond shall be conditioned upon the faithful performance of all notarial acts in accordance with this Act. The Secretary of State may prescribe an official bond form.

b) A notary public that performs notarizations either remotely or electronically and by means of audio-video communication shall obtain and maintain a surety bond in the amount of \$25,000 from a surety or insurance company licensed to do business in this State, and this bond shall be exclusively conditioned on the faithful performance of remote notarial acts or electronic notarial acts by means of audio-video communication. When a notary is required to hold both the \$5,000 bond and the \$25,000 bond, one bond totaling \$30,000 shall satisfy the provisions of this Section.

c) The bonding company issuing the bond to a notary public or an electronic notary public shall submit verification of the bond information for the notary to the Secretary of State in a format prescribed by the Secretary of State.

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

Sec. 2-106. (Repealed).

(Source: P.A. 100-201, eff. 8-18-17. Repealed by P.A. 102-160, eff. 7-1-22.)

Sec. 2-107. Notary public remittance agent.

a) Every company, corporation, association, organization, or person that remits notary public applications to the Secretary of State on behalf of applicants for appointment and commission as a notary public, for compensation or otherwise, shall comply with standards to qualify for licensure as a notary public remittance agent.

b) The Secretary of State shall adopt rules describing the requirements for a notary public remittance agent to be licensed in the State of Illinois.

c) A notary public remittance agent submitting an application on behalf of an applicant for appointment and commission as a notary public shall remit the application and fee provided by the applicant within 30 days after receiving the application and fee from the applicant.

d) The agent shall not modify a notary's application information in any way prior to submitting the application information to the Secretary of State.

e) The agent shall not issue a notary seal or notary stamp to the notary applicant until sufficient evidence has been received that the notary applicant has received a commission from the Secretary of State.

f) Any violation of this Act, including this Section, may result in an administrative citation, criminal complaint, or civil action arising from his or her duties as a notary public or notary public remittance agent.

g) The provisions of this Section do not apply to units of government or private businesses that are making applications, and providing application fees for their employees.

h) The Secretary of State shall adopt rules applicable to this Section.

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

**ARTICLE III
DUTIES – FEES – AUTHORITY**

Sec. 3-101. Official seal.

a) Notary public official seal. Each notary public shall, upon receiving the notary commission from the Secretary of State, obtain an official rubber stamp seal with which the notary shall authenticate his or her official acts. The rubber stamp seal shall contain the following information:

- 1) the words "Official Seal";
- 2) the notary's official name;
- 3) the words "Notary Public", "State of Illinois", and "My commission expires (commission expiration date)"; and

4) a serrated or milled edge border in a rectangular form not more than one inch in height by two and one-half inches in length surrounding the information.

b) (Blank).

b-5) Electronic notary public electronic seal and electronic signature. An electronic notarial act must be evidenced by the following, which must be attached to or logically associated with the electronic document that is the subject of the electronic notarial act and which must be immediately perceptible and reproducible:

- 1) the electronic signature of the electronic notary public;
- 2) the electronic seal of the electronic notary public, which shall look identical to a traditional notary public seal;
- 3) the words "Notary Public", "State of Illinois", and "My commission expires(commission expiration date)"; and

4) language explicitly stating that the electronic notarial act was performed using audio-video communication, if applicable.

c) Registered devices. An electronic notary shall register his or her chosen device with the Secretary of State before first use. Thereafter, electronic notary public shall take reasonable steps to ensure that any registered device used to create an electronic seal or electronic signature is current and has not been revoked or terminated by the device's issuing or registering authority. Upon learning that the technology or device used to create his or her electronic signature has been rendered ineffective or unsecure, an electronic notary public shall cease performing electronic notarial acts until:

- 1) a new technology or device is acquired; and
- 2) the electronic notary public sends an electronic message to the

Secretary of State that includes the electronic signature of the electronic notary public required under paragraph (6) of subsection (b) of Section 2-102 relating to the new technology or device.

d) Electronic signature and seal security.

1) An electronic notary public shall keep the electronic notary public's electronic signature and electronic seal secure and under the notary public's exclusive control. The electronic notary public shall not allow another person to use his or her electronic signature or electronic seal.

2) An electronic notary public shall notify an appropriate law enforcement agency, the vendor of the electronic notary technology, and the Secretary of State no later than the next business day after the theft, compromise, or vandalism of the electronic notary public's electronic signature or electronic seal.

3) The electronic notary public shall not disclose any access information used to affix the electronic notary public's signature and seal except when requested by law enforcement.

e) Certificate of electronic notarial act. An electronic notary public shall attach his or her electronic signature and electronic seal with the electronic notarial certificate of an electronic document in a manner that is capable of independent verification and renders any subsequent change or modification to the electronic document evident.

f) The Secretary of State shall have the authority to adopt administrative rules to implement this Section.

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

Sec. 3-101.5. Security of electronic signature and seal.

The following requirements apply only to electronic notaries public.

a) The electronic signature and electronic seal of an electronic notary public must be used only for the purposes of performing electronic notarial acts.

b) The electronic notary public's electronic signature and electronic seal are deemed to be reliable if the following requirements are met:

1) it is unique to the electronic notary public;

2) it is capable of independent verification;

3) it is retained under the electronic notary public's sole control;

4) it is attached to or logically associated with the electronic document in a tamper evident manner. Evidence of tampering pursuant to this standard may be used to determine whether the electronic notarial act is valid or invalid;

5) the electronic notary public has chosen technology or a vendor that meets the minimum requirements established by the Secretary of State and is approved by the Secretary of State; and

6) the technology adheres to any other standards or requirements set by the Secretary of State in administrative rule.

c) The electronic notary public shall be prohibited from selling or transferring personal information learned through the course of an electronic notarization, except when required by law, law enforcement, the Secretary of State or court order.

d) The Secretary of State shall have the authority to adopt administrative rules to implement this Section.

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

Sec. 3-102. Notice.

a) Every notary public who is not an attorney or an accredited immigration representative who advertises the services of a notary public in a language other than English, whether by radio, television, signs, pamphlets, newspapers, electronic communications, or other written communication, with the exception of a single desk plaque, shall include in the document, advertisement, stationery, letterhead, business card, or other comparable written or electronic material the following: notice in English and the language in which the written or electronic communication appears. This notice shall be of conspicuous size, if in writing or electronic communication, and shall state: "I AM NOT AN ATTORNEY LICENSED TO PRACTICE LAW IN ILLINOIS. I AM NOT ALLOWED TO DRAFT LEGAL DOCUMENTS OR RECORDS, NOR MAY I GIVE LEGAL ADVICE ON ANY MATTER, INCLUDING, BUT NOT LIMITED TO,

MATTERS OF IMMIGRATION, OR ACCEPT OR CHARGE FEES FOR THE PERFORMANCE OF THOSE ACTIVITIES". If such advertisement is by radio or television, the statement may be modified but must include substantially the same message.

A notary public shall not, in any document, advertisement, stationery, letterhead, business card, electronic communication, or other comparable written material describing the role of the notary public, literally translate from English into another language terms or titles including, but not limited to, notary public, notary, licensed, attorney, lawyer, or any other term that implies the person is an attorney. To illustrate, the word "notario" is prohibited under this provision. Failure to follow the procedures in this Section shall result in a fine of \$1,500 for each written violation. The second violation shall result in permanent revocation of the commission of notary public. Violations shall not preempt or preclude additional appropriate civil or criminal penalties.

b) All notaries public required to comply with the provisions of subsection (a) shall prominently post at their place of business as recorded with the Secretary of State pursuant to Section 2-102 of this Act a schedule of fees established by law which a notary public may charge. The fee schedule shall be written in English and in the non-English language in which notary services were solicited and shall contain the disavowal of legal representation required above in subsection (a), unless such notice of disavowal is already prominently posted.

c) No notary public, agency or any other person who is not an attorney shall represent, hold themselves out or advertise that they are experts on immigration matters or provide any other assistance that requires legal analysis, legal judgment, or interpretation of the law unless they are a designated entity as defined pursuant to Section 245a.1 of Part 245a of the Code of Federal Regulations (8 CFR 245a.1) or an entity accredited by the Board of Immigration Appeals.

c-5) In addition to the notice required under subsection (a), every notary public who is subject to subsection (a) shall, prior to rendering notary services or electronic notary services, provide any person seeking notary or electronic notary services with a written acknowledgment that substantially states, in English and the language used in the advertisement for notary services the following: "I AM NOT AN ATTORNEY LICENSED TO PRACTICE LAW IN ILLINOIS. I AM NOT ALLOWED TO DRAFT LEGAL DOCUMENTS OR RECORDS, NOR MAY I GIVE LEGAL ADVICE ON ANY MATTER OR ACCEPT OR CHARGE FEES FOR THE PERFORMANCE OF THOSE ACTIVITIES". The Office of the Secretary of State shall translate this acknowledgment into Spanish and any other language the Secretary of State may deem necessary to achieve the requirements of this subsection (c-5) and shall make the translations available on the website of the Secretary of State. This acknowledgment shall be signed by the recipient of notary services or electronic notary services before notary services or electronic notary services are rendered, and the notary shall retain copies of all signed acknowledgments throughout their present commission and for 2 years thereafter. Notaries shall provide recipients of notary services or electronic notary services with a copy of their signed acknowledgment at the time services are rendered. This provision shall not apply to notary services or electronic notary services related to documents prepared or produced in accordance with the Illinois Election Code.

d) Any person who aids, abets or otherwise induces another person to give false information concerning immigration status shall be guilty of a Class A

misdemeanor for a first offense and a Class 3 felony for a second or subsequent offense committed within 5 years of a previous conviction for the same offense. Any notary public who violates the provisions of this Section shall be guilty of official misconduct and subject to fine or imprisonment.

Nothing in this Section shall preclude any consumer of notary public services from pursuing other civil remedies available under the law.

e) No notary public who is not an attorney or an accredited representative shall accept payment in exchange for providing legal advice or any other assistance that requires legal analysis, legal judgment, or interpretation of the law.

f) Violation of subsection (e) is a business offense punishable by a fine of 3 times the amount received for services, or \$1,001 minimum, and restitution of the amount paid to the consumer. Nothing in this Section shall be construed to preempt nor preclude additional appropriate civil remedies or criminal charges available under law.

g) If a notary public or electronic notary public of this State is convicted of a business offense involving a violation of this Act, the Secretary shall automatically revoke the notary public commission or electronic notary public commission of that person on the date that the person's most recent business offense conviction is entered as a final judgment.

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

Sec. 3-103. Maximum fee.

a) Except as otherwise provided in this subsection (a), the maximum fee for non-electronic notarization in this State is \$5 for any notarial act performed and up to \$25 for any notarial act performed pursuant to Section 3-102.

Fees for a notary public, agency, or any other person who is not an attorney or an accredited representative filling out immigration forms shall be limited to the following:

- 1) \$10 per form completion;
- 2) \$10 per page for the translation of a non-English language into English where such translation is required for immigration forms;
- 3) \$5 for notarizing;
- 4) \$3 to execute any procedures necessary to obtain a document required to complete immigration forms; and
- 5) A maximum of \$75 for one complete application.

Fees authorized under this subsection shall not include application fees required to be submitted with immigration applications.

b) The maximum fee in this State up to \$25 for any electronic notarial act performed pursuant to this Act. An electronic notary public may charge a reasonable fee to recover any cost of providing a copy of an entry or a recording of an audio-video communication in an electronic journal maintained pursuant to Section 3-106.

c) Any person who violates the provisions of subsection (a) or (b) shall be guilty of a Class A misdemeanor for a first offense and a Class 3 felony for a second or subsequent offense committed within 5 years of a previous conviction for the same offense.

d) Upon his own information or upon complaint of any person, the Attorney General or any State's Attorney, or their designee, may maintain an action for injunctive relief in the court against any notary public or any other person who violates the provisions of subsection (a) or (b) of this Section. These remedies

are in addition to, and not in substitution for, other available remedies. If the Attorney General or any State's Attorney fails to bring an action as provided pursuant to this subsection within 90 days of receipt of a complaint, any person may file a civil action to enforce the provisions of this subsection and maintain an action for injunctive relief.

e) All notaries public must provide itemized receipts and keep records for fees accepted for services provided. Notarial fees must appear on the itemized receipt as separate and distinct from any other charges assessed. Failure to provide itemized receipts and keep records that can be presented as evidence of no wrongdoing shall be construed as a presumptive admission of allegations raised in complaints against the notary for violations related to accepting prohibited fees.

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

Sec. 3-104. Authority.

a) A notary public shall have authority to perform notarial acts, or electronic notarial acts, if the notary holds an electronic notary public commission, throughout the State so long as the notary resides in the same county in which the notary was commissioned or, if the notary is a resident of a state bordering Illinois, so long as the notary's principal place of work or principal place of business is in the same county in Illinois in which the notary was commissioned.

b) Except as provided under subsection (c), an electronic notary public who is physically located in this State may perform an electronic notarial act using communication technology in accordance with this Article and any rules adopted by the Secretary of State for a remotely located individual who is physically located: (i) in this State; or (ii) outside of this State, but not outside the United States.

c) Notwithstanding subsection (b), an electronic notary public may perform an electronic notarial act for a remotely located individual outside of the United States if the record is to be filed with or relates to a matter before a public official or court, governmental entity, or other entity subject to the jurisdiction of the United States or involves property located in the territorial jurisdiction of the United States or involves a transaction substantially connected with the United States.

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

Sec. 3-105. Certificate of authority.

Upon the receipt of a written request, the notarized document, and a fee of \$2 payable to the Secretary of State or County Clerk, the Office of the Secretary of State shall provide a certificate of authority in substantially the following form:

I, _____ (Secretary of State) of the State of Illinois, which office is an office of record having a seal, certify that _____ (notary's name), by whom the foregoing or annexed document was notarized or electronically notarized, was, on (insert date), appointed and commissioned a notary public in and for the State of Illinois and that as such, full faith and credit is and ought to be given to this notary's official attestations. In testimony whereof, I have affixed my signature and the seal of this office on _____ (insert date).

(Secretary of State).

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

Sec. 3-106. Journal.

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

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

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

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

3) the minimum security requirements for protecting the information in the journal and access to the contents of the journal.

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

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

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

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

**ARTICLE IV
CHANGE OF NAME OR MOVE FROM COUNTY**

Sec. 4-101. Changes causing commission to cease to be in effect.

a) When any notary public legally changes his or her name, changes his or her residential address or business address, or email address, without notifying the Index Department of the Secretary of State in writing within 30 days thereof, or, if the notary public is a resident of a state bordering Illinois, no longer maintains a principal place of work or principal place of business in the same county in Illinois in which he or she was commissioned, the commission of that notary ceases to be in effect. When the commission of a notary public ceases to be in effect, his or her notarial seal or electronic notary seal shall be surrendered to the Secretary of State, and his or her certificate of notarial commission or certificate of electronic notarial commission shall be destroyed. These individuals who desire to again become a notary public must file a new application, bond, and oath with the Secretary of State.

b) Any change to the information submitted by an electronic notary public in registering to perform electronic notarial acts in compliance with any Section of this Act shall be reported by the notary within 30 business days to the Secretary of State.

c) Any notary public or electronic notary public that fails to comply with this Section shall be prohibited from obtaining a new commission for a period of not less than 5 years.

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

**ARTICLE V
REAPPOINTMENT AS A NOTARY PUBLIC**

Sec. 5-101. Reappointment.

No person is automatically reappointed as a notary public or electronic notary public. At least 60 days prior to the expiration of a commission, the Secretary of State shall mail notice of the expiration date to the holder of a commission. Every notary public or electronic notary public who is an applicant for reappointment shall comply with the provisions of Article II of this Act.

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

Sec. 5-102. Solicitation to Purchase Bond.

No person shall solicit any notary public and offer to provide a surety bond more than 60 days in advance of the expiration date of the commission of a notary public or electronic notary public.

Nor shall any person solicit any applicant for a commission or reappointment thereof and offer to provide a surety bond for the notary commission unless any such solicitation specifically sets forth in bold face type not less than 1/4 inch in height the following: **“WE ARE NOT ASSOCIATED WITH ANY STATE OR LOCAL GOVERNMENTAL AGENCY”**.

Whenever it shall appear to the Secretary of State that any person is engaged or is about to engage in any acts or practices which constitute or will constitute a violation of the provisions of this Section, the Secretary of State may, in his discretion, through the Attorney General, apply for an injunction, and, upon a proper showing, any circuit court shall have power to issue a permanent or temporary injunction or restraining order without bond to enforce the provisions of this Act, and either party to such suit shall have the right to prosecute an appeal from the order or judgment of the court.

Any person, association, corporation, or others who violate the provisions of this Section shall be guilty of a business offense and punishable by a fine of not less than \$500 for each offense.

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

**ARTICLE VI-A
ELECTRONIC NOTARIAL ACTS AND FORMS**

Sec. 6A-101. Requirements for systems and providers of electronic notarial technology.

a) An electronic notarization system shall comply with this Act and any rules adopted by the Secretary of State.

b) An electronic notarization system requiring enrollment shall enroll only persons commissioned as electronic notaries public by the Secretary of State.

c) An electronic notarization vendor shall take reasonable steps to ensure that an electronic notary public who has enrolled to use the system has the knowledge to use it to perform electronic notarial acts in compliance with this Act.

d) A provider of an electronic notarization system requiring enrollment shall notify the Secretary of State of the name of each electronic notary public who enrolls in the system within 5 days after enrollment by means prescribed by rule by the Secretary of State.

e) The Secretary of State shall adopt administrative rules that set forth the requirements a provider of electronic notarization technology must meet in

order to be approved for use in the State of Illinois. At a minimum, those administrative rules shall establish:

1) minimum standards ensuring a secure means of authentication to be employed to protect the integrity of the electronic notary's electronic seal and electronic signature;

2) minimum standards ensuring that documents electronically notarized be tamper-evident and protected from unauthorized use; and

3) requirements for competent operation of the electronic platform.

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

Sec. 6A-102. Electronic notary not liable for system failure.

An electronic notary public who exercised reasonable care enrolling in and using an electronic notarization system shall not be liable for any damages resulting from the system's failure to comply with the requirements of this Act. Any provision in a contract or agreement between the electronic notary public and provider that attempts to waive this immunity shall be null, void, and of no effect.

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

Sec. 6A-103. Electronic notarial acts.

a) An electronic notary public:

1) is a notary public for purposes of this Act and is subject to all provisions of this Act;

2) may perform notarial acts as provided by this Act in addition to performing electronic notarizations; and

3) may perform an electronic notarization authorized under this Article.

b) In performing an electronic notarization, an electronic notary public shall verify the identity of a person creating an electronic signature at the time that the signature is taken by using two-way audio and video conference technology that meets the requirements of this Act and rules adopted under this Article. For the purposes of performing an electronic notarial act for a person using audio-video communication, an electronic notary public has satisfactory or documentary evidence of the identity of the person if the electronic notary public confirms the identity of the person by:

1) the electronic notary public's personal knowledge of the person creating the electronic signature; or

2) each of the following:

A) remote electronic presentation by the person creating the electronic signature of a government-issued identification credential, including a passport or driver's license, that contains the signature and a photograph of the person;

B) credential analysis of the front and back of the government-issued identification credential and the data thereon; and

C) a dynamic knowledge-based authentication assessment.

c) An electronic notary public may perform any of the acts set forth in Section 6-102 using audio-video communication in accordance with this Section and any rules adopted by the Secretary of State.

d) If an electronic notarial act is performed using audio-video communication:

1) the technology must allow the persons communicating to see and speak to each other simultaneously;

2) the signal transmission must be in real time; and

3) the electronic notarial act must be recorded.

e) The validity of the electronic notarial act will be determined by applying the laws of the State of Illinois.

f) The electronic notarial certificate for an electronic notarization must include a notation that the notarization is an electronic notarization.

g) When performing an electronic notarization, an electronic notary public shall complete an electronic notarial certificate and attach or logically associate the electronic notary's electronic signature and seal to that certificate in a tamper evident manner. Evidence of tampering pursuant to this standard may be used to determine whether the electronic notarial act is valid or invalid.

h) The liability, sanctions, and remedies for improper performance of electronic notarial acts are the same as described and provided by law for the improper performance of non-electronic notarial acts as described under Section 7-108.

i) Electronic notarial acts need to fulfill certain basic requirements to ensure non-repudiation and the capability of being authenticated by the Secretary of State for purposes of issuing apostilles and certificates of authentication. The requirements are as follows:

1) the fact of the electronic notarial act, including the electronic notary's identity, signature, and electronic commission status, must be verifiable by the Secretary of State; and

2) the notarized electronic document will be rendered ineligible for authentication by the Secretary of State if it is improperly modified after the time of electronic notarization, including any unauthorized alterations to the document content, the electronic notarial certificate, the electronic notary public's electronic signature, or the electronic notary public's official electronic seal.

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

Sec. 6A-104. Requirements for audio-video communication.

a) An electronic notary public shall arrange for a recording to be made of each electronic notarial act performed using audio-video communication. The audio-video recording required by this Section shall be in addition to the journal entry for the electronic notarial act required by Section 3-107. Before performing any electronic notarial act using audio-video communication, the electronic notary public must inform all participating persons that the electronic notarization will be electronically recorded.

b) If the person for whom the electronic notarial act is being performed is identified by personal knowledge, the recording of the electronic notarial act must include an explanation by the electronic notary public as to how he or she knows the person and how long he or she has known the person.

c) If the person for whom the electronic notarial act is being performed is identified by a credible witness:

1) the credible witness must appear before the electronic notary public; and

2) the recording of the electronic notarial act must include:

A) a statement by the electronic notary public as to whether he or she identified the credible witness by personal knowledge or satisfactory evidence; and

B) an explanation by the credible witness as to how he or she knows the person for whom the electronic notarial act is being performed and how long he or she has known the person.

d) An electronic notary public shall keep a recording made pursuant to this

Section for a period of not less than 7 years, regardless of whether the electronic notarial act was actually completed.

e) An electronic notary public who performs an electronic notarial act for a principal by means of audio-video communication shall be located within the State of Illinois at the time the electronic notarial act is performed. The electronic notary public shall include a statement in the electronic notarial certificate to indicate that the electronic notarial act was performed by means of audio-video communication. The statement may also be included in the electronic notarial seal.

f) An electronic notary public who performs an electronic notarial act for a principal by means of audio-video communication shall:

1) be located within this State at the time the electronic notarial act is performed;

2) execute the electronic notarial act in a single recorded session that complies with Section 6A-103;

3) be satisfied that any electronic record that is electronically signed, acknowledged, or otherwise presented for electronic notarization by the principal is the same record electronically signed by the electronic notary;

4) be satisfied that the quality of the audio-video communication is sufficient to make the determination required for the electronic notarial act under this Act and any other law of this State; and

5) identify the venue for the electronic notarial act as the jurisdiction within Illinois where the notary is physically located while performing the act.

g) An electronic notarization system used to perform electronic notarial acts by means of audio-video communication shall conform to the requirements set forth in this Act and by administrative rules adopted by the Secretary of State.

h) The provisions of Section 3-107 related respectively to security, inspection, copying, and disposition of the journal shall also apply to security, inspection, copying, and disposition of audio-video recordings required by this Section.

i) The Secretary of State shall adopt administrative rules to implement this Section.

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

Sec. 6A-105. Electronic certificate of notarial acts.

a) An electronic notarial certificate must be evidenced by an electronic notarial certificate signed and dated by the electronic notary public. The electronic notarial certificate must include identification of the jurisdiction in which the electronic notarial act is performed and the electronic seal of the electronic notary public.

b) An electronic notarial certificate of an electronic notarial act is sufficient if it meets the requirements of subsection (a) and it:

1) is in the short form set forth in 6-105;

2) is in a form otherwise prescribed by the law of this State; or

3) sets forth the actions of the electronic notary public and those are sufficient to meet the requirements of the designated electronic notarial act.

c) At the time of an electronic notarial act, an electronic notary public shall electronically sign every electronic notarial certificate and electronically affix the electronic seal clearly and legibly, so that it is capable of photographic reproduction. The illegibility of any of the information required under this Section does not affect the validity of a transaction.

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

Sec. 6A-106. Electronic acknowledgments; physical presence.

a) For purposes of this Act, a person may appear before the person taking the acknowledgment by:

1) being in the same physical location as the other person and close enough to see, hear, communicate with, and exchange tangible identification credentials with that person; or

2) being outside the physical presence of the other person, but interacting with the other person by means of communication technology.

b) If the acknowledging person is outside the physical presence of the person taking the acknowledgment, the certification of acknowledgment must indicate that the notarial act was performed by means of communication technology. A form of certificate of acknowledgment as provided by the Secretary of State, which may include the use of a remote online notarial certificate, is sufficient for purposes of this subsection (b) if it substantially reads as follows: "The foregoing instrument was acknowledged before me by means of communication technology this (date) by ... (each form continued as sufficient for its respective purposes)."

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

ARTICLE VII LIABILITY AND REVOCATION

Sec. 7-101. Liability of notary and surety.

A notary public and the surety on the notary's bond are liable to the persons involved for all damages caused by the notary's official misconduct. Upon the filing of any claim against a notary public, the entity that has issued the bond for the notary shall notify the Secretary of State of whether payment was made and the circumstances which led to the claim.

(Source: P.A. 100-809, eff. 1-1-19.)

Sec. 7-102. Liability of Employer of Notary.

The employer of a notary public is also liable to the persons involved for all damages caused by the notary's official misconduct, if:

a) the notary public was acting within the scope of the notary's employment at the time the notary engaged in the official misconduct; and

b) the employer consented to the notary public's official misconduct.

(Source: P.A. 84-322.)

Sec. 7-103. Cause of Damages.

It is not essential to a recovery of damages that a notary's official misconduct be the only cause of the damages.

(Source: P.A. 84-322.)

Sec. 7-104. Official Misconduct Defined.

The term "official misconduct" generally means the wrongful exercise of a power or the wrongful performance of a duty and is fully defined in Section 33-3 of the Criminal Code of 2012. The term "wrongful" as used in the definition of official misconduct means unauthorized, unlawful, abusive, negligent, reckless, or injurious.

(Source: P.A. 97-1150, eff. 1-25-13.)

Sec. 7-105. Official Misconduct.

a) A notary public who knowingly and willfully commits any official misconduct is guilty of a Class A misdemeanor.

b) A notary public who recklessly or negligently commits any official misconduct is guilty of a Class B misdemeanor.

(Source: P.A. 84-322.)

Sec. 7-106. Willful impersonation.

a) Any person who acts as, or otherwise willfully impersonates, a notary public while not lawfully appointed and commissioned to perform notarial acts is guilty of a Class A misdemeanor.

b) Any notary public or other person who is not an electronic notary public that impersonates an electronic notary public to perform electronic notarial acts is guilty of a Class A misdemeanor.

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

Sec. 7-107. Wrongful possession.

a) No person may unlawfully possess, obtain, conceal, damage, or destroy a notary's official seal.

b) No person may unlawfully possess, conceal, damage, or destroy the certificate, disk, coding, card, program, software, or hardware enabling an electronic notary public to affix an official electronic signature or seal.

c) Any person who violates this Section shall be guilty of a misdemeanor and punishable upon conviction by a fine not exceeding \$1,000.

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

Sec. 7-108. Reprimand, suspension, and revocation of commission.

a) The Secretary of State may revoke the commission of any notary public who, during the current term of appointment:

1) submits an application for commission and appointment as a notary public which contains substantial and material misstatement or omission of fact;

2) is convicted of any felony, misdemeanors, including those defined in Part C, Articles 16, 17, 18, 19, and 21, and Part E, Articles 31, 32, and 33 of the Criminal Code of 2012, or official misconduct under this Act; or

3) is a licensed attorney and has been sanctioned, suspended, or disbarred by the Illinois Attorney Registration and Disciplinary Commission or the Illinois Supreme Court.

b) Whenever the Secretary of State believes that a violation of this Article has occurred, he or she may investigate any such violation. The Secretary may also investigate possible violations of this Article upon a signed written complaint on a form designated by the Secretary.

c) A notary's failure to cooperate or respond to an investigation by the Secretary of State is a failure by the notary to fully and faithfully discharge the responsibilities and duties of a notary and shall result in suspension or revocation of the notary's commission or the electronic notary's commission.

d) All written complaints which on their face appear to establish facts which, if proven true, would constitute an act of misrepresentation or fraud in notarization or electronic notarization, or misrepresentation or fraud on the part of the notary, may be investigated by the Secretary of State to determine whether cause exists to reprimand, suspend, or revoke the commission of the notary.

e) The Secretary of State may deliver a written official warning and reprimand to a notary, or may revoke or suspend a notary's commission or an electronic notary's commission, for any of the following:

1) a notary's official misconduct, as defined under Section 7-104;

2) any ground for which an application for appointment as a notary may be denied for failure to complete application requirements as provided under Section 2-102;

3) any prohibited act provided under Section 6-104; or

4) a violation of any provision of the general statutes.

f) After investigation and upon a determination by the Secretary of State that one or more prohibited acts have been performed in the notarization or electronic notarization of a document, the Secretary shall, after considering the extent of the prohibited act and the degree of culpability of the notary, order one or more of the following courses of action:

1) issue a letter of warning to the notary, including the Secretary's findings;

2) order suspension of the commission of the notary or electronic commission of the notary for a period of time designated by the Secretary;

3) order revocation of the commission of the notary or electronic commission of the notary;

4) refer the allegations to the appropriate State's Attorney's Office or the Attorney General for criminal investigation; or

5) refer the allegations to the Illinois Attorney Registration and Disciplinary Commission for disciplinary proceedings.

g) After a notary receives notice from the Secretary of State that his or her commission has been revoked, that notary shall immediately deliver his or her official seal to the Secretary. After an electronic notary public receives notice from the Secretary of State that his or her electronic commission has been revoked, the electronic notary public shall immediately notify the electronic notary's chosen technology provider, and to the extent possible, destroy or remove the software used for electronic notarizations.

h) A notary whose appointment has been revoked due to a violation of this Act shall not be eligible for a new commission as a notary public in this State for a period of at least 5 years from the date of the final revocation.

i) A notary may voluntarily resign from appointment by notifying the Secretary of State in writing of his or her intention to do so, and by physically returning his or her stamp to the Secretary. An electronic notary public may voluntarily resign from appointment by notifying the Secretary of State in writing of his or her intention to do so, and by notifying the electronic notary's chosen technology provider, and to the extent possible, destroy or remove the software used for electronic notarizations. A voluntary resignation shall not stop or preclude any investigation into a notary's conduct, or prevent further suspension or revocation by the Secretary, who may pursue any such investigation to a conclusion and issue any finding.

j) Upon a determination by a sworn law enforcement officer that the allegations raised by the complaint are founded, and the notary has received notice of suspension or revocation from the Secretary of State, the notary is entitled to an administrative hearing.

k) The Secretary of State shall adopt administrative hearing rules applicable to this Section that are consistent with the Illinois Administrative Procedure Act.

l) Any revocation, resignation, expiration, or suspension of the commission of a notary public terminates or suspends any commission to notarize electronically.

m) A notary public may terminate registration to notarize electronically and maintain his or her underlying notary public commission upon directing a written notification of the change to the Secretary of State within 30 days.

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

Sec. 7-109. Action for Injunction, Unauthorized Practice of Law.

Upon his own information or upon complaint of any person, the Attorney General or any State's Attorney, or their designee, may maintain an action for injunctive relief in the circuit court against any notary public who renders, offers to render, or holds him- self or herself out as rendering any service constituting the unauthorized practice of the law. Any organized bar association in this State may intervene in the action, at any stage of the proceeding, for good cause shown. The action may also be maintained by an organized bar association in this State. These remedies are in addition to, and not in substitution for, other available remedies.

(Source: P.A. 84-322.)

Sec. 7-110. Applicable law; conflict of law.

a) The validity of any notarization, including an electronic notarization, shall be determined by applying the laws of this State, regardless of the physical location of the principal at the time of a remote notarization.

b) An electronic notary public authorized to perform electronic notarizations is subject to and must comply with this Act.

c) If a conflict between a provision of this Section and another law of this State, this Section controls.

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

ARTICLE VIII REPEALER AND EFFECTIVE DATE

(5 ILCS 312/8-101) (from Ch. 102, par. 208-101)

Sec. 8-101. Section 2 of "An Act to increase the fee for issuing commissions to notaries public," approved June 3, 1897, as amended, is repealed.

(Source: P.A. 84-322.)

(5 ILCS 312/8-102) (from Ch. 102, par. 208-102)

Sec. 8-102. Section 28 of "An Act concerning fees and salaries, and to classify the several counties of this State with reference thereto," approved March 29, 1872, as amended, is repealed.

(Source: P.A. 84-322.)

(5 ILCS 312/8-103) (from Ch. 102, par. 208-103)

Sec. 8-103. "An Act to provide for the appointment, qualification and duties of notaries public and certifying their official acts and to provide for fines and penalties for the violation thereof," approved April 5, 1872, as amended, is repealed.

(Source: P.A. 84-322.)

(5 ILCS 312/8-104) (from Ch. 102, par. 208-104)

Sec. 8-104. This Act takes effect July 1, 1986.

(Source: P.A. 84-322.)

Application for Commission as a Notary Public

AVOIDING PROCESSING DELAYS

You are responsible for the completion and accuracy of the information on the notary public application and bond. The following are common errors made on the application, which will result in a delay in processing time:

- Incomplete home address information, including apartment number or ZIP Code, for example.
- Not providing previous commission information.
- The driver's license/state ID card name and address must match the home address listed on the application.
- **Your name and signature** must read the same and be notarized by **another** current Illinois Notary Public, including a valid rubber stamp seal. **You cannot notarize your own signature.**

REMINDERS FOR COMPLETING YOUR APPOINTMENT

- *You must submit a copy of a **valid** Illinois driver's license or state ID card.*
- **All signatures** on the application **must be original**. The use of signature stamps is unacceptable.
- If you answer 'Yes' to the question "Will you perform Notarizations remotely by means of Audio-Visual Communication," you must include a \$30,000 Illinois Notary Bond. If you answer 'No' to this question, you must include a \$5,000 Illinois Notary Bond. The Illinois Notary Bond must be issued by a company qualified to write surety bonds in Illinois. This office does not accept the Public Official Bond or Errors and Omissions Policy. The surety bonding company's corporate seal must accompany the signature of an officer or authorized representative. The surety bonding company will circle either \$5,000 or \$30,000 based on the answer to this question.
- This office **will only process original documents**. Submitted copies of the bond and/or application will be returned to the applicant.
- You must include the \$15 filing fee with the application.
- Submitting an application that is handwritten with illegible handwriting may result in delays or mistakes when processing. Please be sure to type your application or print legibly.

NOTARY'S RESPONSIBILITY

- Notify your bonding company of the effective date of your commission. This bond will expire when your commission does.
- The Secretary of State determines the effective date of your commission, not the bonding company.

FREQUENTLY ASKED QUESTIONS

NOTARY APPOINTMENT PROCEDURE

How do I renew my notary appointment?

There is no automatic reappointment in Illinois. You will be notified by the Secretary of State approximately 60 days before the date your appointment expires. A preprinted application and bond form will be enclosed with the notification if you wish to apply for appointment for another term.

I have mailed a notary application and bond to the Secretary of State.

When may I begin notarizing documents?

An appointed Notary Public may begin notarizing documents upon the approval of the commission by the Illinois Secretary of State. You may track approval by visiting the Notary Search page on the Secretary of State's website:

<https://apps.ilsos.gov/notarysearch/>.

How do I report a change in my home or work address or name while serving as a notary public?

If you move or change employers, you must report the change of address to the Secretary of State; you may do so by emailing Enotary@ilsos.gov.

When does a notary's commission officially expire?

A resident notary public receives a four-year appointment. A notary's commission expires at midnight of the expiration date of the appointment. A non-resident Notary Public from a qualifying state receives a one-year appointment.

My notary commission will soon expire. I have received a notice from a "Notary Association" with instructions on how to apply for reappointment. What is this association? I thought notary applications were approved by the Secretary of State.

Several groups operating in Illinois under the name of "notary association," "agency" or "company." They are **private organizations** and **are not officially associated** with any government agency. These organizations offer assistance to notaries, sell notary seals and provide the notary bond for a fee. Solicitations from these groups are required to contain the following statement: "WE ARE NOT ASSOCIATED WITH ANY STATE OR LOCAL GOVERNMENTAL AGENCY." Only you can decide where to purchase your surety bond. You can purchase a bond from most insurance companies, or you may want to purchase a bond from one of the notary associations or agencies. The Secretary of State does not make any recommendations.

If my notary appointment has expired and I have applied for a new one, may I continue notarizing documents?

No. There is no grace period for a notary public once their appointment has expired. You may only perform notarial acts once you have obtained a new seal containing the date that your new term of office expires.

I would like to return to my maiden name. What does this involve?

A person who changes their name must resign their commission and apply for a new appointment.

What information is required when requesting that a commission be canceled?

A written request should contain 1) the name under which the commission was issued; 2) the commission number; 3) the reason for the cancellation and any supporting documents; 4) the home address and telephone number; 5) the signature of the notary requesting cancellation; and 6) the date the request was made.

Where do I submit my resignation as a notary?

Resignations should be submitted to: Secretary of State, Index Department, 111 E. Monroe St., Springfield, IL 62756.

YOUR NOTARY SEAL

- If you ordered your seal from a stamp or bonding company, verify the information against your notary certificate to ensure accuracy.
- The Illinois Notary Public Act requires that the expiration date be imprinted on the seal. This date may not be handwritten.
- Notary seals are required to have a serrated or milled edge border, in a rectangular form not more than one inch in height by two and one-half inches in length surrounding the following information in descending order:
 - A) The words "Official Seal";
 - B) The notary's official name, printed;
 - C) The words "Notary Public, State of Illinois";
 - D) The words "Commission No." immediately followed by the notary public's commission number; and
 - E) The words "My Commission Expires" immediately followed by the notary public's commission expiration date, expressed in terms of the month, one- or two-digit day, and complete year (e.g., Jan. 1, 2024). [5 ILCS 312/3-101(a)]
- Black is the only acceptable ink color for a notary seal.

PERFORMING NOTARIZATIONS IN ILLINOIS

- Always perform any notarization with the name listed on your notary certificate.

EXAMPLE: If a notary is commissioned as John M. Doe, that is the name that must appear on his stamp, and he must sign his name that way. Signing as J.M. Doe or using any other variation is not acceptable.

- Do not imprint your seal over your signature in a notarization. All information must be legible.
- All notarizations in the State of Illinois must contain the proper notary certificate wording, which includes state and county of venue, the date, notarial wording, notary signature as commissioned and the imprint of the notary seal.

SUGGESTED SAMPLE FORMS

Acknowledgment (in an individual capacity):

State of _____
County of _____
This instrument was acknowledged before me on _____ (date) by _____ (name/s of person/s).

(Signature of Notary Public)
(Seal)

Use this short form for acknowledgment in an individual capacity. Taking an acknowledgment consists of positively identifying the signer of a document. The signer need not sign in the notary's presence but *must personally appear* before the notary and state that the signature on the document is theirs. Acknowledgments may be taken in an individual capacity or in a representative capacity (as an authorized representative of another — for example, as an officer of a corporation for and on behalf of the corporation or as an attorney, in fact for another person).

Acknowledgment (in a representative capacity):

State of _____
County of _____
This instrument was acknowledged before me on _____ (date) by _____ (name/s of person/s) as _____ (type of authority, e.g., officer, trustee, etc.) of _____ name of party of behalf of whom instrument was executed).

(Signature of Notary Public)
(Seal)

Use this short form for an acknowledgment in a representative capacity. The taking of an acknowledgment consists of positively identifying the signer of a document. The signer need not sign in the notary's presence, but *must personally appear* before the notary and state that the signature on the document is theirs. Acknowledgments may be taken in an individual capacity or in a representative capacity (as an authorized representative of another — for example, an officer of a corporation for and on behalf of the corporation or as an attorney in fact for another person).

Verification upon oath or affirmation (in an individual capacity):

State of _____
County of _____
Signed and sworn (or affirmed) to before me on _____ (date) by
_____ (name/s of person/s making
statement).

(Signature of Notary Public)
(Seal)

Use this short form for verification upon oath or affirmation in an individual capacity. The verification upon oath or affirmation is a declaration that a statement is true and was made by a person upon oath or affirmation. The person requesting this notarial act must personally appear before the notary and sign the document in the notary's presence. The notary public is required to administer an oath. There is no prescribed wording for the oath, but an acceptable oath would be:

“Do you swear (or affirm) that the statements in this document are true?”

Verification upon oath may be taken in an individual capacity or in a representative capacity.

Verification upon oath or affirmation (in a representative capacity):

State of _____
County of _____
Signed and sworn (or affirmed) to before me on _____ (date) by
_____ (name/s of person/s) as
_____ (type of authority, e.g.,
officer, trustee, etc.) of _____ (name of
party of behalf of whom instrument was executed).

(Signature of Notary Public)
(Seal)

Use this short form for a verification upon oath or affirmation in a representative capacity. The verification upon oath or affirmation is a declaration that a statement is true and was made by a person upon oath or affirmation. The person requesting this notarial act must personally appear before the notary and sign the document in the presence of the notary. The notary public is required to administer an oath. There is no prescribed wording for the oath, but an acceptable oath would be:

“Do you swear (or affirm) that the statements in this document are true?”

Verification upon oath may be taken in an individual capacity or in a representative capacity.

Witnessing or attesting a signature:

State of _____
County of _____
Signed (or subscribed or attested) before me on _____ (date)
by _____ (name/s of person/s).

(Signature of Notary Public)
(Seal)

Use this short form for witnessing or attesting a signature. This form is used when witnessing a signature on a document, and an oath is not necessary or required. The person requesting the notarial act must personally appear before the notary and sign the document in the presence of the notary.

Signature-by-mark:

State of _____
County of _____
This instrument was acknowledged before me on _____ (date) by
_____ (name of person) who
made and acknowledged making his/her mark on the instrument in my
presence and in the presence of two persons who have signed below.

(Signature of Notary Public)
(Seal)

(Signature and Address of Witness) _____
(Signature and Address of Witness)

Use this form when an individual requests a notarial act and is prevented by disability or illiteracy from writing a signature. Take these precautions: positively identify the individual; ensure that there are two persons to witness the signature-by-mark in addition to yourself; write in the name of the signer-by-mark near the mark on the document; and complete this form.

If any of the above notarizations are done by Remote Notarization by Audio-Video communication, you must include language in the notarized certificate that indicates it was done in this manner. For example: “Done by Remote Notarization by Audio-Video communication.”

PERFORMING NOTARIZATIONS

May I notarize my own signature and/or the signatures of my spouse, children and other relatives?

A notary public **may not** notarize their own signature and may not notarize any document in which the notary’s name appears as a party to the transaction. A notary may notarize the signature of their spouse, children, and other relatives.

May I notarize documents that originate out of state?

Yes, if you perform the notarial act in Illinois and the notarial certificate indicates “State of Illinois, County of _____” to identify the jurisdiction where the notarial act occurred.

May I notarize documents only in my own county?

An Illinois Notary Public has the authority to act throughout the state as long as the Commission is approved and active.

May I notarize documents when I am physically outside the state of Illinois? No. An Illinois Notary Public has the authority to perform notarial acts only in the state of Illinois.

Should I charge a fee for my services as a notary public?

The law does not require that you charge a fee. However, the maximum fee allowed is \$5.

May I notarize documents that I will be signing as an officer on behalf of a corporation?

No. You may never notarize your own signature, whether you are signing for yourself or for a corporation.

How does a notary identify a signer?

A notary has satisfactory evidence if the person (1) is personally known to the notary; (2) is identified by a credible witness personally known to the notary; or (3) is identified based on unexpired government identification documents. Proper identification must include a photograph and a signature on a valid identification card, such as a driver’s license.

Must the person sign the document in my presence?

Unless you are performing a Remote Notarization by Audio-Video communication, in most cases the person must sign the document in your presence. If a document requires an oath (for example, the certificate reads “signed and sworn/affirmed before me.”) An oath or affirmation must be administered to the person, and the person must sign the document in your presence. If the document requires acknowledgment, it is sufficient for the person to appear before you and acknowledge execution of the document.

Never notarize an unsigned document. You may not take an acknowledgment because someone else assures you that the signature is genuine. You may not take an acknowledgment even when you recognize the signer's signature unless that person appears before you.

How do I perform a Remote Notarization by Audio-Visual Communication?

You must have on file with the Department a \$30,000 bond issued by an insurance or surety company. Additionally, you must follow the procedures set forth in Section 6A-103 of the Notary Public Act and all parties must be located in Illinois at the time of the Remote Notarization. Lastly, the Notarial Certificate must indicate that it was done remotely.

What should I do when a person for whom I have performed a notarial act requests proof that I am a notary?

Occasionally, a "Certificate of Authority" is required to be attached to a document that has been notarized, particularly when that document is being sent out of state. This certificate is proof that the notary was a commissioned notary on the date that the document was notarized. A "Certificate of Authority" may be obtained from the Secretary of State's office. It is not your responsibility, however, to obtain the certificate for the person. That person should contact the Secretary of State for information.

May notaries use rubber stamp signatures?

No. Notaries may not use facsimile signature stamps in signing their official certificates. A signature must be written in ink as commissioned. In addition, a facsimile signature may not be notarized.

NOTARIZATION PROCEDURES/RULES

Should I keep a logbook or journal of any actions as a notary?

Yes, you are required to keep a Notary Public Journal with certain minimum information. See Rules 176.900, 910 and 920.

How long must I keep a journal?

If in a tangible format, a journal must be retained for a minimum of seven years after the final notarial act chronicled in the journal. If an electronic journal, the journal must be retained for at least seven years after the last electronic or remote notarial act chronicled in the journal.

What are the most common errors or omissions made by notaries?

(1) Failing to properly identify a person; (2) failing to administer an oath or affirmation (if required); and (3) failing to affix the notary seal.

Can a notary give legal advice or prepare legal documents?

No. A notary does not have this authority unless they are also an attorney.

Can a notary advise on immigration or fill out immigration forms?

No. According to federal law, no person, unless an attorney, shall fill out legalization forms or applications related to the Immigration Reform and Control

Act of 1986 unless they have been authorized to do so by the Immigration and Naturalization Service or the Board of Immigration Appeals.

Is a notary responsible for the truth or accuracy of a document?

No. The main purpose of notarization is to compel truthfulness by the signer. Notaries have no authority to and are not required to verify the truth or accuracy of any document.

What should be done with the notary stamp if a commission terminates through revocation, resignation, or death?

The notary, or the notary's heirs, should destroy or deface the seal to avoid misusing it.

May a blank document be notarized?

Never notarize a blank or incomplete document. If a signer indicates that certain spaces in a document are to be left blank because they do not apply, suggest that they insert a line through the spaces or write "Not Applicable." This protects the signer from later unauthorized insertions, and it may prevent the notary from appearing as a witness in a lawsuit.

Is notarization required by law?

In many cases, yes. Some documents must be acknowledged before a notary and other documents must be signed under oath to be effective. It is not a notary's duty to prepare the document, only to perform the notarial act and complete the notarial certificate.

NON-RESIDENT COMMISSIONS

I am a notary working in Illinois; however, I just moved across the state line into another state. May I continue to notarize when I am working at my job, which is in the state of Illinois?

No. Because you have moved out of state, you must resign from your in-state notary commission. You must then reapply for a non-resident notary appointment if you are eligible. Please refer to page 4 of this handbook.

When does a non-resident commission expire?

A non-resident commission is valid for one year from the effective date of the appointment.

How do I obtain an application to be commissioned as a non-resident notary?

You must visit ilsos.gov to access a non-resident application and checklist packet.

How do I report a change in my employer's address?

If the change is within the county in which you are commissioned, you must send a change of address to the Index Department in writing. If the new address is in a different county, you must resign your commission and re-apply.

MISCELLANEOUS QUESTIONS

Can my employer keep my seal and certificate if I leave the company?

No. The seal and certificate are considered the property of the notary public. Also, if you lose possession of your seal, it is recommended that you resign your commission.

What should I do if my notary seal is stolen?

Report the theft to the police. If for any reason you lose possession of your seal, it is recommended that you resign your commission.

Can information about any notary appointment be given to other people?

Yes. Notary public applications and appointments are public records and available to any interested person for examination or copying.

What could happen to someone who acts as a notary without a commission?

Performing unauthorized notarizations is a misdemeanor. The person could be fined and/or imprisoned for up to six months.

Can notarizations be performed for minors?

Yes, but the minor must be able to provide proof of identification and a parent or legal guardian should be present.

My felony conviction was 20 years ago; can I apply for a notary public appointment?

No. Individuals who have been convicted of a felony are not eligible to be commissioned as an Illinois Notary Public under the provisions set forth in the Notary Public Act.

Do I have to include a copy of my driver's license or state ID card with my resident notary public application?

Yes. An application for a four-year commission requires a valid Illinois driver's license or state ID card.

How does one obtain a Certificate of Authority for a specific lawfully notarized document?

Certificates of Authority are issued by the Illinois Secretary of State, Index Department. You will need to provide the original notarized document for which a Certificate of Authority is being requested to the Springfield office of the Index Department.

There is a \$2 fee per Certificate of Authority which may be paid by check, credit card, or money order. Each individual notarized document will require a separate Certificate of Authority. Please also submit a self-addressed stamped envelope for the documents return. The documents and fee may be mailed to:

Notary Division
Index Department
111 E Monroe St.
Springfield, IL 62756

The documents may also be hand-delivered to the Springfield office, but same-day service is not available.

ilsos.gov

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CHANGE OF ADDRESS CARD

You may use this card to report a change of address in the same county as you are registered.

- To report a change of address within the same county as you are registered as a notary public, please complete and detach the postcard below to: Secretary of State, Index Department, 111 E. Monroe St., Springfield, IL 62756. To use this option, you **MUST RESIDE** in the same county.
- If you have moved from the county where you are registered or wish to change the name you are commissioned under, you must resign that commission and reapply for commission as a notary public.
- If you have questions or need further clarification, please call 217-782-7017.



NOTARY PUBLIC CHANGE OF ADDRESS

(Please print or type.)

NAME _____ COMMISSION NUMBER _____

COUNTY _____ New address must be in the same county as you are presently registered as a notary.

NEW INFORMATION	PREVIOUS INFORMATION
STREET ADDRESS _____	STREET ADDRESS _____
CITY _____ ZIP _____	CITY _____ ZIP _____
DAYTIME TELEPHONE NUMBER (_____) _____	
SIGNATURE _____ DATE _____	



Alexi Giannoulis
Secretary of State
Index Department
111 E. Monroe St.
Springfield, IL 62756

PLACE
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SECRETARY OF STATE
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