AN ACT concerning State government.

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

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

(15 ILCS 305/35 new)

Sec. 35. Authority to accept electronic signatures.

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

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

        (1) the type of electronic signature required;

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

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

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

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

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

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

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

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

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

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

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

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

invalidate the electronic signature if the document is
changed.

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

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

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

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

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

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

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