



May 30, 2022

Pamela Wright
Secretary of State
Office of the General Counsel
298 Howlett Building
Springfield, IL 62756
pwright@ilsos.gov

Re: Remote Notary Proposed Rules (14 IAC 176; 46 Ill Reg 5874)

Dear Ms. Wright,

Please accept this Administrative Rule First Notice public comment and request for clarification from the Illinois Land Title Association regarding remote notary proposed rules in Illinois Register Volume 46, Issue 16, pages 5874 - 5974 (14 IAC 176).

Electronic Notarization Platform Vendor Selection

- Please clarify how electronic notarization platform vendors approved pursuant to proposed rule Section 176.805 will be published for public notice;
- Please clarify whether a notary submitting a commission application pursuant to proposed rule Section 176.300(c)(2) may list more than one vendor that the applicant intends to use to perform electronic notarial acts; and
- Please clarify whether the proposed rule Section 176.300 application may be used to change or update the vendor(s) that the applicant or approved notary intends to use.

Identity Authentication Standards

- Thank you for confirming the importance of identity verification when there is no personal knowledge of the principal or credible witness, see proposed rule Sections 176.700, 176.710, 176.720, 176.835 & 176.860;
- Please understand that standards of care in the title industry may involve real estate transactions with identity authentication standards in addition to those prescribed by the state, such as [Freddie Mac guidance](#) and [MISMO standards](#); and
- Please clarify if after electronic notary identity proofing failure pursuant to proposed rule Section 176.835(c)(7), the principal individual is allowed to retry with a different electronic notary public within 24 hours, and if so, whether the retry can utilize the same electronic notarization platform;

Remote Notary Certification Standards

- Thank you for providing short form certificates to distinguish remote notarized and electronically notarized documents pursuant to proposed rule Sections 176.730 and 176.865, respectively.

Privacy and Storage Standards

- Thank you for confirming in proposed rule Section 176.900(a)(1) that new journal requirements pursuant to Section 3-107 (new) of the Illinois Notary Public Act are applicable to “[e]very notary public, whether or not an electronic notary public”;
- Please clarify whether these new journal requirements begin “the date on which the Office of the Secretary of State files with the Index Department of the Office of the Secretary of State a notice that the Office of the Secretary of State has adopted the rules necessary to implement this Act” pursuant to Section 99 of [Public Act 102-160](#); and
- Thank you for confirming the responsibilities of a notary public regarding record keeping in addition to confirming access by third parties pursuant to proposed rule Sections 176.710(d), 176.855, and 176.960(d).

Notary Commission Requirements

- Please clarify whether any new notary appointment or commission renewal as of July 1, 2022 no longer needs to be recorded by a county clerk pursuant to repealed Section 2-106 of the Illinois Notary Public Act as amended by [Public Act 102-160](#);
- Thank you for confirming that “A notary public that is also commissioned as an electronic notary public shall have the same commission number for both commissions” pursuant to proposed rule Section 176.300(f)(3);
- Please clarify whether proposed rules in Subpart C regarding the required course of study and examination are applicable to all new commissions pursuant to proposed rule Section 176.300 and reappointments pursuant to proposed rule Section 176.350;
- Please clarify whether these new course of study and examination requirements begin “the date on which the Office of the Secretary of State files with the Index Department of the Office of the Secretary of State a notice that the Office of the Secretary of State has adopted the rules necessary to implement this Act” pursuant to Section 99 of [Public Act 102-160](#); and
- If these new course of study and examination requirements are to begin prior to the approval of education vendors, please consider a delay of these new course of study and examination requirements until certification of education vendors pursuant to proposed rule Sections 176.205(c) & 176.215;

Costs and Fees

- Please clarify whether the fee parameters pursuant to proposed rule Section 176.540 are separate from clerical and administrative fees allowed when itemized pursuant to proposed rule Section 176.910(e); and

- Please clarify whether the fees subject to proposed rule Section 176.540 and 176.910(e) are limited to the total amounts listed in Section 3-104 of the Illinois Notary Public Act as amended by [Public Act 102-160](#).

Thank you for your consideration of the above public comments and requests for clarification.

Sincerely,

Linda Grahovec
President,
Illinois Land Title Association

Senior Vice President,
FNF National Agency Director
of Education & Marketing Strategy