

Public Act 103-0562

HB0351 Enrolled

LRB103 03878 AWJ 48884 b

AN ACT concerning elections.

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

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

(5 ILCS 312/3-107)

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

Sec. 3-107. 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.

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

(1) nominating petitions;

(2) petitions of candidacy;

(3) petitions for nomination;

(4) nominating papers; or

(5) nomination papers.

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

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

Section 5. The Election Code is amended by adding Section 1-20.1 as follows:

(10 ILCS 5/1-20.1 new)

Sec. 1-20.1. Task Force to Review Eligibility to Hold Public Office.

(a) The Task Force to Review Eligibility to Hold Public Office is created. The purpose of the Task Force is to review what criminal conduct precludes a person from holding public office in this State and to make recommendations as to what criminal conduct should preclude an individual from holding public office.

(b) The Task Force shall be comprised of the following members:

(1) The president of a statewide bar association or his or her designee, the executive director of a statewide association advocating for the advancement of civil liberties or his or her designee, an executive director of a legal aid organization or statewide association with a practice group dedicated to or focused on returning citizen expungements and sealing of criminal records, all appointed by the Governor.

(2) 4 members of the public, one appointed by each of the following: the Speaker of the House of Representatives; the Minority Leader of the House of Representatives; the President of the Senate; and the Minority Leader of the Senate.

(3) 2 individuals who have been formerly incarcerated, appointed by the Governor.

(4) The Attorney General or his or her designee.

(5) 2 individuals from the Illinois Sentencing Policy Advisory Council appointed by the Executive Director.

(6) 2 State Representatives appointed by the Speaker of the House of Representatives; 2 State Representatives appointed by the Minority Leader of the House of Representatives; 2 State Senators appointed by the President of the Senate; 2 State Senators appointed by the Minority Leader of the Senate.

The members of the Task Force shall serve without compensation. All appointments under this subsection must be made within 30 days after the effective date of this amendatory Act of the 103rd General Assembly.

(c) The State Board of Elections shall provide administrative and technical support to the Task Force and be responsible for administering its operations and ensuring that the requirements of the Task Force are met. The Executive Director of the State Board of Elections shall appoint a cochairperson for the Task Force and the President of the Senate and the Speaker of the House of Representatives shall jointly appoint a cochairperson for the Task Force.

(d) The Task Force shall meet at least 4 times with the first meeting occurring within 60 days after the effective date of this amendatory Act of the 103rd General Assembly. The Executive Director of the State Board of Elections shall designate the day, time, and place for each meeting of the Task Force.

(e) The Task Force shall review what conduct currently precludes an individual from holding public office in this State; the policy rationale for precluding an individual from holding public office based on certain criminal conduct; available research and best practices for restoring returning individuals to full citizenship; and the processes of restoration of eligibility to hold public office in this State. After this review, the Task Force shall make recommendations as to what criminal conduct shall preclude an individual from holding public office in this State.

(f) The Task Force shall produce a report detailing the Task Force's findings and recommendations and needed resources. The Task Force shall submit a report of its findings and recommendations to the General Assembly and the Governor by May 1, 2025.

(g) This Section is repealed on January 1, 2026.

Section 10. The Unified Code of Corrections is amended by changing Section 5-5-5 as follows:

(730 ILCS 5/5-5-5) (from Ch. 38, par. 1005-5-5)

Sec. 5-5-5. Loss and restoration of rights.

(a) Conviction and disposition shall not entail the loss by the defendant of any civil rights, except under this Section and Sections 29-6 and 29-10 of The Election Code, as now or hereafter amended.

(b) A person convicted of a felony shall be ineligible to hold an office created by the Constitution of this State until the completion of his sentence.

(b-5) Notwithstanding any other provision of law, a person convicted of a felony, bribery, perjury, or other infamous crime for an offense committed on or after the effective date of this amendatory Act of the 103rd General Assembly and committed while he or she was serving as a public official in this State is ineligible to hold any local public office or any office created by the Constitution of this State unless the person's conviction is reversed, the person is again restored to such rights by the terms of a pardon for the offense, the person has received a restoration of rights by the Governor, or the person's rights are otherwise restored by law.

(c) A person sentenced to imprisonment shall lose his right to vote until released from imprisonment.

(d) On completion of sentence of imprisonment or upon discharge from probation, conditional discharge or periodic imprisonment, or at any time thereafter, all license rights and privileges granted under the authority of this State which have been revoked or suspended because of conviction of an offense shall be restored unless the authority having jurisdiction of such license rights finds after investigation and hearing that restoration is not in the public interest. This paragraph (d) shall not apply to the suspension or revocation of a license to operate a motor vehicle under the Illinois Vehicle Code.

(e) Upon a person's discharge from incarceration or parole, or upon a person's discharge from probation or at any time thereafter, the committing court may enter an order certifying that the sentence has been satisfactorily completed when the court believes it would assist in the rehabilitation of the person and be consistent with the public welfare. Such

order may be entered upon the motion of the defendant or the State or upon the court's own motion.

(f) Upon entry of the order, the court shall issue to the person in whose favor the order has been entered a certificate stating that his behavior after conviction has warranted the issuance of the order.

(g) This Section shall not affect the right of a defendant to collaterally attack his conviction or to rely on it in bar of subsequent proceedings for the same offense.

(h) No application for any license specified in subsection (i) of this Section granted under the authority of this State shall be denied by reason of an eligible offender who has obtained a certificate of relief from disabilities, as defined in Article 5.5 of this Chapter, having been previously convicted of one or more criminal offenses, or by reason of a finding of lack of "good moral character" when the finding is based upon the fact that the applicant has previously been convicted of one or more criminal offenses, unless:

(1) there is a direct relationship between one or more of the previous criminal offenses and the specific license sought; or

(2) the issuance of the license would involve an unreasonable risk to property or to the safety or welfare of specific individuals or the general public.

In making such a determination, the licensing agency shall consider the following factors:

(1) the public policy of this State, as expressed in Article 5.5 of this Chapter, to encourage the licensure and employment of persons previously convicted of one or more criminal offenses;

(2) the specific duties and responsibilities necessarily related to the license being sought;

(3) the bearing, if any, the criminal offenses or offenses for which the person was previously convicted will have on his or her fitness or ability to perform one or more such duties and responsibilities;

(4) the time which has elapsed since the occurrence of the criminal offense or offenses;

(5) the age of the person at the time of occurrence of the criminal offense or offenses;

(6) the seriousness of the offense or offenses;

(7) any information produced by the person or produced on his or her behalf in regard to his or her rehabilitation and good conduct, including a certificate of relief from disabilities issued to the applicant, which certificate shall create a presumption of rehabilitation in regard to the offense or offenses specified in the certificate; and

(8) the legitimate interest of the licensing agency in protecting property, and the safety and welfare of specific individuals or the general public.

(i) A certificate of relief from disabilities shall be issued only for a license or certification issued under the following Acts:

(1) the Animal Welfare Act; except that a certificate of relief from disabilities may not be granted to provide for the issuance or restoration of a license under the Animal Welfare Act for any person convicted of violating Section 3, 3.01, 3.02, 3.03, 3.03-1, or 4.01 of the Humane Care for Animals Act or Section 26-5 or 48-1 of the Criminal Code of 1961 or the Criminal Code of 2012;

(2) the Illinois Athletic Trainers Practice Act;

(3) the Barber, Cosmetology, Esthetics, Hair Braiding, and Nail Technology Act of 1985;

(4) the Boiler and Pressure Vessel Repairer Regulation Act;
 (5) the Boxing and Full-contact Martial Arts Act;
 (6) the Illinois Certified Shorthand Reporters Act of 1984;
 (7) the Illinois Farm Labor Contractor Certification Act;
 (8) the Registered Interior Designers Act;
 (9) the Illinois Professional Land Surveyor Act of 1989;
 (10) the Landscape Architecture Registration Act;
 (11) the Marriage and Family Therapy Licensing Act;
 (12) the Private Employment Agency Act;
 (13) the Professional Counselor and Clinical Professional Counselor Licensing and Practice Act;
 (14) the Real Estate License Act of 2000;
 (15) the Illinois Roofing Industry Licensing Act;
 (16) the Professional Engineering Practice Act of 1989;
 (17) the Water Well and Pump Installation Contractor's License Act;
 (18) the Electrologist Licensing Act;
 (19) the Auction License Act;
 (20) the Illinois Architecture Practice Act of 1989;
 (21) the Dietitian Nutritionist Practice Act;
 (22) the Environmental Health Practitioner Licensing Act;
 (23) the Funeral Directors and Embalmers Licensing Code;
 (24) (blank);
 (25) the Professional Geologist Licensing Act;
 (26) the Illinois Public Accounting Act; and
 (27) the Structural Engineering Practice Act of 1989.
 (Source: P.A. 102-284, eff. 8-6-21.)

Section 90. The General Assembly finds that the Office of the Secretary of State filed the rules necessary to implement Public Act 102-160 on June 5, 2023. This Act amends Public Act 102-160 in accordance with that finding.

Section 91. "An Act concerning government", approved July 23, 2021, Public Act 102-160, is amended by changing Section 99 as follows:

(P.A. 102-160, Sec. 99)

Sec. 99. Effective date. This Act takes effect on June 5, 2023 (the date of the filing of the later of: (1) January 1, 2022; or (2) 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), and upon the filing of the notice, the Index Department shall provide a copy of the notice to the Legislative Reference Bureau; except that, the changes to Sections 1-106, 2-103, and 2-106 of the Illinois Notary Public Act take effect July 1, 2022.
 (Source: P.A. 102-160.)

Section 95. No acceleration or delay. Except for the changes to Section 99 of Public Act 102-160, where this Act makes changes in a statute that is represented in this Act by text that is not yet or no longer in effect (for example, a Section represented by multiple versions), the use of that text does not accelerate or delay the taking effect of (i) the

changes made by this Act or (ii) provisions derived from any other Public Act.

Section 99. Effective date. This Act takes effect upon becoming law.