**Section 176.860 Electronic Notarial Acts**

a) An electronic notary public may perform an electronic notarial act using audio-video communication only if the electronic notary public and the principal agree to the performance of the electronic notarial act using audio-video communication at the outset of the electronic notarization and before the identity of the principal has been confirmed.

b) Before performing an electronic notarial act using audio-video communication, an electronic notary public must confirm that the electronic document that is the subject of the electronic notarial act is the same document on which the principal made a statement or executed a signature and the identity of the principal. The identity of the principal shall be confirmed by:

1) Personal knowledge;

2) The oath of a credible witness who personally knows the principal and the notary public; or

3) Each of the following:

A) Remote presentation by the principal of a government-issued identification credential that contains a photograph and the signature of the principal;

B) Credential analysis of the government-issued credential and the data on the credential that complies with 5 ILCS 312/6A-103; and

C) A dynamic knowledge-based authentication assessment that complies with 5 ILCS 312/6A-103 or identity proofing under 5 ILCS 312/6A-103.

c) If an electronic notary public cannot determine that a credential presented by a principal is a valid identification of the principal or cannot match the physical features of the principal with the credential presented by the principal, the electronic notary public must not take any further action to complete an electronic notarial act by using that credential.

d) An electronic notary public who is performing an electronic notarial act using audio-video communication must restart from the beginning, including, without limitation, confirming the identity of the principal, if, at any time during the performance of the electronic notarial act:

1) The principal or the electronic notary public exits the session;

2) The audio-video communication link is broken; or

3) The electronic notary public believes that the process of completing the electronic notarization has been compromised and cannot be completed because of the resolution or quality of the audio or video transmission, or both.

e) An electronic notarial act will have the same force and effect as a notarial act performed in the physical presence of a notary public.

(Source: Added at 47 Ill. Reg. 8640, effective June 5, 2023)