**Section 176.710 Remote Notarial Acts − Recording**

a) A notary public in the State of Illinois may perform a remote notarial act for remotely located principals under 5 ILCS 312/6-102.5

b) A remotely located principal may comply with the requirement to appear personally before a remote notary public by appearing remotely before the remote notary public using audio-video technology.

c) A remote notary public has satisfactory evidence of the identity of a remotely located principal if the remote notary public has personal knowledge of the identity of the remotely located principal or if the remote notary public has satisfactory evidence of the identity of the remotely located principal by oath or affirmation of a credible witness.

1) Personal Knowledge. A remote notary public has personal knowledge of the identity of the remotely located principal appearing before the remote notary public if the remotely located principal is personally known to the remote notary public through dealings sufficient to provide reasonable certainty that the remotely located principal has the identity claimed.

2) Credible Witness. To be a credible witness under Section 6-102.5(a)(3) of the Act, the witness shall have personal knowledge of the remotely located principal who has made a statement in or executed a signature on the record that is the subject of the remote notarial act. The remote notary public must have personal knowledge of the credible witness or shall have verified the identity of the credible witness. A credible witness may be a remotely located principal if the remote notary public, credible witness, and remotely located principal whose statement or signature is the subject of the notarial act can communicate by using audio-video technology.

3) Identity Verification. Remote presentation by a remotely located principal of a government-issued identification credential that contains a photograph and the signature of the remotely located principal and otherwise conforms to the requirements of 5 ILCS 312/6-102.5(a)(3).

d) The recording of a remote notarial act performed using audio-video communication, as required by this Part, must be made available upon request to the following persons or entities:

1) To the remotely located principal for whom the remote notarial act was performed;

2) To the Secretary of State;

3) To a law enforcement or federal, state, or local governmental agency in the course of an enforcement action or the performance of any lawful duty;

4) Pursuant to a court order or subpoena;

5) To the remote notary public who performed the remote notarial act;

6) To the employer of the remote notary public to ensure compliance with this Part or the Act; or

7) To any other person who is authorized to obtain the recording by the remotely located principal to the remote notarial act.

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