

**SENATE BILL No. 106**

By Committee on Judiciary

1-28

1 AN ACT enacting the revised uniform law on notarial acts; repealing the  
2 uniform law on notarial acts; amending K.S.A. 16-1611, 58-2209 and  
3 58-2211 and K.S.A. 2020 Supp. 25-3602, 25-3902, 25-3902a, 25-3904,  
4 25-3904a, 49-512, 58-652 and 58-4403 and repealing the existing  
5 sections; also repealing K.S.A. 53-101, 53-102, 53-103, 53-104, 53-  
6 105, 53-105a, 53-106, 53-107, 53-109, 53-113, 53-114, 53-115, 53-116,  
7 53-117, 53-119, 53-120, 53-501, 53-502, 53-503, 53-504, 53-505, 53-  
8 506, 53-507, 53-508, 53-510 and 53-511 and K.S.A. 2020 Supp. 53-  
9 118, 53-121 and 53-509.

10  
11 *Be it enacted by the Legislature of the State of Kansas:*

12 New Section 1. (a) Sections 1 through 31, and amendments thereto,  
13 shall be known and may be cited as the revised uniform law on notarial  
14 acts.

15 (b) This section shall take effect on and after January 1, ~~2023~~ {2022}.

16 New Sec. 2. As used in the revised uniform law on notarial acts:

17 (a) "Acknowledgment" means a declaration by an individual before a  
18 notarial officer that the individual has signed a record for the purpose  
19 stated in the record and, if the record is signed in a representative capacity,  
20 that the individual signed the record with proper authority and signed it as  
21 the act of the individual or entity identified in the record.

22 (b) "Electronic" means relating to technology having electrical,  
23 digital, magnetic, wireless, optical, electromagnetic or similar capabilities.

24 (c) "Electronic signature" means an electronic symbol, sound or  
25 process attached to or logically associated with a record and executed or  
26 adopted by an individual with the intent to sign the record.

27 (d) "In a representative capacity" means acting as:

28 (1) An authorized officer, agent, partner, trustee or other  
29 representative for a person other than an individual;

30 (2) a public officer, personal representative, guardian or other  
31 representative, in the capacity stated in a record;

32 (3) an agent or attorney-in-fact for a principal; or

33 (4) an authorized representative of another in any other capacity.

34 (e) "Notarial act" means an act, whether performed with respect to a  
35 tangible or electronic record, that a notarial officer may perform under the  
36 law of this state. "Notarial act" includes taking an acknowledgment,

1 administering an oath or affirmation, taking a verification on oath or  
2 affirmation, witnessing or attesting a signature, certifying or attesting a  
3 copy and noting a protest of a negotiable instrument.

4 (f) "Notarial officer" means a notary public or other individual  
5 authorized to perform a notarial act.

6 (g) "Notary public" means an individual commissioned to perform a  
7 notarial act by the secretary of state.

8 (h) "Official stamp" means a physical image affixed to or embossed  
9 on a tangible record or an electronic image attached to or logically  
10 associated with an electronic record, including an official notary seal.

11 (i) "Person" means an individual, corporation, business trust,  
12 statutory trust, estate, trust, partnership, limited liability company,  
13 association, joint venture, public corporation, government or governmental  
14 subdivision, agency or instrumentality or any other legal or commercial  
15 entity.

16 (j) "Record" means information that is inscribed on a tangible  
17 medium or that is stored in an electronic or other medium and is  
18 retrievable in perceivable form.

19 (k) "Sign" means, with present intent to authenticate or adopt a  
20 record, to:

21 (1) Execute or adopt a tangible symbol; or

22 (2) attach to or logically associate with the record an electronic  
23 symbol, sound or process.

24 (l) "Signature" means a tangible symbol or an electronic signature  
25 that evidences the signing of a record.

26 (m) "Stamping device" means:

27 (1) A physical device capable of affixing to or embossing on a  
28 tangible record an official stamp; or

29 (2) an electronic device or process capable of attaching to or logically  
30 associating with an electronic record an official stamp.

31 (n) "State" means a state of the United States, the District of  
32 Columbia, Puerto Rico, the United States Virgin Islands or any territory or  
33 insular possession subject to the jurisdiction of the United States.

34 (o) "Verification on oath or affirmation" means a declaration, made  
35 by an individual on oath or affirmation before a notarial officer, that a  
36 statement in a record is true.

37 (p) This section shall take effect on and after January 1, ~~2023~~ {2022}.

38 New Sec. 3. (a) This act applies to a notarial act performed on or after  
39 January 1, ~~2023~~ {2022}.

40 (b) This section shall take effect on and after January 1, ~~2023~~ {2022}.

41 New Sec. 4. (a) A notarial officer may perform the following notarial  
42 acts:

43 (1) Taking an acknowledgment;

- 1 (2) administering an oath or affirmation;
- 2 (3) taking a verification upon oath or affirmation;
- 3 (4) witnessing or attesting a signature;
- 4 (5) certifying or attesting a copy;
- 5 (6) noting a protest of a negotiable instrument; and
- 6 (7) performing a notarial act authorized by the law of this state.

7 (b) A notarial officer may certify that a tangible copy of an electronic  
8 record is an accurate copy of the electronic record.

9 (c) This section shall take effect on and after January 1, ~~2023~~ {2022}.

10 New Sec. 5. (a) A notarial officer who takes an acknowledgment of a  
11 record shall determine, from personal knowledge or satisfactory evidence  
12 of the identity of the individual, that the individual appearing before the  
13 officer and making the acknowledgment has the identity claimed and that  
14 the signature on the record is the signature of the individual.

15 (b) A notarial officer who takes a verification of a statement on oath  
16 or affirmation shall determine, from personal knowledge or satisfactory  
17 evidence of the identity of the individual, that the individual appearing  
18 before the officer and making the verification has the identity claimed and  
19 that the signature on the statement verified is the signature of the  
20 individual.

21 (c) A notarial officer who witnesses or attests to a signature shall  
22 determine, from personal knowledge or satisfactory evidence of the  
23 identity of the individual, that the individual appearing before the officer  
24 and signing the record has the identity claimed.

25 (d) A notarial officer who certifies or attests a copy of a record or an  
26 item that was copied shall determine that the copy is a full, true and  
27 accurate transcription or reproduction of the record or item.

28 (e) A notarial officer who makes or notes a protest of a negotiable  
29 instrument shall determine the matters provided in K.S.A. 84-3-505(b),  
30 and amendments thereto.

31 (f) This section shall take effect on and after January 1, ~~2023~~ {2022}.

32 New Sec. 6. (a) If a notarial act relates to a statement made in or a  
33 signature executed on a record, the individual making the statement or  
34 executing the signature shall appear personally before the notarial officer.

35 (b) This section shall take effect on and after January 1, ~~2023~~ {2022}.

36 New Sec. 7. (a) A notarial officer has personal knowledge of the  
37 identity of an individual appearing before the officer if the individual is  
38 personally known to the officer through dealings sufficient to provide  
39 reasonable certainty that the individual has the identity claimed.

40 (b) A notarial officer has satisfactory evidence of the identity of an  
41 individual appearing before the officer if the officer can identify the  
42 individual:

43 (1) By means of:

1 (A) A passport, driver's license or government-issued nondriver  
2 identification card that is current or expired not more than three years  
3 before performance of the notarial act; or

4 (B) another form of government identification issued to an individual  
5 that is current or expired not more than three years before performance of  
6 the notarial act, contains the signature and a photograph of the individual  
7 and is satisfactory to the officer; or

8 (2) by a verification on oath or affirmation of a credible witness  
9 personally appearing before the officer and known to the officer or whom  
10 the officer can identify on the basis of a passport, driver's license or  
11 government-issued nondriver identification card that is current or expired  
12 not more than three years before performance of the notarial act.

13 (c) A notarial officer may require an individual to provide additional  
14 information or identification credentials necessary to assure the officer of  
15 the identity of the individual.

16 (d) This section shall take effect on and after January 1, ~~2023~~ {2022}.

17 New Sec. 8. (a) A notarial officer may refuse to perform a notarial act  
18 if the officer is not satisfied that the:

19 (1) Individual executing the record is competent or has the capacity to  
20 execute the record; or

21 (2) individual's signature is knowingly and voluntarily made.

22 (b) A notarial officer may refuse to perform a notarial act unless  
23 refusal is prohibited by the law of this state or by federal law.

24 (c) This section shall take effect on and after January 1, ~~2023~~ {2022}.

25 New Sec. 9. (a) If an individual is physically unable to sign a record,  
26 the individual may direct an individual other than the notarial officer to  
27 sign the individual's name on the record. The notarial officer shall insert:

28 "Signature affixed by (name other than the individual) at the direction  
29 of (name of individual)" or similar words.

30 (b) This section shall take effect on and after January 1, ~~2023~~ {2022}.

31 New Sec. 10. (a) A notarial act may be performed in this state by:

32 (1) A notary public of this state;

33 (2) a judge, clerk or deputy clerk of any court of this state;

34 (3) a county clerk or deputy county clerk;

35 (4) an election commissioner or assistant election commissioner; or

36 (5) any other person authorized to perform the specific act by the law  
37 of this state.

38 (b) The signature and title of an individual performing a notarial act  
39 in this state are prima facie evidence that the signature is genuine and that  
40 the individual holds the designated title.

41 (c) The signature and title of a notarial officer described in subsection  
42 (a)(1), (a)(2), (a)(3) or (a)(4) conclusively establish the authority of the  
43 officer to perform the notarial act.

1 (d) This section shall take effect on and after January 1, ~~2023~~ {2022}.

2 New Sec. 11. (a) A notarial act performed in another state has the  
3 same effect under the law of this state as if performed by a notarial officer  
4 of this state if the act performed in that state is performed by:

5 (1) A notary public of that state;

6 (2) a judge, clerk or deputy clerk of a court of that state; or

7 (3) any other individual authorized by the laws of that state to  
8 perform the notarial act.

9 (b) The signature and title of an individual performing a notarial act  
10 in another state are prima facie evidence that the signature is genuine and  
11 that the individual holds the designated title.

12 (c) The signature and title of a notarial officer described in subsection  
13 (a)(1) or (a)(2) conclusively establish the authority of the officer to  
14 perform the notarial act.

15 (d) This section shall take effect on and after January 1, ~~2023~~ {2022}.

16 New Sec. 12. (a) A notarial act performed under the authority and in  
17 the jurisdiction of a federally recognized Indian tribe has the same effect  
18 under the law of this state as if performed by a notarial officer of this state,  
19 if the act performed in the jurisdiction of the tribe is performed by:

20 (1) A notary public of the tribe;

21 (2) a judge, clerk or deputy clerk of a court of the tribe; or

22 (3) any other individual authorized by the law of the tribe to perform  
23 the notarial act.

24 (b) The signature and title of an individual performing a notarial act  
25 under the authority of and in the jurisdiction of a federally recognized  
26 Indian tribe are prima facie evidence that the signature is genuine and that  
27 the individual holds the designated title.

28 (c) The signature and title of a notarial officer described in subsection  
29 (a)(1) or (a)(2) conclusively establish the authority of the officer to  
30 perform the notarial act.

31 (d) This section shall take effect on and after January 1, ~~2023~~ {2022}.

32 New Sec. 13. (a) A notarial act performed under federal law has the  
33 same effect under the law of this state as if performed by a notarial officer  
34 of this state, if the act performed under federal law is performed by:

35 (1) A judge, clerk or deputy clerk of a court;

36 (2) an individual in military service or performing duties under the  
37 authority of military service who is authorized to perform notarial acts  
38 under federal law;

39 (3) an individual designated a notarizing officer by the United States  
40 department of state for performing notarial acts overseas; or

41 (4) any other individual authorized by federal law to perform the  
42 notarial act.

43 (b) The signature and title of an individual acting under federal

1 authority and performing a notarial act are prima facie evidence that the  
2 signature is genuine and that the individual holds the designated title.

3 (c) The signature and title of an officer described in subsection (a)(1),  
4 (a)(2) or (a)(3) conclusively establish the authority of the officer to  
5 perform the notarial act.

6 (d) This section shall take effect on and after January 1, ~~2023~~ {2022}.

7 New Sec. 14. (a) If a notarial act is performed under authority and in  
8 the jurisdiction of a foreign state or constituent unit of the foreign state or  
9 is performed under the authority of a multinational or international  
10 governmental organization, the act has the same effect under the law of  
11 this state as if performed by a notarial officer of this state.

12 (b) If the title of office and indication of authority to perform notarial  
13 acts in a foreign state appears in a digest of foreign law or in a list  
14 customarily used as a source for that information, the authority of an  
15 officer with that title to perform notarial acts is conclusively established.

16 (c) The signature and official stamp of an individual holding an office  
17 described in subsection (b) are prima facie evidence that the signature is  
18 genuine and the individual holds the designated title.

19 (d) An apostille in the form prescribed by the hague convention of  
20 October 5, 1961, and issued by a foreign state party to the convention  
21 conclusively establishes that the signature of the notarial officer is genuine  
22 and that the officer holds the indicated office.

23 (e) A consular authentication issued by an individual designated by  
24 the United States department of state as a notarizing officer for performing  
25 notarial acts overseas and attached to the record with respect to which the  
26 notarial act is performed conclusively establishes that the signature of the  
27 notarial officer is genuine and that the officer holds the indicated office.

28 (f) As used in this section, "foreign state" means a government other  
29 than the United States, a state or a federally recognized Indian tribe.

30 (g) This section shall take effect on and after January 1, ~~2023~~ {2022}.

31 New Sec. 15. (a) A remotely located individual may comply with  
32 section 6, and amendments thereto, by using communication technology to  
33 appear before a notary public.

34 (b) A notary public located in this state may perform a notarial act  
35 using communication technology for a remotely located individual if:

36 (1) The notary public:

37 (A) Has personal knowledge under section 7(a), and amendments  
38 thereto, of the identity of the individual;

39 (B) has satisfactory evidence of the identity of the remotely located  
40 individual by oath or affirmation from a credible witness appearing before  
41 the notary public under this section or section 7(b), and amendments  
42 thereto; or

43 (C) has obtained satisfactory evidence of the identity of the remotely

1 located individual by using at least two different types of identity proofing;  
2 (2) the notary public is able reasonably to confirm that a record  
3 before the notary public is the same record in which the remotely located  
4 individual made a statement or on which the individual executed a  
5 signature;

6 (3) the notary public, or a person acting on behalf of the notary  
7 public, creates an audio-visual recording of the performance of the notarial  
8 act; and

9 (4) for a remotely located individual located outside the United  
10 States:

11 (A) The record:

12 (i) Is to be filed with or relates to a matter before a public official or  
13 court, governmental entity or other entity subject to the jurisdiction of the  
14 United States; or

15 (ii) involves property located in the territorial jurisdiction of the  
16 United States or involves a transaction substantially connected with the  
17 United States; and

18 (B) the act of making the statement or signing the record is not  
19 prohibited by the foreign state in which the remotely located individual is  
20 located.

21 (c) If a notarial act is performed under this section, the certificate of  
22 notarial act required by section 16, and amendments thereto, and the short-  
23 form certificate provided in section 17, and amendments thereto, shall  
24 indicate that the notarial act was performed using communication  
25 technology.

26 (d) A short-form certificate provided in section 17, and amendments  
27 thereto, for a notarial act subject to this section is sufficient if it:

28 (1) Complies with rules and regulations adopted pursuant to section  
29 27, and amendments thereto; or

30 (2) is in the form provided in section 17, and amendments thereto,  
31 and contains a statement substantially as follows: "This notarial act  
32 involved the use of communication technology."

33 (e) A notary public, a guardian, conservator or agent of a notary  
34 public or a personal representative of a deceased notary public, shall retain  
35 the audio-visual recording created under subsection (b)(3) or cause the  
36 recording to be retained by a repository designated by or on behalf of the  
37 person required to retain the recording. Unless a different period is  
38 required by rules and regulations adopted pursuant to section 27, and  
39 amendments thereto, the recording shall be retained for a period of at least  
40 10 years after the recording is made.

41 (f) Before a notary public performs the notary public's initial notarial  
42 act under this section, the notary public shall notify the secretary of state  
43 that the notary public will be performing notarial acts with respect to

1 remotely located individuals, identify the technologies the notary public  
2 intends to use and provide evidence of completion of the course of study  
3 and passing of the examination required by section 23, and amendments  
4 thereto. If the secretary of state has established standards in rules and  
5 regulations adopted pursuant to section 27, and amendments thereto, for  
6 approval of communication technology or identity proofing, the  
7 communication technology and identity proofing shall conform to the  
8 standards. A notary public notifying the secretary of state under this  
9 section shall pay an information and services fee in an amount to be  
10 determined by the secretary of state but not to exceed \$25. The secretary of  
11 state shall remit all moneys received under this section to the state  
12 treasurer in accordance with the provisions of K.S.A. 75-4215, and  
13 amendments thereto. Upon receipt of each such remittance, the state  
14 treasurer shall deposit the entire amount in the state treasury to the credit  
15 of the information and services fee fund.

16 (g) As used in this section:

17 (1) "Communication technology" means an electronic device or  
18 process that:

19 (A) Allows a notary public and a remotely located individual to  
20 communicate with each other simultaneously by sight and sound; and

21 (B) when necessary and consistent with other applicable law,  
22 facilitates communication with a remotely located individual who has a  
23 vision, hearing or speech impairment.

24 (2) "Foreign state" means a jurisdiction other than the United States, a  
25 state or a federally recognized Indian tribe.

26 (3) "Identity proofing" means a process or service by which a third  
27 person provides a notary public with a means to verify the identity of a  
28 remotely located individual by a review of personal information from  
29 public or private data sources.

30 (4) "Outside the United States" means a location outside the  
31 geographic boundaries of the United States, Puerto Rico, the United States  
32 Virgin Islands, and any territory, insular possession or other location  
33 subject to the jurisdiction of the United States.

34 (5) "Remotely located individual" means an individual who is not in  
35 the physical presence of the notary public who performs a notarial act  
36 under subsection (b).

37 (h) This section shall take effect on and after January 1, ~~2023~~ {2022}.

38 New Sec. 16. (a) A notarial act shall be evidenced by a certificate that  
39 shall:

40 (1) Be executed contemporaneously with the performance of the  
41 notarial act;

42 (2) be signed and dated by the notarial officer and, if the notarial  
43 officer is a notary public, be signed in the same manner as on file with the



1 secretary of state;

2 (3) identify the jurisdiction in which the notarial act is performed;

3 (4) contain the title of office of the notarial officer; and

4 (5) if the notarial officer is a notary public, indicate the date of  
5 expiration, if any, of the officer's commission.

6 (b) If a notarial act regarding a tangible record is performed by a  
7 notary public, an official stamp shall be affixed to or embossed on the  
8 certificate. If a notarial act is performed regarding a tangible record by a  
9 notarial officer other than a notary public and the certificate contains the  
10 information specified in subsections (a)(2), (a)(3) and (a)(4), an official  
11 stamp may be affixed to or embossed on the certificate. If a notarial act  
12 regarding an electronic record is performed by a notarial officer and the  
13 certificate contains the information specified in subsections (a)(2), (a)(3),  
14 (a)(4) and (a)(5), an official stamp may be attached to or logically  
15 associated with the certificate.

16 (c) A certificate of a notarial act is sufficient if it meets the  
17 requirements of subsections (a) and (b) and:

18 (1) Is in a short form set forth in section 17, and amendments thereto;

19 (2) is in a form otherwise permitted by the law of this state;

20 (3) is in a form permitted by the law applicable in the jurisdiction in  
21 which the notarial act was performed; or

22 (4) sets forth the actions of the notarial officer and the actions are  
23 sufficient to meet the requirements of the notarial act as provided in  
24 sections 5, 6 and 7, and amendments thereto, or the law of this state.

25 (d) By executing a certificate of a notarial act, a notarial officer  
26 certifies that the officer has complied with the requirements and made the  
27 determinations specified in sections 4, 5 and 6, and amendments thereto.

28 (e) A notarial officer shall not affix the officer's signature to, or  
29 logically associate it with, a certificate until the notarial act has been  
30 performed.

31 (f) If a notarial act is performed regarding a tangible record, a  
32 certificate shall be part of, or securely attached to, the record. If a notarial  
33 act is performed regarding an electronic record, the certificate shall be  
34 affixed to, or logically associated with, the electronic record. If the  
35 secretary of state has established standards in rules and regulations  
36 adopted pursuant to section 27, and amendments thereto, for attaching,  
37 affixing or logically associating the certificate, the process shall conform  
38 to the standards.

39 (g) If a notary public willfully neglects or refuses to attach to a  
40 notarial certificate the date of expiration of the notary public's commission,  
41 as provided in subsection (a)(5), then the notary public is guilty of a class  
42 C nonperson misdemeanor.

43 (h) This section shall take effect on and after January 1, ~~2023~~ {2022}.

1 New Sec. 17. The secretary of state shall adopt rules and regulations  
2 providing short-form certificates of notarial acts that are sufficient for the  
3 purposes indicated if completed with the information required by law.

4 New Sec. 18. (a) The official stamp of a notary public shall include  
5 the notary public's name exactly as it appears on the application for  
6 commission as a notary public, the words "notary public" and "State of  
7 Kansas", and other information required by the secretary of state, and be  
8 capable of being copied together with the record to which it is affixed or  
9 attached or with which it is logically associated. No notary public shall use  
10 such stamp unless an impression thereof has been filed in the office of the  
11 secretary of state.

12 (b) This section shall take effect on and after January 1, ~~2023~~ {2022}.

13 New Sec. 19. (a) A notary public is responsible for the security of the  
14 notary public's stamping device and shall not allow another individual to  
15 use the device to perform a notarial act. On resignation from, or the  
16 revocation or expiration of, the notary public's commission, or on the  
17 expiration of the date set forth in the stamping device, if any, the notary  
18 public shall disable the stamping device by destroying, defacing,  
19 damaging, erasing or securing it against use in a manner that renders it  
20 unusable. On the death or adjudication of incompetency of a notary public,  
21 the notary public's personal representative or guardian or any other person  
22 knowingly in possession of the stamping device shall render it unusable by  
23 destroying, defacing, damaging, erasing or securing it against use in a  
24 manner that renders it unusable.

25 (b) If a notary public's stamping device is lost or stolen, the notary  
26 public or the notary public's personal representative or guardian shall  
27 promptly notify the secretary of state on discovering that the device is lost  
28 or stolen.

29 (c) This section shall take effect on and after January 1, ~~2023~~ {2022}.

30 New Sec. 20. (a) A notary public shall maintain a journal in which the  
31 notary public chronicles all notarial acts that the notary public performs.  
32 The notary public shall retain the journal for 10 years after the  
33 performance of the last notarial act chronicled in the journal.

34 (b) A journal shall be created on a tangible medium or in an  
35 electronic format. A notary public shall maintain only one journal in a  
36 tangible medium or one or more journals in an electronic format to  
37 chronicle all notarial acts performed regarding electronic records. If the  
38 journal is maintained on a tangible medium, it shall be a permanent, bound  
39 register with numbered pages. If the journal is maintained in an electronic  
40 format, it shall be in a permanent, tamper-evident electronic format  
41 complying with the rules and regulations of the secretary of state.

42 (c) An entry in a journal shall be made contemporaneously with  
43 performance of the notarial act and contain the following information:

- 1 (1) The date and time of the notarial act;
- 2 (2) a description of the record, if any, and type of notarial act;
- 3 (3) the full name and address of each individual for whom the notarial
- 4 act is performed;
- 5 (4) if identity of the individual is based on personal knowledge, a
- 6 statement to that effect;
- 7 (5) if identity of the individual is based on satisfactory evidence, a
- 8 brief description of the method of identification and the identification
- 9 credential presented, if any, including the date of issuance and expiration
- 10 of any identification credential; and
- 11 (6) the fee, if any, charged by the notary public.
- 12 (d) If a notary public's journal is lost or stolen, the notary public shall
- 13 promptly notify the secretary of state on discovering that the journal is lost
- 14 or stolen.
- 15 (e) On resignation from, or the revocation or suspension of, a notary
- 16 public's commission, the notary public shall retain the notary public's
- 17 journal in accordance with subsection (a) and inform the secretary of state
- 18 where the journal is located.
- 19 (f) Instead of retaining a journal as provided in subsections (a) and
- 20 (e), a current or former notary public may transmit the journal to a
- 21 repository approved by the secretary of state.
- 22 (g) On the death or adjudication of incompetency of a current or
- 23 former notary public, the notary public's personal representative or
- 24 guardian or any other person knowingly in possession of the journal shall:
- 25 (1) Retain the notary public's journal in accordance with subsection
- 26 (a) or transmit the journal to a repository approved by the secretary of
- 27 state; and
- 28 (2) inform the secretary of state where the journal is located.
- 29 (h) This section shall take effect on and after January 1, ~~2023~~ {2022}.
- 30 New Sec. 21. (a) A notary public may select one or more tamper-
- 31 evident technologies to perform notarial acts with respect to electronic
- 32 records. A person shall not require a notary public to perform a notarial act
- 33 with respect to an electronic record with a technology that the notary
- 34 public has not selected.
- 35 (b) Before a notary public performs the notary public's initial notarial
- 36 act with respect to an electronic record, a notary public shall notify the
- 37 secretary of state that the notary public will be performing notarial acts
- 38 with respect to electronic records, identify the technology the notary public
- 39 intends to use and provide evidence of completion of the course of study
- 40 and passing of the examination required by section 23, and amendments
- 41 thereto. If the secretary of state has established standards in rules and
- 42 regulations for approval of technology pursuant to section 27, and
- 43 amendments thereto, the technology shall conform to such standards. If the

1 technology conforms to the standards, the secretary of state shall approve  
2 the use of the technology. A notary public notifying the secretary of state  
3 pursuant to this section shall pay an information and services fee in an  
4 amount determined by the secretary of state adopted in rules and  
5 regulations, not to exceed \$25. The secretary of state shall remit all  
6 moneys received under this section to the state treasurer in accordance  
7 with the provisions of K.S.A. 75-4215, and amendments thereto. Upon  
8 receipt of each such remittance, the state treasurer shall deposit the entire  
9 amount in the state treasury to the credit of the information and services  
10 fee fund.

11 (c) A register of deeds may accept for recording a tangible copy of an  
12 electronic record containing a notarial certificate as satisfying any  
13 requirement that a record accepted for recording be an original, if the  
14 notarial officer executing the notarial certificate certifies that the tangible  
15 copy is an accurate copy of the electronic record.

16 (d) This section shall take effect on and after January 1, ~~2023~~ {2022}.

17 New Sec. 22. (a) An individual qualified under subsection (c) may  
18 apply to the secretary of state for a commission as a notary public. The  
19 applicant shall file with the secretary of state an application for  
20 appointment as a notary public that includes:

21 (1) An oath of office;

22 (2) an assurance in the form of a surety bond or its functional  
23 equivalent in the amount of \$12,000 that shall be issued by a surety or  
24 other entity licensed or authorized to do business in this state;

25 (3) evidence of completion of the course of study and passing of the  
26 examination required by section 23, and amendments thereto, if required;

27 (4) the official signature and an impression of the stamp to be used by  
28 the notary public; and

29 (5) an application fee in the amount of \$10.

30 (b) An application, oath of office and surety bond or its functional  
31 equivalent received pursuant to this section and a record of commission  
32 issued under this section shall be filed in the office of the secretary of state  
33 and properly indexed in that office. The secretary of state shall remit all  
34 moneys received under this section to the state treasurer in accordance  
35 with the provisions of K.S.A. 75-4215, and amendments thereto. Upon  
36 receipt of each such remittance, the state treasurer shall deposit the entire  
37 amount in the state treasury to the credit of the state general fund.

38 (c) An applicant for a commission as a notary public shall:

39 (1) Be at least 18 years of age;

40 (2) be a citizen of the United States;

41 (3) be a resident of this state or be a resident of a state bordering on  
42 this state and have a regular place of employment or practice in this state;

43 (4) be able to read and write the English language; and

1 (5) not be disqualified to receive a commission by section 24, and  
2 amendments thereto.

3 (d) The assurance required in subsection (a) shall cover acts  
4 performed during the term of the notary public's commission and shall be  
5 in the form prescribed by the secretary of state. If a notary public violates  
6 law with respect to notaries public in this state, the surety or issuing entity  
7 is liable under the assurance. No suit shall be instituted against a notary  
8 public or the surety or issuing entity under the notary public's assurance  
9 more than three years after the cause of action accrues. The surety or  
10 issuing entity shall give notice to the secretary of state 30 days before  
11 canceling the assurance. The surety or issuing entity shall no longer be  
12 liable on such assurance 30 days after receipt of such notice by the  
13 secretary of state. Whenever the secretary of state receives such notice of  
14 intent to cancel a notary public's assurance, the secretary of state shall  
15 notify the affected notary public that unless such notary public files  
16 another assurance satisfying the requirements of this subsection with the  
17 secretary of state on or before the cancellation date, then such notary  
18 public will no longer be authorized to perform notarial acts within this  
19 state. The surety or issuing entity shall notify the secretary of state not later  
20 than 30 days after making a payment to a claimant under the assurance or  
21 the denial of a claim under the assurance. A notary public may perform  
22 notarial acts in this state only during the period that a valid assurance is on  
23 file with the secretary of state.

24 (e) Any person injured by the failure of a notary public to faithfully  
25 perform any notarial act for which a bond or its functional equivalent is  
26 given under the laws of this state may sue in the person's own name in any  
27 court of competent jurisdiction to recover the damages the person may  
28 have sustained by such failure.

29 (f) The secretary of state shall issue a commission as a notary public  
30 to an applicant for a term of four years, unless sooner revoked under  
31 section 24, and amendments thereto, if such applicant complies with the  
32 provisions of this section.

33 (g) A commission to act as a notary public authorizes the notary  
34 public to perform notarial acts. The commission does not provide the  
35 notary public any immunity or benefit conferred by law of this state on  
36 public officials or employees. A notary public shall not be considered a  
37 state officer.

38 (h) If a notary public changes name by any legal action, such notary  
39 shall obtain a new official stamp that meets the requirements established  
40 by section 18, and amendments thereto, and the stamp shall contain the  
41 new name of the notary public. Prior to performing any acts as a notary  
42 public after such change, the notary shall mail or deliver to the secretary of  
43 state notice of the change of name and shall include a specimen of the new

1 stamp and a specimen of the notary's new official signature.

2 (i) If a notary public obtains a new stamp for any reason, the notary  
3 shall mail or deliver to the secretary of state notice of the change of stamp  
4 that shall include an impression of the new stamp.

5 (j) An individual may resign from the office of notary public by  
6 sending by mail or delivering to the secretary of state a notification of the  
7 individual's resignation or intent or desire to resign. The individual's  
8 commission as notary public shall terminate upon delivery of the  
9 notification.

10 (k) A notary public's commission may not be automatically renewed.  
11 A notary public who desires to renew a commission shall be qualified and  
12 apply for a new commission pursuant to this section.

13 (l) This section shall take effect on and after January 1, ~~2023~~ {2022}.

14 New Sec. 23. (a) Before a notary public performs the notary public's  
15 initial notarial act with respect to an electronic record, a notary public shall  
16 pass an examination administered by the secretary of state or an entity  
17 approved by the secretary of state. The examination shall be based on the  
18 course of study described in subsection (b).

19 (b) The secretary of state or an entity approved by the secretary of state  
20 shall offer regularly a course of study to notaries public in this state. The  
21 course shall cover the laws, rules, procedures and ethics relevant to  
22 notarial acts with respect to electronic records.

23 (c) This section shall take effect on and after January 1, ~~2023~~ {2022}.

24 New Sec. 24. (a) The secretary of state may deny, refuse to renew,  
25 revoke, suspend or impose a condition on a commission as notary public  
26 for any act or omission that demonstrates the individual lacks the honesty,  
27 integrity, competence or reliability to act as a notary public, including:

28 (1) Failure to comply with this act;

29 (2) a fraudulent, dishonest, deceitful, misstatement or omission in the  
30 application for a commission as a notary public submitted to the secretary  
31 of state;

32 (3) a conviction of the applicant or notary public of any felony or a  
33 crime involving fraud, dishonesty or deceit, including entering into a  
34 diversion agreement in lieu of further criminal proceedings for such crime;

35 (4) a finding against, or admission of liability by, the applicant or  
36 notary public in any legal proceeding or disciplinary action based on the  
37 applicant's or notary public's fraud, dishonesty or deceit;

38 (5) failure by the notary public to discharge any duty required of a  
39 notary public, whether by this act, rules and regulations of the secretary of  
40 state or any federal or state law;

41 (6) use of false or misleading advertising or representation by the  
42 notary public representing that the notary has a duty, right or privilege that  
43 the notary does not have;

1 (7) violation by the notary public of a rule and regulation of the  
2 secretary of state regarding a notary public;

3 (8) denial, refusal to renew, revocation, suspension or conditioning of  
4 a notary public commission in another state;

5 (9) failure of the notary public to maintain an assurance as provided  
6 in section 22(d), and amendments thereto;

7 (10) denial, revocation or suspension of a professional license, if such  
8 denial, revocation or suspension was for fraud, dishonesty, deceit or any  
9 cause substantially relating to the duties or responsibilities of a notary  
10 public;

11 (11) cessation of United States citizenship;

12 (12) incapacitation to such a degree that the person is incapable of  
13 reading or writing the English language;

14 (13) violation of section 25(b), (c) or (d), and amendments thereto; or

15 (14) violation of section 25(a), (e), (f), (g) or (h), and amendments  
16 thereto.

17 (b) An individual whose commission as a notary public has been  
18 revoked for a reason described in subsections (a)(1) through (a)(13) may  
19 not apply for a new commission until the expiration of four years from the  
20 date of such revocation. An individual whose commission as a notary  
21 public has been revoked for the reason described in subsection (a)(14) may  
22 not apply for or receive a new commission for such individual's lifetime.

23 (c) The authority of the secretary of state to deny, refuse to renew,  
24 suspend, revoke or impose conditions on a commission as a notary public  
25 does not prevent a person from seeking and obtaining other criminal or  
26 civil remedies provided by law.

27 (d) This section shall take effect on and after January 1, ~~2023~~ {2022}.

28 New Sec. 25. (a) A commission as a notary public does not authorize  
29 an individual to:

30 (1) Assist persons in drafting legal records, give legal advice or  
31 otherwise practice law;

32 (2) act as an immigration consultant or an expert on immigration  
33 matters;

34 (3) represent a person in a judicial or administrative proceeding  
35 relating to immigration to the United States, United States citizenship or  
36 related matters; or

37 (4) receive compensation for performing any of the activities listed in  
38 this subsection.

39 (b) A notary public may not perform a notarial act with respect to a  
40 record to which the officer or the officer's spouse is a party or in which  
41 either of them has a direct financial or beneficial interest. A notarial act  
42 performed in violation of this subsection is voidable.

43 (c) For purposes of subsection (b), a notarial officer has a direct

1 financial or beneficial interest in a transaction if the notarial officer:

2 (1) With respect to a financial transaction, is named in a record,  
3 individually, as a principal to the transaction; or

4 (2) with respect to a real property transaction, is named in a record,  
5 individually, as a grantor, grantee, mortgagor, mortgagee, trustor, trustee,  
6 beneficiary, vendor, vendee, lessor or lessee to the transaction.

7 (d) For purposes of subsection (b), a notarial officer has no direct  
8 financial or beneficial interest in a transaction when the notarial officer  
9 acts in the capacity of an agent, employee, insurer, attorney, escrow agent  
10 or lender for a person having a direct financial or beneficial interest in the  
11 transaction.

12 (e) A notary public shall not engage in false or deceptive advertising.

13 (f) A notary public, other than an attorney licensed to practice law in  
14 this state, may not use the term "notario" or "notario publico" or any  
15 equivalent non-English term in any business card, advertisement, notice or  
16 sign.

17 (g) A notary public, other than an attorney licensed to practice law in  
18 this state, shall not advertise or represent that the notary public may assist  
19 persons in drafting legal records, give legal advice or otherwise practice  
20 law. If a notary public who is not an attorney licensed to practice law in  
21 this state in any manner advertises or represents that the notary public  
22 offers notarial services, whether orally or in a record, including broadcast  
23 media, print media, and the internet, the notary public shall include the  
24 following statement, or an alternate statement authorized or required by  
25 the secretary of state, in the advertisement or representation, prominently  
26 and in each language used in the advertisement or representation and in  
27 each language in which notarial services are offered: "I am not an attorney  
28 licensed to practice law in this state. I am not allowed to draft legal  
29 records, give advice on legal matters, including immigration, or charge a  
30 fee for those activities." If the form of advertisement or representation is  
31 not broadcast media, print media or the internet and does not permit  
32 inclusion of the statement required by this subsection because of size, it  
33 shall be displayed prominently or provided at the place of performance of  
34 the notarial act before the notarial act is performed.

35 (h) Except as otherwise allowed by law, a notary public shall not  
36 withhold access to or possession of an original record provided by a  
37 person that seeks performance of a notarial act by the notary public.

38 (i) Violation of subsections (f) or (g) is a class B nonperson  
39 misdemeanor.

40 (j) Violation of subsections (e), (f) or (g) constitutes a deceptive act or  
41 practice pursuant to K.S.A. 50-626, and amendments thereto, and shall be  
42 subject to the remedies and penalties provided by the Kansas consumer  
43 protection act.



1 (k) This section shall take effect on and after January 1, ~~2023~~ {2022}.

2 New Sec. 26. (a) Except as otherwise provided in section 25(b), and  
3 amendments thereto, the failure of a notarial officer to perform a duty or  
4 meet a requirement specified in this act does not invalidate a notarial act  
5 performed by the notarial officer. The validity of a notarial act under this  
6 act does not prevent an aggrieved person from seeking to invalidate the  
7 record or transaction that is the subject of the notarial act or from seeking  
8 other remedies based on state or federal law. This section does not validate  
9 a purported notarial act performed by an individual who does not have the  
10 authority to perform notarial acts.

11 (b) This section shall take effect on and after January 1, ~~2023~~ {2022}.

12 New Sec. 27. (a) The secretary of state shall adopt rules and  
13 regulations to implement this act. Rules and regulations adopted regarding  
14 the performance of notarial acts with respect to electronic records shall not  
15 require, or accord greater legal status or effect to, the implementation or  
16 application of a specific technology or technical specification. The rules  
17 and regulations may include, but are not limited to:

18 (1) Prescribing the manner of performing notarial acts regarding  
19 tangible and electronic records;

20 (2) including provisions to ensure that any change to or tampering  
21 with a record bearing a certificate of a notarial act is self-evident;

22 (3) including provisions to ensure integrity in the creation,  
23 transmittal, storage or authentication of electronic records or signatures;

24 (4) prescribing the process of granting, renewing, conditioning,  
25 denying, suspending or revoking a notary public commission and assuring  
26 the trustworthiness of an individual holding a commission as notary  
27 public;

28 (5) including provisions to prevent fraud or mistake in the  
29 performance of notarial acts;

30 (6) establishing the process for approving and accepting surety bonds  
31 and other forms of assurance as allowed by law; and

32 (7) providing for the administration of the examination and the course  
33 of study required by law.

34 (b) The secretary of state shall adopt rules and regulations regarding  
35 notarial acts using communication technology for a remotely located  
36 individual including, but not limited to:

37 (1) Prescribing the means of performing a notarial act involving a  
38 remotely located individual using communication technology;

39 (2) establishing standards for communication technology and identity  
40 proofing;

41 (3) establishing requirements or procedures to approve providers of  
42 communication technology and the process of identity proofing; and

43 (4) establishing standards and a period for the retention of an audio-

1 visual recording created when performing a notarial act using  
2 communication technology for a remotely located individual.

3 (c) In adopting rules and regulations about notarial acts with respect  
4 to electronic records, the secretary of state shall consider, so far as is  
5 consistent with this act:

6 (1) The most recent standards regarding electronic records  
7 promulgated by national bodies, such as the national association of  
8 secretaries of state; and

9 (2) standards, practices and customs of other jurisdictions that  
10 substantially enact this act.

11 New Sec. 28. (a) A commission or appointment as a notary public in  
12 effect on January 1, ~~2023~~ {2022}, continues until its date of expiration. A  
13 notary public who applies to renew a commission as a notary public on or  
14 after January 1, ~~2023~~ {2022}, is subject to and shall comply with this act. A  
15 notary public, in performing notarial acts after January 1, ~~2023~~ {2022},  
16 shall comply with this act.

17 (b) This section shall take effect on and after January 1, ~~2023~~ {2022}.

18 New Sec. 29. (a) This act does not affect the validity or effect of a  
19 notarial act performed before January 1, ~~2023~~ {2022}.

20 (b) A cause of action that has accrued against a notary public or the  
21 notary public's securities before January 1, ~~2023~~ {2022}, are governed by  
22 any statute or other rule amended or repealed by this act as if amendment  
23 or repeal had not occurred.

24 (c) This section shall take effect on and after January 1, ~~2023~~ {2022}.

25 New Sec. 30. (a) In applying and construing this uniform act,  
26 consideration shall be given to the need to promote uniformity of the law  
27 with respect to its subject matter among states that enact it.

28 (b) This section shall take effect on and after January 1, ~~2023~~ {2022}.

29 New Sec. 31. (a) This act modifies, limits and supersedes the federal  
30 electronic signatures in global and national commerce act, 15 U.S.C. §  
31 7001 et seq., except that nothing in this act modifies, limits or supersedes §  
32 7001(c) of that act or authorizes electronic delivery of any of the notices  
33 described in § 7003(b) of that act.

34 (b) This section shall take effect on and after January 1, ~~2023~~ {2022}.

35 Sec. 32. On and after January 1, ~~2023~~ {2022}, K.S.A. 16-1611 is  
36 hereby amended to read as follows: 16-1611. ~~(a)~~—If a law requires a  
37 signature or record to be notarized, acknowledged, verified or made under  
38 oath, the requirement is satisfied if the electronic signature of the person  
39 authorized to perform those acts, together with all other information  
40 required to be included by other applicable law, is attached to or logically  
41 associated with the signature or record.

42 ~~(b) The secretary of state is hereby authorized to promulgate rules  
43 and regulations establishing procedures for an electronic notarization.~~

1       Sec. 33. On and after January 1, ~~2023~~ {2022}, K.S.A. 2020 Supp. 25-  
 2 3602 is hereby amended to read as follows: 25-3602. (a) Each petition  
 3 shall consist of one or more documents pertaining to a single issue or  
 4 proposition under one distinctive title. The documents shall be filed with  
 5 the county election officer or other official, if another official is designated  
 6 in the applicable statutes. The filing shall be made at one time all in one  
 7 group. Later or successive filings of documents relating to the same issue  
 8 or proposition shall be deemed to be separate petitions and not a part of  
 9 any earlier or later filing.

10       (b) Unless otherwise specifically required, each petition shall:

11       (1) State the question which petitioners seek to bring to an election in  
 12 the form of a question as it should appear upon the ballot in accordance  
 13 with the requirements of K.S.A. 25-620 and ~~K.S.A.~~ 25-3601, and  
 14 amendments thereto;

15       (2) name the taxing subdivision or other political subdivision in  
 16 which an election is sought to be held;

17       (3) contain the following recital above the spaces provided for  
 18 signatures: "I have personally signed this petition. I am a registered elector  
 19 of the state of Kansas and of  
 20

\_\_\_\_\_  
 (here insert name of political or taxing subdivision)

22 and my residence address is correctly written after my name."

23       The recital shall be followed by blank spaces for the signature,  
 24 residence address and date of signing for each person signing the petition.

25       When petitioners are required by law to possess qualifications in  
 26 addition to being registered electors, the form of the petition shall be  
 27 amended to contain a recital specifying the additional qualifications  
 28 required and stating that the petitioners possess the qualifications; and

29       (4) contain a recital in substance as follows, at the end of each set of  
 30 documents carried by each petition circulator as defined in K.S.A. 2020  
 31 Supp. 25-3608, and amendments thereto: "I am the circulator of this  
 32 petition and I am qualified to circulate this petition and I personally  
 33 witnessed the signing of the petition by each person whose name appears  
 34 thereon.

35 \_\_\_\_\_  
 36 (Signature of circulator)

37 \_\_\_\_\_"

38 \_\_\_\_\_  
 (Circulator's residence address)

39       The recital of the circulator of each petition shall be verified upon oath  
 40 or affirmation before a notarial officer in the manner prescribed by ~~K.S.A.~~  
 41 ~~53-501 et seq., and amendments thereto~~ *the revised uniform law on*  
 42 *notarial acts.*

43       (c) Any person who has signed a petition who desires to withdraw

1 such person's name may do so by giving written notice to the county  
2 election officer or other designated official not later than the third day  
3 following the date upon which the petition is filed.

4 (d) Any petition shall be null and void unless submitted to the county  
5 election officer or other designated official within 180 days of the date of  
6 the first signature on the petition.

7 (e) Unless the governing body of the political or taxing subdivision in  
8 which the election is sought to be held authorizes a special election, all  
9 elections which are called as a result of the filing of a sufficient petition  
10 shall be held at the next succeeding primary or general election as defined  
11 by K.S.A. 25-2502, and amendments thereto, in which the political or  
12 taxing subdivision is participating.

13 (f) When a petition requires signatures equal in number to a  
14 percentage of the total number of registered voters, such percentage shall  
15 be based on the most recent number of registered voters as certified to the  
16 office of the secretary of state pursuant to ~~subsection (g)~~ of K.S.A. 25-  
17 2311(g), and amendments thereto.

18 Sec. 34. On and after January 1, ~~2023~~ {2022}, K.S.A. 2020 Supp. 25-  
19 3902 is hereby amended to read as follows: 25-3902. (a) Except as  
20 provided in K.S.A. 25-312a, and amendments thereto, when a district  
21 convention is provided by law to be held to elect a person to be appointed to  
22 fill a vacancy in a district office, the county chairperson designated in  
23 subsection (b) or (c), within 21 days of receipt of notice that a vacancy has  
24 occurred or will occur, shall call and convene a convention of all  
25 committeemen and committeewomen of the party of the precincts in such  
26 district for the purpose of electing a person to be appointed by the  
27 governor to fill the vacancy. If such county chairperson is absent or for any  
28 reason is unable to call, or refuses to call such convention, then the county  
29 vice-chairperson shall call the convention and perform the other duties  
30 under this section required of such chairperson.

31 (b) If the district lies within a single county, the county chairperson of  
32 such county shall call the convention by mailing a notice, at least seven  
33 days before the date of the convention, to each precinct committeeman and  
34 committeewoman who is entitled to vote at the convention pursuant to  
35 subsection (e).

36 (c) If all or part of more than one county lies within the district, the  
37 county chairperson of the county in which the greatest number of qualified  
38 voters of the district reside shall call the convention by mailing a notice of  
39 the convention to each county chairperson of the party in each such county  
40 at least 10 days before the date of the convention. Such convention shall  
41 be held at a location within the district selected by the chairperson calling  
42 the convention. Such county chairperson, within three days after receipt of  
43 such notice, shall mail notice of the convention to the committeemen and

1   committeewomen in their counties who are entitled to vote at the  
2   convention pursuant to subsection (e).

3       (d) The notice of such convention shall state:

4       (1) The place where the convention is to be held;

5       (2) the time when the convention will convene; and

6       (3) the purpose for which the convention is to be held.

7       (e) At the time and place fixed for holding the convention, the county  
8   chairperson who called the convention shall act as temporary chairperson  
9   and shall call the convention to order. One-third of the eligible members of  
10  the convention shall constitute a quorum for such election. In the event a  
11  quorum is not present at the time and place that such convention is called,  
12  the members present shall adjourn the convention to a day and time  
13  certain, which shall be not later than 14 days after such adjournment of  
14  such convention, and provide for notification of the time and place of such  
15  adjourned convention to be given to the eligible members not present. The  
16  convention shall organize by electing a permanent chairperson and such  
17  other officers as necessary. After the convention is organized, it shall elect  
18  a person to be appointed by the governor to fill the vacancy. Such election  
19  shall be by secret ballot and the person elected shall be the one who  
20  receives the majority of all the votes cast. If no person receives a majority  
21  of all votes cast on any ballot, the balloting shall continue until some  
22  person receives a majority of all the votes cast. Each committeeman and  
23  committeewoman of the party of the precincts in such district shall be  
24  entitled to vote. Except as provided in subsection (f), no precinct  
25  committeeman or committeewoman shall be represented or shall vote by  
26  proxy. The convention may adopt such rules necessary to govern its  
27  procedure in making nominations, voting, counting, and canvassing votes  
28  and for the conduct of any business which may properly be brought before  
29  the convention, but such rules shall not be in conflict with the provisions  
30  of this section.

31       (f) (1) A precinct committeeman or committeewoman may vote by  
32   proxy at a convention called pursuant to this section whenever such  
33   precinct committeeman or committeewoman is unable to attend the  
34   convention and cast such precinct committeeman's or committeewoman's  
35   ballot.

36       (2) A precinct committeeman or committeewoman may designate  
37   another precinct committeeman or committeewoman to cast such precinct  
38   committeeman's or precinct committeewoman's ballot at such convention  
39   by proxy. Any proxy authorized by this subsection shall:

40       (A) Designate the precinct committeeman or committeewoman who  
41   shall cast the precinct committeeman's or precinct committeewoman's vote  
42   by proxy;

43       (B) be signed by the precinct committeeman or precinct

1 committeewoman authorizing the proxy; and

2 (C) contain an acknowledgment of such precinct committeeman's or  
3 precinct committeewoman's signature ~~which~~ *that* complies with ~~K.S.A. 53-~~  
4 ~~509~~ *section 17*, and amendments thereto.

5 (g) After a person has been elected to be appointed to fill a vacancy in  
6 a district office, the chairperson or vice-chairperson of the convention shall  
7 execute a certificate, under oath, stating that such person has been duly  
8 elected to be appointed to fill such vacancy and shall transmit such  
9 certificate either by hand delivery by a person designated by such  
10 chairperson or vice-chairperson or by registered mail, return receipt  
11 requested, to the governor and a copy thereof to the secretary of state. If  
12 transmitted by registered mail, such certificate and the copy thereof shall  
13 be mailed within 24 hours of such election, unless the day following such  
14 election is a Sunday or legal holiday, in which case it shall be mailed by  
15 the next regular business day. Thereupon, and not later than seven days  
16 after such certificate is received in the office of the governor, the governor,  
17 or in the governor's absence the lieutenant governor, shall fill such vacancy  
18 by appointing to such district office the person so elected. In the event the  
19 governor or lieutenant governor fails to appoint any person as required by  
20 this subsection after receiving a lawfully executed certificate hereunder,  
21 such person shall be deemed to have been so appointed notwithstanding  
22 such failure. The person so appointed may qualify and enter upon the  
23 duties of the district office immediately after appointment.

24 Sec. 35. On and after January 1, ~~2023~~ *{2022}*, K.S.A. 2020 Supp. 25-  
25 3902a is hereby amended to read as follows: 25-3902a. (a) When a  
26 vacancy occurs in the office of member of the state board of education, the  
27 county chairperson designated in subsection (b), (c) or (d), within 21 days  
28 of receipt of notice that a vacancy has occurred or will occur shall call and  
29 convene a district convention for the purpose of electing a person to be  
30 appointed by the governor to fill the vacancy. Such person shall be an  
31 elector of the same political party as that of the board member vacating  
32 such position and shall reside in the board member district corresponding  
33 to such board member position. If such county chairperson is absent or for  
34 any reason is unable to call or refuses to call such convention, then the  
35 county vice-chairperson shall call the convention and perform the other  
36 duties required of such chairperson under this section.

37 (b) If the board member district lies within a single county, the county  
38 chairperson of such county shall call a convention of all precinct  
39 committeemen and committeewomen of the party of the precincts in such  
40 district in the manner provided by ~~subsections (b) and (d)~~ of K.S.A. 25-  
41 3902 *(b) and (d)*, and amendments thereto, and such convention shall be  
42 conducted as provided in subsection (e).

43 (c) If all or part of more than one and less than five counties lie

1 within the board member district, the county chairperson of the county in  
2 which the greatest number of qualified voters of the district reside shall  
3 call a convention of all precinct committeemen and committeewomen of  
4 the party of the precincts in such district in the manner provided by  
5 ~~subsections (e) and (d)~~ of K.S.A. 25-3902(c) and (d), and amendments  
6 thereto, and such convention shall be conducted as provided in subsection  
7 (e). Such convention shall be held at a location within the district selected  
8 by the chairperson calling the convention.

9 (d) If all or part of five or more counties lie within the board member  
10 district, the county chairperson of the county in which the greatest number  
11 of qualified voters of the district reside shall call a convention of all county  
12 chairpersons and vice-chairpersons of the party of the counties in such  
13 district. Such convention shall be held at a location within the district  
14 selected by the chairperson calling the convention. Such county  
15 chairperson shall call the convention by mailing a notice to each such  
16 county chairperson and vice-chairperson, at least seven days before the  
17 date of the convention. Such notice shall state: (1) The place where the  
18 convention is to be held; (2) the time when the convention will convene;  
19 and (3) the purpose for which the convention is to be held, and such  
20 convention shall be conducted as provided in subsection (e).

21 (e) At the time and place fixed for holding the convention, the county  
22 chairperson who called the convention shall act as temporary chairperson  
23 and shall call the convention to order. One-third of the eligible members of  
24 the convention shall constitute a quorum for such election. In the event a  
25 quorum is not present at the time and place that such convention is called,  
26 the members present shall adjourn the convention to a day and time  
27 certain, which shall be not later than 14 days after adjournment of such  
28 convention, and provide for notification of the time and place of such  
29 adjourned convention to be given to the eligible members not present. The  
30 convention shall proceed to organize by electing a permanent chairperson  
31 and such other officers as necessary. After the convention is organized, it  
32 shall proceed to elect a person to be appointed by the governor to fill the  
33 vacancy. Such election shall be by secret ballot and the person elected  
34 shall be the one who shall receive the majority of all the votes cast. If no  
35 person receives a majority of all votes cast on any ballot, the balloting  
36 shall continue until some person receives a majority of all the votes cast.  
37 Each county chairperson and vice-chairperson of the party of the counties  
38 in such district shall be entitled to vote. Except as provided in subsection  
39 (f), no county chairperson or vice-chairperson shall be represented or shall  
40 vote by proxy. The convention may adopt such rules as necessary to  
41 govern its procedure in making nominations, voting, counting and  
42 canvassing votes and for the conduct of any business which may properly  
43 be brought before the convention, but such rules shall not be in conflict

1 with the provisions of this section.

2 (f) (1) A precinct committeeman or committeewoman who serves as  
3 county chairperson or vice-chairperson may vote by proxy at a convention  
4 called pursuant to this section whenever such precinct committeeman or  
5 committeewoman is unable to attend the convention and cast such precinct  
6 committeeman's or committeewoman's ballot.

7 (2) A precinct committeeman or committeewoman may designate  
8 another precinct committeeman or committeewoman to cast such precinct  
9 committeeman's or precinct committeewoman's ballot at such convention  
10 by proxy. Any proxy authorized by this subsection shall:

11 (A) Designate the precinct committeeman or committeewoman who  
12 shall cast the precinct committeeman's or precinct committeewoman's vote  
13 by proxy;

14 (B) be signed by the precinct committeeman or precinct  
15 committeewoman authorizing the proxy; and

16 (C) contain an acknowledgment of such precinct committeeman's or  
17 precinct committeewoman's signature which complies with ~~K.S.A. 53-509~~  
18 *section 17*, and amendments thereto.

19 (g) After a person has been elected to be appointed to fill a vacancy in  
20 the office of member of the state board of education, the chairperson or  
21 vice-chairperson of the convention shall execute a certificate, under oath,  
22 stating that such person has been duly elected to be appointed to fill such  
23 vacancy and shall transmit such certificate to the governor. Thereupon, and  
24 not later than seven days after such certificate is received in the office of  
25 the governor, the governor, or in the governor's absence the lieutenant  
26 governor, shall fill such vacancy by appointing to the office of member of  
27 the state board of education the person so elected. In the event the  
28 governor or lieutenant governor fails to appoint any person as required by  
29 this subsection after receiving a lawfully executed certificate hereunder,  
30 such person shall be deemed to have been so appointed notwithstanding  
31 such failure. The person so appointed may qualify and enter upon the  
32 duties of office immediately after appointment.

33 (h) A person shall be elected to be appointed to fill a vacancy in the  
34 office of member of the state board of education within 35 days after such  
35 vacancy occurs. If no person is so elected within the 35-day period, the  
36 governor shall fill such vacancy by appointment of an elector of the same  
37 political party as that of the board member vacating such position and who  
38 resides in the board member district corresponding to such board member  
39 position. The person so appointed may qualify and enter upon the duties of  
40 office immediately after appointment.

41 Sec. 36. On and after January 1, ~~2023~~ {2022}, K.S.A. 2020 Supp. 25-  
42 3904 is hereby amended to read as follows: 25-3904. (a) When a district  
43 convention is provided by law to be held to elect a person to fill a vacancy



1 in a party candidacy for a district office, the county chairperson designated  
2 in subsection (b) or (c), within 14 days of the receipt of the notice that the  
3 vacancy has occurred or will occur shall call and convene a convention of  
4 all committeemen and committeewomen of the political party from the  
5 precincts in such district. If such county chairperson is absent or for any  
6 reason is unable to call, or refuses to call such convention, then the  
7 corresponding county vice-chairperson shall call the convention and  
8 perform the other duties under this section required of such chairperson.

9 (b) If the district lies within a single county, the county chairperson of  
10 such county shall call the convention by mailing a notice at least seven  
11 days before the date of the convention to the committeemen and  
12 committeewomen in such county who are entitled to vote at such  
13 convention pursuant to subsection (e).

14 (c) If all or part of more than one county lies within the district, the  
15 county chairperson of the county in which the greatest number of qualified  
16 voters of the district reside shall call the convention by mailing a notice of  
17 such convention to each county chairperson of the party in each such  
18 county, at least 10 days before the date of the convention. Such convention  
19 shall be held at a location within the district selected by the chairperson  
20 calling the convention. Such county chairpersons shall, within three days  
21 after receipt of such notice, mail notice of such convention to the  
22 committeemen and committeewomen in their counties who are entitled to  
23 vote at such convention pursuant to subsection (e).

24 (d) The notice of such convention shall state: (1) The place where the  
25 convention is to be held; (2) the time when the convention will convene;  
26 and (3) the purpose for which the convention is to be held.

27 (e) At the time and place fixed for holding the convention, the county  
28 chairperson who called the convention shall act as temporary chairperson  
29 and shall call the convention to order. One-third of the eligible members of  
30 the convention shall constitute a quorum for such election. In the event a  
31 quorum is not present at the time and place that such convention is called,  
32 the members present shall adjourn the convention to a day and time  
33 certain, which shall not be later than six days after such adjournment of  
34 such convention, and provide for notification of the time and place of such  
35 adjourned convention to be given to the eligible members not present. The  
36 convention shall organize by electing a permanent chairperson and such  
37 other officers as necessary. After the convention is organized, it shall elect  
38 a person to fill such vacancy in the party candidacy. Such election shall be  
39 by secret ballot and the person elected shall be the one who receives the  
40 majority of all the votes cast. If no person receives a majority of all votes  
41 cast on any ballot, the balloting shall continue until some person receives a  
42 majority of all the votes cast. Each committeeman and committeewoman  
43 of the party of the precincts in such district shall be entitled to vote. Except

1 as provided in subsection (f), no precinct committeeman or  
2 committeewoman shall be represented or shall vote by proxy. The  
3 convention may adopt rules as necessary to govern its procedure in making  
4 nominations, voting, counting and canvassing votes and for the conduct of  
5 any business which may properly be brought before the convention, but  
6 such rules shall not be in conflict with the provisions of this section.

7 (f) (1) A precinct committeeman or committeewoman may vote by  
8 proxy at a convention called pursuant to this section whenever such  
9 precinct committeeman or committeewoman is unable to attend the  
10 convention and cast such precinct committeeman's or committeewoman's  
11 ballot.

12 (2) A precinct committeeman or committeewoman may designate  
13 another precinct committeeman or committeewoman to cast such precinct  
14 committeeman's or precinct committeewoman's ballot at such convention  
15 by proxy. Any proxy authorized by this subsection shall:

16 (A) Designate the precinct committeeman or committeewoman who  
17 shall cast the precinct committeeman's or precinct committeewoman's vote  
18 by proxy;

19 (B) be signed by the precinct committeeman or precinct  
20 committeewoman authorizing the proxy; and

21 (C) contain an acknowledgment of such precinct committeeman's or  
22 precinct committeewoman's signature which complies with ~~K.S.A. 53-509~~  
23 *section 17*, and amendments thereto.

24 (g) After a person has been elected to fill a vacancy in a party  
25 candidacy for a district office, the chairperson or vice-chairperson of the  
26 convention shall execute a certificate, under oath, stating that such person  
27 has been duly elected to fill such vacancy and that such person has agreed  
28 to accept the nomination. The person elected to fill such vacancy shall  
29 execute a notarized written statement stating that such person agrees to  
30 accept the nomination. The chairperson or vice-chairperson shall transmit  
31 such certificate to the secretary of state or appropriate county election  
32 officer, as the case may be, within 21 days of receipt of the notice that the  
33 vacancy has occurred or will occur.

34 (h) For the purposes of this section, the word "shall" imposes a  
35 mandatory duty and no court may construe that word in any other way.

36 Sec. 37. On and after January 1, ~~2023~~ {2022}, K.S.A. 2020 Supp. 25-  
37 3904a is hereby amended to read as follows: 25-3904a. (a) When a  
38 vacancy occurs in a party candidacy for the office of member of the state  
39 board of education, the county chairperson designated in subsection (b),  
40 (c) or (d), within 10 days of receipt of notice that the vacancy has occurred  
41 or will occur, shall call and convene a district convention for the purpose  
42 of electing a person to fill such vacancy. If such county chairperson is  
43 absent or for any reason is unable to call or refuses to call such convention,

1 then the county vice-chairperson shall call the convention and perform the  
2 other duties required of such chairperson under this section.

3 (b) If the board member district lies within a single county, the county  
4 chairperson of such county shall call a convention of all precinct  
5 committeemen and committeewomen of the party of the precincts in such  
6 district in the manner provided by K.S.A. 25-3904(b) and (d), and  
7 amendments thereto, and such convention shall be conducted in the  
8 manner provided in K.S.A. 25-3904(e), and amendments thereto.

9 (c) If all or part of more than one and less than five counties lie  
10 within the board member district, the county chairperson of the county in  
11 which the greatest number of qualified voters of the district reside shall  
12 call a convention of all precinct committeemen and committeewomen of  
13 the party of the precincts in such district in the manner provided by K.S.A.  
14 25-3904(c) and (d), and amendments thereto, and such convention shall be  
15 conducted as provided in K.S.A. 25-3904(e), and amendments thereto.  
16 Such convention shall be held at a location within the district selected by  
17 the chairperson calling the convention.

18 (d) If all or part of five or more counties lie within the board member  
19 district, the county chairperson of the county in which the greatest number  
20 of qualified voters of the district reside shall call a convention of all county  
21 chairpersons and vice-chairpersons of the party of the counties in such  
22 district. Such convention shall be held at a location within the district  
23 selected by the chairperson calling the convention. Such county  
24 chairperson shall call the convention by mailing a notice to each such  
25 county chairperson and vice-chairperson at least seven days before the  
26 date of the convention. Such notice shall state: (1) The place where the  
27 convention is to be held; (2) the time when the convention will convene;  
28 and (3) the purpose for which the convention is to be held.

29 (e) At the time and place fixed for holding the convention, the county  
30 chairperson who called the convention shall act as temporary chairperson  
31 and shall call the convention to order. One-third of the eligible members of  
32 the convention shall constitute a quorum for such election. In the event a  
33 quorum is not present at the time and place that such convention is called,  
34 the members present shall adjourn the convention to a day and time  
35 certain, which shall be not later than three days after such adjournment of  
36 such convention and provide for notification of the time and place of such  
37 adjourned convention to be given to the eligible members not present. The  
38 convention shall proceed to organize by electing a permanent chairperson  
39 and such other officers as necessary. After the convention is organized, it  
40 shall proceed to elect a person to fill the vacancy in the party candidacy.  
41 Such election shall be by secret ballot and the person elected shall be the  
42 one who shall receive the majority of all the votes cast. If no person  
43 receives a majority of all votes cast on any ballot, the balloting shall

1 continue until some person receives a majority of all the votes cast. Each  
2 county chairperson and vice-chairperson of the party of the counties in  
3 such district shall be entitled to vote. Except as provided in subsection (f),  
4 no county chairperson or vice-chairperson shall be represented or shall  
5 vote by proxy. The convention may adopt rules necessary to govern its  
6 procedure in making nominations, voting, counting and canvassing votes  
7 and for the conduct of any business which may properly be brought before  
8 the convention, but such rules shall not be in conflict with the provisions  
9 of this section.

10 (f) (1) A precinct committeeman or committeewoman who serves as  
11 county chairperson or vice-chairperson may vote by proxy at a convention  
12 called pursuant to this section whenever such precinct committeeman or  
13 committeewoman is unable to attend the convention and cast such precinct  
14 committeeman's or committeewoman's ballot.

15 (2) A precinct committeeman or committeewoman may designate  
16 another precinct committeeman or committeewoman to cast such precinct  
17 committeeman's or precinct committeewoman's ballot at such convention  
18 by proxy. Any proxy authorized by this subsection shall:

19 (A) Designate the precinct committeeman or committeewoman who  
20 shall cast the precinct committeeman's or precinct committeewoman's vote  
21 by proxy;

22 (B) be signed by the precinct committeeman or precinct  
23 committeewoman authorizing the proxy; and

24 (C) contain an acknowledgment of such precinct committeeman's or  
25 precinct committeewoman's signature which complies with ~~K.S.A. 53-509~~  
26 *section 17*, and amendments thereto.

27 (g) After a person has been elected to fill a vacancy in a party  
28 candidacy for the office of member of the state board of education, the  
29 chairperson or vice-chairperson of the convention shall execute a  
30 certificate, under oath, stating that such person has been duly elected to fill  
31 such vacancy and that such person has agreed to accept the nomination.  
32 The person elected to fill such vacancy shall execute a notarized written  
33 statement stating that such person agrees to accept the nomination. The  
34 chairperson or vice-chairperson shall transmit such certificate to the  
35 secretary of state, within 14 days of receipt of the notice that the vacancy  
36 has occurred or will occur.

37 (h) For the purposes of this section, the word "shall" imposes a  
38 mandatory duty and no court may construe that word in any other way.

39 Sec. 38. On and after January 1, ~~2023~~ {2022}, K.S.A. 2020 Supp. 49-  
40 512 is hereby amended to read as follows: 49-512. (a) A state public trust  
41 shall be created to administer relocation assistance pursuant to this act and  
42 to acquire, hold and dispose of property as specified in this act.

43 (b) The trust shall have five trustees appointed by the governor,

1 subject to confirmation by the senate as provided by K.S.A. 75-4315b, and  
2 amendments thereto. Except as provided by K.S.A. 46-2601, and  
3 amendments thereto, no person appointed as trustee shall exercise any  
4 power, duty or function as a trustee until confirmed by the senate. The  
5 terms of trustees first appointed shall be as follows: One trustee shall serve  
6 for a term expiring the first March 15 following appointment, one for a  
7 term expiring the second March 15 following appointment, one for a term  
8 expiring the third March 15 following appointment and two for terms  
9 expiring the fourth March 15 following appointment. Thereafter, trustees  
10 shall be appointed for terms of four years and until their successors are  
11 appointed and confirmed. Whenever a vacancy on the trust occurs, the  
12 governor shall fill the vacancy by appointment and the appointee shall  
13 hold office for the unexpired term. Each trustee shall hold office until a  
14 successor has been appointed and confirmed. A trustee may be removed  
15 only for cause.

16 (c) The trustees, who shall be deemed public officers, shall be paid  
17 amounts from funds of the trust for per diem compensation as provided in  
18 K.S.A. 75-3212, and amendments thereto, for members of the legislature,  
19 for each day of actual attendance at any meeting of the trust.

20 (d) Every person becoming a trustee first shall take the oath of office  
21 required of a state elected official. The oath of office shall be administered  
22 by a person authorized to administer oaths in the state of Kansas and shall  
23 be filed with the secretary of state.

24 (e) Every officer and employee who handles funds of the trust shall  
25 furnish bond or other good and sufficient security in an amount and upon  
26 such terms as established by the state committee on surety bonds and  
27 insurance pursuant to K.S.A. 75-4101 et seq., and amendments thereto, but  
28 in no event shall any bond or other security be required of a trustee. The  
29 cost of the bond shall be paid from funds of the trust.

30 (f) The trustees shall adopt bylaws for the administration and  
31 regulation of the affairs of the trust. All such bylaws shall be submitted in  
32 writing to the governor and must be approved by the governor before  
33 taking effect.

34 (g) The trustees shall cause an audit to be made of the financial  
35 statements of the trust within 30 days after the close of each fiscal year of  
36 the trust. The expense of the audit shall be paid from funds of the trust.  
37 The trust annually shall file with the governor and the legislature copies of  
38 financial documents and reports sufficient to demonstrate the fiscal  
39 activity of the trust, including, but not limited to, budgets, financial reports  
40 and audits. Amendments to the adopted budget shall be approved by the  
41 trustees of the trust and recorded as such in the official minutes of the  
42 trust.

43 (h) Meetings of the trustees shall be subject to the open meetings law.

1 Records of the trust and minutes of meetings of the trust shall be written  
2 and kept in a place, the location of which shall be recorded in the office of  
3 the secretary of state, and shall be subject to the Kansas open records act.  
4 The trust shall file a monthly report of all expenditures with the governor,  
5 the speaker of the house of representatives and the president of the senate.

6 (i) Any real or personal property may be acquired and held in the  
7 name of the trust. When acquired, any conveyance, assignment or other  
8 transfer shall be made in the name of the trust by the chairperson of the  
9 trust, attested by the secretary of the trust, with the seal of the trust affixed  
10 thereto.

11 (j) Any conveyance, assignment or other transfer of any estate in real  
12 property, executed by a trust, must be acknowledged by the president or  
13 chairperson of the trust subscribing the name of the trust thereto, which  
14 acknowledgment shall be in substantially the form provided in the *revised*  
15 uniform law on notarial acts. Any instrument of conveyance, assignment  
16 or other transfer executed in the name of the trust pursuant to this act and  
17 bearing a signature which purports to be the signature of the chairperson of  
18 the trust, shall be deemed prima facie evidence that the conveyance,  
19 assignment or other transfer is the act of the trust and the trustees thereof,  
20 that it was duly executed and signed by the chairperson of the trust who  
21 was a trustee of the trust and that the instrument conforms in all respects to  
22 the requirements of law, and such conveyance, assignment or other  
23 transfer shall be admissible in evidence without further proof of execution.

24 (k) The trust shall not engage in any activity or transaction that is not  
25 expressly authorized by this act.

26 (l) No trustee shall be charged personally with any liability  
27 whatsoever by reason of any act or omission in the performance of the  
28 trust or in the operation of the trust property but any act, liability for any  
29 omission or obligation of a trustee or trustees, in the execution of the trust,  
30 or in the operation of the trust property, shall extend to the whole of the  
31 trust, or so much thereof as may be necessary to discharge such liability or  
32 obligation, and not otherwise.

33 (m) Moneys from grants made to the trust pursuant to this act shall be  
34 used only for the purposes provided by this act, including payment of the  
35 costs of the department of health and environment in implementing and  
36 administering this act.

37 (n) On July 1, 2014, or on the date that all of the rights and title to all  
38 real and personal property acquired by the trust have been conveyed,  
39 assigned or otherwise transferred in the name of the trust pursuant to  
40 K.S.A. 2020 Supp. 49-511 through 49-517, and amendments thereto, and  
41 the instruments of conveyance, assignment or other transfer have been  
42 finally executed, whichever date occurs first, the trust is hereby abolished  
43 and the office of each member of the trust is hereby abolished.

1       Sec. 39. On and after January 1, ~~2023~~ {2022}, K.S.A. 2020 Supp. 58-  
2 652 is hereby amended to read as follows: 58-652. (a) The authority  
3 granted by a principal to an attorney in fact in a written power of attorney  
4 is not terminated in the event the principal becomes wholly or partially  
5 disabled or in the event of later uncertainty as to whether the principal is  
6 dead or alive if:

7       (1) The power of attorney is denominated a "durable power of  
8 attorney";

9       (2) the power of attorney includes a provision that states in substance  
10 one of the following:

11       (A) "This is a durable power of attorney and the authority of my  
12 attorney in fact shall not terminate if I become disabled or in the event of  
13 later uncertainty as to whether I am dead or alive"; or

14       (B) "This is a durable power of attorney and the authority of my  
15 attorney in fact, when effective, shall not terminate or be void or voidable  
16 if I am or become disabled or in the event of later uncertainty as to  
17 whether I am dead or alive"; and

18       (3) the power of attorney is signed by the principal, and dated and  
19 acknowledged in the manner prescribed by ~~K.S.A. 53-501 et seq., and~~  
20 ~~amendments thereto~~ *the revised uniform law on notarial acts*. If the  
21 principal is physically unable to sign the power of attorney but otherwise  
22 competent and conscious, the power of attorney may be signed by an adult  
23 designee of the principal in the presence of the principal and at the specific  
24 direction of the principal expressed in the presence of a notary public. The  
25 designee shall sign the principal's name to the power of attorney in the  
26 presence of a notary public, following which the document shall be  
27 acknowledged in the manner prescribed by ~~K.S.A. 53-501 et seq., and~~  
28 ~~amendments thereto~~ *the revised uniform law on notarial acts*, to the same  
29 extent and effect as if physically signed by the principal.

30       (b) All acts done by an attorney in fact pursuant to a durable power of  
31 attorney shall inure to the benefit of and bind the principal and the  
32 principal's successors in interest, notwithstanding any disability of the  
33 principal.

34       (c) (1) A power of attorney does not have to be recorded to be valid  
35 and binding between the principal and attorney in fact or between the  
36 principal and third persons.

37       (2) A power of attorney may be recorded in the same manner as a  
38 conveyance of land is recorded. A certified copy of a recorded power of  
39 attorney may be admitted into evidence.

40       (3) If a power of attorney is recorded any revocation of that power of  
41 attorney must be recorded in the same manner for the revocation to be  
42 effective. If a power of attorney is not recorded it may be revoked by a  
43 recorded revocation or in any other appropriate manner.

1 (4) If a power of attorney requires notice of revocation be given to  
2 named persons, those persons may continue to rely on the authority set  
3 forth in the power of attorney until such notice is received.

4 (d) A person who is appointed an attorney in fact under a durable  
5 power of attorney has no duty to exercise the authority conferred in the  
6 power of attorney, unless the attorney in fact has agreed expressly in  
7 writing to act for the principal in such circumstances. An agreement to act  
8 on behalf of the principal is enforceable against the attorney in fact as a  
9 fiduciary without regard to whether there is any consideration to support a  
10 contractual obligation to do so. Acting for the principal in one or more  
11 transactions does not obligate an attorney in fact to act for the principal in  
12 subsequent transactions.

13 (e) The grant of power or authority conferred by a power of attorney  
14 in which any principal shall vest any power or authority in an attorney in  
15 fact, if such writing expressly so provides, shall be effective only upon: (1)  
16 A specified future date; (2) the occurrence of a specified future event; or  
17 (3) the existence of a specified condition which may occur in the future. In  
18 the absence of actual knowledge to the contrary, any person to whom such  
19 writing is presented shall be entitled to rely on an affidavit, executed by  
20 the attorney in fact, setting forth that such event has occurred or condition  
21 exists.

22 Sec. 40. On and after January 1, ~~2023~~ {2022}, K.S.A. 58-2209 is  
23 hereby amended to read as follows: 58-2209. All deeds or other  
24 conveyances of lands, or of any estate or interest therein, shall be  
25 subscribed by the party granting the same, or by the party's lawful agent or  
26 attorney, and may be acknowledged or proved and certified in the manner  
27 prescribed by the *revised* uniform law on notarial acts and K.S.A. 58-  
28 2216, and amendments thereto.

29 Sec. 41. On and after January 1, ~~2023~~ {2022}, K.S.A. 58-2211 is  
30 hereby amended to read as follows: 58-2211. All conveyances, and other  
31 instruments affecting real estate must be acknowledged before a person  
32 authorized by the *revised* uniform law on notarial acts to perform notarial  
33 acts or, if acknowledged within this state, by a county clerk, register of  
34 deeds or mayor or clerk of an incorporated city.

35 Sec. 42. On and after January 1, ~~2023~~ {2022}, K.S.A. 2020 Supp. 58-  
36 4403 is hereby amended to read as follows: 58-4403. ~~On and after July 1,~~  
37 ~~2007:~~(a) If a law requires, as a condition for recording, that a document be  
38 an original, be on paper or another tangible medium, or be in writing, the  
39 requirement is satisfied by an electronic document satisfying this act.

40 (b) If a law requires, as a condition for recording, that a document be  
41 signed, the requirement is satisfied by an electronic signature.

42 (c) *A requirement that a document or a signature associated with a*  
43 *document be notarized, acknowledged, verified, witnessed or made under*



1 *oath is satisfied if the electronic signature of the person authorized to*  
2 *perform that act, and all other information required to be included, is*  
3 *attached to or logically associated with the document or signature. A*  
4 *physical or electronic image of a stamp, impression or seal is not required*  
5 *to accompany an electronic signature.*

6 Sec. 43. On and after January 1, ~~2023~~ **{2022}**, K.S.A. 16-1611, 53-  
7 101, 53-102, 53-103, 53-104, 53-105, 53-105a, 53-106, 53-107, 53-109,  
8 53-113, 53-114, 53-115, 53-116, 53-117, 53-119, 53-120, 53-501, 53-502,  
9 53-503, 53-504, 53-505, 53-506, 53-507, 53-508, 53-510, 53-511, 58-2209  
10 and 58-2211 and K.S.A. 2020 Supp. 25-3602, 25-3902, 25-3902a, 25-  
11 3904, 25-3904a, 49-512, 53-118, 53-121, 53-509, 58-652 and 58-4403 are  
12 hereby repealed.

13 Sec. 44. This act shall take effect and be in force from and after its  
14 publication in the statute book.