

As Amended by House Committee

{As Amended by Senate Committee of the Whole}

Session of 2021

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

1 tangible or electronic record, that a notarial officer may perform under the
2 law of this state. "Notarial act" includes taking an acknowledgment,
3 administering an oath or affirmation, taking a verification on oath or
4 affirmation, witnessing or attesting a signature, certifying or attesting a
5 copy and noting a protest of a negotiable instrument.

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

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

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

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

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

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

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

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

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

28 (m) "Stamping device" means:

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

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

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

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

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

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

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

43 New Sec. 4. (a) A notarial officer may perform the following notarial

1 acts:

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

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

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

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

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

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

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

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

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

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

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

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

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

1 individual:

2 (1) By means of:

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

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

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

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

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

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

21 (1) Individual executing the record is competent or has the capacity to
22 execute the record; or

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

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

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

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

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

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

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

34 (1) A notary public of this state;

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

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

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

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

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

43 (c) The signature and title of a notarial officer described in subsection

1 (a)(1), (a)(2), (a)(3) or (a)(4) conclusively establish the authority of the
2 officer to perform the notarial act.

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

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

7 (1) A notary public of that state;

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

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

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

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

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

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

22 (1) A notary public of the tribe;

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

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

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

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

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

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

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

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

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

43 (4) any other individual authorized by federal law to perform the

1 notarial act.

2 (b) The signature and title of an individual acting under federal
3 authority and performing a notarial act are prima facie evidence that the
4 signature is genuine and that the individual holds the designated title.

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

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

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

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

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

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

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

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

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

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

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

38 (1) The notary public:

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

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

1 thereto; or

2 (C) has obtained satisfactory evidence of the identity of the remotely
3 located individual by using at least two different types of identity proofing;

4 (2) the notary public is able reasonably to confirm that a record
5 before the notary public is the same record in which the remotely located
6 individual made a statement or on which the individual executed a
7 signature;

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

11 (4) for a remotely located individual located outside the United
12 States:

13 (A) The record:

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

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

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

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

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

30 (1) Complies with rules and regulations adopted pursuant to section
31 27, and amendments thereto; or

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

35 (e) A notary public, a guardian, conservator or agent of a notary
36 public or a personal representative of a deceased notary public, shall retain
37 the audio-visual recording created under subsection (b)(3) or cause the
38 recording to be retained by a repository designated by or on behalf of the
39 person required to retain the recording. Unless a different period is
40 required by rules and regulations adopted pursuant to section 27, and
41 amendments thereto, the recording shall be retained for a period of at least
42 10 years after the recording is made.

43 (f) Before a notary public performs the notary public's initial notarial

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

18 (g) As used in this section:

19 (1) "Communication technology" means an electronic device or
20 process that:

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

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

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

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

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

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

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

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

42 (1) Be executed contemporaneously with the performance of the
43 notarial act;

1 (2) be signed and dated by the notarial officer and, if the notarial
2 officer is a notary public, be signed in the same manner as on file with the
3 secretary of state;

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

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

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

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

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

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

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

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

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

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

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

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

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

1 C nonperson misdemeanor.

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

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

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

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

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

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

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

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

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

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

3 (1) The date and time of the notarial act;

4 (2) a description of the record, if any, and type of notarial act;

5 (3) the full name and address of each individual for whom the notarial
6 act is performed;

7 (4) if identity of the individual is based on personal knowledge, a
8 statement to that effect;

9 (5) if identity of the individual is based on satisfactory evidence, a
10 brief description of the method of identification and the identification
11 credential presented, if any, including the date of issuance and expiration
12 of any identification credential; and

13 (6) the fee, if any, charged by the notary public.

14 (d) If a notary public's journal is lost or stolen, the notary public shall
15 promptly notify the secretary of state on discovering that the journal is lost
16 or stolen.

17 (e) On resignation from, or the revocation or suspension of, a notary
18 public's commission, the notary public shall retain the notary public's
19 journal in accordance with subsection (a) and inform the secretary of state
20 where the journal is located.

21 (f) Instead of retaining a journal as provided in subsections (a) and
22 (e), a current or former notary public may transmit the journal to a
23 repository approved by the secretary of state.

24 (g) On the death or adjudication of incompetency of a current or
25 former notary public, the notary public's personal representative or
26 guardian or any other person knowingly in possession of the journal shall:

27 (1) Retain the notary public's journal in accordance with subsection
28 (a) or transmit the journal to a repository approved by the secretary of
29 state; and

30 (2) inform the secretary of state where the journal is located.

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

32 New Sec. 21. (a) A notary public may select one or more tamper-
33 evident technologies to perform notarial acts with respect to electronic
34 records. A person shall not require a notary public to perform a notarial act
35 with respect to an electronic record with a technology that the notary
36 public has not selected.

37 (b) Before a notary public performs the notary public's initial notarial
38 act with respect to an electronic record, a notary public shall notify the
39 secretary of state that the notary public will be performing notarial acts
40 with respect to electronic records, identify the technology the notary public
41 intends to use and provide evidence of completion of the course of study
42 and passing of the examination required by section 23, and amendments
43 thereto. If the secretary of state has established standards in rules and

1 regulations for approval of technology pursuant to section 27, and
2 amendments thereto, the technology shall conform to such standards. If the
3 technology conforms to the standards, the secretary of state shall approve
4 the use of the technology. A notary public notifying the secretary of state
5 pursuant to this section shall pay an information and services fee in an
6 amount determined by the secretary of state adopted in rules and
7 regulations, not to exceed \$25. The secretary of state shall remit all
8 moneys received under this section to the state treasurer in accordance
9 with the provisions of K.S.A. 75-4215, and amendments thereto. Upon
10 receipt of each such remittance, the state treasurer shall deposit the entire
11 amount in the state treasury to the credit of the information and services
12 fee fund.

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

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

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

23 (1) An oath of office;

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

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

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

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

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

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

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

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

43 (3) be a resident of this state or be a resident of a state bordering on

1 this state and have a regular place of employment or practice in this state;

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

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

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

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

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

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

40 (h) If a notary public changes name by any legal action, such notary
41 shall obtain a new official stamp that meets the requirements established
42 by section 18, and amendments thereto, and the stamp shall contain the
43 new name of the notary public. Prior to performing any acts as a notary

1 public after such change, the notary shall mail or deliver to the secretary of
2 state notice of the change of name and shall include a specimen of the new
3 stamp and a specimen of the notary's new official signature.

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

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

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

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

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

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

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

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

30 (1) Failure to comply with this act;

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

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

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

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

43 (6) use of false or misleading advertising or representation by the

1 notary public representing that the notary has a duty, right or privilege that
2 the notary does not have;

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

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

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

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

13 (11) cessation of United States citizenship;

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

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

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

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

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

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

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

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

34 (2) act as an immigration consultant or an expert on immigration
35 matters;

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

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

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

1 performed in violation of this subsection is voidable.

2 (c) For purposes of subsection (b), a notarial officer has a direct
3 financial or beneficial interest in a transaction if the notarial officer:

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

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

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

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

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

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

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

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

42 (j) Violation of subsections (e), (f) or (g) constitutes a deceptive act or
43 practice pursuant to K.S.A. 50-626, and amendments thereto, and shall be

1 subject to the remedies and penalties provided by the Kansas consumer
2 protection act.

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

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

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

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

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

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

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

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

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

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

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

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

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

41 (2) establishing standards for communication technology and identity
42 proofing;

43 (3) establishing requirements or procedures to approve providers of

1 communication technology and the process of identity proofing; and

2 (4) establishing standards and a period for the retention of an audio-
3 visual recording created when performing a notarial act using
4 communication technology for a remotely located individual.

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

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

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

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

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

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

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

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

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

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

31 New Sec. 31. (a) This act modifies, limits and supersedes the federal
32 electronic signatures in global and national commerce act, 15 U.S.C. §
33 7001 et seq., except that nothing in this act modifies, limits or supersedes §
34 7001(c) of that act or authorizes electronic delivery of any of the notices
35 described in § 7003(b) of that act.

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

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

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

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

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

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

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

19 (3) contain the following recital above the spaces provided for
20 signatures: "I have personally signed this petition. I am a registered elector
21 of the state of Kansas and of
22

23 (here insert name of political or taxing subdivision)
24 and my residence address is correctly written after my name."

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

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

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

37 (Signature of circulator)

38 _____"
39 (Circulator's residence address)

40 The recital of the circulator of each petition shall be verified upon oath
41 or affirmation before a notarial officer in the manner prescribed by ~~K.S.A.~~
42 53-501 et seq., and amendments thereto *the revised uniform law on*
43

1 *notarial acts.*

2 (c) Any person who has signed a petition who desires to withdraw
3 such person's name may do so by giving written notice to the county
4 election officer or other designated official not later than the third day
5 following the date upon which the petition is filed.

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

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

15 (f) When a petition requires signatures equal in number to a
16 percentage of the total number of registered voters, such percentage shall
17 be based on the most recent number of registered voters as certified to the
18 office of the secretary of state pursuant to ~~subsection (g)~~ of K.S.A. 25-
19 2311(g), and amendments thereto.

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

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

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

1 the convention. Such county chairperson, within three days after receipt of
2 such notice, shall mail notice of the convention to the committeemen and
3 committeewomen in their counties who are entitled to vote at the
4 convention pursuant to subsection (e).

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

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

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

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

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

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

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

42 (A) Designate the precinct committeeman or committeewoman who
43 shall cast the precinct committeeman's or precinct committeewoman's vote

1 by proxy;

2 (B) be signed by the precinct committeeman or precinct
3 committeewoman authorizing the proxy; and

4 (C) contain an acknowledgment of such precinct committeeman's or
5 precinct committeewoman's signature ~~which~~ that complies with ~~K.S.A. 53-~~
6 ~~509~~ *section 17*, and amendments thereto.

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

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

39 (b) If the board member district lies within a single county, the county
40 chairperson of such county shall call a convention of all precinct
41 committeemen and committeewomen of the party of the precincts in such
42 district in the manner provided by ~~subsections (b) and (d)~~ of K.S.A. 25-
43 3902(b) and (d), and amendments thereto, and such convention shall be

1 conducted as provided in subsection (e).

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

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

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

1 canvassing votes and for the conduct of any business which may properly
2 be brought before the convention, but such rules shall not be in conflict
3 with the provisions of this section.

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

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

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

16 (B) be signed by the precinct committeeman or precinct
17 committeewoman authorizing the proxy; and

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

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

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

43 Sec. 36. On and after January 1, ~~2023~~ {2022}, K.S.A. 2020 Supp. 25-

1 3904 is hereby amended to read as follows: 25-3904. (a) When a district
2 convention is provided by law to be held to elect a person to fill a vacancy
3 in a party candidacy for a district office, the county chairperson designated
4 in subsection (b) or (c), within 14 days of the receipt of the notice that the
5 vacancy has occurred or will occur shall call and convene a convention of
6 all committeemen and committeewomen of the political party from the
7 precincts in such district. If such county chairperson is absent or for any
8 reason is unable to call, or refuses to call such convention, then the
9 corresponding county vice-chairperson shall call the convention and
10 perform the other duties under this section required of such chairperson.

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

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

26 (d) The notice of such convention 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 not be later than six 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 organize by electing a permanent chairperson and such
39 other officers as necessary. After the convention is organized, it shall elect
40 a person to fill such vacancy in the party candidacy. Such election shall be
41 by secret ballot and the person elected shall be the one who receives the
42 majority of all the votes cast. If no person receives a majority of all votes
43 cast on any ballot, the balloting shall continue until some person receives a

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

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

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

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

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

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

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

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

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

1 of electing a person to fill such vacancy. If such county chairperson is
2 absent or for any reason is unable to call or refuses to call such convention,
3 then the county vice-chairperson shall call the convention and perform the
4 other duties required of such chairperson under this section.

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

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

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

31 (e) At the time and place fixed for holding the convention, the county
32 chairperson who called the convention shall act as temporary chairperson
33 and shall call the convention to order. One-third of the eligible members of
34 the convention shall constitute a quorum for such election. In the event a
35 quorum is not present at the time and place that such convention is called,
36 the members present shall adjourn the convention to a day and time
37 certain, which shall be not later than three days after such adjournment of
38 such convention and provide for notification of the time and place of such
39 adjourned convention to be given to the eligible members not present. The
40 convention shall proceed to organize by electing a permanent chairperson
41 and such other officers as necessary. After the convention is organized, it
42 shall proceed to elect a person to fill the vacancy in the party candidacy.
43 Such election shall be by secret ballot and the person elected shall be the

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

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

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

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

24 (B) be signed by the precinct committeeman or precinct
25 committeewoman authorizing the proxy; and

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

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

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

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

1 to acquire, hold and dispose of property as specified in this act.

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

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

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

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

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

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

1 trust.

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

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

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

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

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

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

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

1 finally executed, whichever date occurs first, the trust is hereby abolished
2 and the office of each member of the trust is hereby abolished.

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

9 (1) The power of attorney is denominated a "durable power of
10 attorney";

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

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

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

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

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

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

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

42 (3) If a power of attorney is recorded any revocation of that power of
43 attorney must be recorded in the same manner for the revocation to be

1 effective. If a power of attorney is not recorded it may be revoked by a
2 recorded revocation or in any other appropriate manner.

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

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

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

24 Sec. 40. On and after January 1, ~~2023~~ {2022}, K.S.A. 58-2209 is
25 hereby amended to read as follows: 58-2209. All deeds or other
26 conveyances of lands, or of any estate or interest therein, shall be
27 subscribed by the party granting the same, or by the party's lawful agent or
28 attorney, and may be acknowledged or proved and certified in the manner
29 prescribed by the *revised* uniform law on notarial acts and K.S.A. 58-
30 2216, and amendments thereto.

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

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

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

1 (c) *A requirement that a document or a signature associated with a*
2 *document be notarized, acknowledged, verified, witnessed or made under*
3 *oath is satisfied if the electronic signature of the person authorized to*
4 *perform that act, and all other information required to be included, is*
5 *attached to or logically associated with the document or signature. A*
6 *physical or electronic image of a stamp, impression or seal is not required*
7 *to accompany an electronic signature.*

8 Sec. 43. On and after January 1, ~~2023~~ **{2022}**, K.S.A. 16-1611, 53-
9 101, 53-102, 53-103, 53-104, 53-105, 53-105a, 53-106, 53-107, 53-109,
10 53-113, 53-114, 53-115, 53-116, 53-117, 53-119, 53-120, 53-501, 53-502,
11 53-503, 53-504, 53-505, 53-506, 53-507, 53-508, 53-510, 53-511, 58-2209
12 and 58-2211 and K.S.A. 2020 Supp. 25-3602, 25-3902, 25-3902a, 25-
13 3904, 25-3904a, 49-512, 53-118, 53-121, 53-509, 58-652 and 58-4403 are
14 hereby repealed.

15 Sec. 44. This act shall take effect and be in force from and after its
16 publication in the ~~statute book~~ **Kansas register**.