

SENATE BILL No. 106

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

Be it enacted by the Legislature of the State of Kansas:

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

(b) This section shall take effect on and after January 1, 2022.

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

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

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

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

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

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

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

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

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

(e) "Notarial act" means an act, whether performed with respect to a tangible or electronic record, that a notarial officer may perform under the law of this state. "Notarial act" includes taking an acknowledgment, administering an oath or affirmation, taking a verification on oath or affirmation, witnessing or attesting a signature, certifying or attesting a copy and noting a protest of a negotiable instrument.

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

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

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

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

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

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

(1) Execute or adopt a tangible symbol; or

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

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

(m) "Stamping device" means:

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

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

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

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

(p) This section shall take effect on and after January 1, 2022.

New Sec. 3. (a) This act applies to a notarial act performed on or after January 1, 2022.

(b) This section shall take effect on and after January 1, 2022.

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

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

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

(c) This section shall take effect on and after January 1, 2022.

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

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

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

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

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

(f) This section shall take effect on and after January 1, 2022.

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

(b) This section shall take effect on and after January 1, 2022.

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

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

(1) By means of:

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

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

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

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

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

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

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

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

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

(c) This section shall take effect on and after January 1, 2022.

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

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

(b) This section shall take effect on and after January 1, 2022.

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

(1) A notary public of this state;

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

(3) a county clerk or deputy county clerk;

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

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

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

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

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

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

(1) A notary public of that state;

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

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

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

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

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

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

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

- (1) A notary public of the tribe;
- (2) a judge, clerk or deputy clerk of a court of the tribe; or
- (3) any other individual authorized by the law of the tribe to perform the notarial act.

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

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

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

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

- (1) A judge, clerk or deputy clerk of a court;
- (2) an individual in military service or performing duties under the authority of military service who is authorized to perform notarial acts under federal law;
- (3) an individual designated a notarizing officer by the United States department of state for performing notarial acts overseas; or
- (4) any other individual authorized by federal law to perform the notarial act.

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

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

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

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

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

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

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

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

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

(g) This section shall take effect on and after January 1, 2022.

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

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

(1) The notary public:

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

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

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

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

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

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

(A) The record:

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

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

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

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

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

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

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

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

(f) Before a notary public performs the notary public's initial notarial act under this section, the notary public shall notify the secretary of state

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

(g) As used in this section:

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

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

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

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

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

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

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

(h) This section shall take effect on and after January 1, 2022.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(h) This section shall take effect on and after January 1, 2022.

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

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

(b) This section shall take effect on and after January 1, 2022.

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

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

(c) This section shall take effect on and after January 1, 2022.

New Sec. 20. (a) A notary public shall maintain a journal in which

the notary public chronicles all notarial acts that the notary public performs. The notary public shall retain the journal for 10 years after the performance of the last notarial act chronicled in the journal.

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

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

- (1) The date and time of the notarial act;
- (2) a description of the record, if any, and type of notarial act;
- (3) the full name and address of each individual for whom the notarial act is performed;
- (4) if identity of the individual is based on personal knowledge, a statement to that effect;
- (5) if identity of the individual is based on satisfactory evidence, a brief description of the method of identification and the identification credential presented, if any, including the date of issuance and expiration of any identification credential; and

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

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

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

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

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

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

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

(h) This section shall take effect on and after January 1, 2022.

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

(b) Before a notary public performs the notary public's initial notarial act with respect to an electronic record, a notary public shall notify the secretary of state that the notary public will be performing notarial acts with respect to electronic records, identify the technology the notary public intends to use and provide evidence of completion of the course of study and passing of the examination required by section 23, and amendments thereto. If the secretary of state has established standards in rules and regulations for approval of technology pursuant to section 27, and amendments thereto, the technology shall conform to such standards. If the technology conforms to the standards, the secretary of state shall approve the use of the technology. A notary public notifying the secretary of state pursuant to this section shall pay an information and services fee

in an amount determined by the secretary of state adopted in rules and regulations, not to exceed \$25. The secretary of state shall remit all moneys received under this section to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the information and services fee fund.

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

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

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

- (1) An oath of office;
- (2) an assurance in the form of a surety bond or its functional equivalent in the amount of \$12,000 that shall be issued by a surety or other entity licensed or authorized to do business in this state;
- (3) evidence of completion of the course of study and passing of the examination required by section 23, and amendments thereto, if required;
- (4) the official signature and an impression of the stamp to be used by the notary public; and
- (5) an application fee in the amount of \$10.

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

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

- (1) Be at least 18 years of age;
- (2) be a citizen of the United States;
- (3) be a resident of this state or be a resident of a state bordering on this state and have a regular place of employment or practice in this state;
- (4) be able to read and write the English language; and
- (5) not be disqualified to receive a commission by section 24, and amendments thereto.

(d) The assurance required in subsection (a) shall cover acts performed during the term of the notary public's commission and shall be in the form prescribed by the secretary of state. If a notary public violates law with respect to notaries public in this state, the surety or issuing entity is liable under the assurance. No suit shall be instituted against a notary public or the surety or issuing entity under the notary public's assurance more than three years after the cause of action accrues. The surety or issuing entity shall give notice to the secretary of state 30 days before canceling the assurance. The surety or issuing entity shall no longer be liable on such assurance 30 days after receipt of such notice by the secretary of state. Whenever the secretary of state receives such notice of intent to cancel a notary public's assurance, the secretary of state shall notify the affected notary public that unless such notary public files another assurance satisfying the requirements of this subsection with the secretary of state on or before the cancellation date, then such notary public will no longer be authorized to perform notarial acts within this state. The surety or issuing entity shall notify the secretary of state not

later than 30 days after making a payment to a claimant under the assurance or the denial of a claim under the assurance. A notary public may perform notarial acts in this state only during the period that a valid assurance is on file with the secretary of state.

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

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

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

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

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

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

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

(l) This section shall take effect on and after January 1, 2022.

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

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

(c) This section shall take effect on and after January 1, 2022.

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

(1) Failure to comply with this act;

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

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

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

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

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

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

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

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

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

(11) cessation of United States citizenship;

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

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

or

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

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

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

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

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

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

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

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

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

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

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

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

(2) with respect to a real property transaction, is named in a record, individually, as a grantor, grantee, mortgagor, mortgagee, trustor, trustee,

beneficiary, vendor, vendee, lessor or lessee to the transaction.

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

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

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

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

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

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

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

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

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

(b) This section shall take effect on and after January 1, 2022.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) This section shall take effect on and after January 1, 2022.

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

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

(c) This section shall take effect on and after January 1, 2022.

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

(b) This section shall take effect on and after January 1, 2022.

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

(b) This section shall take effect on and after January 1, 2022.

Sec. 32. On and after January 1, 2022, K.S.A. 16-1611 is hereby amended to read as follows: 16-1611. ~~(a)~~ If a law requires a signature or record to be notarized, acknowledged, verified or made under oath, the

by K.S.A. 25-2502, and amendments thereto, in which the political or taxing subdivision is participating.

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

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

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

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

(d) The notice of such convention shall state:

- (1) The place where the convention is to be held;
- (2) the time when the convention will convene; and
- (3) the purpose for which the convention is to be held.

(e) At the time and place fixed for holding the convention, the county chairperson who called the convention shall act as temporary chairperson and shall call the convention to order. One-third of the eligible members of the convention shall constitute a quorum for such election. In the event a quorum is not present at the time and place that such convention is called, the members present shall adjourn the convention to a day and time certain, which shall be not later than 14 days after such adjournment of such convention, and provide for notification of the time and place of such adjourned convention to be given to the eligible members not present. The convention shall organize by electing a permanent chairperson and such other officers as necessary. After the convention is organized, it shall elect a person to be appointed by the governor to fill the vacancy. Such election shall be by secret ballot and the person elected shall be the one who receives the majority of all the votes cast. If no person receives a majority of all votes cast on any ballot, the balloting shall continue until some person receives a majority of all the votes cast. Each committeeman and committeewoman of the party of the precincts in such district shall be entitled to vote. Except as provided in subsection (f), no precinct committeeman or committeewoman shall be represented or shall vote by proxy. The convention may adopt such rules

necessary to govern its procedure in making nominations, voting, counting, and canvassing votes and for the conduct of any business which may properly be brought before the convention, but such rules shall not be in conflict with the provisions of this section.

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

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

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

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

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

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

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

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

conducted as provided in subsection (e).

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

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

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

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

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

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

(B) be signed by the precinct committeeman or precinct

committeewoman authorizing the proxy; and

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

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

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

Sec. 36. On and after January 1, 2022, K.S.A. 2020 Supp. 25-3904 is hereby amended to read as follows: 25-3904. (a) When a district convention is provided by law to be held to elect a person to fill a vacancy in a party candidacy for a district office, the county chairperson designated in subsection (b) or (c), within 14 days of the receipt of the notice that the vacancy has occurred or will occur shall call and convene a convention of all committeemen and committeewomen of the political party from the precincts in such district. If such county chairperson is absent or for any reason is unable to call, or refuses to call such convention, then the corresponding county vice-chairperson shall call the convention and perform the other duties under this section required of such chairperson.

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

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

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

(e) At the time and place fixed for holding the convention, the county chairperson who called the convention shall act as temporary chairperson and shall call the convention to order. One-third of the

eligible members of the convention shall constitute a quorum for such election. In the event a quorum is not present at the time and place that such convention is called, the members present shall adjourn the convention to a day and time certain, which shall not be later than six days after such adjournment of such convention, and provide for notification of the time and place of such adjourned convention to be given to the eligible members not present. The convention shall organize by electing a permanent chairperson and such other officers as necessary. After the convention is organized, it shall elect a person to fill such vacancy in the party candidacy. Such election shall be by secret ballot and the person elected shall be the one who receives the majority of all the votes cast. If no person receives a majority of all votes cast on any ballot, the balloting shall continue until some person receives a majority of all the votes cast. Each committeeman and committeewoman of the party of the precincts in such district shall be entitled to vote. Except as provided in subsection (f), no precinct committeeman or committeewoman shall be represented or shall vote by proxy. The convention may adopt rules as necessary to govern its procedure in making nominations, voting, counting and canvassing votes and for the conduct of any business which may properly be brought before the convention, but such rules shall not be in conflict with the provisions of this section.

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

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

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

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

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

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

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

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

other duties required of such chairperson under this section.

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

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

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

(e) At the time and place fixed for holding the convention, the county chairperson who called the convention shall act as temporary chairperson and shall call the convention to order. One-third of the eligible members of the convention shall constitute a quorum for such election. In the event a quorum is not present at the time and place that such convention is called, the members present shall adjourn the convention to a day and time certain, which shall be not later than three days after such adjournment of such convention and provide for notification of the time and place of such adjourned convention to be given to the eligible members not present. The convention shall proceed to organize by electing a permanent chairperson and such other officers as necessary. After the convention is organized, it shall proceed to elect a person to fill the vacancy in the party candidacy. Such election shall be by secret ballot and the person elected shall be the one who shall receive the majority of all the votes cast. If no person receives a majority of all votes cast on any ballot, the balloting shall continue until some person receives a majority of all the votes cast. Each county chairperson and vice-chairperson of the party of the counties in such district shall be entitled to vote. Except as provided in subsection (f), no county chairperson or vice-chairperson shall be represented or shall vote by proxy. The convention may adopt rules necessary to govern its procedure in making nominations, voting, counting and canvassing votes and for the conduct of any business which may properly be brought before the convention, but such rules shall not be in conflict with the provisions of this section.

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

(2) A precinct committeeman or committeewoman may designate another precinct committeeman or committeewoman to cast such precinct committeeman's or precinct committeewoman's ballot at such convention

by proxy. Any proxy authorized by this subsection shall:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 39. On and after January 1, 2022, K.S.A. 2020 Supp. 58-652 is hereby amended to read as follows: 58-652. (a) The authority granted by a principal to an attorney in fact in a written power of attorney is not terminated in the event the principal becomes wholly or partially disabled

or in the event of later uncertainty as to whether the principal is dead or alive if:

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

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

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

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

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

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

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

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

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

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

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

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

or condition exists.

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

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

Sec. 42. On and after January 1, 2022, K.S.A. 2020 Supp. 58-4403 is hereby amended to read as follows: 58-4403. ~~On and after July 1, 2007:~~

(a) If a law requires, as a condition for recording, that a document be an original, be on paper or another tangible medium, or be in writing, the requirement is satisfied by an electronic document satisfying this act.

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

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

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

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

I hereby certify that the above BILL originated in the SENATE, and passed that body

SENATE adopted

Conference Committee Report _____

President of the Senate.

Secretary of the Senate.

Passed the HOUSE

as amended _____

HOUSE adopted

Conference Committee Report _____

Speaker of the House.

Chief Clerk of the House.

APPROVED _____

Governor.