

As Amended by House Committee

Session of 2020

HOUSE BILL No. 2713

By Committee on Judiciary

2-14

1 AN ACT enacting the revised uniform law on notarial acts; amending  
2 K.S.A. 16-1611, 58-2209 and 58-2211 and K.S.A. 2019 Supp. **25-3602**,  
3 **25-3902**, **25-3902a**, **25-3904**, **25-3904a**, 49-512, **58-652** and 58-4403  
4 and repealing the existing sections; also repealing K.S.A. 53-101, 53-  
5 102, 53-103, 53-104, 53-105, 53-105a, 53-106, 53-107, 53-109, 53-  
6 113, 53-114, 53-115, 53-116, 53-117, 53-118, 53-119, 53-120, 53-121,  
7 53-501, 53-502, 53-503, 53-504, 53-505, 53-506, 53-507, 53-508, 53-  
8 509, 53-510 and 53-511.

9  
10 *Be it enacted by the Legislature of the State of Kansas:*

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

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

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

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

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

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

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

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

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

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

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

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

1 affirmation, witnessing or attesting a signature, certifying or attesting a  
2 copy and noting a protest of a negotiable instrument.

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

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

7 (h) "Official stamp" means a physical image affixed to or embossed  
8 on a tangible record or an electronic image attached to or logically  
9 associated with an electronic record.

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

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

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

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

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

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

25 (m) "Stamping device" means:

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

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

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

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

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

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

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

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

42 (1) Taking an acknowledgment;

43 (2) administering an oath or affirmation;

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

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

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

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

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

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

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

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

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

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

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

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

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

42 (1) By means of:

43 (A) A passport, driver's license or government-issued nondriver

1 identification card that is current or expired not more than three years  
2 before performance of the notarial act; or

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

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

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

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

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

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

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

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

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

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

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

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

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

31 (1) A notary public of this state;

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

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

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

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

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

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

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

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

4 (1) The act performed in that state is performed by:

5 (A) A notary public of that state;

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

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

9 (2) the laws of the state that has commissioned the notary public  
10 require the notary public to be present in that state while performing the  
11 notarial act; and

12 (3) in the case of a notarial act where a physical presence requirement  
13 between the notary public and the individual is satisfied by the use of  
14 audio and video communication technology between the notary public and  
15 a remotely located individual, the laws of the state that has commissioned  
16 the notary public require the notary public to ascertain the identity of the  
17 remotely located individual by:

18 (A) Personal knowledge of the identity of the individual; or

19 (B) obtaining satisfactory evidence of the identity of the remotely  
20 located individual by a review of personal information from two different  
21 public or private data sources.

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

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

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

30 (1) A notary public of the tribe;

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

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

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

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

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

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

1 of this state, if the act performed under federal law is performed by:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3 (1) The notary public:

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

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

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

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

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

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

21 (A) The record:

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

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

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

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

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

38 (1) Complies with rules and regulations adopted pursuant to section  
39 27, and amendments thereto; or

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

43 (e) A notary public, a guardian, conservator or agent of a notary

1 public or a personal representative of a deceased notary public, shall retain  
2 the audio-visual recording created under subsection (b)(3) or cause the  
3 recording to be retained by a repository designated by or on behalf of the  
4 person required to retain the recording. Unless a different period is  
5 required by rules and regulations adopted pursuant to section 27, and  
6 amendments thereto, the recording shall be retained for a period of at least  
7 10 years after the recording is made.

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

26 (g) As used in this section:

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

41 (f) If a notarial act is performed regarding a tangible record, a  
42 certificate shall be part of, or securely attached to, the record. If a notarial  
43 act is performed regarding an electronic record, the certificate shall be

1 affixed to, or logically associated with, the electronic record. If the  
2 secretary of state has established standards in rules and regulations  
3 adopted pursuant to section 27, and amendments thereto, for attaching,  
4 affixing or logically associating the certificate, the process shall conform  
5 to the standards.

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

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

11 New Sec. 17. The secretary of state shall adopt rules and regulations  
12 providing short-form certificates of notarial acts that are sufficient for the  
13 purposes indicated if completed with the information required by section  
14 16(a) and (b), and amendments thereto.

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

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

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

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

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

41 New Sec. 20. (a) A notary public shall maintain a journal in which the  
42 notary public chronicles all notarial acts that the notary public performs.  
43 The notary public shall retain the journal for 10 years after the

1 performance of the last notarial act chronicled in the journal.

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

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

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

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

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

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

17 (5) if identity of the individual is based on satisfactory evidence, a  
18 brief description of the method of identification and the identification  
19 credential presented, if any, including the date of issuance and expiration  
20 of any identification credential; and

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

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

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

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

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

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

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

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

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

1 public has not selected.

2 (b) Before a notary public performs the notary public's initial notarial  
3 act with respect to an electronic record, a notary public shall notify the  
4 secretary of state that the notary public will be performing notarial acts  
5 with respect to electronic records, identify the technology the notary public  
6 intends to use and provide evidence of completion of the course of study  
7 and passing of the examination required by section 23, and amendments  
8 thereto. If the secretary of state has established standards in rules and  
9 regulations for approval of technology pursuant to section 27, and  
10 amendments thereto, the technology shall conform to such standards. If the  
11 technology conforms to the standards, the secretary of state shall approve  
12 the use of the technology. A notary public notifying the secretary of state  
13 pursuant to this section shall pay an information and services fee in an  
14 amount determined by the secretary of state adopted in rules and  
15 regulations, not to exceed \$25. The secretary of state shall remit all  
16 moneys received under this section to the state treasurer in accordance  
17 with the provisions of K.S.A. 75-4215, and amendments thereto. Upon  
18 receipt of each such remittance, the state treasurer shall deposit the entire  
19 amount in the state treasury to the credit of the information and services  
20 fee fund.

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

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

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

31 (1) An oath of office;

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

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

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

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

40 (b) An application, oath of office and surety bond or its functional  
41 equivalent received pursuant to this section and a record of commission  
42 issued under this section shall be filed in the office of the secretary of state  
43 and properly indexed in that office. The secretary of state shall remit all

1 moneys received under this section to the state treasurer in accordance  
2 with the provisions of K.S.A. 75-4215, and amendments thereto. Upon  
3 receipt of each such remittance, the state treasurer shall deposit the entire  
4 amount in the state treasury to the credit of the state general fund.

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

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

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

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

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

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

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

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

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

43 (g) A commission to act as a notary public authorizes the notary

1 public to perform notarial acts. The commission does not provide the  
2 notary public any immunity or benefit conferred by law of this state on  
3 public officials or employees. A notary public shall not be considered a  
4 state officer.

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

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

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

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

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

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

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

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

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

- 38 (1) Failure to comply with this act;
- 39 (2) a fraudulent, dishonest, deceitful, misstatement or omission in the  
40 application for a commission as a notary public submitted to the secretary  
41 of state;
- 42 (3) a conviction of the applicant or notary public of any felony or a  
43 crime involving fraud, dishonesty or deceit, including entering into a

1 diversion agreement in lieu of further criminal proceedings for such crime;

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

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

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

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

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

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

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

21 (11) cessation of United States citizenship;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



1 the notarial act before the notarial act is performed.

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

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

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

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

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

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

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

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

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

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

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

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

40 (6) establishing the process for approving and accepting surety bonds  
41 and other forms of assurance pursuant to section 22(d), and amendments  
42 thereto; and

43 (7) providing for the administration of the examination and the course

1 of study required by section 23, and amendments thereto.

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

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

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

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

11 (4) establishing standards and a period for the retention of an audio-  
12 visual recording created pursuant to section 15, and amendments thereto.

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

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

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

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

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

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

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

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

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

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

39 New Sec. 31. (a) This act modifies, limits and supersedes the federal  
40 electronic signatures in global and national commerce act, 15 U.S.C. §  
41 7001 et seq., except that nothing in this act modifies, limits or supersedes §  
42 7001(c) of that act or authorizes electronic delivery of any of the notices  
43 described in § 7003(b) of that act.

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

2 Sec. 32. On and after January 1, 2022, K.S.A. 16-1611 is hereby  
 3 amended to read as follows: 16-1611. ~~(a)~~ If a law requires a signature or  
 4 record to be notarized, acknowledged, verified or made under oath, the  
 5 requirement is satisfied if the electronic signature of the person authorized  
 6 to perform those acts, together with all other information required to be  
 7 included by other applicable law, is attached to or logically associated with  
 8 the signature or record.

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

11 **Sec. 33. On and after January 1, 2022, K.S.A. 2019 Supp. 25-3602**  
 12 **is hereby amended to read as follows: 25-3602. (a) Each petition shall**  
 13 **consist of one or more documents pertaining to a single issue or**  
 14 **proposition under one distinctive title. The documents shall be filed**  
 15 **with the county election officer or other official, if another official is**  
 16 **designated in the applicable statutes. The filing shall be made at one**  
 17 **time all in one group. Later or successive filings of documents relating**  
 18 **to the same issue or proposition shall be deemed to be separate**  
 19 **petitions and not a part of any earlier or later filing.**

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

21 (1) State the question which petitioners seek to bring to an  
 22 election in the form of a question as it should appear upon the ballot in  
 23 accordance with the requirements of K.S.A. 25-620 and ~~K.S.A. 25-~~  
 24 ~~3601~~, and amendments thereto;

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

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

30  
 31 (here insert name of political or taxing subdivision)  
 32 and my residence address is correctly written after my name."

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

36 When petitioners are required by law to possess qualifications in  
 37 addition to being registered electors, the form of the petition shall be  
 38 amended to contain a recital specifying the additional qualifications  
 39 required and stating that the petitioners possess the qualifications;  
 40 and

41 (4) contain a recital in substance as follows, at the end of each set  
 42 of documents carried by each petition circulator as defined in K.S.A.  
 43 2019 Supp. 25-3608, and amendments thereto: "I am the circulator of

1 this petition and I am qualified to circulate this petition and I  
 2 personally witnessed the signing of the petition by each person whose  
 3 name appears thereon.

4 \_\_\_\_\_  
 5 (Signature of circulator)

6 \_\_\_\_\_"

7 (Circulator's residence address)

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

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

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

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

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

30 Sec. 34. On and after January 1, 2022, K.S.A. 2019 Supp. 25-3902  
 31 is hereby amended to read as follows: 25-3902. (a) Except as provided  
 32 in K.S.A. 25-312a, and amendments thereto, when a district  
 33 convention is provided by law to be held to elect a person to be  
 34 appointed to fill a vacancy in a district office, the county chairperson  
 35 designated in subsection (b) or (c), within 21 days of receipt of notice  
 36 that a vacancy has occurred or will occur, shall call and convene a  
 37 convention of all committeemen and committeewomen of the party of  
 38 the precincts in such district for the purpose of electing a person to be  
 39 appointed by the governor to fill the vacancy. If such county  
 40 chairperson is absent or for any reason is unable to call, or refuses to  
 41 call such convention, then the county vice-chairperson shall call the  
 42 convention and perform the other duties under this section required of  
 43 such chairperson.

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

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

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

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

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

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

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

1 brought before the convention, but such rules shall not be in conflict  
2 with the provisions of this section.

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

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

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

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

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

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

41 Sec. 35. On and after January 1, 2022, K.S.A. 2019 Supp. 25-  
42 3902a is hereby amended to read as follows: 25-3902a. (a) When a  
43 vacancy occurs in the office of member of the state board of education,

1 the county chairperson designated in subsection (b), (c) or (d), within  
2 21 days of receipt of notice that a vacancy has occurred or will occur  
3 shall call and convene a district convention for the purpose of electing  
4 a person to be appointed by the governor to fill the vacancy. Such  
5 person shall be an elector of the same political party as that of the  
6 board member vacating such position and shall reside in the board  
7 member district corresponding to such board member position. If  
8 such county chairperson is absent or for any reason is unable to call or  
9 refuses to call such convention, then the county vice-chairperson shall  
10 call the convention and perform the other duties required of such  
11 chairperson under this section.

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

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

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

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

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

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

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

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

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

38 (C) contain an acknowledgment of such precinct committeeman's  
39 or precinct committeewoman's signature which complies with ~~K.S.A.~~  
40 ~~53-509~~ section 17, and amendments thereto.

41 (g) After a person has been elected to be appointed to fill a  
42 vacancy in the office of member of the state board of education, the  
43 chairperson or vice-chairperson of the convention shall execute a



1 certificate, under oath, stating that such person has been duly elected  
2 to be appointed to fill such vacancy and shall transmit such certificate  
3 to the governor. Thereupon, and not later than seven days after such  
4 certificate is received in the office of the governor, the governor, or in  
5 the governor's absence the lieutenant governor, shall fill such vacancy  
6 by appointing to the office of member of the state board of education  
7 the person so elected. In the event the governor or lieutenant governor  
8 fails to appoint any person as required by this subsection after  
9 receiving a lawfully executed certificate hereunder, such person shall  
10 be deemed to have been so appointed notwithstanding such failure.  
11 The person so appointed may qualify and enter upon the duties of  
12 office immediately after appointment.

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

22 Sec. 36. On and after January 1, 2022, K.S.A. 2019 Supp. 25-3904  
23 is hereby amended to read as follows: 25-3904. (a) When a district  
24 convention is provided by law to be held to elect a person to fill a  
25 vacancy in a party candidacy for a district office, the county  
26 chairperson designated in subsection (b) or (c), within 14 days of the  
27 receipt of the notice that the vacancy has occurred or will occur shall  
28 call and convene a convention of all committeemen and  
29 committeewomen of the political party from the precincts in such  
30 district. If such county chairperson is absent or for any reason is  
31 unable to call, or refuses to call such convention, then the  
32 corresponding county vice-chairperson shall call the convention and  
33 perform the other duties under this section required of such  
34 chairperson.

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

40 (c) If all or part of more than one county lies within the district,  
41 the county chairperson of the county in which the greatest number of  
42 qualified voters of the district reside shall call the convention by  
43 mailing a notice of such convention to each county chairperson of the

1 party in each such county, at least 10 days before the date of the  
2 convention. Such convention shall be held at a location within the  
3 district selected by the chairperson calling the convention. Such  
4 county chairpersons shall, within three days after receipt of such  
5 notice, mail notice of such convention to the committeemen and  
6 committeewomen in their counties who are entitled to vote at such  
7 convention pursuant to subsection (e).

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

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

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

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

1 convention by proxy. Any proxy authorized by this subsection shall:

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

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

7 (C) contain an acknowledgment of such precinct committeeman's  
8 or precinct committeewoman's signature which complies with ~~K.S.A.~~  
9 ~~53-509~~ section 17, and amendments thereto.

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

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

23 Sec. 37. On and after January 1, 2022, K.S.A. 2019 Supp. 25-  
24 3904a is hereby amended to read as follows: 25-3904a. (a) When a  
25 vacancy occurs in a party candidacy for the office of member of the  
26 state board of education, the county chairperson designated in  
27 subsection (b), (c) or (d), within 10 days of receipt of notice that the  
28 vacancy has occurred or will occur, shall call and convene a district  
29 convention for the purpose of electing a person to fill such vacancy. If  
30 such county chairperson is absent or for any reason is unable to call or  
31 refuses to call such convention, then the county vice-chairperson shall  
32 call the convention and perform the other duties required of such  
33 chairperson under this section.

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

41 (c) If all or part of more than one and less than five counties lie  
42 within the board member district, the county chairperson of the  
43 county in which the greatest number of qualified voters of the district

1 reside shall call a convention of all precinct committeemen and  
2 committeewomen of the party of the precincts in such district in the  
3 manner provided by K.S.A. 25-3904(c) and (d), and amendments  
4 thereto, and such convention shall be conducted as provided in K.S.A.  
5 25-3904(e), and amendments thereto. Such convention shall be held at  
6 a location within the district selected by the chairperson calling the  
7 convention.

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

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

1 shall not be in conflict with the provisions of this section.

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

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

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

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

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

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

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

32 Sec. ~~33~~ 38. On and after January 1, 2022, K.S.A. 2019 Supp. 49-512  
33 is hereby amended to read as follows: 49-512. (a) A state public trust shall  
34 be created to administer relocation assistance pursuant to this act and to  
35 acquire, hold and dispose of property as specified in this act.

36 (b) The trust shall have five trustees appointed by the governor,  
37 subject to confirmation by the senate as provided by K.S.A. 75-4315b, and  
38 amendments thereto. Except as provided by K.S.A. 46-2601, and  
39 amendments thereto, no person appointed as trustee shall exercise any  
40 power, duty or function as a trustee until confirmed by the senate. The  
41 terms of trustees first appointed shall be as follows: One trustee shall serve  
42 for a term expiring the first March 15 following appointment, one for a  
43 term expiring the second March 15 following appointment, one for a term

1 expiring the third March 15 following appointment and two for terms  
2 expiring the fourth March 15 following appointment. Thereafter, trustees  
3 shall be appointed for terms of four years and until their successors are  
4 appointed and confirmed. Whenever a vacancy on the trust occurs, the  
5 governor shall fill the vacancy by appointment and the appointee shall  
6 hold office for the unexpired term. Each trustee shall hold office until a  
7 successor has been appointed and confirmed. A trustee may be removed  
8 only for cause.

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

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

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

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

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

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

42 (i) Any real or personal property may be acquired and held in the  
43 name of the trust. When acquired, any conveyance, assignment or other

1 transfer shall be made in the name of the trust by the chairperson of the  
2 trust, attested by the secretary of the trust, with the seal of the trust affixed  
3 thereto.

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

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

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

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

30 (n) On July 1, 2014, or on the date that all of the rights and title to all  
31 real and personal property acquired by the trust have been conveyed,  
32 assigned or otherwise transferred in the name of the trust pursuant to  
33 K.S.A. 2019 Supp. 49-511 through 49-517, and amendments thereto, and  
34 the instruments of conveyance, assignment or other transfer have been  
35 finally executed, whichever date occurs first, the trust is hereby abolished  
36 and the office of each member of the trust is hereby abolished.

37 **Sec. 39. On and after January 1, 2022, K.S.A. 2019 Supp. 58-652**  
38 **is hereby amended to read as follows: 58-652. (a) The authority**  
39 **granted by a principal to an attorney in fact in a written power of**  
40 **attorney is not terminated in the event the principal becomes wholly**  
41 **or partially disabled or in the event of later uncertainty as to whether**  
42 **the principal is dead or alive if:**

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

1 attorney";

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

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

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

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

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

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

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

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

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

42 (d) A person who is appointed an attorney in fact under a durable  
43 power of attorney has no duty to exercise the authority conferred in



1 the power of attorney, unless the attorney in fact has agreed expressly  
2 in writing to act for the principal in such circumstances. An agreement  
3 to act on behalf of the principal is enforceable against the attorney in  
4 fact as a fiduciary without regard to whether there is any  
5 consideration to support a contractual obligation to do so. Acting for  
6 the principal in one or more transactions does not obligate an attorney  
7 in fact to act for the principal in subsequent transactions.

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

17 ~~Sec.-34.~~ 40. On and after January 1, 2022, K.S.A. 58-2209 is hereby  
18 amended to read as follows: 58-2209. All deeds or other conveyances of  
19 lands, or of any estate or interest therein, shall be subscribed by the party  
20 granting the same, or by the party's lawful agent or attorney, and may be  
21 acknowledged or proved and certified in the manner prescribed by the  
22 revised uniform law on notarial acts and K.S.A. 58-2216, and amendments  
23 thereto.

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

30 ~~Sec.-36.~~ 42. On and after January 1, 2022, K.S.A. 2019 Supp. 58-  
31 4403 is hereby amended to read as follows: 58-4403. ~~On and after July 1,~~  
32 ~~2007-~~(a) If a law requires, as a condition for recording, that a document be  
33 an original, be on paper or another tangible medium, or be in writing, the  
34 requirement is satisfied by an electronic document satisfying this act.

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

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

1       Sec.~~37~~ **43**. On and after January 1, 2022, K.S.A. 16-1611, 53-101,  
2 53-102, 53-103, 53-104, 53-105, 53-105a, 53-106, 53-107, 53-109, 53-  
3 113, 53-114, 53-115, 53-116, 53-117, 53-118, 53-119, 53-120, 53-121, 53-  
4 501, 53-502, 53-503, 53-504, 53-505, 53-506, 53-507, 53-508, 53-509, 53-  
5 510, 53-511, 58-2209 and 58-2211 and K.S.A. 2019 Supp. **25-3602, 25-**  
6 **3902, 25-3902a, 25-3904, 25-3904a**, 49-512, **58-652** and 58-4403 are  
7 hereby repealed.

8       Sec.~~38~~ **44**. This act shall take effect and be in force from and after  
9 its publication in the statute book.