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STATE OF KANSAS

Testimony: HB2713 (Proponent)
House Judiciary Committee
Wednesday, February 19, 2020

Chairman Patton and members of the Committee:

The Kansas Secretary of State appreciates the opportunity to offer proponent testimony on HB2713. Many of the notary statutes have been in place since the mid-1980s and this bill provides needed updates to modernize notary law in Kansas.

The bill provides guidance to notaries about their authority as a notary, what services they can provide, guidelines for accepting identification documents, and under what circumstances they should not notarize a document. The bill also provides that notaries complete a course of study and pass an examination administered or approved by the Office Secretary of State to help them better understand state law and their responsibilities as a notary.

HB2713 recognizes that technology advancements can be used to perform notarizations and permits remote notarizations. Nearly half of all states have enacted remote notary legislation and are at various stages of implementation.

The bill also implements best practices for notaries, including requirement that notaries maintain a journal of all notarial acts and requires a notary to notify the Secretary of State's office if their stamp is lost or stolen.

We are supportive of this effort to modernize the notary statutes and provide additional resources for notaries about their responsibilities under the law. One area where we would note a concern is Sec. 17, that requires the Office of Secretary of State to adopt rules and regulations providing short-form certificates of notarial acts. The short-form certificate sets out how the notary is to complete a notarization based on the type of document being notarized. These short-form certificates are already in current law (K.S.A. 53-509), and it seems to be a duplicative effort to repeal this statute to replicate it in rules and regulations.

Thank you for the opportunity to testify in support of HB2713.

Respectfully submitted,

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