

**Timothy Reiniger,
L.L.C.**

40 Belfield Drive
Cape Elizabeth, Maine
04107

Timothy S. Reiniger, Esq.
Direct Dial: (804) 997-9213
E-Mail: tim@reinigerllc.com

March 9, 2020

The Honorable Richard Wilborn, Chair
Kansas Senate Committee on the Judiciary
300 SW Tenth Street
Room 541-E
Topeka, KS 66612-1504
ATN: Iris Evans

RE: Recommended Changes/Support Position Re: HB 2713

Dear Senator Wilborn,

I recently had the honor of serving as American Bar Association-appointed Adviser to the Uniform Law Commission's (ULC) drafting committee for the Revised Uniform Law on Notarial Acts (RULONA of 2018). It would be terrific for Kansas to enact the RULONA. However, based on my experience with both the RULONA drafting committee and virtually every state enactment of online notarization going back to Virginia (2011), I strongly recommend that you make two important amendments.

First, Section 11 subsections (a)(2) and (3) (or p. 5, lines 8-20) need to be deleted and paragraph (c) from the RULONA Section 11 reinserted. As proposed, Sec 11 does not conform with the RULONA text by adding highly problematic new provisions for the recognition and enforcement of a remote online notarial acts validly performed by commissioned notaries in another state.

Second, Section 2(h) (p. 2, line 8) needs to be amended to include an important phrase to the definition of "official stamp" (underlined) - "Official stamp means a physical image affixed to or embossed on a tangible record or an electronic image attached to or electronically associated with an electronic record, including an official notary seal." The purpose of adding this phrase (consistent with nearly all of the twenty-three states that have enacted online notarization) is to make legally certain that the notary's official stamp, whether in tangible or electronic form, is deemed to fulfill any requirement for an official notarial seal of office for Rule 902 of the Federal Rules of Evidence or other statutory references to notarial officers who are not notaries public. And, likely for similar reasons, Kansas retained the seal when enacting the ULONA in 1984.

Please do not hesitate to contact me should have any questions about this letter or experiences with online notarization laws in other states. I very much thank you for your consideration.

Very truly yours,



Timothy S. Reiniger, Esq.