

Kansas Administrative Regulations

Secretary of State

Article 43.—Notaries Public

7-43-20. Notarial acts for remotely located individuals.

(a) Any notary public may perform notarial acts for remotely located individuals only after being authorized as a notary public and notifying the secretary that the notary public will be performing notarial acts for remotely located individuals.

(b) A notary public shall not perform a notarial act for a remotely located individual if the notary public is not physically located in Kansas at the time of the notarization.

(c) Upon performing a notarial act for a remotely located individual, the notary public shall electronically attach a notarial certificate to the document being notarized. Each notarial certificate for a notarial act for a remotely located individual shall meet the following requirements:

- (1) State the name of the remotely located individual;
- (2) provide the date the notarial act occurred;
- (3) identify the state and county in which the notarial act was performed;
- (4) include a description of the type of notarial act performed, which shall be sufficient if the description is substantially similar to a short form specified in K.A.R. 7-43-17;
- (5) include a statement regarding the use of communication technology as specified in K.A.R. 7-43-17; and
- (6) contain the notary public's official stamp that is attached to the record and signed by the notary public with the notary public's digital certificate.

(d) Each notary public who performs a notarial act for a remotely located individual shall maintain an audiovisual recording of all notarial acts in addition to a journal of notarial acts that contains the entries required under K.S.A. 2022 Supp. 53-5a20(c), and amendments thereto. The audiovisual recording shall include the following, at a minimum:

(1) Confirmation by the notary public that the individual has successfully completed identity proofing and credential analysis;

(2) visual confirmation of the identity of the individual through visual inspection of the credential used during credential analysis; and

(3) the actual notarial act performed.

(e) Each notary public shall attach that individual's electronic signature to the notarial certificate on an electronic record in a manner that is capable of independent verification and renders any subsequent change or modification to the electronic record tamper-evident.

(Authorized by K.S.A. 2022 Supp. 53-5a27; implementing K.S.A. 2022 Supp. 53-5a15, 53-5a16, and 53-5a21; effective, T-7-6-30-22, June 30, 2022; effective Oct. 28, 2022; amended Dec. 29, 2023.)

***** Authenticated Kansas Administrative Regulation *****