

Kansas Administrative Regulations

Secretary of State

Article 43.—Notaries Public

7-43-19. Security of records bearing a notarial certificate.

(a) For each tangible record, the notary public shall affix the notarial certificate directly on the record to be notarized, except as provided in this subsection.

(b) If a notarial certificate cannot be affixed to a record to be notarized because the record lacks adequate space for a notarial certificate, the notary public shall:

(1) provide the notarial certificate on a separate page and attach the notarial certificate to the record by staple or other secure method so that the removal of the record or notarial certificate is discernible; and

(2) include in the notarial certificate a description of the record to which the notarial certificate is attached.

(c) For each electronic record, the notary public shall attach or logically associate the notary public's electronic signature by use of a digital certificate to a notarial certificate that is affixed to or logically associated with the electronic record that is the subject of a notarial act.

(d) The notary public's digital certificate shall have tamper-evident technology meeting the following requirements:

(1) Be attributed or uniquely linked to the notary public;

(2) be capable of independent verification;

(3) be retained under the notary public's sole control; and

(4) be attached to or logically associated with the electronic record to which it relates in such a manner that any subsequent change of the electronic record is detectable.

(e) A notary public shall not perform a notarial act with respect to an electronic record if the digital certificate meets any of the following conditions:

(1) Has expired;

(2) has been revoked or terminated by the issuing or registering authority;

(3) is invalid; or

(4) is incapable of authentication.

(Authorized by K.S.A. 2022 Supp. 53-5a27; implementing K.S.A. 2022 Supp. 53-5a16, 53-5a18, and 53-5a27; effective, T-7-6-30-22, June 30, 2022; effective Oct. 28, 2022; amended Dec. 29, 2023.)

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