

February 16, 2026

The Honorable Susan Humphries, Chairperson
House Committee on Judiciary
300 SW 10th Avenue, Room 582-N
Topeka, Kansas 66612

Dear Representative Humphries:

SUBJECT: Fiscal Note for HB 2696 by House Committee on Judiciary

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2696 is respectfully submitted to your committee.

HB 2696 would require a biometric antifraud system to implement an authentication process for confirming the identity and process of a notary public witnessing a signature and obtaining identification information of the signer of the document utilizing the most current available technology. The bill would make the submission of biometric information as required by a biometric antifraud system a condition of certification as a verified notary public being granted authority to notarize signatures for real estate documents beginning December 31, 2027.

A “verified notary public” would be defined as a certified notary public who is authorized to notarize real estate documents using the biometric antifraud system according to the provisions of the bill. “Biometric information” would be defined as a digital record of an individual’s facial features obtained via a device-bound hardware camera system utilizing three-dimensional liveness detection and other technologies to protect the authenticity of such digital record against remote internet attacks. Under current law, the Secretary of State approves applications to become a notary public. The bill would allow notaries public that elect to provide biometric information as verified notaries public to charge a reasonable fee as approved by the Secretary of State. The bill would specify the capabilities and the components of the system. Each verified notary public in collaboration with the Secretary of State and the Office of Information Technology Services would ensure on an ongoing basis that the antifraud biometric system uses current technology and security provisions to protect real estate documents and personal identification information.

Beginning December 31, 2027, banks, private entities, and counties would be required to use the biometric antifraud system as a condition of recording real estate documents with the counties. The Secretary of State would approve any systems used by a verified notary public for recording real estate documents with the county to ensure functionality across all counties. Beginning December 31, 2027, no real estate document could be accepted for recording by a county without authentication through the biometric antifraud system.

Estimated State Fiscal Effect			
	FY 2026	FY 2027	FY 2028
Expenditures			
State General Fund	--	--	--
Fee Fund(s)	--	\$5.0 million to \$10.0 million	\$500,000
Federal Fund	--	--	--
Total Expenditures	--	\$5.0 million to \$10.0 million	\$500,000
Revenues			
State General Fund	--	--	--
Fee Fund(s)	--	--	--
Federal Fund	--	--	--
Total Revenues	--	--	--
FTE Positions	--	2.00	2.00

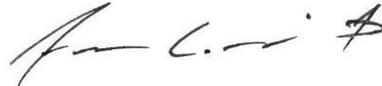
The Secretary of State estimates HB 2696 could increase the agency’s fee fund expenditures in FY 2027 by \$5.0 million to \$10.0 million to select a vendor through the Request for Proposal process for a biometric antifraud system. The agency estimates ongoing expenditures of \$500,000 from its fee funds beginning in FY 2027 for 1.00 Office Specialist and 1.00 Applications Developer in the agency’s Business Services Division for maintenance of the system and maintaining a repository for the information, including documents created by the proposed notary system. Currently, the agency has several information technology projects scheduled for the next few years. The additional positions would attempt to complete implementation of the new system by the timeline described in the bill without significantly delaying the agency’s current projects.

The Office of the Attorney General states HB 2696 has a high risk of litigation; however, the Office is unable to estimate the cost of the litigation. The Office of Information Technology and the Office of Judicial Administration both state the bill would not have a fiscal effect. Any fiscal effect associated with HB 2696 is not reflected in *The FY 2027 Governor’s Budget Report*.

The Kansas Association of Counties indicates HB 2696 could increase costs to counties for the implementation and transition associated with purchasing new software for receiving real estate documents by counties. Counties would have ongoing costs for maintaining the system and

enforcing signature requirements and authentication of signatures required by the bill. The Association is unable to estimate a precise fiscal effect of the bill. The League of Kansas Municipalities states HB 2696 would require municipalities to develop and implement new procedures for notarization as well as purchasing equipment. The League is unable to estimate the fiscal effect of the bill.

Sincerely,

A handwritten signature in black ink, appearing to read "Adam C. Proffitt", with a stylized flourish at the end.

Adam C. Proffitt
Director of the Budget

cc: Jennifer Cook, Office of the Secretary of State
Bruce Chladny, Kansas Association of Counties
Brian Reiter, Office of Information Technology Services
Matt Bingesser, Office of the Attorney General
Trisha Morrow, Judiciary
Wendi Stark, League of Kansas Municipalities