

Uniform Facsimile Signature of Public Officials Act

The State of Kansas laws authorizing Extension Councils and Districts, require the signature of the Board Chair, Secretary and Treasurer to issue warrant checks for the payment of authorized expenditures. Some local units have asked about the possibility of using facsimile signatures to expedite the payment of expenditures when all three board officers are not available, or when checks need to be issued between board meetings. It has been determined by our University General Counsel that local unit Extension Boards could rely on the Uniform Facsimile Signature of Public Officials Act (K.S.A. 75-4001, et seq.) for the purpose of satisfying the signature requirement. The treasurer's manual signature is still required, but by filing a notary public certified copy of the manual signature of the board chair and secretary with the Kansas Secretary of State, it is possible to use a facsimile signature of those two officers on the warrant checks.

75-4001. Definitions. As used in this act:

(a) "Public security" means a bond, note, certificate of indebtedness, or other obligation for the payment of money, issued by this state or by any of its departments, agencies, boards, or other instrumentalities or by any of its political or taxing subdivisions.

(b) "Instrument of payment" means a check, draft, warrant, or order for the payment, delivery, or transfer of funds.

(c) "Authorized officer" means any official of this state or any of its departments, agencies, boards, or other instrumentalities or any of its political or taxing subdivisions whose signature to a public security or instrument of payment is required or permitted.

(d) "Facsimile signature" means a reproduction by engraving, imprinting, stamping, or other means of the manual signature of an authorized officer.

75-4002. Facsimile signature, when; effect. Any authorized officer, after filing with the secretary of state his or her manual signature certified by him or her under oath, may execute or cause to be executed with a facsimile signature in lieu of his or her manual signature: (a) Any public security, provided that at least one signature required or permitted to be placed thereon shall be manually subscribed, and (b) any instrument of payment. Upon compliance with this act by the authorized officer, his or her facsimile signature has the same legal effect as his or her manual signature.

75-4004. Unlawful acts; penalties. Any person who with intent to defraud uses on a public security or an instrument of payment:

(a) A facsimile signature, or any reproduction of it, of any authorized officer shall on conviction be adjudged guilty of forgery as defined in K.S.A. 2012 Supp. 21-5823, and amendments thereto; or

(b) Any facsimile seal, or any reproduction of it, of this state or any of its departments, agencies, boards, officers, or other instrumentalities or of any of its political or taxing subdivisions shall on conviction be adjudged guilty of forgery as defined in K.S.A. 2012 Supp. 21-5823, and amendments thereto.

Boards wanting to use facsimile signatures may obtain the form that needs to be filed from the Kansas Secretary of State's office. A separate form is necessary for each officer.

<http://www.kssos.org/forms/Administration/MN.pdf>

Completed forms can be mailed to:

Kansas Secretary of State
Memorial Hall, 1st Floor
120 SW 10th Avenue
Topeka, KS 66612-1594