

**Opinion No. 52-5538**

May 13, 1952

**BY:** JOE L. MARTINEZ, Attorney General

**TO:** Mrs. Beatrice B. Roach Secretary of State Santa Fe, New Mexico

{\*249} On April 7, 1952, you requested an opinion regarding the scope of the authority of Notaries Public in New Mexico, specifically as to our interpretation of Section 11-101 of the New Mexico Statutes, Annotated, 1941 Compilation, which reads as follows:

"11-101. Appointment -- Term -- Authority -- Qualifications. -- The governor shall appoint in each county in this state from the citizens of either sex, one (1) or more notaries public, who shall hold office for four (4) years unless sooner removed by the governor, each of whom shall have power and authority anywhere in the state to administer oaths, certify to acknowledgments, and perform all the other duties required of them by law; but a person to be eligible to such appointment must at the time of appointment have resided in the state at least one (1) year, and must be of the age of twenty-one (21) years or over, and must be a person of good moral character and competent to discharge the duties of the office, and these facts must be made to appear to the governor at the time of the application for appointment. (Laws 1909, Ch. 55, § 1; Code 1915, § 3924; C. S. 1929, § 94-101.)"

You will note that the language of the above quoted Section is mandatory and Notaries Public have power and authority to take oaths and acknowledgments of any instruments anywhere in the State of New Mexico. It is therefore my opinion that Notaries Public who qualify in one County of New Mexico can administer oaths, certify to acknowledgments and perform any other duties required of them by law anywhere in the State of New Mexico. However, if a Notary Public should change his residence from the County from which he has qualified as a Notary Public, he must, before performing any official act in the County to which he has removed himself, have his Bond, Commission and Oath of Office filed in the Office of the County Recorder, and upon request the Secretary of State will send by registered mail to {\*250} the County Recorder those papers for record.

Trusting that this fully answers your inquiry, I remain,