

Opinion No. 58-240

December 23, 1958

BY: OPINION OF FRED M. STANDLEY, Attorney General Fred M. Calkins, Jr.,
Assistant Attorney General

TO: Honorable Edwin L. Mechem, Governor of New Mexico, Santa Fe, New Mexico

QUESTION

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Would it be legal for the out-going Governor to sign notary public renewal applications when the term of appointment begins next year?

CONCLUSION

Yes.

OPINION

ANALYSIS

In order to expedite the handling of literally hundreds of notary public renewal applications, we are asked whether the out-going Governor may sign notary public renewal applications even though the terms of appointment will begin next year. As indicated above, we believe that he may do so.

Under Section 35-1-1, N.M.S.A., 1953 Compilation, the Governor is authorized to appoint notaries public for a term of four years. Such appointments, however, do not become valid and legal until the notary provides a bond and takes oath of office to support the Constitution of the United States and to faithfully discharge the duties of his office. He is further required to file the oath and bond with the Secretary of State.

Inasmuch as the initial appointment is merely one step in the process of becoming a notary, and further, does not become effective until certain other acts are fulfilled, we hold that the present Governor may sign notary public renewal applications even though the term of appointment begins next year.