

Opinion No. 31-279

September 23, 1931

BY: E. K. Neumann, Attorney General

TO: Mrs. Marguerita P. Baca, Secretary of State, Santa Fe, New Mexico.

{*108} This regards the letter of Miss Grace Massie under date of September 22, 1931, concerning a Notary Public who has changed her name by marriage.

We find that a former Attorney General has expressed an Opinion on this subject as follows:

"Your letter to the secretary of state regarding the change in commission as notary public of Mrs. Elizabeth W. Garrett, formerly Miss Elizabeth W. Winter, has been referred to this office.

We know of no way under our law for a commission to a notary public to be amended or changed by the governor. If the governor had such authority it would be necessary to pay certain fees to the Secretary of State for the new commission, for recording with the county clerk, and to have the seal of the notary changed. So far as the expense is concerned, therefore, there would be little saved by having a new one issued.

We believe that Mrs. Garrett can still act as notary under present commission as Miss Winter, and that her acts as such notary could not be questioned." (Opinion No. 2939-1921).

I entirely agree with this opinion. In order to avoid confusion the Notary should sign her name in the following manner: Mrs. Elizabeth W. Garrett, formery Miss Elizabeth W. Winter.

By Quincy D. Adams,

Asst. Attorney General