

Opinion No. 37-1584

April 6, 1937

BY: FRANK H. PATTON, Attorney General

TO: Mrs. Elizabeth F. Gonzales Secretary of State Santa Fe, New Mexico

{*70} You have referred to us letter dated April 3rd from F. G. Ivey, Roswell, New Mexico, in connection with status of his commission as a notary public. Because this question arises so many times I deem it advisable to write you a general letter upon this question so that you will have a guide for your future actions in this connection.

Under Section 94-104 of the 1929 Compilation, each notary public after appointment and before entering upon his duties shall take an oath to support the Constitution of the United States and to faithfully discharge the duties of his office and shall give a bond to the state with two sureties in the penal sum of \$ 500.00

This bond is to be approved by the county clerk of the county wherein the notary resides, which approval shall be indorsed upon said bond and signed by said county clerk. The notary shall then have his commission recorded by the county clerk of the county in which he resides and for this service the clerk is entitled to charge a fee of \$ 1.00

The notary shall also deposit with the clerk an impression of his seal, together with his official signature. Such signature and impression of the seal shall be preserved in the office of the county clerk.

When any notary public desires to change his place of residence he must, before performing any official act in the new county, cause his bond, commission and oath of office to be filed in the office of the county clerk of the new county.

For this purpose the Secretary of State shall upon demand forward by registered mail to the county clerk designated the bond, commission and oath for record and it shall then be the duty of the county clerk to record same and then return to the Secretary of State. (Section 94-120). The bond is to be kept on file in the office of the Secretary of State **after** it has been recorded by the county clerk.

It is my belief from the foregoing that if a notary public complies with the foregoing statutory provisions, he may legally perform the duties of a notary in a new county to which he has removed.