

**Opinion No. 52-5569**

July 23, 1952

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

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

{\*278} Recently you inquired of this office whether the use of the Great Seal of the State of New Mexico by a non-profit institution in promotional material advertising the institution is permissible.

Article 5, Section 10 of the Constitution of the State of New Mexico provides for the Great Seal of the State of New Mexico and this article also provides that the seal shall be kept by the Secretary of State. Section 3-1301 New Mexico Statutes Annotated, 1941, prescribes the form of the Great Seal.

Seals are of the utmost antiquity and were at one time used as a signature. They are still used to authenticate charters and other instruments. The dignity of the Great Seal in many of the States has been guarded by legislation.

While there appears to be no such legislation specifically prohibiting the use of the Great Seal of the State of New Mexico for advertising, et cetera, other than the constitutional and statutory provisions above cited, the Great Seal of the State of New Mexico is the property of the sovereign state and is to be kept by the Secretary of State. It is used to authenticate charters, etc., and to authenticate the acts of the State of New Mexico, and it is intended to import authenticity to the fact that the item bearing the same is directly related to the sovereign State of New Mexico.

Therefore it is my opinion that the use of the Great Seal of the State of New Mexico, by any one, other than by the State of New Mexico, for any purpose, is not permitted.

{\*279} Therefore, even though the corporate laws provides that corporations both for profit and not for profit may adopt and use a common seal, the use of the Great Seal of the State of New Mexico by the corporation, either as part of its seal or for any other purpose, is not permissible.

I trust that this fully answers your inquiry.