

Opinion No. 55-6210

June 30, 1955

BY: RICHARD H. ROBINSON, Attorney General

TO: Mrs. Natalie Smith Buck, Secretary of State, State Capitol Building, Santa Fe, New Mexico

Replying to your letter of June 24, 1955, in which you requested an opinion as to whether a Notary Public who moves from one county to another must alter his seal in order to show the new county, it is our opinion that it would not be necessary to alter the seal so as to show the new county.

§ 35-1-17, N.M.S.A., 1953, reads as follows:

"Whenever a notary public shall change his place of residence from the county in which he was appointed to another county, he shall, before performing any official act in such county, cause his bond, commission and oath of office to be filed in the office of the county clerk, and for such purpose upon demand of the secretary of state shall forward by registered mail to the county clerk designated such bond, commission and oath for record, and it shall be the duty of the county clerk the same as in this section provided to immediately after making such record return the same to the secretary of state, and such recorder shall receive for such record the fees provided for the original record of such papers."

It is to be noted here that nothing is mentioned concerning the seal of the Notary moving to the new county. In § 35-1-15, N.M.S.A., 1953, providing for the recording of the commission under the original commission, provision is made for the recording of an impression of the seal. In view of this we feel that it is not necessary that the Notary Public change its seal when he moves to a new county. However, when the commission is renewed, it would be necessary to comply with § 35-1-15, N.M.S.A., 1953, and at this time a change in the seal should be made so as to show the county of the residence of the Notary Public.

Trusting this will answer your question, we remain,

By: Paul L. Billhymer

Assistant Attorney General