



STATE OF KANSAS

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CURT T. SCHNEIDER  
Attorney General

May 28, 1975

Opinion No. 75- 233

The Honorable Elwill Shanahan  
Secretary of State  
2nd Floor - State Capitol Building  
Topeka, Kansas 66612

Attn: Mr. Sherman Parks

Dear Secretary Shanahan:

Section 2 of 1975 House Bill No. 2388 states thus:

"Every notary public before entering upon the duties of that office shall file with the secretary of state an application for appointment as a notary public, the oath of office, and a good and sufficient bond to the state of Kansas in the sum of two thousand five hundred dollars (\$2,500), with one or more sureties to be approved by the said secretary of state, conditioned for the faithful performance of the duties of that office; and also shall file with the secretary of state the official signature and an impression of the seal to be used by said notary public."

You inquire whether an appointment may be issued by the Secretary of State, which establishes the commencement and expiration dates of the term of office, prior to the receipt in your office of the four instruments described in the section quoted above. Issuance of the appointment, which legally empowers the holder thereof to exercise the privileges of the office, should not, in our opinion, be issued prior to the filing of all four of the required items. All of the items are necessary to enable a notary public to enter upon the duties of the office, and no appointment should be issued conferring authority upon the notary prior to the filing of the required documents.

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Secondly, you question whether, in preparing the application form required by the act, it is necessary to require a verification under oath or affirmation that the applicant meets the statutory requirement that he or she be eighteen years of age. The bill is silent on this question, and the preparation of the form is left to the discretion of the Secretary. Although such a verification does not appear to be required expressly by law, we see no objection whatever to such a requirement.

Yours very truly,



CURT T. SCHNEIDER  
Attorney General

CTS:JRM:kj