



STATE OF KANSAS

OFFICE OF THE ATTORNEY GENERAL

2ND FLOOR, KANSAS JUDICIAL CENTER, TOPEKA 66612

CURT T. SCHNEIDER
ATTORNEY GENERAL

September 28, 1978

MAIN PHONE: (913) 296-2215
CONSUMER PROTECTION: 296-3751

ATTORNEY GENERAL OPINION NO. 78-305

Mr. Sherman A. Parks, Jr.
Deputy Assistant Secretary of State
Legal Counselor
2nd Floor - State Capitol
Topeka, Kansas 66612

Re: Notaries Public--Appointment--Revocation

Synopsis: Kansas law does not authorize the revocation of the appointment of a notary public who removes from the state. However, no notary public may perform notarial acts under the authority of an appointment by the Secretary of State pursuant to K.S.A. 53-101 outside the State of Kansas.

* * *

Dear Mr. Parks:

You advise that you have received written notification from a notary public who was appointed pursuant to K.S.A. 53-101 *et seq.*, that the notary has moved to another state.

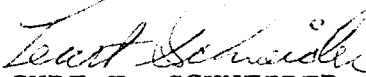
As you state ch. 53, K.S.A., is silent as to what action, if any, the Secretary of State should take regarding the appointment of notaries public who have removed from this state after their appointment, and you inquire what procedure, if any, should be followed.

K.S.A. 53-101 provides that only persons who are eighteen years of age and who have been residents of this state for at least one hundred eighty days prior to the date of application are eligible for appointment. A notary is appointed for a term of four years.

Mr. Sherman A. Parks, Jr.
Page Two
September 28, 1978

Chapter 53, K.S.A., is silent as to the authority to revoke the appointment of a notary public upon his or her removal from the state. Absent specific statutory authority, or provisions from which such authority may reasonably and necessarily be implied, it is my opinion that the Secretary of State should take no action whatever regarding the appointments of such persons. I would point out that under K.S.A. 53-107, no notary public may perform any notarial acts performed under an appointment from your office outside the state.

Yours truly,


CURT T. SCHNEIDER
Attorney General

CTS:JRM:kj