

1972 WL 25296 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

April 25, 1972

***1 Re: Removal of Notary Public**

Mr. Kelley Jones
Assistant for Press and Legal Affairs
Office of the Governor
Columbia, South Carolina 29211

Dear Mr. Jones:

To remove a Notary Public from office, the Governor must now proceed under Section 1-124, Code of Laws of South Carolina, 1962, to provide notice and an opportunity for a hearing before removal on grounds of misconduct or persistent neglect of duty. (Constitution of South Carolina, Article 3, § 27.) Under the 1967 amendment of Section 49-1, Code of Laws of South Carolina, 1962, a Notary Public now holds office for a definite term; and, therefore, the Governor no longer has the authority to remove such an appointee at his pleasure as was previously the case under the old wording of Section 49-1. (See [State v. Wannamaker](#), 213 S.C. 1, 48 S.E. 2d 601; and Attorney General Opinion July 9, 1963.)

Contact me if I can be of any further assistance. I am returning your original enclosures.

Sincerely,

Hardwick Stuart, Jr.
Assistant Attorney General

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