

1979 WL 43547 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

August 28, 1979

**\*1 Re: Termination Notary Public Commission**

Mr. John M. Leiter  
Harmon, Smith & Bridges  
Suite 1204  
The Life of Georgia Tower  
Atlanta, Georgia 30308

Dear Mr. Leiter:

In your letter of August 13, 1979, you ask whether your moving from South Carolina to Georgia terminated your South Carolina Notary Public commission. [Section 26-1-10 of the Code of Laws of South Carolina \(1976\)](#) provides that notaries public shall be appointed from the qualified electors of the State. Being a qualified elector is, therefore, a prerequisite to appointment to the office of Notary Public. The general rule is that eligibility to public office is of a continuing nature and must exist throughout the term of office. 62 Am. Jur. 2d, Public Officers and Employees § 42 (1972); Annot., 'Time as of Which Eligibility or Ineligibility to Office is to be Determined,' [88 A.L.R. 812, 828 \(1934\)](#). Removal of the condition to appointment to an office terminates the right to that office. Therefore, assuming you are no longer a qualified elector of the State of South Carolina, your commission as Notary Public is no longer effective.

I hope that this response answers your question satisfactorily. If this Office can be of any further assistance to you, please do not hesitate to contact me.

Very truly yours,

Victor S. Evans  
Deputy Attorney General

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