

# New York State Notary Practice Exam (Sample)

## Study Guide



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**SAMPLE**

## **Questions**

- 1. What is the primary purpose of a notary public?**
  - A. To provide legal counsel**
  - B. To verify identities and witness signatures**
  - C. To prepare legal documents**
  - D. To act as a mediator in disputes**
- 2. What type of statute must a notary public comply with to charge a fee for their service?**
  - A. Federal law**
  - B. State law**
  - C. Local law**
  - D. No specific law, they set their own fees**
- 3. Are electronic notarial acts accepted in New York?**
  - A. No, only physical signatures are accepted**
  - B. Yes, under specific legal terms and conditions**
  - C. Only for international documents**
  - D. Yes, but only for real estate transactions**
- 4. What information is included on the notary public identification card?**
  - A. Only the name and address**
  - B. Name, address, and county**
  - C. Name, address, county, and commission term**
  - D. Name and commission number**
- 5. Which document must a notary public maintain for their acts?**
  - A. A journal of notarial acts**
  - B. A record of fees collected**
  - C. A list of clients**
  - D. An appointment letter**

- 6. Which of the following is NOT a responsibility of a guardian?**
- A. Financial management for the minor**
  - B. Making medical decisions for the minor**
  - C. Executing wills for the minor**
  - D. Caring for the minor's day-to-day needs**
- 7. Will the official acts of a notary public be invalidated due to minor compliance issues?**
- A. Always invalid**
  - B. Only if willful**
  - C. Completely valid**
  - D. Depends on the severity**
- 8. What is the fee collected by the county clerk for filing a certificate of official character?**
- A. \$10**
  - B. \$15**
  - C. \$5**
  - D. \$20**
- 9. Are sheriffs allowed to hold the position of notary public?**
- A. Yes, they can hold both offices**
  - B. No, they cannot hold any other office**
  - C. Only in a deputy role**
  - D. Only under special circumstances**
- 10. Is a notary public considered a public officer?**
- A. Yes, they are considered a public officer**
  - B. No, they are private individuals**
  - C. Only if they work for the government**
  - D. Only during official duties**

## **Answers**

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1. B
2. B
3. B
4. C
5. A
6. C
7. B
8. A
9. B
10. A

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## **Explanations**

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**1. What is the primary purpose of a notary public?**

- A. To provide legal counsel
- B. To verify identities and witness signatures**
- C. To prepare legal documents
- D. To act as a mediator in disputes

The primary purpose of a notary public is to verify identities and witness signatures. This role is essential in ensuring the authenticity and integrity of legal documents and transactions. When a notary public witnesses a signature, they confirm that the signer is who they claim to be, which helps to prevent fraud. This verification process often includes checking identification and ensuring the individual understands the document they are signing. Notaries serve a crucial function in a variety of contexts, including real estate transactions, wills, powers of attorney, and other legal documents that require a signature. Their involvement adds a layer of trust to the documents and processes at hand, making them vital in maintaining public confidence in legal transactions. By witnessing signatures and verifying identities, notaries help ensure that documents are executed properly and are enforceable in legal settings. Other roles mentioned, such as providing legal counsel, preparing legal documents, or acting as mediators in disputes, fall outside the official responsibilities of a notary public. Notaries do not provide legal advice, draft legal documents for clients, or settle conflicts, as these functions require a licensed attorney. Thus, the verification of identities and witnessing of signatures remains the core function of a notary public.

**2. What type of statute must a notary public comply with to charge a fee for their service?**

- A. Federal law
- B. State law**
- C. Local law
- D. No specific law, they set their own fees

The correct answer is that notaries public must comply with state law to charge a fee for their services. In New York State, the laws governing notaries explicitly define the maximum fees that can be charged for various notarial acts, which ensures consistency and fairness in the fees applied across the state. This legal framework protects consumers against potential overcharging, as it standardizes the fees that notaries can collect. Federal law does not regulate notary fees, as the authority to set such fees falls under the jurisdiction of state law. Local laws might differ from state regulations, but they generally do not override state legislation regarding notary fees. Additionally, notaries cannot arbitrarily set their own fees without adhering to the fee schedule prescribed by the state.

### **3. Are electronic notarial acts accepted in New York?**

- A. No, only physical signatures are accepted**
- B. Yes, under specific legal terms and conditions**
- C. Only for international documents**
- D. Yes, but only for real estate transactions**

In New York, electronic notarial acts are indeed accepted, but they must comply with specific legal terms and conditions. The state has recognized that electronic notarization can streamline processes and enhance accessibility, especially in circumstances where in-person notarization presents challenges. To perform electronic notarizations, notaries must be properly authorized and use technology that meets the standards set by New York law, including security measures to ensure the integrity of the notarial act. This might involve using audio-visual technology to witness the signer's identity in real-time, as well as ensuring that the electronic signature and documents are secure. The other options do not accurately reflect the law in New York; physical signatures alone are not the only means accepted, limiting acceptance to international documents or strictly real estate transactions is also incorrect. Instead, the law establishes broader guidelines under which electronic notarization can occur, reflecting a modern approach to notarization practices.

### **4. What information is included on the notary public identification card?**

- A. Only the name and address**
- B. Name, address, and county**
- C. Name, address, county, and commission term**
- D. Name and commission number**

The correct answer highlights that a notary public identification card includes the name, address, county, and commission term. This comprehensive information is essential for verifying the identity and authority of the notary. The name and address are fundamental for identification purposes, while the inclusion of the county indicates where the notary is authorized to perform notarial acts. Additionally, the commission term is vital as it informs the public of the period during which the notary's powers are valid. Having all of this information on the identification card ensures transparency and trust in notarial services. In summary, a full understanding of the notary's credentials and location, combined with the validity of their commission, directly supports the integrity and reliability of notarial acts.

**5. Which document must a notary public maintain for their acts?**

- A. A journal of notarial acts**
- B. A record of fees collected**
- C. A list of clients**
- D. An appointment letter**

The requirement for a notary public to maintain a journal of notarial acts is essential because it serves as an official record of all notarial activities conducted. This journal helps ensure accountability and provides a legal document that can be referenced in the event of disputes or challenges regarding the notarial acts. It enables the notary to keep track of details such as the date, type of notarial act performed, and the identity of the parties involved. While maintaining a record of fees collected or a list of clients might be good business practices, they are not mandatory for the notary's responsibilities. Additionally, an appointment letter is necessary for becoming a notary public but is not something that needs to be maintained for documenting notarial acts. Therefore, keeping a journal of notarial acts is the correct and required practice for a notary public in New York State.

**6. Which of the following is NOT a responsibility of a guardian?**

- A. Financial management for the minor**
- B. Making medical decisions for the minor**
- C. Executing wills for the minor**
- D. Caring for the minor's day-to-day needs**

Your assertion regarding the responsibilities of a guardian is accurate. A guardian is typically appointed to act in the best interest of a minor or an incapacitated individual, which encompasses a variety of duties. One significant responsibility is financial management, ensuring the safeguarding and appropriate use of the minor's assets. Additionally, guardians are tasked with making medical decisions, which involves understanding healthcare needs and consenting to treatments when necessary. Day-to-day care of the minor, including providing for basic needs like food, shelter, and education, is another essential aspect of a guardian's role. However, guardians do not have the authority to execute wills on behalf of a minor. Wills are legal documents that require the testator's consent and must be executed by a competent individual who is of legal age. Since a minor cannot legally create or execute a will, this responsibility does not fall within a guardian's purview. Thus, the option regarding executing wills accurately represents a duty that is NOT assigned to guardians.

**7. Will the official acts of a notary public be invalidated due to minor compliance issues?**

- A. Always invalid**
- B. Only if willful**
- C. Completely valid**
- D. Depends on the severity**

The correct understanding is that the official acts of a notary public are generally upheld even if there are minor compliance issues, as long as those issues are not willful or intentional. In New York State, notarial acts are primarily aimed at ensuring the authenticity of documents and the identity of signers. If a minor error occurs but does not affect the fundamental validity of the signature or the intent of the document, such as a small mistake in the format or wording that does not mislead or confuse the parties involved, the document is still considered valid. However, if the notary acts with willful disregard for the proper procedures or intentionally fails to fulfill their responsibilities, that can lead to the invalidation of the notary's acts. This principle acknowledges that while compliance with notarial laws and regulations is important, the primary focus is on the integrity of the act itself rather than on rigid adherence to every detail, provided there is no intent to deceive or wrongdoing. This understanding allows for flexibility in the application of notarial duties, ensuring that justice and the intent of the parties involved remain paramount.

**8. What is the fee collected by the county clerk for filing a certificate of official character?**

- A. \$10**
- B. \$15**
- C. \$5**
- D. \$20**

The correct fee for filing a certificate of official character with the county clerk in New York is indeed \$10. This is a standard fee that is established by state law and is applicable for the service rendered by the county clerk's office in verifying the notary's official character. Understanding the importance of the certificate of official character is crucial as it serves to affirm the legitimacy of a notary public's signature and acts as a form of validation for notarial acts. This fee structure is designed to ensure that the costs associated with maintaining public records and providing verifications are covered. In contrast, the other specified amounts do not align with the established fee, showing that there is a specific legal framework in place which sets boundaries on what fees can be charged for this service.

**9. Are sheriffs allowed to hold the position of notary public?**

- A. Yes, they can hold both offices**
- B. No, they cannot hold any other office**
- C. Only in a deputy role**
- D. Only under special circumstances**

Sheriffs in New York State are not permitted to hold the position of notary public due to the restrictions placed on public officers. According to New York Notary law, those holding certain public offices, including the office of sheriff, are prohibited from becoming notaries public. This is intended to avoid conflicts of interest and ensure the integrity of the notary public role, which requires impartiality and independence. The other options imply possibilities that are not allowed under the law. The correct understanding of this regulation emphasizes the importance of maintaining a clear boundary between the duties of law enforcement officers and those of notaries, ensuring that the functions of each role remain distinct and free from influences that could compromise the impartiality required of notaries public.

**10. Is a notary public considered a public officer?**

- A. Yes, they are considered a public officer**
- B. No, they are private individuals**
- C. Only if they work for the government**
- D. Only during official duties**

A notary public is indeed considered a public officer. This classification comes from the significant role notaries play in the execution of legal documents and their function in confirming identity and ensuring the integrity of the signing process. As public officers, notaries uphold the law by providing an essential service that supports the legal system and public interest. Notaries have a duty to perform their tasks impartially and are tasked with guarding against fraud and misrepresentation. This public trust is what solidifies their status as public officers, regardless of whether they are employed by the government or operate as private individuals. It's important to recognize that their role extends beyond private interests; their actions have implications for the broader community, making their position vital in official civil matters.