

# Notary Public Guide

Dear Neighbor,

As a public official, a notary public assumes a position of trust which demands a high degree of conscientious public service.

This brochure is designed to answer some basic questions if you are interested in being commissioned or are already serving as a New York State Notary Public.

To learn more about the role of a Notary Public, I suggest that you pick up a copy of the New York State Division of Licensing Services publication entitled "Notary Public License Law" which you may download from the New York State website at:

<http://www.dos.ny.gov/licensing/lawbooks/notary.pdf>.

Acting as an agent for New York State, my office processes the necessary forms for a Notary Public after their appointment by the New York Secretary of State. We also maintain records of all Nassau County notaries, and authenticate notary signatures upon request.

I cannot emphasize enough the importance of performing your duties properly. Be responsible and know the law.

Sincerely,



## General Notarial Information

The chief Notary Public of every county is the County Clerk. By state law, every Clerk's Office must provide the service of a notary to its residents.

Usual and customary notarial functions include:

- Administering oaths and affirmations
- Taking affidavits and depositions
- Receiving and certifying acknowledgments or proof of written instruments such as deeds, mortgages, and powers of attorney
- Demanding acceptance or payment of foreign and inland bills of exchange, promissory notes and obligations in writing, and protesting the same for non-payment

Notaries are commissioned in their county of residence. After receiving and approving an application for a Notary Public commission, the New York Secretary of State forwards the commission, the original oath of office, and the signature of the notary to the County Clerk.

The County Clerk's Office maintains a record of notary commissions and signatures. The public may access these records to verify the notary's official signature at the County Clerk's office.

### **Notary Public Fees**

A notary public may charge a fee of \$2 for administering an oath or affirmation or for taking an acknowledgment or proof of execution. Unless otherwise authorized by law, a notarial fee may not exceed this amount.

In accordance with New York State Law, the County Clerk's Office provides for the use of a notary free of charge.

### **Notarial Authentication**

Upon request, the Nassau County Clerk will authenticate the signature of a notary public on a document and attest to the notary's authority to sign. This is normally obtained when the documents will be used outside of the State of New York.

Notaries who expect to sign documents regularly in counties other than in their residence may elect to file a certificate of official character with other County Clerks in the State of New York to facilitate authentication of their signature in counties other than Nassau.

### **Notary Public Application Process**

Notaries Public are commissioned by the New York Secretary of State for a term of four years. An applicant for a Notary Public commission must submit an original application along with the required fee to the Secretary of State Division of Licensing Services. The application includes an oath of office which must be sworn and notarized. The applicant must also submit a "pass slip" showing that he or she has taken and passed the notary examination.

An individual admitted to practice in New York State as an attorney may be commissioned as a notary without an examination.

A newly appointed notary will receive an identification card that indicates his or her name, address, county, and commission term.

### **Notary Public Examination Information**

For up-to-date information on the Notary Public Examination, including fees, regulations, test sites and times, please visit: <http://www.dos.state.ny.gov/licensing/notary/notary.html>.

### **Notary Public Renewal**

The renewal application is posted to the Notary Public approximately three months prior to the expiration of his or her term of office. The application must be completed and submitted with a \$60 fee to the County Clerk where the notary is commissioned. Instructions for proper submission are included with the renewal application. The term of the renewal commission is four years. Subsequent notary renewals are also recorded at the County Clerk's Office.

### **Change of Name or Address**

If your personal name or address has changed, you may pick up a Change of Personal Name or Address form from the County Clerk's Office. Follow the instructions on the form and submit it along with a \$10 fee to the NYS Department of State. (The fee is not required if the name change is the result of change of marital status) You may also change your name upon renewal of your Notary license, without an additional fee. You must provide proof of your name change, e.g. a copy of one of the following: court order changing your name; marriage certificate; driver's license, or a non-driver's ID card; valid passport; or immigration documents. You should use your new name when signing your renewal application. A change in the business name requires re-application.

### **Out-of-State Residents**

Attorneys residing outside of the State of New York who are admitted to practice in the State of New York and who maintain a law office within the State are deemed residents of the county where their office is maintained.

Nonresidents other than attorneys who have offices or places of business in the State of New York may also become notaries. The oath of office and signature of the notary must be filed in the office of the County Clerk of the county in which the office or place of business is located.