

THE NOTARY EXAMINATION

A Critical Analysis of New Jersey's "Fitness" Determination

*New Jersey Notary Association
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Executive Summary

N.J.S.A. 52:7-10.3 requires the notary examination to "determine the fitness" of applicants to perform notarial acts. Fitness implies genuine competence—the ability to apply knowledge, exercise judgment, detect fraud, and perform duties correctly in real-world situations.

After obtaining and analyzing the actual notary examination, the New Jersey Notary Association has concluded that the exam does not and cannot determine fitness.

Key Findings

<i>Finding</i>	<i>Detail</i>
<i>What the Exam Tests</i>	<i>Rote memorization of statutory facts, definitions, and fee schedules</i>
<i>What the Exam Misses</i>	<i>Fraud detection, signer capacity assessment, error correction, venue determination, refusal skills, and the credible witness procedure</i>
<i>Security</i>	<i>No proctoring, no identity verification, no lockdown browser, no monitoring of any kind</i>
<i>Commercial Availability</i>	<i>Exam questions and answers are sold on multiple online platforms</i>

RON Overemphasis

*Significant space dedicated to Remote Online
Notarization, a specialized service most
notaries will never perform*

The Legal Requirement: "Determining Fitness"

N.J.S.A. 52:7-10.3 states:

"The State Treasurer shall prescribe an examination to determine the fitness of a non-attorney applicant to exercise the functions of a notary public as provided in section 2 of P.L.1979, c.460 (C.52:7-11). The examination shall: (1) be based on the statutes, rules, regulations, procedures, and ethical requirements for notaries public as described in the manual issued by the State Treasurer; and (2) include the requirements, functions, duties, and responsibilities of a notary public."

The operative phrase is "determine the fitness." This is not casual language. It implies:

- *Genuine assessment of competence*
- *Verification that the applicant has internalized the material*
- *Confidence that the applicant can apply knowledge to real situations*
- *Assurance that the applicant understands ethical obligations*
- *Certainty that the applicant can detect and prevent fraud*

The question before us is whether the actual examination meets this standard.

The Examination: Basic Facts

Through investigation, the New Jersey Notary Association obtained a copy of the actual notary examination. Here are its basic characteristics:

<i>Metric</i>	<i>Detail</i>
<i>Total Questions</i>	<i>50</i>
<i>Format</i>	<i>Multiple choice / True-False</i>
<i>Time Allowed</i>	<i>75 minutes</i>
<i>Proctoring</i>	<i>None</i>
<i>Identity Verification</i>	<i>None</i>
<i>Lockdown Browser</i>	<i>None</i>
<i>Webcam Monitoring</i>	<i>None</i>
<i>Screen Sharing Prevention</i>	<i>None</i>
<i>Commercial Availability</i>	<i>Exam questions and answers sold on multiple platforms</i>

What the Exam Tests

The exam overwhelmingly tests rote memorization of statutory facts that can be easily looked up or memorized from commercially available study guides.

Category 1: Basic Facts

These questions require recall of simple statements from the manual.

<i>Question</i>	<i>Topic</i>
<i>Q1</i>	<i>Stamp belongs to notary, not employer</i>
<i>Q5</i>	<i>Journal must be maintained</i>
<i>Q27</i>	<i>Notaries can act statewide</i>
<i>Q39</i>	<i>Notary is a public office</i>

Category 2: Fee Schedule

<i>Question</i>	<i>Topic</i>
<i>Q16</i>	<i>\$2.50 per act, \$15 real estate transfers, \$25 financing</i>

Category 3: Definitions

<i>Question</i>	<i>Topic</i>
Q19	<i>Definition of "record"</i>
Q21	<i>Definition of "verification on oath"</i>
Q33	<i>Definition of "representative capacity"</i>

Category 4: Prohibitions

<i>Question</i>	<i>Topic</i>
Q6	<i>Cannot use "attorney" titles</i>
Q26	<i>Cannot notarize for spouse</i>
Q50	<i>Cannot give legal advice</i>

Category 5: Remote Online Notarization (RON)

<i>Question</i>	<i>Topic</i>
Q8	<i>Remote notarization permitted</i>
Q10	<i>Signer can be remote</i>
Q11	<i>Must notify before performing RON</i>
Q12	<i>RON requirements (4-part question)</i>
Q13	<i>Cannot notarize wills remotely</i>
Q40	<i>Electronic/RON permitted</i>
Q45	<i>Wills cannot be notarized remotely</i>
Q46	<i>Electronic stamp requirements</i>

What the Exam Does Not Test

Here is where the exam completely fails to assess "fitness."

<i>Critical Competency</i>	<i>Why It Matters</i>	<i>Is It Tested?</i>
<i>Fraud detection</i>	<i>Can the applicant spot a fake ID?</i>	<i>NO</i>
<i>Signature comparison</i>	<i>Does the applicant know to compare journal signature to ID signature?</i>	<i>NO</i>
<i>Signer capacity assessment</i>	<i>Can the applicant recognize confusion, duress, or coercion?</i>	<i>NO</i>
<i>Credible witness procedure</i>	<i>Does the applicant understand this high-risk, last-resort method?</i>	<i>NO</i>
<i>Error correction</i>	<i>Does the applicant know how to fix a mistake on a certificate or in a journal?</i>	<i>NO</i>
<i>Venue determination</i>	<i>Does the applicant know that venue is where they are standing, not where they live?</i>	<i>NO</i>

<i>Backdating prohibition</i>	<i>Does the applicant know that backdating is illegal?</i>	<i>NO</i>
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<i>Professional refusal</i>	<i>Does the applicant know how to say no professionally?</i>	<i>NO</i>
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<i>Journal entry completion</i>	<i>Does the applicant know the proper sequence and what to record?</i>	<i>NO</i>
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<i>Handling incomplete documents</i>	<i>Does the applicant know what to do when blanks are present?</i>	<i>NO</i>
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The RON Problem: Testing a Specialty

Remote Online Notarization is a specialized service that requires separate authorization and technology. Many notaries—including bank tellers, retail notaries, and those in traditional office settings—will never perform a RON.

Yet the exam dedicates significant space to RON:

<i>Question</i>	<i>Topic</i>
<i>Q8</i>	<i>Remote notarization permitted</i>
<i>Q10</i>	<i>Signer can be remote</i>

Q11 *Must notify before performing RON*

Q12 *RON requirements (4-part question)*

Q13 *Cannot notarize wills remotely*

Q40 *Electronic/RON permitted*

Q45 *Wills cannot be notarized remotely*

Q46 *Electronic stamp requirements*

Why this is problematic:

- *A bank teller notary does not need to know RON requirements*
 - *Testing RON details on the general exam creates confusion*
 - *RON should have a separate, optional exam for those seeking that authorization*
 - *The space used for RON could be better used testing fundamental skills like fraud detection and error correction*
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The Security Failure: No Proctoring, No Identity Verification

The New Jersey Notary Association witnessed the application process firsthand. What we observed confirms that the exam is completely unsecured:

<i>Security Measure</i>	<i>Status</i>
<i>Identity verification before exam</i>	<i>NONE</i>
<i>Proctoring (live or recorded)</i>	<i>NONE</i>
<i>Lockdown browser</i>	<i>NONE</i>
<i>Webcam monitoring</i>	<i>NONE</i>
<i>Screen sharing prevention</i>	<i>NONE</i>
<i>Time limit enforcement</i>	<i>75 minutes (easily bypassed with multiple windows)</i>

What this means:

- *Anyone can take the exam for the applicant*
 - *Applicants can keep study materials, including commercially available answer keys, open in another window*
 - *Multiple applicants could take the exam together*
 - *There is no way to verify that the person who passed the exam is the person who received the commission*
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The Compounding Problem: Exam Questions Are Sold Online

The exam is not only unsecured; it is completely compromised. Multiple online platforms openly sell and distribute the full text of the notary exam questions and answers.

<i>Platform</i>	<i>Document Title</i>	<i>Price/Source</i>
<i>Docsity</i>	<i>"New Jersey Florida Notary Public Practice Exam"</i>	<i>Available for download</i>
<i>Docsity</i>	<i>"NJ Notary Public Guide and Laws Exam Verified Questions"</i>	<i>Available for download</i>
<i>Stuvia</i>	<i>"New Jersey Notary Public Practice Exam Questions"</i>	<i>Sold by "Brightpath Resources"</i>
<i>Docsity</i>	<i>"NJ Notary Exam Q&A 2025"</i>	<i>Available for download</i>
<i>Stuvia</i>	<i>"New Jersey Notary Public Exam 2024/2025 Questions Solved"</i>	<i>Sold for \$8.00</i>
<i>Stuvia</i>	<i>"NJ Notary Public Manual Exam questions"</i>	<i>Available for download</i>

The result: An applicant can:

- Watch none of the state's 45-minute videos*
- Read none of the Notary Manual*

- Complete zero hours of actual study
- Purchase the exam questions and answers online
- Memorize the answers (or keep them open in another window)
- Pass the exam with no retained knowledge whatsoever
- Receive a notary commission
- Perform notarizations on real documents

The state would have no idea any of this occurred.

The "Fitness" Problem: What the Law Requires vs. What the Exam Delivers

N.J.S.A. 52:7-10.3 requires an examination "to determine the fitness" of applicants.
 "Fitness" implies:

- Readiness to perform duties competently
- Understanding of ethical obligations
- Ability to apply rules to real-world situations
- Judgment to know when to refuse
- Skills to detect and prevent fraud

What the exam actually determines:

The Exam Determines...

Not Whether the Applicant...

Whether they memorized the fee schedule

Can correctly charge for multiple signers

Whether they know the definition of "record"

Can spot a fake ID

Whether they know RON requires notification

Can recognize when a signer is confused

Whether they know the stamp belongs to them

Can secure their stamp from misuse

Whether they know journal must be kept

Can properly complete a journal entry

Whether they know they cannot give legal advice

Can recognize where the line is

Summary: What the Law Requires vs. What the Exam Provides

What the Law Requires

What the Exam Provides

Determination of fitness to perform notarial acts

Multiple-choice test of basic statutory facts

Assessment of practical knowledge and judgment

True-false questions testing memorization

Verification that applicant can detect fraud

No questions on fraud detection whatsoever

<i>Verification that applicant can assess signer capacity</i>	<i>One question mentioning competence, zero testing how to assess it</i>
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<i>Verification that applicant knows how to correct errors</i>	<i>No questions on error correction</i>
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<i>Verification that applicant understands venue</i>	<i>One question requiring venue be listed, zero testing how to determine it</i>
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<i>Secure, proctored environment</i>	<i>No proctoring, no ID verification, no lockdown browser</i>
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What the Current System Allows

Under the current system, an applicant can:

<i>Scenario</i>	<i>Possible?</i>
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<i>Watch none of the state's 45-minute videos</i>	<i>YES</i>
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<i>Read none of the Notary Manual</i>	<i>YES</i>
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<i>Complete zero hours of actual study</i>	<i>YES</i>
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<i>Purchase exam questions and answers online</i>	<i>YES</i>
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<i>Keep answers open in another window during the exam</i>	<i>YES</i>
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<i>Have someone else take the exam</i>	<i>YES</i>
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<i>Pass with no retained knowledge</i>	<i>YES</i>
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<i>Receive a notary commission</i>	<i>YES</i>
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<i>Perform notarizations on real documents</i>	<i>YES</i>
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The state would have no idea any of this occurred.

Recommendations

1. Immediate Suspension or Reform of the Current Exam

The exam in its current form does not determine fitness and should be immediately suspended or fundamentally reformed.

2. Secure, Proctored Testing Environment

The state must implement:

- *Identity verification before exam access*
- *Live or recorded proctoring*
- *Lockdown browser technology*
- *Webcam monitoring*
- *Prevention of screen sharing and multiple windows*

3. Separate Exam for Remote Online Notarization

RON is a specialized service requiring separate authorization. The general exam should not test RON details. A separate, optional exam should be created for notaries seeking RON authorization.

4. Competency-Based Question Design

The exam should test application, not just memorization. Questions should present real-world scenarios and assess whether the applicant knows how to handle them.

5. Removal of Commercially Available Materials

The state should take action to remove copyrighted exam materials from commercial platforms and pursue those who are profiting from the sale of state examination content.

Conclusion

The notary examination required by N.J.S.A. 52:7-10.3 was intended to "determine the fitness" of applicants to perform notarial acts. More than four years after the law's passage, the exam does nothing of the sort.

It tests memorization, not competence. It ignores critical skills like fraud detection, capacity assessment, and error correction. It dedicates significant space to a specialized service most notaries will never use. It is administered in an environment with no security whatsoever. And its questions and answers are sold openly online.

An applicant could pass this exam with no retained knowledge and receive a commission. The public would never know.

The notaries of New Jersey, and the public they serve, deserve better.

About the New Jersey Notary Association

The New Jersey Notary Association (NJNA) is dedicated to the education and professional development of New Jersey's notaries public. Founded in 2021 by Patrick

Anthony, a notary of more than 20 years, NJNA provides comprehensive training, resources, and advocacy for notaries across the state.

Patrick Anthony is President of NJNA, founder of the NJNA Foundation, author of "Garden State Notary: A Complete Guide for New Jersey Notaries," and creator of the NJNA Educational Video Library (7+ hours). He has served as an expert witness in litigation cases involving notarial misconduct and is committed to strengthening notarial practice in New Jersey.

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