

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Secretary of State

RULE CITATION: 18 NCAC 07D (note rule numbers within document)

DEADLINE FOR RECEIPT: Thursday, May 15, 2025

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of these Rules prior to the Commission's next meeting. The Commission has not yet reviewed these Rules and therefore there has not been a determination as to whether these Rules will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing these Rules, the staff recommends the following changes be made:

18 NCAC 07D .0404: *I found this rule a little awkward to parse on first reading. I think it might help to make it clear that “satisfactory evidence” in item 1 is a defined term. I.e., consider “satisfactory evidence, as defined in G.S. 10B-3(22);”*

Please retype the rules accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

1 18 NCAC 07D .0404 is adopted with changes as published in 39:13 NCR 818 as follows:

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3 **18 NCAC 07D .0404 NOTARY USE OF IDENTITY PROOFING AND CREDENTIAL ANALYSIS**
4 **INDEPENDENT OF PLATFORM**

5 A notary public ~~electing to~~ shall use approved identity proofing or credential analysis solutions when performing an
6 in-person notarial act ~~shall~~ if the notary:

- 7 (1) ~~not use identity proofing and credential analysis as a replacement for the notary's independent~~
8 ~~evaluation of whether~~ verifies the identity of the principal using personal knowledge or satisfactory
9 ~~evidence of identification has been met; evidence;~~
10 (2) ~~use only approved~~ uses the identity proofing or credential analysis ~~vendors and solutions; only as a~~
11 supplement to, and not a replacement for, the identification process described in Item (1) of this
12 Rule; and
13 (3) ~~comply~~ complies with G.S. 10B-134.11(a)(2).

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15 History Note: Authority G.S. 10B-4; 10B-134.21; 10B-134.23;
16 Eff. July 1, 2025.