



State of North Carolina
Department of the Secretary of State

ELAINE F. MARSHALL
SECRETARY OF STATE

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Via E-mail:

Jeanette Doran, Chair
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Jake Parker, Vice Chair
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William (Paul) Powell, Jr., Second Vice Chair
ppowell@apbev.com
Rules Review Commission
1711 New Hope Church Road
Raleigh, North Carolina 27609

Re: Request for change to 2024-2027 Existing Rules Review Schedule
for 18 NCAC 07J (Notary Rules)

Dear Chair Doran and Vice Chairs Parker and Powell:

I am writing to request that the Rules Review Commission (RRC) remove 18 NCAC 07J from the Existing Rules Review (ERR) 2024-2027 schedule. There are three existing rules in 18 NCAC 07J which are presently scheduled for ERR review by the Rules Review Commission (RRC) at its July 2025 meeting. The three existing rules are as follows:

18 NCAC 07J .0201 Electronic Notary Solution Provider Application
18 NCAC 07J .0402 Criteria For Approval Of Electronic Notary Solution Providers
18 NCAC 07J .0601 Electronic Notary Solution Provider Changes.

Chapter 07J is presently scheduled for RRC review in July 2025, based on a February 2025 RRC grant of a 30-day extension from June 2025. The RRC had set the June 2025 scheduling of the Chapter 07J rules on March 27, 2024, when the RRC removed the remainder of 18 NCAC Chapter 07 from the ERR schedule.

I have now adopted changes to 18 NCAC Chapter 07J, including amendments to the three existing 07J rules. At the same time, I also adopted other notary rule amendments, adoptions, and repeals. All adopted changes to the notary rules will be before the RRC for review at its April 2025 meeting.

The Department's RENA rulemaking process:

The Department has been working steadily on the rules since the Governor signed the Remote Electronic Notarization Act (RENA) in July 2022. Indeed, as of the writing of this letter, I can safely say that we have spent at least 16,000 hours on these rules.

Due to the scope and scale of the requirements for this rulemaking process, we proposed the rules in three sets. The first set of proposed rules was approved by the Rules Review Commission at its December 2023 and January 2024 meetings. The second set of rules were approved by the Rules Review Commission in February 2024.

The rules that will be considered by the RRC at its April 2025 meeting focus primarily on the technology used to perform remote electronic notarial acts. The rules cover licensure and approval of the providers of that technology. Other rules in this set include clarification as to how a notary must use the technology. This final group of rules encompasses amendments to the three existing rules in 18 NCAC 07J and amends those rules.

Thus, after notifying interested parties, accepting public comment, considering and amending the existing 07J rules, we have readopted them with amendments, although not calling the actions readoptions. Leaving the three 18 NCAC 07J rules on the ERR schedule will unduly burden the Commission, RRC staff, the Department's staff, the regulated community and the public. It would be duplicative, confusing, and unnecessary.

Given these circumstances, I request that you remove the Department's 18 NCAC 07J rules from the 2024-2027 Existing Rules Review Schedule. The Department's General Counsel, Ann Wall, will attend the Commission meeting on Thursday, March 27, 2025, and will be available to answer any questions you may have in relation to this request.

Regards,


Elaine F. Marshall

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