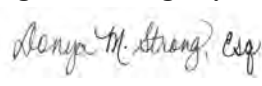




SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency:	
2. Rule citation & name (name not required for repeal):	
3. Action: <input type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input checked="" type="checkbox"/> READOPTION	
4. Rule exempt from RRC review? Yes. Cite authority: No	5. Rule automatically subject to legislative review? Yes. Cite authority: No
6. Notice for Proposed Rule: <input type="checkbox"/> Notice Required Notice of Text published on: Link to Agency notice: Hearing on: Adoption by Agency on: <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input type="checkbox"/> No	8. Fiscal impact <input type="checkbox"/> Check all that apply <input type="checkbox"/> <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input type="checkbox"/> Approved by OSBM <input type="checkbox"/> No fiscal note required
9. REASON FOR ACTION	
9A. What prompted this action? Check all that apply: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: </div> <div style="width: 45%;"> <input type="checkbox"/> Legislation enacted by the General Assembly <input type="checkbox"/> Cite Session Law: <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other: </div> </div>	
9B. Explain:	
10. Rulemaking Coordinator: Name: Title: Phone: E-Mail:	11. Signature of Agency Head* or Rule-making Coordinator: <div style="text-align: center; margin-bottom: 10px;">  </div> <hr/> *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: Title:
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	


SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: N.C. Medical Care Commission	
2. Rule citation & name (name not required for repeal): 10A NCAC 13F .0703/TUBERCULOSIS TEST, MEDICAL EXAMINATION AND IMMUNIZATIONS	
3. Action: <input type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input checked="" type="checkbox"/> READOPTIO N <input type="checkbox"/> REPEAL through READOPTIO N	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: 06/15/23 Link to Agency notice: https://info.ncdhhs.gov/dhsr/ruleactions.html Hearing on: 08/07/23 Adoption by Agency on: 11/03/23 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input checked="" type="checkbox"/> This Rule was part of a combined analysis. <input type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input checked="" type="checkbox"/> Approved by OSBM <input checked="" type="checkbox"/> No fiscal note required
9. REASON FOR ACTION	
9A. What prompted this action? Check all that apply: <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: <input type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: <input type="checkbox"/> Petition for rule-making <input checked="" type="checkbox"/> Other: G.S. 150B-21.3A.(c)(2)(g)	
9B. Explain: Pursuant to GS 150B-21.3A, Periodic Review and Expiration of Existing Rules, all rules are reviewed at least every 10 years or they shall expire. As a result of the periodic review of Subchapter 10A NCAC 13F, Licensing of Adult Care Homes of Seven or More Beds, this rule was determined as “Necessary With Substantive Public Interest,” requiring readoption. With input from a stakeholder workgroup, substantive revisions have been made to this Rule to update the admission requirements that include the resident’s admission medical examination, the medical examination form and required elements of the form, hospital discharge instructions and orders, residents with mental health or psychiatric follow up care needs, and readmission following hospitalization. A definition for “physician extender” was added to the Rule. In addition, technical changes were made to this Rule.	
10. Rulemaking Coordinator: Taylor Corpening Phone: 919-855-4619 E-Mail: taylor.corpening@dhhs.nc.gov Additional agency contact, if any: Shalisa Jones Phone: 704-589-6214 E-Mail: shalisa.jones@dhhs.nc.gov	11. Signature of Agency Head* or Rule-making Coordinator: <div style="text-align: center; margin-top: 10px;">  <hr style="width: 80%; margin: auto;"/> </div> *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: Taylor Corpening Title: Rule-making Coordinator
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	


SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: N.C. Medical Care Commission	
2. Rule citation & name (name not required for repeal): 10A NCAC 13F .1104/ACCOUNTING FOR RESIDENT'S PERSONAL FUNDS	
3. Action: <input type="checkbox"/> ADOPTION <input checked="" type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READOPTIOIN <input type="checkbox"/> REPEAL through READOPTIOIN	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: 06/15/23 Link to Agency notice: https://info.ncdhhs.gov/dhsr/ruleactions.html Hearing on: 08/07/23 Adoption by Agency on: 11/03/23 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input checked="" type="checkbox"/> This Rule was part of a combined analysis. <input type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input checked="" type="checkbox"/> Approved by OSBM <input checked="" type="checkbox"/> No fiscal note required
9. REASON FOR ACTION	
9A. What prompted this action? Check all that apply: <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: <input type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other:	
9B. Explain: The N.C. Medical Care Commission is amending this rule to revise the process for the verification of a resident's personal funds transaction and needs allowance statements, and to clarify the business process for these actions.	
10. Rulemaking Coordinator: Taylor Corpening Phone: 919-855-4619 E-Mail: taylor.corpening@dhhs.nc.gov Additional agency contact, if any: Shalisa Jones Phone: 704-589-6214 E-Mail: shalisa.jones@dhhs.nc.gov	11. Signature of Agency Head* or Rule-making Coordinator: <div style="text-align: center; margin-top: 10px;">  <hr style="width: 80%; margin: 0 auto;"/> </div> *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: Taylor Corpening Title: Rule-making Coordinator
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	

SUBMISSION FOR PERMANENT RULE

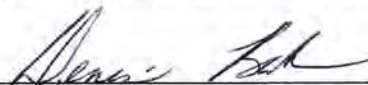
1. Rule-Making Agency: N.C. Medical Care Commission	
2. Rule citation & name (name not required for repeal): 10A NCAC 13G .0704/RESIDENT CONTRACT, INFORMATION ON FACILITY, AND RESIDENT REGISTER	
3. Action: <input type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input checked="" type="checkbox"/> READOPTIO N <input type="checkbox"/> REPEAL through READOPTIO N	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: 06/15/23 Link to Agency notice: https://info.ncdhhs.gov/dhsr/ruleactions.html Hearing on: 08/07/23 Adoption by Agency on: 11/03/23 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input checked="" type="checkbox"/> This Rule was part of a combined analysis. <input type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input checked="" type="checkbox"/> Approved by OSBM <input checked="" type="checkbox"/> No fiscal note required
9. REASON FOR ACTION	
9A. What prompted this action? Check all that apply: <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: <input type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: <input type="checkbox"/> Petition for rule-making <input checked="" type="checkbox"/> Other: G.S. 150B-21.3A.(c)(2)(g)	
9B. Explain: Pursuant to GS 150B-21.3A, Periodic Review and Expiration of Existing Rules, all rules are reviewed at least every 10 years or they shall expire. As a result of the periodic review of Subchapter 10A NCAC 13G, Licensing of Family Care Homes, this rule was determined as “Necessary With Substantive Public Interest,” requiring readoption. With input from a stakeholder workgroup, substantive revisions have been made to this Rule to include the resident for review of the Resident Contract and the completion of the Resident Register, update resident contract information, clarify the process for issuing a 30-day notice of a change in charges for resident services and accommodations, and to reference the statute for house rules compliance. In addition, a repealed statutory reference and unneeded text was removed, and clarifying text changes were made to this Rule.	
10. Rulemaking Coordinator: Taylor Corpening Phone: 919-855-4619 E-Mail: taylor.corpening@dhhs.nc.gov Additional agency contact, if any: Shalisa Jones Phone: 704-589-6214 E-Mail: shalisa.jones@dhhs.nc.gov	11. Signature of Agency Head* or Rule-making Coordinator: <div style="text-align: center; margin-top: 10px;">  <hr style="width: 80%; margin: auto;"/> </div> *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: Taylor Corpening Title: Rule-making Coordinator
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: N.C. Department Health & Human Services/Director, DHSR	
2. Rule citation & name (name not required for repeal): 10A NCAC 14C .2703/PERFORMANCE STANDARDS	
3. Action: <input type="checkbox"/> ADOPTION <input checked="" type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READOPTIOIN <input type="checkbox"/> REPEAL through READOPTIOIN	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: 07/17/23 Link to Agency notice: https://info.ncdhhs.gov/dhsr/ruleactions.html Hearing on: 08/15/23 Adoption by Agency on: 11/02/23 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input checked="" type="checkbox"/> This Rule was part of a combined analysis. <input type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input checked="" type="checkbox"/> Approved by OSBM <input checked="" type="checkbox"/> No fiscal note required
9. REASON FOR ACTION	
9A. What prompted this action? Check all that apply: <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: <input type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: <input type="checkbox"/> Petition for rule-making <input checked="" type="checkbox"/> Other: State Medical Facilities Plan	
9B. Explain: Several subject matters are addressed in the annual State Medical Facilities Plan (SMFP). The magnetic resonance imaging (MRI) scanner need methodology was changed in the 2023 SMFP that was signed by the governor on December 16, 2023 and became effective January 1, 2023. This rule was one of the temporary rules that became effective January 27, 2023 to implement the SMFP. Permanent amendments are now proposed to existing Certificate of Need (CON) rules to complement or be made consistent with the 2023 SMFP. The specific subject area being addressed by this proposed rule change are the criteria and standards for MRI scanner CON applicant proposals. The performance standards have been revised to reference the MRI scanner need methodology in the SMFP for applicants proposing to acquire a fixed or mobile MRI scanner in a service area.	
10. Rulemaking Coordinator: Taylor Corpening Phone: 919-855-4619 E-Mail: taylor.corpening@dhhs.nc.gov Additional agency contact, if any: Micheala Mitchell Phone: 919-855-3879 E-Mail: micheala.mitchell@dhhs.nc.gov	11. Signature of Agency Head* or Rule-making Coordinator: <div style="text-align: center; margin-top: 10px;"></div> <hr style="width: 80%; margin: 0 auto;"/> *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: Taylor Corpening Title: Rule-making Coordinator
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	

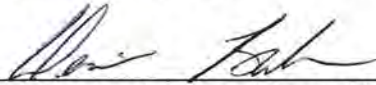
SUBMISSION FOR PERMANENT RULE

Filed: 11/17/23

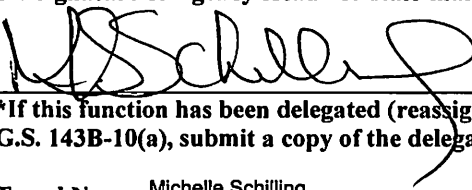
1. Rule-Making Agency: Commission for Mental Health, Developmental Disabilities, and Substance Abuse Services	
2. Rule citation & name (name not required for repeal): 10A NCAC 27G .0104, <i>Staff Definitions</i>	
3. Action: <input type="checkbox"/> ADOPTION <input checked="" type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL through READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: July 3, 2023 Link to Agency notice: https://www.ncdhhs.gov/divisions/mental-health-developmental-disabilities-and-substance-use-services/north-carolina-commission-mental-health-developmental-disabilities-and-substance-use-services/proposed-rules Hearing on: Adoption by Agency on: November 16, 2023 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input type="checkbox"/> This Rule was part of a combined analysis. <input type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (\geq \$1,000,000) <input checked="" type="checkbox"/> Approved by OSBM <input type="checkbox"/> No fiscal note required
9. REASON FOR ACTION	
9A. What prompted this action? Check all that apply: <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: <input checked="" type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: S.L. 2017-32 <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other:	
9B. Explain: These rules are being amended to permit years of experience obtained pre- or post – degree to be considered in one being credentialed a Qualified Professional; update language consistent with the Addictions Specialist Professional Practice Board; include definitions of Family Partner and Direct Support Professional; and clarify the applicability of the registration requirement previously referenced in the rule(s).	
10. Rulemaking Coordinator: Denise Baker Phone: 984-236-5272 E-Mail: denise.baker@dhhs.nc.gov Additional agency contact, if any: Phone: E-Mail:	11. Signature of Agency Head* or Rule-making Coordinator:  *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: Title:
RRC AND OAH USE ONLY	

SUBMISSION FOR PERMANENT RULE

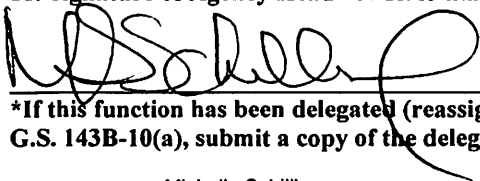
Filed: 11/17/23

1. Rule-Making Agency: Commission for Mental Health, Developmental Disabilities, and Substance Abuse Services	
2. Rule citation & name (name not required for repeal): 10A NCAC 28A .0102, <i>Definitions</i>	
3. Action: <input type="checkbox"/> ADOPTION <input checked="" type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READOPTIOIN <input type="checkbox"/> REPEAL through READOPTIOIN	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: July 3, 2023 Link to Agency notice: https://www.ncdhhs.gov/divisions/mental-health-developmental-disabilities-and-substance-use-services/north-carolina-commission-mental-health-developmental-disabilities-and-substance-use-services/proposed-rules Hearing on: Adoption by Agency on: November 16, 2023 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input type="checkbox"/> This Rule was part of a combined analysis. <input type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (\geq \$1,000,000) <input checked="" type="checkbox"/> Approved by OSBM <input type="checkbox"/> No fiscal note required
9. REASON FOR ACTION	
9A. What prompted this action? Check all that apply: <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: <input checked="" type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: S.L. 2017-32 <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other:	
9B. Explain: These rules are being amended to permit years of experience obtained pre- or post – degree to be considered in one being credentialed a Qualified Professional; update language consistent with the Addictions Specialist Professional Practice Board; include definitions of Family Partner and Direct Support Professional; and clarify the applicability of the registration requirement previously referenced in the rule(s).	
10. Rulemaking Coordinator: Denise Baker Phone: 984-236-5272 E-Mail: denise.baker@dhhs.nc.gov Additional agency contact, if any: Phone: E-Mail:	11. Signature of Agency Head* or Rule-making Coordinator:  *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: Title:
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	

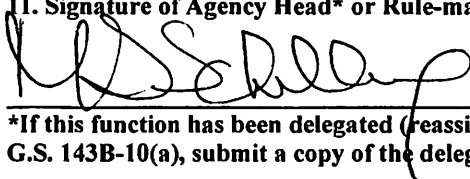
SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: North Carolina Criminal Education and Training Standards Commission	
2. Rule citation & name (name not required for repeal): 12 NCAC 09A .0205 Period of Suspension: Revocation: or Denial	
3. Action: <input type="checkbox"/> ADOPTION <input checked="" type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL THROUGH READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: September 1, 2023 Link to Agency notice: https://ncdoj.gov/law-enforcement-training/criminal-justice-forms-and-publications/ Hearing on: November 15, 2023 Adoption by Agency on: November 17, 2023 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input type="checkbox"/> This Rule was part of a combined analysis. <input type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input type="checkbox"/> Approved by OSBM <input checked="" type="checkbox"/> No fiscal note required
9. REASON FOR ACTION	
9A. What prompted this action? Check all that apply: <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: <input type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other:	
9B. Explain: To clarify rule language regarding the results of a drug screening.	
10. Rulemaking Coordinator: Michelle Schilling Michelle Schilling Phone: (919) 779-8205 E-Mail: MSchilling@ncdoj.gov Additional agency contact, if any: Phone: E-Mail:	11. Signature of Agency Head* or Rule-making Coordinator:  <hr/> *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: Michelle Schilling Title: Deputy Director
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	

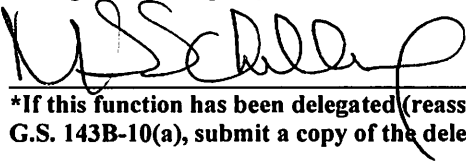
SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: North Carolina Criminal Education and Training Standards Commission	
2. Rule citation & name (name not required for repeal): 12 NCAC 09A .0206 Summary Suspensions	
3. Action: <input type="checkbox"/> ADOPTION <input checked="" type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL THROUGH READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: September 1, 2023 Link to Agency notice: https://ncdoj.gov/law-enforcement-training/criminal-justice-forms-and-publications/ Hearing on: November 15, 2023 Adoption by Agency on: November 17, 2023 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input type="checkbox"/> This Rule was part of a combined analysis. <input type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input type="checkbox"/> Approved by OSBM <input checked="" type="checkbox"/> No fiscal note required
9. REASON FOR ACTION	
9A. What prompted this action? Check all that apply: <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: <input type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other:	
9B. Explain: To clarify rule language regarding specific rule citation.	
10. Rulemaking Coordinator: Michelle Schilling Michelle Schilling Phone: (919) 779-8205 E-Mail: MSchilling@ncdoj.gov Additional agency contact, if any: Phone: E-Mail:	11. Signature of Agency Head* or Rule-making Coordinator:  *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: Michelle Schilling Title: Deputy Director
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	

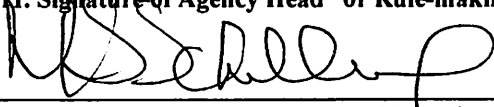
SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: North Carolina Criminal Education and Training Standards Commission	
2. Rule citation & name (name not required for repeal): 12 NCAC 09B .0235 Basic Training - Juvenile Court Counselors and Chief Court Counselors	
3. Action: <input type="checkbox"/> ADOPTION <input checked="" type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL THROUGH READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: September 1, 2023 Link to Agency notice: https://ncdoj.gov/law-enforcement-training/criminal-justice-forms-and-publications/ Hearing on: November 15, 2023 Adoption by Agency on: November 17, 2023 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input type="checkbox"/> This Rule was part of a combined analysis. <input type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input type="checkbox"/> Approved by OSBM <input checked="" type="checkbox"/> No fiscal note required
9. REASON FOR ACTION	
9A. What prompted this action? Check all that apply: <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: <input type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other:	
9B. Explain: To update curriculum lesson titles and hours of instruction.	
10. Rulemaking Coordinator: Michelle Schilling Michelle Schilling Phone: (919) 779-8205 E-Mail: MSchilling@ncdoj.gov Additional agency contact, if any: Phone: E-Mail:	11. Signature of Agency Head* or Rule-making Coordinator:  <hr/> *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: Michelle Schilling Title: Deputy Director
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	

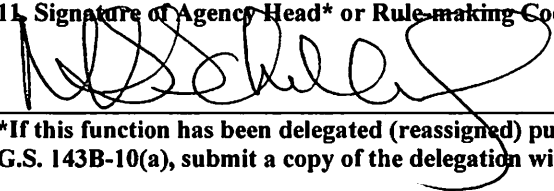
SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: North Carolina Criminal Education and Training Standards Commission	
2. Rule citation & name (name not required for repeal): 12 NCAC 09B .0236 Basic Training - Juvenile Justice Officers	
3. Action: <input type="checkbox"/> ADOPTION <input checked="" type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READOPTIOIN <input type="checkbox"/> REPEAL THROUGH READOPTIOIN	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: September 1, 2023 Link to Agency notice: https://ncdoj.gov/law-enforcement-training/criminal-justice-forms-and-publications/ Hearing on: November 15, 2023 Adoption by Agency on: November 17, 2023 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input type="checkbox"/> This Rule was part of a combined analysis. <input type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input type="checkbox"/> Approved by OSBM <input checked="" type="checkbox"/> No fiscal note required
9. REASON FOR ACTION	
9A. What prompted this action? Check all that apply: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: </div> <div style="width: 45%;"> <input type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other: </div> </div>	
9B. Explain: To update curriculum lesson titles and hours of instruction.	
10. Rulemaking Coordinator: Michelle Schilling Michelle Schilling Phone: (919) 779-8205 E-Mail: MSchilling@ncdoj.gov Additional agency contact, if any: Phone: E-Mail:	11. Signature of Agency Head* or Rule-making Coordinator:  <hr/> *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: Michelle Schilling Title: Deputy Director
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	

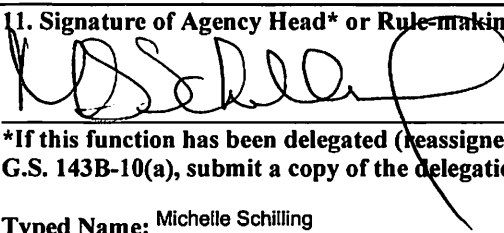
SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: North Carolina Criminal Education and Training Standards Commission	
2. Rule citation & name (name not required for repeal): 12 NCAC 09B .0301 Certification of Instructors	
3. Action: <input type="checkbox"/> ADOPTION <input checked="" type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL THROUGH READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: September 1, 2023 Link to Agency notice: https://ncdoj.gov/law-enforcement-training/criminal-justice-forms-and-publications/ Hearing on: November 15, 2023 Adoption by Agency on: November 17, 2023 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input type="checkbox"/> This Rule was part of a combined analysis. <input type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (\geq \$1,000,000) <input type="checkbox"/> Approved by OSBM <input checked="" type="checkbox"/> No fiscal note required
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9A. What prompted this action? Check all that apply: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: </div> <div style="width: 45%;"> <input type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other: </div> </div>	
9B. Explain: To update application submission requirements.	
10. Rulemaking Coordinator: Michelle Schilling Michelle Schilling Phone: (919) 779-8205 E-Mail: MSchilling@ncdoj.gov Additional agency contact, if any: Phone: E-Mail:	11. Signature of Agency Head* or Rule-making Coordinator:  <hr/> *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: Michelle Schilling Title: Deputy Director
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	

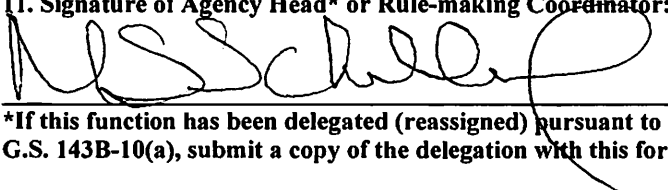
SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: North Carolina Criminal Education and Training Standards Commission	
2. Rule citation & name (name not required for repeal): 12 NCAC 09C .0306 Lateral Transfer of Law Enforcement Officers	
3. Action: <input type="checkbox"/> ADOPTION <input checked="" type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL THROUGH READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: September 1, 2023 Link to Agency notice: https://ncdoj.gov/law-enforcement-trainingcriminal-justice-forms-and-publications/ Hearing on: November 15, 2023 Adoption by Agency on: November 17, 2023 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input type="checkbox"/> This Rule was part of a combined analysis. <input type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input type="checkbox"/> Approved by OSBM <input checked="" type="checkbox"/> No fiscal note required
9. REASON FOR ACTION	
9A. What prompted this action? Check all that apply: <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: <input type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other:	
9B. Explain: To update application requirements for officers transferring from other law enforcement agencies.	
10. Rulemaking Coordinator: Michelle Schilling Michelle Schilling Phone: 919-779-8205 E-Mail: MSchilling@ncdoj.gov Additional agency contact, if any: Phone: E-Mail:	11. Signature of Agency Head* or Rule-making Coordinator:  <hr/> *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: Michelle Schilling Title: Deputy Director
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	

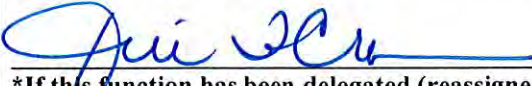
SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: North Carolina Criminal Education and Training Standards Commission	
2. Rule citation & name (name not required for repeal): 12 NCAC 09E .0103 Department Head Responsibilities: Annual In-Service Training	
3. Action: <input type="checkbox"/> ADOPTION <input checked="" type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL THROUGH READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: September 1, 2023 Link to Agency notice: https://ncdoj.gov/law-enforcement-training/criminal-justice-forms-and-publications/ Hearing on: November 15, 2023 Adoption by Agency on: November 17, 2023 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input type="checkbox"/> This Rule was part of a combined analysis. <input type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (\geq \$1,000,000) <input type="checkbox"/> Approved by OSBM <input checked="" type="checkbox"/> No fiscal note required
9. REASON FOR ACTION	
9A. What prompted this action? Check all that apply: <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: <input type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other:	
9B. Explain: To update requirements for newly hired law enforcement officers to complete mandatory in-service training.	
10. Rulemaking Coordinator: Michelle Schilling Michelle Schilling Phone: (919) 779-8205 E-Mail: MSchilling@ncdoj.gov Additional agency contact, if any: Phone: E-Mail:	11. Signature of Agency Head* or Rule-making Coordinator:  <hr/> *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: Michelle Schilling Title: Deputy Director
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	


SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: North Carolina Criminal Education and Training Standards Commission	
2. Rule citation & name (name not required for repeal): 12 NCAC 09G .0307 Certification of Instructors	
3. Action: <input type="checkbox"/> ADOPTION <input checked="" type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL THROUGH READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: September 1, 2023 Link to Agency notice: https://ncdoj.gov/law-enforcement-training/criminal-justice-forms-and-publications/ Hearing on: November 15, 2023 Adoption by Agency on: November 17, 2023 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input type="checkbox"/> This Rule was part of a combined analysis. <input type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input type="checkbox"/> Approved by OSBM <input checked="" type="checkbox"/> No fiscal note required
9. REASON FOR ACTION	
9A. What prompted this action? Check all that apply: <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: <input type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other:	
9B. Explain: To update application submission requirements for instructors.	
10. Rulemaking Coordinator: Michelle Schilling Michelle Schilling Phone: (919) 779-8205 E-Mail: MSchilling@ncdoj.gov Additional agency contact, if any: Phone: E-Mail:	11. Signature of Agency Head* or Rule-making Coordinator:  <hr/> *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: Michelle Schilling Title: Deputy Director
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: North Carolina Department of Labor	
2. Rule citation & name (name not required for repeal): 13 NCAC 15 .0430 - .0438	
3. Action: <input type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input checked="" type="checkbox"/> REPEAL <input type="checkbox"/> READOPTIOIN <input type="checkbox"/> REPEAL through READOPTIOIN	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input type="checkbox"/> Notice Required Notice of Text published on: Link to Agency notice: Hearing on: Adoption by Agency on: <input checked="" type="checkbox"/> Notice not required under G.S.: 150B-21.5(b)(1) Adoption by Agency on: October 10, 2023	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input type="checkbox"/> This Rule was part of a combined analysis. <input type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input type="checkbox"/> Approved by OSBM <input checked="" type="checkbox"/> No fiscal note required
9. REASON FOR ACTION	
9A. What prompted this action? Check all that apply: <input type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: <input checked="" type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: 2021-82, s. 4(a) <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other:	
9B. Explain: Inflatable Devices were removed from the jurisdiction of the Elevator and Amusement Device Bureau (see Session Law 2023-137, Section 48); therefore, these rules are no longer applicable as of October 10, 2023, the date House Bill 600 became law.	
10. Rulemaking Coordinator: Jill F. Cramer Phone: 919-707-7710 E-Mail: jill.cramer@labor.nc.gov Additional agency contact, if any: Carla Rose Phone: 919-707-7712 E-Mail: carla.rose@labor.nc.gov	11. Signature of Agency Head* or Rule-making Coordinator:  *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: Jill F. Cramer Title: General Counsel / Rule-making Coordinator
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	


SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: North Carolina Department of Public Safety	
2. Rule citation & name (name not required for repeal): 14B NCAC 03 .0502 ABBREVIATIONS AND DEFINITIONS	
3. Action: <input checked="" type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READOPTIOIN <input type="checkbox"/> REPEAL THROUGH READOPTIOIN	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: September 1, 2023 Link to Agency notice: https://www.ncdps.gov/14-b-ncac-03-0501-emergency-management-hazardous-material-regional-response-program Hearing on: n/a Adoption by Agency on: November 1, 2023 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input checked="" type="checkbox"/> This Rule was part of a combined analysis. <input checked="" type="checkbox"/> State funds affected <input checked="" type="checkbox"/> Local funds affected <input checked="" type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input checked="" type="checkbox"/> Approved by OSBM <input type="checkbox"/> No fiscal note required
9. REASON FOR ACTION	
9A. What prompted this action? Check all that apply: <div style="display: flex; justify-content: space-between;"> <div style="width: 48%;"> <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: </div> <div style="width: 48%;"> <input checked="" type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: 1993-769 <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other: </div> </div>	
9B. Explain: The Department of Public Safety, Division of Emergency Management is promulgating permanent rules as required under N.C. Sess. Law 1993-769. The necessity of a State Regional Response Team Program has been made apparent through the significant number of hazardous materials incidents that have required coordinated and qualified resources to augment local hazardous materials response capabilities. Rules are required to ensure an equitable implementation of the NC Regional Response Team Program. The NC Regional Response Team Program is a partnership between local and State governments where the State augments local response capabilities to enhance disaster response capabilities through a regional approach. These rules establish standards for eligibility, resource type, and response expectations both administratively as well as operationally when responding under the authorities of the NC Regional Response Team Program. The rules of this section only apply to those entities who elect to participate in the program	
10. Rulemaking Coordinator: Will Polk Will Polk Phone: 919-825-2706 E-Mail: will.polk@ncdps.gov Additional agency contact, if any: Margaret McDonald Phone: 919-733-2126 E-Mail: margaret.mcdonald@ncdps.gov	11. Signature of Agency Head* or Rule-making Coordinator: <div style="text-align: center; font-family: cursive;">  </div> <hr/> *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: William M. Polk Title: Deputy General Counsel
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	

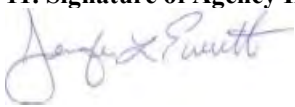
SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: North Carolina Department of Public Safety	
2. Rule citation & name (name not required for repeal): 14B NCAC 03 .0503 DISPATCH OF A REGIONAL RESPONSE TEAM	
3. Action: <input checked="" type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READoption <input type="checkbox"/> REPEAL THROUGH READoption	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: September 1, 2023 Link to Agency notice: https://www.ncdps.gov/14-b-ncac-03-0501-emergency-management-hazardous-material-regional-response-program Hearing on: n/a Adoption by Agency on: November 1, 2023 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input checked="" type="checkbox"/> This Rule was part of a combined analysis. <input checked="" type="checkbox"/> State funds affected <input checked="" type="checkbox"/> Local funds affected <input checked="" type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input checked="" type="checkbox"/> Approved by OSBM <input type="checkbox"/> No fiscal note required
9. REASON FOR ACTION	
9A. What prompted this action? Check all that apply: <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: <input checked="" type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: 1993-769 <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other:	
9B. Explain: The Department of Public Safety, Division of Emergency Management is promulgating permanent rules as required under N.C. Sess. Law 1993-769. The necessity of a State Regional Response Team Program has been made apparent through the significant number of hazardous materials incidents that have required coordinated and qualified resources to augment local hazardous materials response capabilities. Rules are required to ensure an equitable implementation of the NC Regional Response Team Program. The NC Regional Response Team Program is a partnership between local and State governments where the State augments local response capabilities to enhance disaster response capabilities through a regional approach. These rules establish standards for eligibility, resource type, and response expectations both administratively as well as operationally when responding under the authorities of the NC Regional Response Team Program. The rules of this section only apply to those entities who elect to participate in the program	
10. Rulemaking Coordinator: Will Polk Will Polk Phone: 919-825-2706 E-Mail: will.polk@ncdps.gov Additional agency contact, if any: Margaret McDonald Phone: 919-733-2126 E-Mail: margaret.mcdonald@ncdps.gov	11. Signature of Agency Head* or Rule-making Coordinator: <div style="text-align: center;"><i>will polk</i></div> <hr/> *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: William M. Polk Title: Deputy General Counsel
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	

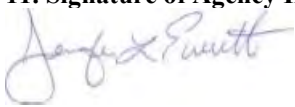
SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: North Carolina Department of Public Safety	
2. Rule citation & name (name not required for repeal): 14B NCAC 03 .0509 PERSONNEL, TRAINING, AND EQUIPMENT STANDARDS FOR REGIONAL RESPONSE TEAM REQUIREME	
3. Action: <input checked="" type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READOPTIOIN <input type="checkbox"/> REPEAL THROUGH READOPTIOIN	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: September 1, 2023 Link to Agency notice: https://www.ncdps.gov/14-b-ncac-03-0501-emergency-management-hazardous-material-regional-response-program Hearing on: n/a Adoption by Agency on: November 1, 2023 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input checked="" type="checkbox"/> This Rule was part of a combined analysis. <input checked="" type="checkbox"/> State funds affected <input checked="" type="checkbox"/> Local funds affected <input checked="" type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input checked="" type="checkbox"/> Approved by OSBM <input type="checkbox"/> No fiscal note required
9. REASON FOR ACTION	
9A. What prompted this action? Check all that apply: <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: <input checked="" type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: 1993-769 <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other:	
9B. Explain: The Department of Public Safety, Division of Emergency Management is promulgating permanent rules as required under N.C. Sess. Law 1993-769. The necessity of a State Regional Response Team Program has been made apparent through the significant number of hazardous materials incidents that have required coordinated and qualified resources to augment local hazardous materials response capabilities. Rules are required to ensure an equitable implementation of the NC Regional Response Team Program. The NC Regional Response Team Program is a partnership between local and State governments where the State augments local response capabilities to enhance disaster response capabilities through a regional approach. These rules establish standards for eligibility, resource type, and response expectations both administratively as well as operationally when responding under the authorities of the NC Regional Response Team Program. The rules of this section only apply to those entities who elect to participate in the program	
10. Rulemaking Coordinator: Will Polk Will Polk Phone: 919-825-2706 E-Mail: will.polk@ncdps.gov Additional agency contact, if any: Margaret McDonald Phone: 919-733-2126 E-Mail: margaret.mcdonald@ncdps.gov	11. Signature of Agency Head* or Rule-making Coordinator: <div style="text-align: center; margin-top: 20px;"></div> <hr/> *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: William M. Polk Title: Deputy General Counsel
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	

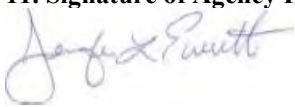
SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: Coastal Resources Commission	
2. Rule citation & name (name not required for repeal): 15A NCAC 07H .1103 Permit Fee	
3. Action: <input type="checkbox"/> ADOPTION <input checked="" type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READOPTIOIN <input type="checkbox"/> REPEAL through READOPTIOIN	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: 09/01/23 Link to Agency notice: https://www.deq.nc.gov/accessdeq/rules-regulations/deq-proposed-rules/proposed-rules Hearing on: 09/21/23 Adoption by Agency on: 11/09/23 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input checked="" type="checkbox"/> Yes Agency submitted request for consultation on: 9/01/23 Consultation not required. Cite authority: <input type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input checked="" type="checkbox"/> This Rule was part of a combined analysis. <input checked="" type="checkbox"/> State funds affected <input checked="" type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input checked="" type="checkbox"/> Approved by OSBM <input type="checkbox"/> No fiscal note required
9. REASON FOR ACTION	
9A. What prompted this action? Check all that apply: <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: <input type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other:	
9B. Explain: These amendments increase fees for most Coastal Area Management Act (CAMA) permit actions including increasing fees for all General Permits.	
10. Rulemaking Coordinator: Jennifer Everett Phone: 919-707-8595 E-Mail: Jennifer.Everett@deq.nc.gov Additional agency contact, if any: Mike Lopazanski Phone: 252-515-5400 E-Mail: Mike.Lopazanski@deq.nc.gov	11. Signature of Agency Head* or Rule-making Coordinator:  <hr style="width: 20%; margin-left: 0;"/> *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: Jennifer Everett Title: DEQ Rulemaking Coordinator
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	

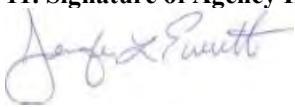
SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: Coastal Resources Commission	
2. Rule citation & name (name not required for repeal): 15A NCAC 07H .1303 Permit Fee	
3. Action: <input type="checkbox"/> ADOPTION <input checked="" type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READOPTIOIN <input type="checkbox"/> REPEAL through READOPTIOIN	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
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RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	

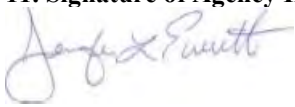
SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: Coastal Resources Commission	
2. Rule citation & name (name not required for repeal): 15A NCAC 07H .1403 Permit Fee	
3. Action: <input type="checkbox"/> ADOPTION <input checked="" type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READOPTIOIN <input type="checkbox"/> REPEAL through READOPTIOIN	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: 09/01/23 Link to Agency notice: https://www.deq.nc.gov/accessdeq/rules-regulations/deq-proposed-rules/proposed-rules Hearing on: 09/21/23 Adoption by Agency on: 11/09/23 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
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RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	

SUBMISSION FOR PERMANENT RULE


1. Rule-Making Agency: Coastal Resources Commission	
2. Rule citation & name (name not required for repeal): 15A NCAC 07H .1503 Application Fee	
3. Action: <input type="checkbox"/> ADOPTION <input checked="" type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READOPTIOIN <input type="checkbox"/> REPEAL through READOPTIOIN	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: 09/01/23 Link to Agency notice: https://www.deq.nc.gov/accessdeq/rules-regulations/deq-proposed-rules/proposed-rules Hearing on: 09/21/23 Adoption by Agency on: 11/09/23 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input checked="" type="checkbox"/> Yes Agency submitted request for consultation on: 9/01/23 Consultation not required. Cite authority: <input type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input checked="" type="checkbox"/> This Rule was part of a combined analysis. <input checked="" type="checkbox"/> State funds affected <input checked="" type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input checked="" type="checkbox"/> Approved by OSBM <input type="checkbox"/> No fiscal note required
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RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: Coastal Resources Commission	
2. Rule citation & name (name not required for repeal): 15A NCAC 07H .2503 Permit Fee	
3. Action: <input type="checkbox"/> ADOPTION <input checked="" type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL through READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
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7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input checked="" type="checkbox"/> Yes Agency submitted request for consultation on: 9/01/23 Consultation not required. Cite authority: <input type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input checked="" type="checkbox"/> This Rule was part of a combined analysis. <input checked="" type="checkbox"/> State funds affected <input checked="" type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input checked="" type="checkbox"/> Approved by OSBM <input type="checkbox"/> No fiscal note required
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10. Rulemaking Coordinator: Jennifer Everett Phone: 919-707-8595 E-Mail: Jennifer.Everett@deq.nc.gov Additional agency contact, if any: Mike Lopazanski Phone: 252-515-5400 E-Mail: Mike.Lopazanski@deq.nc.gov	11. Signature of Agency Head* or Rule-making Coordinator:  <hr/> *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: Jennifer Everett Title: DEQ Rulemaking Coordinator
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	

ORIGINAL
11/18/2023

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: N.C. Department of the Secretary of State	
2. Rule citation & name (name not required for repeal): 18 NCAC 07B .0201 - U.S. CURRENCY	
3. Action: <input type="checkbox"/> ADOPTION <input checked="" type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL THROUGH READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: August 15, 2023 Link to Agency notice: https://sosnc.gov/divisions/general_counsel/open_rulemaking_phase_one_rulemaking Hearing on: September 19, 2023 Adoption by Agency on: November 8, 2023 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input type="checkbox"/> This Rule was part of a combined analysis. <input checked="" type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (\geq \$1,000,000) <input checked="" type="checkbox"/> Approved by OSBM <input type="checkbox"/> No fiscal note required
9. REASON FOR ACTION	
9A. What prompted this action? Check all that apply: <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: <input checked="" type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: S.L. 2022-54; S.L. 2023-57; S.L. 2023-124 <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other:	
9B. Explain: See attached	
10. Rulemaking Coordinator: Ann B. Wall Ann B. Wall Phone: (919) 814-5310 E-Mail: awall@sosnc.gov Additional agency contact, if any: Ann Elmore Phone: (919) 814-5521 E-Mail: aelmore@sosnc.gov	11. Signature of Agency Head* or Rule-making Coordinator:  *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: Ann B. Wall Title: General Counsel and Rulemaking Coordinator
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	

Attachment to Form 0400 for Permanent Rule:

Question 9(b). Explain:

The Remote Electronic Notarization Act (RENA) was effective on July 8, 2022, S.L. 2022- 54. RENA primarily amends Article 2 of Chapter 10B of the NC General Statutes, the Notary Public Act. RENA has subsequently been amended twice, by S.L. 2023-57 and S.L. 2023-124.

Adoption of RENA was a direct outcome of the global pandemic. The pandemic increased the remote conduct of economic activity. The pandemic also established the need to conduct crucial business, legal, healthcare, and other transactions safely, securely, and efficiently in the rapidly changing remote environment.

The Notary Public Act sets requirements to become a traditional notary public, a public official. A traditional notary public performs notarial acts during an in-person meeting with the principal. A traditional notary must identify the principal using one of three specific methods. The Act and rules govern the conduct of the notary and how to become a notary instructor. Article 2 of the Act governs electronic notaries public (e-Notaries or eNotary). Like a traditional notary, an eNotary performs notarial acts during an in-person meeting. The eNotary uses technology to electronically notarize the principal's electronic signature. An electronic notary has to comply with most traditional notary requirements. The Act also regulates the technology used by the eNotary to perform electronic notarial acts.

RENA allows an NC notary, specifically an eNotary, who is physically located in NC, to perform remote electronic notarizations for a remotely located principal. A remotely located principal can physically be anywhere in the United States or its territories. In specific circumstances, the principal can be on a US military base or in a US embassy. RENA requires real-time, simultaneous communication between the eNotary and the remote principal using communications technology. RENA also establishes criteria that the technology has to meet.

RENA directs the Secretary of State to adopt rules on a large number of topics. The rules must fulfill the purposes of the Notary Public Act, including:

To simplify, clarify, and modernize the law governing notaries,

To prevent fraud and forgery,

To foster ethical conduct among notaries,

To enhance interstate recognition of notarial acts, and

To integrate procedures for all of the following notarial acts: Traditional paper, electronic notarization, and remote electronic notarization.

The Department seeks to adopt rules that will promote public confidence in the reliability of signatures and the identification of remotely located principals. These rules will help to ensure that transactions are not repudiated as a result of:

1. Mental incapacity of the principal;

2. Coercion or duress; or

3. Fraud.

By enhancing reliability, the Secretary facilitates economic growth while reducing costly and avoidable litigation.

In order to achieve these goals, the Secretary promulgated two Advance Notices of Proposed Rulemaking (ANPRs). The ANPRs were published on the Department's website and emailed to stakeholders and others. The ANPRs requested comments on a number of issues that are unclear in RENA. The first ANPR focused primarily on issues related to the eNotary and the

remote electronic notarial act. The second ANPR focused on issues related to the technology notaries will use to perform remote electronic notarial acts.

RENA requirements for remote electronic notarial acts (RENs) are based on requirements for traditional notaries and notarial acts, as well as the requirements for eNotaries and electronic notarial acts. To the extent feasible, the RENA rules, must, therefore, harmonize the requirements for traditional notaries, eNotaries, and eNotaries performing remote electronic notarial acts.

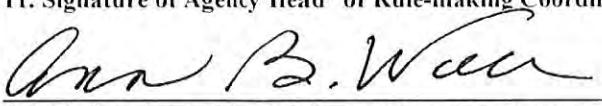
Due to the scope and scale of the requirements for this rulemaking process, the Secretary will propose the rules in three sets. This first set of proposed rules deals with fundamental issues related to all three methods of performing notarial acts and to establishing certain common rules. This is that first set of rules. The proposed rule amendments, adoptions, and repeals in this first set involve Subchapters B, F, I, and K of 18 NCAC 07. G.S. 150B-21.3A separately requires all state agencies to review existing rules every ten years in accordance with a prescribed process that includes rule readoption. Many of the existing notary rules are nearing the end of their decadal cycle and thus are due for review and readoption. This first set of rules is undertaken to satisfy both the requirements of RENA and G.S. 150B-21.3A.

The second set of rules will primarily focus on revising existing rules. The final set of rules will be focused primarily on the technology used to perform remote electronic notarial acts and the licensure and approval of the providers of that technology.

The Department has to date expended in excess of 5000 hours in connection with the rulemaking efforts. While recognizing the need for positions to conduct the rulemaking, the General Assembly has not appropriated funds to support the rulemaking effort mandated by statute in 2022, despite repeated Departmental requests. Departmental allocation of resources to the mandatory rulemaking has come at the expense of performing other Departmental duties.

SUBMISSION FOR PERMANENT RULE

GENERAL
11/8/2023

1. Rule-Making Agency: N.C. Department of the Secretary of State	
2. Rule citation & name (name not required for repeal): 18 NCAC 07B .0202 - ONLINE FEE PAYMENT	
3. Action: <input type="checkbox"/> ADOPTION <input checked="" type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL THROUGH READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: August 15, 2023 Link to Agency notice: https://sosnc.gov/divisions/general_counsel/open_rulemaking_phase_one_rulemaking Hearing on: September 19, 2023 Adoption by Agency on: November 8, 2023 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input type="checkbox"/> This Rule was part of a combined analysis. <input checked="" type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input checked="" type="checkbox"/> Approved by OSBM <input type="checkbox"/> No fiscal note required
9. REASON FOR ACTION	
9A. What prompted this action? Check all that apply: <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: <input checked="" type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: S.L. 2022-54; S.L. 2023-57; S.L. 2023-124 <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other:	
9B. Explain: See attached	
10. Rulemaking Coordinator: Ann B. Wall Ann B. Wall Phone: (919) 814-5310 E-Mail: awall@sosnc.gov Additional agency contact, if any: Ann Elmore Phone: (919) 814-5521 E-Mail: aelmore@sosnc.gov	11. Signature of Agency Head* or Rule-making Coordinator:  *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: Ann B. Wall Title: General Counsel and Rulemaking Coordinator
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	

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Question 9(b). Explain:

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Adoption of RENA was a direct outcome of the global pandemic. The pandemic increased the remote conduct of economic activity. The pandemic also established the need to conduct crucial business, legal, healthcare, and other transactions safely, securely, and efficiently in the rapidly changing remote environment.

The Notary Public Act sets requirements to become a traditional notary public, a public official. A traditional notary public performs notarial acts during an in-person meeting with the principal. A traditional notary must identify the principal using one of three specific methods. The Act and rules govern the conduct of the notary and how to become a notary instructor. Article 2 of the Act governs electronic notaries public (e-Notaries or eNotary). Like a traditional notary, an eNotary performs notarial acts during an in-person meeting. The eNotary uses technology to electronically notarize the principal's electronic signature. An electronic notary has to comply with most traditional notary requirements. The Act also regulates the technology used by the eNotary to perform electronic notarial acts.

RENA allows an NC notary, specifically an eNotary, who is physically located in NC, to perform remote electronic notarizations for a remotely located principal. A remotely located principal can physically be anywhere in the United States or its territories. In specific circumstances, the principal can be on a US military base or in a US embassy. RENA requires real-time, simultaneous communication between the eNotary and the remote principal using communications technology. RENA also establishes criteria that the technology has to meet.

RENA directs the Secretary of State to adopt rules on a large number of topics. The rules must fulfill the purposes of the Notary Public Act, including:

To simplify, clarify, and modernize the law governing notaries,

To prevent fraud and forgery,

To foster ethical conduct among notaries,

To enhance interstate recognition of notarial acts, and

To integrate procedures for all of the following notarial acts: Traditional paper, electronic notarization, and remote electronic notarization.

The Department seeks to adopt rules that will promote public confidence in the reliability of signatures and the identification of remotely located principals. These rules will help to ensure that transactions are not repudiated as a result of:

1. Mental incapacity of the principal;
2. Coercion or duress; or
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By enhancing reliability, the Secretary facilitates economic growth while reducing costly and avoidable litigation.

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RENA requirements for remote electronic notarial acts (RENs) are based on requirements for traditional notaries and notarial acts, as well as the requirements for eNotaries and electronic notarial acts. To the extent feasible, the RENA rules, must, therefore, harmonize the requirements for traditional notaries, eNotaries, and eNotaries performing remote electronic notarial acts.

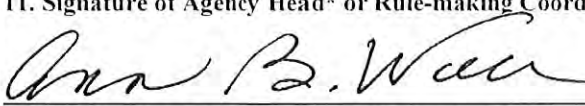
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The Department has to date expended in excess of 5000 hours in connection with the rulemaking efforts. While recognizing the need for positions to conduct the rulemaking, the General Assembly has not appropriated funds to support the rulemaking effort mandated by statute in 2022, despite repeated Departmental requests. Departmental allocation of resources to the mandatory rulemaking has come at the expense of performing other Departmental duties.

11/9/2023

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: N.C. Department of the Secretary of State	
2. Rule citation & name (name not required for repeal): 18 NCAC 07B .0203 - FEES PAID IN PERSON	
3. Action: <input checked="" type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL THROUGH READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: August 15, 2023 Link to Agency notice: https://sosnc.gov/divisions/general_counsel/open_rulemaking_phase_one_rulemaking Hearing on: September 19, 2023 Adoption by Agency on: November 8, 2023 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input type="checkbox"/> This Rule was part of a combined analysis. <input checked="" type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input checked="" type="checkbox"/> Approved by OSBM <input type="checkbox"/> No fiscal note required
9. REASON FOR ACTION	
9A. What prompted this action? Check all that apply: <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: <input checked="" type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: S.L. 2022-54; S.L. 2023-57; S.L. 2023-124 <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other:	
9B. Explain: See attached	
10. Rulemaking Coordinator: Ann B. Wall Ann B. Wall Phone: (919) 814-5310 E-Mail: awall@sosnc.gov Additional agency contact, if any: Ann Elmore Phone: (919) 814-5521 E-Mail: aelmore@sosnc.gov	11. Signature of Agency Head* or Rule-making Coordinator:  *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: Ann B. Wall Title: General Counsel and Rulemaking Coordinator
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	

Attachment to Form 0400 for Permanent Rule:

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By enhancing reliability, the Secretary facilitates economic growth while reducing costly and avoidable litigation.

In order to achieve these goals, the Secretary promulgated two Advance Notices of Proposed Rulemaking (ANPRs). The ANPRs were published on the Department's website and emailed to stakeholders and others. The ANPRs requested comments on a number of issues that are unclear in RENA. The first ANPR focused primarily on issues related to the eNotary and the

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The Department has to date expended in excess of 5000 hours in connection with the rulemaking efforts. While recognizing the need for positions to conduct the rulemaking, the General Assembly has not appropriated funds to support the rulemaking effort mandated by statute in 2022, despite repeated Departmental requests. Departmental allocation of resources to the mandatory rulemaking has come at the expense of performing other Departmental duties.

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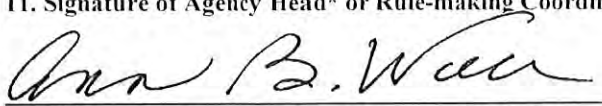
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SUBMISSION FOR PERMANENT RULE

ORIGINAL
11/9/2023

1. Rule-Making Agency: N.C. Department of the Secretary of State	
2. Rule citation & name (name not required for repeal): 18 NCAC 07B .0205 - FEE FOR DISHONORED PAYMENT	
3. Action: <input type="checkbox"/> ADOPTION <input checked="" type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL THROUGH READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: August 15, 2023 Link to Agency notice: https://sosnc.gov/divisions/general_counsel/open_rulemaking_phase_one_rulemaking Hearing on: September 19, 2023 Adoption by Agency on: November 8, 2023 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input type="checkbox"/> This Rule was part of a combined analysis. <input checked="" type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (\geq \$1,000,000) <input checked="" type="checkbox"/> Approved by OSBM <input type="checkbox"/> No fiscal note required
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9B. Explain: See attached	
10. Rulemaking Coordinator: Ann B. Wall Ann B. Wall Phone: (919) 814-5310 E-Mail: awall@sosnc.gov Additional agency contact, if any: Ann Elmore Phone: (919) 814-5521 E-Mail: aelmore@sosnc.gov	11. Signature of Agency Head* or Rule-making Coordinator:  *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: Ann B. Wall Title: General Counsel and Rulemaking Coordinator
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	

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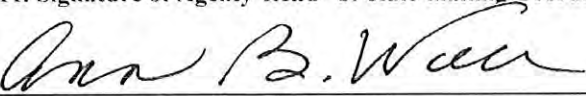
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11/8/2023

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: N.C. Department of the Secretary of State	
2. Rule citation & name (name not required for repeal): 18 NCAC 07B .0206 - FILING NOT PROCESSED IF PAYMENT DISHONORED	
3. Action: <input checked="" type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL THROUGH READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
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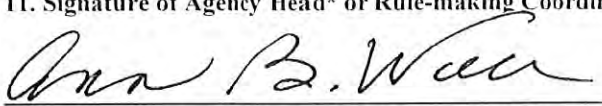
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The second set of rules will primarily focus on revising existing rules. The final set of rules will be focused primarily on the technology used to perform remote electronic notarial acts and the licensure and approval of the providers of that technology.

The Department has to date expended in excess of 5000 hours in connection with the rulemaking efforts. While recognizing the need for positions to conduct the rulemaking, the General Assembly has not appropriated funds to support the rulemaking effort mandated by statute in 2022, despite repeated Departmental requests. Departmental allocation of resources to the mandatory rulemaking has come at the expense of performing other Departmental duties.

SUBMISSION FOR PERMANENT RULE

ORIGINAL
11/16/2023

1. Rule-Making Agency: N.C. Department of the Secretary of State	
2. Rule citation & name (name not required for repeal): 18 NCAC 07B .0207 - DEPARTMENT ACTIONS UPON DISHONORED PAYMENT	
3. Action: <input checked="" type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL THROUGH READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: August 15, 2023 Link to Agency notice: https://sosnc.gov/divisions/general_counsel/open_rulemaking_phase_one_rulemaking Hearing on: September 19, 2023 Adoption by Agency on: November 8, 2023 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input type="checkbox"/> This Rule was part of a combined analysis. <input checked="" type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input checked="" type="checkbox"/> Approved by OSBM <input type="checkbox"/> No fiscal note required
9. REASON FOR ACTION	
9A. What prompted this action? Check all that apply: <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: <input checked="" type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: S.L. 2022-54; S.L. 2023-57; S.L. 2023-124 <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other:	
9B. Explain: See attached	
10. Rulemaking Coordinator: Ann B. Wall Ann B. Wall Phone: (919) 814-5310 E-Mail: awall@sosnc.gov Additional agency contact, if any: Ann Elmore Phone: (919) 814-5521 E-Mail: aelmore@sosnc.gov	11. Signature of Agency Head* or Rule-making Coordinator:  <hr/> *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: Ann B. Wall Title: General Counsel and Rulemaking Coordinator
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	

Attachment to Form 0400 for Permanent Rule:

Question 9(b). Explain:

The Remote Electronic Notarization Act (RENA) was effective on July 8, 2022, S.L. 2022- 54. RENA primarily amends Article 2 of Chapter 10B of the NC General Statutes, the Notary Public Act. RENA has subsequently been amended twice, by S.L. 2023-57 and S.L. 2023-124.

Adoption of RENA was a direct outcome of the global pandemic. The pandemic increased the remote conduct of economic activity. The pandemic also established the need to conduct crucial business, legal, healthcare, and other transactions safely, securely, and efficiently in the rapidly changing remote environment.

The Notary Public Act sets requirements to become a traditional notary public, a public official. A traditional notary public performs notarial acts during an in-person meeting with the principal. A traditional notary must identify the principal using one of three specific methods. The Act and rules govern the conduct of the notary and how to become a notary instructor. Article 2 of the Act governs electronic notaries public (e-Notaries or eNotary). Like a traditional notary, an eNotary performs notarial acts during an in-person meeting. The eNotary uses technology to electronically notarize the principal's electronic signature. An electronic notary has to comply with most traditional notary requirements. The Act also regulates the technology used by the eNotary to perform electronic notarial acts.

RENA allows an NC notary, specifically an eNotary, who is physically located in NC, to perform remote electronic notarizations for a remotely located principal. A remotely located principal can physically be anywhere in the United States or its territories. In specific circumstances, the principal can be on a US military base or in a US embassy. RENA requires real-time, simultaneous communication between the eNotary and the remote principal using communications technology. RENA also establishes criteria that the technology has to meet.

RENA directs the Secretary of State to adopt rules on a large number of topics. The rules must fulfill the purposes of the Notary Public Act, including:

To simplify, clarify, and modernize the law governing notaries,

To prevent fraud and forgery,

To foster ethical conduct among notaries,

To enhance interstate recognition of notarial acts, and

To integrate procedures for all of the following notarial acts: Traditional paper, electronic notarization, and remote electronic notarization.

The Department seeks to adopt rules that will promote public confidence in the reliability of signatures and the identification of remotely located principals. These rules will help to ensure that transactions are not repudiated as a result of:

1. Mental incapacity of the principal;

2. Coercion or duress; or

3. Fraud.

By enhancing reliability, the Secretary facilitates economic growth while reducing costly and avoidable litigation.

In order to achieve these goals, the Secretary promulgated two Advance Notices of Proposed Rulemaking (ANPRs). The ANPRs were published on the Department's website and emailed to stakeholders and others. The ANPRs requested comments on a number of issues that are unclear in RENA. The first ANPR focused primarily on issues related to the eNotary and the

remote electronic notarial act. The second ANPR focused on issues related to the technology notaries will use to perform remote electronic notarial acts.

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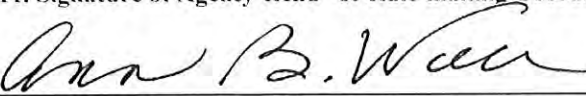
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The Department has to date expended in excess of 5000 hours in connection with the rulemaking efforts. While recognizing the need for positions to conduct the rulemaking, the General Assembly has not appropriated funds to support the rulemaking effort mandated by statute in 2022, despite repeated Departmental requests. Departmental allocation of resources to the mandatory rulemaking has come at the expense of performing other Departmental duties.

ORIGINAL
11/8/2023

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: N.C. Department of the Secretary of State	
2. Rule citation & name (name not required for repeal): 18 NCAC 07B .0208 - NOTICE TO FILER OF DISHONORED PAYMENT	
3. Action: <input checked="" type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL THROUGH READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: August 15, 2023 Link to Agency notice: https://sosnc.gov/divisions/general_counsel/open_rulemaking_phase_one_rulemaking Hearing on: September 19, 2023 Adoption by Agency on: November 8, 2023 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input type="checkbox"/> This Rule was part of a combined analysis. <input checked="" type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input checked="" type="checkbox"/> Approved by OSBM <input type="checkbox"/> No fiscal note required
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10. Rulemaking Coordinator: Ann B. Wall Ann B. Wall Phone: (919) 814-5310 E-Mail: awall@sosnc.gov Additional agency contact, if any: Ann Elmore Phone: (919) 814-5521 E-Mail: aelmore@sosnc.gov	11. Signature of Agency Head* or Rule-making Coordinator:  *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: Ann B. Wall Title: General Counsel and Rulemaking Coordinator
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	

Attachment to Form 0400 for Permanent Rule:

Question 9(b). Explain:

The Remote Electronic Notarization Act (RENA) was effective on July 8, 2022, S.L. 2022- 54. RENA primarily amends Article 2 of Chapter 10B of the NC General Statutes, the Notary Public Act. RENA has subsequently been amended twice, by S.L. 2023-57 and S.L. 2023-124.

Adoption of RENA was a direct outcome of the global pandemic. The pandemic increased the remote conduct of economic activity. The pandemic also established the need to conduct crucial business, legal, healthcare, and other transactions safely, securely, and efficiently in the rapidly changing remote environment.

The Notary Public Act sets requirements to become a traditional notary public, a public official. A traditional notary public performs notarial acts during an in-person meeting with the principal. A traditional notary must identify the principal using one of three specific methods. The Act and rules govern the conduct of the notary and how to become a notary instructor. Article 2 of the Act governs electronic notaries public (e-Notaries or eNotary). Like a traditional notary, an eNotary performs notarial acts during an in-person meeting. The eNotary uses technology to electronically notarize the principal's electronic signature. An electronic notary has to comply with most traditional notary requirements. The Act also regulates the technology used by the eNotary to perform electronic notarial acts.

RENA allows an NC notary, specifically an eNotary, who is physically located in NC, to perform remote electronic notarizations for a remotely located principal. A remotely located principal can physically be anywhere in the United States or its territories. In specific circumstances, the principal can be on a US military base or in a US embassy. RENA requires real-time, simultaneous communication between the eNotary and the remote principal using communications technology. RENA also establishes criteria that the technology has to meet.

RENA directs the Secretary of State to adopt rules on a large number of topics. The rules must fulfill the purposes of the Notary Public Act, including:

To simplify, clarify, and modernize the law governing notaries,

To prevent fraud and forgery,

To foster ethical conduct among notaries,

To enhance interstate recognition of notarial acts, and

To integrate procedures for all of the following notarial acts: Traditional paper, electronic notarization, and remote electronic notarization.

The Department seeks to adopt rules that will promote public confidence in the reliability of signatures and the identification of remotely located principals. These rules will help to ensure that transactions are not repudiated as a result of:

1. Mental incapacity of the principal;

2. Coercion or duress; or

3. Fraud.

By enhancing reliability, the Secretary facilitates economic growth while reducing costly and avoidable litigation.

In order to achieve these goals, the Secretary promulgated two Advance Notices of Proposed Rulemaking (ANPRs). The ANPRs were published on the Department's website and emailed to stakeholders and others. The ANPRs requested comments on a number of issues that are unclear in RENA. The first ANPR focused primarily on issues related to the eNotary and the

remote electronic notarial act. The second ANPR focused on issues related to the technology notaries will use to perform remote electronic notarial acts.

RENA requirements for remote electronic notarial acts (RENs) are based on requirements for traditional notaries and notarial acts, as well as the requirements for eNotaries and electronic notarial acts. To the extent feasible, the RENA rules, must, therefore, harmonize the requirements for traditional notaries, eNotaries, and eNotaries performing remote electronic notarial acts.

Due to the scope and scale of the requirements for this rulemaking process, the Secretary will propose the rules in three sets. This first set of proposed rules deals with fundamental issues related to all three methods of performing notarial acts and to establishing certain common rules. This is that first set of rules. The proposed rule amendments, adoptions, and repeals in this first set involve Subchapters B, F, I, and K of 18 NCAC 07. G.S. 150B-21.3A separately requires all state agencies to review existing rules every ten years in accordance with a prescribed process that includes rule readoption. Many of the existing notary rules are nearing the end of their decadal cycle and thus are due for review and readoption. This first set of rules is undertaken to satisfy both the requirements of RENA and G.S. 150B-21.3A.

The second set of rules will primarily focus on revising existing rules. The final set of rules will be focused primarily on the technology used to perform remote electronic notarial acts and the licensure and approval of the providers of that technology.

The Department has to date expended in excess of 5000 hours in connection with the rulemaking efforts. While recognizing the need for positions to conduct the rulemaking, the General Assembly has not appropriated funds to support the rulemaking effort mandated by statute in 2022, despite repeated Departmental requests. Departmental allocation of resources to the mandatory rulemaking has come at the expense of performing other Departmental duties.

**Attachment to Form 0-400 for Permanent Rule:
Question 9(b). Explain:**

The Remote Electronic Notarization Act (RENA) was effective on July 8, 2022, S.L. 2022- 54. RENA primarily amends Article 2 of Chapter 10B of the NC General Statutes, the Notary Public Act. RENA has subsequently been amended twice, by S.L. 2023-57 and S.L. 2023-124.

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In order to achieve these goals, the Secretary promulgated two Advance Notices of Proposed Rulemaking (ANPRs). The ANPRs were published on the Department's website and emailed to stakeholders and others. The ANPRs requested comments on a number of issues that are unclear in RENA. The first ANPR focused primarily on issues related to the eNotary and the

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Attachment to Form 0400 for Permanent Rule:

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By enhancing reliability, the Secretary facilitates economic growth while reducing costly and avoidable litigation.

In order to achieve these goals, the Secretary promulgated two Advance Notices of Proposed Rulemaking (ANPRs). The ANPRs were published on the Department's website and emailed to stakeholders and others. The ANPRs requested comments on a number of issues that are unclear in RENA. The first ANPR focused primarily on issues related to the eNotary and the

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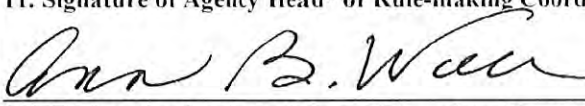
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SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: N.C. Department of the Secretary of State	
2. Rule citation & name (name not required for repeal): 18 NCAC 07B .0303 - PAPER FILINGS PERMITTED	
3. Action: <input checked="" type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READOPTIO <input type="checkbox"/> REPEAL THROUGH READOPTIO	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: August 15, 2023 Link to Agency notice: https://sosnc.gov/divisions/general_counsel/open_rulemaking_phase_one_rulemaking Hearing on: September 19, 2023 Adoption by Agency on: November 8, 2023 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input type="checkbox"/> This Rule was part of a combined analysis. <input checked="" type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input checked="" type="checkbox"/> Approved by OSBM <input type="checkbox"/> No fiscal note required
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9A. What prompted this action? Check all that apply: <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: <input checked="" type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: S.L. 2022-54; S.L. 2023-57; S.L. 2023-124 <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other:	
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10. Rulemaking Coordinator: Ann B. Wall Ann B. Wall Phone: (919) 814-5310 E-Mail: awall@sosnc.gov Additional agency contact, if any: Ann Elmore Phone: (919) 814-5521 E-Mail: aelmore@sosnc.gov	11. Signature of Agency Head* or Rule-making Coordinator:  <hr/> *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: Ann B. Wall Title: General Counsel and Rulemaking Coordinator
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	

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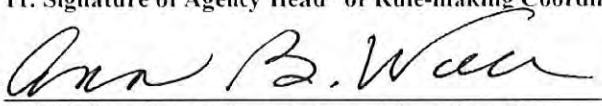
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SUBMISSION FOR PERMANENT RULE

ORIGINAL
11/8/2023

1. Rule-Making Agency: N.C. Department of the Secretary of State	
2. Rule citation & name (name not required for repeal): 18 NCAC 07B .0304 - INAPPLICABLE QUESTIONS	
3. Action: <input checked="" type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL THROUGH READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: August 15, 2023 Link to Agency notice: https://sosnc.gov/divisions/general_counsel/open_rulemaking_phase_one_rulemaking Hearing on: September 19, 2023 Adoption by Agency on: November 8, 2023 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input type="checkbox"/> This Rule was part of a combined analysis. <input checked="" type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input checked="" type="checkbox"/> Approved by OSBM <input type="checkbox"/> No fiscal note required
9. REASON FOR ACTION	
9A. What prompted this action? Check all that apply: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: </div> <div style="width: 45%;"> <input checked="" type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: S.L. 2022-54; S.L. 2023-57; S.L. 2023-124 <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other: </div> </div>	
9B. Explain: See attached	
10. Rulemaking Coordinator: Ann B. Wall Ann B. Wall Phone: (919) 814-5310 E-Mail: awall@sosnc.gov Additional agency contact, if any: Ann Elmore Phone: (919) 814-5521 E-Mail: aelmore@sosnc.gov	11. Signature of Agency Head* or Rule-making Coordinator:  *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: Ann B. Wall Title: General Counsel and Rulemaking Coordinator
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	

Attachment to Form 0400 for Permanent Rule:

Question 9(b). Explain:

The Remote Electronic Notarization Act (RENA) was effective on July 8, 2022, S.L. 2022- 54. RENA primarily amends Article 2 of Chapter 10B of the NC General Statutes, the Notary Public Act. RENA has subsequently been amended twice, by S.L. 2023-57 and S.L. 2023-124.

Adoption of RENA was a direct outcome of the global pandemic. The pandemic increased the remote conduct of economic activity. The pandemic also established the need to conduct crucial business, legal, healthcare, and other transactions safely, securely, and efficiently in the rapidly changing remote environment.

The Notary Public Act sets requirements to become a traditional notary public, a public official. A traditional notary public performs notarial acts during an in-person meeting with the principal. A traditional notary must identify the principal using one of three specific methods. The Act and rules govern the conduct of the notary and how to become a notary instructor. Article 2 of the Act governs electronic notaries public (e-Notaries or eNotary). Like a traditional notary, an eNotary performs notarial acts during an in-person meeting. The eNotary uses technology to electronically notarize the principal's electronic signature. An electronic notary has to comply with most traditional notary requirements. The Act also regulates the technology used by the eNotary to perform electronic notarial acts.

RENA allows an NC notary, specifically an eNotary, who is physically located in NC, to perform remote electronic notarizations for a remotely located principal. A remotely located principal can physically be anywhere in the United States or its territories. In specific circumstances, the principal can be on a US military base or in a US embassy. RENA requires real-time, simultaneous communication between the eNotary and the remote principal using communications technology. RENA also establishes criteria that the technology has to meet.

RENA directs the Secretary of State to adopt rules on a large number of topics. The rules must fulfill the purposes of the Notary Public Act, including:

To simplify, clarify, and modernize the law governing notaries,

To prevent fraud and forgery,

To foster ethical conduct among notaries,

To enhance interstate recognition of notarial acts, and

To integrate procedures for all of the following notarial acts: Traditional paper, electronic notarization, and remote electronic notarization.

The Department seeks to adopt rules that will promote public confidence in the reliability of signatures and the identification of remotely located principals. These rules will help to ensure that transactions are not repudiated as a result of:

1. Mental incapacity of the principal;

2. Coercion or duress; or

3. Fraud.

By enhancing reliability, the Secretary facilitates economic growth while reducing costly and avoidable litigation.

In order to achieve these goals, the Secretary promulgated two Advance Notices of Proposed Rulemaking (ANPRs). The ANPRs were published on the Department's website and emailed to stakeholders and others. The ANPRs requested comments on a number of issues that are unclear in RENA. The first ANPR focused primarily on issues related to the eNotary and the

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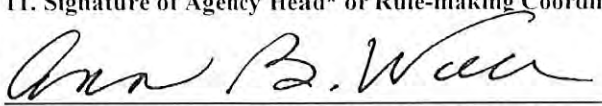
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The second set of rules will primarily focus on revising existing rules. The final set of rules will be focused primarily on the technology used to perform remote electronic notarial acts and the licensure and approval of the providers of that technology.

The Department has to date expended in excess of 5000 hours in connection with the rulemaking efforts. While recognizing the need for positions to conduct the rulemaking, the General Assembly has not appropriated funds to support the rulemaking effort mandated by statute in 2022, despite repeated Departmental requests. Departmental allocation of resources to the mandatory rulemaking has come at the expense of performing other Departmental duties.

SUBMISSION FOR PERMANENT RULE

ORIGINAL
11/9/2023

1. Rule-Making Agency: N.C. Department of the Secretary of State	
2. Rule citation & name (name not required for repeal): 18 NCAC 07B .0305 - RESPONSE TO QUESTIONS AND REQUESTS FOR INFORMATION	
3. Action: <input checked="" type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL THROUGH READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: August 15, 2023 Link to Agency notice: https://sosnc.gov/divisions/general_counsel/open_rulemaking_phase_one_rulemaking Hearing on: September 19, 2023 Adoption by Agency on: November 8, 2023 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input type="checkbox"/> This Rule was part of a combined analysis. <input checked="" type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input checked="" type="checkbox"/> Approved by OSBM <input type="checkbox"/> No fiscal note required
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10. Rulemaking Coordinator: Ann B. Wall Ann B. Wall Phone: (919) 814-5310 E-Mail: awall@sosnc.gov Additional agency contact, if any: Ann Elmore Phone: (919) 814-5521 E-Mail: aelmore@sosnc.gov	11. Signature of Agency Head* or Rule-making Coordinator:  *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: Ann B. Wall Title: General Counsel and Rulemaking Coordinator
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	

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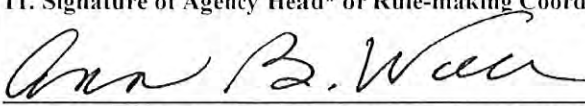
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ORIGINAL
1/16/23

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: N.C. Department of the Secretary of State	
2. Rule citation & name (name not required for repeal): 18 NCAC 07B .0307 - NOTICE OF ATTACHMENT	
3. Action: <input checked="" type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL THROUGH READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
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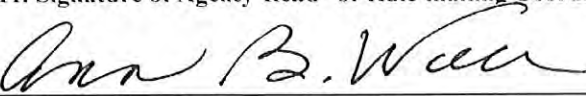
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SUBMISSION FOR PERMANENT RULE

ORIGINAL
Wagner

1. Rule-Making Agency: N.C. Department of the Secretary of State	
2. Rule citation & name (name not required for repeal): 18 NCAC 07B .0308 - SIGNATURE FOR ENTITY	
3. Action: <input checked="" type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL THROUGH READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: August 15, 2023 Link to Agency notice: https://sosnc.gov/divisions/general_counsel/open_rulemaking_phase_one_rulemaking Hearing on: September 19, 2023 Adoption by Agency on: November 8, 2023 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input type="checkbox"/> This Rule was part of a combined analysis. <input checked="" type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input checked="" type="checkbox"/> Approved by OSBM <input type="checkbox"/> No fiscal note required
9. REASON FOR ACTION	
9A. What prompted this action? Check all that apply: <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: <input checked="" type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: S.L. 2022-54; S.L. 2023-57; S.L. 2023-124 <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other:	
9B. Explain: See attached	
10. Rulemaking Coordinator: Ann B. Wall Ann B. Wall Phone: (919) 814-5310 E-Mail: awall@sosnc.gov Additional agency contact, if any: Ann Elmore Phone: (919) 814-5521 E-Mail: aelmore@sosnc.gov	11. Signature of Agency Head* or Rule-making Coordinator:  *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: Ann B. Wall Title: General Counsel and Rulemaking Coordinator
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	

Attachment to Form 0400 for Permanent Rule:

Question 9(b). Explain:

The Remote Electronic Notarization Act (RENA) was effective on July 8, 2022, S.L. 2022- 54. RENA primarily amends Article 2 of Chapter 10B of the NC General Statutes, the Notary Public Act. RENA has subsequently been amended twice, by S.L. 2023-57 and S.L. 2023-124.

Adoption of RENA was a direct outcome of the global pandemic. The pandemic increased the remote conduct of economic activity. The pandemic also established the need to conduct crucial business, legal, healthcare, and other transactions safely, securely, and efficiently in the rapidly changing remote environment.

The Notary Public Act sets requirements to become a traditional notary public, a public official. A traditional notary public performs notarial acts during an in-person meeting with the principal. A traditional notary must identify the principal using one of three specific methods. The Act and rules govern the conduct of the notary and how to become a notary instructor. Article 2 of the Act governs electronic notaries public (e-Notaries or eNotary). Like a traditional notary, an eNotary performs notarial acts during an in-person meeting. The eNotary uses technology to electronically notarize the principal's electronic signature. An electronic notary has to comply with most traditional notary requirements. The Act also regulates the technology used by the eNotary to perform electronic notarial acts.

RENA allows an NC notary, specifically an eNotary, who is physically located in NC, to perform remote electronic notarizations for a remotely located principal. A remotely located principal can physically be anywhere in the United States or its territories. In specific circumstances, the principal can be on a US military base or in a US embassy. RENA requires real-time, simultaneous communication between the eNotary and the remote principal using communications technology. RENA also establishes criteria that the technology has to meet.

RENA directs the Secretary of State to adopt rules on a large number of topics. The rules must fulfill the purposes of the Notary Public Act, including:

To simplify, clarify, and modernize the law governing notaries,

To prevent fraud and forgery,

To foster ethical conduct among notaries,

To enhance interstate recognition of notarial acts, and

To integrate procedures for all of the following notarial acts: Traditional paper, electronic notarization, and remote electronic notarization.

The Department seeks to adopt rules that will promote public confidence in the reliability of signatures and the identification of remotely located principals. These rules will help to ensure that transactions are not repudiated as a result of:

1. Mental incapacity of the principal;

2. Coercion or duress; or

3. Fraud.

By enhancing reliability, the Secretary facilitates economic growth while reducing costly and avoidable litigation.

In order to achieve these goals, the Secretary promulgated two Advance Notices of Proposed Rulemaking (ANPRs). The ANPRs were published on the Department's website and emailed to stakeholders and others. The ANPRs requested comments on a number of issues that are unclear in RENA. The first ANPR focused primarily on issues related to the eNotary and the

remote electronic notarial act. The second ANPR focused on issues related to the technology notaries will use to perform remote electronic notarial acts.

RENA requirements for remote electronic notarial acts (RENs) are based on requirements for traditional notaries and notarial acts, as well as the requirements for eNotaries and electronic notarial acts. To the extent feasible, the RENA rules, must, therefore, harmonize the requirements for traditional notaries, eNotaries, and eNotaries performing remote electronic notarial acts.

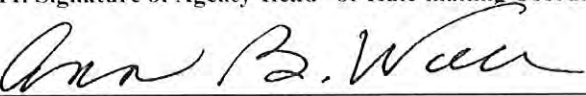
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The second set of rules will primarily focus on revising existing rules. The final set of rules will be focused primarily on the technology used to perform remote electronic notarial acts and the licensure and approval of the providers of that technology.

The Department has to date expended in excess of 5000 hours in connection with the rulemaking efforts. While recognizing the need for positions to conduct the rulemaking, the General Assembly has not appropriated funds to support the rulemaking effort mandated by statute in 2022, despite repeated Departmental requests. Departmental allocation of resources to the mandatory rulemaking has come at the expense of performing other Departmental duties.

SUBMISSION FOR PERMANENT RULE

ORIGINAL
11/8/2023

1. Rule-Making Agency: N.C. Department of the Secretary of State	
2. Rule citation & name (name not required for repeal): 18 NCAC 07B .0309 - FORM PREPARER SIGNATURE REQUIRED	
3. Action: <input checked="" type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL THROUGH READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
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7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input type="checkbox"/> This Rule was part of a combined analysis. <input checked="" type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input checked="" type="checkbox"/> Approved by OSBM <input type="checkbox"/> No fiscal note required
9. REASON FOR ACTION	
9A. What prompted this action? Check all that apply: <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: <input checked="" type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: S.L. 2022-54; S.L. 2023-57; S.L. 2023-124 <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other:	
9B. Explain: See attached	
10. Rulemaking Coordinator: Ann B. Wall Ann B. Wall Phone: (919) 814-5310 E-Mail: awall@sosnc.gov Additional agency contact, if any: Ann Elmore Phone: (919) 814-5521 E-Mail: aelmore@sosnc.gov	11. Signature of Agency Head* or Rule-making Coordinator:  *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: Ann B. Wall Title: General Counsel and Rulemaking Coordinator
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	

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RENA directs the Secretary of State to adopt rules on a large number of topics. The rules must fulfill the purposes of the Notary Public Act, including:

To simplify, clarify, and modernize the law governing notaries,

To prevent fraud and forgery,

To foster ethical conduct among notaries,

To enhance interstate recognition of notarial acts, and

To integrate procedures for all of the following notarial acts: Traditional paper, electronic notarization, and remote electronic notarization.

The Department seeks to adopt rules that will promote public confidence in the reliability of signatures and the identification of remotely located principals. These rules will help to ensure that transactions are not repudiated as a result of:

1. Mental incapacity of the principal;

2. Coercion or duress; or

3. Fraud.

By enhancing reliability, the Secretary facilitates economic growth while reducing costly and avoidable litigation.

In order to achieve these goals, the Secretary promulgated two Advance Notices of Proposed Rulemaking (ANPRs). The ANPRs were published on the Department's website and emailed to stakeholders and others. The ANPRs requested comments on a number of issues that are unclear in RENA. The first ANPR focused primarily on issues related to the eNotary and the

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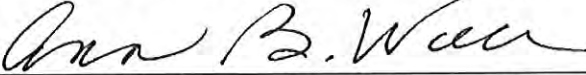
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The second set of rules will primarily focus on revising existing rules. The final set of rules will be focused primarily on the technology used to perform remote electronic notarial acts and the licensure and approval of the providers of that technology.

The Department has to date expended in excess of 5000 hours in connection with the rulemaking efforts. While recognizing the need for positions to conduct the rulemaking, the General Assembly has not appropriated funds to support the rulemaking effort mandated by statute in 2022, despite repeated Departmental requests. Departmental allocation of resources to the mandatory rulemaking has come at the expense of performing other Departmental duties.

ORIGINAL
11/8/2023

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: N.C. Department of the Secretary of State	
2. Rule citation & name (name not required for repeal): 18 NCAC 07B .0310 - INCOMPLETE FILINGS	
3. Action: <input checked="" type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL THROUGH READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
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7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input type="checkbox"/> This Rule was part of a combined analysis. <input checked="" type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (\geq \$1,000,000) <input checked="" type="checkbox"/> Approved by OSBM <input type="checkbox"/> No fiscal note required
9. REASON FOR ACTION	
9A. What prompted this action? Check all that apply: <input checked="" type="checkbox"/> Agency <input checked="" type="checkbox"/> Legislation enacted by the General Assembly <input type="checkbox"/> Court order / cite: Cite Session Law: S.L. 2022-54; S.L. 2023-57; S.L. 2023-124 <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Federal regulation / cite: <input type="checkbox"/> Other:	
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10. Rulemaking Coordinator: Ann B. Wall Ann B. Wall Phone: (919) 814-5310 E-Mail: awall@sosnc.gov Additional agency contact, if any: Ann Elmore Phone: (919) 814-5521 E-Mail: aelmore@sosnc.gov	11. Signature of Agency Head* or Rule-making Coordinator:  *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: Ann B. Wall Title: General Counsel and Rulemaking Coordinator
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	

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In order to achieve these goals, the Secretary promulgated two Advance Notices of Proposed Rulemaking (ANPRs). The ANPRs were published on the Department's website and emailed to stakeholders and others. The ANPRs requested comments on a number of issues that are unclear in RENA. The first ANPR focused primarily on issues related to the eNotary and the

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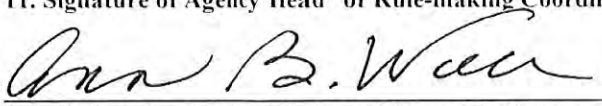
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SUBMISSION FOR PERMANENT RULE

ORIGINAL
11/8/2023

1. Rule-Making Agency: N.C. Department of the Secretary of State	
2. Rule citation & name (name not required for repeal): 18 NCAC 07B .0311 - REJECTION OF INCOMPLETE FILINGS	
3. Action: <input checked="" type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READOPTIO <input type="checkbox"/> REPEAL THROUGH READOPTIO	
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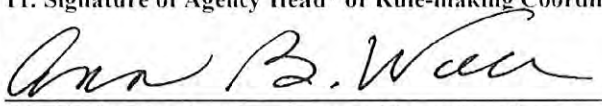
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SUBMISSION FOR PERMANENT RULE

ORIGINAL
11/8/2023

1. Rule-Making Agency: N.C. Department of the Secretary of State	
2. Rule citation & name (name not required for repeal): 18 NCAC 07B .0312 - FILING DATE OF DOCUMENT	
3. Action: <input checked="" type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL THROUGH READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: August 15, 2023 Link to Agency notice: https://sosnc.gov/divisions/general_counsel/open_rulemaking_phase_one_rulemaking Hearing on: September 19, 2023 Adoption by Agency on: November 8, 2023 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input type="checkbox"/> This Rule was part of a combined analysis. <input checked="" type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input checked="" type="checkbox"/> Approved by OSBM <input type="checkbox"/> No fiscal note required
9. REASON FOR ACTION	
9A. What prompted this action? Check all that apply: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: </div> <div style="width: 45%;"> <input checked="" type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: S.L. 2022-54; S.L. 2023-57; S.L. 2023-124 <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other: </div> </div>	
9B. Explain: See attached	
10. Rulemaking Coordinator: Ann B. Wall Ann B. Wall Phone: (919) 814-5310 E-Mail: awall@sosnc.gov Additional agency contact, if any: Ann Elmore Phone: (919) 814-5521 E-Mail: aelmore@sosnc.gov	11. Signature of Agency Head* or Rule-making Coordinator:  *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: Ann B. Wall Title: General Counsel and Rulemaking Coordinator
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	

Attachment to Form 0-400 for Permanent Rule:

Question 9(b). Explain:

The Remote Electronic Notarization Act (RENA) was effective on July 8, 2022, S.L. 2022- 54. RENA primarily amends Article 2 of Chapter 10B of the NC General Statutes, the Notary Public Act. RENA has subsequently been amended twice, by S.L. 2023-57 and S.L. 2023-124.

Adoption of RENA was a direct outcome of the global pandemic. The pandemic increased the remote conduct of economic activity. The pandemic also established the need to conduct crucial business, legal, healthcare, and other transactions safely, securely, and efficiently in the rapidly changing remote environment.

The Notary Public Act sets requirements to become a traditional notary public, a public official. A traditional notary public performs notarial acts during an in-person meeting with the principal. A traditional notary must identify the principal using one of three specific methods. The Act and rules govern the conduct of the notary and how to become a notary instructor. Article 2 of the Act governs electronic notaries public (e-Notaries or eNotary). Like a traditional notary, an eNotary performs notarial acts during an in-person meeting. The eNotary uses technology to electronically notarize the principal's electronic signature. An electronic notary has to comply with most traditional notary requirements. The Act also regulates the technology used by the eNotary to perform electronic notarial acts.

RENA allows an NC notary, specifically an eNotary, who is physically located in NC, to perform remote electronic notarizations for a remotely located principal. A remotely located principal can physically be anywhere in the United States or its territories. In specific circumstances, the principal can be on a US military base or in a US embassy. RENA requires real-time, simultaneous communication between the eNotary and the remote principal using communications technology. RENA also establishes criteria that the technology has to meet.

RENA directs the Secretary of State to adopt rules on a large number of topics. The rules must fulfill the purposes of the Notary Public Act, including:

To simplify, clarify, and modernize the law governing notaries,

To prevent fraud and forgery,

To foster ethical conduct among notaries,

To enhance interstate recognition of notarial acts, and

To integrate procedures for all of the following notarial acts: Traditional paper, electronic notarization, and remote electronic notarization.

The Department seeks to adopt rules that will promote public confidence in the reliability of signatures and the identification of remotely located principals. These rules will help to ensure that transactions are not repudiated as a result of:

1. Mental incapacity of the principal;

2. Coercion or duress; or

3. Fraud.

By enhancing reliability, the Secretary facilitates economic growth while reducing costly and avoidable litigation.

In order to achieve these goals, the Secretary promulgated two Advance Notices of Proposed Rulemaking (ANPRs). The ANPRs were published on the Department's website and emailed to stakeholders and others. The ANPRs requested comments on a number of issues that are unclear in RENA. The first ANPR focused primarily on issues related to the eNotary and the

remote electronic notarial act. The second ANPR focused on issues related to the technology notaries will use to perform remote electronic notarial acts.

RENA requirements for remote electronic notarial acts (RENs) are based on requirements for traditional notaries and notarial acts, as well as the requirements for eNotaries and electronic notarial acts. To the extent feasible, the RENA rules, must, therefore, harmonize the requirements for traditional notaries, eNotaries, and eNotaries performing remote electronic notarial acts.

Due to the scope and scale of the requirements for this rulemaking process, the Secretary will propose the rules in three sets. This first set of proposed rules deals with fundamental issues related to all three methods of performing notarial acts and to establishing certain common rules. This is that first set of rules. The proposed rule amendments, adoptions, and repeals in this first set involve Subchapters B, F, I, and K of 18 NCAC 07. G.S. 150B-21.3A separately requires all state agencies to review existing rules every ten years in accordance with a prescribed process that includes rule readoption. Many of the existing notary rules are nearing the end of their decadal cycle and thus are due for review and readoption. This first set of rules is undertaken to satisfy both the requirements of RENA and G.S. 150B-21.3A.

The second set of rules will primarily focus on revising existing rules. The final set of rules will be focused primarily on the technology used to perform remote electronic notarial acts and the licensure and approval of the providers of that technology.

The Department has to date expended in excess of 5000 hours in connection with the rulemaking efforts. While recognizing the need for positions to conduct the rulemaking, the General Assembly has not appropriated funds to support the rulemaking effort mandated by statute in 2022, despite repeated Departmental requests. Departmental allocation of resources to the mandatory rulemaking has come at the expense of performing other Departmental duties.

SUBMISSION FOR PERMANENT RULE

ORIGINAL
11/14/2023

1. Rule-Making Agency: N.C. Department of the Secretary of State	
2. Rule citation & name (name not required for repeal): 18 NCAC 07B .0401 - GENERAL	
3. Action: <input type="checkbox"/> ADOPTION <input checked="" type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL THROUGH READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: August 15, 2023 Link to Agency notice: https://sosnc.gov/divisions/general_counsel/open_rulemaking_phase_one_rulemaking Hearing on: September 19, 2023 Adoption by Agency on: November 8, 2023 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input type="checkbox"/> This Rule was part of a combined analysis. <input checked="" type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input checked="" type="checkbox"/> Approved by OSBM <input type="checkbox"/> No fiscal note required
9. REASON FOR ACTION	
9A. What prompted this action? Check all that apply: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: </div> <div style="width: 45%;"> <input checked="" type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: S.L. 2022-54; S.L. 2023-57; S.L. 2023-124 <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other: </div> </div>	
9B. Explain: See attached	
10. Rulemaking Coordinator: Ann B. Wall Ann B. Wall Phone: (919) 814-5310 E-Mail: awall@sosnc.gov Additional agency contact, if any: Ann Elmore Phone: (919) 814-5521 E-Mail: aelmore@sosnc.gov	11. Signature of Agency Head* or Rule-making Coordinator: <div style="text-align: center; margin-top: 10px;"> </div> <hr style="width: 80%; margin: 0 auto;"/> *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: Ann B. Wall Title: General Counsel and Rulemaking Coordinator
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	

Attachment to Form 0400 for Permanent Rule:

Question 9(b). Explain:

The Remote Electronic Notarization Act (RENA) was effective on July 8, 2022, S.L. 2022- 54. RENA primarily amends Article 2 of Chapter 10B of the NC General Statutes, the Notary Public Act. RENA has subsequently been amended twice, by S.L. 2023-57 and S.L. 2023-124.

Adoption of RENA was a direct outcome of the global pandemic. The pandemic increased the remote conduct of economic activity. The pandemic also established the need to conduct crucial business, legal, healthcare, and other transactions safely, securely, and efficiently in the rapidly changing remote environment.

The Notary Public Act sets requirements to become a traditional notary public, a public official. A traditional notary public performs notarial acts during an in-person meeting with the principal. A traditional notary must identify the principal using one of three specific methods. The Act and rules govern the conduct of the notary and how to become a notary instructor. Article 2 of the Act governs electronic notaries public (e-Notaries or eNotary). Like a traditional notary, an eNotary performs notarial acts during an in-person meeting. The eNotary uses technology to electronically notarize the principal's electronic signature. An electronic notary has to comply with most traditional notary requirements. The Act also regulates the technology used by the eNotary to perform electronic notarial acts.

RENA allows an NC notary, specifically an eNotary, who is physically located in NC, to perform remote electronic notarizations for a remotely located principal. A remotely located principal can physically be anywhere in the United States or its territories. In specific circumstances, the principal can be on a US military base or in a US embassy. RENA requires real-time, simultaneous communication between the eNotary and the remote principal using communications technology. RENA also establishes criteria that the technology has to meet.

RENA directs the Secretary of State to adopt rules on a large number of topics. The rules must fulfill the purposes of the Notary Public Act, including:

To simplify, clarify, and modernize the law governing notaries,

To prevent fraud and forgery,

To foster ethical conduct among notaries,

To enhance interstate recognition of notarial acts, and

To integrate procedures for all of the following notarial acts: Traditional paper, electronic notarization, and remote electronic notarization.

The Department seeks to adopt rules that will promote public confidence in the reliability of signatures and the identification of remotely located principals. These rules will help to ensure that transactions are not repudiated as a result of:

1. Mental incapacity of the principal;

2. Coercion or duress; or

3. Fraud.

By enhancing reliability, the Secretary facilitates economic growth while reducing costly and avoidable litigation.

In order to achieve these goals, the Secretary promulgated two Advance Notices of Proposed Rulemaking (ANPRs). The ANPRs were published on the Department's website and emailed to stakeholders and others. The ANPRs requested comments on a number of issues that are unclear in RENA. The first ANPR focused primarily on issues related to the eNotary and the

remote electronic notarial act. The second ANPR focused on issues related to the technology notaries will use to perform remote electronic notarial acts.

RENA requirements for remote electronic notarial acts (RENs) are based on requirements for traditional notaries and notarial acts, as well as the requirements for eNotaries and electronic notarial acts. To the extent feasible, the RENA rules, must, therefore, harmonize the requirements for traditional notaries, eNotaries, and eNotaries performing remote electronic notarial acts.

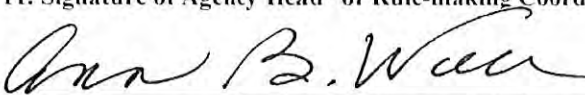
Due to the scope and scale of the requirements for this rulemaking process, the Secretary will propose the rules in three sets. This first set of proposed rules deals with fundamental issues related to all three methods of performing notarial acts and to establishing certain common rules. This is that first set of rules. The proposed rule amendments, adoptions, and repeals in this first set involve Subchapters B, F, I, and K of 18 NCAC 07. G.S. 150B-21.3A separately requires all state agencies to review existing rules every ten years in accordance with a prescribed process that includes rule readoption. Many of the existing notary rules are nearing the end of their decadal cycle and thus are due for review and readoption. This first set of rules is undertaken to satisfy both the requirements of RENA and G.S. 150B-21.3A.

The second set of rules will primarily focus on revising existing rules. The final set of rules will be focused primarily on the technology used to perform remote electronic notarial acts and the licensure and approval of the providers of that technology.

The Department has to date expended in excess of 5000 hours in connection with the rulemaking efforts. While recognizing the need for positions to conduct the rulemaking, the General Assembly has not appropriated funds to support the rulemaking effort mandated by statute in 2022, despite repeated Departmental requests. Departmental allocation of resources to the mandatory rulemaking has come at the expense of performing other Departmental duties.

SUBMISSION FOR PERMANENT RULE

ORIGINAL
11/16/2023

1. Rule-Making Agency: N.C. Department of the Secretary of State	
2. Rule citation & name (name not required for repeal): 18 NCAC 07B .0402 - CONTACT INFORMATION	
3. Action: <input checked="" type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL THROUGH READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: August 15, 2023 Link to Agency notice: https://sosnc.gov/divisions/general_counsel/open_rulemaking_phase_one_rulemaking Hearing on: September 19, 2023 Adoption by Agency on: November 8, 2023 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input type="checkbox"/> This Rule was part of a combined analysis. <input checked="" type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input checked="" type="checkbox"/> Approved by OSBM <input type="checkbox"/> No fiscal note required
9. REASON FOR ACTION	
9A. What prompted this action? Check all that apply: <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: <input checked="" type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: S.L. 2022-54; S.L. 2023-57; S.L. 2023-124 <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other:	
9B. Explain: See attached	
10. Rulemaking Coordinator: Ann B. Wall Ann B. Wall Phone: (919) 814-5310 E-Mail: awall@sosnc.gov Additional agency contact, if any: Ann Elmore Phone: (919) 814-5521 E-Mail: aelmore@sosnc.gov	11. Signature of Agency Head* or Rule-making Coordinator:  *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: Ann B. Wall Title: General Counsel and Rulemaking Coordinator
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	

Attachment to Form 0400 for Permanent Rule:

Question 9(b). Explain:

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To simplify, clarify, and modernize the law governing notaries,

To prevent fraud and forgery,

To foster ethical conduct among notaries,

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To integrate procedures for all of the following notarial acts: Traditional paper, electronic notarization, and remote electronic notarization.

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2. Coercion or duress; or

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By enhancing reliability, the Secretary facilitates economic growth while reducing costly and avoidable litigation.

In order to achieve these goals, the Secretary promulgated two Advance Notices of Proposed Rulemaking (ANPRs). The ANPRs were published on the Department's website and emailed to stakeholders and others. The ANPRs requested comments on a number of issues that are unclear in RENA. The first ANPR focused primarily on issues related to the eNotary and the

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The Department has to date expended in excess of 5000 hours in connection with the rulemaking efforts. While recognizing the need for positions to conduct the rulemaking, the General Assembly has not appropriated funds to support the rulemaking effort mandated by statute in 2022, despite repeated Departmental requests. Departmental allocation of resources to the mandatory rulemaking has come at the expense of performing other Departmental duties.

11/6/2023

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: N.C. Department of the Secretary of State	
2. Rule citation & name (name not required for repeal): 18 NCAC 07B .0403 - CERTIFICATE OF APPOINTMENT FORM	
3. Action: <input checked="" type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL THROUGH READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: August 15, 2023 Link to Agency notice: https://sosnc.gov/divisions/general_counsel/open_rulemaking_phase_one_rulemaking Hearing on: September 19, 2023 Adoption by Agency on: November 8, 2023 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
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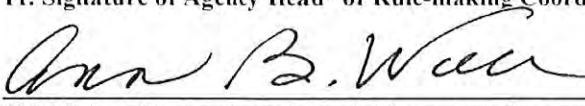
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SUBMISSION FOR PERMANENT RULE

ORIGINAL

11/8/2023

1. Rule-Making Agency: N.C. Department of the Secretary of State	
2. Rule citation & name (name not required for repeal): 18 NCAC 07B .0404 - ELECTRONIC NOTARY PUBLIC REGISTRATION FORM	
3. Action: <input checked="" type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL THROUGH READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: August 15, 2023 Link to Agency notice: https://sosnc.gov/divisions/general_counsel/open_rulemaking_phase_one_rulemaking Hearing on: September 19, 2023 Adoption by Agency on: November 8, 2023 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input type="checkbox"/> This Rule was part of a combined analysis. <input checked="" type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input checked="" type="checkbox"/> Approved by OSBM <input type="checkbox"/> No fiscal note required
9. REASON FOR ACTION	
9A. What prompted this action? Check all that apply: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: </div> <div style="width: 45%;"> <input checked="" type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: S.L. 2022-54; S.L. 2023-57; S.L. 2023-124 <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other: </div> </div>	
9B. Explain: See attached	
10. Rulemaking Coordinator: Ann B. Wall Ann B. Wall Phone: (919) 814-5310 E-Mail: awall@sosnc.gov Additional agency contact, if any: Ann Elmore Phone: (919) 814-5521 E-Mail: aelmore@sosnc.gov	11. Signature of Agency Head* or Rule-making Coordinator: <div style="text-align: center; margin-top: 10px;">  </div> <hr style="width: 80%; margin: 0 auto;"/> *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: Ann B. Wall Title: General Counsel and Rulemaking Coordinator
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	

Attachment to Form 0400 for Permanent Rule:

Question 9(b). Explain:

The Remote Electronic Notarization Act (RENA) was effective on July 8, 2022, S.L. 2022- 54. RENA primarily amends Article 2 of Chapter 10B of the NC General Statutes, the Notary Public Act. RENA has subsequently been amended twice, by S.L. 2023-57 and S.L. 2023-124.

Adoption of RENA was a direct outcome of the global pandemic. The pandemic increased the remote conduct of economic activity. The pandemic also established the need to conduct crucial business, legal, healthcare, and other transactions safely, securely, and efficiently in the rapidly changing remote environment.

The Notary Public Act sets requirements to become a traditional notary public, a public official. A traditional notary public performs notarial acts during an in-person meeting with the principal. A traditional notary must identify the principal using one of three specific methods. The Act and rules govern the conduct of the notary and how to become a notary instructor. Article 2 of the Act governs electronic notaries public (e-Notaries or eNotary). Like a traditional notary, an eNotary performs notarial acts during an in-person meeting. The eNotary uses technology to electronically notarize the principal's electronic signature. An electronic notary has to comply with most traditional notary requirements. The Act also regulates the technology used by the eNotary to perform electronic notarial acts.

RENA allows an NC notary, specifically an eNotary, who is physically located in NC, to perform remote electronic notarizations for a remotely located principal. A remotely located principal can physically be anywhere in the United States or its territories. In specific circumstances, the principal can be on a US military base or in a US embassy. RENA requires real-time, simultaneous communication between the eNotary and the remote principal using communications technology. RENA also establishes criteria that the technology has to meet.

RENA directs the Secretary of State to adopt rules on a large number of topics. The rules must fulfill the purposes of the Notary Public Act, including:

To simplify, clarify, and modernize the law governing notaries,

To prevent fraud and forgery,

To foster ethical conduct among notaries,

To enhance interstate recognition of notarial acts, and

To integrate procedures for all of the following notarial acts: Traditional paper, electronic notarization, and remote electronic notarization.

The Department seeks to adopt rules that will promote public confidence in the reliability of signatures and the identification of remotely located principals. These rules will help to ensure that transactions are not repudiated as a result of:

1. Mental incapacity of the principal;

2. Coercion or duress; or

3. Fraud.

By enhancing reliability, the Secretary facilitates economic growth while reducing costly and avoidable litigation.

In order to achieve these goals, the Secretary promulgated two Advance Notices of Proposed Rulemaking (ANPRs). The ANPRs were published on the Department's website and emailed to stakeholders and others. The ANPRs requested comments on a number of issues that are unclear in RENA. The first ANPR focused primarily on issues related to the eNotary and the

remote electronic notarial act. The second ANPR focused on issues related to the technology notaries will use to perform remote electronic notarial acts.

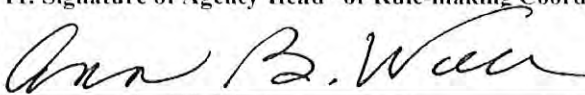
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Due to the scope and scale of the requirements for this rulemaking process, the Secretary will propose the rules in three sets. This first set of proposed rules deals with fundamental issues related to all three methods of performing notarial acts and to establishing certain common rules. This is that first set of rules. The proposed rule amendments, adoptions, and repeals in this first set involve Subchapters B, F, I, and K of 18 NCAC 07. G.S. 150B-21.3A separately requires all state agencies to review existing rules every ten years in accordance with a prescribed process that includes rule readoption. Many of the existing notary rules are nearing the end of their decadal cycle and thus are due for review and readoption. This first set of rules is undertaken to satisfy both the requirements of RENA and G.S. 150B-21.3A.

The second set of rules will primarily focus on revising existing rules. The final set of rules will be focused primarily on the technology used to perform remote electronic notarial acts and the licensure and approval of the providers of that technology.

The Department has to date expended in excess of 5000 hours in connection with the rulemaking efforts. While recognizing the need for positions to conduct the rulemaking, the General Assembly has not appropriated funds to support the rulemaking effort mandated by statute in 2022, despite repeated Departmental requests. Departmental allocation of resources to the mandatory rulemaking has come at the expense of performing other Departmental duties.

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: N.C. Department of the Secretary of State	
2. Rule citation & name (name not required for repeal): 18 NCAC 07B .0405 FORM NOTIFYING DEPARTMENT OF SELECTION OF TECHNOLOGY PROVIDERS BY ELECTRONIC NOTA	
3. Action: <input checked="" type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READOPTIO <input type="checkbox"/> REPEAL THROUGH READOPTIO	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: August 15, 2023 Link to Agency notice: https://sosnc.gov/divisions/general_counsel/open_rulemaking_phase_one_rulemaking Hearing on: September 19, 2023 Adoption by Agency on: November 8, 2023 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input type="checkbox"/> This Rule was part of a combined analysis. <input checked="" type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input checked="" type="checkbox"/> Approved by OSBM <input type="checkbox"/> No fiscal note required
9. REASON FOR ACTION	
9A. What prompted this action? Check all that apply: <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: <input checked="" type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: S.L. 2022-54; S.L. 2023-57; S.L. 2023-124 <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other:	
9B. Explain: See attached	
10. Rulemaking Coordinator: Ann B. Wall Ann B. Wall Phone: (919) 814-5310 E-Mail: awall@sosnc.gov Additional agency contact, if any: Ann Elmore Phone: (919) 814-5521 E-Mail: aelmore@sosnc.gov	11. Signature of Agency Head* or Rule-making Coordinator:  *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: Ann B. Wall Title: General Counsel and Rulemaking Coordinator
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	

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Adoption of RENA was a direct outcome of the global pandemic. The pandemic increased the remote conduct of economic activity. The pandemic also established the need to conduct crucial business, legal, healthcare, and other transactions safely, securely, and efficiently in the rapidly changing remote environment.

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RENA directs the Secretary of State to adopt rules on a large number of topics. The rules must fulfill the purposes of the Notary Public Act, including:

To simplify, clarify, and modernize the law governing notaries,

To prevent fraud and forgery,

To foster ethical conduct among notaries,

To enhance interstate recognition of notarial acts, and

To integrate procedures for all of the following notarial acts: Traditional paper, electronic notarization, and remote electronic notarization.

The Department seeks to adopt rules that will promote public confidence in the reliability of signatures and the identification of remotely located principals. These rules will help to ensure that transactions are not repudiated as a result of:

1. Mental incapacity of the principal;

2. Coercion or duress; or

3. Fraud.

By enhancing reliability, the Secretary facilitates economic growth while reducing costly and avoidable litigation.

In order to achieve these goals, the Secretary promulgated two Advance Notices of Proposed Rulemaking (ANPRs). The ANPRs were published on the Department's website and emailed to stakeholders and others. The ANPRs requested comments on a number of issues that are unclear in RENA. The first ANPR focused primarily on issues related to the eNotary and the

remote electronic notarial act. The second ANPR focused on issues related to the technology notaries will use to perform remote electronic notarial acts.

RENA requirements for remote electronic notarial acts (RENs) are based on requirements for traditional notaries and notarial acts, as well as the requirements for eNotaries and electronic notarial acts. To the extent feasible, the RENA rules, must, therefore, harmonize the requirements for traditional notaries, eNotaries, and eNotaries performing remote electronic notarial acts.

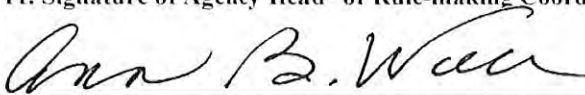
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The Department has to date expended in excess of 5000 hours in connection with the rulemaking efforts. While recognizing the need for positions to conduct the rulemaking, the General Assembly has not appropriated funds to support the rulemaking effort mandated by statute in 2022, despite repeated Departmental requests. Departmental allocation of resources to the mandatory rulemaking has come at the expense of performing other Departmental duties.

SUBMISSION FOR PERMANENT RULE


 11/8/2023

1. Rule-Making Agency: N.C. Department of the Secretary of State	
2. Rule citation & name (name not required for repeal): 18 NCAC 07B .0406 - NOTICE TO DEPARTMENT OF CHANGE BY ELECTRONIC NOTARY IN TECHNOLOGY PROVIDER	
3. Action: <input checked="" type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL THROUGH READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: August 15, 2023 Link to Agency notice: https://sosnc.gov/divisions/general_counsel/open_rulemaking_phase_one_rulemaking Hearing on: September 19, 2023 Adoption by Agency on: November 8, 2023 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input type="checkbox"/> This Rule was part of a combined analysis. <input checked="" type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input checked="" type="checkbox"/> Approved by OSBM <input type="checkbox"/> No fiscal note required
9. REASON FOR ACTION	
9A. What prompted this action? Check all that apply: <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: <input checked="" type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: S.L. 2022-54; S.L. 2023-57; S.L. 2023-124 <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other:	
9B. Explain: See attached	
10. Rulemaking Coordinator: Ann B. Wall Ann B. Wall Phone: (919) 814-5310 E-Mail: awall@sosnc.gov Additional agency contact, if any: Ann Elmore Phone: (919) 814-5521 E-Mail: aelmore@sosnc.gov	11. Signature of Agency Head* or Rule-making Coordinator:  <hr/> *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: Ann B. Wall Title: General Counsel and Rulemaking Coordinator
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Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	

Attachment to Form 0400 for Permanent Rule:

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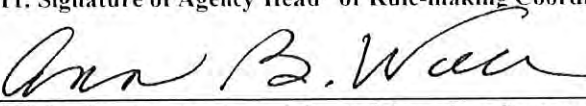
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SUBMISSION FOR PERMANENT RULE

ORIGINAL
11/8/2023

1. Rule-Making Agency: N.C. Department of the Secretary of State	
2. Rule citation & name (name not required for repeal): 18 NCAC 07F .0101 - SCOPE	
3. Action: <input type="checkbox"/> ADOPTION <input checked="" type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL THROUGH READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
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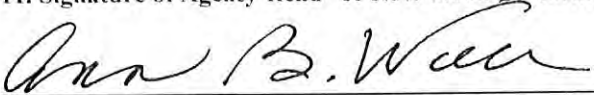
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The Department has to date expended in excess of 5000 hours in connection with the rulemaking efforts. While recognizing the need for positions to conduct the rulemaking, the General Assembly has not appropriated funds to support the rulemaking effort mandated by statute in 2022, despite repeated Departmental requests. Departmental allocation of resources to the mandatory rulemaking has come at the expense of performing other Departmental duties.

SUBMISSION FOR PERMANENT RULE

D GENERAL
11/0/2023

1. Rule-Making Agency: N.C. Department of the Secretary of State	
2. Rule citation & name (name not required for repeal): 18 NCAC 07F .0102 - DEFINITIONS	
3. Action: <input type="checkbox"/> ADOPTION <input checked="" type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL THROUGH READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: August 15, 2023 Link to Agency notice: https://sosnc.gov/divisions/general_counsel/open_rulemaking_phase_one_rulemaking Hearing on: September 19, 2023 Adoption by Agency on: November 8, 2023 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input type="checkbox"/> This Rule was part of a combined analysis. <input checked="" type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input checked="" type="checkbox"/> Approved by OSBM <input type="checkbox"/> No fiscal note required
9. REASON FOR ACTION	
9A. What prompted this action? Check all that apply: <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: <input checked="" type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: S.L. 2022-54; S.L. 2023-57; S.L. 2023-124 <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other:	
9B. Explain: See attached	
10. Rulemaking Coordinator: Ann B. Wall Ann B. Wall Phone: (919) 814-5310 E-Mail: awall@sosnc.gov Additional agency contact, if any: Ann Elmore Phone: (919) 814-5521 E-Mail: aelmore@sosnc.gov	11. Signature of Agency Head* or Rule-making Coordinator:  *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: Ann B. Wall Title: General Counsel and Rulemaking Coordinator
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	

Attachment to Form 0400 for Permanent Rule:

Question 9(b). Explain:

The Remote Electronic Notarization Act (RENA) was effective on July 8, 2022, S.L. 2022- 54. RENA primarily amends Article 2 of Chapter 10B of the NC General Statutes, the Notary Public Act. RENA has subsequently been amended twice, by S.L. 2023-57 and S.L. 2023-124.

Adoption of RENA was a direct outcome of the global pandemic. The pandemic increased the remote conduct of economic activity. The pandemic also established the need to conduct crucial business, legal, healthcare, and other transactions safely, securely, and efficiently in the rapidly changing remote environment.

The Notary Public Act sets requirements to become a traditional notary public, a public official. A traditional notary public performs notarial acts during an in-person meeting with the principal. A traditional notary must identify the principal using one of three specific methods. The Act and rules govern the conduct of the notary and how to become a notary instructor. Article 2 of the Act governs electronic notaries public (e-Notaries or eNotary). Like a traditional notary, an eNotary performs notarial acts during an in-person meeting. The eNotary uses technology to electronically notarize the principal's electronic signature. An electronic notary has to comply with most traditional notary requirements. The Act also regulates the technology used by the eNotary to perform electronic notarial acts.

RENA allows an NC notary, specifically an eNotary, who is physically located in NC, to perform remote electronic notarizations for a remotely located principal. A remotely located principal can physically be anywhere in the United States or its territories. In specific circumstances, the principal can be on a US military base or in a US embassy. RENA requires real-time, simultaneous communication between the eNotary and the remote principal using communications technology. RENA also establishes criteria that the technology has to meet.

RENA directs the Secretary of State to adopt rules on a large number of topics. The rules must fulfill the purposes of the Notary Public Act, including:

To simplify, clarify, and modernize the law governing notaries,

To prevent fraud and forgery,

To foster ethical conduct among notaries,

To enhance interstate recognition of notarial acts, and

To integrate procedures for all of the following notarial acts: Traditional paper, electronic notarization, and remote electronic notarization.

The Department seeks to adopt rules that will promote public confidence in the reliability of signatures and the identification of remotely located principals. These rules will help to ensure that transactions are not repudiated as a result of:

1. Mental incapacity of the principal;

2. Coercion or duress; or

3. Fraud.

By enhancing reliability, the Secretary facilitates economic growth while reducing costly and avoidable litigation.

In order to achieve these goals, the Secretary promulgated two Advance Notices of Proposed Rulemaking (ANPRs). The ANPRs were published on the Department's website and emailed to stakeholders and others. The ANPRs requested comments on a number of issues that are unclear in RENA. The first ANPR focused primarily on issues related to the eNotary and the

remote electronic notarial act. The second ANPR focused on issues related to the technology notaries will use to perform remote electronic notarial acts.

RENA requirements for remote electronic notarial acts (RENs) are based on requirements for traditional notaries and notarial acts, as well as the requirements for eNotaries and electronic notarial acts. To the extent feasible, the RENA rules, must, therefore, harmonize the requirements for traditional notaries, eNotaries, and eNotaries performing remote electronic notarial acts.

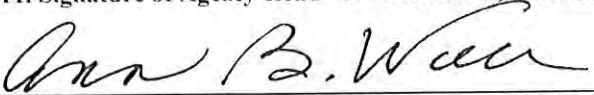
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The Department has to date expended in excess of 5000 hours in connection with the rulemaking efforts. While recognizing the need for positions to conduct the rulemaking, the General Assembly has not appropriated funds to support the rulemaking effort mandated by statute in 2022, despite repeated Departmental requests. Departmental allocation of resources to the mandatory rulemaking has come at the expense of performing other Departmental duties.

SUBMISSION FOR PERMANENT RULE

ORIGINAL
11/6/2023

1. Rule-Making Agency: N.C. Department of the Secretary of State	
2. Rule citation & name (name not required for repeal): 18 NCAC 07F .0103 - ELECTRONIC NOTARIES PERFORMING REMOTE ELECTRONIC NOTARIAL ACTS	
3. Action: <input checked="" type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL THROUGH READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
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7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input type="checkbox"/> This Rule was part of a combined analysis. <input checked="" type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input checked="" type="checkbox"/> Approved by OSBM <input type="checkbox"/> No fiscal note required
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9A. What prompted this action? Check all that apply: <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: <input checked="" type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: S.L. 2022-54; S.L. 2023-57; S.L. 2023-124 <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other:	
9B. Explain: See attached	
10. Rulemaking Coordinator: Ann B. Wall Ann B. Wall Phone: (919) 814-5310 E-Mail: awall@sosnc.gov Additional agency contact, if any: Ann Elmore Phone: (919) 814-5521 E-Mail: aelmore@sosnc.gov	11. Signature of Agency Head* or Rule-making Coordinator:  *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: Ann B. Wall Title: General Counsel and Rulemaking Coordinator
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	

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Question 9(b). Explain:

The Remote Electronic Notarization Act (RENA) was effective on July 8, 2022, S.L. 2022- 54. RENA primarily amends Article 2 of Chapter 10B of the NC General Statutes, the Notary Public Act. RENA has subsequently been amended twice, by S.L. 2023-57 and S.L. 2023-124.

Adoption of RENA was a direct outcome of the global pandemic. The pandemic increased the remote conduct of economic activity. The pandemic also established the need to conduct crucial business, legal, healthcare, and other transactions safely, securely, and efficiently in the rapidly changing remote environment.

The Notary Public Act sets requirements to become a traditional notary public, a public official. A traditional notary public performs notarial acts during an in-person meeting with the principal. A traditional notary must identify the principal using one of three specific methods. The Act and rules govern the conduct of the notary and how to become a notary instructor. Article 2 of the Act governs electronic notaries public (e-Notaries or eNotary). Like a traditional notary, an eNotary performs notarial acts during an in-person meeting. The eNotary uses technology to electronically notarize the principal's electronic signature. An electronic notary has to comply with most traditional notary requirements. The Act also regulates the technology used by the eNotary to perform electronic notarial acts.

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RENA directs the Secretary of State to adopt rules on a large number of topics. The rules must fulfill the purposes of the Notary Public Act, including:

To simplify, clarify, and modernize the law governing notaries,

To prevent fraud and forgery,

To foster ethical conduct among notaries,

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The Department seeks to adopt rules that will promote public confidence in the reliability of signatures and the identification of remotely located principals. These rules will help to ensure that transactions are not repudiated as a result of:

1. Mental incapacity of the principal;

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3. Fraud.

By enhancing reliability, the Secretary facilitates economic growth while reducing costly and avoidable litigation.

In order to achieve these goals, the Secretary promulgated two Advance Notices of Proposed Rulemaking (ANPRs). The ANPRs were published on the Department's website and emailed to stakeholders and others. The ANPRs requested comments on a number of issues that are unclear in RENA. The first ANPR focused primarily on issues related to the eNotary and the

remote electronic notarial act. The second ANPR focused on issues related to the technology notaries will use to perform remote electronic notarial acts.

RENA requirements for remote electronic notarial acts (RENs) are based on requirements for traditional notaries and notarial acts, as well as the requirements for eNotaries and electronic notarial acts. To the extent feasible, the RENA rules, must, therefore, harmonize the requirements for traditional notaries, eNotaries, and eNotaries performing remote electronic notarial acts.

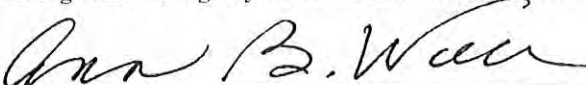
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SUBMISSION FOR PERMANENT RULE

ORIGINAL
11/9/2023

1. Rule-Making Agency: N.C. Department of the Secretary of State	
2. Rule citation & name (name not required for repeal): 18 NCAC 07F .0201 - VALID COMMISSION	
3. Action: <input type="checkbox"/> ADOPTION <input checked="" type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL THROUGH READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: August 15, 2023 Link to Agency notice: https://sosnc.gov/divisions/general_counsel/open_rulemaking_phase_one_rulemaking Hearing on: September 19, 2023 Adoption by Agency on: November 8, 2023 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input type="checkbox"/> This Rule was part of a combined analysis. <input checked="" type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input checked="" type="checkbox"/> Approved by OSBM <input type="checkbox"/> No fiscal note required
9. REASON FOR ACTION	
9A. What prompted this action? Check all that apply: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: </div> <div style="width: 45%;"> <input checked="" type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: S.L. 2022-54; S.L. 2023-57; S.L. 2023-124 <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other: </div> </div>	
9B. Explain: See attached	
10. Rulemaking Coordinator: Ann B. Wall Ann B. Wall Phone: (919) 814-5310 E-Mail: awall@sosnc.gov Additional agency contact, if any: Ann Elmore Phone: (919) 814-5521 E-Mail: aelmore@sosnc.gov	11. Signature of Agency Head* or Rule-making Coordinator:  *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: Ann B. Wall Title: General Counsel and Rulemaking Coordinator
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	

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In order to achieve these goals, the Secretary promulgated two Advance Notices of Proposed Rulemaking (ANPRs). The ANPRs were published on the Department's website and emailed to stakeholders and others. The ANPRs requested comments on a number of issues that are unclear in RENA. The first ANPR focused primarily on issues related to the eNotary and the

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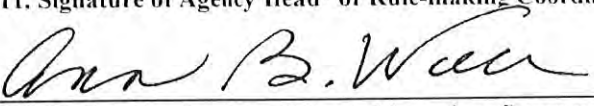
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SUBMISSION FOR PERMANENT RULE


ORIGINAL
 11/8/2023

1. Rule-Making Agency: N.C. Department of the Secretary of State	
2. Rule citation & name (name not required for repeal): 18 NCAC 07F .0301 - APPROVED COURSE OF STUDY FOR ELECTRONIC NOTARIES PUBLIC	
3. Action: <input type="checkbox"/> ADOPTION <input checked="" type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL THROUGH READOPTION	
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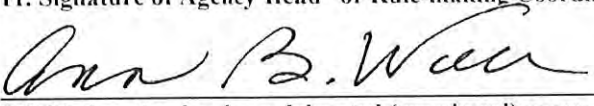
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The second set of rules will primarily focus on revising existing rules. The final set of rules will be focused primarily on the technology used to perform remote electronic notarial acts and the licensure and approval of the providers of that technology.

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SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: N.C. Department of the Secretary of State	
2. Rule citation & name (name not required for repeal): 18 NCAC 07F .0302 - COURSES TO BE TAUGHT BY CERTIFIED NOTARY INSTRUCTORS	
3. Action: <input checked="" type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL THROUGH READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: August 15, 2023 Link to Agency notice: https://sosnc.gov/divisions/general_counsel/open_rulemaking_phase_one_rulemaking Hearing on: September 19, 2023 Adoption by Agency on: November 8, 2023 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input type="checkbox"/> This Rule was part of a combined analysis. <input checked="" type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input checked="" type="checkbox"/> Approved by OSBM <input type="checkbox"/> No fiscal note required
9. REASON FOR ACTION	
9A. What prompted this action? Check all that apply: <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: <input checked="" type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: S.L. 2022-54; S.L. 2023-57; S.L. 2023-124 <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other:	
9B. Explain: See attached	
10. Rulemaking Coordinator: Ann B. Wall Ann B. Wall Phone: (919) 814-5310 E-Mail: awall@sosnc.gov Additional agency contact, if any: Ann Elmore Phone: (919) 814-5521 E-Mail: aelmore@sosnc.gov	11. Signature of Agency Head* or Rule-making Coordinator:  *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: Ann B. Wall Title: General Counsel and Rulemaking Coordinator
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	

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Question 9(b). Explain:

The Remote Electronic Notarization Act (RENA) was effective on July 8, 2022, S.L. 2022- 54. RENA primarily amends Article 2 of Chapter 10B of the NC General Statutes, the Notary Public Act. RENA has subsequently been amended twice, by S.L. 2023-57 and S.L. 2023-124.

Adoption of RENA was a direct outcome of the global pandemic. The pandemic increased the remote conduct of economic activity. The pandemic also established the need to conduct crucial business, legal, healthcare, and other transactions safely, securely, and efficiently in the rapidly changing remote environment.

The Notary Public Act sets requirements to become a traditional notary public, a public official. A traditional notary public performs notarial acts during an in-person meeting with the principal. A traditional notary must identify the principal using one of three specific methods. The Act and rules govern the conduct of the notary and how to become a notary instructor. Article 2 of the Act governs electronic notaries public (e-Notaries or eNotary). Like a traditional notary, an eNotary performs notarial acts during an in-person meeting. The eNotary uses technology to electronically notarize the principal's electronic signature. An electronic notary has to comply with most traditional notary requirements. The Act also regulates the technology used by the eNotary to perform electronic notarial acts.

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RENA directs the Secretary of State to adopt rules on a large number of topics. The rules must fulfill the purposes of the Notary Public Act, including:

To simplify, clarify, and modernize the law governing notaries,

To prevent fraud and forgery,

To foster ethical conduct among notaries,

To enhance interstate recognition of notarial acts, and

To integrate procedures for all of the following notarial acts: Traditional paper, electronic notarization, and remote electronic notarization.

The Department seeks to adopt rules that will promote public confidence in the reliability of signatures and the identification of remotely located principals. These rules will help to ensure that transactions are not repudiated as a result of:

1. Mental incapacity of the principal;

2. Coercion or duress; or

3. Fraud.

By enhancing reliability, the Secretary facilitates economic growth while reducing costly and avoidable litigation.

In order to achieve these goals, the Secretary promulgated two Advance Notices of Proposed Rulemaking (ANPRs). The ANPRs were published on the Department's website and emailed to stakeholders and others. The ANPRs requested comments on a number of issues that are unclear in RENA. The first ANPR focused primarily on issues related to the eNotary and the

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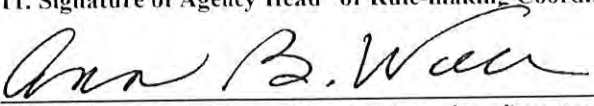
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SUBMISSION FOR PERMANENT RULE

ORIGINAL

11/9/2023

1. Rule-Making Agency: N.C. Department of the Secretary of State	
2. Rule citation & name (name not required for repeal): 18 NCAC 07F .0303 - ELECTRONIC NOTARY COURSE	
3. Action: <input checked="" type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL THROUGH READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
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9B. Explain: See attached	
10. Rulemaking Coordinator: Ann B. Wall Ann B. Wall Phone: (919) 814-5310 E-Mail: awall@sosnc.gov Additional agency contact, if any: Ann Elmore Phone: (919) 814-5521 E-Mail: aelmore@sosnc.gov	11. Signature of Agency Head* or Rule-making Coordinator:  *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: Ann B. Wall Title: General Counsel and Rulemaking Coordinator
RRC AND OAH USE ONLY	
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Question 9(b). Explain:

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To simplify, clarify, and modernize the law governing notaries,

To prevent fraud and forgery,

To foster ethical conduct among notaries,

To enhance interstate recognition of notarial acts, and

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The Department seeks to adopt rules that will promote public confidence in the reliability of signatures and the identification of remotely located principals. These rules will help to ensure that transactions are not repudiated as a result of:

1. Mental incapacity of the principal;

2. Coercion or duress; or

3. Fraud.

By enhancing reliability, the Secretary facilitates economic growth while reducing costly and avoidable litigation.

In order to achieve these goals, the Secretary promulgated two Advance Notices of Proposed Rulemaking (ANPRs). The ANPRs were published on the Department's website and emailed to stakeholders and others. The ANPRs requested comments on a number of issues that are unclear in RENA. The first ANPR focused primarily on issues related to the eNotary and the

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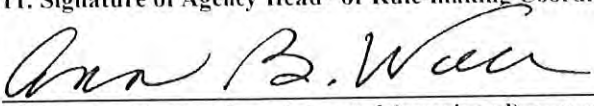
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SUBMISSION FOR PERMANENT RULE

ORIGINAL
11/6/2023

1. Rule-Making Agency: N.C. Department of the Secretary of State	
2. Rule citation & name (name not required for repeal): 18 NCAC 07F .0304 - STUDENT IDENTITY	
3. Action: <input checked="" type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READoption <input type="checkbox"/> REPEAL THROUGH READoption	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: August 15, 2023 Link to Agency notice: https://sosnc.gov/divisions/general_counsel/open_rulemaking_phase_one_rulemaking Hearing on: September 19, 2023 Adoption by Agency on: November 8, 2023 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input type="checkbox"/> This Rule was part of a combined analysis. <input checked="" type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input checked="" type="checkbox"/> Approved by OSBM <input type="checkbox"/> No fiscal note required
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10. Rulemaking Coordinator: Ann B. Wall Ann B. Wall Phone: (919) 814-5310 E-Mail: awall@sosnc.gov Additional agency contact, if any: Ann Elmore Phone: (919) 814-5521 E-Mail: aelmore@sosnc.gov	11. Signature of Agency Head* or Rule-making Coordinator:  *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: Ann B. Wall Title: General Counsel and Rulemaking Coordinator
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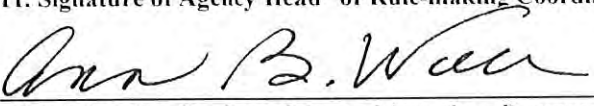
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SUBMISSION FOR PERMANENT RULE

ORIGINAL
11/8/2023

1. Rule-Making Agency: N.C. Department of the Secretary of State	
2. Rule citation & name (name not required for repeal): 18 NCAC 07F .0305 - PASSING SCORE ON EXAMINATION	
3. Action: <input checked="" type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL THROUGH READOPTION	
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In order to achieve these goals, the Secretary promulgated two Advance Notices of Proposed Rulemaking (ANPRs). The ANPRs were published on the Department's website and emailed to stakeholders and others. The ANPRs requested comments on a number of issues that are unclear in RENA. The first ANPR focused primarily on issues related to the eNotary and the

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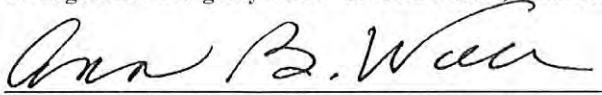
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The Department has to date expended in excess of 5000 hours in connection with the rulemaking efforts. While recognizing the need for positions to conduct the rulemaking, the General Assembly has not appropriated funds to support the rulemaking effort mandated by statute in 2022, despite repeated Departmental requests. Departmental allocation of resources to the mandatory rulemaking has come at the expense of performing other Departmental duties.

SUBMISSION FOR PERMANENT RULE

ORIGINAL

11/9/2023

1. Rule-Making Agency: N.C. Department of the Secretary of State	
2. Rule citation & name (name not required for repeal): 18 NCAC 07F .0401 - SUBMISSION	
3. Action: <input type="checkbox"/> ADOPTION <input checked="" type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL THROUGH READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: August 15, 2023 Link to Agency notice: https://sosnc.gov/divisions/general_counsel/open_rulemaking_phase_one_rulemaking Hearing on: September 19, 2023 Adoption by Agency on: November 8, 2023 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input type="checkbox"/> This Rule was part of a combined analysis. <input checked="" type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input checked="" type="checkbox"/> Approved by OSBM <input type="checkbox"/> No fiscal note required
9. REASON FOR ACTION	
9A. What prompted this action? Check all that apply: <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: <input checked="" type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: S.L. 2022-54; S.L. 2023-57; S.L. 2023-124 <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other:	
9B. Explain: See attached	
10. Rulemaking Coordinator: Ann B. Wall Ann B. Wall Phone: (919) 814-5310 E-Mail: awall@sosnc.gov Additional agency contact, if any: Ann Elmore Phone: (919) 814-5521 E-Mail: aelmore@sosnc.gov	11. Signature of Agency Head* or Rule-making Coordinator:  *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: Ann B. Wall Title: General Counsel and Rulemaking Coordinator
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	

Attachment to Form 0400 for Permanent Rule:

Question 9(b). Explain:

The Remote Electronic Notarization Act (RENA) was effective on July 8, 2022, S.L. 2022- 54. RENA primarily amends Article 2 of Chapter 10B of the NC General Statutes, the Notary Public Act. RENA has subsequently been amended twice, by S.L. 2023-57 and S.L. 2023-124.

Adoption of RENA was a direct outcome of the global pandemic. The pandemic increased the remote conduct of economic activity. The pandemic also established the need to conduct crucial business, legal, healthcare, and other transactions safely, securely, and efficiently in the rapidly changing remote environment.

The Notary Public Act sets requirements to become a traditional notary public, a public official. A traditional notary public performs notarial acts during an in-person meeting with the principal. A traditional notary must identify the principal using one of three specific methods. The Act and rules govern the conduct of the notary and how to become a notary instructor. Article 2 of the Act governs electronic notaries public (e-Notaries or eNotary). Like a traditional notary, an eNotary performs notarial acts during an in-person meeting. The eNotary uses technology to electronically notarize the principal's electronic signature. An electronic notary has to comply with most traditional notary requirements. The Act also regulates the technology used by the eNotary to perform electronic notarial acts.

RENA allows an NC notary, specifically an eNotary, who is physically located in NC, to perform remote electronic notarizations for a remotely located principal. A remotely located principal can physically be anywhere in the United States or its territories. In specific circumstances, the principal can be on a US military base or in a US embassy. RENA requires real-time, simultaneous communication between the eNotary and the remote principal using communications technology. RENA also establishes criteria that the technology has to meet.

RENA directs the Secretary of State to adopt rules on a large number of topics. The rules must fulfill the purposes of the Notary Public Act, including:

To simplify, clarify, and modernize the law governing notaries,

To prevent fraud and forgery,

To foster ethical conduct among notaries,

To enhance interstate recognition of notarial acts, and

To integrate procedures for all of the following notarial acts: Traditional paper, electronic notarization, and remote electronic notarization.

The Department seeks to adopt rules that will promote public confidence in the reliability of signatures and the identification of remotely located principals. These rules will help to ensure that transactions are not repudiated as a result of:

1. Mental incapacity of the principal;

2. Coercion or duress; or

3. Fraud.

By enhancing reliability, the Secretary facilitates economic growth while reducing costly and avoidable litigation.

In order to achieve these goals, the Secretary promulgated two Advance Notices of Proposed Rulemaking (ANPRs). The ANPRs were published on the Department's website and emailed to stakeholders and others. The ANPRs requested comments on a number of issues that are unclear in RENA. The first ANPR focused primarily on issues related to the eNotary and the

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The second set of rules will primarily focus on revising existing rules. The final set of rules will be focused primarily on the technology used to perform remote electronic notarial acts and the licensure and approval of the providers of that technology.

The Department has to date expended in excess of 5000 hours in connection with the rulemaking efforts. While recognizing the need for positions to conduct the rulemaking, the General Assembly has not appropriated funds to support the rulemaking effort mandated by statute in 2022, despite repeated Departmental requests. Departmental allocation of resources to the mandatory rulemaking has come at the expense of performing other Departmental duties.

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2. Coercion or duress; or

3. Fraud.

By enhancing reliability, the Secretary facilitates economic growth while reducing costly and avoidable litigation.

In order to achieve these goals, the Secretary promulgated two Advance Notices of Proposed Rulemaking (ANPRs). The ANPRs were published on the Department's website and emailed to stakeholders and others. The ANPRs requested comments on a number of issues that are unclear in RENA. The first ANPR focused primarily on issues related to the eNotary and the

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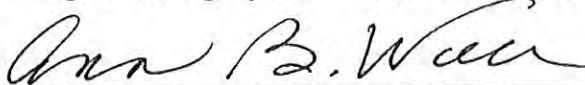
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SUBMISSION FOR PERMANENT RULE

Document
11/15/2023

1. Rule-Making Agency: N.C. Department of the Secretary of State	
2. Rule citation & name (name not required for repeal): 18 NCAC 07F .0403 - NOTICE TO DEPARTMENT OF CHANGES	
3. Action: <input checked="" type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL THROUGH READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: August 15, 2023 Link to Agency notice: https://sosnc.gov/divisions/general_counsel/open_rulemaking_phase_one_rulemaking Hearing on: September 19, 2023 Adoption by Agency on: November 8, 2023 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input type="checkbox"/> This Rule was part of a combined analysis. <input checked="" type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input checked="" type="checkbox"/> Approved by OSBM <input type="checkbox"/> No fiscal note required
9. REASON FOR ACTION	
9A. What prompted this action? Check all that apply: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: </div> <div style="width: 45%;"> <input checked="" type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: S.L. 2022-54; S.L. 2023-57; S.L. 2023-124 <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other: </div> </div>	
9B. Explain: See attached	
10. Rulemaking Coordinator: Ann B. Wall Ann B. Wall Phone: (919) 814-5310 E-Mail: awall@sosnc.gov Additional agency contact, if any: Ann Elmore Phone: (919) 814-5521 E-Mail: aelmore@sosnc.gov	11. Signature of Agency Head* or Rule-making Coordinator:  *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: Ann B. Wall Title: General Counsel and Rulemaking Coordinator
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	

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- To enhance interstate recognition of notarial acts, and

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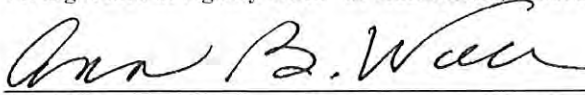
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SUBMISSION FOR PERMANENT RULE

ORIGINAL
11/8/2023

1. Rule-Making Agency: N.C. Department of the Secretary of State	
2. Rule citation & name (name not required for repeal): 18 NCAC 07F .0404 - FAILURE TO SUBMIT APPLICATION IN TIME	
3. Action: <input checked="" type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL THROUGH READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
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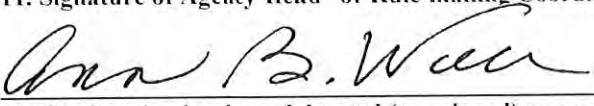
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SUBMISSION FOR PERMANENT RULE

ORIGINAL
11/8/2023

1. Rule-Making Agency: N.C. Department of the Secretary of State	
2. Rule citation & name (name not required for repeal): 18 NCAC 07F .0503 - NOTICE OF DEPARTMENT'S ACTIONS FOR QUALIFIED ELECTRONIC NOTARY APPLICANTS	
3. Action: <input checked="" type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL THROUGH READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: August 15, 2023 Link to Agency notice: https://sosnc.gov/divisions/general_counsel/open_rulemaking_phase_one_rulemaking Hearing on: September 19, 2023 Adoption by Agency on: November 8, 2023 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input type="checkbox"/> This Rule was part of a combined analysis. <input checked="" type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input checked="" type="checkbox"/> Approved by OSBM <input type="checkbox"/> No fiscal note required
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9B. Explain: See attached	
10. Rulemaking Coordinator: Ann B. Wall Ann B. Wall Phone: (919) 814-5310 E-Mail: awall@sosnc.gov Additional agency contact, if any: Ann Elmore Phone: (919) 814-5521 E-Mail: aelmore@sosnc.gov	11. Signature of Agency Head* or Rule-making Coordinator:  *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: Ann B. Wall Title: General Counsel and Rulemaking Coordinator
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	

Attachment to Form 0400 for Permanent Rule:

Question 9(b). Explain:

The Remote Electronic Notarization Act (RENA) was effective on July 8, 2022, S.L. 2022- 54. RENA primarily amends Article 2 of Chapter 10B of the NC General Statutes, the Notary Public Act. RENA has subsequently been amended twice, by S.L. 2023-57 and S.L. 2023-124.

Adoption of RENA was a direct outcome of the global pandemic. The pandemic increased the remote conduct of economic activity. The pandemic also established the need to conduct crucial business, legal, healthcare, and other transactions safely, securely, and efficiently in the rapidly changing remote environment.

The Notary Public Act sets requirements to become a traditional notary public, a public official. A traditional notary public performs notarial acts during an in-person meeting with the principal. A traditional notary must identify the principal using one of three specific methods. The Act and rules govern the conduct of the notary and how to become a notary instructor. Article 2 of the Act governs electronic notaries public (e-Notaries or eNotary). Like a traditional notary, an eNotary performs notarial acts during an in-person meeting. The eNotary uses technology to electronically notarize the principal's electronic signature. An electronic notary has to comply with most traditional notary requirements. The Act also regulates the technology used by the eNotary to perform electronic notarial acts.

RENA allows an NC notary, specifically an eNotary, who is physically located in NC, to perform remote electronic notarizations for a remotely located principal. A remotely located principal can physically be anywhere in the United States or its territories. In specific circumstances, the principal can be on a US military base or in a US embassy. RENA requires real-time, simultaneous communication between the eNotary and the remote principal using communications technology. RENA also establishes criteria that the technology has to meet.

RENA directs the Secretary of State to adopt rules on a large number of topics. The rules must fulfill the purposes of the Notary Public Act, including:

- To simplify, clarify, and modernize the law governing notaries,
- To prevent fraud and forgery,
- To foster ethical conduct among notaries,
- To enhance interstate recognition of notarial acts, and

To integrate procedures for all of the following notarial acts: Traditional paper, electronic notarization, and remote electronic notarization.

The Department seeks to adopt rules that will promote public confidence in the reliability of signatures and the identification of remotely located principals. These rules will help to ensure that transactions are not repudiated as a result of:

1. Mental incapacity of the principal;
2. Coercion or duress; or
3. Fraud.

By enhancing reliability, the Secretary facilitates economic growth while reducing costly and avoidable litigation.

In order to achieve these goals, the Secretary promulgated two Advance Notices of Proposed Rulemaking (ANPRs). The ANPRs were published on the Department's website and emailed to stakeholders and others. The ANPRs requested comments on a number of issues that are unclear in RENA. The first ANPR focused primarily on issues related to the eNotary and the

remote electronic notarial act. The second ANPR focused on issues related to the technology notaries will use to perform remote electronic notarial acts.

RENA requirements for remote electronic notarial acts (RENs) are based on requirements for traditional notaries and notarial acts, as well as the requirements for eNotaries and electronic notarial acts. To the extent feasible, the RENA rules, must, therefore, harmonize the requirements for traditional notaries, eNotaries, and eNotaries performing remote electronic notarial acts.

Due to the scope and scale of the requirements for this rulemaking process, the Secretary will propose the rules in three sets. This first set of proposed rules deals with fundamental issues related to all three methods of performing notarial acts and to establishing certain common rules. This is that first set of rules. The proposed rule amendments, adoptions, and repeals in this first set involve Subchapters B, F, I, and K of 18 NCAC 07. G.S. 150B-21.3A separately requires all state agencies to review existing rules every ten years in accordance with a prescribed process that includes rule readoption. Many of the existing notary rules are nearing the end of their decadal cycle and thus are due for review and readoption. This first set of rules is undertaken to satisfy both the requirements of RENA and G.S. 150B-21.3A.

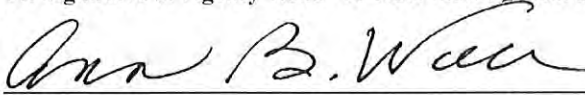
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The Department has to date expended in excess of 5000 hours in connection with the rulemaking efforts. While recognizing the need for positions to conduct the rulemaking, the General Assembly has not appropriated funds to support the rulemaking effort mandated by statute in 2022, despite repeated Departmental requests. Departmental allocation of resources to the mandatory rulemaking has come at the expense of performing other Departmental duties.

SUBMISSION FOR PERMANENT RULE

ORIGINAL

11/8/2023

1. Rule-Making Agency: N.C. Department of the Secretary of State	
2. Rule citation & name (name not required for repeal): 18 NCAC 07F .0505	
3. Action: <input type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input checked="" type="checkbox"/> REPEAL <input type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL THROUGH READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: August 15, 2023 Link to Agency notice: https://sosnc.gov/divisions/general_counsel/open_rulemaking_phase_one_rulemaking Hearing on: September 19, 2023 Adoption by Agency on: November 8, 2023 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input type="checkbox"/> This Rule was part of a combined analysis. <input checked="" type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input checked="" type="checkbox"/> Approved by OSBM <input type="checkbox"/> No fiscal note required
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9A. What prompted this action? Check all that apply: <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: <input checked="" type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: S.L. 2022-54; S.L. 2023-57; S.L. 2023-124 <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other:	
9B. Explain: See attached	
10. Rulemaking Coordinator: Ann B. Wall Ann B. Wall Phone: (919) 814-5310 E-Mail: awall@sosnc.gov Additional agency contact, if any: Ann Elmore Phone: (919) 814-5521 E-Mail: aelmore@sosnc.gov	11. Signature of Agency Head* or Rule-making Coordinator:  *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: Ann B. Wall Title: General Counsel and Rulemaking Coordinator
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	

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RENA directs the Secretary of State to adopt rules on a large number of topics. The rules must fulfill the purposes of the Notary Public Act, including:

To simplify, clarify, and modernize the law governing notaries,

To prevent fraud and forgery,

To foster ethical conduct among notaries,

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1. Mental incapacity of the principal;

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By enhancing reliability, the Secretary facilitates economic growth while reducing costly and avoidable litigation.

In order to achieve these goals, the Secretary promulgated two Advance Notices of Proposed Rulemaking (ANPRs). The ANPRs were published on the Department's website and emailed to stakeholders and others. The ANPRs requested comments on a number of issues that are unclear in RENA. The first ANPR focused primarily on issues related to the eNotary and the

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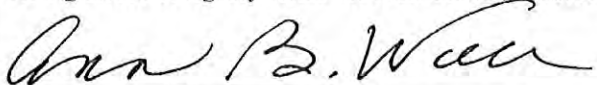
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The second set of rules will primarily focus on revising existing rules. The final set of rules will be focused primarily on the technology used to perform remote electronic notarial acts and the licensure and approval of the providers of that technology.

The Department has to date expended in excess of 5000 hours in connection with the rulemaking efforts. While recognizing the need for positions to conduct the rulemaking, the General Assembly has not appropriated funds to support the rulemaking effort mandated by statute in 2022, despite repeated Departmental requests. Departmental allocation of resources to the mandatory rulemaking has come at the expense of performing other Departmental duties.

SUBMISSION FOR PERMANENT RULE

ORIGINAL
11/8/2023

1. Rule-Making Agency: N.C. Department of the Secretary of State	
2. Rule citation & name (name not required for repeal): 18 NCAC 07F .0506	
3. Action: <input type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input checked="" type="checkbox"/> REPEAL <input type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL THROUGH READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
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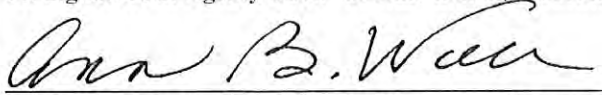
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SUBMISSION FOR PERMANENT RULE

ORIGINAL
11/8/2023

1. Rule-Making Agency: N.C. Department of the Secretary of State	
2. Rule citation & name (name not required for repeal): 18 NCAC 07F .0508	
3. Action: <input type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input checked="" type="checkbox"/> REPEAL <input type="checkbox"/> READOPTIOIN <input type="checkbox"/> REPEAL THROUGH READOPTIOIN	
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Adoption of RENA was a direct outcome of the global pandemic. The pandemic increased the remote conduct of economic activity. The pandemic also established the need to conduct crucial business, legal, healthcare, and other transactions safely, securely, and efficiently in the rapidly changing remote environment.

The Notary Public Act sets requirements to become a traditional notary public, a public official. A traditional notary public performs notarial acts during an in-person meeting with the principal. A traditional notary must identify the principal using one of three specific methods. The Act and rules govern the conduct of the notary and how to become a notary instructor. Article 2 of the Act governs electronic notaries public (e-Notaries or eNotary). Like a traditional notary, an eNotary performs notarial acts during an in-person meeting. The eNotary uses technology to electronically notarize the principal's electronic signature. An electronic notary has to comply with most traditional notary requirements. The Act also regulates the technology used by the eNotary to perform electronic notarial acts.

RENA allows an NC notary, specifically an eNotary, who is physically located in NC, to perform remote electronic notarizations for a remotely located principal. A remotely located principal can physically be anywhere in the United States or its territories. In specific circumstances, the principal can be on a US military base or in a US embassy. RENA requires real-time, simultaneous communication between the eNotary and the remote principal using communications technology. RENA also establishes criteria that the technology has to meet.

RENA directs the Secretary of State to adopt rules on a large number of topics. The rules must fulfill the purposes of the Notary Public Act, including:

To simplify, clarify, and modernize the law governing notaries,

To prevent fraud and forgery,

To foster ethical conduct among notaries,

To enhance interstate recognition of notarial acts, and

To integrate procedures for all of the following notarial acts: Traditional paper, electronic notarization, and remote electronic notarization.

The Department seeks to adopt rules that will promote public confidence in the reliability of signatures and the identification of remotely located principals. These rules will help to ensure that transactions are not repudiated as a result of:

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2. Coercion or duress; or

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By enhancing reliability, the Secretary facilitates economic growth while reducing costly and avoidable litigation.

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RENA requirements for remote electronic notarial acts (RENs) are based on requirements for traditional notaries and notarial acts, as well as the requirements for eNotaries and electronic notarial acts. To the extent feasible, the RENA rules, must, therefore, harmonize the requirements for traditional notaries, eNotaries, and eNotaries performing remote electronic notarial acts.

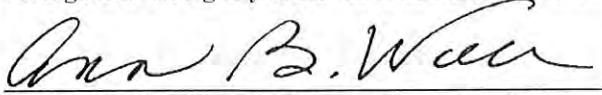
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The second set of rules will primarily focus on revising existing rules. The final set of rules will be focused primarily on the technology used to perform remote electronic notarial acts and the licensure and approval of the providers of that technology.

The Department has to date expended in excess of 5000 hours in connection with the rulemaking efforts. While recognizing the need for positions to conduct the rulemaking, the General Assembly has not appropriated funds to support the rulemaking effort mandated by statute in 2022, despite repeated Departmental requests. Departmental allocation of resources to the mandatory rulemaking has come at the expense of performing other Departmental duties.

SUBMISSION FOR PERMANENT RULE

FINAL
11/6/2023

1. Rule-Making Agency: N.C. Department of the Secretary of State	
2. Rule citation & name (name not required for repeal): 18 NCAC 07F .0509 - REGISTRATION EFFECTIVE DATE	
3. Action: <input checked="" type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READOPTIOIN <input type="checkbox"/> REPEAL THROUGH READOPTIOIN	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: August 15, 2023 Link to Agency notice: https://sosnc.gov/divisions/general_counsel/open_rulemaking_phase_one_rulemaking Hearing on: September 19, 2023 Adoption by Agency on: November 8, 2023 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input type="checkbox"/> This Rule was part of a combined analysis. <input checked="" type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input checked="" type="checkbox"/> Approved by OSBM <input type="checkbox"/> No fiscal note required
9. REASON FOR ACTION	
9A. What prompted this action? Check all that apply: <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: <input checked="" type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: S.L. 2022-54; S.L. 2023-57; S.L. 2023-124 <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other:	
9B. Explain: See attached	
10. Rulemaking Coordinator: Ann B. Wall Ann B. Wall Phone: (919) 814-5310 E-Mail: awall@sosnc.gov Additional agency contact, if any: Ann Elmore Phone: (919) 814-5521 E-Mail: aelmore@sosnc.gov	11. Signature of Agency Head* or Rule-making Coordinator:  *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: Ann B. Wall Title: General Counsel and Rulemaking Coordinator
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	

Attachment to Form 0400 for Permanent Rule:

Question 9(b). Explain:

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To prevent fraud and forgery,

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By enhancing reliability, the Secretary facilitates economic growth while reducing costly and avoidable litigation.

In order to achieve these goals, the Secretary promulgated two Advance Notices of Proposed Rulemaking (ANPRs). The ANPRs were published on the Department's website and emailed to stakeholders and others. The ANPRs requested comments on a number of issues that are unclear in RENA. The first ANPR focused primarily on issues related to the eNotary and the

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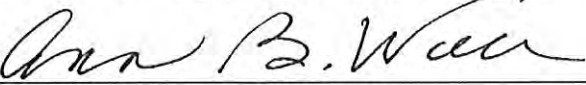
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The Department has to date expended in excess of 5000 hours in connection with the rulemaking efforts. While recognizing the need for positions to conduct the rulemaking, the General Assembly has not appropriated funds to support the rulemaking effort mandated by statute in 2022, despite repeated Departmental requests. Departmental allocation of resources to the mandatory rulemaking has come at the expense of performing other Departmental duties.

SUBMISSION FOR PERMANENT RULE

ORIGINAL
11/01/2023

1. Rule-Making Agency: N.C. Department of the Secretary of State	
2. Rule citation & name (name not required for repeal): 18 NCAC 07F .0512 - CONFIRMATION OF ELECTRONIC NOTARY STATUS	
3. Action: <input checked="" type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READoption <input type="checkbox"/> REPEAL THROUGH READoption	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: August 15, 2023 Link to Agency notice: https://sosnc.gov/divisions/general_counsel/open_rulemaking_phase_one_rulemaking Hearing on: September 19, 2023 Adoption by Agency on: November 8, 2023 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
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9. REASON FOR ACTION	
9A. What prompted this action? Check all that apply: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: </div> <div style="width: 45%;"> <input checked="" type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: S.L. 2022-54; S.L. 2023-57; S.L. 2023-124 <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other: </div> </div>	
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10. Rulemaking Coordinator: Ann B. Wall Ann B. Wall Phone: (919) 814-5310 E-Mail: awall@sosnc.gov Additional agency contact, if any: Ann Elmore Phone: (919) 814-5521 E-Mail: aelmore@sosnc.gov	11. Signature of Agency Head* or Rule-making Coordinator:  *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: Ann B. Wall Title: General Counsel and Rulemaking Coordinator
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	

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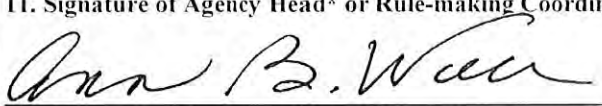
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SUBMISSION FOR PERMANENT RULE

ORIGINAL
11/8/2023

1. Rule-Making Agency: N.C. Department of the Secretary of State	
2. Rule citation & name (name not required for repeal): 18 NCAC 07F .0601 - NOTICE TO DEPARTMENT OF TECHNOLOGY PROVIDER	
3. Action: <input checked="" type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL THROUGH READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
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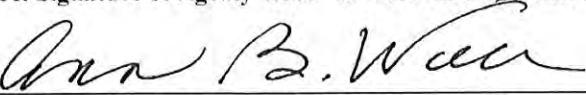
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The second set of rules will primarily focus on revising existing rules. The final set of rules will be focused primarily on the technology used to perform remote electronic notarial acts and the licensure and approval of the providers of that technology.

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SUBMISSION FOR PERMANENT RULE

ORIGINAL
11/8/2023

1. Rule-Making Agency: N.C. Department of the Secretary of State	
2. Rule citation & name (name not required for repeal): 18 NCAC 07F .0602 - APPROVED TECHNOLOGY PROVIDER	
3. Action: <input checked="" type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READOPTIO N <input type="checkbox"/> REPEAL THROUGH READOPTIO N	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: August 15, 2023 Link to Agency notice: https://sosnc.gov/divisions/general_counsel/open_rulemaking_phase_one_rulemaking Hearing on: September 19, 2023 Adoption by Agency on: November 8, 2023 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input type="checkbox"/> This Rule was part of a combined analysis. <input checked="" type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input checked="" type="checkbox"/> Approved by OSBM <input type="checkbox"/> No fiscal note required
9. REASON FOR ACTION	
9A. What prompted this action? Check all that apply: <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: <input checked="" type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: S.L. 2022-54; S.L. 2023-57; S.L. 2023-124 <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other:	
9B. Explain: See attached	
10. Rulemaking Coordinator: Ann B. Wall Ann B. Wall Phone: (919) 814-5310 E-Mail: awall@sosnc.gov Additional agency contact, if any: Ann Elmore Phone: (919) 814-5521 E-Mail: aelmore@sosnc.gov	11. Signature of Agency Head* or Rule-making Coordinator:  *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: Ann B. Wall Title: General Counsel and Rulemaking Coordinator
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	

Attachment to Form 0-400 for Permanent Rule:

Question 9(b). Explain:

The Remote Electronic Notarization Act (RENA) was effective on July 8, 2022, S.L. 2022- 54. RENA primarily amends Article 2 of Chapter 10B of the NC General Statutes, the Notary Public Act. RENA has subsequently been amended twice, by S.L. 2023-57 and S.L. 2023-124.

Adoption of RENA was a direct outcome of the global pandemic. The pandemic increased the remote conduct of economic activity. The pandemic also established the need to conduct crucial business, legal, healthcare, and other transactions safely, securely, and efficiently in the rapidly changing remote environment.

The Notary Public Act sets requirements to become a traditional notary public, a public official. A traditional notary public performs notarial acts during an in-person meeting with the principal. A traditional notary must identify the principal using one of three specific methods. The Act and rules govern the conduct of the notary and how to become a notary instructor. Article 2 of the Act governs electronic notaries public (e-Notaries or eNotary). Like a traditional notary, an eNotary performs notarial acts during an in-person meeting. The eNotary uses technology to electronically notarize the principal's electronic signature. An electronic notary has to comply with most traditional notary requirements. The Act also regulates the technology used by the eNotary to perform electronic notarial acts.

RENA allows an NC notary, specifically an eNotary, who is physically located in NC, to perform remote electronic notarizations for a remotely located principal. A remotely located principal can physically be anywhere in the United States or its territories. In specific circumstances, the principal can be on a US military base or in a US embassy. RENA requires real-time, simultaneous communication between the eNotary and the remote principal using communications technology. RENA also establishes criteria that the technology has to meet.

RENA directs the Secretary of State to adopt rules on a large number of topics. The rules must fulfill the purposes of the Notary Public Act, including:

To simplify, clarify, and modernize the law governing notaries,

To prevent fraud and forgery,

To foster ethical conduct among notaries,

To enhance interstate recognition of notarial acts, and

To integrate procedures for all of the following notarial acts: Traditional paper, electronic notarization, and remote electronic notarization.

The Department seeks to adopt rules that will promote public confidence in the reliability of signatures and the identification of remotely located principals. These rules will help to ensure that transactions are not repudiated as a result of:

1. Mental incapacity of the principal;

2. Coercion or duress; or

3. Fraud.

By enhancing reliability, the Secretary facilitates economic growth while reducing costly and avoidable litigation.

In order to achieve these goals, the Secretary promulgated two Advance Notices of Proposed Rulemaking (ANPRs). The ANPRs were published on the Department's website and emailed to stakeholders and others. The ANPRs requested comments on a number of issues that are unclear in RENA. The first ANPR focused primarily on issues related to the eNotary and the

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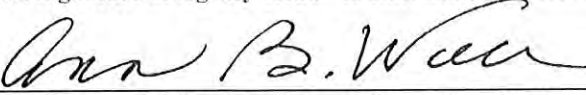
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SUBMISSION FOR PERMANENT RULE

ORIGINAL
11/0/2023

1. Rule-Making Agency: N.C. Department of the Secretary of State	
2. Rule citation & name (name not required for repeal): 18 NCAC 07F .0701 - UNIQUE SIGNATURE	
3. Action: <input type="checkbox"/> ADOPTION <input checked="" type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL THROUGH READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
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7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input type="checkbox"/> This Rule was part of a combined analysis. <input checked="" type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input checked="" type="checkbox"/> Approved by OSBM <input type="checkbox"/> No fiscal note required
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9B. Explain: See attached	
10. Rulemaking Coordinator: Ann B. Wall Ann B. Wall Phone: (919) 814-5310 E-Mail: awall@sosnc.gov Additional agency contact, if any: Ann Elmore Phone: (919) 814-5521 E-Mail: aelmore@sosnc.gov	11. Signature of Agency Head* or Rule-making Coordinator:  *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: Ann B. Wall Title: General Counsel and Rulemaking Coordinator
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	

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1. Mental incapacity of the principal;

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3. Fraud.

By enhancing reliability, the Secretary facilitates economic growth while reducing costly and avoidable litigation.

In order to achieve these goals, the Secretary promulgated two Advance Notices of Proposed Rulemaking (ANPRs). The ANPRs were published on the Department's website and emailed to stakeholders and others. The ANPRs requested comments on a number of issues that are unclear in RENA. The first ANPR focused primarily on issues related to the eNotary and the

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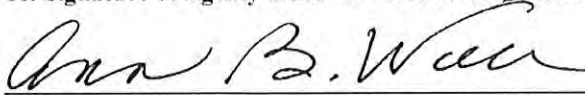
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SUBMISSION FOR PERMANENT RULE

ORIGINAL
11/01/2023

1. Rule-Making Agency: N.C. Department of the Secretary of State	
2. Rule citation & name (name not required for repeal): 18 NCAC 07F .0702 - SOLE CONTROL	
3. Action: <input type="checkbox"/> ADOPTION <input checked="" type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL THROUGH READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: August 15, 2023 Link to Agency notice: https://sosnc.gov/divisions/general_counsel/open_rulemaking_phase_one_rulemaking Hearing on: September 19, 2023 Adoption by Agency on: November 8, 2023 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input type="checkbox"/> This Rule was part of a combined analysis. <input checked="" type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input checked="" type="checkbox"/> Approved by OSBM <input type="checkbox"/> No fiscal note required
9. REASON FOR ACTION	
9A. What prompted this action? Check all that apply: <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: <input checked="" type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: S.L. 2022-54; S.L. 2023-57; S.L. 2023-124 <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other:	
9B. Explain: See attached	
10. Rulemaking Coordinator: Ann B. Wall Ann B. Wall Phone: (919) 814-5310 E-Mail: awall@sosnc.gov Additional agency contact, if any: Ann Elmore Phone: (919) 814-5521 E-Mail: aelmore@sosnc.gov	11. Signature of Agency Head* or Rule-making Coordinator:  *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: Ann B. Wall Title: General Counsel and Rulemaking Coordinator
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Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	

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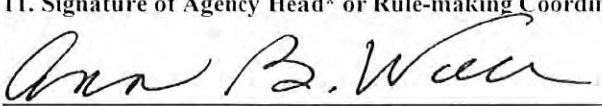
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SUBMISSION FOR PERMANENT RULE

ORIGINAL
11/8/2023

1. Rule-Making Agency: N.C. Department of the Secretary of State	
2. Rule citation & name (name not required for repeal): 18 NCAC 07F .0703	
3. Action: <input type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input checked="" type="checkbox"/> REPEAL <input type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL THROUGH READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
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The second set of rules will primarily focus on revising existing rules. The final set of rules will be focused primarily on the technology used to perform remote electronic notarial acts and the licensure and approval of the providers of that technology.

The Department has to date expended in excess of 5000 hours in connection with the rulemaking efforts. While recognizing the need for positions to conduct the rulemaking, the General Assembly has not appropriated funds to support the rulemaking effort mandated by statute in 2022, despite repeated Departmental requests. Departmental allocation of resources to the mandatory rulemaking has come at the expense of performing other Departmental duties.

Attachment to Form 0400 for Permanent Rule:

Question 9(b). Explain:

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Adoption of RENA was a direct outcome of the global pandemic. The pandemic increased the remote conduct of economic activity. The pandemic also established the need to conduct crucial business, legal, healthcare, and other transactions safely, securely, and efficiently in the rapidly changing remote environment.

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RENA directs the Secretary of State to adopt rules on a large number of topics. The rules must fulfill the purposes of the Notary Public Act, including:

To simplify, clarify, and modernize the law governing notaries,

To prevent fraud and forgery,

To foster ethical conduct among notaries,

To enhance interstate recognition of notarial acts, and

To integrate procedures for all of the following notarial acts: Traditional paper, electronic notarization, and remote electronic notarization.

The Department seeks to adopt rules that will promote public confidence in the reliability of signatures and the identification of remotely located principals. These rules will help to ensure that transactions are not repudiated as a result of:

1. Mental incapacity of the principal;

2. Coercion or duress; or

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By enhancing reliability, the Secretary facilitates economic growth while reducing costly and avoidable litigation.

In order to achieve these goals, the Secretary promulgated two Advance Notices of Proposed Rulemaking (ANPRs). The ANPRs were published on the Department's website and emailed to stakeholders and others. The ANPRs requested comments on a number of issues that are unclear in RENA. The first ANPR focused primarily on issues related to the eNotary and the

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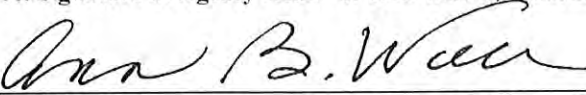
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SUBMISSION FOR PERMANENT RULE

ORIGINAL
11/8/2023

1. Rule-Making Agency: N.C. Department of the Secretary of State	
2. Rule citation & name (name not required for repeal): 18 NCAC 07F .0705 - APPEARANCE OF ELECTRONIC SIGNATURE	
3. Action: <input type="checkbox"/> ADOPTION <input checked="" type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL THROUGH READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: August 15, 2023 Link to Agency notice: https://sosnc.gov/divisions/general_counsel/open_rulemaking_phase_one_rulemaking Hearing on: September 19, 2023 Adoption by Agency on: November 8, 2023 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input type="checkbox"/> This Rule was part of a combined analysis. <input checked="" type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input checked="" type="checkbox"/> Approved by OSBM <input type="checkbox"/> No fiscal note required
9. REASON FOR ACTION	
9A. What prompted this action? Check all that apply: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: </div> <div style="width: 45%;"> <input checked="" type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: S.L. 2022-54; S.L. 2023-57; S.L. 2023-124 <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other: </div> </div>	
9B. Explain: See attached	
10. Rulemaking Coordinator: Ann B. Wall Ann B. Wall Phone: (919) 814-5310 E-Mail: awall@sosnc.gov Additional agency contact, if any: Ann Elmore Phone: (919) 814-5521 E-Mail: aelmore@sosnc.gov	11. Signature of Agency Head* or Rule-making Coordinator:  *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: Ann B. Wall Title: General Counsel and Rulemaking Coordinator
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	

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RENA directs the Secretary of State to adopt rules on a large number of topics. The rules must fulfill the purposes of the Notary Public Act, including:

- To simplify, clarify, and modernize the law governing notaries,
- To prevent fraud and forgery,
- To foster ethical conduct among notaries,
- To enhance interstate recognition of notarial acts, and

To integrate procedures for all of the following notarial acts: Traditional paper, electronic notarization, and remote electronic notarization.

The Department seeks to adopt rules that will promote public confidence in the reliability of signatures and the identification of remotely located principals. These rules will help to ensure that transactions are not repudiated as a result of:

1. Mental incapacity of the principal;
2. Coercion or duress; or
3. Fraud.

By enhancing reliability, the Secretary facilitates economic growth while reducing costly and avoidable litigation.

In order to achieve these goals, the Secretary promulgated two Advance Notices of Proposed Rulemaking (ANPRs). The ANPRs were published on the Department's website and emailed to stakeholders and others. The ANPRs requested comments on a number of issues that are unclear in RENA. The first ANPR focused primarily on issues related to the eNotary and the

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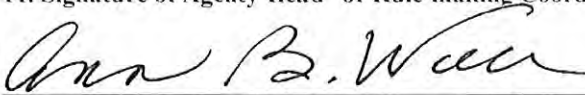
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SUBMISSION FOR PERMANENT RULE

ORIGINAL
11/01/2023

1. Rule-Making Agency: N.C. Department of the Secretary of State	
2. Rule citation & name (name not required for repeal): 18 NCAC 07F .0706 - SIGNATURE COMPLIANCE	
3. Action: <input checked="" type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL THROUGH READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: August 15, 2023 Link to Agency notice: https://sosnc.gov/divisions/general_counsel/open_rulemaking_phase_one_rulemaking Hearing on: September 19, 2023 Adoption by Agency on: November 8, 2023 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input type="checkbox"/> This Rule was part of a combined analysis. <input checked="" type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input checked="" type="checkbox"/> Approved by OSBM <input type="checkbox"/> No fiscal note required
9. REASON FOR ACTION	
9A. What prompted this action? Check all that apply: <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: <input checked="" type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: S.L. 2022-54; S.L. 2023-57; S.L. 2023-124 <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other:	
9B. Explain: See attached	
10. Rulemaking Coordinator: Ann B. Wall Ann B. Wall Phone: (919) 814-5310 E-Mail: awall@sosnc.gov Additional agency contact, if any: Ann Elmore Phone: (919) 814-5521 E-Mail: aelmore@sosnc.gov	11. Signature of Agency Head* or Rule-making Coordinator:  *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: Ann B. Wall Title: General Counsel and Rulemaking Coordinator
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	

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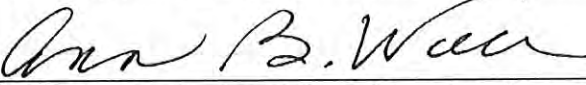
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SUBMISSION FOR PERMANENT RULE

ORIGINAL
11/9/2023

1. Rule-Making Agency: N.C. Department of the Secretary of State	
2. Rule citation & name (name not required for repeal): 18 NCAC 07F .0707 - SIGNATURE REVIEW BEFORE USE	
3. Action: <input checked="" type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL THROUGH READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
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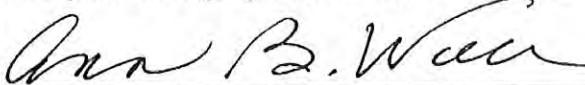
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SUBMISSION FOR PERMANENT RULE

ORIGINAL
11/01/2023

1. Rule-Making Agency: N.C. Department of the Secretary of State	
2. Rule citation & name (name not required for repeal): 18 NCAC 07F .0708 - AFFIXING ELECTRONIC SIGNATURE	
3. Action: <input checked="" type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL THROUGH READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: August 15, 2023 Link to Agency notice: https://sosnc.gov/divisions/general_counsel/open_rulemaking_phase_one_rulemaking Hearing on: September 19, 2023 Adoption by Agency on: November 8, 2023 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
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9. REASON FOR ACTION	
9A. What prompted this action? Check all that apply: <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: <input checked="" type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: S.L. 2022-54; S.L. 2023-57; S.L. 2023-124 <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other:	
9B. Explain: See attached	
10. Rulemaking Coordinator: Ann B. Wall Ann B. Wall Phone: (919) 814-5310 E-Mail: awall@sosnc.gov Additional agency contact, if any: Ann Elmore Phone: (919) 814-5521 E-Mail: aelmore@sosnc.gov	11. Signature of Agency Head* or Rule-making Coordinator:  *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: Ann B. Wall Title: General Counsel and Rulemaking Coordinator
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	

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Question 9(b). Explain:

The Remote Electronic Notarization Act (RENA) was effective on July 8, 2022, S.L. 2022- 54. RENA primarily amends Article 2 of Chapter 10B of the NC General Statutes, the Notary Public Act. RENA has subsequently been amended twice, by S.L. 2023-57 and S.L. 2023-124.

Adoption of RENA was a direct outcome of the global pandemic. The pandemic increased the remote conduct of economic activity. The pandemic also established the need to conduct crucial business, legal, healthcare, and other transactions safely, securely, and efficiently in the rapidly changing remote environment.

The Notary Public Act sets requirements to become a traditional notary public, a public official. A traditional notary public performs notarial acts during an in-person meeting with the principal. A traditional notary must identify the principal using one of three specific methods. The Act and rules govern the conduct of the notary and how to become a notary instructor. Article 2 of the Act governs electronic notaries public (e-Notaries or eNotary). Like a traditional notary, an eNotary performs notarial acts during an in-person meeting. The eNotary uses technology to electronically notarize the principal's electronic signature. An electronic notary has to comply with most traditional notary requirements. The Act also regulates the technology used by the eNotary to perform electronic notarial acts.

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RENA directs the Secretary of State to adopt rules on a large number of topics. The rules must fulfill the purposes of the Notary Public Act, including:

- To simplify, clarify, and modernize the law governing notaries,
- To prevent fraud and forgery,
- To foster ethical conduct among notaries,
- To enhance interstate recognition of notarial acts, and

To integrate procedures for all of the following notarial acts: Traditional paper, electronic notarization, and remote electronic notarization.

The Department seeks to adopt rules that will promote public confidence in the reliability of signatures and the identification of remotely located principals. These rules will help to ensure that transactions are not repudiated as a result of:

1. Mental incapacity of the principal;
2. Coercion or duress; or
3. Fraud.

By enhancing reliability, the Secretary facilitates economic growth while reducing costly and avoidable litigation.

In order to achieve these goals, the Secretary promulgated two Advance Notices of Proposed Rulemaking (ANPRs). The ANPRs were published on the Department's website and emailed to stakeholders and others. The ANPRs requested comments on a number of issues that are unclear in RENA. The first ANPR focused primarily on issues related to the eNotary and the

remote electronic notarial act. The second ANPR focused on issues related to the technology notaries will use to perform remote electronic notarial acts.

RENA requirements for remote electronic notarial acts (RENs) are based on requirements for traditional notaries and notarial acts, as well as the requirements for eNotaries and electronic notarial acts. To the extent feasible, the RENA rules, must, therefore, harmonize the requirements for traditional notaries, eNotaries, and eNotaries performing remote electronic notarial acts.

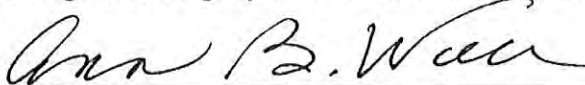
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The second set of rules will primarily focus on revising existing rules. The final set of rules will be focused primarily on the technology used to perform remote electronic notarial acts and the licensure and approval of the providers of that technology.

The Department has to date expended in excess of 5000 hours in connection with the rulemaking efforts. While recognizing the need for positions to conduct the rulemaking, the General Assembly has not appropriated funds to support the rulemaking effort mandated by statute in 2022, despite repeated Departmental requests. Departmental allocation of resources to the mandatory rulemaking has come at the expense of performing other Departmental duties.

SUBMISSION FOR PERMANENT RULE

ORIGINAL
11/6/2023

1. Rule-Making Agency: N.C. Department of the Secretary of State	
2. Rule citation & name (name not required for repeal): 18 NCAC 07F .0709 - REVIEW AFTER AFFIXING ELECTRONIC SIGNATURE	
3. Action: <input checked="" type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READoption <input type="checkbox"/> REPEAL THROUGH READoption	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: August 15, 2023 Link to Agency notice: https://sosnc.gov/divisions/general_counsel/open_rulemaking_phase_one_rulemaking Hearing on: September 19, 2023 Adoption by Agency on: November 8, 2023 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input type="checkbox"/> This Rule was part of a combined analysis. <input checked="" type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input checked="" type="checkbox"/> Approved by OSBM <input type="checkbox"/> No fiscal note required
9. REASON FOR ACTION	
9A. What prompted this action? Check all that apply: <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: <input checked="" type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: S.L. 2022-54; S.L. 2023-57; S.L. 2023-124 <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other:	
9B. Explain: See attached	
10. Rulemaking Coordinator: Ann B. Wall Ann B. Wall Phone: (919) 814-5310 E-Mail: awall@sosnc.gov Additional agency contact, if any: Ann Elmore Phone: (919) 814-5521 E-Mail: aelmore@sosnc.gov	11. Signature of Agency Head* or Rule-making Coordinator:  *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: Ann B. Wall Title: General Counsel and Rulemaking Coordinator
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	

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Question 9(b). Explain:

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Adoption of RENA was a direct outcome of the global pandemic. The pandemic increased the remote conduct of economic activity. The pandemic also established the need to conduct crucial business, legal, healthcare, and other transactions safely, securely, and efficiently in the rapidly changing remote environment.

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RENA directs the Secretary of State to adopt rules on a large number of topics. The rules must fulfill the purposes of the Notary Public Act, including:

To simplify, clarify, and modernize the law governing notaries,

To prevent fraud and forgery,

To foster ethical conduct among notaries,

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1. Mental incapacity of the principal;

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By enhancing reliability, the Secretary facilitates economic growth while reducing costly and avoidable litigation.

In order to achieve these goals, the Secretary promulgated two Advance Notices of Proposed Rulemaking (ANPRs). The ANPRs were published on the Department's website and emailed to stakeholders and others. The ANPRs requested comments on a number of issues that are unclear in RENA. The first ANPR focused primarily on issues related to the eNotary and the

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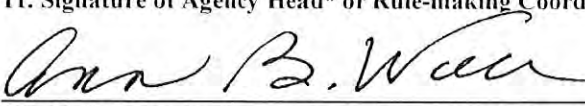
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The Department has to date expended in excess of 5000 hours in connection with the rulemaking efforts. While recognizing the need for positions to conduct the rulemaking, the General Assembly has not appropriated funds to support the rulemaking effort mandated by statute in 2022, despite repeated Departmental requests. Departmental allocation of resources to the mandatory rulemaking has come at the expense of performing other Departmental duties.

SUBMISSION FOR PERMANENT RULE

ORIGINAL
11/8/2023

1. Rule-Making Agency: N.C. Department of the Secretary of State	
2. Rule citation & name (name not required for repeal): 18 NCAC 07F .0801 - UNIQUE SEAL	
3. Action: <input checked="" type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READoption <input type="checkbox"/> REPEAL THROUGH READoption	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
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9. REASON FOR ACTION	
9A. What prompted this action? Check all that apply: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: </div> <div style="width: 45%;"> <input checked="" type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: S.L. 2022-54; S.L. 2023-57; S.L. 2023-124 <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other: </div> </div>	
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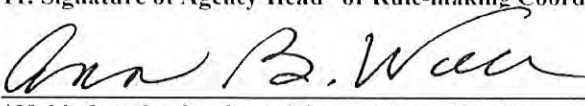
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11/8/2023

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: N.C. Department of the Secretary of State	
2. Rule citation & name (name not required for repeal): 18 NCAC 07F .0803	
3. Action: <input type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input checked="" type="checkbox"/> REPEAL <input type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL THROUGH READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
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Adoption of RENA was a direct outcome of the global pandemic. The pandemic increased the remote conduct of economic activity. The pandemic also established the need to conduct crucial business, legal, healthcare, and other transactions safely, securely, and efficiently in the rapidly changing remote environment.

The Notary Public Act sets requirements to become a traditional notary public, a public official. A traditional notary public performs notarial acts during an in-person meeting with the principal. A traditional notary must identify the principal using one of three specific methods. The Act and rules govern the conduct of the notary and how to become a notary instructor. Article 2 of the Act governs electronic notaries public (e-Notaries or eNotary). Like a traditional notary, an eNotary performs notarial acts during an in-person meeting. The eNotary uses technology to electronically notarize the principal's electronic signature. An electronic notary has to comply with most traditional notary requirements. The Act also regulates the technology used by the eNotary to perform electronic notarial acts.

RENA allows an NC notary, specifically an eNotary, who is physically located in NC, to perform remote electronic notarizations for a remotely located principal. A remotely located principal can physically be anywhere in the United States or its territories. In specific circumstances, the principal can be on a US military base or in a US embassy. RENA requires real-time, simultaneous communication between the eNotary and the remote principal using communications technology. RENA also establishes criteria that the technology has to meet.

RENA directs the Secretary of State to adopt rules on a large number of topics. The rules must fulfill the purposes of the Notary Public Act, including:

To simplify, clarify, and modernize the law governing notaries,

To prevent fraud and forgery,

To foster ethical conduct among notaries,

To enhance interstate recognition of notarial acts, and

To integrate procedures for all of the following notarial acts: Traditional paper, electronic notarization, and remote electronic notarization.

The Department seeks to adopt rules that will promote public confidence in the reliability of signatures and the identification of remotely located principals. These rules will help to ensure that transactions are not repudiated as a result of:

1. Mental incapacity of the principal;

2. Coercion or duress; or

3. Fraud.

By enhancing reliability, the Secretary facilitates economic growth while reducing costly and avoidable litigation.

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RENA requirements for remote electronic notarial acts (RENs) are based on requirements for traditional notaries and notarial acts, as well as the requirements for eNotaries and electronic notarial acts. To the extent feasible, the RENA rules, must, therefore, harmonize the requirements for traditional notaries, eNotaries, and eNotaries performing remote electronic notarial acts.

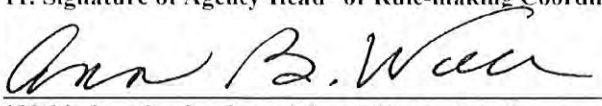
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The second set of rules will primarily focus on revising existing rules. The final set of rules will be focused primarily on the technology used to perform remote electronic notarial acts and the licensure and approval of the providers of that technology.

The Department has to date expended in excess of 5000 hours in connection with the rulemaking efforts. While recognizing the need for positions to conduct the rulemaking, the General Assembly has not appropriated funds to support the rulemaking effort mandated by statute in 2022, despite repeated Departmental requests. Departmental allocation of resources to the mandatory rulemaking has come at the expense of performing other Departmental duties.

SUBMISSION FOR PERMANENT RULE

11/8/2023
 ORIGINAL

1. Rule-Making Agency: N.C. Department of the Secretary of State	
2. Rule citation & name (name not required for repeal): 18 NCAC 07F .0804 - ATTRIBUTES OF ELECTRONIC SEAL	
3. Action: <input type="checkbox"/> ADOPTION <input checked="" type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL THROUGH READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: August 15, 2023 Link to Agency notice: https://sosnc.gov/divisions/general_counsel/open_rulemaking_phase_one_rulemaking Hearing on: September 19, 2023 Adoption by Agency on: November 8, 2023 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input type="checkbox"/> This Rule was part of a combined analysis. <input checked="" type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input checked="" type="checkbox"/> Approved by OSBM <input type="checkbox"/> No fiscal note required
9. REASON FOR ACTION	
9A. What prompted this action? Check all that apply: <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: <input checked="" type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: S.L. 2022-54; S.L. 2023-57; S.L. 2023-124 <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other:	
9B. Explain: See attached	
10. Rulemaking Coordinator: Ann B. Wall Ann B. Wall Phone: (919) 814-5310 E-Mail: awall@sosnc.gov Additional agency contact, if any: Ann Elmore Phone: (919) 814-5521 E-Mail: aelmore@sosnc.gov	11. Signature of Agency Head* or Rule-making Coordinator:  *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: Ann B. Wall Title: General Counsel and Rulemaking Coordinator
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	

Attachment to Form 0400 for Permanent Rule:

Question 9(b). Explain:

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Adoption of RENA was a direct outcome of the global pandemic. The pandemic increased the remote conduct of economic activity. The pandemic also established the need to conduct crucial business, legal, healthcare, and other transactions safely, securely, and efficiently in the rapidly changing remote environment.

The Notary Public Act sets requirements to become a traditional notary public, a public official. A traditional notary public performs notarial acts during an in-person meeting with the principal. A traditional notary must identify the principal using one of three specific methods. The Act and rules govern the conduct of the notary and how to become a notary instructor. Article 2 of the Act governs electronic notaries public (e-Notaries or eNotary). Like a traditional notary, an eNotary performs notarial acts during an in-person meeting. The eNotary uses technology to electronically notarize the principal's electronic signature. An electronic notary has to comply with most traditional notary requirements. The Act also regulates the technology used by the eNotary to perform electronic notarial acts.

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In order to achieve these goals, the Secretary promulgated two Advance Notices of Proposed Rulemaking (ANPRs). The ANPRs were published on the Department's website and emailed to stakeholders and others. The ANPRs requested comments on a number of issues that are unclear in RENA. The first ANPR focused primarily on issues related to the eNotary and the

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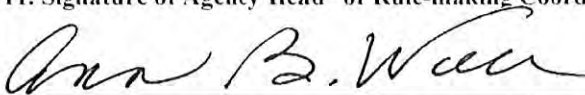
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SUBMISSION FOR PERMANENT RULE

11/01/2023
ORIGINAL

1. Rule-Making Agency: N.C. Department of the Secretary of State	
2. Rule citation & name (name not required for repeal): 18 NCAC 07F .0805 - APPEARANCE OF ELECTRONIC NOTARY SEAL	
3. Action: <input type="checkbox"/> ADOPTION <input checked="" type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL THROUGH READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
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9. REASON FOR ACTION	
9A. What prompted this action? Check all that apply: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: </div> <div style="width: 45%;"> <input checked="" type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: S.L. 2022-54; S.L. 2023-57; S.L. 2023-124 <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other: </div> </div>	
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RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	

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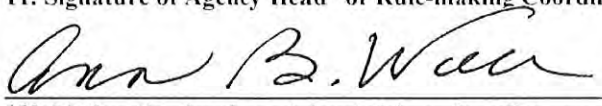
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SUBMISSION FOR PERMANENT RULE

ORIGINAL

11/8/2023

1. Rule-Making Agency: N.C. Department of the Secretary of State	
2. Rule citation & name (name not required for repeal): 18 NCAC 07F .0807 - CONTENTS OF ELECTRONIC NOTARY SEAL	
3. Action: <input type="checkbox"/> ADOPTION <input checked="" type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL THROUGH READOPTION	
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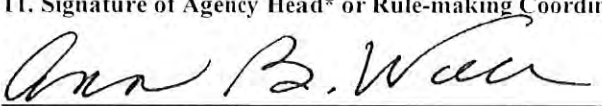
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SUBMISSION FOR PERMANENT RULE



 ORIGINAL

 11/8/23

1. Rule-Making Agency: N.C. Department of the Secretary of State	
2. Rule citation & name (name not required for repeal): 18 NCAC 07F .0808 - ELECTRONIC NOTARY SEALS ARE PRIVATE PROPERTY	
3. Action: <input type="checkbox"/> ADOPTION <input checked="" type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL THROUGH READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: August 15, 2023 Link to Agency notice: https://sosnc.gov/divisions/general_counsel/open_rulemaking_phase_one_rulemaking Hearing on: September 19, 2023 Adoption by Agency on: November 8, 2023 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input type="checkbox"/> This Rule was part of a combined analysis. <input checked="" type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (\geq \$1,000,000) <input checked="" type="checkbox"/> Approved by OSBM <input type="checkbox"/> No fiscal note required
9. REASON FOR ACTION	
9A. What prompted this action? Check all that apply: <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: <input checked="" type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: S.L. 2022-54; S.L. 2023-57; S.L. 2023-124 <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other:	
9B. Explain: See attached	
10. Rulemaking Coordinator: Ann B. Wall Ann B. Wall Phone: (919) 814-5310 E-Mail: awall@sosnc.gov Additional agency contact, if any: Ann Elmore Phone: (919) 814-5521 E-Mail: aelmore@sosnc.gov	11. Signature of Agency Head* or Rule-making Coordinator:  *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: Ann B. Wall Title: General Counsel and Rulemaking Coordinator
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	

Attachment to Form 0400 for Permanent Rule:

Question 9(b). Explain:

The Remote Electronic Notarization Act (RENA) was effective on July 8, 2022, S.L. 2022- 54. RENA primarily amends Article 2 of Chapter 10B of the NC General Statutes, the Notary Public Act. RENA has subsequently been amended twice, by S.L. 2023-57 and S.L. 2023-124.

Adoption of RENA was a direct outcome of the global pandemic. The pandemic increased the remote conduct of economic activity. The pandemic also established the need to conduct crucial business, legal, healthcare, and other transactions safely, securely, and efficiently in the rapidly changing remote environment.

The Notary Public Act sets requirements to become a traditional notary public, a public official. A traditional notary public performs notarial acts during an in-person meeting with the principal. A traditional notary must identify the principal using one of three specific methods. The Act and rules govern the conduct of the notary and how to become a notary instructor. Article 2 of the Act governs electronic notaries public (e-Notaries or eNotary). Like a traditional notary, an eNotary performs notarial acts during an in-person meeting. The eNotary uses technology to electronically notarize the principal's electronic signature. An electronic notary has to comply with most traditional notary requirements. The Act also regulates the technology used by the eNotary to perform electronic notarial acts.

RENA allows an NC notary, specifically an eNotary, who is physically located in NC, to perform remote electronic notarizations for a remotely located principal. A remotely located principal can physically be anywhere in the United States or its territories. In specific circumstances, the principal can be on a US military base or in a US embassy. RENA requires real-time, simultaneous communication between the eNotary and the remote principal using communications technology. RENA also establishes criteria that the technology has to meet.

RENA directs the Secretary of State to adopt rules on a large number of topics. The rules must fulfill the purposes of the Notary Public Act, including:

To simplify, clarify, and modernize the law governing notaries,

To prevent fraud and forgery,

To foster ethical conduct among notaries,

To enhance interstate recognition of notarial acts, and

To integrate procedures for all of the following notarial acts: Traditional paper, electronic notarization, and remote electronic notarization.

The Department seeks to adopt rules that will promote public confidence in the reliability of signatures and the identification of remotely located principals. These rules will help to ensure that transactions are not repudiated as a result of:

1. Mental incapacity of the principal;

2. Coercion or duress; or

3. Fraud.

By enhancing reliability, the Secretary facilitates economic growth while reducing costly and avoidable litigation.

In order to achieve these goals, the Secretary promulgated two Advance Notices of Proposed Rulemaking (ANPRs). The ANPRs were published on the Department's website and emailed to stakeholders and others. The ANPRs requested comments on a number of issues that are unclear in RENA. The first ANPR focused primarily on issues related to the eNotary and the

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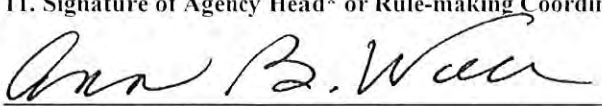
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The Department has to date expended in excess of 5000 hours in connection with the rulemaking efforts. While recognizing the need for positions to conduct the rulemaking, the General Assembly has not appropriated funds to support the rulemaking effort mandated by statute in 2022, despite repeated Departmental requests. Departmental allocation of resources to the mandatory rulemaking has come at the expense of performing other Departmental duties.

SUBMISSION FOR PERMANENT RULE

ORIGINAL
11/8/2023

1. Rule-Making Agency: N.C. Department of the Secretary of State	
2. Rule citation & name (name not required for repeal): 18 NCAC 07F .0809 - SEAL COMPLIANCE	
3. Action: <input checked="" type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL THROUGH READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: August 15, 2023 Link to Agency notice: https://sosnc.gov/divisions/general_counsel/open_rulemaking_phase_one_rulemaking Hearing on: September 19, 2023 Adoption by Agency on: November 8, 2023 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
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9. REASON FOR ACTION	
9A. What prompted this action? Check all that apply: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: </div> <div style="width: 45%;"> <input checked="" type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: S.L. 2022-54; S.L. 2023-57; S.L. 2023-124 <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other: </div> </div>	
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10. Rulemaking Coordinator: Ann B. Wall Ann B. Wall Phone: (919) 814-5310 E-Mail: awall@sosnc.gov Additional agency contact, if any: Ann Elmore Phone: (919) 814-5521 E-Mail: aelmore@sosnc.gov	11. Signature of Agency Head* or Rule-making Coordinator:  *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: Ann B. Wall Title: General Counsel and Rulemaking Coordinator
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	

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In order to achieve these goals, the Secretary promulgated two Advance Notices of Proposed Rulemaking (ANPRs). The ANPRs were published on the Department's website and emailed to stakeholders and others. The ANPRs requested comments on a number of issues that are unclear in RENA. The first ANPR focused primarily on issues related to the eNotary and the

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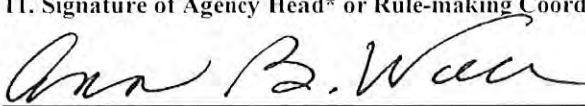
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SUBMISSION FOR PERMANENT RULE

11/8/2023
ORIGINAL

1. Rule-Making Agency: N.C. Department of the Secretary of State	
2. Rule citation & name (name not required for repeal): 18 NCAC 07F .0811 - SEAL REVIEW BEFORE USE	
3. Action: <input checked="" type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL THROUGH READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
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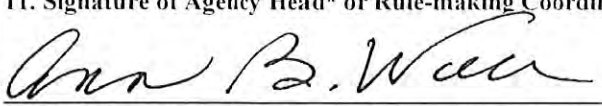
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SUBMISSION FOR PERMANENT RULE

ORIGINAL
11/8/2023

1. Rule-Making Agency: N.C. Department of the Secretary of State	
2. Rule citation & name (name not required for repeal): 18 NCAC 07F .0812 - AFFIXING ELECTRONIC SEAL	
3. Action: <input checked="" type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL THROUGH READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
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9A. What prompted this action? Check all that apply: <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: <input checked="" type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: S.L. 2022-54; S.L. 2023-57; S.L. 2023-124 <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other:	
9B. Explain: See attached	
10. Rulemaking Coordinator: Ann B. Wall Ann B. Wall Phone: (919) 814-5310 E-Mail: awall@sosnc.gov Additional agency contact, if any: Ann Elmore Phone: (919) 814-5521 E-Mail: aelmore@sosnc.gov	11. Signature of Agency Head* or Rule-making Coordinator:  *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: Ann B. Wall Title: General Counsel and Rulemaking Coordinator
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	

Attachment to Form 0400 for Permanent Rule:

Question 9(b). Explain:

The Remote Electronic Notarization Act (RENA) was effective on July 8, 2022, S.L. 2022- 54. RENA primarily amends Article 2 of Chapter 10B of the NC General Statutes, the Notary Public Act. RENA has subsequently been amended twice, by S.L. 2023-57 and S.L. 2023-124.

Adoption of RENA was a direct outcome of the global pandemic. The pandemic increased the remote conduct of economic activity. The pandemic also established the need to conduct crucial business, legal, healthcare, and other transactions safely, securely, and efficiently in the rapidly changing remote environment.

The Notary Public Act sets requirements to become a traditional notary public, a public official. A traditional notary public performs notarial acts during an in-person meeting with the principal. A traditional notary must identify the principal using one of three specific methods. The Act and rules govern the conduct of the notary and how to become a notary instructor. Article 2 of the Act governs electronic notaries public (e-Notaries or eNotary). Like a traditional notary, an eNotary performs notarial acts during an in-person meeting. The eNotary uses technology to electronically notarize the principal's electronic signature. An electronic notary has to comply with most traditional notary requirements. The Act also regulates the technology used by the eNotary to perform electronic notarial acts.

RENA allows an NC notary, specifically an eNotary, who is physically located in NC, to perform remote electronic notarizations for a remotely located principal. A remotely located principal can physically be anywhere in the United States or its territories. In specific circumstances, the principal can be on a US military base or in a US embassy. RENA requires real-time, simultaneous communication between the eNotary and the remote principal using communications technology. RENA also establishes criteria that the technology has to meet.

RENA directs the Secretary of State to adopt rules on a large number of topics. The rules must fulfill the purposes of the Notary Public Act, including:

- To simplify, clarify, and modernize the law governing notaries,
- To prevent fraud and forgery,
- To foster ethical conduct among notaries,
- To enhance interstate recognition of notarial acts, and

To integrate procedures for all of the following notarial acts: Traditional paper, electronic notarization, and remote electronic notarization.

The Department seeks to adopt rules that will promote public confidence in the reliability of signatures and the identification of remotely located principals. These rules will help to ensure that transactions are not repudiated as a result of:

1. Mental incapacity of the principal;
2. Coercion or duress; or
3. Fraud.

By enhancing reliability, the Secretary facilitates economic growth while reducing costly and avoidable litigation.

In order to achieve these goals, the Secretary promulgated two Advance Notices of Proposed Rulemaking (ANPRs). The ANPRs were published on the Department's website and emailed to stakeholders and others. The ANPRs requested comments on a number of issues that are unclear in RENA. The first ANPR focused primarily on issues related to the eNotary and the

remote electronic notarial act. The second ANPR focused on issues related to the technology notaries will use to perform remote electronic notarial acts.

RENA requirements for remote electronic notarial acts (RENs) are based on requirements for traditional notaries and notarial acts, as well as the requirements for eNotaries and electronic notarial acts. To the extent feasible, the RENA rules, must, therefore, harmonize the requirements for traditional notaries, eNotaries, and eNotaries performing remote electronic notarial acts.

Due to the scope and scale of the requirements for this rulemaking process, the Secretary will propose the rules in three sets. This first set of proposed rules deals with fundamental issues related to all three methods of performing notarial acts and to establishing certain common rules. This is that first set of rules. The proposed rule amendments, adoptions, and repeals in this first set involve Subchapters B, F, I, and K of 18 NCAC 07. G.S. 150B-21.3A separately requires all state agencies to review existing rules every ten years in accordance with a prescribed process that includes rule readoption. Many of the existing notary rules are nearing the end of their decadal cycle and thus are due for review and readoption. This first set of rules is undertaken to satisfy both the requirements of RENA and G.S. 150B-21.3A.

The second set of rules will primarily focus on revising existing rules. The final set of rules will be focused primarily on the technology used to perform remote electronic notarial acts and the licensure and approval of the providers of that technology.

The Department has to date expended in excess of 5000 hours in connection with the rulemaking efforts. While recognizing the need for positions to conduct the rulemaking, the General Assembly has not appropriated funds to support the rulemaking effort mandated by statute in 2022, despite repeated Departmental requests. Departmental allocation of resources to the mandatory rulemaking has come at the expense of performing other Departmental duties.

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In order to achieve these goals, the Secretary promulgated two Advance Notices of Proposed Rulemaking (ANPRs). The ANPRs were published on the Department's website and emailed to stakeholders and others. The ANPRs requested comments on a number of issues that are unclear in RENA. The first ANPR focused primarily on issues related to the eNotary and the

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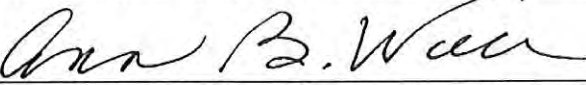
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SUBMISSION FOR PERMANENT RULE

ORIGINAL
11/9/2023

1. Rule-Making Agency: N.C. Department of the Secretary of State	
2. Rule citation & name (name not required for repeal): 18 NCAC 07F .0814 - COMMITMENT	
3. Action: <input checked="" type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READoption <input type="checkbox"/> REPEAL THROUGH READoption	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: August 15, 2023 Link to Agency notice: https://sosnc.gov/divisions/general_counsel/open_rulemaking_phase_one_rulemaking Hearing on: September 19, 2023 Adoption by Agency on: November 8, 2023 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
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10. Rulemaking Coordinator: Ann B. Wall Ann B. Wall Phone: (919) 814-5310 E-Mail: awall@sosnc.gov Additional agency contact, if any: Ann Elmore Phone: (919) 814-5521 E-Mail: aelmore@sosnc.gov	11. Signature of Agency Head* or Rule-making Coordinator:  *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: Ann B. Wall Title: General Counsel and Rulemaking Coordinator
RRC AND OAH USE ONLY	
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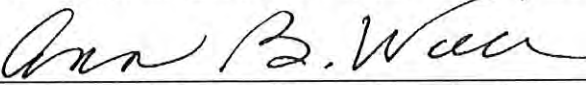
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SUBMISSION FOR PERMANENT RULE

ORIGINAL

11/8/2023

1. Rule-Making Agency: N.C. Department of the Secretary of State	
2. Rule citation & name (name not required for repeal): 18 NCAC 07F .0901 R- REREGISTRATION	
3. Action: <input type="checkbox"/> ADOPTION <input checked="" type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL THROUGH READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
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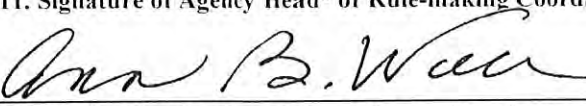
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SUBMISSION FOR PERMANENT RULE

11/8/2023
ORIGINAL

1. Rule-Making Agency: N.C. Department of the Secretary of State	
2. Rule citation & name (name not required for repeal): 18 NCAC 07F .0902 - TIMING OF REREGISTRATION	
3. Action: <input checked="" type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READoption <input type="checkbox"/> REPEAL THROUGH READoption	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
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Adoption of RENA was a direct outcome of the global pandemic. The pandemic increased the remote conduct of economic activity. The pandemic also established the need to conduct crucial business, legal, healthcare, and other transactions safely, securely, and efficiently in the rapidly changing remote environment.

The Notary Public Act sets requirements to become a traditional notary public, a public official. A traditional notary public performs notarial acts during an in-person meeting with the principal. A traditional notary must identify the principal using one of three specific methods. The Act and rules govern the conduct of the notary and how to become a notary instructor. Article 2 of the Act governs electronic notaries public (e-Notaries or eNotary). Like a traditional notary, an eNotary performs notarial acts during an in-person meeting. The eNotary uses technology to electronically notarize the principal's electronic signature. An electronic notary has to comply with most traditional notary requirements. The Act also regulates the technology used by the eNotary to perform electronic notarial acts.

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RENA directs the Secretary of State to adopt rules on a large number of topics. The rules must fulfill the purposes of the Notary Public Act, including:

To simplify, clarify, and modernize the law governing notaries,

To prevent fraud and forgery,

To foster ethical conduct among notaries,

To enhance interstate recognition of notarial acts, and

To integrate procedures for all of the following notarial acts: Traditional paper, electronic notarization, and remote electronic notarization.

The Department seeks to adopt rules that will promote public confidence in the reliability of signatures and the identification of remotely located principals. These rules will help to ensure that transactions are not repudiated as a result of:

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By enhancing reliability, the Secretary facilitates economic growth while reducing costly and avoidable litigation.

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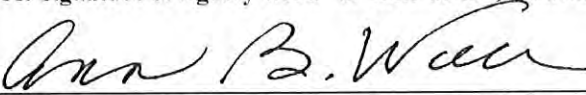
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The Department has to date expended in excess of 5000 hours in connection with the rulemaking efforts. While recognizing the need for positions to conduct the rulemaking, the General Assembly has not appropriated funds to support the rulemaking effort mandated by statute in 2022, despite repeated Departmental requests. Departmental allocation of resources to the mandatory rulemaking has come at the expense of performing other Departmental duties.

SUBMISSION FOR PERMANENT RULE

ORIGINAL
11/19/2023

1. Rule-Making Agency: N.C. Department of the Secretary of State	
2. Rule citation & name (name not required for repeal): 18 NCAC 07F .0903 - FORM	
3. Action: <input checked="" type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL THROUGH READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: August 15, 2023 Link to Agency notice: https://sosnc.gov/divisions/general_counsel/open_rulemaking_phase_one_rulemaking Hearing on: September 19, 2023 Adoption by Agency on: November 8, 2023 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input type="checkbox"/> This Rule was part of a combined analysis. <input checked="" type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input checked="" type="checkbox"/> Approved by OSBM <input type="checkbox"/> No fiscal note required
9. REASON FOR ACTION	
9A. What prompted this action? Check all that apply: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: </div> <div style="width: 45%;"> <input checked="" type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: S.L. 2022-54; S.L. 2023-57; S.L. 2023-124 <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other: </div> </div>	
9B. Explain: See attached	
10. Rulemaking Coordinator: Ann B. Wall Ann B. Wall Phone: (919) 814-5310 E-Mail: awall@sosnc.gov Additional agency contact, if any: Ann Elmore Phone: (919) 814-5521 E-Mail: aelmore@sosnc.gov	11. Signature of Agency Head* or Rule-making Coordinator:  *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: Ann B. Wall Title: General Counsel and Rulemaking Coordinator
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	

Attachment to Form 0400 for Permanent Rule:

Question 9(b). Explain:

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The Notary Public Act sets requirements to become a traditional notary public, a public official. A traditional notary public performs notarial acts during an in-person meeting with the principal. A traditional notary must identify the principal using one of three specific methods. The Act and rules govern the conduct of the notary and how to become a notary instructor. Article 2 of the Act governs electronic notaries public (e-Notaries or eNotary). Like a traditional notary, an eNotary performs notarial acts during an in-person meeting. The eNotary uses technology to electronically notarize the principal's electronic signature. An electronic notary has to comply with most traditional notary requirements. The Act also regulates the technology used by the eNotary to perform electronic notarial acts.

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RENA directs the Secretary of State to adopt rules on a large number of topics. The rules must fulfill the purposes of the Notary Public Act, including:

To simplify, clarify, and modernize the law governing notaries,

To prevent fraud and forgery,

To foster ethical conduct among notaries,

To enhance interstate recognition of notarial acts, and

To integrate procedures for all of the following notarial acts: Traditional paper, electronic notarization, and remote electronic notarization.

The Department seeks to adopt rules that will promote public confidence in the reliability of signatures and the identification of remotely located principals. These rules will help to ensure that transactions are not repudiated as a result of:

1. Mental incapacity of the principal;

2. Coercion or duress; or

3. Fraud.

By enhancing reliability, the Secretary facilitates economic growth while reducing costly and avoidable litigation.

In order to achieve these goals, the Secretary promulgated two Advance Notices of Proposed Rulemaking (ANPRs). The ANPRs were published on the Department's website and emailed to stakeholders and others. The ANPRs requested comments on a number of issues that are unclear in RENA. The first ANPR focused primarily on issues related to the eNotary and the

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RENA requirements for remote electronic notarial acts (RENs) are based on requirements for traditional notaries and notarial acts, as well as the requirements for eNotaries and electronic notarial acts. To the extent feasible, the RENA rules, must, therefore, harmonize the requirements for traditional notaries, eNotaries, and eNotaries performing remote electronic notarial acts.


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SUBMISSION FOR PERMANENT RULE

 ORIGINAL
11/8/2023

1. Rule-Making Agency: N.C. Department of the Secretary of State	
2. Rule citation & name (name not required for repeal): 18 NCAC 07F .0904 - EDUCATION	
3. Action: <input checked="" type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL THROUGH READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
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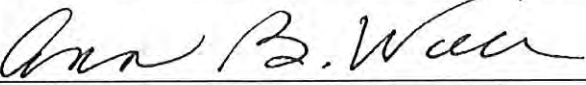
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SUBMISSION FOR PERMANENT RULE

11/8/2023


1. Rule-Making Agency: N.C. Department of the Secretary of State	
2. Rule citation & name (name not required for repeal): 18 NCAC 07F .0905 - ELECTRONIC NOTARY REREGISTRATION OTHER THAN AT RECOMMISSIONING	
3. Action: <input checked="" type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL THROUGH READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
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9B. Explain: See attached	
10. Rulemaking Coordinator: Ann B. Wall Ann B. Wall Phone: (919) 814-5310 E-Mail: awall@sosnc.gov Additional agency contact, if any: Ann Elmore Phone: (919) 814-5521 E-Mail: aelmore@sosnc.gov	11. Signature of Agency Head* or Rule-making Coordinator:  *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: Ann B. Wall Title: General Counsel and Rulemaking Coordinator
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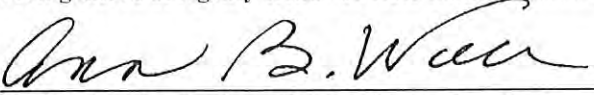
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SUBMISSION FOR PERMANENT RULE

ORIGINAL
11/18/2023

1. Rule-Making Agency: N.C. Department of the Secretary of State	
2. Rule citation & name (name not required for repeal): 18 NCAC 07F .0906 - REGISTRATION	
3. Action: <input checked="" type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READOPTIO N <input type="checkbox"/> REPEAL THROUGH READOPTIO N	
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Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	

Attachment to Form 0400 for Permanent Rule:

Question 9(b). Explain:

The Remote Electronic Notarization Act (RENA) was effective on July 8, 2022, S.L. 2022- 54. RENA primarily amends Article 2 of Chapter 10B of the NC General Statutes, the Notary Public Act. RENA has subsequently been amended twice, by S.L. 2023-57 and S.L. 2023-124.

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RENA directs the Secretary of State to adopt rules on a large number of topics. The rules must fulfill the purposes of the Notary Public Act, including:

- To simplify, clarify, and modernize the law governing notaries,
- To prevent fraud and forgery,
- To foster ethical conduct among notaries,
- To enhance interstate recognition of notarial acts, and

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By enhancing reliability, the Secretary facilitates economic growth while reducing costly and avoidable litigation.

In order to achieve these goals, the Secretary promulgated two Advance Notices of Proposed Rulemaking (ANPRs). The ANPRs were published on the Department's website and emailed to stakeholders and others. The ANPRs requested comments on a number of issues that are unclear in RENA. The first ANPR focused primarily on issues related to the eNotary and the

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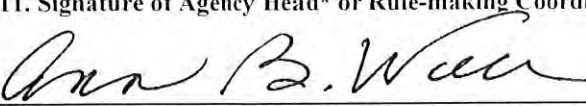
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The Department has to date expended in excess of 5000 hours in connection with the rulemaking efforts. While recognizing the need for positions to conduct the rulemaking, the General Assembly has not appropriated funds to support the rulemaking effort mandated by statute in 2022, despite repeated Departmental requests. Departmental allocation of resources to the mandatory rulemaking has come at the expense of performing other Departmental duties.

SUBMISSION FOR PERMANENT RULE

ORIGINAL
11/8/2023

1. Rule-Making Agency: N.C. Department of the Secretary of State	
2. Rule citation & name (name not required for repeal): 18 NCAC 07F .1001 - EMPLOYERS OF ELECTRONIC NOTARIES	
3. Action: <input type="checkbox"/> ADOPTION <input checked="" type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL THROUGH READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: August 15, 2023 Link to Agency notice: https://sosnc.gov/divisions/general_counsel/open_rulemaking_phase_one_rulemaking Hearing on: September 19, 2023 Adoption by Agency on: November 8, 2023 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input type="checkbox"/> This Rule was part of a combined analysis. <input checked="" type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input checked="" type="checkbox"/> Approved by OSBM <input type="checkbox"/> No fiscal note required
9. REASON FOR ACTION	
9A. What prompted this action? Check all that apply: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: </div> <div style="width: 45%;"> <input checked="" type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: S.L. 2022-54; S.L. 2023-57; S.L. 2023-124 <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other: </div> </div>	
9B. Explain: See attached	
10. Rulemaking Coordinator: Ann B. Wall Ann B. Wall Phone: (919) 814-5310 E-Mail: awall@sosnc.gov Additional agency contact, if any: Ann Elmore Phone: (919) 814-5521 E-Mail: aelmore@sosnc.gov	11. Signature of Agency Head* or Rule-making Coordinator:  *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: Ann B. Wall Title: General Counsel and Rulemaking Coordinator
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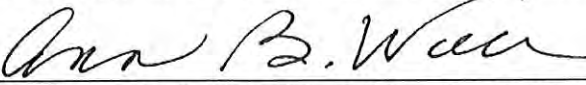
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SUBMISSION FOR PERMANENT RULE

ORIGINAL
11/9/2023

1. Rule-Making Agency: N.C. Department of the Secretary of State	
2. Rule citation & name (name not required for repeal): 18 NCAC 07F .1002 - PROTECTING ACCESS	
3. Action: <input type="checkbox"/> ADOPTION <input checked="" type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL THROUGH READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
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In order to achieve these goals, the Secretary promulgated two Advance Notices of Proposed Rulemaking (ANPRs). The ANPRs were published on the Department's website and emailed to stakeholders and others. The ANPRs requested comments on a number of issues that are unclear in RENA. The first ANPR focused primarily on issues related to the eNotary and the

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RENA directs the Secretary of State to adopt rules on a large number of topics. The rules must fulfill the purposes of the Notary Public Act, including:

To simplify, clarify, and modernize the law governing notaries,

To prevent fraud and forgery,

To foster ethical conduct among notaries,

To enhance interstate recognition of notarial acts, and

To integrate procedures for all of the following notarial acts: Traditional paper, electronic notarization, and remote electronic notarization.

The Department seeks to adopt rules that will promote public confidence in the reliability of signatures and the identification of remotely located principals. These rules will help to ensure that transactions are not repudiated as a result of:

1. Mental incapacity of the principal;

2. Coercion or duress; or

3. Fraud.

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RENA requirements for remote electronic notarial acts (RENs) are based on requirements for traditional notaries and notarial acts, as well as the requirements for eNotaries and electronic notarial acts. To the extent feasible, the RENA rules, must, therefore, harmonize the requirements for traditional notaries, eNotaries, and eNotaries performing remote electronic notarial acts.

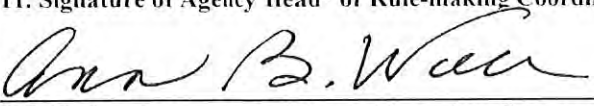
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The Department has to date expended in excess of 5000 hours in connection with the rulemaking efforts. While recognizing the need for positions to conduct the rulemaking, the General Assembly has not appropriated funds to support the rulemaking effort mandated by statute in 2022, despite repeated Departmental requests. Departmental allocation of resources to the mandatory rulemaking has come at the expense of performing other Departmental duties.

SUBMISSION FOR PERMANENT RULE

ORIGINAL
11/8/2023

1. Rule-Making Agency: N.C. Department of the Secretary of State	
2. Rule citation & name (name not required for repeal): 18 NCAC 07F .1102 - PRESENCE REQUIREMENT FOR REMOTE ELECTRONIC NOTARIZATION	
3. Action: <input type="checkbox"/> ADOPTION <input checked="" type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL THROUGH READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: August 15, 2023 Link to Agency notice: https://sosnc.gov/divisions/general_counsel/open_rulemaking_phase_one_rulemaking Hearing on: September 19, 2023 Adoption by Agency on: November 8, 2023 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input type="checkbox"/> This Rule was part of a combined analysis. <input checked="" type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input checked="" type="checkbox"/> Approved by OSBM <input type="checkbox"/> No fiscal note required
9. REASON FOR ACTION	
9A. What prompted this action? Check all that apply: <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: <input checked="" type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: S.L. 2022-54; S.L. 2023-57; S.L. 2023-124 <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other:	
9B. Explain: See attached	
10. Rulemaking Coordinator: Ann B. Wall Ann B. Wall Phone: (919) 814-5310 E-Mail: awall@sosnc.gov Additional agency contact, if any: Ann Elmore Phone: (919) 814-5521 E-Mail: aelmore@sosnc.gov	11. Signature of Agency Head* or Rule-making Coordinator:  *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: Ann B. Wall Title: General Counsel and Rulemaking Coordinator
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	

Attachment to Form 0400 for Permanent Rule:

Question 9(b). Explain:

The Remote Electronic Notarization Act (RENA) was effective on July 8, 2022, S.L. 2022- 54. RENA primarily amends Article 2 of Chapter 10B of the NC General Statutes, the Notary Public Act. RENA has subsequently been amended twice, by S.L. 2023-57 and S.L. 2023-124.

Adoption of RENA was a direct outcome of the global pandemic. The pandemic increased the remote conduct of economic activity. The pandemic also established the need to conduct crucial business, legal, healthcare, and other transactions safely, securely, and efficiently in the rapidly changing remote environment.

The Notary Public Act sets requirements to become a traditional notary public, a public official. A traditional notary public performs notarial acts during an in-person meeting with the principal. A traditional notary must identify the principal using one of three specific methods. The Act and rules govern the conduct of the notary and how to become a notary instructor. Article 2 of the Act governs electronic notaries public (e-Notaries or eNotary). Like a traditional notary, an eNotary performs notarial acts during an in-person meeting. The eNotary uses technology to electronically notarize the principal's electronic signature. An electronic notary has to comply with most traditional notary requirements. The Act also regulates the technology used by the eNotary to perform electronic notarial acts.

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RENA directs the Secretary of State to adopt rules on a large number of topics. The rules must fulfill the purposes of the Notary Public Act, including:

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3. Fraud.

By enhancing reliability, the Secretary facilitates economic growth while reducing costly and avoidable litigation.

In order to achieve these goals, the Secretary promulgated two Advance Notices of Proposed Rulemaking (ANPRs). The ANPRs were published on the Department's website and emailed to stakeholders and others. The ANPRs requested comments on a number of issues that are unclear in RENA. The first ANPR focused primarily on issues related to the eNotary and the

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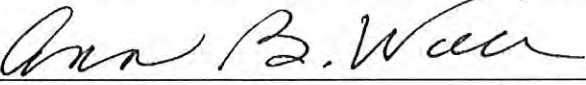
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The second set of rules will primarily focus on revising existing rules. The final set of rules will be focused primarily on the technology used to perform remote electronic notarial acts and the licensure and approval of the providers of that technology.

The Department has to date expended in excess of 5000 hours in connection with the rulemaking efforts. While recognizing the need for positions to conduct the rulemaking, the General Assembly has not appropriated funds to support the rulemaking effort mandated by statute in 2022, despite repeated Departmental requests. Departmental allocation of resources to the mandatory rulemaking has come at the expense of performing other Departmental duties.

SUBMISSION FOR PERMANENT RULE

ORIGINAL
11/8/2023

1. Rule-Making Agency: N.C. Department of the Secretary of State	
2. Rule citation & name (name not required for repeal): 18 NCAC 07F .1103 - INDIVIDUAL PRINCIPAL SIGNATURES FOR ELECTRONIC NOTARIAL ACT	
3. Action: <input checked="" type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL THROUGH READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
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7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input type="checkbox"/> This Rule was part of a combined analysis. <input checked="" type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input checked="" type="checkbox"/> Approved by OSBM <input type="checkbox"/> No fiscal note required
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10. Rulemaking Coordinator: Ann B. Wall Ann B. Wall Phone: (919) 814-5310 E-Mail: awall@sosnc.gov Additional agency contact, if any: Ann Elmore Phone: (919) 814-5521 E-Mail: aelmore@sosnc.gov	11. Signature of Agency Head* or Rule-making Coordinator:  *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: Ann B. Wall Title: General Counsel and Rulemaking Coordinator
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	

Attachment to Form 0400 for Permanent Rule:

Question 9(b). Explain:

The Remote Electronic Notarization Act (RENA) was effective on July 8, 2022, S.L. 2022- 54. RENA primarily amends Article 2 of Chapter 10B of the NC General Statutes, the Notary Public Act. RENA has subsequently been amended twice, by S.L. 2023-57 and S.L. 2023-124.

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11/8/2023

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: N.C. Department of the Secretary of State	
2. Rule citation & name (name not required for repeal): 18 NCAC 07F .1105 - NO ELECTRONIC NOTARIZATION OF INK SIGNATURE	
3. Action: <input checked="" type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL THROUGH READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
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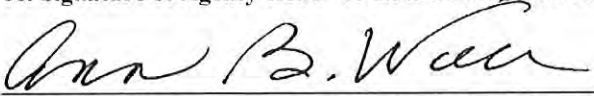
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SUBMISSION FOR PERMANENT RULE

ORIGINAL
11/8/2023

1. Rule-Making Agency: N.C. Department of the Secretary of State	
2. Rule citation & name (name not required for repeal): 18 NCAC 07F .1106 - NOTICE OF CHANGES	
3. Action: <input checked="" type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL THROUGH READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: August 15, 2023 Link to Agency notice: https://sosnc.gov/divisions/general_counsel/open_rulemaking_phase_one_rulemaking Hearing on: September 19, 2023 Adoption by Agency on: November 8, 2023 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input type="checkbox"/> This Rule was part of a combined analysis. <input checked="" type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input checked="" type="checkbox"/> Approved by OSBM <input type="checkbox"/> No fiscal note required
9. REASON FOR ACTION	
9A. What prompted this action? Check all that apply: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: </div> <div style="width: 45%;"> <input checked="" type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: S.L. 2022-54; S.L. 2023-57; S.L. 2023-124 <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other: </div> </div>	
9B. Explain: See attached	
10. Rulemaking Coordinator: Ann B. Wall Ann B. Wall Phone: (919) 814-5310 E-Mail: awall@sosnc.gov Additional agency contact, if any: Ann Elmore Phone: (919) 814-5521 E-Mail: aelmore@sosnc.gov	11. Signature of Agency Head* or Rule-making Coordinator:  *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: Ann B. Wall Title: General Counsel and Rulemaking Coordinator
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Question 9(b). Explain:

The Remote Electronic Notarization Act (RENA) was effective on July 8, 2022, S.L. 2022- 54. RENA primarily amends Article 2 of Chapter 10B of the NC General Statutes, the Notary Public Act. RENA has subsequently been amended twice, by S.L. 2023-57 and S.L. 2023-124.

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The Notary Public Act sets requirements to become a traditional notary public, a public official. A traditional notary public performs notarial acts during an in-person meeting with the principal. A traditional notary must identify the principal using one of three specific methods. The Act and rules govern the conduct of the notary and how to become a notary instructor. Article 2 of the Act governs electronic notaries public (e-Notaries or eNotary). Like a traditional notary, an eNotary performs notarial acts during an in-person meeting. The eNotary uses technology to electronically notarize the principal's electronic signature. An electronic notary has to comply with most traditional notary requirements. The Act also regulates the technology used by the eNotary to perform electronic notarial acts.

RENA allows an NC notary, specifically an eNotary, who is physically located in NC, to perform remote electronic notarizations for a remotely located principal. A remotely located principal can physically be anywhere in the United States or its territories. In specific circumstances, the principal can be on a US military base or in a US embassy. RENA requires real-time, simultaneous communication between the eNotary and the remote principal using communications technology. RENA also establishes criteria that the technology has to meet.

RENA directs the Secretary of State to adopt rules on a large number of topics. The rules must fulfill the purposes of the Notary Public Act, including:

To simplify, clarify, and modernize the law governing notaries,

To prevent fraud and forgery,

To foster ethical conduct among notaries,

To enhance interstate recognition of notarial acts, and

To integrate procedures for all of the following notarial acts: Traditional paper, electronic notarization, and remote electronic notarization.

The Department seeks to adopt rules that will promote public confidence in the reliability of signatures and the identification of remotely located principals. These rules will help to ensure that transactions are not repudiated as a result of:

1. Mental incapacity of the principal;

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By enhancing reliability, the Secretary facilitates economic growth while reducing costly and avoidable litigation.

In order to achieve these goals, the Secretary promulgated two Advance Notices of Proposed Rulemaking (ANPRs). The ANPRs were published on the Department's website and emailed to stakeholders and others. The ANPRs requested comments on a number of issues that are unclear in RENA. The first ANPR focused primarily on issues related to the eNotary and the

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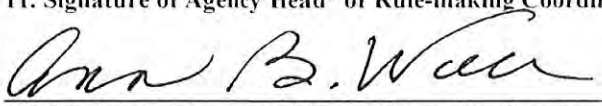
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11/8/2023

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: N.C. Department of the Secretary of State	
2. Rule citation & name (name not required for repeal): 18 NCAC 07F .1107 TECHNOLOGICAL ISSUE AS REASON TO HALT ELECTRONIC OR REMOTE ELECTRONIC NOTARIAL ACT	
3. Action: <input checked="" type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READoption <input type="checkbox"/> REPEAL THROUGH READoption	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
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10. Rulemaking Coordinator: Ann B. Wall Ann B. Wall Phone: (919) 814-5310 E-Mail: awall@sosnc.gov Additional agency contact, if any: Ann Elmore Phone: (919) 814-5521 E-Mail: aelmore@sosnc.gov	11. Signature of Agency Head* or Rule-making Coordinator: <div style="text-align: center; margin-top: 10px;">  <hr style="width: 80%; margin: 0 auto;"/> </div> *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: Ann B. Wall Title: General Counsel and Rulemaking Coordinator
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In order to achieve these goals, the Secretary promulgated two Advance Notices of Proposed Rulemaking (ANPRs). The ANPRs were published on the Department's website and emailed to stakeholders and others. The ANPRs requested comments on a number of issues that are unclear in RENA. The first ANPR focused primarily on issues related to the eNotary and the

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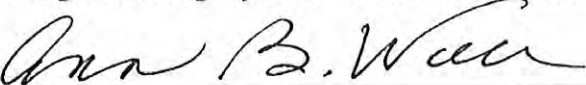
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SUBMISSION FOR PERMANENT RULE

ORIGINAL
11/8/2023

1. Rule-Making Agency: N.C. Department of the Secretary of State	
2. Rule citation & name (name not required for repeal): 18 NCAC 07F .1108 - RESOLUTION OF TECHNOLOGICAL ISSUES	
3. Action: <input checked="" type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READoption <input type="checkbox"/> REPEAL THROUGH READoption	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
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9. REASON FOR ACTION	
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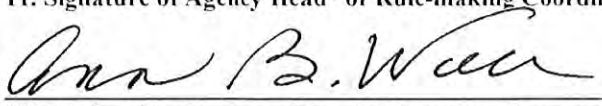
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SUBMISSION FOR PERMANENT RULE

ORIGINAL

11/8/2023

1. Rule-Making Agency: N.C. Department of the Secretary of State	
2. Rule citation & name (name not required for repeal): 18 NCAC 07F .1109 - CEASING TO USE A TECHNOLOGY PROVIDER	
3. Action: <input checked="" type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL THROUGH READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
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The Department seeks to adopt rules that will promote public confidence in the reliability of signatures and the identification of remotely located principals. These rules will help to ensure that transactions are not repudiated as a result of:

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2. Coercion or duress; or

3. Fraud.

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RENA requirements for remote electronic notarial acts (RENs) are based on requirements for traditional notaries and notarial acts, as well as the requirements for eNotaries and electronic notarial acts. To the extent feasible, the RENA rules, must, therefore, harmonize the requirements for traditional notaries, eNotaries, and eNotaries performing remote electronic notarial acts.

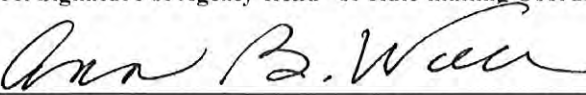
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The second set of rules will primarily focus on revising existing rules. The final set of rules will be focused primarily on the technology used to perform remote electronic notarial acts and the licensure and approval of the providers of that technology.

The Department has to date expended in excess of 5000 hours in connection with the rulemaking efforts. While recognizing the need for positions to conduct the rulemaking, the General Assembly has not appropriated funds to support the rulemaking effort mandated by statute in 2022, despite repeated Departmental requests. Departmental allocation of resources to the mandatory rulemaking has come at the expense of performing other Departmental duties.

SUBMISSION FOR PERMANENT RULE

ORIGINAL
11/0/2023

1. Rule-Making Agency: N.C. Department of the Secretary of State	
2. Rule citation & name (name not required for repeal): 18 NCAC 07F .1110 - NOTICE OF CANCELLATION BY PROVIDER	
3. Action: <input checked="" type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL THROUGH READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: August 15, 2023 Link to Agency notice: https://sosnc.gov/divisions/general_counsel/open_rulemaking_phase_one_rulemaking Hearing on: September 19, 2023 Adoption by Agency on: November 8, 2023 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input type="checkbox"/> This Rule was part of a combined analysis. <input checked="" type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input checked="" type="checkbox"/> Approved by OSBM <input type="checkbox"/> No fiscal note required
9. REASON FOR ACTION	
9A. What prompted this action? Check all that apply: <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: <input checked="" type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: S.L. 2022-54; S.L. 2023-57; S.L. 2023-124 <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other:	
9B. Explain: See attached	
10. Rulemaking Coordinator: Ann B. Wall Ann B. Wall Phone: (919) 814-5310 E-Mail: awall@sosnc.gov Additional agency contact, if any: Ann Elmore Phone: (919) 814-5521 E-Mail: aelmore@sosnc.gov	11. Signature of Agency Head* or Rule-making Coordinator:  *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: Ann B. Wall Title: General Counsel and Rulemaking Coordinator
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	

Attachment to Form 0400 for Permanent Rule:

Question 9(b). Explain:

The Remote Electronic Notarization Act (RENA) was effective on July 8, 2022, S.L. 2022- 54. RENA primarily amends Article 2 of Chapter 10B of the NC General Statutes, the Notary Public Act. RENA has subsequently been amended twice, by S.L. 2023-57 and S.L. 2023-124.

Adoption of RENA was a direct outcome of the global pandemic. The pandemic increased the remote conduct of economic activity. The pandemic also established the need to conduct crucial business, legal, healthcare, and other transactions safely, securely, and efficiently in the rapidly changing remote environment.

The Notary Public Act sets requirements to become a traditional notary public, a public official. A traditional notary public performs notarial acts during an in-person meeting with the principal. A traditional notary must identify the principal using one of three specific methods. The Act and rules govern the conduct of the notary and how to become a notary instructor. Article 2 of the Act governs electronic notaries public (e-Notaries or eNotary). Like a traditional notary, an eNotary performs notarial acts during an in-person meeting. The eNotary uses technology to electronically notarize the principal's electronic signature. An electronic notary has to comply with most traditional notary requirements. The Act also regulates the technology used by the eNotary to perform electronic notarial acts.

RENA allows an NC notary, specifically an eNotary, who is physically located in NC, to perform remote electronic notarizations for a remotely located principal. A remotely located principal can physically be anywhere in the United States or its territories. In specific circumstances, the principal can be on a US military base or in a US embassy. RENA requires real-time, simultaneous communication between the eNotary and the remote principal using communications technology. RENA also establishes criteria that the technology has to meet.

RENA directs the Secretary of State to adopt rules on a large number of topics. The rules must fulfill the purposes of the Notary Public Act, including:

To simplify, clarify, and modernize the law governing notaries,

To prevent fraud and forgery,

To foster ethical conduct among notaries,

To enhance interstate recognition of notarial acts, and

To integrate procedures for all of the following notarial acts: Traditional paper, electronic notarization, and remote electronic notarization.

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1. Mental incapacity of the principal;

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By enhancing reliability, the Secretary facilitates economic growth while reducing costly and avoidable litigation.

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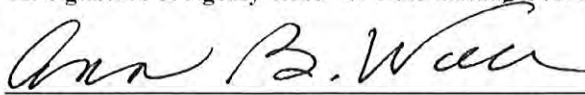
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The Department has to date expended in excess of 5000 hours in connection with the rulemaking efforts. While recognizing the need for positions to conduct the rulemaking, the General Assembly has not appropriated funds to support the rulemaking effort mandated by statute in 2022, despite repeated Departmental requests. Departmental allocation of resources to the mandatory rulemaking has come at the expense of performing other Departmental duties.

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: N.C. Department of the Secretary of State	
2. Rule citation & name (name not required for repeal): 18 NCAC 07F .1111 - CONTENT OF NOTICE	
3. Action: <input checked="" type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READOPTIO N <input type="checkbox"/> REPEAL THROUGH READOPTIO N	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
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9. REASON FOR ACTION	
9A. What prompted this action? Check all that apply: <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: <input checked="" type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: S.L. 2022-54; S.L. 2023-57; S.L. 2023-124 <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other:	
9B. Explain: See attached	
10. Rulemaking Coordinator: Ann B. Wall Ann B. Wall Phone: (919) 814-5310 E-Mail: awall@sosnc.gov Additional agency contact, if any: Ann Elmore Phone: (919) 814-5521 E-Mail: aelmore@sosnc.gov	11. Signature of Agency Head* or Rule-making Coordinator:  <hr/> *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: Ann B. Wall Title: General Counsel and Rulemaking Coordinator
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	

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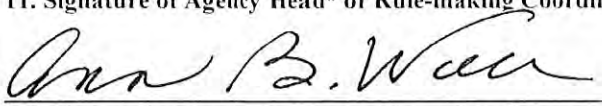
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SUBMISSION FOR PERMANENT RULE

ORIGINAL

11/9/2023

1. Rule-Making Agency: N.C. Department of the Secretary of State	
2. Rule citation & name (name not required for repeal): 18 NCAC 071 .0102 - DEFINITIONS	
3. Action: <input checked="" type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READoption <input type="checkbox"/> REPEAL THROUGH READoption	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
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9A. What prompted this action? Check all that apply: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: </div> <div style="width: 45%;"> <input checked="" type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: S.L. 2022-54; S.L. 2023-57; S.L. 2023-124 <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other: </div> </div>	
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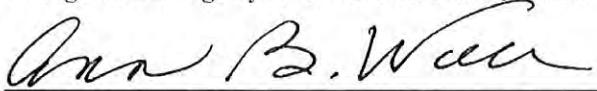
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11/8/2023

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: N.C. Department of the Secretary of State	
2. Rule citation & name (name not required for repeal): 18 NCAC 071 .0103 - JOURNAL REQUIREMENT	
3. Action: <input checked="" type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL THROUGH READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: August 15, 2023 Link to Agency notice: https://sosnc.gov/divisions/general_counsel/open_rulemaking_phase_one_rulemaking Hearing on: September 19, 2023 Adoption by Agency on: November 8, 2023 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input type="checkbox"/> This Rule was part of a combined analysis. <input checked="" type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input checked="" type="checkbox"/> Approved by OSBM <input type="checkbox"/> No fiscal note required
9. REASON FOR ACTION	
9A. What prompted this action? Check all that apply: <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: <input checked="" type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: S.L. 2022-54; S.L. 2023-57; S.L. 2023-124 <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other:	
9B. Explain: See attached	
10. Rulemaking Coordinator: Ann B. Wall Ann B. Wall Phone: (919) 814-5310 E-Mail: awall@sosnc.gov Additional agency contact, if any: Ann Elmore Phone: (919) 814-5521 E-Mail: aelmore@sosnc.gov	11. Signature of Agency Head* or Rule-making Coordinator:  <hr/> *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: Ann B. Wall Title: General Counsel and Rulemaking Coordinator
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	

Attachment to Form 0400 for Permanent Rule:

Question 9(b). Explain:

The Remote Electronic Notarization Act (RENA) was effective on July 8, 2022, S.L. 2022- 54. RENA primarily amends Article 2 of Chapter 10B of the NC General Statutes, the Notary Public Act. RENA has subsequently been amended twice, by S.L. 2023-57 and S.L. 2023-124.

Adoption of RENA was a direct outcome of the global pandemic. The pandemic increased the remote conduct of economic activity. The pandemic also established the need to conduct crucial business, legal, healthcare, and other transactions safely, securely, and efficiently in the rapidly changing remote environment.

The Notary Public Act sets requirements to become a traditional notary public, a public official. A traditional notary public performs notarial acts during an in-person meeting with the principal. A traditional notary must identify the principal using one of three specific methods. The Act and rules govern the conduct of the notary and how to become a notary instructor. Article 2 of the Act governs electronic notaries public (e-Notaries or eNotary). Like a traditional notary, an eNotary performs notarial acts during an in-person meeting. The eNotary uses technology to electronically notarize the principal's electronic signature. An electronic notary has to comply with most traditional notary requirements. The Act also regulates the technology used by the eNotary to perform electronic notarial acts.

RENA allows an NC notary, specifically an eNotary, who is physically located in NC, to perform remote electronic notarizations for a remotely located principal. A remotely located principal can physically be anywhere in the United States or its territories. In specific circumstances, the principal can be on a US military base or in a US embassy. RENA requires real-time, simultaneous communication between the eNotary and the remote principal using communications technology. RENA also establishes criteria that the technology has to meet.

RENA directs the Secretary of State to adopt rules on a large number of topics. The rules must fulfill the purposes of the Notary Public Act, including:

To simplify, clarify, and modernize the law governing notaries,

To prevent fraud and forgery,

To foster ethical conduct among notaries,

To enhance interstate recognition of notarial acts, and

To integrate procedures for all of the following notarial acts: Traditional paper, electronic notarization, and remote electronic notarization.

The Department seeks to adopt rules that will promote public confidence in the reliability of signatures and the identification of remotely located principals. These rules will help to ensure that transactions are not repudiated as a result of:

1. Mental incapacity of the principal;

2. Coercion or duress; or

3. Fraud.

By enhancing reliability, the Secretary facilitates economic growth while reducing costly and avoidable litigation.

In order to achieve these goals, the Secretary promulgated two Advance Notices of Proposed Rulemaking (ANPRs). The ANPRs were published on the Department's website and emailed to stakeholders and others. The ANPRs requested comments on a number of issues that are unclear in RENA. The first ANPR focused primarily on issues related to the eNotary and the

remote electronic notarial act. The second ANPR focused on issues related to the technology notaries will use to perform remote electronic notarial acts.

RENA requirements for remote electronic notarial acts (RENs) are based on requirements for traditional notaries and notarial acts, as well as the requirements for eNotaries and electronic notarial acts. To the extent feasible, the RENA rules, must, therefore, harmonize the requirements for traditional notaries, eNotaries, and eNotaries performing remote electronic notarial acts.

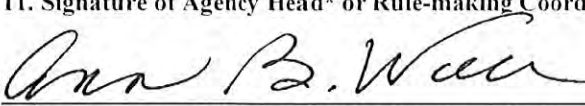
Due to the scope and scale of the requirements for this rulemaking process, the Secretary will propose the rules in three sets. This first set of proposed rules deals with fundamental issues related to all three methods of performing notarial acts and to establishing certain common rules. This is that first set of rules. The proposed rule amendments, adoptions, and repeals in this first set involve Subchapters B, F, I, and K of 18 NCAC 07. G.S. 150B-21.3A separately requires all state agencies to review existing rules every ten years in accordance with a prescribed process that includes rule readoption. Many of the existing notary rules are nearing the end of their decadal cycle and thus are due for review and readoption. This first set of rules is undertaken to satisfy both the requirements of RENA and G.S. 150B-21.3A.

The second set of rules will primarily focus on revising existing rules. The final set of rules will be focused primarily on the technology used to perform remote electronic notarial acts and the licensure and approval of the providers of that technology.

The Department has to date expended in excess of 5000 hours in connection with the rulemaking efforts. While recognizing the need for positions to conduct the rulemaking, the General Assembly has not appropriated funds to support the rulemaking effort mandated by statute in 2022, despite repeated Departmental requests. Departmental allocation of resources to the mandatory rulemaking has come at the expense of performing other Departmental duties.

11/8/2023

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: N.C. Department of the Secretary of State	
2. Rule citation & name (name not required for repeal): 18 NCAC 071 .0104 - JOURNAL OWNERSHIP	
3. Action: <input checked="" type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL THROUGH READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
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7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input type="checkbox"/> This Rule was part of a combined analysis. <input checked="" type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input checked="" type="checkbox"/> Approved by OSBM <input type="checkbox"/> No fiscal note required
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9B. Explain: See attached	
10. Rulemaking Coordinator: Ann B. Wall Ann B. Wall Phone: (919) 814-5310 E-Mail: awall@sosnc.gov Additional agency contact, if any: Ann Elmore Phone: (919) 814-5521 E-Mail: aelmore@sosnc.gov	11. Signature of Agency Head* or Rule-making Coordinator:  *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: Ann B. Wall Title: General Counsel and Rulemaking Coordinator
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	

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Adoption of RENA was a direct outcome of the global pandemic. The pandemic increased the remote conduct of economic activity. The pandemic also established the need to conduct crucial business, legal, healthcare, and other transactions safely, securely, and efficiently in the rapidly changing remote environment.

The Notary Public Act sets requirements to become a traditional notary public, a public official. A traditional notary public performs notarial acts during an in-person meeting with the principal. A traditional notary must identify the principal using one of three specific methods. The Act and rules govern the conduct of the notary and how to become a notary instructor. Article 2 of the Act governs electronic notaries public (e-Notaries or eNotary). Like a traditional notary, an eNotary performs notarial acts during an in-person meeting. The eNotary uses technology to electronically notarize the principal's electronic signature. An electronic notary has to comply with most traditional notary requirements. The Act also regulates the technology used by the eNotary to perform electronic notarial acts.

RENA allows an NC notary, specifically an eNotary, who is physically located in NC, to perform remote electronic notarizations for a remotely located principal. A remotely located principal can physically be anywhere in the United States or its territories. In specific circumstances, the principal can be on a US military base or in a US embassy. RENA requires real-time, simultaneous communication between the eNotary and the remote principal using communications technology. RENA also establishes criteria that the technology has to meet.

RENA directs the Secretary of State to adopt rules on a large number of topics. The rules must fulfill the purposes of the Notary Public Act, including:

To simplify, clarify, and modernize the law governing notaries,

To prevent fraud and forgery,

To foster ethical conduct among notaries,

To enhance interstate recognition of notarial acts, and

To integrate procedures for all of the following notarial acts: Traditional paper, electronic notarization, and remote electronic notarization.

The Department seeks to adopt rules that will promote public confidence in the reliability of signatures and the identification of remotely located principals. These rules will help to ensure that transactions are not repudiated as a result of:

1. Mental incapacity of the principal;

2. Coercion or duress; or

3. Fraud.

By enhancing reliability, the Secretary facilitates economic growth while reducing costly and avoidable litigation.

In order to achieve these goals, the Secretary promulgated two Advance Notices of Proposed Rulemaking (ANPRs). The ANPRs were published on the Department's website and emailed to stakeholders and others. The ANPRs requested comments on a number of issues that are unclear in RENA. The first ANPR focused primarily on issues related to the eNotary and the

remote electronic notarial act. The second ANPR focused on issues related to the technology notaries will use to perform remote electronic notarial acts.

RENA requirements for remote electronic notarial acts (RENs) are based on requirements for traditional notaries and notarial acts, as well as the requirements for eNotaries and electronic notarial acts. To the extent feasible, the RENA rules, must, therefore, harmonize the requirements for traditional notaries, eNotaries, and eNotaries performing remote electronic notarial acts.

Due to the scope and scale of the requirements for this rulemaking process, the Secretary will propose the rules in three sets. This first set of proposed rules deals with fundamental issues related to all three methods of performing notarial acts and to establishing certain common rules. This is that first set of rules. The proposed rule amendments, adoptions, and repeals in this first set involve Subchapters B, F, I, and K of 18 NCAC 07. G.S. 150B-21.3A separately requires all state agencies to review existing rules every ten years in accordance with a prescribed process that includes rule readoption. Many of the existing notary rules are nearing the end of their decadal cycle and thus are due for review and readoption. This first set of rules is undertaken to satisfy both the requirements of RENA and G.S. 150B-21.3A.

The second set of rules will primarily focus on revising existing rules. The final set of rules will be focused primarily on the technology used to perform remote electronic notarial acts and the licensure and approval of the providers of that technology.

The Department has to date expended in excess of 5000 hours in connection with the rulemaking efforts. While recognizing the need for positions to conduct the rulemaking, the General Assembly has not appropriated funds to support the rulemaking effort mandated by statute in 2022, despite repeated Departmental requests. Departmental allocation of resources to the mandatory rulemaking has come at the expense of performing other Departmental duties.

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In order to achieve these goals, the Secretary promulgated two Advance Notices of Proposed Rulemaking (ANPRs). The ANPRs were published on the Department's website and emailed to stakeholders and others. The ANPRs requested comments on a number of issues that are unclear in RENA. The first ANPR focused primarily on issues related to the eNotary and the

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Attachment to Form 0400 for Permanent Rule:

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2. Coercion or duress; or

3. Fraud.

By enhancing reliability, the Secretary facilitates economic growth while reducing costly and avoidable litigation.

In order to achieve these goals, the Secretary promulgated two Advance Notices of Proposed Rulemaking (ANPRs). The ANPRs were published on the Department's website and emailed to stakeholders and others. The ANPRs requested comments on a number of issues that are unclear in RENA. The first ANPR focused primarily on issues related to the eNotary and the

remote electronic notarial act. The second ANPR focused on issues related to the technology notaries will use to perform remote electronic notarial acts.

RENA requirements for remote electronic notarial acts (RENs) are based on requirements for traditional notaries and notarial acts, as well as the requirements for eNotaries and electronic notarial acts. To the extent feasible, the RENA rules, must, therefore, harmonize the requirements for traditional notaries, eNotaries, and eNotaries performing remote electronic notarial acts.

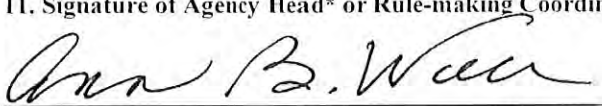
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The Department has to date expended in excess of 5000 hours in connection with the rulemaking efforts. While recognizing the need for positions to conduct the rulemaking, the General Assembly has not appropriated funds to support the rulemaking effort mandated by statute in 2022, despite repeated Departmental requests. Departmental allocation of resources to the mandatory rulemaking has come at the expense of performing other Departmental duties.

SUBMISSION FOR PERMANENT RULE

ORIGINAL
11/18/2023

1. Rule-Making Agency: N.C. Department of the Secretary of State	
2. Rule citation & name (name not required for repeal): 18 NCAC 071 .0107 - ACCESS TO THE JOURNAL	
3. Action: <input checked="" type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL THROUGH READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: August 15, 2023 Link to Agency notice: https://sosnc.gov/divisions/general_counsel/open_rulemaking_phase_one_rulemaking Hearing on: September 19, 2023 Adoption by Agency on: November 8, 2023 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
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9A. What prompted this action? Check all that apply: <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: <input checked="" type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: S.L. 2022-54; S.L. 2023-57; S.L. 2023-124 <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other:	
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10. Rulemaking Coordinator: Ann B. Wall Ann B. Wall Phone: (919) 814-5310 E-Mail: awall@sosnc.gov Additional agency contact, if any: Ann Elmore Phone: (919) 814-5521 E-Mail: aelmore@sosnc.gov	11. Signature of Agency Head* or Rule-making Coordinator:  *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: Ann B. Wall Title: General Counsel and Rulemaking Coordinator
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	

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3. Fraud.

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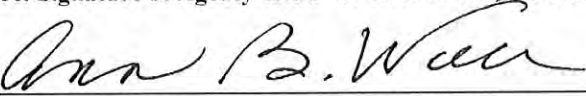
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11/9/2023

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: N.C. Department of the Secretary of State	
2. Rule citation & name (name not required for repeal): 18 NCAC 071 .0201 - FORM OF TRADITIONAL NOTARY JOURNAL	
3. Action: <input checked="" type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL THROUGH READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: August 15, 2023 Link to Agency notice: https://sosnc.gov/divisions/general_counsel/open_rulemaking_phase_one_rulemaking Hearing on: September 19, 2023 Adoption by Agency on: November 8, 2023 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input type="checkbox"/> This Rule was part of a combined analysis. <input checked="" type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input checked="" type="checkbox"/> Approved by OSBM <input type="checkbox"/> No fiscal note required
9. REASON FOR ACTION	
9A. What prompted this action? Check all that apply: <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: <input checked="" type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: S.L. 2022-54; S.L. 2023-57; S.L. 2023-124 <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other:	
9B. Explain: See attached	
10. Rulemaking Coordinator: Ann B. Wall Ann B. Wall Phone: (919) 814-5310 E-Mail: awall@sosnc.gov Additional agency contact, if any: Ann Elmore Phone: (919) 814-5521 E-Mail: aelmore@sosnc.gov	11. Signature of Agency Head* or Rule-making Coordinator:  *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: Ann B. Wall Title: General Counsel and Rulemaking Coordinator
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	

Attachment to Form 0400 for Permanent Rule:

Question 9(b). Explain:

The Remote Electronic Notarization Act (RENA) was effective on July 8, 2022, S.L. 2022- 54. RENA primarily amends Article 2 of Chapter 10B of the NC General Statutes, the Notary Public Act. RENA has subsequently been amended twice, by S.L. 2023-57 and S.L. 2023-124.

Adoption of RENA was a direct outcome of the global pandemic. The pandemic increased the remote conduct of economic activity. The pandemic also established the need to conduct crucial business, legal, healthcare, and other transactions safely, securely, and efficiently in the rapidly changing remote environment.

The Notary Public Act sets requirements to become a traditional notary public, a public official. A traditional notary public performs notarial acts during an in-person meeting with the principal. A traditional notary must identify the principal using one of three specific methods. The Act and rules govern the conduct of the notary and how to become a notary instructor. Article 2 of the Act governs electronic notaries public (e-Notaries or eNotary). Like a traditional notary, an eNotary performs notarial acts during an in-person meeting. The eNotary uses technology to electronically notarize the principal's electronic signature. An electronic notary has to comply with most traditional notary requirements. The Act also regulates the technology used by the eNotary to perform electronic notarial acts.

RENA allows an NC notary, specifically an eNotary, who is physically located in NC, to perform remote electronic notarizations for a remotely located principal. A remotely located principal can physically be anywhere in the United States or its territories. In specific circumstances, the principal can be on a US military base or in a US embassy. RENA requires real-time, simultaneous communication between the eNotary and the remote principal using communications technology. RENA also establishes criteria that the technology has to meet.

RENA directs the Secretary of State to adopt rules on a large number of topics. The rules must fulfill the purposes of the Notary Public Act, including:

To simplify, clarify, and modernize the law governing notaries,

To prevent fraud and forgery,

To foster ethical conduct among notaries,

To enhance interstate recognition of notarial acts, and

To integrate procedures for all of the following notarial acts: Traditional paper, electronic notarization, and remote electronic notarization.

The Department seeks to adopt rules that will promote public confidence in the reliability of signatures and the identification of remotely located principals. These rules will help to ensure that transactions are not repudiated as a result of:

1. Mental incapacity of the principal;

2. Coercion or duress; or

3. Fraud.

By enhancing reliability, the Secretary facilitates economic growth while reducing costly and avoidable litigation.

In order to achieve these goals, the Secretary promulgated two Advance Notices of Proposed Rulemaking (ANPRs). The ANPRs were published on the Department's website and emailed to stakeholders and others. The ANPRs requested comments on a number of issues that are unclear in RENA. The first ANPR focused primarily on issues related to the eNotary and the

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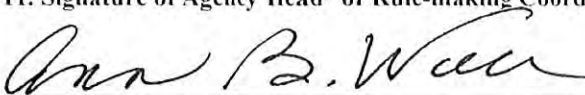
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SUBMISSION FOR PERMANENT RULE

ORIGINAL
11/8/2023

1. Rule-Making Agency: N.C. Department of the Secretary of State	
2. Rule citation & name (name not required for repeal): 18 NCAC 071 .0202 - FORM OF ELECTRONIC NOTARY JOURNAL	
3. Action: <input checked="" type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL THROUGH READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
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9B. Explain: See attached	
10. Rulemaking Coordinator: Ann B. Wall Ann B. Wall Phone: (919) 814-5310 E-Mail: awall@sosnc.gov Additional agency contact, if any: Ann Elmore Phone: (919) 814-5521 E-Mail: aelmore@sosnc.gov	11. Signature of Agency Head* or Rule-making Coordinator:  <hr/> *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: Ann B. Wall Title: General Counsel and Rulemaking Coordinator
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	

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To prevent fraud and forgery,

To foster ethical conduct among notaries,

To enhance interstate recognition of notarial acts, and

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By enhancing reliability, the Secretary facilitates economic growth while reducing costly and avoidable litigation.

In order to achieve these goals, the Secretary promulgated two Advance Notices of Proposed Rulemaking (ANPRs). The ANPRs were published on the Department's website and emailed to stakeholders and others. The ANPRs requested comments on a number of issues that are unclear in RENA. The first ANPR focused primarily on issues related to the eNotary and the

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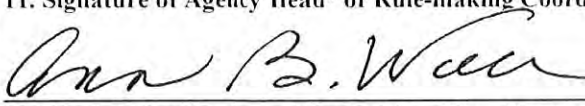
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SUBMISSION FOR PERMANENT RULE

ORIGINAL
11/8/2023

1. Rule-Making Agency: N.C. Department of the Secretary of State	
2. Rule citation & name (name not required for repeal): 18 NCAC 071 .0203 - COMBINED JOURNAL	
3. Action: <input checked="" type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL THROUGH READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
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7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input type="checkbox"/> This Rule was part of a combined analysis. <input checked="" type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input checked="" type="checkbox"/> Approved by OSBM <input type="checkbox"/> No fiscal note required
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9B. Explain: See attached	
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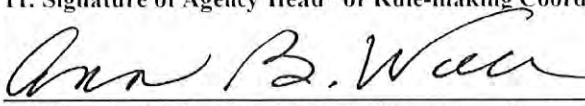
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SUBMISSION FOR PERMANENT RULE

ORIGINAL
11/8/2023

1. Rule-Making Agency: N.C. Department of the Secretary of State	
2. Rule citation & name (name not required for repeal): 18 NCAC 071 .0204 - ENTRIES IN A TANGIBLE JOURNAL	
3. Action: <input checked="" type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READOPTIO <input type="checkbox"/> REPEAL THROUGH READOPTIO	
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The Department has to date expended in excess of 5000 hours in connection with the rulemaking efforts. While recognizing the need for positions to conduct the rulemaking, the General Assembly has not appropriated funds to support the rulemaking effort mandated by statute in 2022, despite repeated Departmental requests. Departmental allocation of resources to the mandatory rulemaking has come at the expense of performing other Departmental duties.

SUBMISSION FOR PERMANENT RULE

ORIGINAL
11/8/2023

1. Rule-Making Agency: N.C. Department of the Secretary of State	
2. Rule citation & name (name not required for repeal): 18 NCAC 071 .0205 - REQUIREMENTS FOR A TANGIBLE JOURNAL	
3. Action: <input checked="" type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL THROUGH READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: August 15, 2023 Link to Agency notice: https://sosnc.gov/divisions/general_counsel/open_rulemaking_phase_one_rulemaking Hearing on: September 19, 2023 Adoption by Agency on: November 8, 2023 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input type="checkbox"/> This Rule was part of a combined analysis. <input checked="" type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input checked="" type="checkbox"/> Approved by OSBM <input type="checkbox"/> No fiscal note required
9. REASON FOR ACTION	
9A. What prompted this action? Check all that apply: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: </div> <div style="width: 45%;"> <input checked="" type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: S.L. 2022-54; S.L. 2023-57; S.L. 2023-124 <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other: </div> </div>	
9B. Explain: See attached	
10. Rulemaking Coordinator: Ann B. Wall Ann B. Wall Phone: (919) 814-5310 E-Mail: awall@sosnc.gov Additional agency contact, if any: Ann Elmore Phone: (919) 814-5521 E-Mail: aelmore@sosnc.gov	11. Signature of Agency Head* or Rule-making Coordinator: <div style="text-align: center; margin-top: 10px;"> </div> <hr style="width: 80%; margin: 0 auto;"/> *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: Ann B. Wall Title: General Counsel and Rulemaking Coordinator
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	

Attachment to Form 0400 for Permanent Rule:

Question 9(b). Explain:

The Remote Electronic Notarization Act (RENA) was effective on July 8, 2022, S.L. 2022- 54. RENA primarily amends Article 2 of Chapter 10B of the NC General Statutes, the Notary Public Act. RENA has subsequently been amended twice, by S.L. 2023-57 and S.L. 2023-124.

Adoption of RENA was a direct outcome of the global pandemic. The pandemic increased the remote conduct of economic activity. The pandemic also established the need to conduct crucial business, legal, healthcare, and other transactions safely, securely, and efficiently in the rapidly changing remote environment.

The Notary Public Act sets requirements to become a traditional notary public, a public official. A traditional notary public performs notarial acts during an in-person meeting with the principal. A traditional notary must identify the principal using one of three specific methods. The Act and rules govern the conduct of the notary and how to become a notary instructor. Article 2 of the Act governs electronic notaries public (e-Notaries or eNotary). Like a traditional notary, an eNotary performs notarial acts during an in-person meeting. The eNotary uses technology to electronically notarize the principal's electronic signature. An electronic notary has to comply with most traditional notary requirements. The Act also regulates the technology used by the eNotary to perform electronic notarial acts.

RENA allows an NC notary, specifically an eNotary, who is physically located in NC, to perform remote electronic notarizations for a remotely located principal. A remotely located principal can physically be anywhere in the United States or its territories. In specific circumstances, the principal can be on a US military base or in a US embassy. RENA requires real-time, simultaneous communication between the eNotary and the remote principal using communications technology. RENA also establishes criteria that the technology has to meet.

RENA directs the Secretary of State to adopt rules on a large number of topics. The rules must fulfill the purposes of the Notary Public Act, including:

To simplify, clarify, and modernize the law governing notaries,

To prevent fraud and forgery,

To foster ethical conduct among notaries,

To enhance interstate recognition of notarial acts, and

To integrate procedures for all of the following notarial acts: Traditional paper, electronic notarization, and remote electronic notarization.

The Department seeks to adopt rules that will promote public confidence in the reliability of signatures and the identification of remotely located principals. These rules will help to ensure that transactions are not repudiated as a result of:

1. Mental incapacity of the principal;

2. Coercion or duress; or

3. Fraud.

By enhancing reliability, the Secretary facilitates economic growth while reducing costly and avoidable litigation.

In order to achieve these goals, the Secretary promulgated two Advance Notices of Proposed Rulemaking (ANPRs). The ANPRs were published on the Department's website and emailed to stakeholders and others. The ANPRs requested comments on a number of issues that are unclear in RENA. The first ANPR focused primarily on issues related to the eNotary and the

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The second set of rules will primarily focus on revising existing rules. The final set of rules will be focused primarily on the technology used to perform remote electronic notarial acts and the licensure and approval of the providers of that technology.

The Department has to date expended in excess of 5000 hours in connection with the rulemaking efforts. While recognizing the need for positions to conduct the rulemaking, the General Assembly has not appropriated funds to support the rulemaking effort mandated by statute in 2022, despite repeated Departmental requests. Departmental allocation of resources to the mandatory rulemaking has come at the expense of performing other Departmental duties.

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By enhancing reliability, the Secretary facilitates economic growth while reducing costly and avoidable litigation.

In order to achieve these goals, the Secretary promulgated two Advance Notices of Proposed Rulemaking (ANPRs). The ANPRs were published on the Department's website and emailed to stakeholders and others. The ANPRs requested comments on a number of issues that are unclear in RENA. The first ANPR focused primarily on issues related to the eNotary and the

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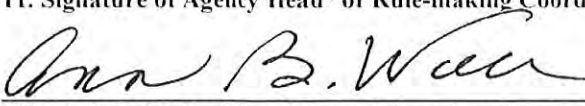
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SUBMISSION FOR PERMANENT RULE

ORIGINAL
11/8/2023

1. Rule-Making Agency: N.C. Department of the Secretary of State	
2. Rule citation & name (name not required for repeal): 18 NCAC 071 .0207 - ACTS INCLUDED IN JOURNAL	
3. Action: <input checked="" type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL THROUGH READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: August 15, 2023 Link to Agency notice: https://sosnc.gov/divisions/general_counsel/open_rulemaking_phase_one_rulemaking Hearing on: September 19, 2023 Adoption by Agency on: November 8, 2023 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input type="checkbox"/> This Rule was part of a combined analysis. <input checked="" type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input checked="" type="checkbox"/> Approved by OSBM <input type="checkbox"/> No fiscal note required
9. REASON FOR ACTION	
9A. What prompted this action? Check all that apply: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: </div> <div style="width: 45%;"> <input checked="" type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: S.L. 2022-54; S.L. 2023-57; S.L. 2023-124 <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other: </div> </div>	
9B. Explain: See attached	
10. Rulemaking Coordinator: Ann B. Wall Ann B. Wall Phone: (919) 814-5310 E-Mail: awall@sosnc.gov Additional agency contact, if any: Ann Elmore Phone: (919) 814-5521 E-Mail: aelmore@sosnc.gov	11. Signature of Agency Head* or Rule-making Coordinator: <div style="text-align: center; margin-top: 10px;">  </div> *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: Ann B. Wall Title: General Counsel and Rulemaking Coordinator
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	

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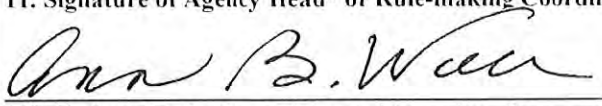
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SUBMISSION FOR PERMANENT RULE

11/8/2023
ORIGINAL

1. Rule-Making Agency: N.C. Department of the Secretary of State	
2. Rule citation & name (name not required for repeal): 18 NCAC 071 .0208 - DESIGNATION OF NOTARIAL ACT	
3. Action: <input checked="" type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL THROUGH READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
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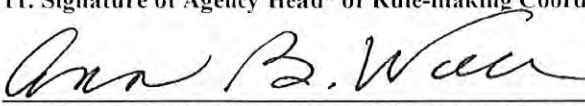
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SUBMISSION FOR PERMANENT RULE

ORIGINAL
11/9/2023

1. Rule-Making Agency: N.C. Department of the Secretary of State	
2. Rule citation & name (name not required for repeal): 18 NCAC 071 .0209 - EXCEPTION TO RULE .0208	
3. Action: <input checked="" type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL THROUGH READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: August 15, 2023 Link to Agency notice: https://sosnc.gov/divisions/general_counsel/open_rulemaking_phase_one_rulemaking Hearing on: September 19, 2023 Adoption by Agency on: November 8, 2023 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input type="checkbox"/> This Rule was part of a combined analysis. <input checked="" type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input checked="" type="checkbox"/> Approved by OSBM <input type="checkbox"/> No fiscal note required
9. REASON FOR ACTION	
9A. What prompted this action? Check all that apply: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: </div> <div style="width: 45%;"> <input checked="" type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: S.L. 2022-54; S.L. 2023-57; S.L. 2023-124 <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other: </div> </div>	
9B. Explain: See attached	
10. Rulemaking Coordinator: Ann B. Wall Ann B. Wall Phone: (919) 814-5310 E-Mail: awall@sosnc.gov Additional agency contact, if any: Ann Elmore Phone: (919) 814-5521 E-Mail: aelmore@sosnc.gov	11. Signature of Agency Head* or Rule-making Coordinator: <div style="text-align: center; margin-top: 10px;">  </div> *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: Ann B. Wall Title: General Counsel and Rulemaking Coordinator
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	

Attachment to Form 0400 for Permanent Rule:

Question 9(b). Explain:

The Remote Electronic Notarization Act (RENA) was effective on July 8, 2022, S.L. 2022- 54. RENA primarily amends Article 2 of Chapter 10B of the NC General Statutes, the Notary Public Act. RENA has subsequently been amended twice, by S.L. 2023-57 and S.L. 2023-124.

Adoption of RENA was a direct outcome of the global pandemic. The pandemic increased the remote conduct of economic activity. The pandemic also established the need to conduct crucial business, legal, healthcare, and other transactions safely, securely, and efficiently in the rapidly changing remote environment.

The Notary Public Act sets requirements to become a traditional notary public, a public official. A traditional notary public performs notarial acts during an in-person meeting with the principal. A traditional notary must identify the principal using one of three specific methods. The Act and rules govern the conduct of the notary and how to become a notary instructor. Article 2 of the Act governs electronic notaries public (e-Notaries or eNotary). Like a traditional notary, an eNotary performs notarial acts during an in-person meeting. The eNotary uses technology to electronically notarize the principal's electronic signature. An electronic notary has to comply with most traditional notary requirements. The Act also regulates the technology used by the eNotary to perform electronic notarial acts.

RENA allows an NC notary, specifically an eNotary, who is physically located in NC, to perform remote electronic notarizations for a remotely located principal. A remotely located principal can physically be anywhere in the United States or its territories. In specific circumstances, the principal can be on a US military base or in a US embassy. RENA requires real-time, simultaneous communication between the eNotary and the remote principal using communications technology. RENA also establishes criteria that the technology has to meet.

RENA directs the Secretary of State to adopt rules on a large number of topics. The rules must fulfill the purposes of the Notary Public Act, including:

To simplify, clarify, and modernize the law governing notaries,

To prevent fraud and forgery,

To foster ethical conduct among notaries,

To enhance interstate recognition of notarial acts, and

To integrate procedures for all of the following notarial acts: Traditional paper, electronic notarization, and remote electronic notarization.

The Department seeks to adopt rules that will promote public confidence in the reliability of signatures and the identification of remotely located principals. These rules will help to ensure that transactions are not repudiated as a result of:

1. Mental incapacity of the principal;

2. Coercion or duress; or

3. Fraud.

By enhancing reliability, the Secretary facilitates economic growth while reducing costly and avoidable litigation.

In order to achieve these goals, the Secretary promulgated two Advance Notices of Proposed Rulemaking (ANPRs). The ANPRs were published on the Department's website and emailed to stakeholders and others. The ANPRs requested comments on a number of issues that are unclear in RENA. The first ANPR focused primarily on issues related to the eNotary and the

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RENA requirements for remote electronic notarial acts (RENs) are based on requirements for traditional notaries and notarial acts, as well as the requirements for eNotaries and electronic notarial acts. To the extent feasible, the RENA rules, must, therefore, harmonize the requirements for traditional notaries, eNotaries, and eNotaries performing remote electronic notarial acts.

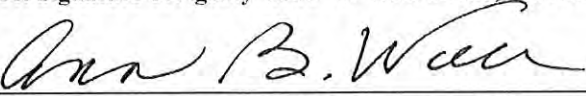
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The second set of rules will primarily focus on revising existing rules. The final set of rules will be focused primarily on the technology used to perform remote electronic notarial acts and the licensure and approval of the providers of that technology.

The Department has to date expended in excess of 5000 hours in connection with the rulemaking efforts. While recognizing the need for positions to conduct the rulemaking, the General Assembly has not appropriated funds to support the rulemaking effort mandated by statute in 2022, despite repeated Departmental requests. Departmental allocation of resources to the mandatory rulemaking has come at the expense of performing other Departmental duties.

SUBMISSION FOR PERMANENT RULE

ORIGINAL
11/19/2023

1. Rule-Making Agency: N.C. Department of the Secretary of State	
2. Rule citation & name (name not required for repeal): 18 NCAC 071 .0210 - DESIGNATION OF TYPE OF NOTARIAL ACT	
3. Action: <input checked="" type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL THROUGH READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
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7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input type="checkbox"/> This Rule was part of a combined analysis. <input checked="" type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input checked="" type="checkbox"/> Approved by OSBM <input type="checkbox"/> No fiscal note required
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9B. Explain: See attached	
10. Rulemaking Coordinator: Ann B. Wall Ann B. Wall Phone: (919) 814-5310 E-Mail: awall@sosnc.gov Additional agency contact, if any: Ann Elmore Phone: (919) 814-5521 E-Mail: aelmore@sosnc.gov	11. Signature of Agency Head* or Rule-making Coordinator:  *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: Ann B. Wall Title: General Counsel and Rulemaking Coordinator
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To foster ethical conduct among notaries,

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1. Mental incapacity of the principal;

2. Coercion or duress; or

3. Fraud.

By enhancing reliability, the Secretary facilitates economic growth while reducing costly and avoidable litigation.

In order to achieve these goals, the Secretary promulgated two Advance Notices of Proposed Rulemaking (ANPRs). The ANPRs were published on the Department's website and emailed to stakeholders and others. The ANPRs requested comments on a number of issues that are unclear in RENA. The first ANPR focused primarily on issues related to the eNotary and the

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RENA requirements for remote electronic notarial acts (RENs) are based on requirements for traditional notaries and notarial acts, as well as the requirements for eNotaries and electronic notarial acts. To the extent feasible, the RENA rules, must, therefore, harmonize the requirements for traditional notaries, eNotaries, and eNotaries performing remote electronic notarial acts.

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SUBMISSION FOR PERMANENT RULE

JOURNAL
11/9/2023

1. Rule-Making Agency: N.C. Department of the Secretary of State	
2. Rule citation & name (name not required for repeal): 18 NCAC 071 .0211 - JOURNAL MAY COMBINE EMPLOYER-RELATED AND NON-EMPLOYER ACTS	
3. Action: <input checked="" type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL THROUGH READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
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RRC AND OAH USE ONLY	
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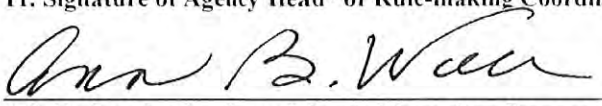
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SUBMISSION FOR PERMANENT RULE

ORIGINAL
11/8/2023

1. Rule-Making Agency: N.C. Department of the Secretary of State	
2. Rule citation & name (name not required for repeal): 18 NCAC 071 .0212 - JOURNAL RETENTION PERIOD	
3. Action: <input checked="" type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL THROUGH READOPTION	
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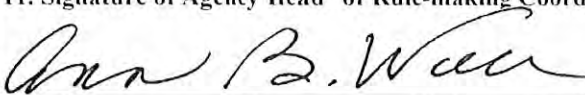
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The Department has to date expended in excess of 5000 hours in connection with the rulemaking efforts. While recognizing the need for positions to conduct the rulemaking, the General Assembly has not appropriated funds to support the rulemaking effort mandated by statute in 2022, despite repeated Departmental requests. Departmental allocation of resources to the mandatory rulemaking has come at the expense of performing other Departmental duties.

SUBMISSION FOR PERMANENT RULE

ORIGINAL
11/8/2023

1. Rule-Making Agency: N.C. Department of the Secretary of State	
2. Rule citation & name (name not required for repeal): 18 NCAC 071 .0301 - CONTENTS OF JOURNAL FOR CANCELED ACT	
3. Action: <input checked="" type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL THROUGH READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: August 15, 2023 Link to Agency notice: https://sosnc.gov/divisions/general_counsel/open_rulemaking_phase_one_rulemaking Hearing on: September 19, 2023 Adoption by Agency on: November 8, 2023 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input type="checkbox"/> This Rule was part of a combined analysis. <input checked="" type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input checked="" type="checkbox"/> Approved by OSBM <input type="checkbox"/> No fiscal note required
9. REASON FOR ACTION	
9A. What prompted this action? Check all that apply: <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: <input checked="" type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: S.L. 2022-54; S.L. 2023-57; S.L. 2023-124 <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other:	
9B. Explain: See attached	
10. Rulemaking Coordinator: Ann B. Wall Ann B. Wall Phone: (919) 814-5310 E-Mail: awall@sosnc.gov Additional agency contact, if any: Ann Elmore Phone: (919) 814-5521 E-Mail: aelmore@sosnc.gov	11. Signature of Agency Head* or Rule-making Coordinator:  *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: Ann B. Wall Title: General Counsel and Rulemaking Coordinator
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	

Attachment to Form 0400 for Permanent Rule:

Question 9(b). Explain:

The Remote Electronic Notarization Act (RENA) was effective on July 8, 2022, S.L. 2022- 54. RENA primarily amends Article 2 of Chapter 10B of the NC General Statutes, the Notary Public Act. RENA has subsequently been amended twice, by S.L. 2023-57 and S.L. 2023-124.

Adoption of RENA was a direct outcome of the global pandemic. The pandemic increased the remote conduct of economic activity. The pandemic also established the need to conduct crucial business, legal, healthcare, and other transactions safely, securely, and efficiently in the rapidly changing remote environment.

The Notary Public Act sets requirements to become a traditional notary public, a public official. A traditional notary public performs notarial acts during an in-person meeting with the principal. A traditional notary must identify the principal using one of three specific methods. The Act and rules govern the conduct of the notary and how to become a notary instructor. Article 2 of the Act governs electronic notaries public (e-Notaries or eNotary). Like a traditional notary, an eNotary performs notarial acts during an in-person meeting. The eNotary uses technology to electronically notarize the principal's electronic signature. An electronic notary has to comply with most traditional notary requirements. The Act also regulates the technology used by the eNotary to perform electronic notarial acts.

RENA allows an NC notary, specifically an eNotary, who is physically located in NC, to perform remote electronic notarizations for a remotely located principal. A remotely located principal can physically be anywhere in the United States or its territories. In specific circumstances, the principal can be on a US military base or in a US embassy. RENA requires real-time, simultaneous communication between the eNotary and the remote principal using communications technology. RENA also establishes criteria that the technology has to meet.

RENA directs the Secretary of State to adopt rules on a large number of topics. The rules must fulfill the purposes of the Notary Public Act, including:

To simplify, clarify, and modernize the law governing notaries,

To prevent fraud and forgery,

To foster ethical conduct among notaries,

To enhance interstate recognition of notarial acts, and

To integrate procedures for all of the following notarial acts: Traditional paper, electronic notarization, and remote electronic notarization.

The Department seeks to adopt rules that will promote public confidence in the reliability of signatures and the identification of remotely located principals. These rules will help to ensure that transactions are not repudiated as a result of:

1. Mental incapacity of the principal;

2. Coercion or duress; or

3. Fraud.

By enhancing reliability, the Secretary facilitates economic growth while reducing costly and avoidable litigation.

In order to achieve these goals, the Secretary promulgated two Advance Notices of Proposed Rulemaking (ANPRs). The ANPRs were published on the Department's website and emailed to stakeholders and others. The ANPRs requested comments on a number of issues that are unclear in RENA. The first ANPR focused primarily on issues related to the eNotary and the

remote electronic notarial act. The second ANPR focused on issues related to the technology notaries will use to perform remote electronic notarial acts.

RENA requirements for remote electronic notarial acts (RENs) are based on requirements for traditional notaries and notarial acts, as well as the requirements for eNotaries and electronic notarial acts. To the extent feasible, the RENA rules, must, therefore, harmonize the requirements for traditional notaries, eNotaries, and eNotaries performing remote electronic notarial acts.

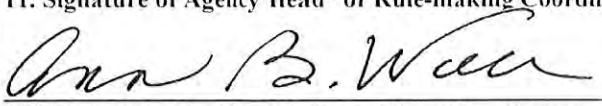
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The Department has to date expended in excess of 5000 hours in connection with the rulemaking efforts. While recognizing the need for positions to conduct the rulemaking, the General Assembly has not appropriated funds to support the rulemaking effort mandated by statute in 2022, despite repeated Departmental requests. Departmental allocation of resources to the mandatory rulemaking has come at the expense of performing other Departmental duties.

11/10/2023
ORIGINAL

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: N.C. Department of the Secretary of State	
2. Rule citation & name (name not required for repeal): 18 NCAC 071 .0302 - CONTENTS OF JOURNAL	
3. Action: <input checked="" type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READOPTIO <input type="checkbox"/> REPEAL THROUGH READOPTIO	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: August 15, 2023 Link to Agency notice: https://sosnc.gov/divisions/general_counsel/open_rulemaking_phase_one_rulemaking Hearing on: September 19, 2023 Adoption by Agency on: November 8, 2023 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input type="checkbox"/> This Rule was part of a combined analysis. <input checked="" type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input checked="" type="checkbox"/> Approved by OSBM <input type="checkbox"/> No fiscal note required
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9A. What prompted this action? Check all that apply: <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: <input checked="" type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: S.L. 2022-54; S.L. 2023-57; S.L. 2023-124 <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other:	
9B. Explain: See attached	
10. Rulemaking Coordinator: Ann B. Wall Ann B. Wall Phone: (919) 814-5310 E-Mail: awall@sosnc.gov Additional agency contact, if any: Ann Elmore Phone: (919) 814-5521 E-Mail: aelmore@sosnc.gov	11. Signature of Agency Head* or Rule-making Coordinator:  *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: Ann B. Wall Title: General Counsel and Rulemaking Coordinator
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	

Attachment to Form 0400 for Permanent Rule:

Question 9(b). Explain:

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RENA directs the Secretary of State to adopt rules on a large number of topics. The rules must fulfill the purposes of the Notary Public Act, including:

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To foster ethical conduct among notaries,

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1. Mental incapacity of the principal;

2. Coercion or duress; or

3. Fraud.

By enhancing reliability, the Secretary facilitates economic growth while reducing costly and avoidable litigation.

In order to achieve these goals, the Secretary promulgated two Advance Notices of Proposed Rulemaking (ANPRs). The ANPRs were published on the Department's website and emailed to stakeholders and others. The ANPRs requested comments on a number of issues that are unclear in RENA. The first ANPR focused primarily on issues related to the eNotary and the

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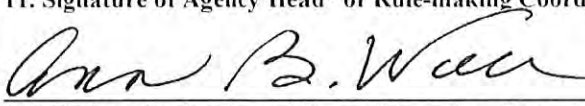
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SUBMISSION FOR PERMANENT RULE

ORIGINAL
11/9/2023

1. Rule-Making Agency: N.C. Department of the Secretary of State	
2. Rule citation & name (name not required for repeal): 18 NCAC 071 .0303 - ADDITIONAL JOURNAL CONTENTS FOR REMOTE ELECTRONIC NOTARIZATIONS	
3. Action: <input checked="" type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL THROUGH READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: August 15, 2023 Link to Agency notice: https://sosnc.gov/divisions/general_counsel/open_rulemaking_phase_one_rulemaking Hearing on: September 19, 2023 Adoption by Agency on: November 8, 2023 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input type="checkbox"/> This Rule was part of a combined analysis. <input checked="" type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input checked="" type="checkbox"/> Approved by OSBM <input type="checkbox"/> No fiscal note required
9. REASON FOR ACTION	
9A. What prompted this action? Check all that apply: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: </div> <div style="width: 45%;"> <input checked="" type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: S.L. 2022-54; S.L. 2023-57; S.L. 2023-124 <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other: </div> </div>	
9B. Explain: See attached	
10. Rulemaking Coordinator: Ann B. Wall Ann B. Wall Phone: (919) 814-5310 E-Mail: awall@sosnc.gov Additional agency contact, if any: Ann Elmore Phone: (919) 814-5521 E-Mail: aelmore@sosnc.gov	11. Signature of Agency Head* or Rule-making Coordinator:  *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: Ann B. Wall Title: General Counsel and Rulemaking Coordinator
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	

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In order to achieve these goals, the Secretary promulgated two Advance Notices of Proposed Rulemaking (ANPRs). The ANPRs were published on the Department's website and emailed to stakeholders and others. The ANPRs requested comments on a number of issues that are unclear in RENA. The first ANPR focused primarily on issues related to the eNotary and the

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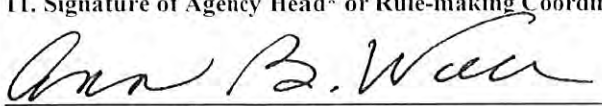
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SUBMISSION FOR PERMANENT RULE

ORIGINAL
11/10/2023

1. Rule-Making Agency: N.C. Department of the Secretary of State	
2. Rule citation & name (name not required for repeal): 18 NCAC 071 .0304 - EMPLOYER REQUEST FOR INCLUSION OF ADDITIONAL INFORMATION IN JOURNAL	
3. Action: <input checked="" type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL THROUGH READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
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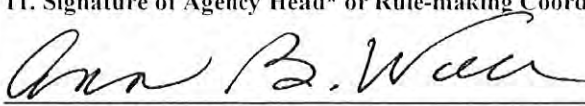
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The Department has to date expended in excess of 5000 hours in connection with the rulemaking efforts. While recognizing the need for positions to conduct the rulemaking, the General Assembly has not appropriated funds to support the rulemaking effort mandated by statute in 2022, despite repeated Departmental requests. Departmental allocation of resources to the mandatory rulemaking has come at the expense of performing other Departmental duties.

SUBMISSION FOR PERMANENT RULE

ORIGINAL
11/8/2023

1. Rule-Making Agency: N.C. Department of the Secretary of State	
2. Rule citation & name (name not required for repeal): 18 NCAC 071 .0305 PARTY REQUEST FOR INCLUSION OF ADDITIONAL INFORMATION IN JOURNAL FOR REMOTE ELECTRO	
3. Action: <input checked="" type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL THROUGH READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: August 15, 2023 Link to Agency notice: https://sosnc.gov/divisions/general_counsel/open_rulemaking_phase_one_rulemaking Hearing on: September 19, 2023 Adoption by Agency on: November 8, 2023 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input type="checkbox"/> This Rule was part of a combined analysis. <input checked="" type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input checked="" type="checkbox"/> Approved by OSBM <input type="checkbox"/> No fiscal note required
9. REASON FOR ACTION	
9A. What prompted this action? Check all that apply: <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: <input checked="" type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: S.L. 2022-54; S.L. 2023-57; S.L. 2023-124 <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other:	
9B. Explain: See attached	
10. Rulemaking Coordinator: Ann B. Wall Ann B. Wall Phone: (919) 814-5310 E-Mail: awall@sosnc.gov Additional agency contact, if any: Ann Elmore Phone: (919) 814-5521 E-Mail: aelmore@sosnc.gov	11. Signature of Agency Head* or Rule-making Coordinator:  *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: Ann B. Wall Title: General Counsel and Rulemaking Coordinator
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	

Attachment to Form 0400 for Permanent Rule:

Question 9(b). Explain:

The Remote Electronic Notarization Act (RENA) was effective on July 8, 2022, S.L. 2022- 54. RENA primarily amends Article 2 of Chapter 10B of the NC General Statutes, the Notary Public Act. RENA has subsequently been amended twice, by S.L. 2023-57 and S.L. 2023-124.

Adoption of RENA was a direct outcome of the global pandemic. The pandemic increased the remote conduct of economic activity. The pandemic also established the need to conduct crucial business, legal, healthcare, and other transactions safely, securely, and efficiently in the rapidly changing remote environment.

The Notary Public Act sets requirements to become a traditional notary public, a public official. A traditional notary public performs notarial acts during an in-person meeting with the principal. A traditional notary must identify the principal using one of three specific methods. The Act and rules govern the conduct of the notary and how to become a notary instructor. Article 2 of the Act governs electronic notaries public (e-Notaries or eNotary). Like a traditional notary, an eNotary performs notarial acts during an in-person meeting. The eNotary uses technology to electronically notarize the principal's electronic signature. An electronic notary has to comply with most traditional notary requirements. The Act also regulates the technology used by the eNotary to perform electronic notarial acts.

RENA allows an NC notary, specifically an eNotary, who is physically located in NC, to perform remote electronic notarizations for a remotely located principal. A remotely located principal can physically be anywhere in the United States or its territories. In specific circumstances, the principal can be on a US military base or in a US embassy. RENA requires real-time, simultaneous communication between the eNotary and the remote principal using communications technology. RENA also establishes criteria that the technology has to meet.

RENA directs the Secretary of State to adopt rules on a large number of topics. The rules must fulfill the purposes of the Notary Public Act, including:

To simplify, clarify, and modernize the law governing notaries,

To prevent fraud and forgery,

To foster ethical conduct among notaries,

To enhance interstate recognition of notarial acts, and

To integrate procedures for all of the following notarial acts: Traditional paper, electronic notarization, and remote electronic notarization.

The Department seeks to adopt rules that will promote public confidence in the reliability of signatures and the identification of remotely located principals. These rules will help to ensure that transactions are not repudiated as a result of:

1. Mental incapacity of the principal;

2. Coercion or duress; or

3. Fraud.

By enhancing reliability, the Secretary facilitates economic growth while reducing costly and avoidable litigation.

In order to achieve these goals, the Secretary promulgated two Advance Notices of Proposed Rulemaking (ANPRs). The ANPRs were published on the Department's website and emailed to stakeholders and others. The ANPRs requested comments on a number of issues that are unclear in RENA. The first ANPR focused primarily on issues related to the eNotary and the

remote electronic notarial act. The second ANPR focused on issues related to the technology notaries will use to perform remote electronic notarial acts.

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In order to achieve these goals, the Secretary promulgated two Advance Notices of Proposed Rulemaking (ANPRs). The ANPRs were published on the Department's website and emailed to stakeholders and others. The ANPRs requested comments on a number of issues that are unclear in RENA. The first ANPR focused primarily on issues related to the eNotary and the

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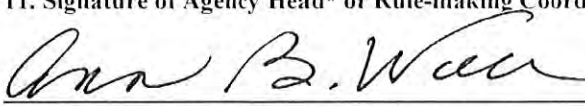
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SUBMISSION FOR PERMANENT RULE

ORIGINAL
11/8/2023

1. Rule-Making Agency: N.C. Department of the Secretary of State	
2. Rule citation & name (name not required for repeal): 18 NCAC 071 .0307 NOTARY SHALL NOT PROVIDE UNRELATED NOTARIAL ACT INFORMATION TO EMPLOYER	
3. Action: <input checked="" type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL THROUGH READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: August 15, 2023 Link to Agency notice: https://sosnc.gov/divisions/general_counsel/open_rulemaking_phase_one_rulemaking Hearing on: September 19, 2023 Adoption by Agency on: November 8, 2023 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input type="checkbox"/> This Rule was part of a combined analysis. <input checked="" type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input checked="" type="checkbox"/> Approved by OSBM <input type="checkbox"/> No fiscal note required
9. REASON FOR ACTION	
9A. What prompted this action? Check all that apply: <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: <input checked="" type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: S.L. 2022-54; S.L. 2023-57; S.L. 2023-124 <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other:	
9B. Explain: See attached	
10. Rulemaking Coordinator: Ann B. Wall Ann B. Wall Phone: (919) 814-5310 E-Mail: awall@sosnc.gov Additional agency contact, if any: Ann Elmore Phone: (919) 814-5521 E-Mail: aelmore@sosnc.gov	11. Signature of Agency Head* or Rule-making Coordinator:  *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: Ann B. Wall Title: General Counsel and Rulemaking Coordinator
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	

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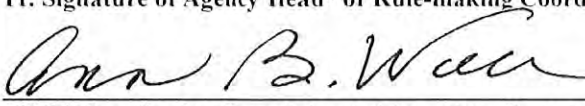
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SUBMISSION FOR PERMANENT RULE

11/8/2023
ORIGINAL

1. Rule-Making Agency: N.C. Department of the Secretary of State	
2. Rule citation & name (name not required for repeal): 18 NCAC 071 .0401 - MAINTAIN BACKUP COPY	
3. Action: <input checked="" type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL THROUGH READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: August 15, 2023 Link to Agency notice: https://sosnc.gov/divisions/general_counsel/open_rulemaking_phase_one_rulemaking Hearing on: September 19, 2023 Adoption by Agency on: November 8, 2023 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
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9. REASON FOR ACTION	
9A. What prompted this action? Check all that apply: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: </div> <div style="width: 45%;"> <input checked="" type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: S.L. 2022-54; S.L. 2023-57; S.L. 2023-124 <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other: </div> </div>	
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10. Rulemaking Coordinator: Ann B. Wall Ann B. Wall Phone: (919) 814-5310 E-Mail: awall@sosnc.gov Additional agency contact, if any: Ann Elmore Phone: (919) 814-5521 E-Mail: aelmore@sosnc.gov	11. Signature of Agency Head* or Rule-making Coordinator:  *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: Ann B. Wall Title: General Counsel and Rulemaking Coordinator
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RENA allows an NC notary, specifically an eNotary, who is physically located in NC, to perform remote electronic notarizations for a remotely located principal. A remotely located principal can physically be anywhere in the United States or its territories. In specific circumstances, the principal can be on a US military base or in a US embassy. RENA requires real-time, simultaneous communication between the eNotary and the remote principal using communications technology. RENA also establishes criteria that the technology has to meet.

RENA directs the Secretary of State to adopt rules on a large number of topics. The rules must fulfill the purposes of the Notary Public Act, including:

To simplify, clarify, and modernize the law governing notaries,

To prevent fraud and forgery,

To foster ethical conduct among notaries,

To enhance interstate recognition of notarial acts, and

To integrate procedures for all of the following notarial acts: Traditional paper, electronic notarization, and remote electronic notarization.

The Department seeks to adopt rules that will promote public confidence in the reliability of signatures and the identification of remotely located principals. These rules will help to ensure that transactions are not repudiated as a result of:

1. Mental incapacity of the principal;

2. Coercion or duress; or

3. Fraud.

By enhancing reliability, the Secretary facilitates economic growth while reducing costly and avoidable litigation.

In order to achieve these goals, the Secretary promulgated two Advance Notices of Proposed Rulemaking (ANPRs). The ANPRs were published on the Department's website and emailed to stakeholders and others. The ANPRs requested comments on a number of issues that are unclear in RENA. The first ANPR focused primarily on issues related to the eNotary and the

remote electronic notarial act. The second ANPR focused on issues related to the technology notaries will use to perform remote electronic notarial acts.

RENA requirements for remote electronic notarial acts (RENs) are based on requirements for traditional notaries and notarial acts, as well as the requirements for eNotaries and electronic notarial acts. To the extent feasible, the RENA rules, must, therefore, harmonize the requirements for traditional notaries, eNotaries, and eNotaries performing remote electronic notarial acts.

Due to the scope and scale of the requirements for this rulemaking process, the Secretary will propose the rules in three sets. This first set of proposed rules deals with fundamental issues related to all three methods of performing notarial acts and to establishing certain common rules. This is that first set of rules. The proposed rule amendments, adoptions, and repeals in this first set involve Subchapters B, F, I, and K of 18 NCAC 07. G.S. 150B-21.3A separately requires all state agencies to review existing rules every ten years in accordance with a prescribed process that includes rule readoption. Many of the existing notary rules are nearing the end of their decadal cycle and thus are due for review and readoption. This first set of rules is undertaken to satisfy both the requirements of RENA and G.S. 150B-21.3A.

The second set of rules will primarily focus on revising existing rules. The final set of rules will be focused primarily on the technology used to perform remote electronic notarial acts and the licensure and approval of the providers of that technology.

The Department has to date expended in excess of 5000 hours in connection with the rulemaking efforts. While recognizing the need for positions to conduct the rulemaking, the General Assembly has not appropriated funds to support the rulemaking effort mandated by statute in 2022, despite repeated Departmental requests. Departmental allocation of resources to the mandatory rulemaking has come at the expense of performing other Departmental duties.

Attachment to Form 0400 for Permanent Rule:

Question 9(b). Explain:

The Remote Electronic Notarization Act (RENA) was effective on July 8, 2022, S.L. 2022- 54. RENA primarily amends Article 2 of Chapter 10B of the NC General Statutes, the Notary Public Act. RENA has subsequently been amended twice, by S.L. 2023-57 and S.L. 2023-124.

Adoption of RENA was a direct outcome of the global pandemic. The pandemic increased the remote conduct of economic activity. The pandemic also established the need to conduct crucial business, legal, healthcare, and other transactions safely, securely, and efficiently in the rapidly changing remote environment.

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In order to achieve these goals, the Secretary promulgated two Advance Notices of Proposed Rulemaking (ANPRs). The ANPRs were published on the Department's website and emailed to stakeholders and others. The ANPRs requested comments on a number of issues that are unclear in RENA. The first ANPR focused primarily on issues related to the eNotary and the

remote electronic notarial act. The second ANPR focused on issues related to the technology notaries will use to perform remote electronic notarial acts.

RENA requirements for remote electronic notarial acts (RENs) are based on requirements for traditional notaries and notarial acts, as well as the requirements for eNotaries and electronic notarial acts. To the extent feasible, the RENA rules, must, therefore, harmonize the requirements for traditional notaries, eNotaries, and eNotaries performing remote electronic notarial acts.

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SUBMISSION FOR PERMANENT RULE



1. Rule-Making Agency: N.C. Department of the Secretary of State	
2. Rule citation & name (name not required for repeal): 18 NCAC 071 .0403 - PRINTING OUT OF ELECTRONIC JOURNAL ENTRIES	
3. Action: <input checked="" type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READoption <input type="checkbox"/> REPEAL THROUGH READoption	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: August 15, 2023 Link to Agency notice: https://sosnc.gov/divisions/general_counsel/open_rulemaking_phase_one_rulemaking Hearing on: September 19, 2023 Adoption by Agency on: November 8, 2023 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input type="checkbox"/> This Rule was part of a combined analysis. <input checked="" type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input checked="" type="checkbox"/> Approved by OSBM <input type="checkbox"/> No fiscal note required
9. REASON FOR ACTION	
9A. What prompted this action? Check all that apply: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: </div> <div style="width: 45%;"> <input checked="" type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: S.L. 2022-54; S.L. 2023-57; S.L. 2023-124 <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other: </div> </div>	
9B. Explain: See attached	
10. Rulemaking Coordinator: Ann B. Wall Ann B. Wall Phone: (919) 814-5310 E-Mail: awall@sosnc.gov Additional agency contact, if any: Ann Elmore Phone: (919) 814-5521 E-Mail: aelmore@sosnc.gov	11. Signature of Agency Head* or Rule-making Coordinator: <div style="text-align: center; margin-top: 10px;"> </div> <hr style="border: 0.5px solid black;"/> *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: Ann B. Wall Title: General Counsel and Rulemaking Coordinator
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	

Attachment to Form 0400 for Permanent Rule:

Question 9(b). Explain:

The Remote Electronic Notarization Act (RENA) was effective on July 8, 2022, S.L. 2022- 54. RENA primarily amends Article 2 of Chapter 10B of the NC General Statutes, the Notary Public Act. RENA has subsequently been amended twice, by S.L. 2023-57 and S.L. 2023-124.

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To simplify, clarify, and modernize the law governing notaries,

To prevent fraud and forgery,

To foster ethical conduct among notaries,

To enhance interstate recognition of notarial acts, and

To integrate procedures for all of the following notarial acts: Traditional paper, electronic notarization, and remote electronic notarization.

The Department seeks to adopt rules that will promote public confidence in the reliability of signatures and the identification of remotely located principals. These rules will help to ensure that transactions are not repudiated as a result of:

1. Mental incapacity of the principal;

2. Coercion or duress; or

3. Fraud.

By enhancing reliability, the Secretary facilitates economic growth while reducing costly and avoidable litigation.

In order to achieve these goals, the Secretary promulgated two Advance Notices of Proposed Rulemaking (ANPRs). The ANPRs were published on the Department's website and emailed to stakeholders and others. The ANPRs requested comments on a number of issues that are unclear in RENA. The first ANPR focused primarily on issues related to the eNotary and the

remote electronic notarial act. The second ANPR focused on issues related to the technology notaries will use to perform remote electronic notarial acts.

RENA requirements for remote electronic notarial acts (RENs) are based on requirements for traditional notaries and notarial acts, as well as the requirements for eNotaries and electronic notarial acts. To the extent feasible, the RENA rules, must, therefore, harmonize the requirements for traditional notaries, eNotaries, and eNotaries performing remote electronic notarial acts.

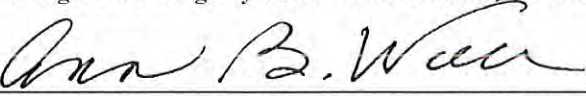
Due to the scope and scale of the requirements for this rulemaking process, the Secretary will propose the rules in three sets. This first set of proposed rules deals with fundamental issues related to all three methods of performing notarial acts and to establishing certain common rules. This is that first set of rules. The proposed rule amendments, adoptions, and repeals in this first set involve Subchapters B, F, I, and K of 18 NCAC 07. G.S. 150B-21.3A separately requires all state agencies to review existing rules every ten years in accordance with a prescribed process that includes rule readoption. Many of the existing notary rules are nearing the end of their decadal cycle and thus are due for review and readoption. This first set of rules is undertaken to satisfy both the requirements of RENA and G.S. 150B-21.3A.

The second set of rules will primarily focus on revising existing rules. The final set of rules will be focused primarily on the technology used to perform remote electronic notarial acts and the licensure and approval of the providers of that technology.

The Department has to date expended in excess of 5000 hours in connection with the rulemaking efforts. While recognizing the need for positions to conduct the rulemaking, the General Assembly has not appropriated funds to support the rulemaking effort mandated by statute in 2022, despite repeated Departmental requests. Departmental allocation of resources to the mandatory rulemaking has come at the expense of performing other Departmental duties.

SUBMISSION FOR PERMANENT RULE

ORIGINAL
11/8/2023

1. Rule-Making Agency: N.C. Department of the Secretary of State	
2. Rule citation & name (name not required for repeal): 18 NCAC 071 .0404 - INCLUDING SIGNATURES IN JOURNAL	
3. Action: <input checked="" type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL THROUGH READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: August 15, 2023 Link to Agency notice: https://sosnc.gov/divisions/general_counsel/open_rulemaking_phase_one_rulemaking Hearing on: September 19, 2023 Adoption by Agency on: November 8, 2023 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input type="checkbox"/> This Rule was part of a combined analysis. <input checked="" type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input checked="" type="checkbox"/> Approved by OSBM <input type="checkbox"/> No fiscal note required
9. REASON FOR ACTION	
9A. What prompted this action? Check all that apply: <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: <input checked="" type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: S.L. 2022-54; S.L. 2023-57; S.L. 2023-124 <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other:	
9B. Explain: See attached	
10. Rulemaking Coordinator: Ann B. Wall Ann B. Wall Phone: (919) 814-5310 E-Mail: awall@sosnc.gov Additional agency contact, if any: Ann Elmore Phone: (919) 814-5521 E-Mail: aelmore@sosnc.gov	11. Signature of Agency Head* or Rule-making Coordinator:  *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: Ann B. Wall Title: General Counsel and Rulemaking Coordinator
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	

Attachment to Form 0400 for Permanent Rule:

Question 9(b). Explain:

The Remote Electronic Notarization Act (RENA) was effective on July 8, 2022, S.L. 2022- 54. RENA primarily amends Article 2 of Chapter 10B of the NC General Statutes, the Notary Public Act. RENA has subsequently been amended twice, by S.L. 2023-57 and S.L. 2023-124.

Adoption of RENA was a direct outcome of the global pandemic. The pandemic increased the remote conduct of economic activity. The pandemic also established the need to conduct crucial business, legal, healthcare, and other transactions safely, securely, and efficiently in the rapidly changing remote environment.

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In order to achieve these goals, the Secretary promulgated two Advance Notices of Proposed Rulemaking (ANPRs). The ANPRs were published on the Department's website and emailed to stakeholders and others. The ANPRs requested comments on a number of issues that are unclear in RENA. The first ANPR focused primarily on issues related to the eNotary and the

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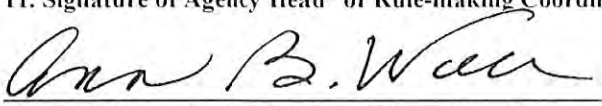
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SUBMISSION FOR PERMANENT RULE

10/12/2023
ORIGINAL

1. Rule-Making Agency: N.C. Department of the Secretary of State	
2. Rule citation & name (name not required for repeal): 18 NCAC 071 .0405 - TECHNOLOGICAL ISSUES	
3. Action: <input checked="" type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL THROUGH READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
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The second set of rules will primarily focus on revising existing rules. The final set of rules will be focused primarily on the technology used to perform remote electronic notarial acts and the licensure and approval of the providers of that technology.

The Department has to date expended in excess of 5000 hours in connection with the rulemaking efforts. While recognizing the need for positions to conduct the rulemaking, the General Assembly has not appropriated funds to support the rulemaking effort mandated by statute in 2022, despite repeated Departmental requests. Departmental allocation of resources to the mandatory rulemaking has come at the expense of performing other Departmental duties.

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Question 9(b). Explain:

The Remote Electronic Notarization Act (RENA) was effective on July 8, 2022, S.L. 2022- 54. RENA primarily amends Article 2 of Chapter 10B of the NC General Statutes, the Notary Public Act. RENA has subsequently been amended twice, by S.L. 2023-57 and S.L. 2023-124.

Adoption of RENA was a direct outcome of the global pandemic. The pandemic increased the remote conduct of economic activity. The pandemic also established the need to conduct crucial business, legal, healthcare, and other transactions safely, securely, and efficiently in the rapidly changing remote environment.

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RENA directs the Secretary of State to adopt rules on a large number of topics. The rules must fulfill the purposes of the Notary Public Act, including:

To simplify, clarify, and modernize the law governing notaries,

To prevent fraud and forgery,

To foster ethical conduct among notaries,

To enhance interstate recognition of notarial acts, and

To integrate procedures for all of the following notarial acts: Traditional paper, electronic notarization, and remote electronic notarization.

The Department seeks to adopt rules that will promote public confidence in the reliability of signatures and the identification of remotely located principals. These rules will help to ensure that transactions are not repudiated as a result of:

1. Mental incapacity of the principal;

2. Coercion or duress; or

3. Fraud.

By enhancing reliability, the Secretary facilitates economic growth while reducing costly and avoidable litigation.

In order to achieve these goals, the Secretary promulgated two Advance Notices of Proposed Rulemaking (ANPRs). The ANPRs were published on the Department's website and emailed to stakeholders and others. The ANPRs requested comments on a number of issues that are unclear in RENA. The first ANPR focused primarily on issues related to the eNotary and the

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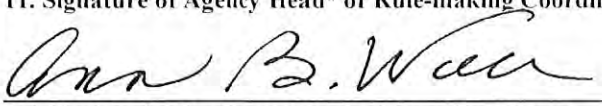
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SUBMISSION FOR PERMANENT RULE

11/8/2023

1. Rule-Making Agency: N.C. Department of the Secretary of State	
2. Rule citation & name (name not required for repeal): 18 NCAC 071 .0407 - STEPS BEFORE COMMITTING AN ELECTRONIC JOURNAL ENTRY	
3. Action: <input checked="" type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL THROUGH READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: August 15, 2023 Link to Agency notice: https://sosnc.gov/divisions/general_counsel/open_rulemaking_phase_one_rulemaking Hearing on: September 19, 2023 Adoption by Agency on: November 8, 2023 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input type="checkbox"/> This Rule was part of a combined analysis. <input checked="" type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input checked="" type="checkbox"/> Approved by OSBM <input type="checkbox"/> No fiscal note required
9. REASON FOR ACTION	
9A. What prompted this action? Check all that apply: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: </div> <div style="width: 45%;"> <input checked="" type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: S.L. 2022-54; S.L. 2023-57; S.L. 2023-124 <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other: </div> </div>	
9B. Explain: See attached	
10. Rulemaking Coordinator: Ann B. Wall Ann B. Wall Phone: (919) 814-5310 E-Mail: awall@sosnc.gov Additional agency contact, if any: Ann Elmore Phone: (919) 814-5521 E-Mail: aelmore@sosnc.gov	11. Signature of Agency Head* or Rule-making Coordinator: <div style="text-align: center; margin-top: 10px;">  <hr style="width: 80%; margin: 0 auto;"/> </div> *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: Ann B. Wall Title: General Counsel and Rulemaking Coordinator
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	

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By enhancing reliability, the Secretary facilitates economic growth while reducing costly and avoidable litigation.

In order to achieve these goals, the Secretary promulgated two Advance Notices of Proposed Rulemaking (ANPRs). The ANPRs were published on the Department's website and emailed to stakeholders and others. The ANPRs requested comments on a number of issues that are unclear in RENA. The first ANPR focused primarily on issues related to the eNotary and the

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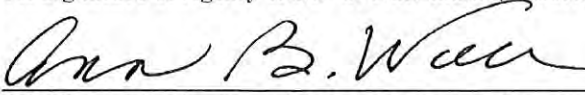
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SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: N.C. Department of the Secretary of State	
2. Rule citation & name (name not required for repeal): 18 NCAC 07K .0201 - TRAVEL FEE RATE	
3. Action: <input checked="" type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READoption <input type="checkbox"/> REPEAL THROUGH READoption	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: August 15, 2023 Link to Agency notice: https://sosnc.gov/divisions/general_counsel/open_rulemaking_phase_one_rulemaking Hearing on: September 19, 2023 Adoption by Agency on: November 8, 2023 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input type="checkbox"/> This Rule was part of a combined analysis. <input checked="" type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input checked="" type="checkbox"/> Approved by OSBM <input type="checkbox"/> No fiscal note required
9. REASON FOR ACTION	
9A. What prompted this action? Check all that apply: <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: <input checked="" type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: S.L. 2022-54; S.L. 2023-57; S.L. 2023-124 <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other:	
9B. Explain: See attached	
10. Rulemaking Coordinator: Ann B. Wall Ann B. Wall Phone: (919) 814-5310 E-Mail: awall@sosnc.gov Additional agency contact, if any: Ann Elmore Phone: (919) 814-5521 E-Mail: aelmore@sosnc.gov	11. Signature of Agency Head* or Rule-making Coordinator:  *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: Ann B. Wall Title: General Counsel and Rulemaking Coordinator
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	

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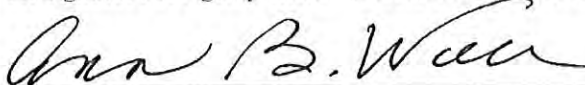
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11/18/2023

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: N.C. Department of the Secretary of State	
2. Rule citation & name (name not required for repeal): 18 NCAC 07K .0202 - ESTIMATE OF CHARGES	
3. Action: <input checked="" type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READOPTIOIN <input type="checkbox"/> REPEAL THROUGH READOPTIOIN	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
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RENA allows an NC notary, specifically an eNotary, who is physically located in NC, to perform remote electronic notarizations for a remotely located principal. A remotely located principal can physically be anywhere in the United States or its territories. In specific circumstances, the principal can be on a US military base or in a US embassy. RENA requires real-time, simultaneous communication between the eNotary and the remote principal using communications technology. RENA also establishes criteria that the technology has to meet.

RENA directs the Secretary of State to adopt rules on a large number of topics. The rules must fulfill the purposes of the Notary Public Act, including:

To simplify, clarify, and modernize the law governing notaries,

To prevent fraud and forgery,

To foster ethical conduct among notaries,

To enhance interstate recognition of notarial acts, and

To integrate procedures for all of the following notarial acts: Traditional paper, electronic notarization, and remote electronic notarization.

The Department seeks to adopt rules that will promote public confidence in the reliability of signatures and the identification of remotely located principals. These rules will help to ensure that transactions are not repudiated as a result of:

1. Mental incapacity of the principal;

2. Coercion or duress; or

3. Fraud.

By enhancing reliability, the Secretary facilitates economic growth while reducing costly and avoidable litigation.

In order to achieve these goals, the Secretary promulgated two Advance Notices of Proposed Rulemaking (ANPRs). The ANPRs were published on the Department's website and emailed to stakeholders and others. The ANPRs requested comments on a number of issues that are unclear in RENA. The first ANPR focused primarily on issues related to the eNotary and the

remote electronic notarial act. The second ANPR focused on issues related to the technology notaries will use to perform remote electronic notarial acts.

RENA requirements for remote electronic notarial acts (RENs) are based on requirements for traditional notaries and notarial acts, as well as the requirements for eNotaries and electronic notarial acts. To the extent feasible, the RENA rules, must, therefore, harmonize the requirements for traditional notaries, eNotaries, and eNotaries performing remote electronic notarial acts.

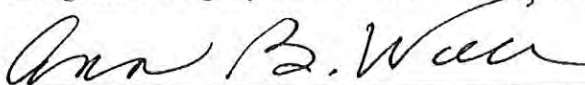
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The Department has to date expended in excess of 5000 hours in connection with the rulemaking efforts. While recognizing the need for positions to conduct the rulemaking, the General Assembly has not appropriated funds to support the rulemaking effort mandated by statute in 2022, despite repeated Departmental requests. Departmental allocation of resources to the mandatory rulemaking has come at the expense of performing other Departmental duties.

11/8/2023

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: N.C. Department of the Secretary of State	
2. Rule citation & name (name not required for repeal): 18 NCAC 07K .0203 - INCLUSION OF FEES IN JOURNAL	
3. Action: <input checked="" type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READOPTIO <input type="checkbox"/> REPEAL THROUGH READOPTIO	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: August 15, 2023 Link to Agency notice: https://sosnc.gov/divisions/general_counsel/open_rulemaking_phase_one_rulemaking Hearing on: September 19, 2023 Adoption by Agency on: November 8, 2023 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input type="checkbox"/> This Rule was part of a combined analysis. <input checked="" type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input checked="" type="checkbox"/> Approved by OSBM <input type="checkbox"/> No fiscal note required
9. REASON FOR ACTION	
9A. What prompted this action? Check all that apply: <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: <input checked="" type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: S.L. 2022-54; S.L. 2023-57; S.L. 2023-124 <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other:	
9B. Explain: See attached	
10. Rulemaking Coordinator: Ann B. Wall Ann B. Wall Phone: (919) 814-5310 E-Mail: awall@sosnc.gov Additional agency contact, if any: Ann Elmore Phone: (919) 814-5521 E-Mail: aelmore@sosnc.gov	11. Signature of Agency Head* or Rule-making Coordinator:  *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: Ann B. Wall Title: General Counsel and Rulemaking Coordinator
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	

Attachment to Form 0400 for Permanent Rule:

Question 9(b). Explain:

The Remote Electronic Notarization Act (RENA) was effective on July 8, 2022, S.L. 2022- 54. RENA primarily amends Article 2 of Chapter 10B of the NC General Statutes, the Notary Public Act. RENA has subsequently been amended twice, by S.L. 2023-57 and S.L. 2023-124.

Adoption of RENA was a direct outcome of the global pandemic. The pandemic increased the remote conduct of economic activity. The pandemic also established the need to conduct crucial business, legal, healthcare, and other transactions safely, securely, and efficiently in the rapidly changing remote environment.

The Notary Public Act sets requirements to become a traditional notary public, a public official. A traditional notary public performs notarial acts during an in-person meeting with the principal. A traditional notary must identify the principal using one of three specific methods. The Act and rules govern the conduct of the notary and how to become a notary instructor. Article 2 of the Act governs electronic notaries public (e-Notaries or eNotary). Like a traditional notary, an eNotary performs notarial acts during an in-person meeting. The eNotary uses technology to electronically notarize the principal's electronic signature. An electronic notary has to comply with most traditional notary requirements. The Act also regulates the technology used by the eNotary to perform electronic notarial acts.

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By enhancing reliability, the Secretary facilitates economic growth while reducing costly and avoidable litigation.

In order to achieve these goals, the Secretary promulgated two Advance Notices of Proposed Rulemaking (ANPRs). The ANPRs were published on the Department's website and emailed to stakeholders and others. The ANPRs requested comments on a number of issues that are unclear in RENA. The first ANPR focused primarily on issues related to the eNotary and the

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RENA requirements for remote electronic notarial acts (RENs) are based on requirements for traditional notaries and notarial acts, as well as the requirements for eNotaries and electronic notarial acts. To the extent feasible, the RENA rules, must, therefore, harmonize the requirements for traditional notaries, eNotaries, and eNotaries performing remote electronic notarial acts.

Due to the scope and scale of the requirements for this rulemaking process, the Secretary will propose the rules in three sets. This first set of proposed rules deals with fundamental issues related to all three methods of performing notarial acts and to establishing certain common rules. This is that first set of rules. The proposed rule amendments, adoptions, and repeals in this first set involve Subchapters B, F, I, and K of 18 NCAC 07. G.S. 150B-21.3A separately requires all state agencies to review existing rules every ten years in accordance with a prescribed process that includes rule readoption. Many of the existing notary rules are nearing the end of their decadal cycle and thus are due for review and readoption. This first set of rules is undertaken to satisfy both the requirements of RENA and G.S. 150B-21.3A.

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The Department has to date expended in excess of 5000 hours in connection with the rulemaking efforts. While recognizing the need for positions to conduct the rulemaking, the General Assembly has not appropriated funds to support the rulemaking effort mandated by statute in 2022, despite repeated Departmental requests. Departmental allocation of resources to the mandatory rulemaking has come at the expense of performing other Departmental duties.

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In order to achieve these goals, the Secretary promulgated two Advance Notices of Proposed Rulemaking (ANPRs). The ANPRs were published on the Department's website and emailed to stakeholders and others. The ANPRs requested comments on a number of issues that are unclear in RENA. The first ANPR focused primarily on issues related to the eNotary and the

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RENA requirements for remote electronic notarial acts (RENs) are based on requirements for traditional notaries and notarial acts, as well as the requirements for eNotaries and electronic notarial acts. To the extent feasible, the RENA rules, must, therefore, harmonize the requirements for traditional notaries, eNotaries, and eNotaries performing remote electronic notarial acts.

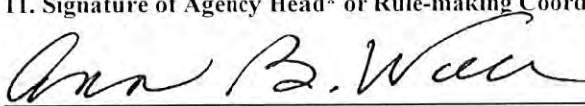
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11/8/2023

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: N.C. Department of the Secretary of State	
2. Rule citation & name (name not required for repeal): 18 NCAC 07K .0205 - CONTENTS OF ADVANCE CONSENT TO TRAVEL FEES	
3. Action: <input checked="" type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL THROUGH READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: August 15, 2023 Link to Agency notice: https://sosnc.gov/divisions/general_counsel/open_rulemaking_phase_one_rulemaking Hearing on: September 19, 2023 Adoption by Agency on: November 8, 2023 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input type="checkbox"/> This Rule was part of a combined analysis. <input checked="" type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input checked="" type="checkbox"/> Approved by OSBM <input type="checkbox"/> No fiscal note required
9. REASON FOR ACTION	
9A. What prompted this action? Check all that apply: <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: <input checked="" type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: S.L. 2022-54; S.L. 2023-57; S.L. 2023-124 <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other:	
9B. Explain: See attached	
10. Rulemaking Coordinator: Ann B. Wall Ann B. Wall Phone: (919) 814-5310 E-Mail: awall@sosnc.gov Additional agency contact, if any: Ann Elmore Phone: (919) 814-5521 E-Mail: aelmore@sosnc.gov	11. Signature of Agency Head* or Rule-making Coordinator:  *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: Ann B. Wall Title: General Counsel and Rulemaking Coordinator
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	

Attachment to Form 0400 for Permanent Rule:

Question 9(b). Explain:

The Remote Electronic Notarization Act (RENA) was effective on July 8, 2022, S.L. 2022- 54. RENA primarily amends Article 2 of Chapter 10B of the NC General Statutes, the Notary Public Act. RENA has subsequently been amended twice, by S.L. 2023-57 and S.L. 2023-124.

Adoption of RENA was a direct outcome of the global pandemic. The pandemic increased the remote conduct of economic activity. The pandemic also established the need to conduct crucial business, legal, healthcare, and other transactions safely, securely, and efficiently in the rapidly changing remote environment.

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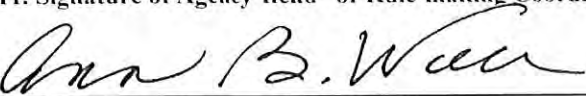
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SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: N.C. Department of the Secretary of State	
2. Rule citation & name (name not required for repeal): 18 NCAC 07K .0206 - NOTARIAL RECORD OF WRITTEN CONSENT TO TRAVEL FEES	
3. Action: <input checked="" type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READoption <input type="checkbox"/> REPEAL THROUGH READoption	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
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RENA requirements for remote electronic notarial acts (RENs) are based on requirements for traditional notaries and notarial acts, as well as the requirements for eNotaries and electronic notarial acts. To the extent feasible, the RENA rules, must, therefore, harmonize the requirements for traditional notaries, eNotaries, and eNotaries performing remote electronic notarial acts.

Due to the scope and scale of the requirements for this rulemaking process, the Secretary will propose the rules in three sets. This first set of proposed rules deals with fundamental issues related to all three methods of performing notarial acts and to establishing certain common rules. This is that first set of rules. The proposed rule amendments, adoptions, and repeals in this first set involve Subchapters B, F, I, and K of 18 NCAC 07. G.S. 150B-21.3A separately requires all state agencies to review existing rules every ten years in accordance with a prescribed process that includes rule readoption. Many of the existing notary rules are nearing the end of their decadal cycle and thus are due for review and readoption. This first set of rules is undertaken to satisfy both the requirements of RENA and G.S. 150B-21.3A.


The second set of rules will primarily focus on revising existing rules. The final set of rules will be focused primarily on the technology used to perform remote electronic notarial acts and the licensure and approval of the providers of that technology.

The Department has to date expended in excess of 5000 hours in connection with the rulemaking efforts. While recognizing the need for positions to conduct the rulemaking, the General Assembly has not appropriated funds to support the rulemaking effort mandated by statute in 2022, despite repeated Departmental requests. Departmental allocation of resources to the mandatory rulemaking has come at the expense of performing other Departmental duties.


SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: North Carolina State Board of Examiners in Optometry	
2. Rule citation & name (name not required for repeal): 21 NCAC 42B .0204 CEASING PRACTICE	
3. Action: <input type="checkbox"/> ADOPTION <input checked="" type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL through READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: July 25, 2023 Link to Agency notice: https://www.ncoptometry.org/proposed-rules Hearing on: none Adoption by Agency on: November 2, 2023 <input type="checkbox"/> Notice not required under G.S.: 150B-21.5(a)(4) Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input type="checkbox"/> This Rule was part of a combined analysis. <input type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input type="checkbox"/> Approved by OSBM <input checked="" type="checkbox"/> No fiscal note required
9. REASON FOR ACTION	
9A. What prompted this action? Check all that apply: <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: <input type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other:	
9B. Explain: Updates to Rule which includes how to deal with the estate of a deceased practitioner.	
10. Rulemaking Coordinator: Johnny M. Loper Phone: 919-390-7749 E-Mail: jloper@loper-law.com Additional agency contact, if any: Janice K. Peterson Phone: 910-285-3160 E-Mail: janice@ncoptometry.org	11. Signature of Agency Head* or Rule-making Coordinator:  <hr/> *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: Title:
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	


SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: North Carolina State Board of Examiners in Optometry	
2. Rule citation & name (name not required for repeal): 21 NCAC 42M .0105 REMUNERATION AND EXPENSES	
3. Action: <input type="checkbox"/> ADOPTION <input checked="" type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READOPTION <input type="checkbox"/> REPEAL through READOPTION	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: June 20, 2023 Link to Agency notice: https://www.ncoptometry.org/proposed-rules Hearing on: none Adoption by Agency on: November 2, 2023 <input type="checkbox"/> Notice not required under G.S.: 150B-21.5(a)(4) Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input type="checkbox"/> This Rule was part of a combined analysis. <input type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input type="checkbox"/> Approved by OSBM <input checked="" type="checkbox"/> No fiscal note required
9. REASON FOR ACTION	
9A. What prompted this action? Check all that apply: <input checked="" type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: <input type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: <input type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other:	
9B. Explain: The Board no longer requires form BEO-9	
10. Rulemaking Coordinator: Johnny M. Loper Phone: 919-390-7749 E-Mail: jloper@loper-law.com Additional agency contact, if any: Janice K. Peterson Phone: 910-285-3160 E-Mail: janice@ncoptometry.org	11. Signature of Agency Head* or Rule-making Coordinator: <div style="text-align: center;"></div> <hr/> *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: Title:
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: NC Building Code Council	
2. Rule citation & name (name not required for repeal): 2024 North Carolina Plumbing Code (230314 Item B-1)	
3. Action: <input checked="" type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READOPTIO N <input type="checkbox"/> REPEAL through READOPTIO N	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: May 15, 2023 Link to Agency notice: https://www.ncosfm.gov/codes/building-code-council-bcc/bcc-hearing-notice Hearing on: June 13, 2023 Adoption by Agency on: September 12, 2023 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input type="checkbox"/> This Rule was part of a combined analysis. <input type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input type="checkbox"/> Approved by OSBM <input checked="" type="checkbox"/> No fiscal note required
9. REASON FOR ACTION	
9A. What prompted this action? Check all that apply: <input type="checkbox"/> Agency <input type="checkbox"/> Court order / cite: <input type="checkbox"/> Federal statute / cite: <input type="checkbox"/> Federal regulation / cite: <input type="checkbox"/> Legislation enacted by the General Assembly Cite Session Law: <input checked="" type="checkbox"/> Petition for rule-making <input type="checkbox"/> Other:	
9B. Explain: This amendment is proposed to protect the public by updating the code to current standards of practice. The delayed effective date of this Rule is January 1, 2025. The Statutory authority for Rule-making is G. S. 143-136; 143-138.	
10. Rulemaking Coordinator: David Bruce Rittlinger David B. Rittlinger Phone: (919)647-0008 E-Mail: david.rittlinger@ncdoi.gov Additional agency contact, if any: Phone: E-Mail:	11. Signature of Agency Head* or Rule-making Coordinator:  *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: David Bruce Rittlinger Title: (Interim) Deputy commissioner of Engineering & Chief Code Consultant
RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: NC Building Code Council	
2. Rule citation & name (name not required for repeal): 2024 North Carolina Residential Code Chapters 1-10, 25-33, 45, 46 and Appendices (230314 Item B-4)	
3. Action: <input checked="" type="checkbox"/> ADOPTION <input type="checkbox"/> AMENDMENT <input type="checkbox"/> REPEAL <input type="checkbox"/> READOPTIO N <input type="checkbox"/> REPEAL through READOPTIO N	
4. Rule exempt from RRC review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No	5. Rule automatically subject to legislative review? <input type="checkbox"/> Yes. Cite authority: <input checked="" type="checkbox"/> No
6. Notice for Proposed Rule: <input checked="" type="checkbox"/> Notice Required Notice of Text published on: May 15, 2023 Link to Agency notice: https://www.ncosfm.gov/codes/building-code-council-bcc/bcc-hearing-notice Hearing on: June 13, 2023 Adoption by Agency on: September 12, 2023 <input type="checkbox"/> Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) <input type="checkbox"/> Yes Agency submitted request for consultation on: Consultation not required. Cite authority: <input checked="" type="checkbox"/> No	8. Fiscal impact. Check all that apply. <input type="checkbox"/> This Rule was part of a combined analysis. <input type="checkbox"/> State funds affected <input type="checkbox"/> Local funds affected <input type="checkbox"/> Substantial economic impact (≥\$1,000,000) <input type="checkbox"/> Approved by OSBM <input checked="" type="checkbox"/> No fiscal note required
9. REASON FOR ACTION	
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9B. Explain: This amendment is proposed to protect the public by updating the code to current standards of practice. The delayed effective date of this Rule is January 1, 2025. The Statutory authority for Rule-making is G. S. 143-136; 143-138.	
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RRC AND OAH USE ONLY	
Action taken: <input type="checkbox"/> RRC extended period of review: <input type="checkbox"/> RRC determined substantial changes: <input type="checkbox"/> Withdrawn by agency <input type="checkbox"/> Subject to Legislative Review <input type="checkbox"/> Other:	