Burgos, Alexander N

Subject: FW: [External] 18 NCAC 01 Replies Re: SoS RFC for November 2026

From: Ann B. Wall <AWall@sosnc.gov>
Sent: Thursday, November 19, 2026 5:02 PM
To: Ascher, Seth M <seth.ascher@oah.nc.gov>; Elmore, Ann M <aelmore@sosnc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: [External] 18 NCAC 01 Replies Re: SoS RFC for November 2026

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Thanks!

Ann B. Wall
General Counsel
Department of the Secretary of State
awall@sosnc.gov
Phone (919) 814-5310
Fax (919) 814-5391

Burgos, Alexander N

Subject: FW: [External] 18 NCAC 01 Replies Re: SoS RFC for November 2026

From: Ascher, Seth M <seth.ascher@oah.nc.gov>
Sent: Thursday, November 19, 2026 4:17 PM
To: Elmore, Ann M <aelmore@sosnc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Wall, Ann B <awall@sosnc.gov>
Subject: RE: [External] 18 NCAC 01 Replies Re: SoS RFC for November 2026

Thank you.

I anticipate recommending approval of these two revised rules along with the remaining rules as filed.

Seth Ascher
Counsel to the North Carolina Rules Review Commission
Office of Administrative Hearings
(984) 236-1934

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Burgos, Alexander N

Subject: FW: [External] 18 NCAC 01 Replies Re: SoS RFC for November 2026
Attachments: Composite Showing Adopted-TCR-RevisedRules18NCAC01.docx; 18 NCAC 01D .0101.docx; 18 NCAC 01D .0303.docx

From: Ann Elmore <aelmore@sosnc.gov>
Sent: Tuesday, November 17, 2026 1:40 PM
To: Ascher, Seth M <seth.ascher@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Wall, Ann B <awall@sosnc.gov>
Subject: [External] 18 NCAC 01 Replies Re: SoS RFC for November 2026

CAUTION: External email. Do not click links or open attachments unless verified. Report suspicious emails with the Report Message button located on your Outlook menu bar on the Home tab.

Hi, Seth.

Enclosed are the two formatted rule files reflecting the RFC-prompted changes you recommended. Those are for:

- 18 NCAC 01D .0101 and
- 18 NCAC 01D .0303.

Also enclosed for your convenience is a separate document showing:

- each rule as adopted and submitted to OAH,
- your suggested change, and
- our revised rule as submitted to you (with the changes pursuant to your RFC highlighted in blue for clarity).

When you sent the RFCs, you asked for forms, too. Please note that the rules in 18 NCAC 01 do not themselves include any references to 18 NCAC 01 forms as none of the rules in 18 NCAC 01 require use of specific forms. Instead, the rules in 18 NCAC 01 require specific content in filings with the Department but not use of a form through which to provide that content. For example, 18 NCAC .0400 rules related to waiver of rules specifies the content that must be provided in a request for waiver but nowhere does it require use of a form to request a waiver.

18 NCAC 01 does have rules that mention forms, but those are general rules that relate to forms required by other chapters of Title 18.

Please confirm receipt of this email and let us know if you have any questions.

Thanks!

Ann B. Wall
General Counsel
Department of the Secretary of State
awall@sosnc.gov

Phone (919) 814-5310
Fax (919) 814-5391

Note: Email sent by Ann Elmore on behalf of Ann Wall.

18 NCAC 01D .0101 is adopted with changes as published in 41:01 NCR 33-34 as follows:

SUBCHAPTER 01D REQUESTS FOR DECLARATORY RULINGS ~~(RESERVED)~~

SECTION .0100 – GENERAL PROCEDURES ~~(RESERVED)~~

18 NCAC 01D .0101 ~~ELIGIBILITY TO SUBMIT A~~ WRITTEN REQUEST REQUIRED FOR A DECLARATORY RULING

A person aggrieved who seeks a declaratory ruling pursuant to G.S. 150B-4(a) ~~aggrieved, as defined in G.S. 150B-2(6), may~~ shall submit a written request to the Department ~~for a declaratory ruling as to the validity of a rule or as to the applicability to a given state of facts of a statute administered by the Department or of a departmental rule or any inconsistent interpretation of a rule by the Department.~~ in accordance with the Rules of this Subchapter.

History Note: *Authority G.S. 10B-4; 10B-36(e); 10B-38; 10B-125(b); 10B-126; 10B-134.15; 10B-134.21; 10B-134.23(b); 25-9-526; 55D-5; 66-58.10; 66-71.9; 66-270; 78A-49; 78C-30; 78C-105; 78D-27; 80-1.1; 80-9; 93B-15.1(g); 102-117; 120C-101; 131F-5; 131F-15; 131F-16; 131F-18; 131F-33; 147-54.3; 147-54.4; 150B-4;*
Eff. December 1, 2026.

18 NCAC 01D .0303 is adopted with changes as published in 41:01 NCR 35 as follows:

18 NCAC 01D .0303 REQUEST RECEIPT DATE

~~(a) The Department shall mark a~~ A declaratory ruling request ~~as~~ is "received" on the date on which the Department ~~received a complete request.~~ determines that it includes all of the information required by the rules in this Subchapter. ~~(b) An incomplete request is received on the date that the Department received all information necessary for the request to be complete.~~

History Note: *Authority G.S. 10B-4; 10B-36(e); 10B-38; 10B-125(b); 10B-126; 10B-134.15; 10B-134.21; 10B-134.23(b); 25-9-526; 55D-5; 66-58.10; 66-71.9; 66-270; 78A-49; 78C-30; 78C-105; 78D-27; 80-1.1; 80-9; 93B-15.1(g); 102-117; 120C-101; 131F-5; 131F-15; 131F-16; 131F-18; 131F-33; 147-54.3; 147-54.4; 150B-4;*
Eff. December 1, 2026.

ADOPTED RULE AS FILED WITH OAH:

18 NCAC 01D .0101 is adopted with changes as published in 41:01 NCR 33-34 as follows:

SUBCHAPTER 01D REQUESTS FOR DECLARATORY RULINGS ~~(RESERVED)~~

SECTION .0100 – GENERAL PROCEDURES ~~(RESERVED)~~

18 NCAC 01D .0101 ~~ELIGIBILITY TO SUBMIT A~~ WRITTEN REQUEST REQUIRED FOR A DECLARATORY RULING

~~A person aggrieved, as defined in G.S. 150B-2(6), may submit a~~ A written request for a declaratory ruling shall be submitted to the Department ~~for a declaratory ruling~~ by a person aggrieved who is seeking a declaratory ruling pursuant to G.S. 150B-4(a). ~~as to the validity of a rule or as to the applicability to a given state of facts of a statute administered by the Department or of a departmental rule or any inconsistent interpretation of a rule by the Department.~~

History Note: *Authority G.S. 10B-4; 10B-36(e); 10B-38; 10B-125(b); 10B-126; 10B-134.15; 10B-134.21; 10B-134.23(b); 25-9-526; 55D-5; 66-58.10; 66-71.9; 66-270; 78A-49; 78C-30; 78C-105; 78D-27; 80-1.1; 80-9; 93B-15.1(g); 102-117; 120C-101; 131F-5; 131F-15; 131F-16; 131F-18; 131F-33; 147-54.3; 147-54.4; 150B-4;*
Eff. December 1, 2026.

TCR AS RECEIVED FROM RRC STAFF COUNSEL:

RULE CITATION: 18 NCAC 01D .0101

DEADLINE FOR RECEIPT: November 19, 2026

In reviewing this Rule, the staff recommends the following changes be made:

Rewrite this rule to be in active voice instead of passive. I.e. "A person aggrieved who is seeking a declaratory ruling pursuant to G.S. 150B-4(a) shall submit a written request to the Department in accordance with the rules in this subchapter.

SOS CHANGES PURSUANT TO TCR:

18 NCAC 01D .0101 is adopted with changes as published in 41:01 NCR 33-34 as follows:

SUBCHAPTER 01D REQUESTS FOR DECLARATORY RULINGS ~~(RESERVED)~~

SECTION .0100 – GENERAL PROCEDURES ~~(RESERVED)~~

18 NCAC 01D .0101 ~~ELIGIBILITY TO SUBMIT A~~ WRITTEN REQUEST REQUIRED FOR A DECLARATORY RULING

A person aggrieved who seeks a declaratory ruling pursuant to G.S. 150B-4(a) ~~aggrieved, as defined in G.S. 150B-2(6), may~~ shall submit a written request to the Department ~~for a declaratory ruling as to the validity of a rule or as to the applicability to a given state of facts of a statute administered by the Department or of a departmental rule or any inconsistent interpretation of a rule by the Department.~~ in accordance with the Rules of this Subchapter.

History Note: *Authority G.S. 10B-4; 10B-36(e); 10B-38; 10B-125(b); 10B-126; 10B-134.15; 10B-134.21; 10B-134.23(b); 25-9-526; 55D-5; 66-58.10; 66-71.9; 66-270; 78A-49; 78C-30; 78C-105; 78D-27; 80-1.1; 80-9; 93B-15.1(g); 102-117; 120C-101; 131F-5; 131F-15; 131F-16; 131F-18; 131F-33; 147-54.3; 147-54.4; 150B-4;*
Eff. December 1, 2026.

ADOPTED RULE AS FILED WITH OAH:

18 NCAC 01D .0303 is adopted with changes as published in 41:01 NCR 35 as follows:

18 NCAC 01D .0303 REQUEST RECEIPT DATE

(a) ~~The Department shall mark a~~ A declaratory ruling request ~~as~~ is "received" on the date on which the Department ~~received a complete request.~~ determines that it includes the information required by the rules in this Subchapter.

(b) An incomplete request is ~~received on the date that~~ one that is delivered to the Department ~~received all~~ without the information ~~necessary for the request~~ required by the rules in this Subchapter in order to be complete.

History Note: *Authority G.S. 10B-4; 10B-36(e); 10B-38; 10B-125(b); 10B-126; 10B-134.15; 10B-134.21; 10B-134.23(b); 25-9-526; 55D-5; 66-58.10; 66-71.9; 66-270; 78A-49; 78C-30; 78C-105; 78D-27; 80-1.1; 80-9; 93B-15.1(g); 102-117; 120C-101; 131F-5; 131F-15; 131F-16; 131F-18; 131F-33; 147-54.3; 147-54.4; 150B-4;*
Eff. December 1, 2026.

TCR AS RECEIVED FROM RRC STAFF COUNSEL:

RULE CITATION: 18 NCAC 01D .0303

DEADLINE FOR RECEIPT: November 19, 2026

In reviewing this Rule, the staff recommends the following changes be made:

Do you need paragraph (b) lines 6 and 7 of this rule? 18 NCAC 01D .0301(c) defines "complete", and not complete would seem to be the ordinary definition of incomplete.

SOS CHANGES PURSUANT TO TCR:

18 NCAC 01D .0303 is adopted with changes as published in 41:01 NCR 35 as follows:

18 NCAC 01D .0303 REQUEST RECEIPT DATE

~~(a) The Department shall mark a~~ A declaratory ruling request ~~as~~ is "received" on the date on which the Department ~~received a complete request.~~ determines that it includes all of the information required by the rules in this Subchapter.

~~(b) An incomplete request is received on the date that the Department received all information necessary for the request to be complete.~~

History Note: *Authority G.S. 10B-4; 10B-36(e); 10B-38; 10B-125(b); 10B-126; 10B-134.15; 10B-134.21; 10B-134.23(b); 25-9-526; 55D-5; 66-58.10; 66-71.9; 66-270; 78A-49; 78C-30; 78C-105; 78D-27; 80-1.1; 80-9; 93B-15.1(g); 102-117; 120C-101; 131F-5; 131F-15; 131F-16; 131F-18; 131F-33; 147-54.3; 147-54.4; 150B-4;*
Eff. December 1, 2026.

Burgos, Alexander N

From: Ann Elmore <aelmore@sosnc.gov>
Sent: Friday, November 13, 2026 6:30 PM
To: Ascher, Seth M
Cc: Burgos, Alexander N; Wall, Ann B
Subject: [External] Thank you! Re: SoS RFC for November 2026

Follow Up Flag: Follow up
Flag Status: Flagged

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Good evening, Seth.

Your technical change requests re 18 NCAC 01 have been received.

Thank you for your consideration regarding the deadline for responding. We will respond as soon as possible before then.

With appreciation and the express approval of Ann B. Wall, General Counsel and Rulemaking Coordinator,

AnnE

Ann McNellis Elmore, Agency Legal Consultant

NC Department of the Secretary of State
PO Box 29622
Raleigh, NC 27626-0622
Telephone: (919) 814-5521
Fax: 919 814-5596

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From: Ascher, Seth M <seth.ascher@oah.nc.gov>
Sent: Friday, November 13, 2026 5:16 PM
To: Ann B. Wall <AWall@sosnc.gov>; Ann Elmore <aelmore@sosnc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: SoS RFC for November 2026

Good afternoon,

I'm the attorney who reviewed the Rules submitted by the Department of the Secretary of State, for the November 2026 RRC meeting. The RRC will formally review these Rules at its meeting on Tuesday, November 24, 2026, at 10:00 a.m. The meeting will be a hybrid of in-person and WebEx attendance, and an evite should be sent to you as

we get close to the meeting. If there are any other representatives from your agency who want to attend virtually, let me know prior to the meeting, and we will get evites out to them as well.

Attached is my initial Request for Changes Pursuant to G.S. 150B-21.10. Note that there are only two very small requests, and I anticipate recommending approval of the rules as filed for the remainder. Please submit your responses, the revised Rules, and forms to me via email, no later than 5 p.m. on November 19, 2026.

Please let me know if you have any questions of concerns.

Seth Ascher
Counsel to the North Carolina Rules Review Commission
Office of Administrative Hearings
(984) 236-1934

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