

Burgos, Alexander N

Subject: FW: [External] Thank you! Re: C Rules as Changed & Formatted Re: Replies Re: 18 NCAC 07C RFC

From: Ann Elmore <aelmore@sosnc.gov>
Sent: Tuesday, May 13, 2025 1:34 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] Thank you! Re: C Rules as Changed & Formatted Re: Replies Re: 18 NCAC 07C RFC

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Thank you for the update, Seth! That's great news.

Sent on behalf of Ann B. Wall, General Counsel & Rulemaking Coordinator.

AnnE

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>>> "Ascher, Seth M" <seth.ascher@oah.nc.gov> 5/13/2025 1:28 PM >>>

These look good to me. I anticipate recommending approval of the final revised version of 18 NCAC 07C.

Seth Ascher

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

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From: Ann Elmore <aelmore@sosnc.gov>
Sent: Tuesday, May 13, 2025 11:35 AM

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] C Rules as Changed & Formatted Re: Replies Re: 18 NCAC 07C RFC

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Hi, Seth.

Welcome back!

Enclosed are the formatted 07C rules containing the RFC-prompted changes as discussed.

Please let us know if you have any questions.

Submitted on behalf of Ann B. Wall, General Counsel & Rulemaking Coordinator.

Thanks!

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](tel:9198145521)

Fax: 919 814-5596

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>>> "Ascher, Seth M" <seth.ascher@oah.nc.gov> 5/6/2025 1:42 PM >>>
Yes, we just need any rules that are being updated from your original filing.

Seth Ascher

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

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From: Ann Wall <awall@sosnc.gov>
Sent: Tuesday, May 6, 2025 1:11 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] Replies Re: 18 NCAC 07C RFC

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Thanks. We are in the process of beginning to get these formatted and then to Alex as you approve our responses.

Am I correct in assuming that what we need to give Alex is just the rules with changes you've approved rather than re-submitting all the rules?

Ann

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

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Ann,

I have reviewed your responses regarding 18 NCAC 07C. The proposed changes and answers to my questions resolve any concerns I had. I anticipate recommending approval of final versions of the rules that correspond to your responses.

Seth Ascher

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From: Ann Elmore <aelmore@sosnc.gov>
Sent: Monday, May 5, 2025 11:41 AM
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] Replies Re: 18 NCAC 07C RFC

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Hi, Seth.

Enclosed are our replies to the 18 NCAC 07C requests for changes.

Please let us know if you have any questions.

Sent on behalf of Ann B. Wall, General Counsel & Rulemaking Coordinator.

AnnE

Ann McNellis Elmore, Agency Legal Consultant

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>>> Ann Wall 4/29/2025 2:54 PM >>>

Thanks. We'll get our responses back to you as quickly as we can.

Ann

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Department of the Secretary of State
awall@sosnc.gov
Phone (919) 814-5310
Fax 919-814-5391

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>>> "Ascher, Seth M" <seth.ascher@oah.nc.gov> 4/29/2025 2:53 PM >>>
Anns,

I have completed my review of subchapter 18 NCAC 07C and the RFC is attached.

Special thanks to Bill Peaslee whose assistance sped this one up.

Seth Ascher
Counsel to the North Carolina Rules Review Commission
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Burgos, Alexander N

Subject: FW: [External] C Rules as Changed & Formatted Re: Replies Re: 18 NCAC 07C RFC
Attachments: 18 NCAC 07C .0801.docx; 18 NCAC 07C .0802.docx; 18 NCAC 07C .0803.docx

From: Ann Elmore <aelmore@sosnc.gov>
Sent: Tuesday, May 13, 2025 11:36 AM
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] C Rules as Changed & Formatted Re: Replies Re: 18 NCAC 07C RFC

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Hi, Seth.

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Enclosed are the formatted 07C rules containing the RFC-prompted changes as discussed.

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Submitted on behalf of Ann B. Wall, General Counsel & Rulemaking Coordinator.

Thanks!

AnnE

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>>>

1 18 NCAC 07C .0801 is adopted with changes as published in 39:13 NCR 816 as follows:

2
3 **SECTION .0800 – ~~ELECTRONIC NOTARY ACT INVESTIGATION AND ENFORCEMENT~~**
4 **~~RESERVED~~ TRADITIONAL PHYSICAL NOTARY SEAL**

5
6 **18 NCAC 07C .0801 INITIAL SEAL**

7 An applicant or appointee for an initial commission as a notary public shall not order or purchase a seal until the
8 applicant or appointee has complied with the requirements of Section .0400 of this Subchapter.

9
10 *History Note: Authority G.S. 10B-4; 10B-36;*
11 *Eff. July 1, 2025.*

1 18 NCAC 07C .0802 is adopted with changes as published in 39:13 NCR 817 as follows:

2
3 **18 NCAC 07C .0802 SEAL IMAGE**

4 A notary public's seal shall be deemed by the Department to comply with G.S. 10B-37 if it contains the words "State
5 of North Carolina" in lieu of the designations in G.S. 10B-37(b)(4).

6
7 *History Note:* Authority G.S. 10B-4; 10B-36;

8 *Eff. July 1, 2025.*

1 18 NCAC 07C .0803 is adopted with changes as published in 39:13 NCR 817 as follows:

2
3 **18 NCAC 07C .0803 SEAL LIMITATION**

4 A notary public's seal manufactured after the effective date of this Rule shall include no information or images other
5 than those required or permitted by G.S. 10B-37 and Rule .0802 of this Section.

6
7 *History Note: Authority G.S. 10B-4; 10B-36;*
8 *Eff. July 1, 2025.*

Burgos, Alexander N

Subject: FW: [External] Replies Re: 18 NCAC 07C RFC

From: Ascher, Seth M <seth.ascher@oah.nc.gov>
Sent: Tuesday, May 6, 2025 1:42 PM
To: Wall, Ann B <awall@sosnc.gov>; Elmore, Ann M <aelmore@sosnc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: Re: [External] Replies Re: 18 NCAC 07C RFC

Yes, we just need any rules that are being updated from your original filing.

Seth Ascher

Counsel to the North Carolina Rules Review Commission

Office of Administrative Hearings

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Subject: Re: [External] Replies Re: 18 NCAC 07C RFC

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Ann

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Burgos, Alexander N

Subject: FW: [External] Thank you for the update, Seth! Re: Replies Re: 18 NCAC 07C RFC

From: Ann Elmore <aelmore@sosnc.gov>

Sent: Tuesday, May 6, 2025 12:07 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] Thank you for the update, Seth! Re: Replies Re: 18 NCAC 07C RFC

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Good afternoon, Seth.

Thank you for the update!

Sent on behalf of Ann B. Wall, General Counsel & Rulemaking Coordinator.

AnnE

Ann McNellis Elmore, Agency Legal Consultant

NC Department of the Secretary of State

PO Box 29622

Raleigh, NC 27626-0622

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>>> "Ascher, Seth M" <seth.ascher@oah.nc.gov> 5/6/2025 11:59 AM >>>
Ann,

I have reviewed your responses regarding 18 NCAC 07C. The proposed changes and answers to my questions resolve any concerns I had. I anticipate recommending approval of final versions of the rules that correspond to your responses.

Seth Ascher

Counsel to the North Carolina Rules Review Commission
Office of Administrative Hearings
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Burgos, Alexander N

Subject: FW: [External] Replies Re: 18 NCAC 07C RFC
Attachments: 5.5.25 Response to 18 NCAC 07C technical correction requests.docx

From: Ann Elmore <aelmore@sosnc.gov>
Sent: Monday, May 5, 2025 11:42 AM
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] Replies Re: 18 NCAC 07C RFC

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Hi, Seth.

Enclosed are our replies to the 18 NCAC 07C requests for changes.

Please let us know if you have any questions.

Sent on behalf of Ann B. Wall, General Counsel & Rulemaking Coordinator.

AnnE

Ann McNellis Elmore, Agency Legal Consultant

NC Department of the Secretary of State

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*State of North Carolina
Department of the Secretary of State*

ELAINE F. MARSHALL
SECRETARY OF STATE

ANN B. WALL
General Counsel

May 5, 2025

By email

Seth M. Ascher
Counsel to the North Carolina Rules Review Commission
Office of Administrative Hearings
seth.ascher@oah.nc.gov

Re: Request for technical changes to
18 NCAC 07C

Enclosed please find our responses to your requests for changes to 18 NCAC 07C as well as responses to your questions. For convenience, we have numbered the technical change requests. The language of the adopted rules and your technical correction requests are provided in black font, with your requests italicized. Our responses and changes made, if any, are provided in blue font.

Please feel free to call me if you have any questions.

RESPONSES TO
REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10
FOR 18 NCAC SUBCHAPTER 07C

RFC #1

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

18 NCAC 07C .0801, .0802, and .0803: *Include 10B-36 in the authority for these rules. You already have it in .0804 and .0805, but it applies to the entire section.*

The Department agrees and proposes to implement the change highlighted in green in all three rules, as shown below:

18 NCAC 07C .0801 is adopted with changes as published in 39:13 NCR 816 as follows:

SECTION .0800 – ELECTRONIC NOTARY ACT INVESTIGATION AND ENFORCEMENT
RESERVED | TRADITIONAL | PHYSICAL NOTARY SEAL

18 NCAC 07C .0801 INITIAL SEAL

An applicant or appointee for an initial commission as a notary public shall not order or purchase a seal until the applicant or appointee has complied with the requirements of Section .0400 of this Subchapter.

History Note: Authority G.S. 10B-4; **10B-36**
Eff. July 1, 2025.

18 NCAC 07C .0802 is adopted as published in 39:13 NCR 817 as follows:

18 NCAC 07C .0802 SEAL IMAGE

A notary public's seal shall be deemed by the Department to comply with G.S. 10B-37 if it contains the words "State of North Carolina" in lieu of the designations in G.S. 10B-37(b)(4).

*History Note: Authority G.S. 10B-4; 10B-36;
Eff. July 1, 2025.*

18 NCAC 07C .0803 is adopted as published in 39:13 NCR 817 as follows:

18 NCAC 07C .0803 SEAL LIMITATION

A notary public's seal manufactured after the effective date of this Rule shall include no information or images other than those required or permitted by G.S. 10B-37 and Rule .0802 of this Section.

*History Note: Authority G.S. 10B-4; 10B-36;
Eff. July 1, 2025.*

RFC #2

18 NCAC 07C .0802 SEAL IMAGE

A notary public's seal shall be deemed by the Department to comply with G.S. 10B-37 if it contains the words "State of North Carolina" in lieu of the designations in G.S. 10B-37(b)(4).

18 NCAC 07C .0802: *Why is this rule necessary? It appears that G.S. 10B-37(b)(4) would already let the phrase "State of North Carolina" satisfy the requirement.*

In order to provide a comprehensive response, we have combined our response to RFC #2 and #3 below RFC #3.

RFC #3

18 NCAC 07C .0802 SEAL IMAGE

A notary public's seal shall be deemed by the Department to comply with G.S. 10B-37 if it contains the words "State of North Carolina" in lieu of the designations in G.S. 10B-37(b)(4).

18 NCAC 07C .0803 SEAL LIMITATION

A notary public's seal manufactured after the effective date of this Rule shall include no information or images other than those required or permitted by G.S. 10B-37 and Rule .0802 of this Section.

18 NCAC 07C .0803: *It appears that the effect of this rule in combination with .0802 limiting the seal to the specific requirements of 10B-37 or the additional "State of" language in "State of North Carolina." If that's correct, I think it would make more sense to combine .0802 and .0803 into one rule.*

Consider: "A notary public's seal manufactured after the effective date of this Rule shall include no information or images other than those required by G.S. 10B-37 or the phrase "State of North Carolina." "

The Department's practical experience indicates the delineation is needed. It is not clear that "[t]he words 'North Carolina' or the abbreviation 'N.C.' or 'NC'"¹ include "State of North Carolina". Rules .0802 and .0803 are intended, when read in combination with G.S. § 10B-37(b), to make clear that there is a single limited exception to the provisions of G.S. § 10B-37(b): use of the phrase "State of North Carolina".

Uniformity of the contents of notary seals is important for several reasons the most important of which is to enable a member of the public or the Bar to know at a glance that a seal is lawful in this State. We have separated the provisions of Rules .0802 and .0803 to ensure that it is clear that while "State of North Carolina" may be used, there are no other exceptions. Notaries may not, for example, include the great seal of the State of North Carolina or a geographic outline of the state's shape. Ensuring limited contents improves legibility and readability of the seal, enabling quicker determination of its legitimacy.

We carefully reviewed your proposed language and understand why you requested that we consider it. However, we feel that the proposed language would add ambiguity as we are not requiring use of the phrase "State of North Carolina". Thus, we do not propose making the proposed change.

Regards,



Ann B. Wall

General Counsel and Rulemaking Coordinator

¹ G.S. § 10B-37(b)(4).

Burgos, Alexander N

From: Ann Wall <awall@sosnc.gov>
Sent: Tuesday, April 29, 2025 2:55 PM
To: Ascher, Seth M; Elmore, Ann M
Cc: Burgos, Alexander N
Subject: [External] Re: 18 NCAC 07C RFC

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Thanks. We'll get our responses back to you as quickly as we can.

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Fax 919-814-5391

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Anns,

I have completed my review of subchapter 18 NCAC 07C and the RFC is attached.

Special thanks to Bill Peaslee whose assistance sped this one up.

Seth Ascher
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