

## Burgos, Alexander N

---

**Subject:** FW: [External] Response to Technical Change Requests re 18 NCAC 07F and additional changes pursuant to 16 NCAC 05 .0107(b)(2)

---

**From:** Ascher, Seth M <seth.ascher@oah.nc.gov>

**Sent:** Thursday, January 18, 2024 12:15 PM

**To:** Wall, Ann B <awall@sosnc.gov>

**Cc:** Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Elmore, Ann M <aelmore@sosnc.gov>

**Subject:** RE: [External] Response to Technical Change Requests re 18 NCAC 07F and additional changes pursuant to 16 NCAC 05 .0107(b)(2)

Ann,

I have sent your new rules on to be uploaded to our agenda. At this point, I anticipate recommending approval of the final revised 18 NCAC 07F rules from the Department of the Secretary of State (Tab H on our agenda). I will let you know if anything changes before the meeting.

### Seth Ascher

Counsel to the North Carolina Rules Review Commission

Office of Administrative Hearings

(984) 236-1934

---

Email correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties by an authorized state official.

---

**From:** Ann Wall <awall@sosnc.gov>

**Sent:** Thursday, January 18, 2024 12:08 PM

**To:** Ascher, Seth M <seth.ascher@oah.nc.gov>

**Cc:** Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Elmore, Ann M <aelmore@sosnc.gov>

**Subject:** [External] Response to Technical Change Requests re 18 NCAC 07F and additional changes pursuant to 16 NCAC 05 .0107(b)(2)

**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.

Thanks for catching it. Here's the corrected version.

Ann

Ann B. Wall

General Counsel

Department of the Secretary of State

[awall@sosnc.gov](mailto:awall@sosnc.gov)

Phone (919) 814-5310

Fax 919-814-5391

Please be aware that communications with the Secretary of State's office may be public records.

Ann,

Reviewing these, I noticed that 18 NCAC 07F .0811 was missing its title in the document. Please correct and resend me that rule.

**Seth Ascher**

Counsel to the North Carolina Rules Review Commission

Office of Administrative Hearings

(984) 236-1934

---

Email correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties by an authorized state official.

## Burgos, Alexander N

---

**Subject:** FW: [External] Response to Technical Change Requests re 18 NCAC 07F and additional changes pursuant to 16 NCAC 05 .0107(b)(2)

**Attachments:** 18 NCAC 07F .0102 DEFINITIONS.docx; 18 NCAC 07F .0704 ELECTRONIC SIGNATURE.docx; 18 NCAC 07F .0808 USE OF ELECTRONIC NOTARY SEALS.docx; 18 NCAC 07F .0103 ELECTRONIC NOTARIES PERFORMING REMOTE ELECTRONIC NOTARIAL ACTS.docx; 18 NCAC 07F .0303 ELECTRONIC NOTARY COURSE.docx; 18 NCAC 07F .0402 TIMING OF APPLICATION.docx; 18 NCAC 07F .0811 SEAL REVIEW BEFORE USE.docx; 18 NCAC 07F .0812 AFFIXING ELECTRONIC SEAL.docx; 18 NCAC 07F .0813 REVIEW AFTER AFFIXING ELECTRONIC SEAL.docx; 18 NCAC 07F .0814 COMMITMENT.docx; 18 NCAC 07F .1003 RETENTION OF ELECTRONIC JOURNAL.docx; 18 NCAC 07F .1004 NOTARY CREDENTIAL SHARING FORBIDDEN.docx; 18 NCAC 07F .1105 NO ELECTRONIC NOTARIZATION OF INK SIGNATURE.docx

**Importance:** High

---

**From:** Ann Wall <awall@sosnc.gov>  
**Sent:** Wednesday, January 17, 2024 4:22 PM  
**To:** Ascher, Seth M <seth.ascher@oah.nc.gov>  
**Cc:** Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Elmore, Ann M <aelmore@sosnc.gov>  
**Subject:** [External] Response to Technical Change Requests re 18 NCAC 07F and additional changes pursuant to 16 NCAC 05 .0107(b)(2)  
**Importance:** High

**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.

Thanks again for the 1-day extension, for your insights as we revised our adopted rules, and for confirmation that we had satisfied your concerns. This email addresses two things: (1) your technical change requests, and (2) notice of changes pursuant to 26 NCAC 05 .0107(b)(2).

**1. Your requests for technical changes:** The only change you requested on 12/22 that you have not prereviewed is 07F .0102(3). There we made the change you specified

Enclosed are the technical corrections to the 07F Rules as shown below:

**18 NCAC 07F .0102(3):** "To avoid a potential ambiguity in item 3, on p.1 lines 21 and 22 "or technology approved by the Department that is designed to enable a notary to perform electronic or remote electronic notarizations." **Change made as requested.**

**18 NCAC 07F .0704,** extracting from your change request: "I am skeptical that all notaries would consistently understand what this rule requires. If this rule is meant to direct the action of notaries, I think it needs to be clarified.

**As previously approved by you, we have changed the rule to:**

3 **18 NCAC 07F .0704 LOGICALLY ATTACHED ELECTRONIC [ATTI**

4 The electronic notary public's signature shall ~~shall~~:

5 (1) be attached [to,] or applied to and logically associated electronic  
6 notarized document; and

7 (2) linking link the data in such a manner that any subsequent altera  
8 examination of:

9 (a) ~~to the underlying document~~ document; or

10 (b) the electronic notary ~~certificate~~ certificate. ~~are observal~~

11

18 NCAC 07F .0808, extracting from your change request: "I still don't understand what this rule means or why the statutes you reference in the response to the pre-review require it. This may also merit a discussion before you respond." **As per our discussion, we have changed the rule as shown below:**

3 **18 NCAC 07F .0808 USE OF ELECTRONIC NOTARY SEALS [ARE PRIVA**

4 The Only the electronic notary public whose commission name and county of c

5 electronic seal is permitted to apply the electronic notary's electronic notary sea

6 [private] property of the electronic notary [public]. and shall be subject to laws go

They are attached.

**2. Notice of changes pursuant to 26 NCAC 05 .0107(b)(2):**

A. 18 NCAC 07F .0103 ELECTRONIC NOTARIES PERFORMING REMOTE ELECTRONIC NOTARIAL ACTS: We added the word "electronic" in front of "notary" in line 5 for consistency with other usage.

B. 18 NCAC 07F .0303 ELECTRONIC NOTARY COURSE: We added the word "public" after "electronic notaries" in line 4 for consistency with other usage.

C. 18 NCAC 07F .0402 TIMING OF APPLICATION: We have made the following non-substantive changes:

1. We added the word "public" after "electronic notary" in line 4 for consistency with other usage.

2. We changed "90 days" to "three months" to be harmonize the requirement in G.S. 10B-8(a) with the requirements of G.S. 10B-107: "(a) Every applicant for an initial notary commission shall, within the three months preceding application, take a course of classroom instruction of not less than six hours approved by the Secretary and take a written examination approved by the Secretary."

3. Also for simplicity and clarity regarding the "three months" change, we have added a note pointing to the definition of "month" in G.S. 12-3(3).

D. 18 NCAC 07F .0811 SEAL REVIEW BEFORE USE: We added the word "electronic" before "notary's" in line 3 for consistency with other usage.

E. 18 NCAC 07F .0812 AFFIXING ELECTRONIC SEAL: We added the word "electronic" before "notary's" in line 4, and before "notary" in line 5 for consistency with other usage.

F. 18 NCAC 07F .0813 REVIEW AFTER AFFIXING ELECTRONIC SEAL: We added the word "electronic" before "notary's" in line 4 for consistency with other usage.

G. 18 NCAC 07F .0814 COMMITMENT: We added the word "electronic" in front of "notary" in line 5 for consistency with other usage.

H. 18 NCAC 07F .1003 RETENTION OF ELECTRONIC JOURNAL: We added the word "electronic" in front of "notary" in line 4 for consistency with other usage.

I. 18 NCAC 07F .1004 NOTARY CREDENTIAL SHARING FORBIDDEN: We added the word "electronic" in front of "notary" in line 4 for consistency with other usage.

J. 18 NCAC 07F .1105 NO ELECTRONIC NOTARIZATION OF INK SIGNATURE: We added the word "electronic" in front of "notary" in line 4 for consistency with other usage.

Let us know if you have any questions.

Regards, Ann

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

Please be aware that communications with the Secretary of State's office may be public records.

Connect with us!

On the Web: <http://www.sosnc.gov/>

Facebook: <https://www.facebook.com/NCSecState>

Twitter: <https://twitter.com/NCSecState>

YouTube: <https://www.youtube.com/c/NCSecState>

CONFIDENTIALITY NOTICE: THIS E-MAIL MESSAGE, INCLUDING ANY ATTACHMENTS, IS FOR THE SOLE USE OF THE INTENDED RECIPIENT (S) AND MAY CONTAIN CONFIDENTIAL AND PRIVILEGED INFORMATION. ANY UNAUTHORIZED USE, DISCLOSURE, OR DISTRIBUTION IS PROHIBITED.



1 18 NCAC 07F .0102 is amended with changes as published in 38:04 NCR 197-198 as follows:

2  
3 **18 NCAC 07F .0102 DEFINITIONS**

4 ~~In addition to terms defined in Article 1 of Chapter 10B of the General Statutes and for~~ For purposes of Article 2 of  
5 Chapter 10B of the General Statutes and this Subchapter:

6 (1) ~~"Applicant" means a person applying for registration as a North Carolina electronic notary.~~

7 (2)(1) ~~"Approved Electronic Notary Solution Provider" "Approved vendor for electronic notarizations,"~~  
8 ~~"approved electronic notary solution provider," or "AVEN" means a person or entity approved by~~  
9 ~~the Department to provide an Electronic Notarization System by the Department~~ electronic  
10 notarization system pursuant to Article 2 of Chapter 10B of the General Statutes ~~and Article 1A of~~  
11 ~~Chapter 47 of the General Statutes.~~

12 (3)(2) "Biometric Authentication" means proving the identity of a user by requiring verification of the  
13 user's identity through technologies that require measurement and analysis of one or more human  
14 physiological or behavioral characteristics of the user in order to access and use an electronic  
15 notarization system. Biometric authentication technologies include fingerprint scanning devices,  
16 retinal scanning devices, and handwriting analysis devices.

17 (4) ~~"Department" means the North Carolina Department of the Secretary of State. Unless specifically~~  
18 ~~noted in rule text, for the purposes of this Subchapter "Department" means the notary public section~~  
19 ~~of the Department's certification and filing division.~~

20 (5)(3) ~~"Electronic Notarization System" notarization [system - " system" ]~~ system" means a set of applications,  
21 programs, hardware, software, or technology approved by the Department that is designed to enable  
22 a notary to perform electronic or remote electronic notarizations.

23 (4) ~~"Electronic notary applicant" means a commissioned North Carolina notary public who applies to~~  
24 ~~be registered or reregistered [re-registered] as an electronic notary public.~~

25 (5) ~~"Electronic notary's electronic signature" means:~~

26 (a) ~~an electronic image of the handwritten signature of the electronic notary public in the name~~  
27 ~~of the notary as it appears on the notary's commission; and~~

28 (b) ~~the AVEN's or other technology provider's security features attached to the signature in~~  
29 ~~[SubItem (5)(a)] Sub-Item (5)(a) of this Rule.~~

30 (6) ~~"Independently Verifiable" verifiable" means capable of government or third-party authentication~~  
31 ~~of a notarial act, a an electronic notary's identity, identity and a notary's relevant authority. current~~  
32 ~~status with the Department.~~

33 (7) ~~"In the presence of the electronic notary at the time of notarization" means that an individual and an~~  
34 ~~electronic notary public are in close physical proximity to one another without using technology to~~  
35 ~~establish personal appearance.~~

36 (7)(8) ~~"Password Authentication" authentication" means requiring the user to enter a secret word, phrase,~~  
37 ~~or symbol set in order to access and use an electronic notarization system.~~

1       ~~(8)~~(9) "Token ~~Authentication~~ authentication" means requiring use of a physical device in addition to a  
2       password or personal identification number ("PIN" number) in order to access and use an electronic  
3       notarization system. Physical devices used in token authentication technologies include magnetic  
4       cards or "smart cards" and Universal Serial Bus (USB) memory sticks or "USB ~~keys~~ keys."

5       ~~(9)~~ "Under the exclusive control of the notary", for the purposes of the Department's interpretation of  
6       the requirements of G.S. 10B-126(b), means "under the notary public's sole control" as defined in  
7       this subchapter.

8       ~~(10)~~ "Under the notary public's sole control" means accessible by and attributable solely to the notary to  
9       the exclusion of all other persons and entities, either through being in the direct physical custody of  
10       the notary or through being secured with one or more biometric, password, token, or other  
11       authentication technologies in an electronic notarization system provided by an approved electronic  
12       notary solution provider approved pursuant to the Act and this Subchapter.

13  
14       *History Note:*     *Authority G.S. 10B-4; 10B-106; ~~10B-125(b); 10B-125(b); ~~10B-126(d); 10B-126; 10B-134.15; 10B-~~~~*  
15       *134.17; 10B-134.21; 47-16.5; 47-16.7; 147-36; 15-150-7002;*  
16       *Eff. January 1, 2007;*  
17       *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December*  
18       *6, 2016;*  
19       *Transferred from 18 NCAC 07C .0102 Eff. June 1, ~~2023; 2023;~~*  
20       *Amended Eff. July 1, 2024.*



1 18 NCAC 07F .0103 is adopted with changes as published in 38:04 NCR 198 as follows:

2

3 **18 NCAC 07F .0103 ELECTRONIC NOTARIES PERFORMING REMOTE ELECTRONIC**  
4 **NOTARIAL ACTS**

5 An electronic notary public shall not perform a remote electronic notarial act until the electronic notary has complied  
6 with the requirements of this Chapter.

7

8 *History Note: Authority G.S. 10B-4; 10B-106; 10B-125; 10B-126; 10B-134.15; 10B-134.17; 10B-134.21;*  
9 *Eff. July 1, 2024.*

1 18 NCAC 07F .0303 is adopted with changes as published in 38:04 NCR 199 as follows:

2

3 **18 NCAC 07F .0303 ELECTRONIC NOTARY COURSE**

4 Before performing a remote electronic notarization, Electronic electronic notaries public registered prior to July 1,  
5 2024, shall either:

6 (1) successfully complete a remote electronic notarization course module; ~~module before performing a~~  
7 ~~remote electronic notarization~~; or

8 (2) successfully complete an electronic notary class including training on remote electronic ~~notarization~~  
9 ~~before performing a remote electronic~~ notarization.

10

11 History Note: Authority G.S. 10B-4; 10B-14; 10B-125; 10B-126; 10B-134.21;

12 Eff. July 1, 2024.

1 18 NCAC 07F .0402 is adopted with changes as published in 38:04 NCR 199 as follows:

2

3 **18 NCAC 07F .0402 TIMING OF APPLICATION**

4 An electronic notary applicant shall submit an application to be registered as an electronic notary public within ~~90~~  
5 ~~days~~ three months of successfully completing the electronic notary course.

6 NOTE: For the purposes of this rule, “month” shall mean that term as defined in G.S. 12-3(3).

7

8 *History Note: Authority G.S. 10B-4; 10B-106; 10B-134.21;*

9 *Eff. July 1, 2024.*

1 18 NCAC 07F .0704 is amended with changes as published in 38:04 NCR 201 as follows:

2

3 **18 NCAC 07F .0704 LOGICALLY ATTACHED ELECTRONIC ~~ATTRIBUTES OF~~ SIGNATURE**

4 The electronic notary public's signature ~~shall~~ shall:

5 (1) be ~~attached [to,] or applied to and~~ logically associated electronically with the document, ~~[with,]~~ the  
6 notarized document; and

7 (2) ~~linking link~~ the data in such a manner that any subsequent alterations are observable through visual  
8 examination of:

9 (a) ~~to the underlying document document;~~ or

10 (b) the electronic notary ~~certificate certificate.~~ are observable through visual examination.

11

12 *History Note: Authority G.S. ~~10B-4; 10B-125(b); 10B-125(b); 10B-126(d); 10B-127; [10B-136;]~~ 10B-134.21; ~~47-~~  
13 ~~16.5; 47-16.7; 147-36; 15 USC 7002;~~*

14 *Eff. January 1, 2007;*

15 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December*  
16 *6, 2016;*

17 *Transferred from 18 NCAC 07C .0401(d) Eff. June 1, ~~2023-~~ 2023;*

18 *Amended Eff. July 1, 2024.*

1 18 NCAC 07F .0808 is amended as published in 38:04 NCR 202 as follows:

2

3 **18 NCAC 07F .0808** **USE OF ELECTRONIC NOTARY SEALS** ~~**ARE PRIVATE PROPERTY**~~

4 ~~The~~ **Only the electronic notary public whose commission name and county of commission is incorporated into the**  
5 **electronic seal is permitted to apply the electronic notary's** electronic notary seal **to an electronic document.** ~~is the~~  
6 ~~[private] property of the electronic notary [public].~~ and shall be subject to laws governing private property.

7

8 *History Note: Authority G.S. ~~10B-4; 10B-125(b); 10B-126(d); 47-16.5; 47-16.7; 147-36; 15-UNC 7002;~~*

9 *Eff. January 1, 2007;*

10 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December*  
11 *6, 2016;*

12 *Transferred from 18 NCAC 07C .0602 Eff. June 1, ~~2023.~~ 2023;*

13 *Amended Eff. July 1, 2024.*

1 18 NCAC 07F .0811 is adopted with changes as published in 38:04 NCR 203 as follows:

2

3 An electronic notary public shall review the electronic notary's electronic seal for compliance with the Rules in this  
4 Section before the seal is used for the first time.

5

6 *History Note:* Authority G.S. 10B-4; 10B-125(b); 10B-126(d); 10B-134.21;

7 *Eff. July 1, 2024.*

1 18 NCAC 07F .0812 is adopted with changes as published in 38:04 NCR 203 as follows:

2

3 **18 NCAC 07F .0812 AFFIXING ELECTRONIC SEAL**

4 An electronic notary public shall not affix the electronic notary's electronic seal until:

5 (1) the principals have appeared before the electronic notary as required by Article 2 of Chapter 10B of  
6 the General Statutes;

7 (2) the principals have been identified;

8 (3) the oaths or affirmations have been administered, if required;

9 (4) the principals have affixed their signatures to the electronic document or acknowledged them if  
10 applicable;

11 ~~(5)~~ any fees have been collected; and

12 ~~(6)~~(5) the journal entry has been made in accordance with the ~~rules~~ Rules in Subchapter I of this Chapter.

13

14 *History Note: Authority G.S. 10B-4; 10B-125(b); 10B-126(d); 10B-134.15; 10B-134.21;*

15 *Eff. July 1, 2024.*

1 18 NCAC 07F .0813 is adopted with changes as published in 38:04 NCR 203 as follows:

2

3 **18 NCAC 07F .0813 REVIEW AFTER AFFIXING ELECTRONIC SEAL**

4 After the electronic notary public affixes the electronic notary's electronic seal, and before the electronic notary  
5 commits the electronic seal, the electronic notary shall review the notary's electronic seal to ensure that it:

6 (1) is present on the ~~notarial~~ notary certificate;

7 (2) is legible; and

8 (3) does not obscure:

9 (a) the ~~notarial~~ notary certificate;

10 (b) any content in the ~~notarial~~ notary certificate; or

11 (c) any content in the document being notarized.

12

13 *History Note: Authority G.S. 10B-4; 10B-125(b); 10B-126(d); 10B-134.21;*

14 *Eff. July 1, 2024.*



1 18 NCAC 07F .0814 is adopted with changes as published in 38:04 NCR 203 as follows:

2

3 **18 NCAC 07F .0814 COMMITMENT**

4 After an electronic notary public has complied with the requirements of Sections .0700 and .0800 of this Subchapter  
5 with regard to review of signatures and seals after affixing them, the electronic notary shall:

6 (1) ensure that the required journal entry has been made; and

7 (2) then commit:

8 (a) the electronic notarial signature;

9 (b) the electronic notarial seal; and

10 (c) the content of the journal entry.

11

12 *History Note: Authority G.S. 10B-4; 10B-125(b); 10B-126(d); 10B-134.21;*

13 *Eff. July 1, 2024.*

1 18 NCAC 07F .1003 is adopted with changes as published in 38:04 NCR 204 as follows:

2

3 **18 NCAC 07F .1003 RETENTION OF ELECTRONIC JOURNAL**

4 An electronic notary public shall maintain a copy of the electronic notary's electronic journal for 10 years after the last  
5 notarial act.

6

7 *History Note: Authority G.S. 10B-4; ~~10B-125(b)~~; 10B-126(d); 10B-134.15; 10B-134.17; 10B-134.21;*  
8 *Eff. July 1, 2024.*

1 18 NCAC 07F .1004 is adopted with changes as published in 38:04 NCR 204 as follows:

2

3 **18 NCAC 07F .1004 NOTARY CREDENTIAL SHARING FORBIDDEN**

4 An electronic notary public shall not share the means of authentication that the electronic notary uses to access an  
5 electronic notarization system with anyone.

6

7 *History Note: Authority G.S. 10B-4; ~~10B-125~~; 10B-126; 10B-134.15; 10B-134.17; 10B-134.21;*  
8 *Eff. July 1, 2024.*

1 18 NCAC 07F .1105 is adopted with changes as published in 38:04 NCR 205 as follows:

2

3 **18 NCAC 07F .1105 NO ELECTRONIC NOTARIZATION OF INK SIGNATURE**

4 An electronic notary public shall not use the electronic notary's electronic signature and electronic seal to notarize an  
5 ink signature signed by hand.

6

7 *History Note: Authority G.S. ~~10B-3~~; 10B-4; ~~10B-102~~; ~~10B-116(1)~~; 10B-125(b); 10B-126(d);*  
8 *Eff. July 1, 2024.*

## **Burgos, Alexander N**

---

**Subject:** FW: [External] Request for one day extension for response to technical corrections

---

**From:** Ann Wall <awall@sosnc.gov>

**Sent:** Tuesday, January 16, 2024 10:51 AM

**To:** Ascher, Seth M <seth.ascher@oah.nc.gov>

**Cc:** Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Elmore, Ann M <aelmore@sosnc.gov>

**Subject:** RE: [External] Request for one day extension for response to technical corrections

**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.

Thanks, Seth.

Ann B. Wall

General Counsel

Department of the Secretary of State

[awall@sosnc.gov](mailto:awall@sosnc.gov)

Phone (919) 814-5310

Fax 919-814-5391

Please be aware that communications with the Secretary of State's office may be public records.

Ann,

I have no problem granting that extension of time, as we are far enough out from the meeting to be a little flexible.

Apologies for the delayed response on .0808, I wanted to touch base with Brian and make sure we were handling similar issues consistently. The change you proposed for 07F .0808 on January 11<sup>th</sup> addresses my original concern. The only wrinkle is that because it is dependent on a definition in what I believe is still a pending rule, you want to make sure that 07F .0808 and that definition go into effect the same day. It looks like that won't be a problem, based on the proposed effective date for .0808 and the timeline we have previously discussed.

Let me know if you have additional questions.

**Seth Ascher**

Counsel to the North Carolina Rules Review Commission

Office of Administrative Hearings

(984) 236-1934

---

Email correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties by an authorized state official.

## Burgos, Alexander N

---

**From:** Ann Wall <awall@sosnc.gov>  
**Sent:** Monday, January 15, 2024 4:20 PM  
**To:** Ascher, Seth M  
**Cc:** Burgos, Alexander N; Elmore, Ann M  
**Subject:** [External] Request for one day extension for response to technical corrections

**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.

I am requesting a one-day extension of time from Tuesday, January 15, 2024 to Wednesday, January 16, 2024 to respond to the 18 NCAC 07F technical corrections.

The one-day extension is necessary for two reasons: (1) On 1/11/24, at 3:13 p.m., I emailed you a second proposed change to 18 NCAC 07F .0808 in response to your additional questions regarding our proposed provision. I need to know if we need to make further changes to that rule. (2) There has been a death in the immediate family of a critical member of our rulemaking team.

Thanks for your consideration of this request.

Regards,

Ann

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

Please be aware that communications with the Secretary of State's office may be public records.

Connect with us!

On the Web: <http://www.sosnc.gov/>

Facebook: <https://www.facebook.com/NCSecState>

Twitter: <https://twitter.com/NCSecState>

YouTube: <https://www.youtube.com/c/NCSecState>

CONFIDENTIALITY NOTICE: THIS E-MAIL MESSAGE, INCLUDING ANY ATTACHMENTS, IS FOR THE SOLE USE OF THE INTENDED RECIPIENT (S) AND MAY CONTAIN CONFIDENTIAL AND PRIVILEGED INFORMATION. ANY UNAUTHORIZED USE, DISCLOSURE, OR DISTRIBUTION IS PROHIBITED.



## Burgos, Alexander N

---

**Subject:** FW: [External] Response to your email re: See if these will work for 18 NCAC 07F .0704 and .0808

---

**From:** Ann Wall <awall@sosnc.gov>

**Sent:** Thursday, January 11, 2024 3:13 PM

**To:** Ascher, Seth M <seth.ascher@oah.nc.gov>

**Cc:** Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Elmore, Ann M <aelmore@sosnc.gov>; Toole, William W <WToole@sosnc.gov>

**Subject:** [External] Response to your email re: See if these will work for 18 NCAC 07F .0704 and .0808

**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. Thanks for the quick response and the benefit of bringing your fresh perspective to the review.

We believe we have revised Rule 07F .0808 to add clarity in response to your questions regarding to whom it applies. I have provided our proposed revision below. Please let us know as soon as possible if the revised rule now adequately responds to your questions. If yes, we will format the three revised rules and get them to you as soon as possible, maybe tomorrow.

Insofar as what is a commission name, please see Rule 07B .0102(18), which I have put below.

### Proposed revision to 07F .0808 in response to your questions today:

Only the an electronic notary public whose commission name and county of commission is incorporated into the electronic seal is permitted to apply ~~the~~ that electronic notary's electronic notary seal to an electronic document.

Let us know if that revision works.

Regards, Ann

**Definition of "commission name"** is actually "name for use on a commission" is in 07B .0102(18) which we are amending as shown in blue before adoption and submission this month:

(18) "Name for use on a notary public commission" or "commission name" means the name chosen by an applicant as the applicant's commission name and consisting of:

(a) the full legal name of the commission applicant; or

(b) a combination of the applicant's surname and:

(i) full first or middle name; or

(ii) full first or middle name and one or more initials **derived from the applicant's full legal**

**name.**

NOTE: Full legal names, full first names, and full middle names shall not include nicknames.

Ann B. Wall  
General Counsel

NC Department of the Secretary of State  
919-814-5310

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

Please be aware that communications with the Secretary of State's office may be public records.

## Burgos, Alexander N

---

**Subject:** FW: [External] See if these will work for 18 NCAC 07F .0704 and .0808

---

**From:** Ann Wall <awall@sosnc.gov>

**Sent:** Thursday, January 11, 2024 1:44 PM

**To:** Ascher, Seth M <seth.ascher@oah.nc.gov>

**Cc:** Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Elmore, Ann M <aelmore@sosnc.gov>; Toole, William W <WToole@sosnc.gov>

**Subject:** RE: [External] See if these will work for 18 NCAC 07F .0704 and .0808

**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.

Thanks for the quick response Seth. We'll probably get these back to you on Tuesday, if not before.

Ann

Ann B. Wall

General Counsel

Department of the Secretary of State

[awall@sosnc.gov](mailto:awall@sosnc.gov)

Phone (919) 814-5310

Fax 919-814-5391

Please be aware that communications with the Secretary of State's office may be public records.

## **Burgos, Alexander N**

---

**Subject:** FW: [External] See if these will work for 18 NCAC 07F .0704 and .0808

---

**From:** Ascher, Seth M <seth.ascher@oah.nc.gov>

**Sent:** Thursday, January 11, 2024 12:40 PM

**To:** Wall, Ann B <awall@sosnc.gov>

**Cc:** Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Elmore, Ann M <aelmore@sosnc.gov>; Toole, William W <WToole@sosnc.gov>

**Subject:** RE: [External] See if these will work for 18 NCAC 07F .0704 and .0808

The changes to .0704 addressed my concern.

On .0808, is “whose commission name and county of commission” meant to be a list with three elements? If so, add commas, i.e. “whose commission, name, and county of commission”. If it is only two elements, what is a “commission name”? Other than that detail, the new .0808 addresses my original concern.

Sincerely,

**Seth Ascher**

Counsel to the North Carolina Rules Review Commission

Office of Administrative Hearings

(984) 236-1934

---

Email correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties by an authorized state official.

## Burgos, Alexander N

---

**Subject:** FW: [External] See if these will work for 18 NCAC 07F .0704 and .0808

---

**From:** Ann Wall <awall@sosnc.gov>

**Sent:** Wednesday, January 10, 2024 11:24 AM

**To:** Ascher, Seth M <seth.ascher@oah.nc.gov>

**Cc:** Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Elmore, Ann M <aelmore@sosnc.gov>; Toole, William W <WToole@sosnc.gov>

**Subject:** [External] See if these will work for 18 NCAC 07F .0704 and .0808

**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.

Thanks again for meeting with us last week. We have some new language for you to review and it's below with changes highlighted in green.

Please let us know if it's okay or if we need to do a quick WebEx meeting.

Ann

# Proposed revision:

18 NCAC 07F .0704 is amended with changes as p

**18 NCAC 07F .0704** LOGICALLY—ATT

## **ELECTRONIC SIGNATURE**

The electronic notary public's signature shall shall:

(1) be attached—applied to, to and or logically

notarized document; and

(2) linking link the data in such a manner that a

examination of:

(a) to the underlying document document; or

(b) the electronic notary certificate certificate. a

All of this one is new language so I didn't add the green highlights:

### Proposed revision:

18 NCAC 07F .0808 is amended as published in 38:04 NCR 202 as follows:

**18 NCAC 07F .0808** USE OF ELECTRONIC NOTARY SEALS

Only an electronic notary public whose commission name and county of commission is incorporated into the electronic seal is permitted to apply the electronic notary's electronic notary seal to an electronic document.

Ann B. Wall

General Counsel

Department of the Secretary of State

[awall@sosnc.gov](mailto:awall@sosnc.gov)

Phone (919) 814-5310

Fax 919-814-5391

Please be aware that communications with the Secretary of State's office may be public records.

Connect with us!

On the Web: <http://www.sosnc.gov/>

Facebook: <https://www.facebook.com/NCSecState>

Twitter: <https://twitter.com/NCSecState>

YouTube: <https://www.youtube.com/c/NCSecState>

CONFIDENTIALITY NOTICE: THIS E-MAIL MESSAGE, INCLUDING ANY ATTACHMENTS, IS FOR THE SOLE USE OF THE INTENDED RECIPIENT (S) AND MAY CONTAIN CONFIDENTIAL AND PRIVILEGED INFORMATION. ANY UNAUTHORIZED USE, DISCLOSURE, OR DISTRIBUTION IS PROHIBITED.

## Burgos, Alexander N

---

**Subject:** FW: [External] Addition to today's meeting agenda

---

**From:** Ann Wall <awall@sosnc.gov>

**Sent:** Thursday, January 4, 2024 8:33 AM

**To:** Ascher, Seth M <seth.ascher@oah.nc.gov>

**Cc:** Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Elmore, Ann M <aelmore@sosnc.gov>; Toole, William W <WToole@sosnc.gov>

**Subject:** [External] Addition to today's meeting agenda

**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.

We have now met to discuss your technical correction requests, and would like to add one item to the agenda for today's meeting.

We would like to talk about your comments about 18 NCAC 07F .0704. We have a proposed change and would like to discuss it with you.

Thanks again for agreeing to meet with us.

Regards, Ann

Ann B. Wall

General Counsel

Department of the Secretary of State

[awall@sosnc.gov](mailto:awall@sosnc.gov)

Phone (919) 814-5310

Fax 919-814-5391

Please be aware that communications with the Secretary of State's office may be public records.

Connect with us!

On the Web: <http://www.sosnc.gov/>

Facebook: <https://www.facebook.com/NCSecState>

Twitter: <https://twitter.com/NCSecState>



YouTube: <https://www.youtube.com/c/NCSecState>

CONFIDENTIALITY NOTICE: THIS E-MAIL MESSAGE, INCLUDING ANY ATTACHMENTS, IS FOR THE SOLE USE OF THE INTENDED RECIPIENT (S) AND MAY CONTAIN CONFIDENTIAL AND PRIVILEGED INFORMATION. ANY UNAUTHORIZED USE, DISCLOSURE, OR DISTRIBUTION IS PROHIBITED.

## Burgos, Alexander N

---

**Subject:** FW: [External] Request for meeting re one of your technical change requests

---

**From:** Ann Wall <awall@sosnc.gov>

**Sent:** Tuesday, January 2, 2024 2:51 PM

**To:** Ascher, Seth M <seth.ascher@oah.nc.gov>

**Cc:** Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Elmore, Ann M <aelmore@sosnc.gov>; Toole, William W <WToole@sosnc.gov>

**Subject:** RE: [External] Request for meeting re one of your technical change requests

**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.

Thanks.

Ann B. Wall

General Counsel

Department of the Secretary of State

[awall@sosnc.gov](mailto:awall@sosnc.gov)

Phone (919) 814-5310

Fax 919-814-5391

Please be aware that communications with the Secretary of State's office may be public records.

1:30 PM will work for me. I will see you Thursday.

**Seth Ascher**

Counsel to the North Carolina Rules Review Commission

Office of Administrative Hearings

(984) 236-1934

---

Email correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties by an authorized state official.

---

**From:** Ann Wall <[awall@sosnc.gov](mailto:awall@sosnc.gov)>

**Sent:** Tuesday, January 2, 2024 2:44 PM

**To:** Ascher, Seth M <[seth.ascher@oah.nc.gov](mailto:seth.ascher@oah.nc.gov)>

**Cc:** Burgos, Alexander N <[alexander.burgos@oah.nc.gov](mailto:alexander.burgos@oah.nc.gov)>; Elmore, Ann M <[aelmore@sosnc.gov](mailto:aelmore@sosnc.gov)>; Toole, William W <[WToole@sosnc.gov](mailto:WToole@sosnc.gov)>

**Subject:** [External] Request for meeting re one of your technical change requests

**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.

Bill has no preference, so would 1:30 p.m. work for you? If not, just pick a time and we'll be there.

And, thanks for arranging the meeting on such short notice.

Regards, Ann

Ann B. Wall

General Counsel

Department of the Secretary of State

[awall@sosnc.gov](mailto:awall@sosnc.gov)

Phone (919) 814-5310

Fax 919-814-5391

Please be aware that communications with the Secretary of State's office may be public records.

Ann,

My schedule is open the afternoon of January 4<sup>th</sup>. Let me know what time would work for you and I'll reserve a conference room.

**Seth Ascher**

Counsel to the North Carolina Rules Review Commission

Office of Administrative Hearings

(984) 236-1934

---

Email correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties by an authorized state official.



## Burgos, Alexander N

---

**To:** Ann Wall; Ascher, Seth M  
**Cc:** Elmore, Ann M; Toole, William W  
**Subject:** RE: [External] Request for meeting re one of your technical change requests

---

**From:** Ann Wall <awall@sosnc.gov>  
**Sent:** Tuesday, January 2, 2024 9:51 AM  
**To:** Ascher, Seth M <seth.ascher@oah.nc.gov>  
**Cc:** Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Elmore, Ann M <aelmore@sosnc.gov>; Toole, William W <WToole@sosnc.gov>  
**Subject:** RE: [External] Request for meeting re one of your technical change requests

**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.

Excellent thanks. I'll get back to you as soon as I can.

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

Please be aware that communications with the Secretary of State's office may be public records.

Ann,

My schedule is open the afternoon of January 4<sup>th</sup>. Let me know what time would work for you and I'll reserve a conference room.

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

## Burgos, Alexander N

---

**From:** Ann Wall <awall@sosnc.gov>  
**Sent:** Monday, January 1, 2024 10:18 AM  
**To:** Ascher, Seth M  
**Cc:** Burgos, Alexander N; Elmore, Ann M; Toole, William W  
**Subject:** [External] Request for meeting re one of your technical change requests

**Follow Up Flag:** Flag for follow up  
**Flag Status:** Completed

**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. I hope you had a good holiday season and the chance to relax.

Bill Toole and I would like to come over to OAH and meet with you to talk through your comment below. We think that with an in-person meeting, we can promptly resolve the issues so that we can submit all of our responses to you by January 16th, as you have requested. We would like to meet as soon as possible.

We are both available on Wednesday afternoon, January 3rd or Thursday afternoon, January 4th. If neither of those work for you, please propose a couple of times that will work for you and we'll find a way.

Thanks, Ann

**Your comment that we would like to discuss:** RULE CITATION: 18 NCAC 07F .0808

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

*I still don't understand what this rule means (response to the pre-review require it. This m respond.*

*Concretely, when you say a physical notary sea understand what that means. The physical obj document belongs to the notary. The State do being a notary. If someone steals or damages it against the notary. Per 10B-101(5), the electroni a notarized document." Presumably, the docur the property of the person who asked that docu would contain an electronic notary seal (because so the document owned by the customer would doesn't seem like the intent, and I'm not even su*

*One way to clarify this might be to identify what to enforce regarding their electronic seal? Wh violate their property rights?*

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

Please be aware that communications with the Secretary of State's office may be public records.  
alex

Connect with us!

On the Web: <http://www.sosnc.gov/>

Facebook: <https://www.facebook.com/NCSecState>

Twitter: <https://twitter.com/NCSecState>

YouTube: <https://www.youtube.com/c/NCSecState>

CONFIDENTIALITY NOTICE: THIS E-MAIL MESSAGE, INCLUDING ANY ATTACHMENTS, IS FOR THE SOLE USE OF THE INTENDED RECIPIENT (S) AND MAY CONTAIN CONFIDENTIAL AND PRIVILEGED INFORMATION. ANY UNAUTHORIZED USE, DISCLOSURE, OR DISTRIBUTION IS PROHIBITED.



## **Burgos, Alexander N**

---

**From:** Ann Wall <awall@sosnc.gov>  
**Sent:** Friday, December 22, 2023 12:34 PM  
**To:** Ascher, Seth M; Elmore, Ann M  
**Cc:** Burgos, Alexander N  
**Subject:** [External] Re: 18 NCAC 07F Requests for Changes

**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.

Thanks, Seth. Hope your holidays are everything you could hope for.

Ann

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

Please be aware that communications with the Secretary of State's office may be public records.

Ann (and Ann),

Attached are my Requests for Changes regarding the 18 NCAC 07F rules. Please get me any responses or updated rules by January 16<sup>th</sup>, 2024.

Note also, I wanted to get this to you as soon as it was ready but set your deadline as though I got it to you after the new year. I will be out next week, and we have enough time here that I didn't want to mess up anyone's holiday plans.

Sincerely,

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

Email correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties by an authorized state official.

Connect with us!

On the Web: <http://www.sosnc.gov/>

Facebook: <https://www.facebook.com/NCSecState>

Twitter: <https://twitter.com/NCSecState>

YouTube: <https://www.youtube.com/c/NCSecState>

CONFIDENTIALITY NOTICE: THIS E-MAIL MESSAGE, INCLUDING ANY ATTACHMENTS, IS FOR THE SOLE USE OF THE INTENDED RECIPIENT (S) AND MAY CONTAIN CONFIDENTIAL AND PRIVILEGED INFORMATION. ANY UNAUTHORIZED USE, DISCLOSURE, OR DISTRIBUTION IS PROHIBITED.

## **Burgos, Alexander N**

---

**Subject:** FW: Quick question for planning purposes re rules on agenda 12.14.23

---

**From:** Ann Wall <awall@sosnc.gov>

**Sent:** Thursday, December 7, 2023 7:30 AM

**To:** Ascher, Seth M <seth.ascher@oah.nc.gov>

**Subject:** Quick question for planning purposes re rules on agenda 12.14.23

Thanks for the quick response, Seth. We have no objection to your request for an extension of time for review.

Ann

Ann B. Wall

General Counsel

Department of the Secretary of State

[awall@sosnc.gov](mailto:awall@sosnc.gov)

Phone (919) 814-5310

Fax 919-814-5391

Please be aware that communications with the Secretary of State's office may be public records.

Ann,

I am planning to request an extension to the period of review on these rules. The schedule this month has precluded me from getting you requests for changes in a time-frame that would reasonably allow you to respond. My hope is to get them to you far enough in advance that this can go through at the January meeting, but we can discuss that once I get you requests.

**Seth Ascher**

Counsel to the North Carolina Rules Review Commission

Office of Administrative Hearings

(984) 236-1934

---

**From:** Ann Wall <[awall@sosnc.gov](mailto:awall@sosnc.gov)>  
**Sent:** Wednesday, December 6, 2023 10:21 AM  
**To:** Ascher, Seth M <[seth.ascher@oah.nc.gov](mailto:seth.ascher@oah.nc.gov)>  
**Cc:** Burgos, Alexander N <[alexander.burgos@oah.nc.gov](mailto:alexander.burgos@oah.nc.gov)>; Elmore, Ann M <[aelmore@sosnc.gov](mailto:aelmore@sosnc.gov)>  
**Subject:** [External] Quick question for planning purposes re rules on agenda 12.14.23

**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. Can you tell me whether to expect: (a) requests for technical corrections on the 18 NCAC 07F rules, or (b) a staff request for an extension of time for review?

I'm trying to accommodate our folks' schedules and having that information will enable me to do so.

Thanks, Ann

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

Please be aware that communications with the Secretary of State's office may be public records.

Connect with us!

On the Web: <http://www.sosnc.gov/>

Facebook: <https://www.facebook.com/NCSecState>

Twitter: <https://twitter.com/NCSecState>

YouTube: <https://www.youtube.com/c/NCSecState>

CONFIDENTIALITY NOTICE: THIS E-MAIL MESSAGE, INCLUDING ANY ATTACHMENTS, IS FOR THE SOLE USE OF THE INTENDED RECIPIENT (S) AND MAY CONTAIN CONFIDENTIAL AND PRIVILEGED INFORMATION. ANY UNAUTHORIZED USE, DISCLOSURE, OR DISTRIBUTION IS PROHIBITED.