

Burgos, Alexander N

Subject: FW: [External] Thank you, Alex! RE: Reply and Formatted Changed Rule Re: RFC for 18 NCAC 07F

From: Ann Elmore <aelmore@sosnc.gov>
Sent: Tuesday, May 20, 2025 3:59 PM
To: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Cc: Ascher, Seth M <seth.ascher@oah.nc.gov>; Wall, Ann B <awall@sosnc.gov>
Subject: [External] Thank you, Alex! RE: Reply and Formatted Changed Rule Re: RFC for 18 NCAC 07F

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Hi, Alex.

Thank you for the alert that the Agenda has been updated. It appears that all 152 rules across 8 subchapters are accounted for. The subchapter-by-subchapter organization that both you & Seth used makes following what has transpired with each rule set soooooo much easier--*for all!*

Your contributions to the clarity of this process truly are valued. Thank you!

AnnE

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>>> "Burgos, Alexander N" <alexander.burgos@oah.nc.gov> 5/20/2025 1:53 PM >>>

Hello Ann, all your final rules for RRC review have been posted to the online agenda. Feel free to review them and let me know if you have any questions. Have a great day.

<https://www.oah.nc.gov/news/events/rrc-meeting-agenda-may-2025>

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1 18 NCAC 07F .0102 is amended with changes as published in 39:13 NCR 820 as follows:

2
3 **SUBCHAPTER 07F – ELECTRONIC NOTARY PUBLIC REQUIREMENTS**

4
5 **SECTION .0100 – GENERAL**

6
7 **18 NCAC 07F .0102 DEFINITIONS**

8 For purposes of Article 2 of Chapter 10B of the General Statutes and this Subchapter: Statutes, this Subchapter, and
9 Subchapters 07H and 07J of this Chapter:

10 (1) ~~"Approved vendor for electronic notarizations," "approved electronic notary solution provider," or~~
11 ~~"AVEN" means a person approved by the Department to provide an electronic notarization system~~
12 ~~pursuant to Article 2 of Chapter 10B of the General Statutes.~~

13 (2)(1) "Biometric authentication" means proving the identity of a user by requiring verification of the user's
14 identity through technologies that require measurement and analysis of one or more human
15 physiological or behavioral characteristics of the user in order to access and use an electronic
16 notarization system. Note: Biometric authentication technologies include fingerprint scanning
17 devices, devices and retinal scanning devices, and handwriting analysis devices. devices.

18 (3) ~~"Electronic notarization system" means a set of applications, programs, hardware, software, or~~
19 ~~technology approved by the Department that is designed to enable a notary to perform electronic or~~
20 ~~remote electronic notarizations.~~

21 (4)(4)(2) "Electronic notary applicant" means a commissioned North Carolina notary public who applies
22 to be registered or reregistered as an electronic notary public.

23 (5)(2)(3) "Electronic notary's electronic signature" means:

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

26 (b) the AVEN's or other technology provider's security features attached to the signature in
27 Sub-Item (5)(a) Sub-Item (2)(a) of this Rule.

28 (6)(3)(4) "Independently verifiable" means capable of government or third-party authentication of a
29 notarial act, an electronic notary's identity and current status with the Department.

30 (7)(4)(5) "In the presence of the electronic notary at the time of notarization" means that an individual
31 and an electronic notary public are in close physical proximity to one another without using
32 technology to establish personal appearance.

33 (8) ~~"Password authentication" means requiring the user to enter a secret word, phrase, or symbol set in~~
34 ~~order to access and use an electronic notary solution.~~

35 (9) ~~"Token authentication" means requiring use of a physical device in addition to a password or~~
36 ~~personal identification number ("PIN" number) in order to access and use an electronic notary~~

1 ~~solution. Note: Physical devices used in token authentication technologies include magnetic cards~~
2 ~~or "smart cards" and Universal Serial Bus (USB) memory sticks or "USB keys."~~

3
4 *History Note: Authority G.S. 10B-4; 10B-106; 10B-125(b); 10B-126; 10B-134.15; 10B-134.17; 10B-134.21;*
5 *Eff. January 1, 2007;*
6 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest*
7 *Eff. December 6, 2016;*
8 *Transferred from 18 NCAC 07C .0102 Eff. June 1, 2023;*
9 *Amended Eff. July 1, 2025; July 1, 2024.*

1 18 NCAC 07F .0103 is amended as published in 39:13 NCR 820-821 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~~ of:

7 (1) this Subchapter; and

8 (2) 18 NCAC 07D Section .0400 and 18 NCAC 07H.

9
10 *History Note: Authority G.S. 10B-4; 10B-106; 10B-125; 10B-126; 10B-134.15; 10B-134.17; 10B-134.21;*

11 *Eff. July 1, ~~2024~~ 2024;*

12 *Amended Eff. July 1, 2025.*

1 18 NCAC 07F .0202 is adopted as published in 39:13 NCR 821 as follows:
2

3 **SECTION .0200 – QUALIFICATIONS TO BE ELECTRONIC NOTARY**
4

5 **18 NCAC 07F .0202 CURRENT PERSONAL COPY OF MANUAL**

6 An electronic notary applicant shall possess a current and personal copy of the North Carolina notary manual
7 applicable to electronic notaries.
8

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

10 *Eff. July 1, 2025.*

1 18 NCAC 07F .0303 is amended as published in 39:13 NCR 821 as follows:

2
3 **SECTION .0300 – EDUCATION OF ELECTRONIC NOTARIES PUBLIC**

4
5 **18 NCAC 07F .0303 ELECTRONIC NOTARY COURSE**

6 Before performing a remote electronic notarization, electronic notaries public registered prior to July 1, ~~2024~~, 2025,
7 shall either:

- 8 (1) successfully complete a remote electronic notarization course ~~module~~; module taught by a certified
9 notary instructor or designee of the Department; or
10 (2) successfully complete an electronic notary ~~class including training on remote electronic~~
11 ~~notarization~~; course pursuant to Rule .0302 of this Section.

12
13 *History Note: Authority G.S. 10B-4; 10B-14; 10B-125; 10B-126; 10B-134.21;*

14 *Eff. March 1, ~~2025~~; 2025;*

15 *Amended Eff. July 1, 2025.*

1 18 NCAC 07F .0601 is amended with changes as published in 39:13 NCR 821 as follows:

2
3 **SECTION .0600 – SELECTION AND USE OF TECHNOLOGY PROVIDER TO PERFORM**
4 **ELECTRONIC NOTARIAL ACTS**
5

6 **18 NCAC 07F .0601 NOTICE TO DEPARTMENT OF TECHNOLOGY PROVIDER**

7 An electronic notary public shall use the form described in 18 NCAC 07B .0405 to provide notice to the Department
8 of all technology providers proposed to be used:

- 9 (1) to affix the electronic notary's electronic ~~signature~~; signature and
10 ~~(2) to affix the~~ electronic notary's seal;
11 ~~(3)(2)~~ as the means to create and maintain the electronic notary's electronic journal and a backup copy of
12 the journal;
13 ~~(4)(3)~~ as the custodian of the electronic notary's journal; and
14 ~~(5)(4)~~ as the platform that the electronic notary will use if the notary intends to perform remote electronic
15 notarial acts, acts; and
16 (5) for identity proofing and credential analysis technologies not otherwise associated with platforms
17 disclosed in Item (4) of this Rule.
18

19 *History Note: Authority G.S. 10B-4; 10B-125; 10B-126; 10B-127; 10B-134.15; 10B-134.17; 10B-134.21;*
20 *Eff. March 1, ~~2025~~; 2025;*
21 *Amended Eff. July 1, 2025.*

1 18 NCAC 07F .0704 is amended as published in 39:13 NCR 821 as follows:

2
3 **SECTION .0700 – ELECTRONIC NOTARY SIGNATURE**
4

5 **18 NCAC 07F .0704 ELECTRONIC SIGNATURE**

6 The electronic notary ~~public's~~ public shall apply the electronic notary's electronic signature ~~shall~~ to the document
7 being notarized and upon commitment the signature shall be permanently affixed to the document.

8 ~~(1) be applied to and logically associated electronically with the notarized document; and~~

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

11 ~~(a) the underlying document; or~~

12 ~~(b) the electronic notary certificate.~~

13
14 *History Note: Authority G.S. 10B-4; 10B-125(b); 10B-126(d); 10B-127; 10B-134.21;*

15 *Eff. January 1, 2007;*

16 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December*
17 *6, 2016;*

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

19 *Amended Eff. July 1, 2025; July 1, 2024.*

1 18 NCAC 07F .0710 is adopted with changes as published in 39:13 NCR 821 as follows:

2
3 **18 NCAC 07F .0710 PLACEMENT OF ELECTRONIC SIGNATURE**

4 Before committal, the electronic notary shall ~~move or delete and reaffix an~~ ensure that the electronic notary's
5 electronic signature does not obscure any text or signatures on ~~to ensure that no portion of the electronic record is~~
6 ~~illegible or obscured.~~ record.

7
8 History Note: Authority G.S. 10B-4; 10B-125(b); 10B-126(a); 10B-134.21;

9 Eff. July 1, 2025.

1 18 NCAC 07F .0804 is amended with changes as published in 39:13 NCR 821 as follows:

2
3 **SECTION .0800 – ELECTRONIC NOTARY SEAL**
4

5 **18 NCAC 07F .0804 ATTRIBUTES OF ELECTRONIC SEAL**

6 The electronic notary seal shall: [public shall apply the electronic notary's electronic seal to the document being
7 notarized and upon commitment the seal shall be permanently affixed to the document.]

8 (1) ~~be attached to, or logically associated with, a notarized document; and~~

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

11 (a) ~~the underlying document; or~~

12 (b) ~~the electronic notary certificate.~~

13 (a) After completing a notarial certificate for an in-person electronic or remote electronic notarial act, the
14 electronic notary public shall do the following in this order:

15 (1) apply an image of the notary's electronic seal;

16 (2) apply an image of the notary's electronic signature;

17 (3) review the notarial certificate and images of the notary's electronic seal and signature for accuracy;
18 and

19 (4) digitally sign, or authorize the platform or IPEN solution to digitally sign, the certificate.

20 (b) An electronic notary shall not exit the notarial session before satisfying the requirements of Paragraph (a)
21 of this Rule.

22 (c) For purposes of Paragraph (a)(4) of this Rule, "digitally sign" means applying a digital signature to the
23 electronically notarized record using security features established by the IPEN provider or platform.

24
25 *History Note: Authority G.S. 10B-4; 10B-125(b); 10B-126(d); 10B-127; 10B-134.21;*

26 *Eff. January 1, 2007;*

27 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December*
28 *6, 2016;*

29 *Transferred from 18 NCAC 07C .0402(d) Eff. June 1, 2023;*

30 *Amended Eff. July 1, 2025; July 1, 2024.*

1 18 NCAC 07F .0807 is amended as published in 39:13 NCR 821-822 as follows:

2
3 **18 NCAC 07F .0807 CONTENTS OF ELECTRONIC NOTARY SEAL**

4 ~~An electronic notary public shall ensure that the electronic notary's electronic notary seal has:~~ When the electronic
5 record to which the electronic notary's electronic seal is affixed is printed on an 8 and one-half by 11 sheet of paper,
6 the notary's seal shall have:

- 7 (1) a visible border:
- 8 (a) having a physical appearance of the seal that replicates the appearance of an inked seal on
- 9 paper;
- 10 (b) with the size and shape required by G.S. 10B-37(c); and
- 11 (c) that includes an identifier in no less than an 8 point type assigned by the Department to the
- 12 producer of the electronic seal; and
- 13 (2) inside its ~~border:~~ border with a minimum 8 point type:
- 14 (a) the information required by G.S. 10B-117(1), (2), and (4);
- 15 (b) the words:
- 16 (i) "State of North Carolina";
- 17 (ii) "North Carolina"; or
- 18 (iii) the abbreviation "N.C.";
- 19 (c) the name of the county of commission with either:
- 20 (i) the word "County"; or
- 21 (ii) the abbreviation "Co."; and
- 22 (d) the expiration date of the electronic notary's commission.

23
24 *History Note: Authority G.S. 10B-4; 10B-125(b); 10B-126(d);*

25 *Eff. January 1, 2007;*

26 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December*
27 *6, 2016;*

28 *Transferred from 18 NCAC 07C .0402(g) Eff. June 1, 2023;*

29 *Amended Eff. July 1, 2025; March 1, 2025.*

1 18 NCAC 07F .0814 is amended with changes as published in 39:13 NCR 822 as follows:

2
3 **18 NCAC 07F .0814 ~~COMMITMENT~~ FINALIZATION OF NOTARIAL SESSION**

4 After an electronic notary public has complied with the requirements of Sections .0700 and .0800 of this Subchapter
5 with regard relating 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 notary's electronic notarial signature;
9 (b) the notary's electronic notarial seal; and
10 (c) the content of the journal ~~entry~~. entry; and
11 (3) apply the notary's digital certificate to the electronic record to which the notary has applied his or
12 her electronic notary seal and signature.

13
14 *History Note:* *Authority G.S. 10B-4; 10B-125(b); 10B-126(d); 10B-134.5(b); 10B-134.21;*
15 *Eff. July 1, ~~2024~~, 2024;*
16 *Amended Eff. July 1, 2025.*

1 18 NCAC 07F .0815 is adopted with changes as published in 39:13 NCR 822 as follows:

2
3 **18 NCAC 07F .0815 PLACEMENT OF ELECTRONIC SEAL**

4 Before committal, the electronic notary shall ~~move or delete and reaffix an~~ ensure that the electronic notary's
5 electronic seal to ensure that no portion of ~~does not obscure any text or signatures on the electronic record is illegible~~
6 ~~or obscured.~~ record.

7
8 History Note: Authority G.S. 10B-4; 10B-125(b); 10B-126(a); 10B-134.21;

9 Eff. July 1, 2025.

1 18 NCAC 07F .0816 is adopted with changes as published in 39:13 NCR 822 as follows:

2
3 **18 NCAC 07F .0816 APPLICATION OF ELECTRONIC NOTARY'S DIGITAL CERTIFICATE**

4 An electronic notary public shall apply, or allow the platform or IPEN provider to apply, the electronic notary's digital
5 certificate to ~~a document~~ an electronic record after the electronic notary's electronic signature and seal ~~has~~ have been:

6 (1) affixed; and

7 (2) reviewed.

8
9 *History Note: Authority G.S. 10B-4; 10B-125(b); 10B-126(a); 10B-134.5(b); 10B-134.21;*

10 *Eff. July 1, 2025.*

1 18 NCAC 07F .1003 is adopted as published in 39:13 NCR 822 as follows:

2
3 **SECTION .1000 – CONFIDENTIALITY, SECURITY, AND RECORDS RETENTION**

4
5 **18 NCAC 07F .1003 RETENTION OF ELECTRONIC JOURNAL**

6 An electronic notary public shall maintain a copy of the electronic notary's electronic journal and the backup copy of
7 the journal for at least 10 years after the last notarial act.

8
9 *History Note: Authority G.S. 10B-4; 10B-126(d); 10B-134.15; 10B-134.17; 10B-134.21;*

10 *Eff. July 1, ~~2024~~ 2024;*

11 *Amended Eff. July 1, 2025.*

1 18 NCAC 07F .1004 is amended as published in 39:13 NCR 822 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~~ notary solution with anyone.

6
7 *History Note: Authority G.S. 10B-4; 10B-126; 10B-134.15; 10B-134.17; 10B-134.21;*

8 *Eff. July 1, ~~2024~~ 2024;*

9 *Amended Eff. July 1, 2025.*