

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: N.C. Department of Secretary of State

RULE CITATION: 18 NCAC 07I .0103

**DEADLINE FOR RECEIPT: Friday, January 19, 2024**

***PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.***

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

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

*In (2), lines 6-7, does the retention requirement apply only to whatever portion of the journal has been provided to the third party?*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Brian Liebman  
Commission Counsel  
Date submitted to agency: January 5, 2024

1 18 NCAC 07I .0103 is adopted with changes as published in 38:04 NCR 206 as follows:

2

3 **18 NCAC 07I .0103 JOURNAL REQUIREMENT**

4 ~~In addition to the journal required by G.S. 10B-38:~~ For any journal created pursuant to this Subchapter:

5 (1) an electronic notary public shall maintain an accurate backup copy of the notary's journal; and

6 (2) a traditional notary public shall who maintains a journal shall retain a copy of a journal or any  
7 portion of a journal delivered to a third party. ~~create and maintain an accurate backup copy of an~~  
8 ~~original journal that the notary provides to the notary's employer upon termination of employment.~~

9

10 *History Note: Authority G.S. 10B-4; ~~10B-21~~; 10B-38; 10B-126; 10B-134.15; 10B-134.21;*

11 *Eff. July 1, 2024.*

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: N.C. Department of Secretary of State

RULE CITATION: 18 NCAC 07I .0104

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

*How does this rule apply to electronic journals that may be part of an electronic platform?*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Brian Liebman  
Commission Counsel  
Date submitted to agency: January 5, 2024

1 18 NCAC 07I .0104 is adopted with changes as published in 38:04 NCR 206 as follows:

2

3 **18 NCAC 07I .0104 JOURNAL OWNERSHIP**

4 The notary journal is the private property of the ~~notary.~~ notary public.

5

6 *History Note: Authority G.S. 10B-4; ~~10B-21~~; 10B-38; 10B-126; 10B-134.15; 10B-134.21;*

7 *Eff. July 1, 2024.*

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: N.C. Department of Secretary of State

RULE CITATION: 18 NCAC 07I .0303

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

*In (3), line 10, can you define "location"? I would think the definition given in 07K .0101(20) would not apply here, since that refers to a jurisdiction, which seems a little broad in this context.*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Brian Liebman  
Commission Counsel  
Date submitted to agency: January 5, 2024



REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: N.C. Department of Secretary of State

RULE CITATION: 18 NCAC 07I .0304

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

*In (3), line 9, I understand from your pre-review response that “directly related” is a term known to your regulated public, but that does not mean it’s clear in the Rule. Please define the term here or elsewhere.*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Brian Liebman  
Commission Counsel  
Date submitted to agency: January 5, 2024

1 18 NCAC 07I .0304 is adopted with changes as published in 38:04 NCR 208 as follows:

2

3 **18 NCAC 07I .0304 EMPLOYER REQUEST FOR INCLUSION OF ADDITIONAL INFORMATION**  
4 **IN JOURNAL**

5 A notary public ~~shall~~ may include additional information in the journal regarding an employer-related electronic  
6 notarial act if:

- 7 (1) the employer so requests;
- 8 (2) the request is made before the notary commits the journal entry; and
- 9 (3) the information is directly related to the notarial act.

10

11 *History Note:* Authority G.S. 10B-4; ~~10B-21~~; 10B-38; 10B-126; 10B-134.15; 10B-134.21;  
12 *Eff. July 1, 2024.*



REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: N.C. Department of Secretary of State

RULE CITATION: 18 NCAC 07I .0305

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The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

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

*In (4), line 9, I understand from your pre-review response that “directly related” is a term known to your regulated public, but that does not mean it’s clear in the Rule. Please define the term here or elsewhere.*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Brian Liebman  
Commission Counsel  
Date submitted to agency: January 5, 2024

1 18 NCAC 07I .0305 is adopted with changes as published in 38:04 NCR 208 as follows:

2

3 **18 NCAC 07I .0305 PARTY REQUEST FOR INCLUSION OF ADDITIONAL INFORMATION IN**  
4 **JOURNAL FOR REMOTE ELECTRONIC NOTARIZATION**

5 ~~A~~ An electronic notary public shall include additional information in the journal if:

- 6 (1) the notarial act is a remote electronic notarial act;  
7 (2) the requestor is a party involved in the transaction;  
8 (3) the request is made before the notary commits the journal entry; and  
9 (4) the information is directly related to the notarial act.

10

11 *History Note: Authority G.S. 10B-4; ~~10B-21~~; 10B-38; 10B-126; 10B-134.15; 10B-134.21;*  
12 *Eff. July 1, 2024.*