

possible given the scope and consequence of the undertaking. Hence, if we do not need the additional rulemaking time, rest assured, we would not use it.

Thank you very much for your consideration.

Regards,

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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Burgos, Alexander N

From: Ann Wall <awall@sosnc.gov>
Sent: Tuesday, March 12, 2024 5:30 PM
To: Ascher, Seth M
Cc: Burgos, Alexander N; Elmore, Ann M; Baughman, Jennell L
Subject: RE: [External] Request to remove Notary Rules from ERR schedule

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Hi, Seth. I'm out of state due to a family emergency but will confer with our folks and we'll get back to you as quickly as we can. It's a good idea and one that I had not thought of. All my ideas ended up being non-viable.

Regards, 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,

Based on this letter, I believe you are the correct person for me to be communicating about this request. But if not, feel free to redirect me.

I have reviewed the request and the impacted rules. Based on my review, it appears that all of the rules in 18 NCAC subchapters 07B, 07C, 07D, 07E, 07F, 07I, and 07K have been adopted, repealed, or amended in the past year. There do not appear to be rules in 07A, 07G, 07H to be reviewed. There are rules in 07J that have not been adopted, repealed, or amended within the past ten years. If you think that is factually incorrect, please let me know.

Under G.S. 150B-21.3A (d)(10) and 26 NCAC 05 .0209, I anticipate recommending that the RRC grant the Secretary of State's request as to 18 NCAC 07B, 07C, 07D, 07E, 07F, 07I, and 07K. However, I do not think the statute would allow the RRC to grant a waiver to subchapter 07J yet, since under the statute "the Commission may exempt rules that have been adopted or amended within the previous 10 years from review required by this section."

However, based on the unique circumstances described in the letter and which we have previously discussed, if the Secretary would like I could recommend that the RRC change the deadline for the periodic review of 18 NCAC 07J to allow for reconsideration of the waiver after the rules in 07J have been adopted, repealed, or amended.

Ultimately, I expect to write a brief staff opinion to this effect, but I wanted to give you a heads up in the hopes that we can smoothly resolve the problem. Let me know if you have any questions.

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

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-----Original Message-----

From: Jennell Baughman <jbaughman@sosnc.gov>
Sent: Thursday, March 7, 2024 2:56 PM
To: Jeanette.k.doran@gmail.com; justicebarbarajackson@gmail.com; overton.ro@gmail.com
Cc: Rules, Oah <oah.rules@oah.nc.gov>; Ascher, Seth M <seth.ascher@oah.nc.gov>
Subject: [External] Request to remove Notary Rules from ERR schedule

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Good afternoon,

Attached please find a letter from NC Secretary of State Elaine Marshall requesting the removal of the Notary Rules from the ERR schedule. Please let me know if you have any difficulty opening the document.

Sincerely,
Jennell

Jennell Baughman
Protocol Officer and
Executive Assistant to
Elaine F. Marshall, Secretary of State
P.O. Box 29622
Raleigh, NC 27626-0622
919.814.5307

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