



State of North Carolina
Department of the Secretary of State

ELAINE F. MARSHALL
SECRETARY OF STATE

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By E-Mail

Jeanette Doran, Chair

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Jake Parker, First Vice Chair

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William (Paul) Powell, Jr., Second Vice Chair

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Rules Review Commission

1711 New Hope Church Road

Raleigh, North Carolina 27609

Re: Request to modify 2024-2027 Existing Rules Review Schedule
for 18 NCAC 07J (Notary Rules): 30-Day Extension

Dear Chair Doran, Vice Chairs Parker and Powell:

I am writing to request a 30-day Existing Rules Review schedule extension from June 2025 to July 2025 for the remaining subchapter of the Department's Notary Public rules, Subchapter 07J. This request is made pursuant to G.S. § 150B-21.3A(d)(1) and 26 NCAC 05 .0204.

On March 27, 2024, the Commission exempted all other Notary Public rules in 18 NCAC 07 from the decennial existing rule review. The basis for the exemption was the status of the Department's ongoing review and revision of all notary rules, with Phase 1 and Phase 2 notary rules already before the Commission. On that same date, the Commission also voted to extend the Step One periodic review deadline for 18 NCAC 07J from September 2024 to June 2025. Currently, there are three existing rules in 18 NCAC 07J.

The basis for this request for a 30-day extension is:

1. The Department is nearing the end of the process of its Phase 3 notary rulemaking, including amending the three existing rules in 18 NCAC 07J and adding many substantive rules to that Subchapter. On January 2, 2025, the Department opened the public comment period on proposed Phase 3 rules, including amendments to the 18 NCAC 07J existing rules that are the subject of this extension request. The public comment period closes on March 3, 2025.

The Department plans to adopt the rules, with any changes necessitated by public comments, and, by March 20, 2025, submit the adopted rules to the Commission.

2. Granting this extension request will:

- Avoid substantial confusion in the regulated community as they are confronted with existing rules review categorizations of rules for which they have already submitted public comments on proposed amendments.
- Avoid additional and duplicative work for the Commission, its staff, the regulated community, and the Department.

3. If this extension request were not to be granted, the Department and the Commission would be dealing with the following in roughly the same time period with matters related to the Existing Rules Review Step One extension request italicized:

- ▶ Reviewing public comments on the proposed Phase 3 rules, making changes related to public comments, amending, and formatting the rules
- ▶ *Finalizing existing rules review Step One categorizations of the three 18 NCAC 07J rules*
- ▶ *Submitting the initial existing rules review Step One categorizations of the three 18 NCAC 07J rules to OAH for publication on its website*
- ▶ *Notifying interested parties of the existing rules review Step One categorizations of the three 18 NCAC 07J rules, and publishing the categorizations on the Department's website, and opening the Step One categorizations for public comment (at a time when the public has already commented on proposed amendments to those same three rules)*
- ▶ Submitting the adopted Phase 3 notary rules to the Commission by March 20, 2025 for review at its April 2025 meeting
- ▶ Responding to technical corrections requested by Commission staff for the adopted Phase 3 rules and submitting the responses in time for the Commission's consideration at its April 2025 meeting
- ▶ *By May 20th, finalizing the Step One categorizations of the three existing 18 NCAC 07J rules and submitting the report to the Commission*
- ▶ *Commission review of the final Step One report at its June 2025 meeting and, assuming approval, forwarding the Step One report to the Joint Administrative Procedure Oversight Committee for its review.*

A 30-day extension of the periodic existing review deadline will enable the Department to complete the processes for adoption and filing of the Phase 3 rules with the Commission by March 20th. After the Department files its Phase 3 notary rules with the Commission on March 20th, the Department will then renew its March 7, 2024 request to remove the Subchapter 07J rules from the existing review schedule.

Given these circumstances, I request that you grant a 30-day extension from June 2025 to July 2025 for the Department's 18 NCAC 07J rules for the 2024 – 2027 Existing Rules Review Schedule.

The Department General Counsel and Rulemaking Coordinator, Ann Wall, will attend the Commission meeting on Thursday, February 27, 2025, and she will be available to answer any questions you may have in relation to this request.

Regards,



Elaine F. Marshall

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