

## How to file a comment on an Existing Secretary of State rule in the Existing Rules Review Process

“Public comment” is defined in law<sup>1</sup> as a written objection to all or part of a rule. Additionally, the Rules Review Commission is legally required to determine whether the public comment has merit<sup>2</sup>. In order for the Rules Review Commission to do its job, a public comment must address the specific substance of the rule and address any of the standards for Rules Review Commission review. The Commission must determine whether the comment has merit and the rule meets all of the following criteria<sup>3</sup>:

- (1) The rule is within the authority delegated to the agency by the General Assembly.
- (2) The rule is clear and unambiguous.
- (3) The rule is reasonably necessary to implement or interpret an enactment of the General Assembly, or of Congress, or a regulation of a federal agency. The Commission shall consider the cumulative effect of all rules adopted by the agency related to the specific purpose for which the rule is proposed.
- (4) The rule was adopted in accordance with the Administrative Procedures Act.

### How to File a Comment on an Existing Secretary of State Rule

Address all comments to:

Rules Review  
Attn: Ann B. Wall  
NC Department of the Secretary of State

**SUBJECT LINE** should say: Rules Review and the category of rules. For example: “Rules Review – Corporations Rules”.

#### **Where to send comments:**

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| <b>By United States Postal Service</b>     | Rules Review<br>Attn: Ann B. Wall<br>NC Department of the Secretary of State<br>P.O. Box 29622<br>Raleigh, NC 27626-0622           |
| <b>By facsimile (fax)</b>                  | (919) 807 – 2010   |
| <b>By hand delivery or courier service</b> | Rules Review<br>Attn: Ann B. Wall<br>NC Department of the Secretary of State<br>2 South Salisbury Street<br>Raleigh, NC 27601-2903 |
| <b>By email</b>                            | <b>To:</b> <a href="mailto:rules@sosnc.com">rules@sosnc.com</a><br><b>Subject:</b> Rules Review                                    |

<sup>1</sup> NC General Statute § 150B-21.3A(a)(5).

<sup>2</sup> NC General Statute § 150B-21.3A(c)(2).

<sup>3</sup> NC General Statute § 150B-21.9(a).

## **Tips for Commenting**

1. Make specific comments about specific rules.
2. List the number of the rule you are commenting on.
3. Address the substance of the rule and how we classified it.

For more information on the existing rules review process, go to our [FAQs](#) or go to the [Rules Review Commission website](#)