NEW HAMPSHIRE DEPARTMENT OF STATE

William M. Gardner Secretary of State



Robert P. Ambrose Senior Deputy Secretary of State David M. Scanlan Deputy Secretary of State

September 27, 2013

Her Excellency Governor Margaret Wood Hassan and the Honorable Executive Council State House Concord, NH 03301

Your Excellency and Members of the Honorable Council:

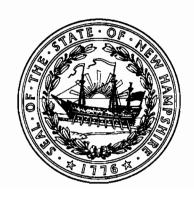
I respectfully submit the Department of State's Annual Report for the period July 1, 2012 through June 30, 2013.

Sincerely,

William M. Gardner Secretary of State

email: elections@sos.state.nh.us

Annual Report 2013



ELECTIONS/LEGISLATIVE DIVISION

- Administers state elections, prints ballots and election forms, instructs local election officials. (RSA 652-668)
- Prepares forms, and keeps on file receipts and expenditures filed under RA 664; Gifts & Honorariums filed by RSA 15-B, and Financial Disclosure form required by Ethics Committee (RSA 15-A and RSA 12-G)
- Serves legislature as required, engrosses all bills passed by the legislature, keeps permanent files of all bills introduced. (Const. of N.H., Pt. 2, Art. 68)
- Registers lobbyists files reports of receipts & expenditures (RSA 15)
- Prepares forms & records reports by Boards & Commissions (RSA 21-G)
- Publishes the Manual for the General Court (Red Book). (RSA 20:5)
- Publishes the New Hampshire Election Laws (RSA 39,40, 655-669)
- Prepares and distributes with the approval of the Attorney General the Political Calendar and the Election Procedure Manual.
- Receives filings of candidacy for all political offices at Presidential Primary, Direct Primary and General Elections and Special Elections. (RSA 655:19, 48)
- Reviews and approves all proposed amendments on revisions to municipal charters for conformity with state law. (RSA 49-B)
- -Federal Help America Vote Act (HAVA)

CORPORATE DIVISION

- Reserves names of corporations. (RSA 293-A)
- Examines and records all corporations, issues corporate charters, receives annual returns from all corporations doing business in the state. (RSA 293-A, 56)
- Collects annual return and franchise fees from all corporations. (RSA 293-A, 293:138, 139, 141)
- Prepares list of corporations delinquent for two years or more for dissolution purposes. (RSA 293-A)
- Records voluntary corporations and notifies same of return due every five years; publishes list of those that fail to file. (RSA 292)
- Keeps records of all foreign partnerships, collects fees. (RSA 305-A)
- Notifies all foreign partnerships that may have failed for two consecutive years to pay the fees required that they will be suspended as provided in RSA 305-A.
- Records trademarks, labels and log marks. (RSA 350:3, 453:1)
- Registers trade names and issues certificates for same. Notifies registrants of expiration date. (RSA 349)
- Issues certificates under seal. (RSA 5:10)
- Records filings under Uniform Commercial Code. (RSA 382-A, 402, 403)
- Receives service of process on corporations (RSA 406-B; RSA 510:4)
- Keeps records of all Investment Trusts (RSA 293-B)
- Keeps records of professional corporations (RSA 294-A)
- Keeps records of Limited Liability Partnerships (RSA 304-A)
- Keeps records of Limited Partnerships (RSA 304-B)
- Keeps records of Limited Liability Corporations (RSA 304-C)
- Keeps records of Professional Limited Liability Corporations (RSA 304-D)
- Keeps records of Health Service Corporations (RSA 420-A)

ADMINISTRATION

- Keeper of Great Seal, attests Governor's signature and affixes the seal to all official documents. (RSA 5:5)
- Engrossing private acts. (RSA 5:10; 14:8)
- Attends Governor and Council meetings, records minutes, keeps file of all actions of Governor and Council. (Const. of N.H., Pt. 2, Art. 68)
- Prepares extradition and rendition papers. (RSA 612:23)
- Receives and keeps on file any filings made pursuant to: RSA 5-B Pooled Risk Management, RSA 447 Mechanics Liens, RSA 359-D Credit Service Organizations, and RSA 53-A Agreements between Governmental Units
- Performs certain clerical responsibilities for the Ballot Law Commission and Board of Claims. (RSA 5:13)
- Prepares and issues all Notary Public and Justice of the Peace Commissions as well as Commissioner of Deeds Commissions. (RSA 5:10 and 456-B))
- Prepares commissions for persons appointed to special boards by Governor and Council. (RSA 5:10)

- Issues special marriage licenses for out-of-state ministers and priests to perform marriage and civil union ceremonies in this state. (RSA 457:32) Also for unordained ministers. (RSA 457:31)
- Issues Itinerant Vendor licenses. (RSA 321:4)
- Issues licenses for Bonded Warehouses. (RSA 348)
- Issues Hawker and Peddler licenses. (RSA 320:8)
- Indexes and files highway records. (RSA 233:16, 17; 228:4)
- Records all Treasury bonds and notes.
- Files city charters. (RSA 44:1-a)
- Files names, powers and boundaries of village districts. (RSA 52:24)
- Files records of perambulation of town lines. (RSA 51:4)
- Maintains file of private detective surety bonds. (RSA 106-E:5)
- Licenses Auctioneers. (RSA 311-A:4, 7)
- Receives claims for Board of Claims and makes payment to approved claimants (RSA 541-B)
- Records changes in Information Practices Act RSA 7-A)
- Records Athlete Agents (RSA 332-J)
- Issues Apostilles and Certificates (RSA 5-C)
- Lobbyists registers lobbyists and keeps on record reports filed monthly re. lobbyists receipts and expenditures (RSA 15)
- Prepares Justice of the Peace and Notary Public Manual (RSA 455:17)

RECORDS MANAGEMENT & ARCHIVES

- Establishes and maintains programs for the orderly transferral, reference accessibility, and disposal of records with the various state agencies. (RSA 5)
- Accepts, arranges, describes and makes available to researchers the public archives of permanent historical value.
- Advises and assists state agencies and municipal officials with records retention programs. (RSA 5)
- Services the New Hampshire Historical Records Advisory Board. (RSA 5)
- Services the New Hampshire Municipal Records Board. (RSA 33-A)

SECURITIES REGULATION

- Provides for annual licensing of agents, broker-dealers, and investment advisers. (RSA 421-B:7)
- Receives licensed broker-dealers financial statement each year. (RSA 421-B:8)
- Examines each domestic broker-dealer every 2 years, as well as the NH branches of any foreign broker-dealer. (RSA 421-B:9)
- Outline the certification process all new corporations, limited partnerships, and foreign corporations applying to do business in NH must complete. (RSA 421-B:13)
- Outline the various requirements for registration of securities by coordination, qualification, or notification. (RSA 421-B:13, 14 & 17)
- Accepts financial statement required by corporations & partnerships with registered securities to file within 90 days of the close of the fiscal year. (RSA 421-B:15)
- Provides a fee schedule for licenses, renewals, and registrations. Annual fees are collected for open-end mutual funds. (RSA 421-B:31)
- Disclosure of Security Takeovers (RSA 421-A)
- Professional Bail Bondsmen & Bail Recovery Agent Statute (RSA 598-A)
- -Pooled Risk Management Programs (RSA 5-B)

VITAL RECORDS

- RSA 5-C

DEPARTMENT OF STATE

RECEIPTS and EXPENDITURES

ADMINISTRATION AND ELECTIONS

Exp	penditures	As of <u>June 30, 2012</u>	As of <u>June 30, 2013</u>
1.	Permanent Personnel	\$ 469,896	\$ 457, 687
2.	Current Expense	28, 581	26, 911
3.	Equipment	-0-	-0-
4.	Other Personal Services	4, 199	4, 044
5.	Benefits	195, 945	200, 416
6.	Travel In-State	21	15
7.	Travel Out-of-State	-0-	-0-
8.	Computer Expenses	-0-	-0-
9.	Elections*	268, 078	277, 860
10.	Red Book**	-0-	27, 923
	TOTAL	\$ 966,720	\$ 994,856
Rec	eipts		
1.	Fees and Registrations	\$43, 155, 183	\$43, 629, 783
*	State primary and general election	hold overy other year	

^{*} State primary and general election held every other year. ** Red Book is printed biennially in the odd numbered years.

Elections Annual Report 2013

In FY 2013, the Secretary of State, with local election officials, helped execute the 2012 State Primary and General Election. Office resources were devoted to carrying out new voter ID legislation during the lead-up period and for eight months following the election. With the assistance of local election officials, the office analyzed and cleaned 22,000 records for voters who signed affidavits in the 2012 elections. The office sent letters to these 22,000 voters and provided extensive follow-up and reports on voter responses, delivering resulting cases with investigation potential to the Attorney General. The office also analyzed, cleaned and reported over 300,000 data fields to the federal government to satisfy requirements of the Help America Vote Act (HAVA).

The Secretary of State maintains and delivers eleven different election officials training formats and programs aimed at roughly 6,000 election officials, and focusing separately on the roles of moderators, clerks, supervisors of the checklist, selectmen, inspectors of election and voters: (1) clerks' regional spring workshops (5 sessions each year); (2) spring training on the Statewide Voter Registration System (ElectioNet) (6-10 sessions a year); (3) summer election law training (21 sessions every 2 years); (4) NHVotes on-line training (about 2,500 slides, updated on an ongoing basis); (5) the annual clerks' conference (one per year); (6) the Election Procedure Manual (200 pages every two years), (7) written and graphic how-to instructions compiled and updated in ElectioNet; (8) new clerks training (one per year); (9) clerks certification training (one per year); (10) the Secretary of State's election website (new forms and procedures), and (11) direct communications and new forms involving Voter ID, MOVE Act, ElectioNet changes and implementation of the new laws.

In FY 2013, the Secretary of State has worked to modify ElectioNet and the above training programs to carry out the MOVE Act, which enables uniformed and overseas voters to receive a ballot 45 days prior to an election. The Office has upgraded a website that enables voters to determine whether they are registered, their polling place location, official polling hours, contact information for their local clerk, and their absentee ballot status if they are an absentee voter.

Time elapsed since the 2011 purge, increased scrutiny of voter records, and the rapidly rising costs of incorrect records has resulted in a multi-year effort to clean and update voter data. The office is following up with clerks and supervisors to track down and clean up information on voters whose names appeared on more than one town or city checklist. Records that are checked and confirmed as duplicates must be combined into a single voter record maintained by the supervisors of the checklist in the voter's current domiciled

city/town. The office is working with local election officials to clean street range information for 184 towns and cities, zip code information for 39 towns and cities, address spelling errors for 38 towns and cities, multiple ranges per street for 98 towns and cities, 7,522 default dates of birth, and 8,998 default registration dates.

As required by HAVA, the Secretary of State has implemented a system to assist persons with disabilities to vote privately and independently using a telephone and fax machine. The office continues to work with moderators, selectmen, and clerks to select and modify their polling places as needed to make all of the state's polling places accessible.

STATE OF NEW HAMPSHIRE OFFICE OF THE SECRETARY OF STATE CORPORATION DIVISION AND UNIFORM COMMERCIAL CODE SECTION

		INC/DEC		INC/DEC		INC/DEC		INC/DEC		INC/DEC	
FILING TYPE	FY 2013	From <u>2012</u>	FY 2012	From 2011	<u>FY 2011</u>	From 2010	FY 2010	From 2009	FY 2009	From 2008	
New Hampshire											
Corporations	873	-15.00%	1027	0.39%	1023	-9.63%	1132	7.40%	1054	-15.88%	
Nonprofits	435	-14.54%	509	-12.69%	583	5.62%	552	5.14%	525	-7.24%	
Ltd. Liability Companies	7231	1.30%	7138	6.71%	6689	8.20%	6182	-11.10%	6954	-5.54%	
Trade Names	6419	-6.77%	6885	-1.54%	6993	-4 .60%	7330	-5.21%	7733	-9.04%	
Trade Name Renewals*	4830	-0.39%	4849	-21.04%	6141	-2.31%	6286	5.01%	5986	5.42%	
Limited Partnerships	21	-34.38%	32	10.34%	29	3.57%	28	3.70%	27	-37.21%	
Trademarks	320	1.27%	316	12.06%	282	4.08%	294	-10.64%	329	50.92%	
Ltd. Liability Partnerships	38	41.54%	65	32.65%	49	-20.97%	62	-24.39%	82	9.33%	
<u>Foreign</u>											
Corporations	1252	-2.34%	1282	-1.00%	1295	-11.60%	1465	8.28%	1353	-15.33%	
Nonprofits	95	35.71%	70	-15.66%	83	27.69%	65	-21.69%	83	31.75%	
Ltd. Liability Companies	1011	5.09%	962	10.96%	867	-1.70%	882	10.80%	796	-16.65%	
Ltd. & General Partnerships	25	-13.79%	29	-9.38%	32	-15.79%	38	26.67%	30	-3.23%	
Ltd. Liability Partnerships	12	0.00%	12	140.00%	51	-16.67%	6	40.00%	10	-47.37%	
Uniform Commercial Code											
Initial Filings	0	-100.00%	21560	109.71%	10281	-33.02%	15349	-23.44%	20049	-21.27%	
Searches *	0	-100.00%	4572	-3.03%	4715	48.13%	3183	-6.74%	3413	8.83%	
Total Revenues (Unrestricted)											
(000's)	4019	-9.89%	4460	-17.50%	5406	40.45%	3849	-14.79%	4517	-7.29%	

^{*} UCC searches for fly 2004 are estimated. Numbers for online filings have been difficult to track with the conversion of the database.

STATE OF NEW HAMPSHIRE OFFICE OF THE SECRETARY OF STATE CORPORATION DIVISION AND UNIFORM COMMERCIAL CODE SECTION

Nonprofit corporations suspended	Limited liability companies suspended	Corporations suspended	Foreign (out of state):	Nonprofit corporations involuntarily dissolved	Limited liability partnerships involuntarily cancelled	Limited liability companies involuntarily dissolved	New Hampshire: Corporations involuntarily dissolved	FILING TYPE
_	437	700			28	4043	938	FY 2013
0	7 15.92%	0 -12.06%		0	8 -6.67%	3 -1.70%	8 -10.15%	INC/DEC From 2012
	!% 377	% 796				% 4113	% 1044	FY 2012
0	7 -3.58%	6 -5.24%		0	30 -36.17%	3 -12.69%	4 -12.34%	INC/DEC From 2011
17	391			3790)% 471:	% 1191	FY 2011
176	91 -14.81%	840 -14.20%		ŏ	47 46.88%	1 12.62%	-9.91%	INC/DEC From 2010
0	% 4 59	% 979		0	% 32	% 4183	% 1322	FY 2010
	15.33%	4.48%			113.33%	15.46%	8.90%	INC/DEC From 2009
0	6 398	6 937		0	6 15	15.46% 3623	1214	INC/DEC FY 2009 From 2008
	15.36%	-1.26%			-31.82%	22.94%	-9.00%	INC/DEC From 2008

^{*} UCC searches for fly 2004 are estimated. Numbers for online filings have been difficult to track with the conversion of the database.

DIVISION OF ARCHIVES & RECORDS MANAGEMENT FY 2013 Annual Report

Receipts and expenditures

Receipts:

All money received is included in the receipts reported by the Department of State.

Expenditures - General Fund

	As of June 30, 2012	As of June 30, 2013
010 & 011 Permanent personnel	197,803	191,980
020 Current expense	16,531	10,631
022 Rents/Lease other than State	1,975	2,000
024 Maintenance, other than Bldg/Grounds	-0-	655
030 Equipment	-0-	-0-
050 Other Personnel Services	31,399	32,437
060 Benefits	93,358	95,644
073 grants	-0-	-0-
080 Travel Out-of-State	-0-	-0-
TOTAL	341,066	333,347

Personnel Data

Unclassified	1	1
Classified Permanent	4	4
TOTAL	5	5
Temporary	2	2
TOTAL	7	4

Records Transactions (Individual Files)

Agency Records Pulled	9205	9,267
Agency Records Refiled	6539	7,235

Box of Records Transferred

Ending Box Count at Records Center	85606	85,150
(capacity 82,769)		
Cubic Feet Acquired	3623	5,540
Cubic Feet Destroyed	1983	7,327

Public Interaction

Out-going Correspondence		
Visitors	1020	1103

<u>Building Capacity</u>: As noted in the statistics (above), the nominal capacity of the building is presently 82,769 boxes (same as cubic feet). At the start of FY 2013, the record center actually had 85,100 boxes. We closed the year with only 85,600.

The figures show this:

start FY 2013	85,150
new boxes brought in	2,439
boxes destroyed	1,983
other boxes removed	
end FY 2013	85,606

<u>Shelving bracing project:</u> The shelves were braced by Administrative Service maintenance people, in order to strengthen the shelves that were leaning. In very late June, the FY 2013 budget was approved by the Legislature, and the capital budget included funding to replace the shelves.

<u>DHHS boxes:</u> Lisa Meffert, the record manager for the Dept. of Health & Human Services began to concentrate on approving disposal memos during July and by August had caught up on all outstanding 2012 lists. The archives has been unable to devote sufficient time to create 2013 lists.

Accounting Boxes: A disposal memo for records belonging to Accounting bureau of Administrative Services was generated in February 2012 listing 1700 boxes. All disposal of accounting records must not only be approved by Accounting, but also by the legislative budget auditor. The approved list was delivered to Archives on the last day of Rich Penney's summer internship, so regular record center staff have had to include the task of detroying this large quantity of records with other duties.

Major new collections added in FY 2013 include the following:

Town microfilm:

Seabrook

Greenville (Moose Plate grant)¹

Keene

Grafton (Moose Plate grant)

Boscawen (Moose Plate Grant)

Personal Papers

Councilor Ray Burton Stephen Bullock materials

¹ The Moose Plate Grants given for the conservation of historical records frequently provide for the conservation and microfilming of ancient town records. When microfilming is part of the grant, the granting authorities require that one copy of the microfilm is deposited with the NH State Archives for preservation purposes.

Photo negaitves from Mrs. Bill Finney

Surveyor Collections Leonard W. Szugda (Nashua) Charles Knowles (Deerfield)

Courts

Rockingham Superior, 1975—1981 Strafford County, volumes 1700s-1900s

<u>Scanning and microfilming of legislative records:</u> This project continues at a very steady pace. Georgia Angwin is currently working on the 2009-2010 biennium. To date, she has microfilmed and imaged 1995-2008, and the images (1995-2006) are available to the public on the legislative website as a part of their legislative bill tracking system. The PDF images of the committee minutes are linked on their webpage for <u>Bill Tracking</u> under "History."

<u>Volunteers:</u> The volunteers have been very steady in their support of archival processing throughout the year. The current volunteers have been with the Archives for 3-4 years, and include Susan Bryant-Kimball (Sandwich), Barry Dame (Gilford) & Lillian Wise (Concord), Diane Fiske (Rochester), Lois Burford (Antrim), and Ira Diamond (Hooksett). They have been processing the records of Strafford County Superior Court. An Article about the volunteers and their work was written by Attorney John Ransmier, and published in the September 2013 issue of the NH Bar News ("Unpacking the Past).

Archivist:

Archivist Brian Nelson Burford completed the final term begun by Frank C. Mevers in 2009, on July 5, 2013. Burford was reappointed by the Governor and Council to a new 4-year term.

VITAL RECORDS ANNUAL REPORT FY 2013

The Division of Vital Records Administration (hereinafter "DVRA") oversaw and completed the registration of several different kinds of life events. For the time interval between July 1, 2012, and June 30, 2013 (hereinafter "FY 2013"), the number and types of New Hampshire vital events/records saved in the state database are as follows:

Births	12,755
Deaths	10,699
Marriages	9,002
Opposite gender	8,647
Same gender	355
Divorces	4,772
Legal separations	64
Annulments	8
Civil Union dissolutions	4

The total revenue for FY 2013 was \$171,259.00. This revenue represents about 12,970 certificates issued by DVRA staff.

There were 555 adoptions completed during FY 2013. Demand for pre-adoption records during that time interval stood at 93 requests.

DVRA has remained in constant communication with Netsmart, the software vendor selected in August 2011, with the development of the eventual replacement of the New Hampshire Vital Records Information Network (hereinafter "NHVRIN"). DVRA still insists that features such as user friendliness and comprehensive reporting will be an integral part of the new product. During the course of FY 2013, DVRA has noted improvements in the product being developed by Netsmart.

Expenditures - General Fund

	June 30, 2012	June 30, 2013
1. Permanent Personnel	\$ 306,826	\$ 319,925
2. Current Expense	16,767	14,491
3. Equipment	-0-	-0-
4. Other Personal Services	64,083	45,001
5. Benefits	136,751	136,101
6. Travel In-State	-0-	-0-
7. Travel Out-of-State	-0-	-0-
TOTAL	\$ 524,426	\$ 515,518

BUREAU OF SECURITIES

The mission of the Bureau of Securities Regulation is to administer and enforce the N.H. Securities Act, RSA 421-B. Our focus is to protect and educate N.H. investors while promoting the integrity of securities sales and capital formation. A significant amount of time and resources is directed to enforcement-related activities including the filing of administrative actions involving fraudulent sales practices, unlicensed activity, and both small and large scale "ponzi" schemes. Several cases this past year have included joint investigations with the N.H. Department of Justice. The Bureau is also responsible for the regulatory oversight of all N.H. pooled risk management programs. A major administrative action brought in 2012, the decision of which is currently on appeal with the N.H. Supreme Court, has resulted in several substantive changes in terms of the level of transparency and accountability risk pools have to their members.

Broker Dealer, Investment Advisor, Issuer Dealer and Mutual Fund registration activity remains strong. In addition, the Bureau continues to carry out its statutory duty providing N.H. investors with educational programs and materials concerning safe investing and guarding against fraudulent offers. A series of investor workshops were held throughout the state as well as statewide airing of public service announcements on radio stations promoting safe investing.

	<u>REVENUE</u>	EXPENSES	<u>FINES</u>	
2013	\$38,398,167	\$905,994	\$1,283,251	
2012	\$37,624,269	\$874,419	\$1,804,472	