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

December 15, 2014

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, 2013 through June 30, 2014.

Sincerely,

William M. Gardner Secretary of State

email: elections@sos.state.nh.us

www.nh.gov/sos

EATHER WEIGHT VERTE

Annual Report 2014



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

- Provide access to vital records and vital records data while assuring the privacy of all New Hampshire citizens.
- Outline the confidentiality requirements for vital records.
- Set forth the procedures, conditions, and criteria for release of information regarding vital records data and statistics
- Enforce the provisions of this chapter in regard to the collection, maintenance, and dissemination of vital records information.
- Provide guidance to data collectors pursuant to this chapter.
- Describe the informational requirements of the forms used by the division of vital records for the collection of vital records information.
- Establish, in conjunction with the department of health and human services, the procedures, conditions, and criteria for release of information regarding vital records data and statistics for health-related research pursuant to RSA 126:24-d.

DEPARTMENT OF STATE

RECEIPTS and EXPENDITURES

ADMINISTRATION AND ELECTIONS

Expenditures	As of June 30, 2013	As of June 30, 2014
1. Permanent Personnel	\$ 457,687	\$ 387,048
2. Current Expense	26, 911	25, 254
3. Equipment	-0-	-0-
4. Other Personal Services	4, 044	4, 401
5. Benefits	200, 416	187, 891
6. Travel In-State	15	106
7. Travel Out-of-State	-0-	-0-
8. Computer Expenses	-0-	-0-
9. Elections*	277, 860	110, 575
10. Red Book**	27, 923	-0-
TOTAL	\$ 994,856	\$ 714,975
Receipts		
1. Fees and Registrations	\$43, 629, 783	\$45, 874, 715

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

Elections Annual Report 2014

In FY 2014, the Secretary of State, in cooperation with local election officials, continued to implement new voter ID laws in state and municipal elections and prepared for the 2014 federal/state election cycle. Office resources were devoted to carrying out revisions of the voter ID legislation and preparing election management capabilities for the 2014 election cycle.

Using the statewide voter registration system (ElectioNet), the office found 36,870 possible duplicate voters on local checklists, notified local election officials, and worked with them to merge and thereby reduce the figure by a statewide total of 15,248.

In cooperation with local election officials, the office analyzed and followed up on 2,511 challenged voter affidavits. 512 domicile affidavits, and 70 qualified voter affidavits signed by voters in state and municipal elections held during the second half of 2013 and the first half of 2014. The office sent letters to these 3,093 voters and provided extensive follow-up and reports on voter responses, delivering information and returned mail to the Attorney General and the Department of Motor Vehicles as required by law.

In order to modify the statewide voter registration system (ElectioNet), an election management system, and training programs to carry out Help America Vote Act (HAVA), the Military and Overseas Voter Empowerment Act (MOVE), and implement 2013 and 2014 state laws, the office:

- a. Implement a more robust election management system that could more efficiently produce printer-ready ballots, UOCAVA ballots, Accessible Voting System ballots, sample ballots, as well as up-to-date candidate lists and reports of election results, thereby ensuring compliance with stringent deadlines in the MOVE Act and state election laws:
- b. Upgraded a website that enables voters to: (i) determine whether they are registered, (ii) check their polling place location and official polling hours, and (iii) obtain contact information for their local clerk, (iv) determine absentee ballot status if they are an absentee voter, and (v) if their absentee ballot has been rejected, ascertain the reason for the rejection;
- c. Updated and moved training instructions to a uniform location under Help/Instructions in the statewide voter registration system;
- d. Supported local elections in moving away from unsupported Windows XP operating software:
- e. Created one-stop software enabling local elections officials to submit election official contact information and integrated this software into office-wide use;

- f. Used software and database administration efforts to assist municipalities in sending 30-day letters to voters who may be no longer eligible to vote;
- g. Updated voter statuses on street range screen, and added counties to certain software reports; and
- h. Rolled out revised software to prevent duplicates and followed up with clerks and supervisors to track down and clean information on voters whose names appeared on more than one town or city checklist.

To ensure compliance with federal and state election laws, the Secretary of State maintains and delivers eleven different election officials training formats and programs aimed at roughly 6,000 election officials, 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 ElectioNet (6-10 sessions a year);
- (3) Summer election law training (11 sessions every 2 years);
- (4) NHVotes on-line training (about 2,500 slides that should be updated annually
- (5) Annual clerks' conference (one per year);
- (6) 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) Secretary of State's election website (new forms and procedures), and
- (11) Direct communications and new forms implementing Voter ID, MOVE Act, HAVA, and ElectioNet changes.

As required by HAVA and the state constitution, the Secretary of State continued to implement and monitor use of a system that enables the elderly and persons with disabilities to access the polls and to vote privately and independently, using a telephone and fax machine. In 2014, the office initiated a pilot program that might potentially replace the existing accessible voting system with a system that can potentially serve more persons with disabilities and upgrade voter privacy. The office continues to work with moderators, selectmen, and clerks to select and modify their polling places as needed to ensure that all of the state's polling places are 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	FY2014	From 2013	FY 2013	From 2012	FY 2012	From 2011	FY 2011	From 2010	FY 2010	From 2009
New Hampshire										
Corporations	006	3.09%	873	-15.00%	1027	0.39%	1023	-9.63%	1132	7.40%
Nonprofits	438	%69.0	435	-14.54%	509	-12.69%	583	5.62%	552	5.14%
Ltd. Liability Companies	1991	6.03%	7231	1.30%	7138	6.71%	6899	8.20%	6182	-11.10%
Trade Names	6547	1.99%	6419	-6.77%	6885	-1.54%	6993	-4.60%	7330	-5.21%
Trade Name Renewals*	4973	2.96%	4830	-0.39%	4849	-21.04%	6141	-2.31%	6286	5.01%
Limited Partnerships	22	4.76%	21	-34.38%	32	10.34%	29	3.57%	28	3.70%
Trademarks	378	18.13%	320	1.27%	316	12.06%	282	-4.08%	294	-10.64%
Ltd. Liability Partnerships	49	28.95%	38	-41.54%	65	32.65%	49	-20.97%	62	-24.39%
Foreign										
Corporations	1164	-7.03%	1252	-2.34%	1282	-1.00%	1295	-11.60%	1465	8.28%
Nonprofits	65	-31.58%	92	35.71%	20	-15.66%	83	27.69%	65	-21.69%
Ltd. Liability Companies	1034	2.27%	1011	2.09%	962	10.96%	867	-1.70%	882	10.80%
Ltd. & General Partnerships	12	-52.00%	25	-13.79%	29	-9.38%	32	-15.79%	38	26.67%
Ltd. Liability Partnerships	2	-58.33%	12	%00.0	12	140.00%	2	-16.67%	9	~40.00%
Uniform Commercial Code										
Initial Filings	13990	14.79%	12188	-43.47%	21560	109.71%	10281	-33.02%	15349	-23.44%
Searches *	16336	-6.78%	17525	283.31%	4572	-3.03%	4715	48.13%	3183	-6.74%
Total Revenues (Unrestricted)										
(\$,000)	4032	0.32%	4019	-9.89%	4460	-17.50%	5406	40.45%	3849	-14.79%

^{*} 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

FILING TYPE	FY2014	INC/DEC From 2013	FY 2013	INC/DEC From 2012	FY 2012	INC/DEC From 2011	FY 2011	INC/DEC From 2010	FY 2010	INC/DEC From 2009
New Hampshire: Corporations involuntarily dissolved	896	4.48%	938	-10.15%	1044	-12.34%	1191	-9.91%	1322	8.90%
Limited liability companies involuntarily dissolved	3998	-1.11%	4043	-1.70%	4113	-12.69%	4711	12.62%	4183	15.46%
Limited liability partnerships involuntarily cancelled	32	14.29%	28	-6.67%	30	-36.17%	47	46.88%	32	113.33%
Nonprofit corporations involuntarily dissolved	0		0		0		3790		0	
Foreign (out of state):										
Corporations suspended	824	17.71%	200	-12.06%	962	-5.24%	840	-14.20%	626	4.48%
Limited liability companies suspended	477	9.15%	437	15.92%	377	-3.58%	391	-14.81%	459	15.33%
Nonprofit corporations suspended	0		0		0		176		0	

^{*} 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 2014 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, 2014	As of June 30, 2013
010 & 011 Permanent personnel	\$191,980.37	\$186,898.26
020 Current expense	\$10,631.29	\$8,925.44
022 Rents/Lease other than State	\$2,000.00	\$2,000.00
024 Maintenance, other than Bldg/Grounds	\$655.00	-0-
026 Organizational Dues	\$1,000.00	\$1000.00
030 Equipment	-0-	-0-
050 Other Personnel Services	\$32,437.35	\$43,629.10
060 Benefits	\$95,644.00	\$96,305.74
070 Travel In-State	-0-	\$46.13
073 Grants	-0-	-0-
080 Travel Out-of-State	-0-	-0-
TOTAL	\$334,348.01	\$338,804.67

Personnel Data

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

Records Transactions (Individual Files)

Agency Records Pulled	8669	9205
Agency Records Refiled	7143	6539

Box of Records Transferred

Box Count at start of Fiscal Year	85606	
Cubic Feet Acquired	+ 4336	3623
Cubic Feet Destroyed	- 6690	1983
Box Count at End of Fiscal Year at Records	83252	85606
Center (capacity 82,769)		

Public Interaction

Out-going Correspondence		
Visitors	994	1020

<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).

This is a summary of the figures:

Start FY 2014	85,606
New boxes brought in	+ 4,336
Boxes destroyed	- 6,690
Other boxes removed	
End FY 2014	83,252

<u>Shelving replacement project:</u> A capital funding of \$ 480,000 was approved in the 2014-2015 State Capital Budget to remove the 51 year old shelves and replace them. Initially, we were relying on Donnegan Systems to help us estimate the needs and costs of the project, but between the conflict of interest and slow responses, Quantum Engineering (a local engineering firm) was hired to consult and assist in writing the RFP.

Acquisitions to the Records Collections added in FY 2013 include the following:

Microfilm of Town records:

Canaan Town Records (Moose Plate Grant)
Auburn Town Records (Moose Grant)
Bradford Town Records (Moose Grant)
Mason Town Records (Moose Grant)
Hooksett Town Records
Hopkinton Town Records
Weare Town Records

Personal Papers:

Additional material about former US Senator H. Styles Bridges from James Kiepper of Delmar,

Additional councilor papers from Councilor Ray Burton

Surveyor Collections:

Jenks, Donald (plans, files, field books donated by heirs) Knowles, Charles (9 field books donated by heirs)

Cheshire County Probate, 1900 – 1959 &Historical materials from the New Hampshire board of Medicine

<u>Scanning and microfilming of legislative records:</u> This project continues at a very steady pace. Georgia Angwin is currently working on the 2009-2010biennium. To date, she has microfilmed and imaged 1995-2008, and the imagesare 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 4-5 years, and include Susan Bryant-Kimball (Sandwich, started 2009), Barry Dame (Gilford, started 2010)&LillianWise (Concord, started 2010), Diane Fiske (Rochester, started 2010). They have been processing the records of Strafford County Superior Court.

Digital Records:

The State Archivist attended a 1-week conference in Indianapolis in July 2013 sponsored by the Council of State Archivists. This was an introduction to Digital Preservation. Digital records, like paper records, must be managed and those felt to be no longer needed need to be systematically deleted from server space. Those deemed to have legal, fiscal or historical significance must be <u>preserved</u>. Because hardware and software environments are constantly changing, records older than a few years are at risk of becoming useless because they cannot be read by newer computers or may become corrupted. The Introductory conference was intended to show the attendees from several state archives the basic concepts.

In March and April of 2014, the State Archivist attended a 1-week advanced conference on digital preservation. John Penney was unable to attend due to personal reasons. There are a growing number of tools available, but most need some technical expertise to learn and then apply. In addition, the digital preservation community seems to have adopted "open-source" software, much of which does not run on Microsoft products.

In late May, and again in July, the State Archivist called an ad hoc group of state employees, intended to be from a mix of IT, records, archiving and policy backgrounds, to seek a means of establishing guidelines or standards to aid state agencies plan for the future of their digital records. However, more recently, the State Archivist has not been able to follow up on the ideas in the two meetings.

Ballot Restoration:

At the present time, the Dept. of State has restored ballots from the general elections of 1892, 1984, and the Presidential Primary of 1916. Because the paper from the 1890s through the 1960s was highly acidic, these records are continuously deteriorating. It is my assessment that the volume in the worst condition is the 1912 General Election ballots. They are quite large, and the binding holding them together has released. In addition, the edges of the pages are flaking away.

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. 2013-2014 was an active period for the Bureau, particularly in the area of enforcement. Several major actions involving fraudulent misrepresentation were brought this past year, with resulting fines and penalties. In addition, an administrative order issued in 2012 that required a major N.H. pooled risk management program to engage in multiple corrective actions was appealed by the program to the N.H. Supreme Court. The Supreme Court affirmed the decision of the hearing officer, particularly with respect to the return of surplus to pool members.

The Bureau has seen an increase in the number of applications for investment adviser and broker-dealer licensure. The number of investment adviser applications increased by approximately 19% while broker-dealer application increased by about 10%. The number of applications for investment mutual fund registrations has remained strong into the new fiscal year.

The Bureau continues to carry out its mission with respect to educating investors about safe investing and guarding against fraudulent offers. The Bureau continues to place strong emphasis on elder fraud. It also has had success with a program dealing with Women and Investing. A series of investor workshops were held throughout the state and outreach was conducted to retirement communities. In addition, Bureau staff has regularly appeared on a call-in local radio program that broadcasts to a wide geographical area to deal with issues related to investor protection and education.

	<u>REVENUE</u>	<u>EXPENSES</u>	<u>FINES</u>
2013	\$38,398,167	\$905,994	\$1,283,251
2014	\$41,162,439	\$1,008,954	\$755,798

VITAL RECORDS ANNUAL REPORT FY2014

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, 2013, and June 30, 2014 (hereinafter "FY 2014"), the number and types of New Hampshire vital events/records saved in the state database are as follows:

Births	12,378
Deaths	10,938
Marriages	9,430
Opposite gender	8,798
Same gender	632
Divorces	4,770
Legal separations	51
Annulments	3
Civil Union dissolutions	1

The total revenue for FY 2014 was \$171,660.00. This revenue represents 12,069 certificates issued by DVRA staff. This includes 9703 first copies, 2181 additional copies, 18 heirloom birth certificates, 66 certificates of foreign birth.

There were 456 adoptions completed during FY 2013. Demand for pre-adoption records during that time interval stood at 101 requests.

Starting on July 1, 2013, maintaining the New Hampshire Vital Records Information Network (hereinafter "NHVRIN") software has been performed by information technology professionals within the Department of State. During FY 2014, a new database manager, business systems analyst, and project manager, have been hired by DVRA to facilitate the Division's information technology operations.

Despite a reshuffling of the staff during FY 2014 at Netsmart, the software vendor selected in August 2011 to develop the eventual replacement of NHVRIN, DVRA determined that the product Netsmart was developing would never be as sophisticated or user-friendly as NHVRIN. As a result, the contract with Netsmart was terminated in May 2014. At the end of FY 2014, DVRA decided to ask CNSI, the software vendor who created NVHRIN in 2004, to make the necessary modifications to NHVRIN to accommodate changes to the state statutes regarding marriage.

Expenditures – General Fund

		June 30, 2013	June 30, 2014
1.	Permanent Personnel	\$319,925	\$328,225
2.	Current Expense	14,491	13,364
3.	Equipment	-0-	-0-
4.	Other Personal Services	45,001	45,388
5.	Benefits	136,101	153,113
6.	Travel In-State	-0-	-0-
7.	Travel Out-of-State	-0-	-0-
	TOTAL	\$515,518	\$540,090