# 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 4, 2020

His Excellency Governor Christopher T. Sununu and the Honorable Executive Council State House Concord, NH 03301

Your Excellency and Members of the Honorable Council:

l respectfully submit the Department of State's Annual Report for the period July 1, 2019 through June 30, 2020.

Sincerely,

Wm Hartner

William M. Gardner Secretary of State

 State House Room 204, 107 N. Main St., Concord, N.H. 03301

 Phone: 603-271-3242
 Fax: 603-271-6316

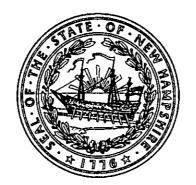
 TDD Access: Relay NH 1-800-735-2964

 www.nh.gov/sos
 email: elections@sos.state.nh.us

# STATE OF NEW HAMPSHIRE

# Department of State

Annual Report 2020



# DEPARTMENT OF STATE Programs, Services and Functions

# 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 register 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 marriages in this state. (RSA 457:32)

- -and for unordained ministers. (RSA 457:31)
- Issues special marriage licenses for judges.
- 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 Athlete Agents (RSA 332-J)
- Issues Apostilles and Certificates (RSA 5-C)
- Lobbyists registers lobbyists
- Records lobbyists reports filed quarterly (receipts and expenditures) (RSA 15)
- Prepares Justice of the Peace and Notary Public Manual with approval of Attorney General (RSA 455:17) {79 pages}

-Receives and keeps on file all Registrations and Annual Reports for Petroleum Sales Prepaid Contracts (RSA 339:79)

# **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 14-B, 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)

- Prepares forms & records reported 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, 655-671)

-prints NH Constitution

- Prepares and distributes with the approval of the Attorney General the Political Calendar {20-26 pages} and the Election Procedure Manual {183 pages}.

- 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)

-Complies with mandates in the Federal Help America Vote Act (HAVA) Public Law 107-252, 42 U.S.C. {63 pages}

# CORPORATE DIVISION/BUREAU OF SECURITIES REGULATION

- 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
- 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)

- 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)

# ARCHIVES/VITAL RECORDS/RECORDS MANAGEMENT

- 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)

- 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**

x

Exper	nditures
-------	----------

		As of June 30, 2020	As of June 30, 2019
1.	Permanent Personnel	\$469,533	\$433,215
2.	Current Expense	16,364	28,832
3.	Equipment	-0-	<b>-0-</b> .
4.	Other Personal Services	3,902	3,150
5.	Benefits	- 224,473 -	197,486
6.	Travel in-State	332	309
7.	Travel Out-of-State	<b>-0-</b> .	-0-
8.	Computer Expenses	-0-	-0-
9.	Elections*	73,683	200,667
10.	. Red Book**	-0-	35,143
TOTAL		\$788,287	\$898,802

# Receipts

 1. Fees and Registrations
 \$46,602,118
 \$47,834,232

\*State primary and general election held every other year.

\*\*Red Book is printed biennially in the odd numbered years.

# Elections Annual Report – FY 2020

In FY 2020, the Secretary of State, in cooperation with local election officials, continued to implement new election laws in state and municipal elections, provided training to election officials, staff and poll workers, executed the February, 2020 Presidential Primary and prepared for the September, 2020 State Primary and the November, 2020 General Election. Office resources were further devoted to implementing a new accessible voting system, conducting follow-up on voter affidavits, responding to election law changes and court proceedings, and revising and executing election management software for the 2020 election cycle.

In cooperation with local election officials conducted an inquiry on 621 challenged voter affidavits and 309 qualified voter affidavits signed by voters in the second half of 2019 and first half of 2020. We are still in the process of verifying the domicile affidavits.

Using the statewide voter registration system (ElectioNet), an election management system, web reporting tools, and training programs to carry out the Help America Voter Act (HAVA), the Military and Overseas Voter Empowerment (MOVE), implement 2020 election legislation, and respond to legal challenges and court decisions, the Secretary of State:

- a. Implemented an increasingly robust election management system that can more efficiently produce 5,760 ballots (640 ballots in the Presidential Primary X 9 distinct ballot formats) in an election cycle: printer-ready ballots, UOCAVA ballots, accessible voting system (AVS) ballots-on-demand, AVS pre-printed ballots, AVS voice ballots (with significant improvements), AVS visual user interface ballots, up-to-date candidate lists, and reports of election results, thereby ensuring compliance with federal and state laws and deadlines;
- b. Prepared to program candidate and column rotations, distributed candidates' data to ballots, prepared procedures and reports, delivered equipment and rolled out training for one4all accessible voting system relying on commercial off-the-shelf hardware to mark a pre-printed ballot (to protect voter privacy) from the accessible voting system;
- c. Trained clerks and provided posters to educate voters about a Secretary of State website that enables voters to: (i) determine whether they are registered to vote, (ii) find their clerk, polling place location and official polling hours, (iii) determine their absentee ballot status if they are an absentee voter, (iv) if their absentee ballot has been rejected, ascertain the reason for the rejection; and (v) view their own ballot in the coming election.

J.

- d. Worked with moderators, selectmen, and clerks to upgrade and improve polling places as needed to ensure that all of the state's polling places are accessible, relying on inspectors from the Attorney General's office to personally monitor and report on 2020 election day compliance.
- e. Maintained and updated as needed ElectioNet software to integrate new laws and improved procedures.

- f. To ensure compliance with federal and state election laws, the Secretary of State maintains and delivers different election officials training formats and programs aimed at roughly 6,000 election officials. Due to the constraints of COVID-19, many previously training formats were cancelled and we introduced webinars, on-demand webinars and zoom meetings focusing on the roles of moderators, clerks, supervisors of the checklist, selectmen, and inspectors of election, as well as voters:
  - (1) Clerks' Certification Training (August 2019) using NHVotes On-line Training format, with 15 clerks and or deputy clerks in attendance;
  - (2) Annual Conference of New Hampshire City and Town Clerks Association (September 2019) with at least 205 in attendance;
  - (3) Clerks Turbo (advanced) Training 13 classes in September and October 2019 200 in attendance;
  - (4) Spring training on ElectioNet (10 sessions in June 2020 postponed from March and April), trained 80 new users in ElectioNet;
  - (5) 2020 Presidential Primary Training 6 sessions in January 2020 for moderators, clerks, supervisors of the checklist, selectmen, and ballot clerks 694 in attendance;
  - (6) Webinars and Zoom Meetings:

l

- a. LEARN Town and City Clerks 198 attendees (multiple sessions)
- b. Protect Yourself and Your Voters 100 attendees (multiple sessions)
- c. Two-Factor Authentication 135 attendees (multiple sessions)
- d. Cybersecurity Misinformation and Disinformation 218 attendees (multiple sessions)
- e. 2019 Election Law Changes 341 attendees (multiple sessions)
- f. Polling Place Line Management 185 attendees (multiple sessions)
- g. Postponement of Municipal Elections and Instructions for Postponed Elections
   113 attendees (multiple sessions)
- h. High Volume Election Day Registration Polling Place Towns Round Table 31 attendees
- i. Clerks Informational Sessions questions and answers 105 attendees
- (7) Comprehensive written and graphic how-to instructions, forms and procedures compiled and updated in ElectioNet/Help/Instructions;
- (8) Secretary of State's election website (new forms and procedures each year);
- (9) Direct communications and new forms implementing updated affidavits, Ballot Clerk Procedure, MOVE Act notices, HAVA reporting, ElectioNet changes, importing disk files to Excel, and FPCA flowchart.

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

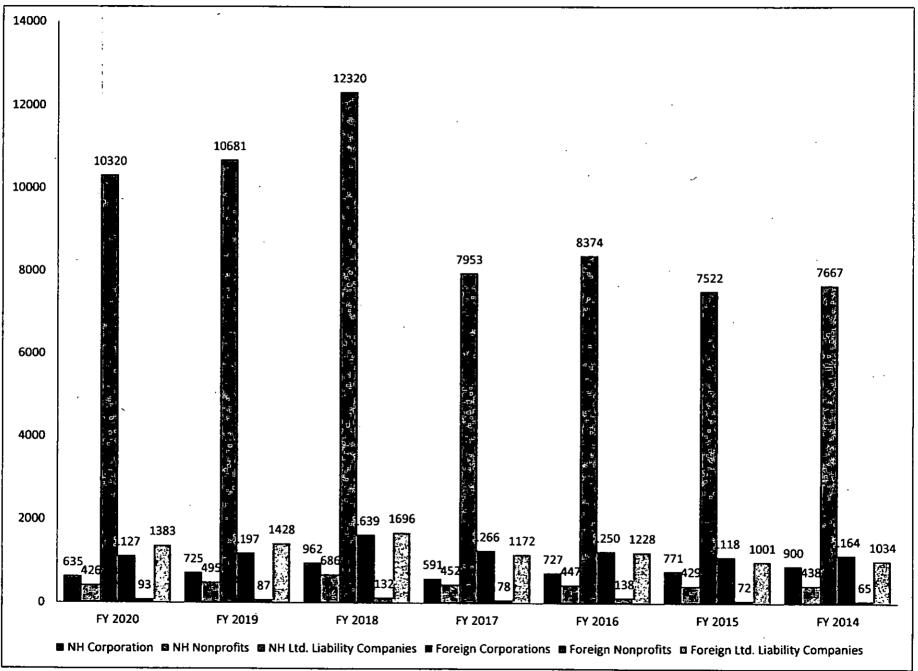
FILING TYPE	FY2020	<u>FY2019</u>	<u>FY2018</u>	<u>FY2017</u>	<u>FY2016</u>
New Hampshire				·	
Corporations	635	725	962	591	727
Nonprofits	426	495	686	452	447
Ltd. Liability Companies	10320	10681	12320	7953	8374
Trade Names	5969	6040	7676	6147	6037
Trade Name Renewais	5266	4977	6037	6118	5370
Limited Partnerships	27	25	38	25	23
Trademarks	153	121	209	119	99
Ltd. Liability Partnerships	46	71	90	40	26
Foreign					
Corporations	1127	1197	1639	1266	1250
Nonprofits	93	87	132	78	138
Ltd. Liability Companies	1383	1428	1696	1172	1228
Ltd. & General Partnerships	12	16	32	23	18
Ltd. Liability Partnerships	11	14	19	12	8
Uniform Commercial Code					
Initial Filings	21980	19454	14264	18104	17713
Searches	12492	13426	13730	13430	16550
Total Revenues (Unrestricted)				~	•
(000's)	4194	4499	4064	4205	4396

# **Corporation Division Summary FY 2020**

The corporate database is available 24 hours a day, 7 days a week for our customers; and unlike many other states, NH's corporate documents can be viewed online, downloaded, and printed free of charge.

The NH QuickStart website continues to facilitate the creation of more New Hampshire businessess than ever before. In September 2020 alone, a record 1194 new LLC formations were processed, up nearly 350 from the same month just a year before.

Keeping a business in compliance and in good standing has never been easier. An impressive 92% of all businesses filed their Annual Report online using NH QuickStart this year.



# DIVISION OF ARCHIVES & RECORDS MANAGEMENT FY 2020 Annual Report

# Receipts and expenditures

Receipts:

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

	As of June 30, 2020	As of June 30, 2019
010 & 011 Permanent personnel	\$341,055.54	\$299,146.90
020 Current expense	\$8,231.73	\$12,417.38
022 Rents/Lease other than State	\$1,000.00	\$2,400.00
024 Maintenance, other than	-0-	-0-
Bldg/Grounds		
026 Organizational Dues	\$1,000.00	-0-
030 Equipment	-0-	-0-
050 Other Personnel Services	\$3,010.11	\$12,551.12
060 Benefits	\$162,677.91	\$143,986.36
073 Grants Non Federal	-0-	-0-
080 Travel Out-of-State	-0-	-0-
211 Catastrophic Casualty Insurance	70.50	-0-
TOTAL	\$517,045.79	\$470,501.76

Personnel Data

Unclassified	1	1
Classified Permanent	7	5
TOTAL	8	6
Temporary	0	0.75
Summer Interns	0	1
TOTAL	. 9	7.75

Records Transactions (Individual Files)

Year ending 6/30/2020	Year ending 6/30/2019
5165	5157
3994	4192
	5165

### Box of Records Transferred

Box Count at start of Fiscal Year	83657	82157
Cubic Feet Acquired (1 box = 1 cu. ft.)	7486	3000
Cubic Feet Destroyed	-2157	1500
Box Count at End of FY at Records	88986	83657
Center		

**Public Interaction** 

nieraction		
Visitors	676	814

# Summary of FY 2020

# Acquisitions to the Records Collections added in FY 2020 include the following:

Microfilm of Town records (due to Moose Plate Grants):

- Bennington, NH
- Newport, NH
- Windham, NH

### Other Town Records

• Acworth chattel mortgages

# Other archival collections

Surveyor Records

- John Preston collection
- Norman Draper Collection
- George Chrisenton Collection
- William A Bean Jr. Collection
- Roger Smith Collection

# County Records

- Carrol County Deeds (security microfilm)
- Hillsborough County Superior Court records
- Merrimack County Superior Court Records
- Merrimack County Probate Court records
- Rockingham County Probate Court records
- Strafford County Superior Court records

Railroad Maps & Plans, from Robert Fuller

- Concord & Claremont Railroad
- Land Maps (Northern Division, Southern Division, White Mountains Division, Outlying lands)

# **Construction**

- Completion of construction of new addition (Sections I, J and K), containing new archival vault and space for 90,000 boxes
- Reconstruction of the sewer line under Archives building
- Installation of 99.9 KW solar array in two phases

# Imaging

- The Archives has significantly increased the ability to scan sensitive documents, including large format plans and documents, by acquiring a large format, flatbed scanner.
- The Archives has improved the security of state data and records by acquiring an ArchiveWriter to write digital files to microfilm. Microfilm is a tried-and-true static medium for preserving information with a life expectancy of up to 500 years, intended to improve public trust in state records.
- The Archives continues to support public access to legislative records with a program to image legislative committee hearing minutes and supplying the digital files for publication on the General Court website.
- The Archives has scanned the marked voter checklists for the 2018 General Election and the 2020 Presidential Primary.
- The Archives has digitized glass negatives from the State Highway Department from the 1920s, and from the State Hospital from the 1910s. In addition to these two collection, the Archives has also digitized the Dunlap Collection of photo negatives showing people, events and locations in the central New Hampshire area between the 1930s and the late 1950s.
- The Archives has digitized the Orrin M. James survey collection, a very heavily used collection of land boundary plans around the Northwood area.
- The Archives has digitized the Oscar Jewell collection of local road layouts, the blister rust white pine maps from the 1930s and 1940s, and town line perambulations from 1969 to the present. The Archives is currently working on uploading these records to the Archives website for public use. These are among the heaviest used collections in the Archives.
- In cooperation with Ancestry.com, images of several thousand petitions from the 1600s to 1825 will be available to the public at no charge at the State Archives (as well as to subscribers to Ancestry on-line).

# Other matters

- The Archives closed to research patrons except on an emergency basis in March 2020. From that time, the Archives staff has needed to do the research for the patron that they would typically have done had they come to the Archives and we gave them the records to examine. Once we have found what we feel the patrons want, we have imaged ("on demand") as many documents as possible, and sent the images to the requestors. Some of the digital files have been very large, and we have needed to send the files on a USB flash drive by US Mail.
- The State Archives has hosted a solar array that is one of the largest in the state, rated at the maximum of 99.9 KW. The installation reduces utility bills for the State.
- 10 Election monitor stations for recounts
- Brian Burford made presentations to:
  - (a) New Hampshire Archives Group, Keene (Digital Preservation), 2019-10-13
  - (b) Colonial Dames, Concord (Early Roads), 2020-02-12
  - (c) New Hampshire Archives Group, Nashua (Archival Profession), 2020-05-14

# BUREAU OF SECURITIES FY 2020 ANNUAL REPORT

The Bureau of Securities once again had a very active year in the areas of licensing & registration, as well as handling of investor complaints and enforcement actions. In 2020, in-state and out-of-state broker-dealer agent registrations reached an all-time high of 118,589 – an increase of 2,689 from 2019. In addition, 1,284 broker dealers and 2,394 investment advisors also registered with the Bureau. Total registration revenues for all registration types including investment advisors, broker dealers, mutual funds, and a variety of securities filings exceeded \$46.6 million. Statewide Investor Education activities included a variety of in-person public outreach presentations from July 2019 to March, 2020. These programs focus particularly on investor fraud detection and prevention. Staff members also appeared on several radio programs with statewide coverage throughout the entire year to promote safe investing. The Bureau Director, Deputy Director and staff attorneys' continue to be actively involved and hold leadership positions with the North American Securities Administrators Association. The Governor's Covid-19 Stay at Home Order found the Bureau working remotely from March 19 to May 1. However, day to day operations continued without interruption, and Bureau continues its work in-person at the Statehouse Annex building.

	REVENUE	EXPENSES	<u>FINES</u>
2020	\$41,628,792	\$1,099,185	\$1,253,353
2019	\$42,617,156	\$1,079,759	\$1,551,562

1

# DIVISION OF VITAL RECORDS FY 2020 ANNUAL REPORT

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, 2019, and June 30, 2020 (hereinafter "FY 2020"), the number and types of New Hampshire vital events/records saved in the state database are as follows:

Births	11,935
Deaths	12,922
Marriages	8,231
Opposite gender	7,961
Same gender	270
Divorces	3,467
Legal separations	44
Annulments	6
<b>Civil Union dissolutions</b>	0

A total of 11,984 certificates were issued by DVRA staff during fiscal year 2020. This includes 8,985 first copies, 2,902 additional copies, 6 heirloom birth certificates, and 40 certificates of foreign birth. Demand for pre-adoption records during that time interval stood at 51 requests. DVRA produced an additional 92 vital records for the Vermont Office of Child Support through a pre-paid contract with that office.

Denise M. Gonyer was appointed on July 15, 2019 as the new State Registrar and Director of DVRA upon the retirement of Stephen M. Wurtz. Mrs. Gonyer brings to DVRA over 30+ years of experience from the Town of Gilford most recently as the elected Town Clerk-Tax Collector. Mrs. Gonyer is a Past President of the New Hampshire City and Town Clerk's Association (NHCTCA) and has earned the designee of Certified Municipal Clerk (CMC) with the International Institute of Municipal Clerks (IIMC).

DVRA and CNSI continue to collaborate in creating a new comprehensive electronic system for registering vital events. This system, which builds upon the current NHVRIN system, is called NHVRIN*plus*. The death module and the security module of NHVRIN*plus* is expected to be launched in September 2020. Other vital event modules will be launched within the next few years.

The COVID-19 epidemic has created new challenges for DVRA. The Archives & Records Building has been on lockdown since March 23, 2020. Customers may still purchase vital records from DVRA in person. Although DVRA has accepted walk-in customers since the lockdown began, it is strongly suggested that a customer should make an appointment with DVRA in advance. This has resulted in an increase of online purchases of vital records. During the final quarter of FY 2020, 30.3% of DVRA's revenue was in online purchases, whereas during the final quarter of FY 2019, only 24.4% of DVRA's revenue was in credit card purchases at the DVRA counter and online purchases <u>combined</u>.

The COVID-19 epidemic has also influenced New Hampshire vital statistics. There has been a significant reduction in the number of marriages occurring in New Hampshire during the final quarter of FY 2020; usually there is a significant increase in the number of marriage from April to May. Although there has been extremely rare and isolated cases of COVID transmission from mother to newborn during the birthing process, such a transmission has not occurred in New Hampshire during FY 2020. DVRA, in conjunction with the Centers for Disease Control, monitors New Hampshire deaths due to COVID-19.

# Vital Records Expenditures – General Fund

		<u>June 30, 2020</u>	<u>June 30, 2019</u>
1.	Permanent Personnel	\$285,947	\$271,508
2.	Current Expense	11,826	12,350
3.	Equipment	-0-	·- <b>0</b> -
4.	Other Personal Services	43,591	59,347
5.	Benefits	131,837	127,511
6.	Travel In-State	-0-	-0-
7.	Travel Out-of-State	-0-	-0-

TOTAL

\$473,201

\$470,716