

Wyoming Secretary of State Annual Report FY2012

General Information:

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Wyoming Quality of Life Result:

Wyoming state government is a responsible steward of state assets and effectively responds to the needs of residents and guests.

Advanced technologies and a quality workforce allow Wyoming businesses and communities to adapt and thrive.

Contribution to Wyoming Quality of Life:

The Agency contributes to the Wyoming quality of life by assisting constituents in the areas of: business (business registrations/trademarks/trade names); Uniform Commercial Code transactions; and Central Filing (agricultural products, liens, searches); elections; campaign finance disclosure; lobbyist registration and disclosure; ethics disclosure; notaries public; securities and commercial registered agent registration and compliance; state rules and regulations; document authentication; state lands; state investments; citizen representation.

Statutory References:

The Secretary of State is established as a state elected office by the Wyoming Constitution and Wyoming Statutes, Title 9.

The Business Division acts in accordance with the following state statutes:

W.S. 16-3-101 through 16-3-115
W.S. 17-3-101 through 17-3-104
W.S. 17-8-101 through 17-8-117
W.S. 17-10-101 through 17-10-126
W.S. 17-10-201 through 17-10-253
W.S. 17-11-101 through 17-11-120

State Agency Rules
Professional Corporations
Churches and Religious Societies
Cooperative Marketing Associations
Processing Cooperative
Industrial Corporations

W.S. 17-12-101 through 17-12-107	Miscellaneous Companies
W.S. 17-14-201 through 17-14-1104	Uniform Limited Partnership Act
W.S. 17-16-101 through 17-16-1803	Wyoming Business Corporation Act
W.S. 17-17-101 through 17-17-151	Close Corporation Supplement
W.S. 17-18-101 through 17-18-403	Wyoming Management Stability Act
W.S. 17-19-101 through 17-19-1807	Nonprofit Corporation Act
W.S. 17-20-101 through 17-20-1801	Wyoming Cooperative Utilities Act
W.S. 17-21-101 through 17-21-1106	Uniform Partnership Act
W.S. 17-22-101 through 17-22-115	Uniform Unincorporated Nonprofit Association Act
W.S. 17-23-101 through 17-23-302	Wyoming Statutory Trust Act
W.S. 17-24-101	Business Names
W.S. 17-25-101 through 17-25-109	Close Limited Liability Company Supplement
W.S. 17-26-101	Conversion
W.S. 17-27-101	Electronic Annual Reports
W.S. 17-29-101 through 17-29-1105	Limited Liability Companies
W.S. 29-7-101 through 29-7-106	Personal Property
W.S. 29-7-201 through 29-7-202	Breeders
W.S. 29-8-101 through 29-8-109	Agricultural Producers Liens
W.S. 32-1-101 through 32-1-109;	Notaries Public/Notorial Officer
W.S. 32-26-101 through 32-26-304	
W.S. 34-21-1101 through 34-21-1107	Central Filing System
W.S. 34.1-9-101 through 34.1-9-709	Uniform Commercial Code
W.S. 37-4-101 through 37-4-104	Transmitting Utility Act
W.S. 40-1-101 through 40-1-116	Trademarks and Service Marks
W.S. 40-2-101 through 40-2-109	Trade Names

The Compliance Division administers Wyoming's Uniform Securities Act and Registered Agent Act in accordance with the following state statutes:

W.S. 17-4-101 through 17-4-132	Securities
W.S. 17-28-101 through 17-28-111	Commercial Registered Agents

The Elections Division includes elections, lobbyists, ethics and acts in accordance with the following state statutes:

W.S. 22-1-101 through 22-29-601	Elections and Campaign Finance
W.S. 28-7-101 through 28-7-201	Lobbyists
W.S. 9-13-101 through 9-13-109	Ethics

The Administrative Division protects the Bucking Horse & Rider Trademark, the use of the Great Seal and is the custodian of records:

W.S. 9-1-301 through 9-1-302	Secretary of State
W.S. 8-3-117	Bucking Horse & Rider Trademark

The Secretary of State has other statutory duties. A few examples of those diverse statutory requirements are:

W.S. 7-3-223 Criminal Procedure: Fugitives and Prevention of Crime: Extradition - Extraditions are to be filed in the office of the Secretary of State to remain of record in that office.

W.S. 9-1-102 Administration of Government: State Officers: Generally - Officers of state agencies and specified state employees are to file an oath of office with the Secretary of State.

W.S. 16-2-102 City, County, State and Local Powers: Facsimile Seals and Signatures - Any authorized officer shall file with the Secretary of State his manual signature certified by him under oath.

W.S. 18-7-105 Counties: Libraries - As soon as a library board is organized, it shall file with the Secretary of State a certificate showing their organization.

W.S. 18-8-104 Counties: Memorial Hospitals: Generally - As soon as a memorial hospital board is organized, it shall file with the Secretary of State a certificate showing their organization.

W.S. 18-9-102 Counties: Fairgrounds, Airports, Parks, Pleasure Grounds and Recreational Systems: Generally - As soon as the board of any of the referenced groups is organized, it shall file with the Secretary of State a certificate showing their organization.

W.S. 28-2-116 Legislature: Apportionment of Members - The Secretary of State is to maintain the census block list. The Secretary of State also has responsibilities pertaining to legislative redistricting which are carried out under Chapter 106, 1995 Session Laws of Wyoming.

W.S. 40-13-103, 106 and 108 Trade and Commerce: Copyrighted Music: Protection of Copyright Users - Secretary of State is to accept filing of performing rights contracts and license agreements.

W.S. 41-3-725 Water: Rights, Administration and Control: Water Conservancy Districts - Water conservancy districts are to file copies of the findings and the decree of the court incorporating said district with the Secretary of State.

P.L. 107-252 The Secretary of State, as the State's Chief Election Official, has the responsibility for implementation of the Help America Vote Act of 2002 (HAVA).

Basic Facts:

This Agency has 31 full-time employees and operates on an ongoing biennium budget of approximately \$7 million while generating over \$38 million in revenue during a biennium. In addition, this Agency is responsible for implementing the Help America Vote Act (HAVA) and overseeing federal funds.

As an elected official, the Secretary of State does not have clients, per se. However, as the State's Chief Elections Officer, Securities Commissioner, Notaries Public Commissioner and Corporations Administrator, the Secretary of State's "clients" are various individuals and entities. These include: business entities, attorneys, bankers, financial institutions, accountants, individuals who purchase securities investments, all members of the public who participate in elections, county clerks, those who wish to file an initiative or referendum, notaries public, individuals needing international document authentication services, state agencies filing agency rules, lobbyists, all elected officials required to file ethics reports, individuals wishing access to enrolled acts and legislative journals, individuals wishing to use the State's Bucking Horse & Rider trademark, statewide and legislative political candidates and all individuals involved with any of the boards and commissions served by the Secretary of State.

Although the Secretary of State's Office has only 31 employees, it has diverse statutory responsibilities, thus it has six primary Divisions:

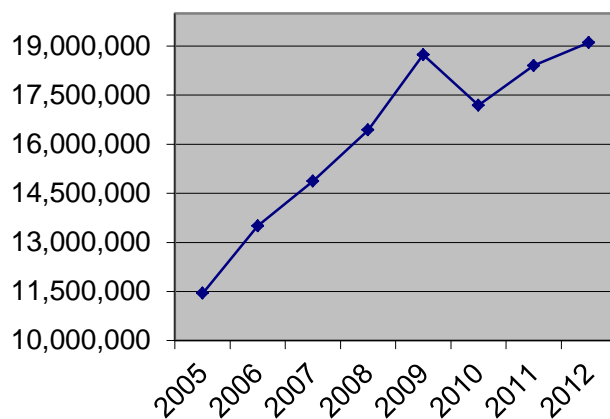
- **Administration:**
Performs all duties associated with state elected officials and directs all services of the Agency; preserves the recognized symbols of the state, legislative journals and other state documents.
- **Administrative Support:**
Provides all fiscal and personnel services for the Agency and is responsible for commissioning notaries public, issuing apostilles and certification documents which authenticate signatures of state officials on vital records. This Division is also responsible for maintaining state agencies' rules and, in cooperation with the University of Wyoming Trademark Licensing Office, administers use and protection of the Bucking Horse & Rider trademark.
- **Business:**
Administers Wyoming Statutes pertaining to the registration of corporations and 12 other business entities, trademarks, trade names, and uniform commercial code liens and searches.
- **Compliance:**
Oversees Wyoming's securities industry as well as the activities of Commercial Registered Agents. This Division is responsible for registering securities (investments) offered or sold in Wyoming along with registering and overseeing the firms and individuals working for those firms that sell securities. In addition to its regulatory function, the Division has authority to investigate violations of the Securities Act and the Registered Agent Act. To further protect Wyomingites, this Division has enforcement authority to file administrative actions and to refer criminal matters to local, state or federal authorities. This Division is also responsible for providing investor protection education to the public.
- **Elections:**
Assists with general, primary, bond, municipal and special district elections; responsible for the online campaign finance disclosure system; verifies petitions for independent candidates, initiatives, referendums and new political parties; answers questions pertaining to elections; generates voter registration lists; processes candidate applications; produces elections publications; and registers lobbyists and retains lobbyist disclosure reports.
- **Technology:**
Provides computer technology support to the Agency for day to day operations. Provides project management and oversight for the Agency, updates and maintains the Agency's many electronic applications including; business registration and reporting, UCC lien filing, securities, elections, voter registration, campaign finance, notaries and state rules programs.

Performance:

The Agency has selected performance measures with the intent of improving customer service. The Agency continues to strive to provide services in a timely manner.

#1: Agency revenue

Graph 1 – Agency revenue



Story behind the last year of performance:

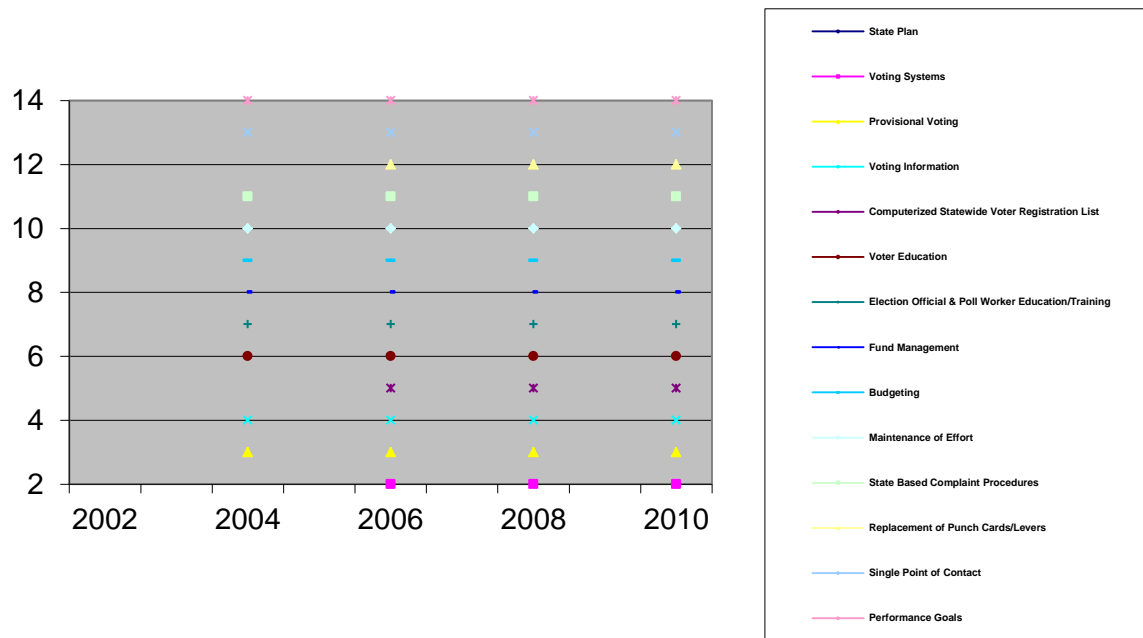
Graph 1 illustrates the Secretary of State's goal of continuing to increase revenue generated by this Agency. The Secretary of State's Office operates on a biennium budget of approximately \$7 million. This pales in comparison to the revenue growth generated by this Agency.

What has been accomplished?

Graph 1 illustrates the amount of revenue generated by this Agency. During FY12 the Agency saw total revenue of \$19.1 million, an increase of approximately 4 percent from \$18.4 million generated in FY11.

#2: Federal HAVA requirements

Graph 2 – Federal HAVA requirements (14)



Story behind the last year of performance:

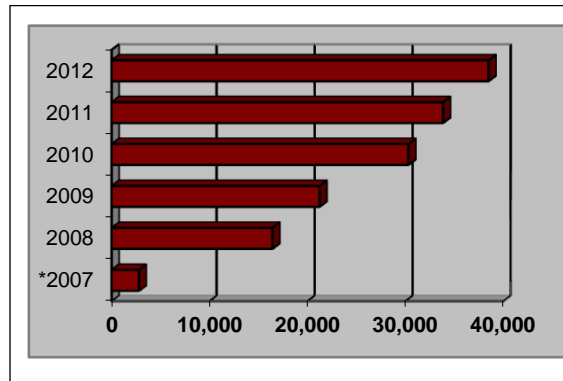
Graph 2 illustrates the Secretary of State's goal of tracking and maintaining the fourteen federal HAVA requirements in the Election Division.

What has been accomplished?

The Help America Vote Act of 2002 (HAVA) required significant reforms of the election process. In HAVA there were fourteen items of note including federal mandates for election equipment, voter registration, education of voters and election workers, and issues pertaining to planning and management of funds. Some of the requirements had achievement dates; all are an ongoing part of the federal law. FY12 is not an election year, however many requirements are prepped in the "off year". Thus it is anticipated that there will be 100% compliance again in FY13. These are important, and ongoing, requirements of state election administration.

#3: Advanced technologies for delivery of services

Graph 3 – Business Division online registrations



*2007 represents only four months since the project was not operational for the full one-year period.

Story behind the last year of performance:

During FY12 online filing of annual reports continued to provide enhanced service to the public. The Division electronically provides 24-hour access to filers. The online filing option provides more convenient and faster service for business entities. This is also a means by which the Agency may create technological efficiency to compensate for growth in volume without asking for more staff. Online filings do not require data entry and handling by human beings. In addition scanning of documents was implemented in FY12, thus increasing the speed at which customers can be served.

Graph 3 depicts the increase in numbers of filers who have chosen the online filing option, thus showing efficient use of technology.

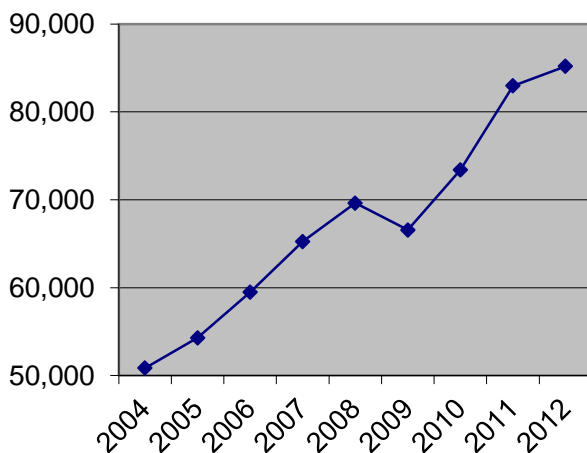
What has been accomplished?

In FY12, 38,478 annual reports were filed online as compared to 33,833 in FY11 for an increase of 4,645 or approximately 14 percent. As the business community has become more familiar with the availability of online filing of annual reports, the number of those filings has increased.

In addition to continuing to increase service and efficiency by offering filings online, the Division began planning other activities to improve service to business entities, the implementation of document scanning being one example of successful progress.

#4: Compliance Division

Graph 4 – Broker-dealer and agent registrations



Story behind the last year of performance:

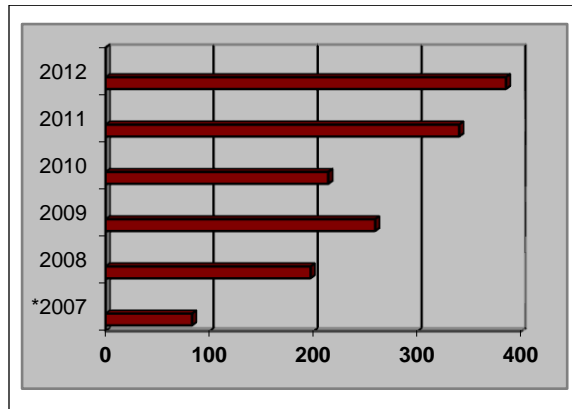
Graph 4 illustrates the Secretary of State's goal of continued regulation of registered securities agents and the brokerage firms which employ them. One of the statutory duties of the Compliance Division is to register and regulate securities (investments like stocks, bonds, mutual funds, etc.) and the individuals and companies that sell securities. The Division enforces securities statutes and informs and educates investors about avoiding fraudulent securities promotions. The scope of regulating securities includes addressing and investigating every securities complaint for referral to the proper civil, criminal or administrative authority.

What has been accomplished?

During FY12 this Division saw a total of 85,195 broker-dealers and agent registrations, an increase of 2,220 or 3 percent over FY11. With the continued financial difficulties facing the securities industry, much of the Division's time is spent investigating numerous investment complaints and protecting Wyoming citizens from investment fraud. FY12 saw a concerted push to expand promotion of the Investor Awareness Program.

#5: Public access to government

Graph 5 – Secretary of State constituent visits



*2007 only reflects the last six months of FY07 since Secretary Maxfield did not take office until January 1, 2007.

Story behind the last year of performance:

Graph 5 illustrates the Secretary of State's goal of making himself available to interact with constituents.

What has been accomplished?

In FY12 Secretary Maxfield had 385 occasions to interact with constituents. It is of great importance to the Secretary that he be available to citizens of Wyoming. The Secretary meets with constituents in many parts of the state because it is one of the agency's foundational principles that availability not be necessitated by the public having to visit the Capitol. Thus, Secretary Maxfield spends time traveling to many communities and interacting with citizens.

Wyoming Secretary of State

