

### **Introduction**

The Wyoming Secretary of State's strategic plan for FY 2020 through FY 2023 is submitted in compliance with the statutory requirements regarding state agency plans under Wyoming Statute ("W. S.") 28-1-115; the strategic plan represents office management's future direction for the Secretary of State's Office and its programs.

### **Office Overview**

Number of Employees: 31 positions (authorized 2018 Budget Session)

Clients Served:

- Elected Officials and those seeking office
- Service Companies
- Financial Institutions
- Lending Institutions
- Businesses
- General Public
- Attorneys and Paralegals
- Federal, State and Local Governmental Agencies
- Private Investigators
- Title Companies

Budget: For the Biennium ended June 30, 2020

General Fund	\$8,261,237
Federal Fund	\$171,901
Other Fund	\$648,326
Total Funds	\$9,081,464

### **Core Business / Primary Functions**

#### **Executive Division (Secretary of State, Deputy Secretary of State and 3 staff)**

The Executive Division provides the leadership and direction to the Office. The Secretary serves on five Boards and Commissions; serving as one of Wyoming's five statewide Elected Officials. Along with policy and operational control, the division preserves the Great State Seal, legislative journals, and other vital state documents. The Division affixes the great state seal to various acts and proceedings of the Governor, such as proclamations and extraditions. It files Oaths of Office and handles all correspondence and communication with constituents and welcomes visiting dignitaries.

#### **Administration Division (7 Staff Members)**

The second largest division for the Office, this division is split into two support functions; Fiscal and Technology, each unit is unique in function, but works closely with all Divisions within the Office. The Fiscal unit provides all accounting, human resources and office support functions to the Office. The Fiscal unit is also charged with being the registrar of the Wyoming Administrative Rules System for state agencies; and administers the use of the iconic Bucking Horse and Rider trademark. The Technology unit provides project management, maintenance and support for the agencies applications which include business registration and reporting, Uniform Commercial Code and Effective Financing Statement lien filings, Securities, elections, statewide voter registration, campaign finance, notaries public, state rules, receipting, lobbyists and the Office websites.

### **Business Division (11 Staff Members)**

The Business Division is the largest Division serving as the Chief Registrar for Business and Commercial Filings. The Division files registrations for the following business entity types: Profit Corporations, Non-Profit Corporations, Limited Liability Company, Limited Partnerships, Trade Name, Trademark, Reserve Name, Statutory Trust, Unincorporated Non-Profit, General Partnership, Registered Limited Liability Partnership, Statutory Foundations and Commercial Registered Agents. The Division is also responsible for filing Uniform Commercial Code liens and Effective Financing Statement Filings.

### **Compliance (5 Staff Members)**

The compliance Division oversees Wyoming's securities industry as well as regulation activities regarding Utility Tokens. Responsible for registering securities (investments) offered or sold in Wyoming as well as the individuals working for those firms selling securities. This Division provides investor protection education to the public, commissions notaries and issues apostilles and certifications documents which authenticate signatures of state officials.

### **Elections (3 Staff Members)**

The Election Division ensures uniformity in the application and operation of Wyoming's elections. The Division assists with general, primary, bond, municipal and special district elections; files campaign finance disclosure reports; verifies petitions for independent candidates, initiatives, referendums and new political parties; generates voter registration lists; processes candidate applications; produces election publications; and registers lobbyists.

### **Statutes that govern the Office:**

7-3-223 Criminal Procedure: Extraditions  
7-3-909 Law Enforcement Mutual Aid Agreement  
8-3-117: Bucking Horse and Rider  
9-1-102 Administration of Government  
9-1-301 through 9-1-308: Secretary of State  
9-13-101 through 9-13-109 Ethics Disclosure  
16-2-102 City, County, State and Local Powers  
16-3-101 through 16-3-115: State Agency Rules  
17-3-101 through 17-3-104 Professional Corporations  
17-4-101 through 17-4-132 Securities  
17-8-101 through 17-8-117 Churches and Religious Societies  
17-10-101 through 17-10-126 Cooperative Marketing Associations  
17-10-201 through 17-10-253 Processing Cooperative  
17-11-101 through 17-11-120 Industrial Corporations  
17-12-101 through 17-12-107 Miscellaneous Companies  
17-14-201 through 17-14-1104 Uniform Limited Partnership Act  
17-16-101 through 17-16-1810 Wyoming Business Corporation Act  
17-17-101 through 17-17-151 Close Corporation Supplement  
17-18-101 through 17-18-403 Wyoming Management Stability Act  
17-19-101 through 17-19-1807 Nonprofit Corporation Act  
17-20-101 through 17-20-1402 Wyoming Cooperative Utilities Act  
17-21-101 through 17-21-1107 Uniform Partnership Act  
17-22-101 through 17-22-115 Uniform Unincorporated Nonprofit Association Act  
17-23-101 through 17-23-302 Wyoming Statutory Trust Act  
17-24-101 Business Names  
17-25-101 through 17-25-111 Close Limited Liability Company Supplement  
17-26-101 Conversion  
17-27-101 Electronic Annual Reports  
17-28-101 through 17-28-111 Commercial Registered Agents  
17-29-101 through 17-29-1105 Limited Liability Companies  
17-30-101 through 17-30-1102 Statutory Foundation

18-7-105 Counties: Libraries  
 18-8-104 Counties: Memorial Hospitals  
 18-9-102 Counties: Fairgrounds, Airports, Parks, Pleasure Grounds and Recreational System  
 22-1-101 through 22-29-601 Elections and Campaign Finance Disclosure  
 28-2-116 Legislature: Apportionment of Members  
 28-7-101 through 28-7-201 Lobbyists Registration and Disclosure  
 29-7-101 through 29-7-106 Personal Property  
 29-7-201 through 29-7-206 Breeders  
 29-8-101 through 29-8-109 Agricultural Producers Liens  
 32-1-101 through 32-1-109 Notaries Public/Notarial Officer  
 32-1-114 Authentications  
 32-26-101 through 32-26-304 Notaries Public/Notarial Officer  
 34-21-1101 through 34-21-1107 Central Filing System  
 34-29-101 Digital Assets  
 34-29-106 Wyoming Utility Token Act  
 34.1-9-101 through 34.1-9-809 Uniform Commercial Code  
 37-4-101 through 37-4-104 Transmitting Utility Act  
 40-1-101 through 40-1-116 Trademarks and Service Marks  
 40-2-101 through 40-2-109 Trade Names  
 40-13-103, 106 and 108 Trade Commerce: Copyrighted Music  
 40-28-101 through 40-28-109 Financial Technology Sandbox Act  
 41-3-725 Water: Rights, Administration and Control  
 P.L.107-252 Implementation of the Help America Vote Act

### **Quality of Life Results**

#6 – Wyoming state government is a responsible steward of State assets and effectively responds to the needs of residents and guests

#10 – Advanced technologies and quality workforce allow Wyoming businesses and communities to adapt and thrive.

### **Office Prioritization of Programs**

The office does not view any of its statutory duties with preference, all are statutory; statutes relevant to our office are listed above. A list of examples of statutory responsibilities are below, again not in any order of preference.

- Registering all statutorily authorized business entities - Profit Corporations, Non-Profit Corporations, Limited Liability Company, Limited Partnerships, Trade Name, Trademark, Reserve Name, Statutory Trust, Unincorporated Non-Profit, General Partnership, Registered Limited Liability Partnership and Statutory Foundations. The Division is also responsible for filing Uniform Commercial Code liens and Effective Financing Statement Filings.
- Overseeing all statewide elections, as well as bond, municipal, and special elections
- Certifying all statewide candidates and ballot questions, and reports and certifies primary and general election results
- Commissioning of Wyoming's Notaries Public
- Certifying and authenticating documents for use in foreign countries
- Filing state agencies' rules
- Regulating the state's securities industry and enforcing securities laws
- Maintaining the records and proceedings of Wyoming legislature
- Attesting to various official acts and proceedings of the Governor
- Affixing the Great State Seal of Wyoming as delineated by law
- Preserve, Protect and Promote the Bucking Horse and Rider

## **Performance Measures**

### **Story Behind the Performance**

The office has been operating in a 24/7 environment allowing businesses to file their annual reports and a select number of business formation and reinstatements on-line since 2016. The office reviews filing restrictions each year in order to facilitate getting more and more filings moved to this platform; reducing manual processes, while continuing to provide a friendly on-line environment.

### **Proposal for Improvement**

Leverage technology to ensure cost-efficient and effective customer service. The number of active business registrations in 2018 was 152,461 that is a 29% increase from just two years ago. Businesses not only file the initial formation documents, they are then required to file an Annual Report each year as well as any amendment documents. During BFY17, while we saw budget cuts with a position reduction; we also saw an increase in the number of days the office has to reject filings that are incomplete. The reduction in personnel and our environment makes relying on technology a must. The Business Division is just completing requirements for Effective Financial Statements filings to be on-line as well as enhancing to Uniform Commercial Code filing module. Currently only domestic profit corporations, non-profit corporations and Limited Liability Companies are forming on-line, additional entity types are being reviewed to determine if the on-line environment is a good fit. We also continue look to our other divisions as well to see where efficiencies through technology could be reached, in our Election Division requirements were recently completed for on-line Lobbyist Registration.

### **Performance Measure #2 – Investor Awareness**

#### **Story Behind the Performance**

Education is key to ensuring Wyoming has wise investors. The Wyoming Invest Now (WIN) exemption went into effect in 2017 and the first WIN filing was made in 2018. WIN is an equity crowdfunding option for Wyoming businesses and investors. It creates an easier way for companies to raise money without the regulatory burdens of registration.

#### **Proposal for Improvement**

To hire an Investor Education Coordinator and to build an Investor Education Program platform.

#### **Conclusion**

The Secretary of State's Office continues its strategic planning being mindful of the balance between the cost of the service and the most efficient and modern use of technology to achieve the Office's goals.

Currently there is dialogue about a new Notary system, the cost and the efficiency it would provide as we have 12,054 active notaries as of 06/30/2019; in the same year we saw 2,187 of those signatures being authenticated in our Office. The problems that we face with notaries are addressed below:

- Asking the Legislature for an interim study to update Notary laws
- Reviewing Enforcement Authority
- Review method for filing a complaint against a notary
- Update Notary System - move the Notary database into a current Office application to create efficiencies with receipting and email renewal notification.
- E-Renewal notice - decrease number of notaries renewing bond but failing to renew their commission

- Electronic and Remote Notarization - research and compare historical and current movement in surrounding states; analyze and determine suitable vendors and processes for required equipment; legislative proposal and integration plan
- Searchable, public notary database to verify active commission (often time sensitive)
- Review the need to establish testing requirement
- Create educational courses for notaries

### Office Statistical Information

The Office is doing more with less. Technology is an area that we are not in favor of turning back, we have successfully brought many filing types on-line and are continuously looking for areas of improvement. Below is a chart that outlines the increase in all of our filing areas that are being reviewed to ensure that we are using technology to the best of our ability to aid in the increased workflow.

	<b>FY19</b>	<b>FY18</b>	<b>FY17</b>	<b>FY16</b>	<b>FY15</b>	<b>FY14</b>
Active Notaries	12,054	12,053	12,145	12,002	11,991	11,722
Apostilles Processed	1,998	1,777	1,866	1,794	1,919	1,901
Authentication Processed	189	230	631	374	527	325
Broker-Dealers and Salespersons	103,608	102,726	98,959	98,613	94,020	89,362
Security Offerings	907	685	521	549	491	532
Registered Investment Advisers	1,117	1,024	NA	NA	NA	NA
Investment Adviser Firms	707	546	NA	NA	NA	NA

### Active Business Registrations

Profit Corporations	45,666	38,771	41,340	33,920	35,467	31,114
Nonprofit Corporations	7,229	6,489	6,663	5,988	6,120	5,654
Limited Liability Companies	128,689	91,877	90,468	63,876	65,007	49,819
Limited Partnerships	2,744	2,512	2,586	2,160	2,215	1,989
Trade Names	11,249	9,878	10,103	9,069	9,280	8,325
Trademarks	1,102	966	1,040	958	1,057	944
Reserved Name	43	4	59	4	73	4
Statutory Trusts	1,766	1,472	1,491	1,173	1,216	1,107
Registered Limited Liability Partnerships	287	257	299	273	291	247
Unincorporated Nonprofit	218	212	293	277	207	110
General Partnerships	26	23	24	24	24	22
Uniform Commercial Code Filings	121,914	108,956	79,567	63,981	82,775	65,579
Effective Financing Statements	7,686	7,054	2,848	2,804	2,713	2,680