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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*

April 28, 2016

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, 2014 through June 30, 2015.

Sincerely,

A handwritten signature in black ink, appearing to read "William M. Gardner".

William M. Gardner  
Secretary of State

# STATE OF NEW HAMPSHIRE

## Department of State

*Annual Report 2015*



## Programs, Services and Functions

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

## **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, 2014	As of June 30, 2015
1. Permanent Personnel	\$387,048	\$368,244
2. Current Expense	25,254	28,057
3. Equipment	-0-	-0-
4. Other Personal Services	4,401	4,161
5. Benefits	187,891	158,198
6. Travel In-State	106	104
7. Travel Out-of-State	-0-	-0-
8. Computer Expenses	-0-	-0-
9. Elections*	110,575	196,542
10. Red Book**	-0-	39,739

TOTAL

Receipts

1. Fees and Registrations	\$45,874,715	\$48,035,154
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\*State primary and general election held every other year.

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

## **Elections Annual Report 2015**

In FY 2015, the Secretary of State, in cooperation with local election officials, continued to implement new voter ID laws in state and municipal elections and executed the 2014 federal/state primary and general election. 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 had 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 14,965, including 9,124 recorded as removed.

In cooperation with local election officials, the office analyzed and followed up on 4,337 challenged voter affidavits, 3,262 domicile affidavits, and 375 qualified voter affidavits signed by voters in the second half of 2014 and the first half of 2015. The office sent letters in two separate batches to these 7,974 voters and provided extensive follow-up and reports on voter responses, delivering information and returned mail to the Attorney General, the Legislature and the Department of Motor Vehicles as required by law.

In order to update the statewide voter registration system (ElectioNet), an election management system, and training programs to carry out the Help America Voter Act (HAVA), the Military and Overseas Voter Empowerment (MOVE), and implement 2012, 2013, 2014 and 2015 election legislation, the office:

- a. Implemented 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. 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) check their polling place location and official polling hours, (iii) 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. Prepared procedures, reports, and training to comply with new 2015 requirement to record and indicate the state of each out-of-state drivers' license presented, and to implement a new requirement to take pictures of those who do not present photo IDs at the polls to vote;
- d. Updated training instructions in a uniform location under Help/Instructions in ElectioNet;
- e. Supported local election officials using Internet Explorer 10 and 11 and Windows 10 Operating System;
- f. Implemented and trained use of one-stop software enabling local elections officials to submit election official contact information and integrated this software into office-wide use;
- g. Used software and database administration efforts to assist municipalities in sending 30-day letters to voters who may no longer be eligible to vote;

- h. Updated voter IDs on street range screen;
- i. Rolled out revised software to prevent duplicates;
- j. Expanded reporting capacity.
- k. Voter registration for inter-city ward changes & election day registrations
- l. Voters' new to system audit/voters new to existing towns
- m. Cities' capabilities to see each wards' absentee ballot reports, including challenges, undeliverable, rejected and UOCAVA rejected.

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, and inspectors of election:

- (1) Clerks' regional spring workshops (5 sessions in May and June of 2015);
- (2) Spring training on ElectioNet (10 sessions in March and April of 2015);
- (3) Summer election law training (11 sessions in Summer of 2015);
- (4) NHVotes on-line training (about 2,500 slides that should be updated with every law change);
- (5) Annual clerks' conference (one per year in Fall of 2014);
- (6) Election Procedure Manual update and publication (200 pages August – October, 2014);
- (7) Written and graphic how-to instructions compiled and updated in ElectioNet;
- (8) New clerks' training (one in April, 2015);
- (9) Clerks' certification training (one in July, 2014);
- (10) Secretary of State's election website (new forms and procedures each year, esp. for voter ID);
- (11) Direct communications and new forms implementing photo ID, updated affidavits, Ballot Clerk Procedure, Camera Procedure, MOVE Act notices, HAVA reporting, ElectioNet changes, importing disk files to Excel, and FPCA flowchart.

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 implement and monitor use of a system that enables them to access the polls and to vote privately and independently, using a telephone and fax machine. In 2015, the office tested a pilot program that would potentially replace the existing accessible vote system with a system that can serve more persons with disabilities and upgrade voter privacy. The office continues to work with moderators, selectmen, and clerks to upgrade and modify 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

FILING TYPE	INC/DEC		INC/DEC		INC/DEC	
	FY2015	From 2014	FY2014	From 2013	FY 2013	From 2012
<b><u>New Hampshire:</u></b>						
Corporations involuntarily dissolved	898	-4.26%	938	-12.09%	1067	-14.02%
Limited liability companies involuntarily dissolved	4006	-0.94%	4044	-2.84%	4162	-12.60%
Limited liability partnerships involuntarily cancelled	32	14.29%	28	-6.67%	30	-36.17%
Nonprofit corporations involuntarily dissolved	0		0		0	
<b><u>Foreign (out of state):</u></b>						
Corporations suspended	824	17.55%	701	-15.13%	826	-1.43%
Limited liability companies suspended	475	7.71%	441	15.14%	383	-4.96%
Limited liability partnerships involuntarily cancelled	3	-57.14%	7	133.33%	3	-40.00%
Nonprofit corporations suspended	0		0		0	

**DIVISION OF ARCHIVES & RECORDS MANAGEMENT  
FY 2015 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, 2015	As of June 30, 2014
010 & 011 Permanent personnel	\$173,176.81	\$191,980.37
020 Current expense	\$17,908.98	\$10,631.29
022 Rents/Lease other than State	\$2,000.00	\$2,000.00
024 Maintenance, other than Bldg/Grounds	\$200.00	\$655.00
026 Organizational Dues	-0-	\$1000.00
030 Equipment	-0-	-0-
050 Other Personnel Services	\$43,904.78	\$32,437.35
060 Benefits	\$80,477.54	\$95,644.00
070 Travel In-State	-0-	-0-
073 Grants	-0-	-0-
080 Travel Out-of-State	-0-	-0-
<b>TOTAL</b>	<b>\$317,668.11</b>	<b>\$334,348.01</b>

Personnel Data

Unclassified	1	1
Classified Permanent	4	4
Temporary	2	2
Summer Interns	0	2
<b>TOTAL</b>	<b>7</b>	<b>9</b>

Records Transactions (Individual Files)

Agency Records Pulled	6440	8669
Agency Records Refiled	4607	7143

**Box of Records Transferred**

Box Count at start of Fiscal Year	83252	85606
Cubic Feet Acquired	+ 641	+ 4336
Cubic Feet Destroyed	- 5790	- 6690
Box Count at End of Fiscal Year at Records Center (capacity 82,769)	78103	83252

**Public Interaction**

Out-going Correspondence		
Visitors	880	994

**Acquisitions to the Records Collections added in FY 2015 include the following:**

**Microfilm of Town records:**

Allenstown  
Manchester,  
Nashua &  
Seabrook

**Other archival collections**

Fire Training manuals from the NH Council of Defense, early 1940s  
Nashua Police Court Naturalization Records  
Small group of original papers of Hillsborough County Probate papers  
Boston & Maine Railroad Survey map books  
U.S. Coast & Geodetic Survey triangulation notes, 1930s  
Digital video files from John Gfroerer  
(2) 1-Terabyte external hard drives from FamilySearch: Grafton County Probates  
(6) 1-TB external hard drives from FamilySearch: Cheshire County Probates  
(11) 1-TB external hard drives from FamilySearch: Rockingham County Probates

**Scanning and microfilming of legislative records:**

The division continues to image and microfilm the records of legislative hearings, and we continue to send the PDF files to the IT people for the legislature, in order to put the files up on the legislative website for public use.

**Volunteers:**

The volunteer group continued to come in for Tuesday mornings. They are processing various years and periods of the Strafford County Superior Court records. The process is to disassemble bundles of folded papers, flatten the papers, index them on a database, and store the documents in acid free file folders arranged by year.

## 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. 2015 was again a very active period for the Bureau. The N.H. Uniform Securities Act was completely revised and became effective January 1, 2016. Licensing and registration activity has continued to increase year over year. Mutual Fund registrations continue to grow as well. The enforcement unit continues to focus on investor fraud matters which has led to several administrative actions and resulting fines and penalties. Investor Education presentations were held throughout the state with a particular focus on senior citizens and fraud prevention. The Bureau also continues its regulatory oversight of RSA. 5-B Risk Pools.

	<u>REVENUE</u>	<u>EXPENSES</u>	<u>FINES</u>
2014	\$41,162,439	\$1,008,954	\$755,798
2015	\$43,079,522	\$ 975,237	\$1,998,759

## VITAL RECORDS ANNUAL REPORT FY2015

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, 2014, and June 30, 2015 (hereinafter “FY 2015”), the number and types of New Hampshire vital events/records saved in the state database are as follows:

Births	12,349
Deaths	11,643
Marriages	9,298
<i>Opposite gender</i>	8,892
<i>Same gender</i>	406
Divorces	4,443
Legal separations	63
Annulments	8
Civil Union dissolutions	0

The total revenue for FY 2015 was \$174,339.70. This revenue represents 12,292 certificates issued by DVRA staff. This includes 9906 first copies, 2240 additional copies, 15 heirloom birth certificates, 63 certificates of foreign birth.

There were 600 adoptions completed during FY 2015. Demand for pre-adoption records during that time interval stood at 68 requests.

New Hampshire is now certified on the State & Territory Exchange of Vital Events (STEVE) and the Electronic Verification of Vital Events (EVVE). STEVE facilitates the exchange of transcripts of those vital records where the registrant lives in another state. EVVE simplifies the process when a federal or state agency needs to verify that a vital event for a person has indeed occurred, and DVRA collects a fee, albeit a minimal one, each time that EVVE is used to verify a New Hampshire vital event. New Hampshire continues to be a leader for the nation in vital records automation, as New Hampshire was only the second state on the Atlantic coast to be certified to use STEVE.

CNSI, the software vendor who created NH Vital Records Information Network (NHVRIN) back in 2004, is now supporting NHVRIN. CNSI has been helpful in connecting the division with Databank, a database solutions firm. The division, Databank, and CNSI signed a contract where Databank would scan almost one million decades-old vital records and enter them into an electronic database, which CNSI would then download in NHVRIN. This will enable town/city clerks across the state to have access to more vital records for issuance.

Three new statutes affecting marriage became effective on January 1, 2015. CNSI has been helpful in adapting NHVRIN to accommodate the new marriage laws.

Vital Records Expenditures – General Fund

	<u>June 30, 2014</u>	<u>June 30, 2015</u>
1. Permanent Personnel	\$328,225	\$343,646
2. Current Expense	13,364	18,461
3. Equipment	-0-	-0-
4. Other Personal Services	45,388	54,032
5. Benefits	153,113	149,213
6. Travel In-State	-0-	-0-
7. Travel Out-of-State	-0-	-0-
TOTAL	\$540,090	\$565,352