

NEW HAMPSHIRE  
DEPARTMENT OF STATE

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William M. Gardner  
*Secretary of State*



Robert P. Ambrose  
*Senior Deputy Secretary of State*

David M. Scanlan  
*Deputy Secretary of State*

January 10, 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:

I respectfully submit the Department of State's Annual Report for the period July 1, 2018 through June 30, 2019.

Sincerely,

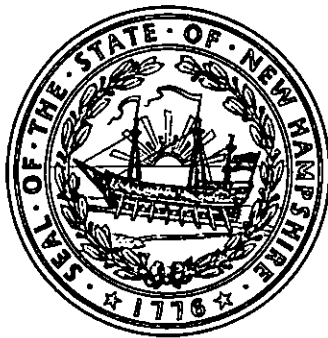
A handwritten signature in cursive script, appearing to read "W. Gardner".

William M. Gardner  
Secretary of State

# STATE OF NEW HAMPSHIRE

## Department of State

*Annual Report 2019*



**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) {724 pages}
- Publishes the New Hampshire Election Laws (RSA 39,40, 655-671) {339 pages}
- 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**

Expenditures

	As of June 30, 2019	As of June 30, 2018
1. Permanent Personnel	\$433,215	\$396,472
2. Current Expense	28,832	28,849
3. Equipment	-0-	-0-
4. Other Personal Services	3,150	3,380
5. Benefits	197,486	171,785
6. Travel In-State	309	-0-
7. Travel Out-of-State	-0-	324
8. Computer Expenses	-0-	-0-
9. Elections*	200,667	54,554
10. Red Book**	35,143	-0-
<b>TOTAL</b>	<b>\$898,802</b>	<b>\$655,364</b>

Receipts

1. Fees and Registrations	\$47,834,232	\$47,931,927
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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 – FY 2019

In FY 2019, the Secretary of State, in cooperation with local election officials, continued to implement new voter ID laws in state and municipal elections, provided training to over 1,925 election officials, staff and poll workers, executed the September, 2018 State Primary and the November, 2018 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 2018 election cycle.

In cooperation with local election officials, the office conducted an inquiry and sent follow-up letters as needed to verify the identity and/or domicile of voters in the first half of Calendar Year 2018, providing reports on findings to the Legislature, the Attorney General (AG), and the Department of Motor Vehicles (DMV), as required by law. The office analyzed and followed up on 810 challenged voter affidavits, 1,669 domicile affidavits, and 502 qualified voter affidavits signed by voters in the second half of Calendar Year 2018, providing reports to the AG, the DMV, and the Legislature. The office recorded and reviewed 119 challenged voter affidavits, 88 domicile affidavits, and 10 qualified voter affidavits signed by voters in the first half of Calendar Year 2019.

Using the statewide voter registration system (ElectionNet), 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 2018 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 11,520 ballots (960 ballots in the State Primary, plus 320 ballots in the General Election 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. Programmed candidate and column rotations, distributed candidates' data to ballots, prepared procedures and reports, delivered equipment and rolled out training for new 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.

- d. As of February 9, 2019, there were 22,410 duplicate voters in ElectionNet. By September, 2019, 6,874 of these had been merged as a result of ongoing extensive follow-up with election officials.
- e. 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 up to 50 inspectors from the Attorney General's office to personally monitor and report on 2018 election day compliance.
- f. Upgraded ElectionNet software to integrate new laws and improved procedures:
  - a. Out-of-State Driver's Licenses update to report in ElectionNet (from manual approach) – implemented in September of 2018;
  - b. After previously adding "Libertarian" party status to Statewide Voter Registration System (ElectionNet) and Election Management System (ERT):
    - i. Based on election results, removed Libertarian party status (retaining old code) from the ElectionNet and ERT screens based on election results, and
    - ii. Tested every screen and report;
  - c. Election Management System: Revised column rotation to reflect current number of columns;
  - d. Senate Bill 3 (2017) voter registration form changes & Verifiable Actions of Domicile Reports:
    - i. Reversed SB3 code to transition to the previous code and reinstated the Domicile Affidavit;
  - e. New code for Removed/Merged Voters in progress, adding new code to reports;
  - f. Report screen updates same in Production and UAT applications – still testing and observing the screens to see if there may be issues;
  - g. Created statewide checklist – Back-up paper checklist to be printed out in case of an incident. System now has capability to print a checklist for each town and city ward;
  - h. Add "Voter verified" to the Absentee Ballot screen, so the user may produce a report reflecting where "Voter Verified" was checked;
  - i. Election Officials Information – Added the roles of School Moderator, School Clerk and School Board.
  - j. System Reminder Screen entitled "Voters who have moved out of your City/Town": Added the "Status column" for users to know if the voter had been previously removed in their city or town prior to another town taking the voter as a new registration;
  - k. Implemented Two-Factor Authentication ("2FA") process for all ElectionNet users in the system (approximately 1200 users) – a cybersecurity best practice:
    - i. A user must verify either or both an email address and a cell phone;
    - ii. Receive a 6 digit code to authenticate every day;
    - iii. About 1200 users were required to fill out new Request for Access ("RAE") forms;
  - l. Implemented new software: When a user selects a "Removed/Merged" voter, it is hard coded and they cannot use that voter ID in any screens; It can only be viewed;

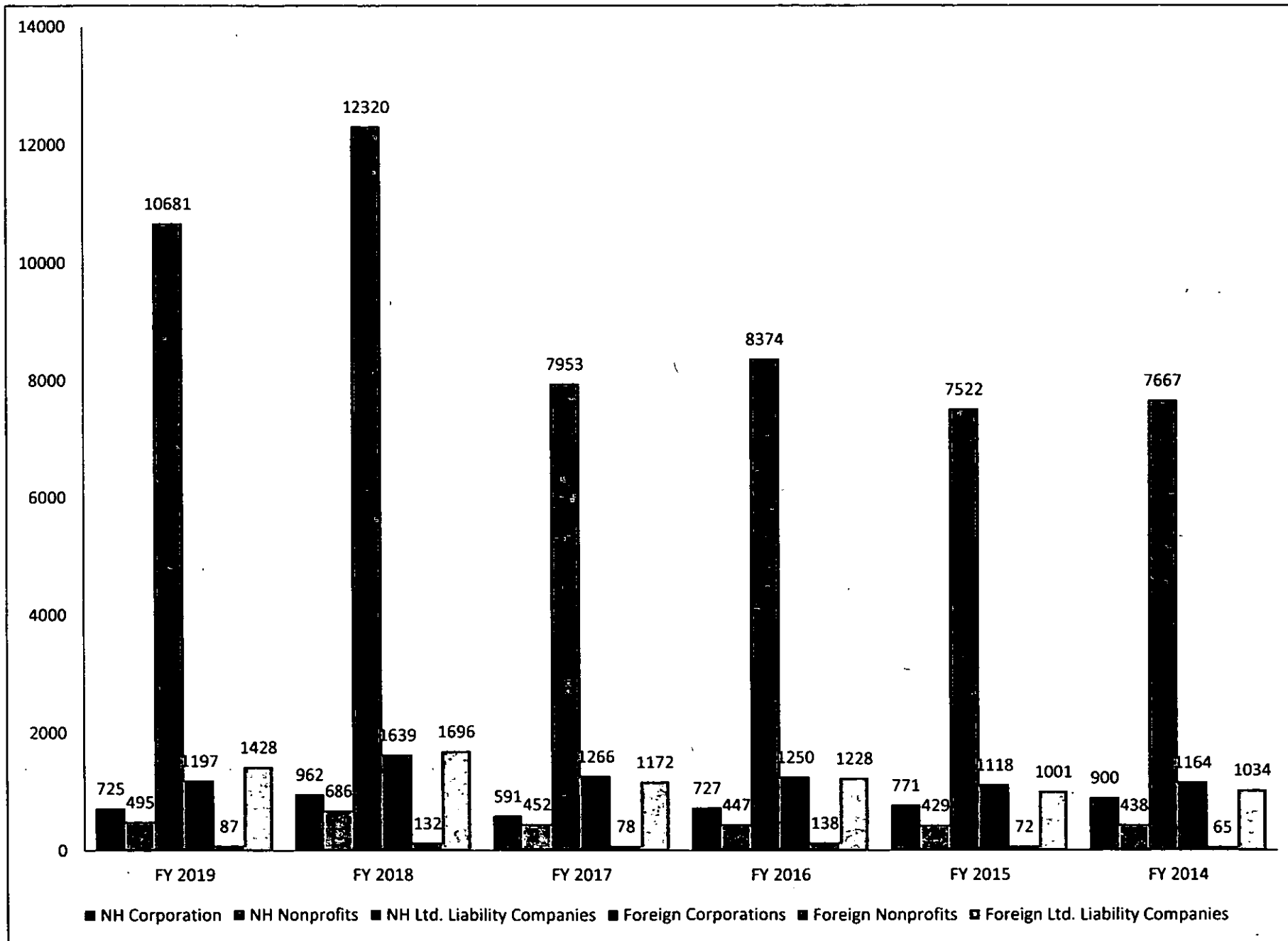
- m. Implemented new software: When a voter has been “Removed/Due to: Voter has lost right to vote in NH,” it is hard coded and users may not use this voter ID in any screens;
- g. To ensure compliance with federal and state election laws, the Secretary of State maintains and delivers 13 different election 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, as well as voters:
  - (1) Clerks’ Regional Spring Workshops (5 sessions in May and June of 2019), 358 attending;
  - (2) April, 2019 Meeting in Representatives Hall to discuss pending state and federal election legislation: 84 participants, including 67 election officials;
  - (3) New Clerks’ Training (April, 2019), with 34 clerks and clerks’ staff in attendance;
  - (4) Spring training on ElectionNet (6 sessions in March and April of 2019), trained 86 new users in ElectionNet;
  - (5) 2018 Election Law Training - 17 sessions in August and September of 2018, reaching 216 towns and training 1241 individuals (moderators, clerks, supervisors of the checklist, selectmen, and ballot clerks);
  - (6) NHVotes On-line Training - Worked on update of Clerks On-line Training to reflect changes in election laws;
  - (7) Annual Conference of New Hampshire City and Town Clerks Association (October of 2018) with at least 205 in attendance;
  - (8) Election Procedure Manual 2018 – 2019 published (279 pages) for all 6,000 election officials;
  - (9) Comprehensive written and graphic how-to instructions, forms and procedures compiled and updated in ElectionNet/Help/Instructions;
  - (10) Clerks’ Certification Training (August, 2018) using NHVotes On-line Training format, with 5 clerks and clerks’ staff in attendance as trainees;
  - (11) Secretary of State’s election website (new forms and procedures each year);
  - (12) Direct communications and new forms implementing updated affidavits, Ballot Clerk Procedure, MOVE Act notices, HAVA reporting, ElectionNet 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**

<u>FILING TYPE</u>	<u>FY2019</u>	<u>FY2018</u>	<u>FY2017</u>	<u>FY2016</u>	<u>FY2015</u>
<b><u>New Hampshire</u></b>					
Corporations	725	962	591	727	771
Nonprofits	495	686	452	447	429
Ltd. Liability Companies	10681	12320	7953	8374	7522
Trade Names	6040	7676	6147	6037	6050
Trade Name Renewals	4977	6037	6118	5370	5308
Limited Partnerships	25	38	25	23	28
Trademarks	121	209	119	99	164
Ltd. Liability Partnerships	71	90	40	26	38
<b><u>Foreign</u></b>					
Corporations	1197	1639	1266	1250	1118
Nonprofits	87	132	78	138	72
Ltd. Liability Companies	1428	1696	1172	1228	1001
Ltd. & General Partnerships	16	32	23	18	21
Ltd. Liability Partnerships	14	19	12	8	6
<b><u>Uniform Commercial Code</u></b>					
Initial Filings	19454	14264	18104	17713	16201
Searches	13426	13730	13430	16550	16992
<b><u>Total Revenues (Unrestricted)</u></b>					
(000's)	4499	4064	4205	4396	4347

Corporation Division and Uniform Commercial Code Section



DIVISION OF ARCHIVES & RECORDS MANAGEMENT  
FY 2019 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, 2019	As of June 30, 2018
010 & 011 Permanent personnel	\$299,146.90	\$261,149.60
020 Current expense	\$12,417.38	\$13,608.92
022 Rents/Lease other than State	\$2,400	\$617.16
024 Maintenance, other than Bldg/Grounds	-0-	-0-
026 Organizational Dues	-0-	\$1,000.00
030 Equipment	-0-	\$315.00
050 Other Personnel Services	\$12,551.12	\$21,098.19
060 Benefits	\$143,986.36	\$130,420.91
073 Grants Non Federal	-0-	-0-
080 Travel Out-of-State	-0-	-0-
<b>TOTAL</b>	<b>\$470,501.76</b>	<b>\$428,209.78</b>

Personnel Data

Unclassified	1	1
Classified Permanent	5	5
<b>TOTAL</b>	<b>6</b>	<b>6</b>
Temporary	0.75	0.75
Summer Interns	1	1
<b>TOTAL</b>	<b>7.75</b>	<b>7.75</b>

Records Transactions (Individual Files)

	Year ending 6/30/2019	Year ending 6/30/2018
Public & Agency Records Pulled	5157	5489
Public & Agency Records Refiled	4192	4503

Box of Records Transferred

Box Count at start of Fiscal Year	82157	83847
Cubic Feet Acquired (1 box = 1 cu. ft.)	3000	1030
Cubic Feet Destroyed	1500	2720
Box Count at End of FY at Records Center	83657	82157

Public Interaction

Visitors	814	856
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*Summary of FY 2019*

**Acquisitions to the Records Collections added in FY 2019** include the following:

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

Ossipee  
Rochester  
Walpole

**Other Town Records**

Concord, NH  
Nottingham, NH (books)  
Portsmouth, NH  
Stratham – microfilm  
Amherst  
Acworth

**Other archival collections**

Surveyor Records

Rush Chellis  
John Breckenridge  
David O'Hara  
Unidentified surveyor (1800s, Charlestown, NH)  
Edward Gienty  
Roger Merriman

County Records

Coos County Deeds (security microfilm)  
Carroll County Deeds (security microfilm)  
Hillsborough Probate  
Railroad Maps & Plans, from Robert Fuller  
NH Geological Survey aerial photo negatives

### Construction

The construction of a new addition containing a new archival vault and room for about 90,000 new boxes was begun by Fulcrum Construction in the spring of 2018, and was substantially complete by May 2019 when The Department of State received the occupancy permit. The project also included renovation of the imaging lab, moving the entrance to the Gallen Office Complex from South Fruit Street, the moving of the Lafayette Posts, and the expansion of the parking lot in front of the building. In addition, solar panels were installed on the roof through funds from the construction project itself, a state contract with Con Edison, and some panels removed from the Motor Vehicle building and installed at Archives. The total capacity of the system was just under 67Kw.

### Imaging

2016 Voter Checklists were completed.

Blister Rust Maps

Oscar Jewell Road Record Collection

### Other matters

The Legislature changed the name of a portion of Industrial Drive in the Gallen Office Complex to Ratification Way, to honor the existence of the Ratification Document at the State Archives.

The Archives assisted Governor Christopher Sununu in imaging 25 historical documents to display on a public interactive kiosk situated in the reception area of the Council Chambers.

Brian Burford spoke to:

- (a) The Town and City Clerks Association on the subject of Records Management on October 26, 2018.
- (b) The Portsmouth Historical Sites Association on the Treasures of the State Archives
- (c) Havenwood Senior Center (Concord, NH) on the Treasures of the State Archives
- (d) The New Hampshire Society of Genealogists on the Treasures of the State Archives.

## BUREAU OF SECURITIES FY 2019 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 2019, the combined in-state and out-of-state broker-dealer agent registrations exceeded 115,900; 1,329 broker dealers and 2,089 investment advisors. Total registration revenues for all registration types including investment advisors, broker dealers, mutual funds, and a variety of securities filings exceeded \$43.0 million. Investor Education activities included a variety of public outreach presentations with a particular focus on College Lifelong learning classes. These programs focus particularly on investor fraud detection and prevention. Staff members also appeared on several radio programs with statewide coverage throughout 2019 to promote safe investing. The Bureau Director, Deputy Director and staff attorneys' are actively involved and hold leadership positions with the North American Securities Administrators Association. The Bureau also participates as a member of an inter-agency working group of New Hampshire financial services regulators to improve inter-agency cooperation and information sharing.

	<u>REVENUE</u>	<u>EXPENSES</u>	<u>FINES</u>
2019	\$42,617,156	\$1,079,759	\$1,551,562
2018	\$43,252,717	\$1,000,470	\$1,142,447

## DIVISION OF VITAL RECORDS FY 2019 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, 2018, and June 30, 2019 (hereinafter “FY 2019”), the number and types of New Hampshire vital events/records saved in the state database are as follows:

Births	11,845
Deaths	12,428
Marriages	9,377
<i>Opposite gender</i>	9,087
<i>Same gender</i>	290
Divorces	4,112
Legal separations	55
Annulments	8
Civil Union dissolutions	0

A total of 13,012 certificates issued by DVRA staff during fiscal year 2019. This includes 9,776 first copies, 2,992 additional copies, 12 heirloom birth certificates, and 33 certificates of foreign birth. Demand for pre-adoption records during that time interval stood at 78 requests. DVRA produced an additional 121 vital records for the Vermont Office of Child Support through a pre-paid contract with that office.

A mobile app which will allow death certifiers to certify death certificates from their mobile devices rather than a desktop computer, and created with the assistance of CNSI (the software vendor who created NHVRIN), named the National electronic Cause Of Death (NeCOD), went live in July 2017. NeCOD is presently being used by members of the Office of the Chief Medical Examiner (OCME) and several death certifiers at hospitals. NeCOD has been demonstrated to several jurisdictions who have been impressed with this app.

A Mortality Surveillance Agent (MSA), hired in December 2017, continues to impress upon death certifiers in New Hampshire the legal requirements of electronic death registration. NeCOD makes this duty easier.

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 during FY2020. Other vital event modules will be launched within the next few years.

Stephen M. Wurtz will retire when his term as State Registrar and Director of DVRA ends in July 2019. Denise M. Gonyer will be appointed as the new State Registrar and Director of DVRA at that time.

Vital Records Expenditures – General Fund

	<u>June 30, 2019</u>	<u>June 30, 2018</u>
1. Permanent Personnel	\$271,508	\$347,935
2. Current Expense	12,350	12,780
3. Equipment	-0-	-0-
4. Other Personal Services	59,347	45,786
5. Benefits	127,511	142,720
6. Travel In-State	-0-	-0-
7. Travel Out-of-State	-0-	-0-
TOTAL	\$470,716	\$549,221