

FIFTY-SIXTH BIENNIAL REPORT

July 1, 2003 - June 30, 2005



SECRETARY OF STATE

ALVIN A. JAEGER

STATE OF NORTH DAKOTA

600 EAST BOULEVARD AVENUE DEPT 108

BISMARCK ND 58505-0500

(701) 328-2900

sos@state.nd.us

www.nd.gov/sos

Table of Contents

ACKNOWLEDGMENTS.....	1
AFFIDAVIT OF SECRETARY OF STATE	2
Chapter One CONSTITUTIONAL, STATUTORY, AND LEGISLATIVE AUTHORITY	3
Chapter Two TERM OF OFFICE AND LISTING OF SECRETARIES.....	4
Chapter Three DUTIES OF OFFICE	5
Chapter Four STATEMENT OF MISSION	6
Chapter Five (A) ORGANIZATION OF OFFICE.....	7
Chapter Five (B) PERSONNEL IN OFFICE	8
Chapter Six (A) APPROPRIATIONS	9
Chapter Six (B) REVENUE.....	11
Chapter Six (C) EXPENDITURES	12
Chapter Six (D) BIENNIAL SUMMARY - APPROPRIATIONS REVENUE EXPENDITURES	13
Chapter Six (E) AUDIT.....	14
Chapter Seven ADMINISTRATIVE/LICENSING DIVISION	15
Chapter Eight CENTRAL INDEXING DIVISION	19
Chapter Nine BUSINESS INFORMATION/REGISTRATION DIVISION	21
Chapter Ten ELECTIONS DIVISION.....	24
Chapter Eleven LEGISLATION PASSED BY 2003 LEGISLATIVE ASSEMBLY	29
Chapter Twelve PUBLIC PRINTING	33
Chapter Thirteen (A) STATISTICS - ADMINISTRATIVE/LICENSING DIVISION	34
Chapter Thirteen (B) STATISTICS - CENTRAL INDEXING DIVISION.....	36
Chapter Thirteen (C) STATISTICS - BUSINESS INFORMATION/REGISTRATION DIVISION	38
Chapter Thirteen (D) SUMMARY OF STATISTICS - ELECTIONS DIVISION	40
Chapter Fourteen PUBLICATIONS, BOOKS AND PAMPHLETS	41
Chapter Fifteen HOW TO OBTAIN INFORMATION AND ASSISTANCE	42

Acknowledgments

The preparation of this biennial report would not have been possible without the support and assistance of the personnel in the office of Secretary of State. They have been patient and accommodating in providing information for the seventh biennial report prepared under my administration. The names of the agency's personnel are listed in Chapter 5 (B).

In particular, I commend and thank my Executive Assistant, Kim Shaw, for her dedicated and outstanding effort in gathering, proofreading, and preparing the information used in this report.

In addition, the following individuals have provided invaluable assistance as well: Clara Jenkins, Director, Business Information/Registration Division; Mary Feist, Director, Administrative/Licensing Division; Llona Sailing, Director, Central Indexing Division; Lee Ann Oliver, Election Specialist, Elections Division; and Jim Silrum, Deputy Secretary of State.

Alvin A. Jaeger
Secretary of State

Affidavit of Secretary of State

STATE OF NORTH DAKOTA)
) SS
COUNTY OF BURLEIGH)

Alvin A. Jaeger, after being first duly sworn and under the pains and penalties of perjury, deposes and says:

1. That he is the duly elected Secretary of State for the State of North Dakota and makes this affidavit in his official capacity.
2. That pursuant to N.D.C.C. § 54-09-02(9), he is required to biennially report to the Governor all moneys received from any source for services performed and accompany such report with a detailed statement under oath of the manner in which the appropriations for his office have been expended during the preceding two fiscal years.
3. That attached hereto and expressly incorporated by reference herein is a Statement of Revenues, Appropriations, and Expenditures which detail the manner in which the appropriations for his office have been expended during the previous two fiscal years.
4. That the attached Statement of Revenues, Appropriations, and Expenditures is derived from the official books and records maintained by the Office of Secretary of State for the previous two fiscal years.
5. That to the best of affiant's knowledge, information, and belief, the attached Statement of Revenues, Appropriations, and Expenditures is a true and accurate statement of the manner in which the appropriations for his office has been expended during the previous two fiscal years as contemplated by N.D.C.C. § 54-09-02(9).

FURTHER AFFIANT SAYETH NOT.

Alvin A. Jaeger
Secretary of State

Subscribed and sworn to before me this
_____ day of _____, 2005.

NOTARY PUBLIC
My commission expires _____

Chapter One

Constitutional, Statutory, and Legislative Authority

The origins of the Secretary of State's office begins prior to North Dakota's admittance to the union as a state on November 2, 1889. On March 2, 1861, the Congress of the United States adopted The Organic Law, which established the Territory of Dakota. Section three of that law prescribed there would be a secretary of the territory. The term of office was four years, unless sooner removed by the President of the United States. The duties of the secretary were to record and preserve all the laws and proceedings of the legislative assembly, the acts and proceedings of the Governor, and many other duties, which are very similar to those mandated in present day law to the Secretary of State.

The office, as it is known today, was established in Article V, Section 12, of the Constitution of North Dakota as adopted by the state's citizens on October 1, 1889, when 35,548 electors cast votes. The vote was 27,441 (77%) voters in favor of adopting the proposed constitution for the new state and 8,107 (23%) voters who opposed adoption.

Currently, the office of Secretary of State is authorized in Article V, Section 2, of the North Dakota Constitution (as amended by the voters June 11, 1996 and as amended by the voters June 13, 2000). The duties of the Secretary of State are defined in various parts of the state's constitution, in numerous state statutes, and within the agency's administrative rules.

In the state's constitution, duties of the Secretary of State are found in Article III, related to the initiative and referral powers of the people; Article IV, Section 12, related to choosing a winner by a toss of a coin if two or more legislative candidates have an equal and highest number of votes; Article IV, Section 13, related to the filing of legislative bills; Article V, Section 5, related to term of office; Article V, Section 11, related to succession in the event of a vacancy in the office of Governor and Lieutenant Governor; Article IX, Section 3, related to membership on the Board of University and School Lands; Article X, Section 17, related to the certificates regarding bonds or evidence of indebtedness on the part of the state.

In state law, the general duties of the Secretary of State are established in Chapter 54-09; in Title 16.1 as they relate to elections; in Title 10 as they pertain to various business structures, e.g., corporate and limited liability company farming, cooperative associations, business corporations, development corporations, venture capital corporations, community development corporations, professional organizations, limited liability companies, nonprofit corporations, and real estate investment trusts; in Title 35 as they relate to the filing of various liens; in Title 41 as they relate to the Uniform Commercial Code; in Title 45 as they pertain to general partnerships, limited partnerships, limited liability partnerships and limited liability limited partnerships; and in various other sections of state law related to the state's Great Seal, contractors, lobbying, charitable solicitation, and other miscellaneous duties.

Under both the provisions of the Constitution and the North Dakota Century Code, the Secretary of State serves on the following boards, commissions, and advisory capacities.

Board of University and School Lands (North Dakota Constitution, Article IX, Section 3)

Emergency Commission (also serves as secretary of the commission) (N.D.C.C. § 54-16-01)

State Historical Board (N.D.C.C. § 55-01-01)

State Canvassing Board (N.D.C.C. § 16.1-15-33)

Theodore Roosevelt Rough Rider Award (N.D.C.C. § 54-02-07)

Chapter Two

Term of Office and Listing of Secretaries

When the North Dakota Constitution was adopted in 1889, the term of the office for the Secretary of State was two years in length. Beginning in 1965, along with other statewide elected officials, the term of office for the Secretary of State was expanded to four years. This change was made after voters approved Measure # 5, which appeared on the ballot in the June 30, 1964, election when 115,393 electors voted. There were 60,099 (52%) voters in favor of the measure and 55,294 (48%) voters who opposed the change.

The next change in the term of office occurred on June 13, 2000, when the voters approved Measure # 2. This measure moved the election of four constitutional offices (Secretary of State, Attorney General, Tax Commissioner, Commissioner of Agriculture) to the non-presidential election year cycle. To establish the new cycle, these four constitutional offices were elected to a term of two years in the 2004 general election. In the 2006 general election, and every four years thereafter, the four offices will again have a term of four years. The vote for Measure # 2 was 49,391 (62%) voters in favor of the change and 30,431 (38%) voters who opposed the change.

North Dakota Secretaries of State

John Flittie.....	1889-1892
Christian M. Dahl	1893-1896
Fred Falley	1897-1900
Edward F. Porter.....	1901-1906
Alfred Blaisdell	1907-1910
Patrick D. Norton.....	1911-1912
Thomas Hall *	1913-1924
Robert Byrne.....	1925-1934
James D. Gronna.....	1935-1940
Herman Thorson	1941-1942
Thomas Hall *	1943-1954
Ben Meier.....	1955-1988
Jim Kusler	1989-1992
Alvin A. Jaeger	1993-present

* Served at two different times

Additional information regarding previous Secretaries may be obtained from the 1989, 1995, 1997-1999, 1999-2001, 2001-2003, 2003-2005, and 2005-2007 editions of the *North Dakota Blue Book*.

Chapter Three

Duties of Office

The following duties for the Secretary of State are prescribed in Section 54-09 and other sections of the North Dakota Century Code.

1. Custodian of Great Seal of North Dakota and other original state documents;
2. Attests the signature of the Governor on official acts and maintains a register for them;
3. Serves as a member of and secretary to the Emergency Commission; is a member of the Board of University and School Lands; is a member of the State Historical Board; and is a member of and secretary to the State Canvassing Board (elections);
4. Concur with Governor's selection for the Theodore Roosevelt Rough Rider Award;
5. Serves as the State Athletic (Boxing) Commissioner;
6. Distributes the North Dakota Century Code, the North Dakota Administrative Code and supplements, and the North Dakota Session Laws books;
7. Biennially publishes and distributes the *North Dakota Blue Book*;
8. Receives and files original copies of legislative bills and resolutions;
9. Distributes copies of legislative resolutions as prescribed by law and directed by the legislature;
10. Serves as the state's chief election officer;
11. Prescribes the form and content of statewide election ballots;
12. Files campaign finance disclosure reports of statewide candidates, political parties, district political parties, political committees, political action committees (PAC), and measure committees;
13. Certifies the names of elected legislative members to each house of the Legislative Assembly;
14. Receives and files petitions for initiated, constitutional, and referred measures;
15. Files oaths of office for legislative, judicial, and executive officials;
16. Issues certificates of registration to lobbyists;
17. Licenses contractors and registers charitable organizations;
18. Commissions notaries public;
19. Completes service of process as required by law;
20. Files Uniform Commercial Code (UCC) documents, agricultural liens, and other miscellaneous liens;
21. Maintains the Central Indexing System and its network link to the state's fifty-three County Recorders (name changed from Register of Deeds, effective August 1, 2001);
22. Registers trademarks and trade names, partnership fictitious name certificates, real estate investment trusts, limited partnerships, limited liability partnerships, limited liability limited partnerships;
23. Files and records articles of incorporation related to domestic and foreign business corporations, domestic and foreign nonprofit corporations, state banks, credit unions, lodges and fraternal organizations, mutual aid cooperatives, and cooperatives;
24. Files and records articles of organization related to domestic and foreign limited liability companies;
25. Receives annual business reports from various business entities as prescribed by state law;
26. Keep records of organized cities as prescribed by law.

Chapter Four

Office of Secretary of State

Mission Statement

This office will:

Serve the people of the State of North Dakota and its guests.

Execute with integrity the duties required by the North Dakota Constitution and the North Dakota Century Code.

Collect and preserve the records of the State as defined by the law.

Act as an ambassador for the State of North Dakota, its people, and its way of life.

This mission will be dispatched effectively, efficiently, expeditiously, courteously, and with financial responsibility.

(Adopted 1993)

Chapter Five (A)

Organization of Office

As provided for in the North Dakota Constitution, the Secretary of State has overall responsibility for carrying out the duties and functions of the office. To assist, the Secretary of State may appoint a Deputy (N.D.C.C. § 44-03-01 and N.D.C.C. § 1-01-11). In addition, the Secretary of State is authorized to hire one principal assistant (N.D.C.C § 54-44.3-20(1)). The positions of Deputy and Executive Assistant are non-classified positions and the appointees serve at the will of the Secretary.

Originally appointed April 1, 2001, Cory G. Fong served as Deputy Secretary of State until September 30, 2003. I. James (Jim) Silrum was appointed Deputy Secretary of State effective November 17, 2003.

During the biennium, Kim N. Shaw served as Secretary Jaeger's Executive Assistant. She was originally appointed August 1, 1995.

The organizational structure for the office divides the functional duties of the office into four major divisions of responsibility. During the biennium, the office was authorized twenty-three classified full-time employees and three (including the Secretary of State) non-classified full-time employees. It is also authorized one full-time position, which is federally funded, to assist with the administration of the Help America Vote Act of 2002. The divisions are as follows:

Administrative/Licensing Division

Central Indexing Division (UCC/CNS)

Business Information/Registration Division

Elections Division

Chapter Five (B)

Personnel in Office of the Secretary of State

(As of June 30, 2005)

Alvin (Al) A. Jaeger
Secretary of State

I. James (Jim) Silrum
Deputy Secretary of State

Kim N. Shaw
Executive Assistant

Administrative/Licensing Division

Mary B. Feist, Director
Administrative Officer II
Mary J. Hilzendeger
Administrative Assistant I
Sheila S. Goehring
Accounting/Budget Specialist I
Charlotte Zander
Account Technician II
Linda L. Gregoryk
Information Center Specialist I
Vicky Miner
Office Assistant III
Ellen Berg
Office Assistant III

Central Indexing Division (UCC/CNS)

Llona Sailing, Director
Administrative Officer I
Beverley Tang
Office Assistant III
Karen K. Weigel
Office Assistant III
Tracy Fillbrandt
Office Assistant III

Business Information/Registration Division

Clara M. Jenkins, Director
Administrative Officer II
Susan J. Rask
Administrative Assistant III
Nancy L. Schlosser
Administrative Assistant II
Lori Feldman
Administrative Assistant II
Marian Hapip
Administrative Assistant II
Darcy D. Cermak
Administrative Assistant III
Linda Sandeen
Office Assistant III
Lucille Van Dame
Office Assistant III
Susan Gimbel
Office Assistant III
Reyne White
Office Assistant III
Ramona Bernard
Information Center Specialist I

Elections Division

Lee Ann Oliver
Administrative Assistant III
Election Specialist

Chapter Six (A)

Appropriations

During the 1991-1993 biennium, the budget for the Secretary of State included appropriations for both General Funds and Special Funds. Although appropriations for a Special Fund are based on projected revenue, the expenditures from the fund cannot exceed the actual amount of revenue received. In 1991-1993, the agency's Special Fund was directly related to the operations of the Central Indexing System (CIS).

The 1993 Legislative Assembly eliminated the CIS Special Fund from the Secretary of State's budget when approving the agency's appropriation for the 1993-1995 biennium. The agency was then entirely funded by General Fund dollars, which method of funding was continued in appropriations approved by the 1995 and 1997 Legislative Assemblies.

Then, the 1999 Legislative Assembly approved the creation of a General Services Operating fund for the agency beginning with the 1999/2001 biennium. The creation of this fund allowed the Secretary of State's office to retain revenue received from the sale of services and products provided by the agency's Central Indexing and Business Registration/Information Divisions. At the end of each biennium, the Secretary of State transfers any un-obligated revenue in excess of \$75,000 from the agency's General Services Operating fund to the state's General Fund.

Legislative Appropriation

The agency's appropriation for the 2003/2005 biennium was contained in Senate Bill # 2002, Section 1, (2003 Session Laws, Chapter 23). The gross total appropriated line items in effect on July 1, 2001, were as follows:

	<u>Amount Appropriated</u>
<u>Subdivision 1</u>	
Salaries and Wages.....	\$ 2,153,618
Operating Expenses	2,025,589
Petition Review	8,000
Election Reform	<u>9,500,000</u>
Subtotal for Subdivision 1	\$ 13,687,207
(General Funds – \$ 3,806,844)	
<u>Subdivision 2</u>	
Public Printing (see Chapter 12).....	<u>336,000</u>
(General Funds – \$ 336,000)	
Gross Spending Authority	\$ <u>14,023,207</u>
Appropriation by Source – General Fund	\$ 4,142,844
Appropriation by Source – General Services Operating Fund	380,363
Appropriation by Source – Federal.....	9,500,000
Total Funding by Source.....	\$ <u>14,023,207</u>

Adjustments made to Original Appropriation during Biennium

Adjustment # 1: The following section was contained in SB 2002 related to the Help America Vote Act of 2002 (HAVA) and the amount is included in the Election Reform line.

SECTION 2. EXEMPTION. The appropriation contained in subdivision 1 of section 1 of chapter 2 of the 2001 Session Laws is not subject to the provisions of section 54-44.1-11 for an amount of up to \$105,000, and this amount may be used as state matching funds for federal election reform funding available to the state, for the biennium beginning July 1, 2003, and ending June 30, 2005.

Adjustment # 2: The Election Reform line was reduced by the Office of Management and Budget to reflect actual authorization based on expenditures in prior biennium.

Adjustment # 3

On December 7, 2004, the Emergency Commission approved Request # 1535 increasing the spending authority in the General Services Operating Fund by \$44,637.

-Agency Appropriation after Preceding Adjustments

	<u>Amount Appropriated</u>
<u>Subdivision 1</u>	
Salaries and Wages.....	\$ 2,153,618
Operating Expenses	2,070,226
Petition Review	8,000
Election Reform	<u>9,578,364</u>
Subtotal for Subdivision 1	\$ 13,810,208
(General Funds – \$ 3,806,844)	
<u>Subdivision 2</u>	
Public Printing (see Chapter 12).....	<u>336,000</u>
(General Funds – \$ 336,000)	
Gross Spending Authority	<u>\$ 14,146,208</u>
Appropriation by Source – General Fund	\$ 4,247,844
Appropriation by Source – General Services Operating Fund	425,000
Appropriation by Source – Federal.....	9,473,364
Total Funding by Source.....	<u>\$ 14,146,208</u>

Chapter Six (B)

Revenue

The office of the Secretary of State generates revenue for the state's General Fund and its General Services Operating fund in a variety of ways. The specific manner by which revenue is generated has been summarized in the several chapters contained within this report relating to the various divisions within the office. For the biennium covered by this report, the revenue was as follows:

General Fund Revenue

Administration.....	\$	78
Business Registration/Information.....		3,755,522
Central Indexing		1,581,727
Elections		7,032
Licensing		944,749
Subtotal	\$	6,289,108

General Services Operating Fund Revenue

Business Registration/Information.....	\$	115,840
Central Indexing		284,140
Elections		0
Licensing		1,325
Subtotal	\$	401,305

Combined Subtotals		\$ 6,690,413
Public Printing (see Chapter 12)	\$	25,832
Subtotal		<u>25,832</u>
Gross Revenue.....	\$	6,716,245

Chapter Six (C)

Expenditures

	<u>Adjusted</u> <u>Appropriation</u>	<u>Expenditures</u>	<u>Balance</u> <u>Remaining</u>	<u>Unspent</u> <u>Percentage</u> <u>of Subtotal # 1</u>
<u>Subdivision 1</u>				
Salaries.....	\$ 2,153,618	\$ 2,121,564	\$ 32,054	1.5%
Operating Expenses	2,070,226	2,020,947	49,279	2.4%
Petition Review.....	8,000	3,821	4,179	52.2%
Election Reform.....	<u>9,578,364</u>	<u>4,278,705</u>	<u>5,299,659</u>	54.9%
Subtotal	<u>\$ 13,810,208</u>	<u>\$ 8,425,037</u>	<u>\$ 5,385,171</u>	
Expenditures by Funding Source				
General Funds.....	3,911,844	3,804,030	* 107,814	2.7%
Special Funds.....	425,000	342,303	82,697	19.5%
Federal Funds	<u>9,473,364</u>	<u>4,278,704</u>	<u>5,194,660</u>	54.8%
Subtotal	<u>\$ 13,810,208</u>	<u>\$ 8,425,037</u>	<u>\$ 5,385,171</u>	
* Includes \$105,000 of matching funds carried forward to 2005/2007 biennium.				
<u>Subdivision 2 – General Funds</u>				
Public Printing (see Chapter 12) ...	<u>336,000</u>	<u>318,082</u>	<u>17,918</u>	5.3%
Subdivisions 1 and 2				
Gross Total Expenditures	<u>\$ 14,146,208</u>	<u>\$ 8,743,119</u>	<u>\$ 5,403,089</u>	

Funds Returned to State's General Fund

At the end of the biennium, the agency had a remaining gross total of \$125,732 in unexpended general fund appropriated dollars. Of this amount, \$2,814 was related to the agency's general office operations as appropriated in Subdivision 1; \$17,918 was related to public printing as appropriated in subdivision 2; and \$105,000 was related to the Help America Vote Act of 2002 (HAVA).

The \$105,000 was appropriated by the 2003 Legislative Assembly from the agency's unspent 2001/2003 general fund appropriation. It was authorized under the Election Reform line as the one-half of the five percent state match required by HAVA. The match was required in order to utilize the second installment of federal HAVA funds received in late 2003. The other one-half of the state match was matched by the state's counties. Because it could not be expended during the biennium, the 2005 Legislative Assembly authorized the \$105,000 to be carried over into the 2005/2007 biennium (SB 1002, Section 5, 2005 Session Laws, Chapter 2).

In addition, as required by the provisions of N.D.C.C. § 54-09-08, the Secretary of State's office transferred \$39,452 from its General Services Operating Fund to the state's General Fund. This amount was the un-obligated balance, which was in excess of \$75,000, remaining at the end of the biennium in the General Services Operating Fund.

The gross total return by the agency to the state's general fund was \$60,184.

Chapter Six (D)

SUMMARY OF REVENUE, APPROPRIATIONS, AND EXPENDITURES - BIENNIAL HISTORY

	1993-1995	1995-1997	1997-1999	1999/2001	2001/2003	2003/2005
REVENUE – General Fund						
Administration.....	\$ 10,163	\$ 18,170	\$ 2,203	\$ 2,287	\$ 787	78
Business Registration.....	1,904,359	2,240,551	2,770,809	3,213,566	3,345,569	3,755,522
Central Indexing UCC/CNS.....	1,534,580	1,331,659	1,298,898	1,518,001	1,650,205	1,581,727
Licensing	556,024	749,093	839,164	820,343	870,743	944,749
Elections	<u>2,290</u>	<u>2,816</u>	<u>1,896</u>	<u>1,413</u>	<u>1,856</u>	<u>7,032</u>
Subtotal	\$ 4,007,416	\$ 4,342,289	\$ 4,912,970	\$ 5,555,610	\$ 5,869,160	\$ 6,289,108
REVENUE – General Services Operating Fund						
Business Registration/Info.....	0	0	0	\$ 89,596	\$ 103,198	115,840
Central Indexing	0	0	0	242,245	268,260	284,1400
Licensing	0	0	0	1,173	410	0
Elections	<u>0</u>	<u>0</u>	<u>0</u>	<u>22</u>	<u>0</u>	<u>1,3250</u>
Subtotal	\$ 0	\$ 0	\$ 0	\$ 333,036	\$ 371,868	\$ 401,305
Central Indexing Surcharge.....	0	192,057	0	0	0	0
Public Printing (General Fund).....	<u>59,921</u>	<u>64,459</u>	<u>78,162</u>	<u>64,858</u>	<u>36,670</u>	<u>25,832</u>
Total Revenue	<u>\$ 4,067,337</u>	<u>\$ 4,598,805</u>	<u>\$ 4,991,132</u>	<u>\$ 5,953,504</u>	<u>\$ 6,277,698</u>	<u>\$ 6,716,245</u>
APPROPRIATIONS						
Salaries.....	\$ 1,448,489	\$ 1,540,419	\$ 1,692,780	\$ 1,899,778	\$ 2,120,200	\$ 2,153,618
Operating Expenses.....	611,489	1,203,200	1,140,190	1,713,490	2,148,290	2,070,226
Information Services Division..	1,023,938	0	0	0	0	0
Equipment	167,000	65,000	39,000	84,000	8,445	0
Petition Review.....	17,000	14,000	2,000	12,000	12,000	8,000
Limited Liability Implementation	5,000	0	0	0	0	0
Grants.....	0	0	0	0	0	0
Contingency.....	0	0	0	0	0	0
Central Indexing System	0	0	0	0	21,000	0
Election Reform.....	0	0	0	0	150,000	9,578,364
Risk Management Premium.....	<u>8,068</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
Subtotal.....	\$ 3,280,984	\$ 2,822,619	\$ 2,873,970	\$ 3,709,268	\$ 4,459,935	\$ 13,810,208
Presidential Preference	0	275,000	0	0	0	0
Public Printing.....	<u>366,500</u>	<u>421,974</u>	<u>442,000</u>	<u>535,200</u>	<u>502,666</u>	<u>336,000</u>
Total Appropriations	<u>\$ 3,647,484</u>	<u>\$ 3,519,593</u>	<u>\$ 3,315,970</u>	<u>\$ 4,244,468</u>	<u>\$ 4,962,601</u>	<u>\$ 14,146,208</u>
EXPENDITURES						
Salaries.....	\$ 1,344,150	\$ 1,535,163	\$ 1,675,050	\$ 1,822,738	\$ 2,018,802	\$ 2,121,564
Operating Expenses.....	455,018	1,117,823	1,124,831	1,642,030	1,880,540	2,020,947
Information Services.....	800,841	0	0	0	0	0
Equipment	156,811	63,426	38,514	80,297	8,148	0
Petition Review.....	11,505	4,973	949	0	6,127	3,821
Grants.....	0	0	0	0	0	0
Limited Liability Implementation	5,000	0	0	0	0	0
Contingency.....	0	0	0	0	0	0
Central Indexing System	0	0	0	0	21,000	0
Election Reform.....	0	0	0	0	26,636	4,278,705
Risk Management	<u>8,068</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
Subtotal.....	\$ 2,781,393	\$ 2,721,385	\$ 2,839,344	\$ 3,545,065	\$ 3,961,253	\$ 8,425,037
Central Indexing Surcharge.....	0	191,927	0	0	0	0
Presidential Preference	0	197,650	0	0	0	0
Public Printing.....	<u>351,160</u>	<u>363,972</u>	<u>441,954</u>	<u>346,722</u>	<u>416,832</u>	<u>318,082</u>
Total Expenditures.....	<u>\$ 3,132,553</u>	<u>\$ 3,474,934</u>	<u>\$ 3,281,298</u>	<u>\$ 3,891,787</u>	<u>\$ 4,378,085</u>	<u>\$ 8,743,119</u>

Chapter Six (E)

Audit

On August 5, 2005, the Office of the State Auditor transmitted to this office the results of a financial and compliance audit for the two-year period ending June 30, 2004. The State Auditor made the following findings and recommendations (both the questions and auditor's answers (italicized) are quoted direct from the report):

1. Were expenditures made in accordance with legislative appropriations and other state fiscal requirements and restrictions? *Yes*
2. Were revenue accounted for properly? *Yes*
3. Were there adequate financial controls and procedures? *Yes*
4. Was internal control adequate and functioning effectively? *Yes*
5. Do financial records and reports reconcile with state fiscal offices? *Yes*
6. Was there compliance with statutes, laws, rules, and regulations under which the agency was created and is functioning? *Yes.*
7. Was there any indication of fraud or dishonesty? *No*
8. Were there any indications of lack of efficiency in financial and management of the agency? *Other than our work addressing "Business Registration Packet Improvements" (see page 18 of audit), there were no indications of a lack of efficiency in financial operations and management of the Secretary of State. [Agency Response: As the auditor's overview indicates, the New Business Registration website at www.nd.gov/businessreg (referenced in the overview as the online version of the Green Book) is a cooperative effort of 13 state agencies. The only function of the Secretary of State's office, as one of the participating agencies, is to serve as the facilitating agency for the Green Book coordinating committee for both the printed and online versions. In order to implement the proposed one-stop online solution, it will require an enterprise level of funding and coordination for North Dakota to have a website featuring comparable services as those available on the Utah and the District of Columbia websites. Therefore, the respective cooperating North Dakota agencies are currently limited to making improvements to the New Business Registration website, which can be accomplished within their specific agency capabilities and available funding resources. On that basis, the coordinating committee met in July 2005 and considered the various recommendations in the audit's solutions section that could be made now. With funding support from the Secretary of State's office, numerous enhancements to the New Business Registration website are now being made as they relate to hyperlinks, consistency, formatting, elimination of duplication, descriptions, guides, and information. In addition, ITD has been asked for cost estimates regarding two proposals. One proposal is regarding additional enhancements that could be made during the biennium. Each individual cooperating agency will determine if funding resources are available within their respective agency 2005/2007 budgets to support these enhancements. The second proposal is long-term in focus and is related to an enterprise-wide enhancement project for consideration and support by SITAC, the governor, and the legislature.]*
9. Has action been taken on findings and recommendations included in prior audit reports? *The Secretary of State has implemented all recommendations included in the prior audit report. Were all activities of the agency encompassed within appropriations of specific amounts? Yes, except North Dakota Century Code section 53-01-09 gives the Secretary of State continuing appropriation relating to the regulation of athletic events.*
10. Were all activities of the agency encompassed within appropriations of specific amounts? *Yes, except North Dakota Century Code section 53-01-09 gives the Secretary of State a continuing appropriation relating to the regulation of athletic events and North Dakota Century Code section 54-44.1-09.1 gives the Secretary of State a continuing appropriation relating to the activity in the insurance recovery fund.*
11. Has the agency or institution implemented the Statewide Accounting and Management Information System (SAMIS), including the cost allocation system? *Yes. The Secretary of State is using the SAMIS system, but is not using the cost allocation system because the federal program administered by the Secretary of State does not allow indirect charges.*
12. Has the agency developed budgets of actual anticipated expenditures and revenues on at least a quarterly basis and compared (on at least a quarterly basis) actual expenditures and revenues on the accrual basis to budgeted expenditures and revenues? *Yes*

Chapter Seven

Administrative/Licensing Division

This division has a multitude of responsibilities and duties. They range from filing documents of the legislature to the licensing and regulation of boxing. The division is also responsible for the accounting functions of the agency. Most of the revenue generated by this division is from the collection of fees related to the issuance of contractor licenses, registration of charitable organization, registration of lobbyists, and the commissioning of notaries. The details of these functions are as follows:

Athletic Commissioner

According to Chapter 53-01 of the North Dakota Century Code, the Secretary of State is the state athletic commissioner and administers matters relating to the regulation of boxing, kickboxing, and sparing. The Secretary of State may appoint an athletic advisory board to assist and advise the athletic commissioner in the performance of the duties of the position.

The first state athletic commission was created by the legislature in 1935 with House Bill 213 (1935 Session Laws, Chapter 91). The commission included the Commissioner of Labor and Agriculture, a practicing physician and a practicing attorney appointed by the Governor. Interestingly, the law was specific in stating that not only were the appointees to be citizens of the state, but also of good moral character.

Over the years, the law was changed very little. Then, in 1967, the position of Commissioner of Labor and Agriculture was divided into two separate statewide offices with the Commissioner of Agriculture retaining the duties relating to the athletic commission.

Four years later, in 1971, the Legislative Assembly adopted Senate Bill 2078 and transferred the duties of the athletic commissioner to the Secretary of State and eliminated the three person athletic commission (1971 Session Laws, Chapter 484). However, at the same time, the provisions of the law were such that they did not apply to boxing exhibitions where the net proceeds of the event were devoted to charitable purposes. Consequently, while the law was again modified in 1987 by House Bill 1074 (1987 Session Laws, Chapter 607) and in 1989 by Senate Bill 2184 (1987 Session Laws, Chapter 609), most boxing exhibitions were promoted on behalf of charitable purposes. Therefore, there was no state oversight.

However, that changed in 1991 when major changes were made to the laws governing boxing. In that year, the Fifty-second Legislative Assembly adopted Senate Bill 2411 (1991 Session Laws, Chapter 543), which became effective July 1, 1991. With its passage, the duties of the athletic commissioner became much more defined. The law also allowed for the creation of an athletic advisory board and allowed for a much better response and regulation to the growing boxing activity that was taking place within the state of North Dakota. Since one of the major duties of the athletic commissioner is to ensure the safety of the boxers, the restructured law made those duties easier to administer.

The athletic advisory board has nine members. They are appointed by the Secretary of State and have terms of three years. Each year, three members are newly appointed or re-appointed to the board. This process provides for continuity from year-to-year as the members assist and advise the athletic commissioner.

Revenue from the issuing of licenses is deposited into a special fund as provided for in Section 53-01-09 of the North Dakota Century Code. Licenses are issued to the boxers, referees, judges, corner persons, managers, and promoters. During the 2003-2005 biennium, 282 licenses were issued. The fees collected ranged from \$10 for a boxer to \$100 for a promoter. The revenue received during the biennium was \$15,079.93 and the expenditures were \$7,976.94.

The following boxing exhibitions were held during the biennium (date, location, promoter).

1. August 2, 2003, Northern Lights Casino, Walker, MN, Kingfish Boxing Promotions
2. September 6, 2003, Minnesota Sports Café, Fridley, MN, ACR Boxing
3. September 19, 2003, 4-Bears Casino & Lodge, New Town, ND, Dakota Storm Promotions
4. May 15, 2004, 4-Bears Casino & Resort, New Town, ND, Dakota Storm Promotions
5. August 13, 2004, Buffalo Chip Campground, Sturgis, SD, Dakota Storm Promotions
6. November 19, 2004, Mandan Community Center, Mandan, ND, PK Sports & Entertainment
7. February 26, 2005, Playmakers, Fargo, ND, John Hoffman
8. May 7, 2005, DECC Arena, Duluth, MN, DECC Arena
9. June 24, 2005, Target Center, Minneapolis, MN, Team Freedom Promotions, Inc.

Contractors

Section 43-07-02 of the North Dakota Century Code requires any person who engages in the business or is acting in the capacity of a contractor within the state to first obtain a license from the Secretary of State. This law applies to any single contract or subcontract where the cost, value, or price exceeds the sum of \$2,000. Failure to first obtain a contractor's license may result in a referral for criminal prosecution to the State's Attorney in the jurisdiction where the violation was committed.

By law, a contractor is defined as any person who is engaged in the business of construction, repair, alteration, dismantling, or demolition of bridges, highways, road, streets, buildings, airports, dams, drainage or irrigation ditches, sewers, water or gas mains, water filters, tanks, towers, oil, gas or water pipelines, and every other type of structure, project, development, or improvement coming with the definition of real or personal property, including the construction, alteration, or repair of property to be held either for sale or rental, and shall include subcontractor, public contractor, and nonresident contractor.

There are four classes of contractor licenses. A holder of a Class A license is not subject to a limitation as to the value of any single contract project. Class B holders cannot have a single contract on a project having a value in excess of \$250,000. For holders of a Class C license, the limit is \$150,000 and Class D license are limited to \$50,000. New license application fees are Class A \$300; Class B \$200; Class C \$150; Class D \$50. There were 6,557 contractor licenses in effect on June 30, 2005.

Contractor licenses must be renewed annually by the first of March of each year. Penalties are assessed if the license is not renewed by the due date. If the license is not renewed within ninety days of the renewal date, a contractor must apply again for a new license. Annual renewal fees are Class A \$60; Class B \$40; Class C \$30; Class D \$10.

Charitable Solicitation

Chapter 50-22 of the North Dakota Century Code governs charitable organization soliciting contributions and professional fundraisers. The 2003 Legislative Assembly adopted SB 2341 (2003 Session Laws, Chapter 419), which became state law on July 1, 2003, the beginning of the biennium. Working in collaboration with the Attorney General's office, the bill represented a major re-write and re-formatting of the state's law related to charitable solicitation. A major processing change was the switch from licensing to the registration of charitable organizations. In addition, the bill gave the Attorney General expanded enforcement tools to pursue violators of the law. Unless a charitable organization or professional fundraiser is first registered with the Secretary of State, they may not solicit contributions from persons in North Dakota by any means.

Among other requirements, there is an organization registration fee of \$25 and a required financial statement. Annually, the organization must file an annual report, along with a \$10 fee, itemizing, among other categories, revenue, management costs, program services, cost of fundraising, names of professional fundraisers, cost of public education, and employee compensation.

Depending on the violation, a person violating the law is guilty of a Class A misdemeanor or a Class C felony, which are in addition to all other causes of action, remedies, and penalties available to the state.

Duties of the State

The office of the Secretary of State has the following duties relating to state functions:

- The office records and retains all books, records, deeds, parchments, maps, and papers deposited with the Secretary of State as mandated in the law;
- The Secretary of State attests the official signature of the Governor upon all executive orders, appointments, and other public instruments and then affixes the Great Seal of the State of North Dakota;
- The office maintains a registry of the official acts of the Governor including proclamations, appointments, executive orders, extraditions, and writs. During the biennium, there were 436 filings of official acts of the Governor;
- The office maintains a record of all conveyances of property made to the state;
- The office files oaths of office and statements of interest of the appointees of the Governor.

For the 2005 Session, the Secretary of State filed 344 legislative bills, originating in the House of Representatives, along with 40 House Concurrent Resolutions and 1 House Memorial Resolutions. There were 225 bills filed, originating in the Senate, along with 31 Senate Concurrent Resolutions and 1 Senate Memorial Resolution. The session convened January 4, 2005, and adjourned April 23, 2005.

Legislative Duties

The office of the Secretary of State has the following legislative duties:

- Retains two sets of the legislative journals of each house, certifies their receipt, and forwards the additional journals as mandated by legislative rule;
- Receives, records, and stores all books, bills, resolutions, documents, and papers of the legislature as provided for in the law;
- Provides members of the Legislative Assembly with all public documents as provided for in the law including the North Dakota Century Code and its supplements, session laws of the last legislative session, journals of the last legislative session, the North Dakota Administrative Code and its supplements, and the *North Dakota Blue Book* when it is published;
- Provides members of the Legislative Assembly and legislative committees with copies of any public documents on file with the Secretary of State;
- Distribute laws, resolutions, or other documents of the Legislative Assembly;
- Retains the acts and resolutions of the Legislative Assembly until such time the law allows, then transfers to the State Historical Society;
- Performs such other duties as may be assigned by the Legislative Assembly.

Lobbyist Registration

According to Section 54-05.1-03 of the North Dakota Century Code, any person who engages in lobbying must first register with the Secretary of State and be given a distinctive lobbyist identification badge. The state's lobbying laws are all inclusive as to who must register as a lobbyist. Any person who, in any manner whatsoever, directly or indirectly, performs any of the following must register as a lobbyist:

- Attempts to secure the passage, amendment, or defeat of any legislation by the Legislative Assembly or the approval or veto of any legislation by the Governor of the state.
- Attempts to influence decisions made by the Legislative Council or by an interim committee of the Legislative Council.

The registration requirement does not apply to the following individuals. All others must register.

- A legislator.
- A private citizen appearing on his or her own behalf.
- An employee, officer, board member, volunteer, or agent of the state or its political subdivisions whether elected or appointed and whether or not compensated, who is acting in that person's official capacity.
- An invited guest of the chairman of the Legislative Council, an interim committee of the Legislative Council, or a standing committee of the Legislative Assembly to appear before the council, interim committee, or standing committee for the purpose of providing information.
- An individual who appears before a legislative committee for the sole purpose of presenting testimony on behalf of a trade or professional organization or a business or industry if the individual is introduced to the committee by the registered lobbyist for the trade or professional organization or the business or industry.

Each individual registered must also file a detailed report of any expenditure in excess of \$25 expended on any single occasion during the legislative session or the interim in carrying out his or her work as a lobbyist. There is no filing fee if the report is filed after July 1 and on or before August 1. After August 1, a \$25 late filing fee is assessed if the report is filed on or before October 1. For reports filed after October 1, the late filing penalty increases to \$50.

When registering as a lobbyist, the registrant must give his or her full name, address, and the name and address of each person or persons, corporations, associations, groups, or organizations on whose behalf they will appear. They must also provide a letter of authorization from those they represent.

There were 272 lobbyists registered for the registration year July 1, 2003, to June 30, 2004. They represented 425 organizations. From July 1, 2004, through June 30, 2005, there were 625 lobbyists registered representing 988 organizations. The number of registrants is always higher in the annual registration cycle that includes a legislative session, as was the situation in the 2004/2005 cycle.

Notaries Public

Under N.D.C.C., Chapter 44-06, the Secretary of State commissions notaries public. The term of office for a notary is six years unless sooner revoked by the Secretary of State. Notaries may administer oaths and perform all other duties required by law anywhere within the state. A notary public must have the qualifications of an elector as to age and residence. There were 12,011 notary commissions in effect on June 30, 2005. During the biennium, there were 4,151 new or renewal commissions issued. To educate and maintain contact, *Notary Notes* newsletters were mailed to the notaries in December 2003, December 2004, and June 2005.

Miscellaneous

Absent Persons Mineral or Royalty Interests in Land:

The office maintains a register of the post office address of each person who owns mineral, lease or royalty interests on land in North Dakota.

Apostille:

Most often, an Apostille is issued by the Secretary of State to confirm the commission of notaries public. This certificate is attached to documents intended for use in foreign countries. It certifies the authenticity of the signature and the capacity in which the person signing the document has acted. During the biennium, the Secretary of State completed 1,448 Apostille requests.

Chemical Applicator - Appointment of Agent:

N.D.C.C. § 4-35-11 required all nonresident chemical applicators or dealers to designate the Secretary of State as the agent for service of process in the event of a lawsuit against them. During the biennium, 132 such filings were made with the Secretary of State. Beginning with the 2005/2007 biennium, this filing requirement was moved to North Dakota State University Extension Service (SB 2355, 2005 Session Laws, Chapter 72).

Facsimile Signatures:

Each state official is required to file with the office their signature, certified by that officer under oath, for facsimile purposes in official state business.

International Wills: The office registers and preserves international wills of citizens for later execution and disposition according to law.

Public Meetings: As mandated by N.D.C.C. § 44-04-20, the agency maintains a file of the notices for public meetings held by state agencies, boards, and departments.

Service of Process: The agency completes service of process or legal papers when the following business organizations fail to appoint or maintain a registered office or registered agent: domestic and foreign corporations, nonprofit corporations, cooperative associations, limited partnerships, limited liability partnerships, limited liability limited partnerships, and real estate investment trusts.

The Secretary of State also acts as agent for service of process for out-of-state contractors (N.D.C.C. § 43-07-19), out-of-state chemical applicators (see above), amusements (N.D.C.C. § 53-05-04), building and loan associations (N.D.C.C. § 7-07-02), and geophysical exploration companies (N.D.C.C. § 38-08.1-03). The office maintains a record of all processes, demands, or notices.

Chapter Eight Central Indexing Division

The Central Indexing System (CIS)

The 1989 Legislative Assembly first studied the Central Indexing System (CIS) after it adopted House Concurrent Resolution 3057 (1989 Session Laws, Chapter 840). The resolution directed the Legislative Council to study state laws relating to state and local filings of liens, security documents, financing statements, and continuation statements.

The study included representatives from livestock auction yards, bankers, other lenders, grain dealers, the North Dakota Association of Counties, the state Information Services Division (now known as the Information Technology Division), and the office of the Secretary of State. The study resulted in the adoption of Senate Bill 2024 (1991 Session Laws, Chapter 449) by the 1991 Legislative Assembly.

The new law mandated the Secretary of State to develop and implement a computerized system, which would store data in a central location for the various documents filed with the Secretary of State or in the office of the county recorder (formerly known as register of deeds) located in one of the state's fifty-three counties.

The resulting CIS is not a central filing system. Rather, it's a filing system with a centralized computer database, which allows for the filing and the search of records through a central indexing system. It eliminated the need for multiple or duplicate filings having to be made in several counties in order to perfect a lien. The original documents are retained in the office where the filing was made.

In July 1, 1996, state tax liens were also filed in the CIS and are now perfected statewide as well.

The CIS includes six separate databases in which filing information is maintained and searched. They are the Uniform Commercial Code (UCC) Index; the Farm Products Central Notice (CNS) Index; the Federal Lien Index; the Statutory Lien Index; the Statutory Lien Notice Index; and the State Tax Lien Index.

Central Indexing System - Searches

In addition to allowing the filing of various lien documents in any one of the fifty-four filing locations, the CIS is also of benefit to those persons who need to search the database in order to determine if any liens are recorded against a certain individual or business entity. The filing offices, for a fee, provide this service. When the system was first implemented, the requesters of such information had to contact one of the filing offices to request the information they were seeking. Beginning April 1, 1998, a programming change became effective that allowed subscribers direct access through the Internet to conduct their own search of the database.

By paying a one-time registration fee, an annual fee, and a fee for each search, the subscriber is allowed access through the Secretary of State's website at www.nd.gov/sos 24 hours a day, seven days a week. The subscriber is able to select which filing location receives credit for the search fee.

Central Indexing System - Director Access Filing

Beginning in September 2002, another service was added, which allows subscribers the ability to file Uniform Commercial Code (UCC) documents and Central Notice System (CIS) filing directly into the database through the Internet 24 hours a day, seven days a week. As with searches, subscribers pay a one-time registration fee, an annual fee, and filing fee for each filing submitted. They can also select which one of the fifty-four filing locations receives credit for the filing fee.

Uniform Commercial Code (UCC)

The agency's Central Indexing System had its beginnings in 1965 with the adoption of the Uniform Commercial Code (UCC) law by the Legislative Assembly. Senate Bill 60 contained 257 pages and, because of its length, it was not published in the 1965 Session Laws book. The law became effective on July 1, 1966.

The adopted law (N.D.C.C., Chapter 41-09) allowed the Secretary of State to review and process UCC filings and related lien documents. These documents are filed to protect the collateral of secured parties. UCC documents are primarily used to provide proof of collateral on a variety of personal property. The

filing is effective for a period of five years and may be continued within six months prior to the expiration date for another five years. A filing can be amended, assigned, or have all or parts of the collateral released by filing an associated filing. Documents terminating the security lien are filed when the debt is paid in full. Federal Tax Liens are also filed as UCC documents.

In 1991, the UCC law was substantially revised and updated by the Legislative Assembly with the adoption of Senate Bill 2100 (1991 Session Laws, Chapter 448). The 2001 Legislative Assembly made another major revision to the state's UCC laws when it adopted House Bill 1105 (2001 Session Laws, Chapter 361). This 97-page bill was introduced at the request of the Commission on Uniform State Laws. Similar legislation was introduced and adopted in all 50 states. The new law changed the requirements for financing statements and the responsibility of filing officers in regard to those documents.

Central Notice System (CNS)

The Central Notice System gives notice of perfected liens filed against the farm products of certain debtors.

In 1985, the United States Congress first debated the provisions of the Food Security Act, which was a part of that year's farm bill. The bill included several provisions and language taken from Article 9 of the UCC law. This was a unique subject for the federal government because it was an area of law considered to be in the realm of state responsibility. The "farm products rule" allowed a creditor, with a security interest in a farmer's crops or livestock, to seek payment from the purchaser of those commodities if the farmer did not pay the creditor. The act approved by Congress allowed states the choice of two options. One option was to create a central filing or notice system. This option, the Central Notice System (CNS) was first discussed by the 1983 Legislature Assembly and ultimately adopted by the 1985 session. On December 16, 1985, the Packers and Stockyards Administration of the United States Department of Agriculture approved the North Dakota CNS as meeting the requirements of the federal law. It is believed that North Dakota may have been as early as the third state in the nation in having its program approved.

Since 1985, the Secretary of State's office has provided subscribers with a Central Notice System Farm Products list, which names the individuals who have given a security interest in a crop or livestock to a lender. To begin with, the list was only made available on a paper printout or microfiche. Then, in July 1998, the information was also made available to customers on a compact disc (CD), which was well received by subscribers. The same information, on July 1, 1999, became available online through the agency's Central Indexing System direct access search option available through the Internet.

Agricultural Statutory Liens

In 1987, the Legislative Assembly authorized the use of an agricultural processor's lien/notice, an agricultural supplier's lien/notice, and agricultural agister's lien/notice. Any person entitled to a lien by statute or otherwise is authorized to file a verified statement with the county recorder (formerly known as register of deeds) or the Secretary of State's office, which together represent the state's 54 filing locations.

Within ninety days, any agricultural processor may file a lien on crops or agricultural products processed by threshing, combining, drying, or harvesting.

Agricultural suppliers are allowed to file liens on the crop or product produced with supplied seed, petroleum products, fertilizer, farm chemical, insecticide, feed, hay, pasturage, veterinary services, or in the delivery or applying of such supplies.

Individuals entrusted with the animals by the owner for the purpose of feeding, herding, pasturing, or ranching may file an Agister's Lien upon the animals and are authorized to retain possession of the animals until the amount is paid.

If lien holders intend to impose liability for a lien against a crop or livestock buyer, the lien holder must file a statutory lien notice document in the Central Indexing System. Such liens take precedence over UCC liens (N.D.C.C. § 54-09-10).

As with the CNS, the Secretary of State provides both a microfiche and a compact disc listing of these liens.

Chapter Nine

Business Information/Registration Division

The responsibilities of the Business Division are diversified and involve concentrated workloads at certain periods of the year. Revenue from this division is generated from a variety of fees charged for filings, amendments, reports, lists, and registrations.

Listed below are the forty-four types of entities for which records are filed and maintained by the Business Division. The numbers on file, at the end of the biennium for most of the entities, are listed in the parenthesis following the name of the entity.

- | | |
|--|---|
| 1. Airport Authorities | 25. Limited Liability Companies Farm (76) |
| 2. Churches (1,318) | 26. Limited Liability Companies Foreign (2,049) |
| 3. City Home Rule Charters (105) | 27. Limited Liability Companies Foreign Professional (9) |
| 4. Cooperatives Domestic Associations (315) | 28. Limited Liability Partnerships Domestic (1,767) |
| 5. Cooperatives Electric Associations (5) | 29. Limited Liability Partnerships Foreign (42) |
| 6. Cooperatives Foreign Associations (71) | 30. Limited Liability Partnerships Domestic Professional (20) |
| 7. Corporations Certified Nonprofit Development (9) | 31. Limited Liability Partnerships Foreign Professional (9) |
| 8. Corporations Domestic Business (12,849) | 32. Limited Partnerships Domestic & Foreign (1,374) |
| 9. Corporations Domestic Nonprofit (5,721) | 33. Insurance Companies (47) |
| 10. Corporations Domestic Professional (825) | 34. Irrigation Districts (23) |
| 11. Corporations Farm (688) | 35. Municipal Power Agencies |
| 12. Corporations Foreign Business (11,304) | 36. Reserved Names |
| 13. Corporations Foreign Nonprofit (1,371) | 37. Special Registered Agent Records |
| 14. Corporations Foreign Professional (96) | 38. Soil Conservation Districts (57) |
| 15. Corporations Mutual Aid (15) | 39. State Banks (84) |
| 16. Corporations Venture Capital | 40. Trademarks (1,493) |
| 17. County Home Rule Charters (5) | 41. Trade Names (16,666) |
| 18. Credit Unions (39) | 42. Vector Control Districts |
| 19. Fictitious Name Certificates (1,654) | 43. Water Resource Districts |
| 20. Fiduciaries | |
| 21. General Partnership Statement | |
| 22. Grazing Associations (11) | |
| 23. Limited Liability Companies Domestic (3,362) | |
| 24. Limited Liability Companies Domestic Professional (35) | |

The following is a partial listing of some of the entities along with a brief description.

Corporation - Domestic

State law legally recognizes a corporation as an entity having its own rights, privileges, and liabilities that are distinct from the shareholders or members of the corporation. The existence of the corporation begins when articles of incorporation are approved for filing with the office of the Secretary of State or at a later date specified in the articles of incorporation. Corporations are required to file with the Secretary of State an annual report, which is due August 1 of each year.

Corporation - Foreign

Corporations incorporated in other states or countries are considered foreign corporations. These foreign corporations must first obtain a certificate of authority from the Secretary of State before transacting business in the state of North Dakota, or before obtaining any license or permit prescribed by North Dakota law. To maintain their status, they must file with the Secretary of State an annual report, which is due May 15 of each year.

Limited Liability Company - Domestic and Foreign

Authorized by legislative action in 1993, a limited liability company (LLC) is an entity having its own rights, privileges, and liabilities distinct from the members. Structurally, the limited liability company combines the characteristics of a partnership and a corporation.

The existence of a limited liability company begins when articles of organization have been approved for filing with the Secretary of State or at a later date specified in the articles of organization. As with corporations, limited liability companies must file annual reports with the Secretary of State.

Limited Partnership - Domestic and Foreign

Limited partnerships are created when documents are filed with the Secretary of State. State law legally recognizes a limited partnership as an entity formed by two or more persons having one or more general partners, and one or more limited partners. The general partners have management powers and are responsible for all partnership obligations. Although limited partners may not participate in the day-to-day management operations, they share the liabilities and profits in proportionate share to their contributions.

Limited partnerships may transact any business in North Dakota except banking and insurance. Farming is only allowable if any corporations that may be partners thereof are in compliance with the provisions of North Dakota farming laws. Foreign limited partnerships, which are organized under the laws of other states or countries, must register with the Secretary of State before transacting business in North Dakota.

Both domestic and foreign limited partnerships must file with the Secretary of State an annual report, which is due April 1 of each year.

Limited Liability Limited Partnership – Domestic and Foreign

The Limited Liability Limited Partnership (LLLLP) is identical to the traditional limited partnership except that all partners, including the general partner, have limited liability. An LLLP is formed at the time of filing the LLLP registration with the Secretary of State, or at a later date specified in the registration. A LLLP organized under the laws of other states or countries must register with the Secretary of State before transacting business in North Dakota. To maintain their status, they must file with the Secretary of State an annual report, which is due April 1 of each year.

Limited Liability Partnership - Domestic and Foreign

A limited liability partnership (LLP) is an ordinary general partnership acquiring limited liability status upon filing a one-page registration with the Secretary of State. LLP established under another state or country may register with the Secretary of State as foreign limited liability partnerships. Both domestic and foreign LLP must file with the Secretary of State an annual report, which is due April 1 of each year.

Fictitious Partnership Name

A fictitious partnership name is a name used by a partnership that does not include the names of the partners. A partnership identified by a fictitious name must file a fictitious name certificate with the Secretary of State. The certificate must be renewed every five years from the date of the initial filing.

Trademark/Service Mark

A trademark or service mark is a word, symbol, device, or any combination thereof adopted and used by a person or business to distinguish goods or services made or sold from those goods or services made or sold by someone else. The trademark or service mark may be registered with the Secretary of State to establish exclusive right to the mark in North Dakota. The duration of the registration is ten years at which time the registration may be renewed.

Trade Name

According to state law, N.D.C.C. § 47-25-01, a trade name is defined by law to be a name assumed to identify the business or activities of an individual or organization and which does not include in the name the following: (1) the true name of the organization using the name; (2) the first name and surname of each individual using the business name; or (3) the surname of each individual, repeating a surname if more than one owner has the same surname.

Additionally, N.D.C.C. § 47-25-02 states, “A person or organization may not engage in business in this state under a trade name until the trade name is registered with the secretary of state.” A trade name registered with the Secretary of State is protected for five years and is renewable. The trade name registration affords exclusive right to that name so no other business may file or use a name the same as, or deceptively similar. It also creates a public record from which one can identify the principals of a business. The registration fee is \$25.

Special Registered Agent Record

Corporations, which are created by federal law, are often empowered to operate in every state without filing for authority from a state agency. However, in some cases, federal law requires the corporation to maintain a registered agent in the states in which it operates. A record of such registered agent must be filed with the Secretary of State.

Fiduciary

A bank or trust company organized and doing business under the laws of any state or territory of the United States may be appointed to serve as a trustee in North Dakota. The bank or trust company may be appointed as trustee for a corporate or personal trust, executor, administrator, guardian for a minor or an incompetent person. The appointment may be by will, deed, court order, decree, or otherwise. Before qualifying or serving in North Dakota in a trust or fiduciary capacity, the bank or trust company must file certain documents with the Secretary of State.

Real Estate Investment Trust

Established by legislative action in 1997, a real estate investment trust is an unincorporated entity. This registration is required of real estate investment trusts established in North Dakota and those established in another state and transacting business in North Dakota. A real estate investment trust is a trust or association formed to acquire, hold, manage, administer, control, invest, or dispose property by trustees for the benefit of any person who may become a shareholder. They must renew their registration every five years from the date of the initial filing.

DIVISION ACCOMPLISHMENTS DURING THE BIENNIUM

Enhanced Business-related Information on Secretary of State's Web Site:

The Secretary of State's website includes a section pertinent to business entities and their registration requirements with the Secretary of State. During the biennium, this section was significantly enhanced to provide:

- Links to the statutory provisions governing the respective entities,
- Entity descriptions,
- Registration requirements,
- Annual report requirements,
- Frequently Asked Questions
- Information regarding vendor registration with the State of North Dakota,
- List of individuals and companies that specialize in registered agent services,
- Publications, and
- More comprehensive lists of available forms.

Water District, Water Management District, and Irrigation District Program Development

Prior to the biennium, the records, and indexes thereof, of water districts, water management districts, and irrigation districts were maintained in a purely paper format. During the last quarter of the biennium, database programs were developed enabling the inclusion of these records in an electronic data system.

Nonprofit Corporation Annual Report Maintenance Program Development

The Nonprofit Corporation database programs were enhanced to generate annual reports in batch, notices in batch to delinquent filers, and to interface the notices to the database programs to minimize the human intervention required when corporations were placed "not in good standing" and involuntarily terminated for failure to report. This enhancement finalized the Nonprofit Corporation program and made the maintenance of nonprofit corporation annual reports and corporate statuses consistent with that employed for all other annual reports administered by the Secretary of State.

Nonprofit Corporation Church Documents Committed to Image

The charter documents of nonprofit corporations that are churches had been maintained in paper format. During the biennium, all of the charter documents not previously transferred to the North Dakota Historical Society have been committed to electronic images to be permanently retained by the Secretary of State.

Electronic System ID Program Modification

To improve electronic document and data properties, the ID module of the data system was redeveloped to consolidate 39 separate name fields into one name field with the same volume capacity of the previous fields. This has significantly improved the merge of data to documents and data-downloads for customers that purchase files from the Secretary of State.

Chapter Ten

Elections Division

According to the North Dakota Century Code, Section 16.1-01-01(1), the Secretary of State is mandated to be the supervisor of elections. In carrying out these duties, the Secretary of State may employ additional personnel. Each county in the state is also required to have a county administrator of elections. By state law (N.D.C.C. § 16.1-01-01(4)), that individual is the County Auditor. The County Auditor is then responsible to the Secretary of State for the proper administration within his or her county of the state laws, rules and regulations related to election procedures.

The general mandate of election law is to maintain the integrity of the election process and to always protect the rights of the people as provided for in the constitution and laws of the state of North Dakota. The relatively small revenues generated by this division are primarily derived from filing fees assessed for reports, registrations, and for copies of the public records.

As supervisory, the Secretary of State has the power to examine upon his or her request, or the request of any election official, any election ballot or other material, machine, or device used in connection with any election for determining compliance with the law.

The following is a partial list of duties for the Secretary of State administering election law:

1. Develop and implement training programs for all election officials in the state.
2. Prepare information for voters on voting procedures.
3. Publish and distribute an election calendar, a manual on election procedures, and a map of all legislative districts.
4. Convene a state election conference of county auditors at the beginning of each election year and whenever deemed necessary by the Secretary of State to discuss uniform implementations of state election policies.
5. Prescribe the form of all ballots and the form and wording of ballots on state referendum questions, issues, and constitutional amendments.
6. Investigate or cause to be investigated the nonperformance of duties or violations of election laws by election officers.
7. Require such reports from county auditors on election matters as deemed necessary.
8. Convene the state canvassing board and certify results of statewide elections.
9. Prepare and publish reports whenever deemed necessary on the conduct and costs of voting in the state, including a tabulation of election returns and such other information and statistics as deemed appropriate.
10. Establish standards for voting precincts and polling locations, numbering precincts, precinct maps, maintaining and updating poll books, and forms and supplies, including but not limited to, ballots, poll books, and reports.
11. Prescribe the order in which each political subdivision will appear on an election ballot.
12. Certify to the county auditors the names of state, district, and county officials to be nominated or elected in the primary, general, or special elections.
13. Receive and file on behalf of candidates for state and congressional positions their nominating petitions, certificates of nomination or certificates of endorsement.
14. Provide certificates of nomination and certificates of election.
15. File oaths of office for state, judicial, and legislative office holders.
16. Examine and determine the sufficiency of voting system or counting machines authorized by law.
17. File campaign finance disclosure reports for state, legislative, and district candidates, political action committees, political parties, and measures committees.
18. File oaths of office and statements of interest for the appointees of the Governor.
19. Provide public access to federal election reports of candidates for President of the United States and for congressional office.

Help America Vote Act of 2002 (HAVA)

During the 2003/2005 biennium, the state received two payments of federal funds made available through the Help America Vote Act (HAVA) of 2002. The first payment of \$5,000,000 was received April 2003, in the prior biennium. This was a direct grant to the state without the requirement of a state match. In July 2004, the state received a second payment of \$4,150,000 and in May 2005, the state received a third payment of \$7,446,803. The last two installments required verification of a 5% state match before the federal payments were received.

The match for the second installment was split 50/50 between the county and the state. The state's share was appropriated from unspent funds from the Secretary of State's 2001/2003 general fund appropriation. The match for the third installment consisted of a \$257,970 in-kind contribution approved by the Election Assistance Commission for the state's expenditures towards the Secretary of State's Election Management System with the remaining portion paid by the counties.

Over the course of the biennium, the Secretary of State and a committee comprised of individuals from political subdivisions, advocates from the disabilities communities, political parties, and other interested groups developed a comprehensive state plan for the improvement of elections in the state of North Dakota. The federal funding received was used to purchase new voting equipment for every polling location in the state, develop educational materials for voters, election administrators, and poll workers, improve the accessibility of polling locations, and develop common procedures for election administration across the state. In the future, a portion of the federal funds will be used to develop the Central Voter File (N.D.C.C. § 16.1-02). The deposited funds remaining in the federally mandated election fund (HAVA - 107th Congress, Public Law 107-252, Section 245(b)) will be used to supplement the cost of elections in future years. Interest generated by the deposited funds is allowed to remain in the election fund for such purposes.

Information about HAVA was made available on the Internet at www.nd.gov/hava/.

Initiative and Referendum

Article III, Section 1, of the North Dakota Constitution states the legislative power of this state shall be vested in a legislative assembly consisting of a Senate and a House of Representatives. The people, however, reserve the power to propose and enact laws and constitutional changes/amendments by the initiative, to approve or reject legislative acts, or parts thereof, by the referendum, and to recall certain elected officials. Laws may be enacted to facilitate and safeguard, but not to hamper, restrict, or impair these powers.

Sections 2 through 6 of Article III provide instructions to the Secretary of State regarding the initiative and referendum process. A pamphlet entitled *Initiating or Referring Law in North Dakota* published by the Secretary of State is available upon request.

Since statehood in 1889 and through the 2004 election cycle, North Dakota's voters have voted on approximately 470 measures placed on the ballot for their consideration. These have included constitutional measures placed by legislative action, initiated constitutional measures, initiated statutory measures, and referred measures.

The most measures (223) appearing on the ballot since statehood were constitutional amendments placed there by legislative action. Through the date of this report, the voters have been in favor of 126 (57%) of the measures and have disapproved of 97 (43%) of them.

The second highest in number (131) have been initiated statutory measures placed on the ballot through the circulation of petitions by a sponsoring committee. As of November 2004, the voters had approved 56 (42%) of the measures and had rejected 76 (58%) of them.

Sponsoring committees have been successful in placing 42 initiated constitutional measures on the ballot. As of November 2004, the voters had approved 24 (57%) of them and denied 18 (43%) of them.

The actions of the Legislative Assembly have been referred to a vote of the people 74 times. As of November 2004, the voters rejected legislative action 47 (63%) times and upheld legislative decisions 27 (37%) times.

As the result of the recommendations of the 1972 Constitutional Convention, a special election was held on April 28, 1972, to consider the adoption of a new state constitution. There was a main "proposition" listed on the ballot to adopt the constitution and four alternative propositions if the proposed constitution was approved. However, it was defeated by a vote of 107,643 (63%) to 64,073 (37%).

The following measures were placed on the ballot by the legislative assembly during the 2001/2003 biennium and voted on during the 2003/2005 biennium.

Proposed Constitutional Measure

Related to: Allowing a corporation to adopt bylaws similar to those of cooperative associations as they pertained to electing directors and issuing stock.

Date SCR 4013 filed with Secretary of State: March 18, 2003

Outcome: Placed on ballot for June 8, 2004, election as Constitutional Measure No. 1. The voters rejected the measure 31,462 (42%) to 44,039 (58%).

Proposed Constitutional Measure

Related to: Allowing the legislative assembly to provide a procedure for determining the fiscal impact of initiated measures and for making that information available to the public.

Date HCR 3069 filed with Secretary of State: March 24, 2003

Outcome: Placed on ballot for June 8, 2004, election as Constitutional Measure No. 2. The voters approved the measure 54,048 (69%) to 23,812 (31%).

During the 2003/2005 biennium, the following Constitutional Measure was approved for circulation.

Proposed Constitutional Measure

Relating to: the definition of marriage

Petition approved for circulation: June 4, 2004

Submission deadline: August 3, 2004

Outcome: Obtained required number of signatures. Placed on ballot for November 2, 2004, election as Constitutional Measure No. 1. The voters approved the measure 223,572 (73%) to 81,716 (27%).

Number of Statewide Elections and Voter Turnout

During the biennium, there were two statewide elections. An election, often referred to the primary election was held on June 8, 2004, with 604 precincts and a voter turnout of 18.93%. The general election was held on November 2, 2004, with 607 precincts and a voter turnout of 64.90%.

The total cost to the counties for conducting the two statewide elections in 2004 was approximately \$1,537,306.

Statewide Election (June Primary) – June 8, 2004

Although it is the "final" election for city positions, measures, and often school board positions, the election held in June is commonly known as the June Primary election. Appearing on the ballot were a number of offices representing various levels of national, congressional, statewide, district, county, and local government. They were:

National

None

Congressional

United States Senator

Representative in Congress

6-year term

2-year term

State Party Offices

Governor and Lt. Governor 4-year term
State Auditor 4-year term
State Treasurer 4-year term
Commissioner of Insurance 4-year term

Secretary of State 2-year term
Attorney General 2-year term
Commissioner of Agriculture 2-year term
Tax Commissioner 2-year term

Public Service Commissioner 6-year term

Statewide No Party Offices

Superintendent of Public Instruction 4-year term
Justice of the Supreme Court 10-year term
Judges of the District Courts 6-year term

Legislative Offices

46 seats in the ND House of Representatives (even numbered districts) 4-year term
3 seats in the ND House of Representatives (districts 3, 23, 25) 2-year term
23 seats in the ND Senate (even numbered districts) 4-year term

County and Multi-County Districts

County Commissioners 4-year term
Directors, Southwest Water Authorities 4-year term
Directors, Garrison Diversion Conservancy Districts 4-year term

City

Positions varied depending on form of governance.

In the June election, there were two measures on the ballot. Both measures were placed on the ballot by legislative action approved during the 2003 Legislative Session.

TITLE OF MEASURE	RESULT	YES	NO
<u>Constitutional Measure No. 1 (SCR 4013)</u> This measure pertained to allowing a corporation to adopt bylaws similar to those of cooperative associations dealing with electing directors and issuing stock. (2003 Session Laws, Chapter 578)	Rejected	44,039	31,462
<u>Constitutional Measure No. 2 (HCR 3069)</u> This measure pertained to allowing the legislative assembly to provide a procedure for determining the fiscal impact of initiated measures and for making that information available to the public. (2003 Session Laws, Chapter 579)	Rejected	23,812	54,048

Statewide Election (General Election) – November 2, 2004

Appearing on the November General Election ballot were several offices representing various levels of national, federal, statewide, district, county, and local government. They were:

National

President and Vice President 4-year term

Federal

United States Senator 6-year term
Representative in Congress 2-year term

State Party Offices

Governor and Lt. Governor	4-year term
State Auditor	4-year term
State Treasurer	4-year term
Commissioner of Insurance	4-year term
Secretary of State	2-year term
Attorney General	2-year term
Commissioner of Agriculture	2-year term
Tax Commissioner	2-year term
Public Service Commissioner	6-year term

Statewide No Party Offices

Superintendent of Public Instruction	4-year term
Justice of the Supreme Court	10-year term
Judges of the District Courts	6-year term

Legislative Offices

46 seats in the ND House of Representatives (even numbered districts)	4-year term
3 seats in the ND House of Representatives (districts 3, 23, 25)	2-year term
23 seats in the ND Senate (even numbered districts)	4-year term

County and Multi-County Districts

County Commissioners	4-year term
Supervisor, Soil Conservation District	6-year term
Directors, Garrison Diversion Conservancy Districts	4-year term

In the general election, North Dakota voters voted on one ballot measure. Placed on the ballot by initiated action (see previous Initiative and Referendum section). The measure and the result of the vote is summarized as follows:

TITLE OF MEASURE	RESULT	YES	NO
<u>Initiated Constitutional Measure No. 1</u> This measure pertained to the definition of marriage.	Approved	223,572	81,716

Election Results and Reports

Beginning with the 1996 election cycles through the 2004 election cycles, county-by-county election results have been published in the Elections Division section of the Secretary of State's website at www.nd.gov/sos. County-by-county precinct election results for the same period are available from the Elections Division of the Secretary of State's Office. Prior to 1996, precinct election results must be obtained from the County Auditors in the state's fifty-three counties.

Printed copies of the Secretary of State's election abstract of votes dating back to the early 1900s are available at no cost. Copies of the official original abstracts of votes, with the signature of the members of the State Canvassing Board, are available for \$1 for every four pages or fraction thereof.

All of the various records and filings of the Elections Division are considered public information. Copies of these records are available at a cost of \$1 for every four pages or fraction thereof. They may include but are not limited to Oaths of Office; Statements of Interest; Certificates of Endorsement; Petition/Certificates of Nomination; Affidavits of Candidacy; Certificates of Write-in Candidacy; Political Committee Registrations; Campaign Contribution Statements of Candidate, Political Parties, District Political Committees, Measure Committees; and filings and disclosure reports of federal candidates and various committees including Political Action Committees (PAC). Some of the reports are also available on the Secretary of State's website at www.nd.gov/sos.

In Chapter 13 (D) of this report, there is a listing of the statewide elections held since 1980 along with the voter turnout, number of precincts, and expenses.

Chapter Eleven

Legislation Adopted by 2005 Legislative Assembly

General Office – Appropriations

House Bill 1002 (2005 Session Laws, Chapter 2)

Agency appropriation – the 2003 appropriation included for the first time authorization for federal funds. Therefore, this bill also included an authorization to receive and expend federal funds related to the administration of the Help America Vote Act of 2002 (HAVA)

Administrative/Licensing Division

House Bill 1507 (2005 Session Laws, Chapter 376, effective July 1, 2005)

- Home Inspectors – established law related to their registration.

Senate Bill 2026 (2005 Session Laws, Chapter 357, effective April 20, 2005)

- Contractors – comprehensive updating, clarifying, or elimination of unnecessary text pertaining to their regulation.
 - a. allowed the Secretary of State to request a criminal history record from the contractor license applicant, or the officers, members, or partners.
 - b. the Secretary of State can refuse to grant a license, if it is determined the application contained false, misleading or incomplete information; the applicant refuses to authorize a criminal history request; or as otherwise provided for in 12.1-33-02.1.
 - c. allowed the Secretary of State to refuse to renew a license if a determination is made the application contains false, misleading or incomplete information.
 - d. clarified and added text regarding complaint for license revocation.
 - e. changed the penalty for working without a license from a Class B misdemeanor to a Class A misdemeanor.

Senate Bill 2303 (2005 Session Laws, Chapter 474, effective July 1, 2005)

- Lobbyist Reporting
 - a. the fee for a lobbyist registration was changed from \$20 to \$25.
 - b. the expenditure report must contain a description of the nature of the expenditure, the amount of expenditure, the date of the expenditure and the name of the recipient of the expenditure of any expense over \$60 (previously \$50)
 - c. Secretary of State must compile and provide a report of the total amount of expenditures reported by the registrants.

Senate Bill 2353 (2005 Session Laws, Chapter 380, effective August 1, 2005)

- Notary Public
 - a. changed the notary fee from \$25 to \$36.
 - b. within five years of the date of issuance of a commission or renewal of a commission, the notary is convicted of a criminal offense which the Secretary of State determines has a direct bearing upon the notary's ability to serve the public as a notary.

Senate Bill 2354 (2005 Session Laws, Chapter 429, effective August 1, 2005)

- Charitable organizations – updated or clarified text related to their regulation.

Senate Bill 2355 (2005 Session Laws, Chapter 72, effective August 1, 2005)

- Pesticide applicators – moved the responsibility of designating the Secretary of State as agent for service of process to the North Dakota State University Extension Service.

Senate Bill 2356 (2005 Session Laws, Chapter 464, effective August 1, 2005)

- Mixed fighting styles – outlaws mixed fighting style competition until rules are promulgated to regulate it and allows the establishment an advisory board.

Central Indexing Division

- No new legislation was adopted during 2005 Legislative Assembly.

Business Registration/Information Division

House Bill 1253 (2005 Session Laws, Chapter 385, effective August 1, 2005)

Limited Liability Partnership – this bill required a domestic or foreign limited liability partnership to provide a statement when registering with the Secretary of State indicating whether the limited liability partnership will be engaged in farming or ranching in North Dakota, or whether the limited liability partnership will be owning or leasing land in North Dakota which is used for farming or ranching. If so engaged, the limited liability partnership must disclose on the registration with the Secretary of State the names of all partners along with a description of the acreage and location of the land in North Dakota listed by section, township, range, and county.

House Bill 1273 (2005 Session Laws, Chapter 384, effective July 1, 2005)

Partnership – adopted Uniform Limited Partnership Act (2001) and repealed N.D.C.C., Chapter 45-10.1. It contained many provisions similar to those in N.D.C.C., Chapter 45-10.1 and new provisions as follows:

- a. allowed conversion of a limited partnership to another entity.
- b. introduced the filing of a statement of correction, if it does not revoke or nullify a record, when a record contains an inaccurate or erroneous statement, or was defectively or erroneously signed, sealed, acknowledged, or verified.
- c. changed name of filing requirement for a foreign limited partnership to certificate of authority.
- d. prohibited refund of filing, late filing, and reinstatement fees when limited partnership failed to complete annual report requirements to enable filing of reports.
- e. provided for reinstatement by a court when a limited partnership's certificate or authority is revoked for failure to file an annual report and the one-year reinstatement period lapsed.

House Bill 1391 (2005 Session Laws, Chapter 100, effective July 1, 2005)

Various business entities – a 156-page bill with many provisions not substantive in nature and applied consistency in terminology; applied commonality to statutory provisions similar to all business entity chapters; and adopted text consistent with rules of legal construction; and the following substantive provisions:

- a. defined when a person had knowledge or notice of a fact.
- b. section 7 amended N.D.C.C. § 10-19.1-21, which simplified the information required when a corporation amended its articles of incorporation and filed an amendment.
- c. allowed conversions of one business entity type to another.
- d. clarified service of process as it related to the Secretary of State's office.
- e. authorized filing of statements of correction for any business entity.
- f. modified fees for conversion and correction documents; prohibited refund of annual report fees to a business entity when it failed to complete annual report requirements to enable filing of report.
- g. provided for reinstatement by a court when a business entity is involuntarily terminated for failure to file a report and the statutory reinstatement period lapsed.

Senate Bill 2116 (2005 Session Laws, Chapter 100, effective July 1, 2005)

Cooperatives – the following changes were made:

- a. added definitions in N.D.C.C. § 10-15-01 related to electronic filing with Secretary of State.
- b. established new section, N.D.C.C. § 10-15-01.1, for legal recognition of electronic records and signatures.
- c. provided flexibility cooperative to structure board whereby a treasurer is required only if the bylaws provide for one.
- d. prohibited refund of fee when a submitted annual report cannot be filed because information required by law is not provided.
- e. created a fee of one-half for pre-approval of documents prior to actual submission.
- f. made confidential social security numbers or federal tax identification number disclosed in any document filed.

House Concurrent Resolution 3055 (2005 Session Laws, Chapter, to become effective if adopted by the voters of North Dakota in 2006 June election). Amends, clarifies, or repeals various sections of Article XII of the North Dakota Constitution related to corporate organization as follows:

- a. section 1 – to establish the meaning of corporation to not include municipalities or political subdivisions.
- b. section 2 – to establish corporations retain a charter subject to the constitution and the laws adopted by Legislative Assembly.
- c. section 6 – to state, unless articles of incorporation provide a different method of governance, the existing provisions in section 6 apply.
- d. repeal of sections 3, 4, 7, 8, 9, 11, 12, 13, 14, 15, and 17.

Elections Division

House Bill 1103 – Nominating Petitions (2005 Session Laws, Chapter 190)

- Require a candidate or political party to include any applicable district number on a nominating petition or certificate of nomination and note if the office sought is for a non-expired term.

House Bill 1104 – Service of Process on Election Day (2005 Session Laws, Chapter 55)

- Disallow delivery of service of process to a voter within 100 feet of an exterior entrance to a polling location on a primary election day as well as a special or general election.

House Bill 1222 – Fiscal Effect Initiated Measure (2005 Session Laws, Chapter 180)

- Require the Legislative Council to coordinate the determination of the fiscal effect of an initiated measure beginning at least ninety days prior to the measure appearing on the ballot and when fiscal effect is determined, the Secretary of State is to include a note with the published analysis of the measure as to where the public can obtain copies of the fiscal effect.

House Bill 1254 – Voter ID (2005 Session Laws, Chapter 183)

- Clarified and reformatted the section of law pertaining to voter ID requirements and related procedures at the polls and acceptable forms of identification; if identification does not show the residential address, the voter may provide another document showing the residential address; and established poll worker procedures pertaining to an election worker vouching for a qualified elector if that voter is unable to provide an acceptable form of identification.

House Bill 1417 – Canvassing (2005 Session Laws, Chapter 191)

- Provided tie votes to be decided by a drawing of names; allowed a candidate in a tie vote to remove him or herself from consideration as a candidate; required voter to darken oval on ballot next to voter's choice in order for vote to count; eliminated language no longer applicable to new voting systems; specified the number of reports created from the voting system and to whom given; authorizes clerk of courts to deliver to canvassing board any ballots that may contain lawful write-in votes; defined ballot retention timelines; established minimum membership of county canvassing board and allowed increase in members in multi-district counties, upon request of the political parties, if equal representation from of political parties is maintained; and established guideline for when a member of state canvassing board must dismiss him or herself from the canvass and how the replacement is filled if a quorum no longer existed.

House Bill 1429 – Statements of Interests (2005 Session Laws, Chapter 189)

- Required statement of interests for city and school district candidates and where filed.

House Bill 1430 – Early Voting (2005 Session Laws, Chapter 187)

- Removed outdated election text and allowed the opening of the ballot box to clear a ballot jam or to move ballots to another locked ballot box if the main ballot box is full.

House Bill 1431 – Precincts and Election Boards (2005 Session Laws, Chapter 182)

- Required establishment of voting precincts by December 31 in the year immediately prior to an election cycle; authorized counties to use only one election board to supervise a polling location

with more than one voting precinct; and allowed individuals living within the boundaries of any one of the precincts in a combined polling location to be an election board worker.

House Bill 1432 – Campaign Finance (2005 Session Laws, Chapter 188)

- Required filers to aggregate contributions received from a single contributor totaling more than \$200 and to use the date of the most recent contribution; required all statewide candidates to register whether or not they have a campaign committee; required candidates for judicial, county, and city (over 5,000 population) positions to file pre-primary, pre-general, 48-hour, and year-end reports in those years in which they sought election, and a year-end report in any other year in which they received a campaign contribution; required aggregate reporting of contributions in excess of \$500 from a single contributor within the 20-day 48-hour reporting requirement prior to any election; and creates late fees on delinquent requested amendments.

House Bill 1433 – Election Mechanics (2005 Session Laws, Chapter 185)

- Required publication in official newspaper thirty days prior to the candidate filing deadline for a city or school district position; required members of a recall sponsoring committee to have their signatures notarized verifying they are members of the sponsoring committee; 15 days prior to an election, make ballots available for public inspection in the county auditor's office; reduced the number of posters required in a polling location; removed outdated election text; allowed a mathematical algorithm for name rotation on ballots; and established how a political party can retain party identification for a primary election in the election cycle after the general election held in a non-presidential election cycle.

House Bill 1452 – Central Voter File (CVF) (2005 Session Laws, Chapter 181)

- Extended date to June 2008, to complete CVF; removed state court administrator and the department of corrections from CVF reporting requirements (because the CVF is a record of who has voted and not who can vote); and allowed redacting unique identifier from poll books before copies are sold to the public.

House Bill 1497 – Election Process (2005 Session Laws, Chapter 184)

- Prohibited use of stickers on ballots for write-in votes; established ballot format for new voting system; removed outdated election text; established percentage threshold before write-in votes must be individually canvassed; under certain limited circumstances, allowed physical review of ballots to determine if the name of a write-in candidate was written on the ballot without the oval darkened; allowed ballot box to be opened to clear a ballot jam or to move ballots to another locked ballot box if the main ballot box is full; and defined second chance voting

Senate Bill 2336 – Absentee Voting (2005 Session Laws, Chapter 186)

- Authorized voter to request absentee ballots for all elections within one election cycle; authorized overseas citizens and military to receive their ballot utilizing fax or e-mail technology, and in cases where the ballot could not be returned to the county auditor soon enough by mail, allow these voters to use fax and e-mail technology to return voted ballot and voting documents; mandated everyone who requests an absentee ballot must officially apply; required applicable qualified electors, to provide fax or e-mail contact information to county auditor; allowed applicable qualified electors to use Federal Write-in Absentee Ballot to vote in statewide and local elections as well as federal positions; removed outdated election text; and authorized county canvassing boards final determination for ballots where eligibility is questioned.

Chapter Twelve

Public Printing

Public printing relates to publishing the hardbound copies of the North Dakota Century Code (N.D.C.C.) and the state's constitution; N.D.C.C. replacement volumes; N.D.C.C. supplements; the laws of North Dakota as passed by each legislative assembly (commonly known as session laws); the North Dakota Administrative Code and its monthly supplements; the bound copies of the House and Senate journals; binding one set of the enrolled copies of the bills passed by each Legislative Assembly, and a limited number of other publications.

Early in the state's history, the Secretary of State had a very active role as it related to these publications. However, since the establishment in 1945 of the predecessor to today's Legislative Council, the role of the Secretary of State has evolved to that of a distributor of these publications. Now, according to various provisions of Chapter 46-03 of the North Dakota Century Code, the Legislative Council establishes the editorial content, specifications, and contractual arrangements for most of these publications. Nevertheless, even with the Secretary of State's minimal involvement with the contractual process, the legislature appropriates the funding for Public Printing expenditures to the Secretary of State's budget from which they are paid.

In fulfilling the distribution duties provided in state law, the Secretary of State distributes, without cost, the various Public Printing publications to the state's constitutional officers, justices of the supreme court, judges of district courts, state departments, state boards, state agencies, officers of the legislative assembly, county officers, libraries, and schools as directed. Some of the publications are sold to federally funded agencies and direct to the public. Still other copies of the publications are used primarily for archival purposes.

Historically, the appropriation for Public Printing was included in a separate subdivision of the Secretary of State's budget having its own identity. However, beginning with the 1991-1993 biennium, the Legislative Assembly included Public Printing in the Secretary of State's general fund appropriation also used for the agency's general office operations. Unfortunately, the inclusion proved to be very misleading in any analysis of the Secretary of State's budget because it intertwined those portions of the appropriation over which the Secretary of State had direct control for the operations of the agency and those portions of the budget (public printing) where the Secretary of State had very limited control in how the funds were spent.

Fortunately, the 1995 Legislative Assembly acknowledged and recognized the problem. Therefore, beginning again with the 1995-1997 biennium, the Legislative Assembly once again provided Public Printing with its own distinct subdivision within the Secretary of State's budget. Accordingly, the appropriation for Public Printing in this biennial report (Chapter 6 (A)) is separated from those line items that relate directly to the agency's office operations, which are under the direct control of the Secretary of State.

Due to the fact that the Legislative Assembly meets in the last quarter of the biennium and because of the resulting publishing deadlines, a sizeable portion of the funds appropriated for Public Printing are expended during the first quarter of the biennium immediately following the one in which the laws were originated.

Chapter Thirteen (A) (Part 1)

Administration/Licensing Division

Biennial Statistics

ADMINISTRATIVE

Legislative Bills and Resolutions Filed during Biennium	
House Bills	344
House Concurrent Resolutions	40
House Bills Filed with Line Veto.....	2
House Memorial Resolutions	1
Senate Bills	225
Senate Concurrent Resolutions	31
Senate Memorial Resolutions	1
Senate Bills Filed with Line Veto.....	3

LICENSING

Contractor licenses	
Class A new licenses issued.....	541
Class B new licenses issued.....	294
Class C new licenses issued.....	303
Class D new licenses issued.....	1,081
Total Licenses (effective on June 30, 2005)	6,557
Class A Renewals	4,088
Class B Renewals	1,306
Class C Renewals	1,247
Class D Renewals	4,741
Class A Penalty	332
Class B Penalty	115
Class C Penalty	128
Class D Penalty.....	593
Lobbyists	
Registered 2003/2004	272
Registered 2004/2005.....	625
Athletic Commission Licenses (issued)	
Timekeepers.....	9
Professional Boxers	104
Referees.....	20
Judges.....	23
Corner persons.....	111
Promoter.....	12
Managers	3
Charitable Solicitation	
Organizations (licensed)	893
Professional Fund-raisers (licensed).....	228
Notary Commissions (issued)	4,151
Total Commissions (effective on June 30, 2005).....	12,011
Notary Name Changes.....	191
Notary Certifications Issued	885
Apostille (issued).....	1,448
Chemical Applicators (registered).....	132
Governor's Official Acts (filed).....	436

Chapter Thirteen (A) (Part 2)
Administrative/Licensing Division
Seven Biennial Histories

	1993	1995	1997	1999	2001	2003	2005
ADMINISTRATIVE							
Legislative Actions							
House Bills.....	300	284	282	278	297	288	344
House Concurrent Resolutions	53	29	39	58	51	58	40
House Resolutions	0	0	0	0	2	0	0
House Memorial Resolutions .	1	1	0	1	1	1	1
Senate Bills.....	348	322	252	284	297	286	225
Senate Concurrent Resolutions	66	59	54	50	41	27	31
Senate Resolutions	0	0	0	0	0	0	0
Senate Memorial Resolutions	1	1	0	1	1	1	1
LICENSING							
Contractors *							
Class A	310	338	475	551	432	484	541
Class B	146	148	272	270	216	196	294
Class C	130	156	242	246	232	202	303
Class D.....	425	666	1,009	884	807	1,069	1,081
* These totals only represent the number of new contractor licenses issued during the biennium.							
Licenses (in effective June 30)	5,003	4,701	5,238	5,420	5,327	5,587	6,557
Lobbyists (for biennium).....	544	783	856	840	873	903	897
Athletic Commission	98	317	161	262	193	154	282
Charitable Solicitations	763	559	557	936	772	914	893
Professional Fund-raisers	80	81	102	157	197	232	228
Notary Commissions.....	3,664	3,823	3,831	4,082	3,954	3,968	4,151
Total.....	10,424	10,419	11,136	11,541	11,211	11,839	12,011
Name Changes	91	98	106	118	123	158	191
Notary Certificates.....	118	107	180	236	414	668	885
Apostille (issued).....	93	70	172	243	589	805	1,448
Chemical Applicators (registered).	42	66	96	135	105	116	132
Governor's Official Acts (filed)	817	653	573	540	512	502	436

Chapter Thirteen (B) (Part 1)
Central Indexing System Division

Biennial Statistics

Uniform Commercial Code and Central Notice System

<u>CENTRAL INDEXING SYSTEM (CIS)</u>	
Original Filings.....	61,620
Associated Filings	23,726
Terminated Filings.....	40,706
Direct Filings.....	6,671
Searches (Total).....	42,719
Direct Access Searches	26,586
 Total Filings in CIS as of June 30, 2005.....	 287,861
 Net Transactions with Secretary of State	
Original Filings.....	24,863
Associated Filings	7,339
Terminations.....	12,466
Direct Filings.....	2,942
Searches (Total).....	8,780
Direct Access Searches	1,147
 Net Transaction with County Recorders	
Original Filings.....	36,757
Associated Filings	16,387
Terminations.....	28,240
Direct Filings.....	3,729
Searches (Total).....	33,939
Direct Access Searches	25,439
 <u>FARM PRODUCT SUBSCRIBERS</u>	
Microfiche Lists.....	61
Compact Discs	234
Total Subscribers	295

STATISTICAL ANALYSIS BY TYPES OF FILINGS

<u>CENTRAL INDEXING SYSTEM</u>	
Uniform Commercial Code (UCC).....	74,258
Central Notice System (CNS).....	604
Combined UCC/CNS.....	11,476
Statutory Lien/Notices	4,608
Federal Liens.....	1,491
State Tax Liens	6,323
Total Filings	98,760
 Net Filings with Secretary of State	
Uniform Commercial Code (UCC).....	33,204
Central Notice System (CNS).....	466
Combine UCC/CNS.....	1,517
Statutory Lien/Notices	1,470
Federal Liens.....	225
Total Filings	36,882
 Net Filings with County Recorders	
Uniform Commercial Code (UCC).....	41,054
Central Notice System (CNS).....	138
Combined UCC/CNS.....	9,959
Statutory Lien/Notices	3,138
Federal Liens.....	1,266
Total Filings	55,555

Chapter Thirteen (B) (Part 2)

Central Indexing System

Seven Biennial Histories

Uniform Commercial Code and Central Notice System

(Biennial history represents only the documents filed with the Secretary of State.)

	1993	1995	1997	1999	2001	2003	2005
Uniform Commercial Code Filings (UCC)	25,666	21,204	21,320	20,920	21,833	29,332	33,204
Central Notice System Filings (CNS)	5,982	2,635	1,911	916	1,355	649	466
Combined UCC/CNS Filings	1,718	1,823	2,069	2,148	1,736	1,787	1,517
Statutory Lien/Notices	1,178	912	1,357	1,622	941	1,271	1,470
Federal Liens		276	250	198	154	167	225
State Tax Liens			5,878	3,328	3,265	3,693	6,323

Chapter Thirteen (C) (Part 1)

Business Registration/Information Division

Biennial Statistics

(Totals in effect on June 30, 2005)

Domestic Corporations

Profit Corporations.....	12,849
Cooperatives (reporting).....	354
Nonprofit Corporations	5,721
Churches	1,388
Banks	84
Credit Unions	39
Professional Corporations	825
Farm Corporations.....	688

Foreign Corporations

Profit Corporations.....	11,304
Cooperatives	71
Nonprofit	1,371
Professional Corporations	96

Limited Liability Companies

Domestic.....	3,362
Domestic Professional.....	35
Domestic Farm	76
Foreign	2,049
Foreign Professional.....	9

Limited Liability Partnerships

Domestic.....	1,767
Domestic Professional.....	20
Foreign	42
Foreign Professional.....	9

Limited Partnerships (Domestic & Foreign)..... 1,374

Limited Liability Limited Partnerships
(Domestic and Foreign)..... 384

Fictitious Partnership Names

1,654

Trademarks

1,493

Trade Names

16,666

Chapter Thirteen (C) (Part 2)

Business Registration/Information Division

Seven Biennial Histories

	1993	1995	1997	1999	2001	2003	2005
Domestic (in-state)							
Chartered Corporations							
For Profit Corporations	9,647	10,734	10,871	11,623	11,675	12,284	12,849
Cooperatives.....	453	434	419	409	387	376	354
Nonprofit Corporations	8,336	8,735	8,989	9,418	* 5,180	5,610	5,721
Churches	2,892	2,950	3,025	3,150	* 1,370	1,419	1,388
State Banks	111	106	99	96	92	89	84
Credit Unions	51	48	47	46	42	40	39
Professional.....	506	552	569	646	698	756	825
Farm	403	499	557	602	623	665	688
Foreign (out-of-state)							
Chartered Corporations							
For Profit Corporations	5,566	7,307	8,222	8,594	10,575	10,764	11,304
Cooperatives.....	37	45	48	61	67	73	71
Nonprofit Corporations	435	562	667	887	872	1,145	1,371
Limited Liability Companies							
Domestic.....		366	577	1,074	1,542	2,220	3,362
Domestic Professional.....		1	3	5	11	19	35
Domestic Farm		12	19	33	49	60	76
Foreign.....		62	144	519	939	1,497	2,049
Foreign Professional.....		0	0	0	1	4	9
Limited Liability Partnerships							
Domestic.....		8	434	762	1,063	1,416	1,767
Domestic Professional.....		4	15	15	15	20	20
Foreign.....		1	7	24	29	49	42
Foreign Professional.....		0	4	6	8	9	9
Limited Partnerships	626	864	1,099	1,491	1,566	1,528	1,374
Limited Liability Limited Partnerships					175	309	384
Fictitious Partnership Names	1,233	1,362	1,863	1,928	1,799	1,543	1,654
Trademarks	1,230	1,286	1,322	1,324	1,497	1,454	1,493
Trade Names	2,929	3,565	6,735	10,165	12,669	14,686	16,666

* The explanation for the drop in numbers in the nonprofit corporations and churches columns for 2001 is provided on the last page of Chapter 9 of this report.

Chapter Thirteen (D)

Elections Division

1980-2004 Histories

YEAR	TYPE	NUMBER OF PRECINCTS	VOTES CAST	POPULATION OF STATE *	ELIGIBLE VOTERS	ABSENTEE VOTERS	PERCENT TURNOUT	ELECTION EXPENSES	COST PER VOTE
1980	P	0	139,594	652,717	462,760	NA	30	596,547	4.27
1980	G	0	314,525	652,717	462,760	NA	68	752,387	2.39
1982	P	1,229	103,875	670,000	461,700	NA	22	612,419	5.90
1982	G	1,232	272,876	675,000	461,700	NA	64	598,335	2.19
1984	P	1,191	99,230	675,000	470,500	2,684	21	612,329	6.17
1984	G	1,193	324,179	675,000	470,500	19,840	69	667,936	2.06
1986	P	1,166	133,465	684,900	464,100	3,353	29	642,904	4.82
1986	G	1,158	295,277	684,900	464,100	6,371	64	631,640	2.14
1987	S	1,121	123,539	684,900	484,100	1,440	26	359,159	2.91
1988	P	1,096	111,263	667,093	483,000	2,934	23	645,948	5.81
1988	G	1,090	309,100	667,093	483,000	23,508	64	676,336	2.19
1989	S	1,034	257,171	667,093	483,000	10,975	53	517,696	2.01
1990	P	975	133,911	638,800	463,415	NA	29	640,128	4.78
1990	G	991	240,301	638,800	463,415	NA	52	678,340	2.82
1992	P	804	146,867	636,800	463,415	6,810	32	717,090	4.88
1992	G	782	315,199	636,800	463,415	24,369	68	752,128	2.39
1992	S	782	164,165	636,800	461,500	12,986	35	393,988	2.40
1994	P	740	139,961	635,000	463,000	6,771	30	675,862	4.83
1994	G	739	241,255	635,000	463,000	14,857	52	633,877	2.63
1996	PP	53	72,530	641,000	473,000	NA	15	202,716	2.79
1996	P	705	123,131	641,000	473,000	5,926	26	951,580	7.73
1996	G	717	271,861	641,000	473,000	17,970	57	685,452	2.52
1998	P	700	99,1576	641,000	474,896	4,315	21	696,188	7.02
1998	G	702	217,584	640,883	475,860	18,263	46	658,785	3.03
2000	P	693	94,306	633,666	473,574	5,102	20	851,473	9.02
2000	G	696	292,249	633,666	473,574	37,632	62	731,220	2.50
2002	P	663	128,519	642,200	481,351	8,194	27	774,285	8.87
2002	G	666	237,224	642,200	481,351	34,816	49	714,212	5.06
2004	P	604	92,209	633,837	487,010	6,019	19	786,146	8.53
2004	G	607	316,049	633,837	487,010	51,116	65	751,160	2.38

* Population estimates calculated by the North Dakota Census Data Center

Key to Type: G = General Election P = Primary Election PP = Presidential Primary Election S = Special Election

Chapter Fourteen

Publications, Books and Pamphlets

The following publications and laws are available from the office of the Secretary of State.

Administrative/Licensing Division

- Charitable Solicitation and Professional Fund-raiser Laws
- Contractor Licensing Laws
- Lobbyist Laws
- Notary Public Laws
- Home Inspectors

- 1987 Session Laws of North Dakota (\$35)
- 1989 Session Laws of North Dakota (\$38)
- 1991 Session Laws of North Dakota and Supplement (\$39)
- 1993 Session Laws of North Dakota (\$35)
- 1995 Session Laws of North Dakota (\$38)
- 1997 Session Laws of North Dakota (\$40)
- 1999 Session Laws of North Dakota (\$55)
- 2001 Session Laws of North Dakota (\$54)
- 2003 Session Laws of North Dakota (\$54)
- 2005 Session Laws of North Dakota (\$49)
- Administrative Code - complete set and Supplement (\$690)
- Administrative Code - Supplement (\$260)

Business Division

Pamphlets

- Limited Liability Company Articles of Organization
- Consolidated Registration for New Businesses
- How to Begin and Maintain a Nonprofit Corporation in the State of North Dakota
- Corporation Act – Nonprofit

Copies of the Law (fees vary depending on number of pages)

- Cooperative Association Act
- Corporation Act – Business
- Farming – Corporate or Limited Liability Company
- Fictitious Partnership Name
- Limited Liability Company Act

- Limited Partnership Act
- Limited Liability Partnership
- Limited Liability Limited Partnership
- Professional Associations Act
- Real Estate Investment Trust
- Trademark
- Trade Name

Central Indexing Division

North Dakota Uniform Commercial Code
Central Indexing System User's Guide (\$15)

Elections Division

- Election Calendar
- *Running for Public Office in North Dakota*
- *Campaign Finance and Disclosure Requirements*
- *Helpful Campaign Practices*
- *Initiating or Referring Law in North Dakota*
- *Recalling an Elected Official of the State or Political Subdivision*
- *North Dakota – The Only State Without Voter Registration*
- *Poll Challengers and Poll Checkers*
- *Election Officials Manual*
- North Dakota Election Law Book (\$7)
- Election Abstracts (1914 to 2004 Elections limited supply)

North Dakota Blue Book (prices vary)

- *2005-2007 North Dakota Blue Book*
- *2003-2005 North Dakota Blue Book*
- *2001-2003 North Dakota Blue Book*
- *1999-2001 North Dakota Blue Book*
- *1997-1999 North Dakota Blue Book*
- *1995-1997 North Dakota Blue Book*
- *1889-1989 North Dakota Centennial Blue Book*

Chapter Fifteen

How To Obtain Information or Assistance

Information or answers to questions regarding the office of the Secretary of State and its numerous functions is available by one of the following methods. All inquires and comments are welcomed.

MAILING ADDRESS

SECRETARY OF STATE
STATE OF NORTH DAKOTA
600 E BOULEVARD AVE DEPT 108
BISMARCK ND 58505-0500

TELEPHONE AND E-MAIL

GENERAL OFFICE

Telephone Number (701) 328-2900
Toll Free (800) 352-0867
Fax (701) 328-2992
Fax-on-Demand (701) 328-0120
E-Mail – sos@state.nd.us

ADMINISTRATIVE/LICENSING DIVISION

Telephone (701) 328-3665
Toll Free (800) 352-0867, ext. 8-2900
Fax (701) 328-1610
E-Mail – sosadlic@state.nd.us

CENTRAL INDEXING DIVISION

Telephone (701) 328-3662
Toll Free (800) 352-0867, ext. 8-3662
Fax (701) 328-4214
E-Mail – sosci@state.nd.us

BUSINESS INFORMATION/ REGISTRATION DIVISION

Telephone (701) 328-4284
Toll Free (800) 352-0867, ext. 8-4284
Fax (701) 328-2992
E-Mail – sosbir@state.nd.us

ELECTIONS DIVISION

Telephone (701) 328-4146
Toll Free (800) 352-0867, ext. 8-4146
Fax (701) 328-2992
E-Mail – soselect@state.nd.us

INTERNET WEBSITE

www.nd.gov/sos

NOTE

Although information filed in the office of Secretary of State is public information, the law does prescribe fees for some copies and services (N.D.C.C. § 54-09-04).